

DENUNCIATION OF A CRIME

INTERNATIONAL TRIBUNAL AGAINST THE
BLOCKADE OF CUBA
BRUSSELS, 2023



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Denunciation of a Crime

International Tribunal
against the Blockade of Cuba

Brussels, 2023



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CUBA: A HISTORY

Sergio Guerra Vilaboy y Oscar Loyola Vega

A concise, readable history of Cuba beyond the images of salsa, cigars and classic cars. Beginning with the pre-Hispanic period, through to Cuba's struggle to maintain the revolution in the years following the collapse of the Soviet Union, and finally ending with Fidel Castro's decision to step down in 2008, this slim volume provides the reader with an overview of the history and politics of the tiny Caribbean island that so often has been at the center of world events.

2017, ISBN 978-0-9804292-4-4

FOREWORD

A historic tribunal against a criminal blockade!

*Cuba, how beautiful Cuba is!
Those who defend her only love her more!*

It was with great pride and great honor that I was involved last November, as an MEP of the Portuguese Communist Party, member of the Confederal Group of the European United Left/Nordic Green Left – The Left in the European Parliament – in the International Tribunal against the Blockade of Cuba.

The imposition by the United States of an economic, commercial and financial blockade against the Cuban people is a cruel, inhuman and criminal act.

How is it possible that, for more than six decades, a sovereign state has been the target of this unacceptable coercive measure adopted unilaterally and on an extraterritorial basis, in open defiance of the principles of the Charter of the United Nations and international law?

How is it possible that, after more than 30 resolutions of the United Nations General Assembly calling for an end to the blockade, the policy continues to be applied, with the United States attempting to prevent Cuba's economic and social development on a daily basis and attacking the rights of the Cuban people, including by obstructing access to essential goods for health, food, education and economic plans, resulting in serious damages and consequences?

2 Denunciation of a Crime

It was therefore timely that this crucial International Tribunal be held!

The international panel of six judges and three prosecutors heard testimonies and gathered evidence that fully demonstrated how the US measures affect, first and foremost, the rights of the Cuban people and their sovereignty, but also companies and citizens of European countries and those of other continents who wish to develop relations with Cuba.

In one of the largest rooms of the European Parliament, in Brussels, Cuban, European, Latin American and US citizens, businesspeople, researchers, scientists, artists; specialists in legal affairs, banking, finance, international trade and areas such as science, health, culture and solidarity and cooperation, offered their moving testimonies on the impact of the blockade. And there were poignant stories! I remember the documentary *Gota de agua* (The Drop of Water), with the presence of one of its filmmakers, Yaimi Ravelo, which tells the story of Natali, a five-year-old girl fighting an oncological condition, which deeply touched all the attendees, leaving a mixture of horror and anguish in the air. The same sense of anguish that the Tribunal's deliberations ascertained!

The deliberations were clear: the US blockade of Cuba violates the human, commercial and social rights of Cuban citizens and has resulted, over more than six decades, "directly and indirectly in the loss of numerous human lives." A verdict that underlines the significance and the dimension of this unacceptable blockade!

I also recognize the added value of the fact that the judgment was pronounced in the European Parliament, a place where so often, following the US handbook, shameful maneuvers are promoted to conceal the impact of this premeditated, malicious and criminal blockade, including on the countries of Europe, and to obstruct the Political Dialogue and Cooperation Agreement established between the European Union and Cuba. Cuba's friends

now also have this instrument at their disposal to help defend the Cuban people, their sovereignty and independence and their right to development.

I would therefore like to thank the international team of judges for their rigorous work; the witnesses who gave their testimonies, in some cases personal and intimate; the dozens of personalities and friends of Cuba from various parts of Europe and the world who traveled to Brussels to take part in and attend this important Tribunal, once again demonstrating their solidarity with Cuba and their rejection of the blockade; the Cuban authorities who so honorably represent and defend their nation and show solidarity with the other peoples of the world, assisting them to the best of their ability; and the Cuban people, as an immense example of resistance, dignity and determination in the face of the brutality of the criminal blockade imposed by the United States.

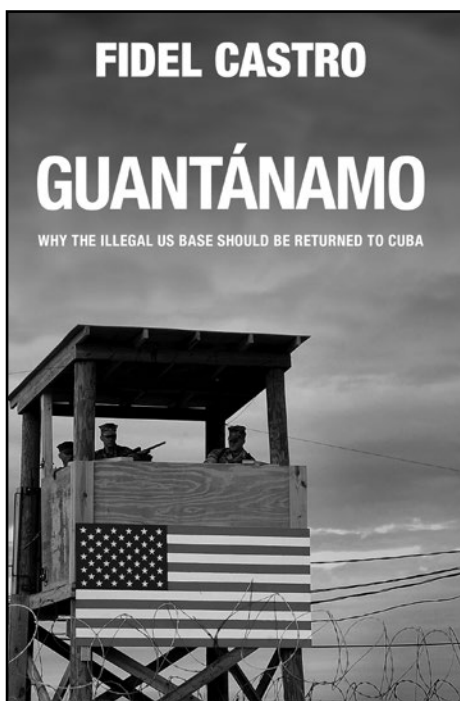
At a time when we are commemorating the 65th anniversary of the Cuban revolution—inscribed in history as a courageous and daring act of liberation that, born and transformed into a revolutionary process, is continued today by the Cuban people, filling revolutionaries and other democrats and progressives throughout the world with joy—this International Tribunal marks an important moment that reinforces the hope and confidence that Cuba's example represents for all humanity.

Cuba is not, nor has she ever been alone! Many voices in the world are raised in solidarity to defend her sovereignty and independence and her legitimate rights, including to development.

May the deliberations of this International Tribunal be a further step toward ending the blockade and ensuring that the little Natalies of the world have the right to the future they dream of!

Rest assured that we will continue to fight for that!

Sandra Pereira MEP



GUANTÁNAMO: WHY THE ILLEGAL US BASE SHOULD BE RETURNED TO CUBA

Fidel Castro

Fidel Castro puts the case to close the illegal base remaining on Cuban territory, not just the prison. This book also features a comprehensive chronology of the base's history and extensive appendices, including key historical and recently declassified documents through which Washington has justified its continued occupation of the territory.

2018, ISBN 978-0-9804292-5-1

CALL FOR AN INTERNATIONAL TRIBUNAL:

For more than six decades, the Cuban people have been facing a genocidal blockade policy that violates their fundamental rights to life, health, food, education and culture, among others. It also hinders the Cuban government's ongoing efforts to eradicate inequalities and achieve greater social justice, objectives endorsed in the Constitution adopted in 2019.

Since 1992, the United Nations General Assembly has passed 30 resolutions demanding an end to the US government's blockade of Cuba and exposing the economic and human damages caused to its population. Contrary to international demands, the economic, commercial and financial blockade has not only been maintained, but has been intensified with the adoption of the Torricelli Act in 1992 and the Helms-Burton Act in 1996, Title III of which began to be applied in 2019, providing the possibility of initiating legal proceedings in US courts against those entities and individuals that trade or do business using properties nationalized in Cuba after the triumph of the revolution in 1959. In addition, in 2021 Cuba was arbitrarily and unjustifiably placed on the list of State Sponsors of Terrorism. It can be said that the extraterritorial component of the blockade has been strengthened and it has become more harmful and inhumane.

Europe, a major player in the international context, is seeing its interests and those of its citizens affected as a result of the blockade and the extraterritorial measures imposed by Washington, which

prevent a normal and coherent relationship in accordance with the principles of free trade. Consequently, the provisions of the blockade are as illegitimate against the Caribbean nation as they are hostile to Europeans.

Aware of the impact of the activation of Title III of the Helms-Burton Act, the inclusion of Cuba on the list of State Sponsors of Terrorism, the fact that the blockade violates the norms of international law governing relations between states and that, therefore, it is not a bilateral issue between the US and Cuba but an aggression against the peoples and democratic values; organizations representing European and US civil society, political parties, associations of jurists, businesspeople, scientists and friends of Cuba, call for an International Tribunal against the Blockade of Cuba to be held on November 16 and 17, 2023 in Brussels, Belgium.

The Tribunal intends to denounce this illegal and inhumane policy and strengthen the anti-blockade movement in Europe and the US. We are confident that this action will serve to add new voices in defense of the democratic rights, sovereignty and freedom of the peoples.

Brussels, July 17, 2023

Convening organizations:

- International Association of Democratic Lawyers
- The Left in the European Parliament - GUE/NGL
- Party of the European Left (PEL)
- Left-Wing Lawyers Forum – Democratic Lawyers’ Network of Spain
- National Lawyers Guild of the United States
- National Conference of Black Lawyers
- Cuba Solidarity Movement in Europe
- National Network on Cuba
- Associations of Cuban Residents in Europe
- Trade Union organizations in Europe

CONCEPTUAL NOTE

For more than six decades, the governments of the United States have imposed a criminal, unjust and illegal blockade policy against the Cuban people, ignoring the norms of international law and exceeding its power as a state, with the objective of provoking **“disenchantment and disaffection based on economic dissatisfaction and hardship [...] denying money and supplies to Cuba, to decrease monetary and real wages, to bring about hunger, desperation and overthrow of government,”** as stated in the Memorandum written by Lester Mallory, then US Deputy Assistant Secretary of State for Inter-American Affairs, in 1960.

This economic, commercial and financial blockade was reinforced in 1992 with the adoption of the Torricelli Act, which banned US subsidiaries based in third countries from trading medicines and food with Cuba. Subsequently, the approval of the Helms-Burton Act in 1996 unprecedentedly extended the extraterritorial scope of the blockade. Its Title III, which came into force in 2019, establishes the possibility of initiating legal proceedings in US courts against those entities and persons that “traffic” in properties in Cuba that were nationalized following the 1959 triumph of the revolution.

The Donald Trump administration imposed a total of 243 additional coercive measures against Cuba. To this was added the 2021 inclusion of Cuba on the unilateral list of State Sponsors of Terrorism, which further impacts its already limited banking and commercial transactions with Europe and the rest of the world.

The accumulated damages caused by the economic, financial and commercial blockade imposed by the United States government against Cuba exceed \$150.41 billion dollars. Taking into consideration the depreciation of the dollar against gold, the figure reaches a trillion dollars.

In the first 14 months of President Joe Biden's term in office, the damages caused by the blockade reached \$6.364 billion dollars; more than \$15 million a day. Between August 2021 and February 2022—only seven months—they reached a seven-month record of \$3.806 billion dollars. If the blockade had not existed, during that period Cuba's GDP could have grown by 4.5 percent.

At present, this system of unilateral coercive measures has been tightened in the midst of a complex scenario, marked by the consequences of the COVID-19 pandemic and the combined effects of a worldwide multidimensional crisis which is reflected in the energy, food, environmental and transport sectors, among others.

The impact on the economic and social development of the Cuban people is illustrated by the following:

- Between March 2022 and March 2023, 130 foreign banks, of which 75 are from Europe, refused to carry out 267 operations with Cuban banks.
- The impossibility of acquiring medical technology of US origin or with more than 10 percent US components. Medicines, equipment, medical devices, reagents and other supplies used in health care must be obtained from geographically distant markets and on many occasions through intermediaries, with a notable increase in cost.
- Between August 2021 and February 2022, the effects on agricultural sector production and services, the obstacles to monetary-financial operations, the additional costs due to geographical relocation of trade and other obstacles to the acquisition of technologies and fuels seriously impac-

ted the production and procurement of foodstuffs in Cuba. In the agricultural sector, the damages reached a total of \$270,932,307 dollars.

The lawsuits filed under Title III of the Helms-Burton Act, the increase in persecutions of financial and commercial transactions with Cuba and the intimidation of companies that send fuel supplies to the island constitute some of the most distinctive examples of US policy toward Cuba.

On November 22, 1996, the Council of the European Union approved Regulation (EC) No. 2271/96, known as the EU Blocking Statute, which recognizes that the extraterritorial application of certain laws, regulations and legislative instruments promulgated by the United States violates international law and impedes the attainment of certain Community objectives.

The existence of this Regulation is commendable and provides a legal basis for the compensation of victims, including adopting measures that counteract extraterritorial impacts. However, although the Blocking Statute seeks to annul the effects of foreign decisions and legislation in European Union territory, in its present state it does not provide sufficient protection for European economic operators that face the extraterritoriality of the US law.

With the activation of Titles III and IV of the Helms-Burton Act, which affect companies and natural persons of the European Union member states, among others, the bloc must consider all available instruments and options to protect the economic activities of European Union nationals and companies, including their investments, as provided for in Regulation (EC) No. 2271/96. Its provisions can be invoked by those operating in the European Union who are negatively affected by the extraterritorial effects of the Helms-Burton Act; provisions which today are not being fully applied to defend their sovereign interests.

Taking into account the negative impact and violation of international law, freedom of trade and democracy, representatives of European and US civil society, political parties, associations of jurists, businesspersons, scientists and friends of Cuba, are calling for an **International Tribunal against the Blockade of Cuba**, to take place in **Brussels, Belgium, on November 16 and 17, 2023**. This Tribunal will denounce and make visible the intensified impact of the US blockade against Cuba as an act of aggression and violation of international law, and demand that Cuba be removed from the list of State Sponsors of Terrorism.

It will be a political Tribunal with an impact primarily on European public opinion and involving representatives from all sectors in Europe and the United States who have been affected by the extraterritoriality of the blockade and by the unilateral coercive measures that derive from the inclusion of Cuba on the State Sponsors of Terrorism list.

This Tribunal intends to denounce the extraterritorial effects of the blockade in Europe, as well as strengthen the anti-blockade movement on this continent and in the United States. It will also advocate for the maintenance of the Political Dialogue and Cooperation Agreement between the European Union and its Member States and Cuba.

The Tribunal will be made up of prestigious jurists representing important organizations linked to the legal field in the United States and Europe. Witnesses will be representatives of solidarity organizations affected by the blockade, businesspersons, personalities and Cubans residing in Europe, among others, who will offer their testimonies as victims of the blockade.

Accusations must be previously documented and a dossier will be made up that will subsequently be printed and distributed digitally to European political figures and those of the United Nations, among others.

Brussels is chosen as the site for the Tribunal as it is the headquarters of the European Union, with a framework of institutions established to protect the rights of its citizens, who have been affected due to the extraterritorial nature of the blockade and, as a consequence, seen their sovereignty violated.

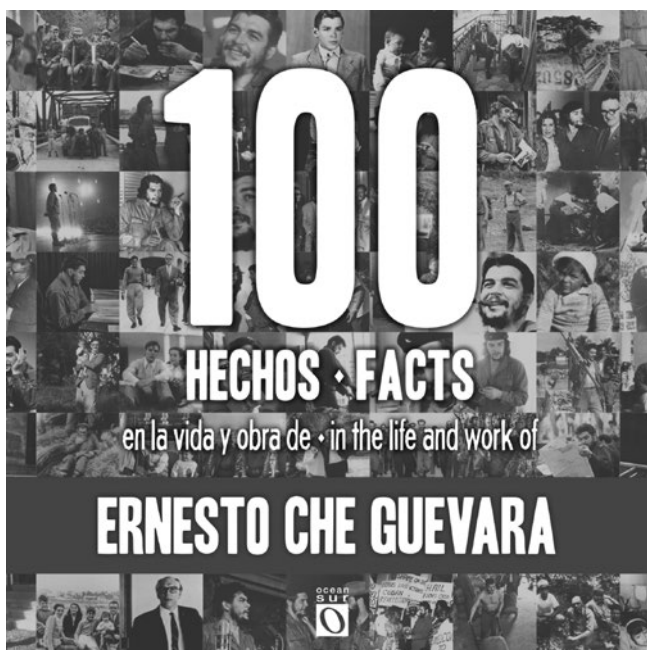
It is proposed that the Tribunal be carried out during three procedural stages:

1st stage: Presentation of oral and written statements that address the complaint. These will form the grounds for the complaint.

2nd stage: This will be focused on the legal and political justification of the complaint process.

3rd stage: This will be to present the ruling and culminate the process with the corresponding conclusions.

The policy of strangulation of the Cuban economy continues under extraordinary and truly oppressive conditions which cause enormous economic and humanitarian harm to the Cuban people.



100 FACTS IN THE LIFE AND WORK OF ERNESTO CHE GUEVARA

Ernesto Che Guevara

Ernesto Che Guevara was an exceptional Latin American, and his life and accomplishments are an enduring inspiration to young Latin Americans. This book, the fruit of a joint publishing program of Cuba's Che Guevara Studies Center and Ocean Press, is a succinct chronology of the 100 most important events in his life. The text is richly illustrated with a selection of images.

2019, 208 pages + images, ISBN: 978-1-925317-56-5

THE TRIBUNAL IN CONTEXT

On November 16, 2023, prior to the beginning of the Tribunal's public hearing, a political contextualization session on the strategic initiative was held, supported by several MEPs. This made possible the International Tribunal against the Blockade of Cuba in the European Parliament, with all the necessary legal and material guarantees.

This exchange was led by Portuguese MEP Sandra Pereira, who was accompanied by her colleagues Irish MEP Clare Daly of Independents 4 Change, and Manuel Pineda MEP of the United Left coalition, Spain. The session was also attended by Homero Acosta Álvarez, secretary of the National Assembly of People's Power and the Council of State of the Republic of Cuba, as well as other MEPs who joined the initiative, political leaders and prestigious personalities.

We believe it is fitting to share these interventions given the plurality of thought represented.

Sandra Pereira MEP

I thank all those present, representatives of several countries and especially the Cuban delegation that is accompanying us at this event.

The panel of this session is chaired by myself, Sandra Pereira, MEP for the Portuguese Communist Party; Homero Acosta, Secretary of the National Assembly of People's Power and of the Council of State of the Republic of Cuba; Clare Daly MEP, repre-

senting the Irish Independents 4 Change and member of The Left group; Manu Pineda, MEP for the Spanish Communist Party; and Yaira Jiménez Roig, Ambassador of Cuba to Belgium and to the European Union, to whom I give the floor.

Yaira Jiménez Roig, Ambassador of Cuba to the EU and Belgium:

Good morning to those who are meeting here in the European Parliament this morning. For us as Cubans, and I would say the entire solidarity movement in Europe and other parts of the world, this is a very special day. We have seen many months of work, of close coordination between all the friends of Cuba and many personalities, good men and women.

I am extremely grateful that Members of the European Parliament from different political groups are here in this Chamber, and I am also grateful for the presence of leaders of parties, associations and trade unions. This is a sign of how much progress we have made and how much progress we will continue to make in the fight against the US blockade of Cuba, which is the cause that brings us here today.

I am pleased to introduce you to the Cuban delegation, which has been in Brussels for a few days now, carrying out a program here in the European Parliament and with other authorities in Belgium. Sandra already mentioned the Secretary of the National Assembly of People's Power of the Republic of Cuba, Homero Acosta, who heads a delegation from the Cuban Parliament, composed of two deputies: Tamara Valido, chair of the Standing Committee on Attention to Services, and Luis Morlote, vice chair of the Standing Committee on Culture, Science, Technology and the Environment and Cuba's representative to EuroLat. I also have the pleasure and honor to introduce the Hero of the Republic of Cuba, Fernando González Lloré, a member of parliament and president

of the Cuban Institute for Friendship with Peoples (ICAP), who is well known and dear to all who are here in this room. We are also joined by other compañeros who have come from Cuba specifically to support this excellent initiative. I especially greet the legal team, lawyers, judges, prosecutors, witnesses, experts and friends of Cuba.

I believe that these will be two intense, important days with successful results. We will all enjoy this exercise, which is symbolic but very powerful and of extraordinary importance, especially in the times we are living. We have seen more than 60 years of blockade. Today, we note that practically all of us here were born under the revolution and of course, we have experienced the impact of the criminal, cruel, genocidal policy of successive US administrations. So thank you very much. I now give the floor to my fellow MEPs and to the president of the Cuban delegation, Homero.

Sandra Pereira MEP, Portuguese Communist Party:

Thank you very much Yaira. For more than six decades, the United States of America has imposed a cruel blockade against Cuba and the Cuban people. This is an unacceptable measure of coercion against a sovereign State, which has been adopted unilaterally and on an extraterritorial basis, in direct violation of the principles of the United Nations Charter of Human Rights and international law. The US blockade is a direct attack on the sovereignty of Cuba and the rights of the Cuban people, impeding economic and social development and access to essential goods in the areas of health, food, education, sports and culture, thus entailing a series of damages and consequences for Cuba and the Cuban people. The blockade affects the citizens of the countries that make up the EU, in that it conditions and even prevents the development of friendly relations and cooperation between them. In addition to this cruel

and inhuman blockade, the US placed Cuba back on the hypocritical and illegitimate list of states that sponsor terrorism in 2021, at the height of the pandemic, thus imposing an even worse situation on the Cuban people. However, it is not Cuba but the United States of America that encourages and promotes destabilization operations directed at other countries through groups characterized by their violent and terrorist actions. Since 1992, more than 30 United Nations resolutions have been adopted to end this discriminatory blockade. In my country, Portugal, one of the countries that is part of the United Nations, the Portuguese government must be more consistent, it must move from words to deeds. And that is why we have to demand that it take a firm stance on the policy of interference and on the action of the United States against Cuba and develop a series of effective and consistent initiatives in the sphere of its relations with Cuba and also in the sphere of international forums. May it participate and help bring this policy to an end. In the European Parliament, too, we have cited a number of examples such as that of Cuba and its people, faced with such a complex situation that it is inseparable from the indeterminate intensification of the blockade imposed by the US imperialists and the defense of their sovereignty and independence and of their legitimate rights, including the right to development. There have, of course, been many statements here in plenary meetings denouncing the blockade and calling for its end. From the European Parliament we, too, want to unite our voice in defense of the Cuban people against this situation, to fight against US interference and to ensure that relations with other EU countries are not hampered. We hope for an open-minded perspective and for a global cooperation agreement to be signed. We have also submitted a number of questions to the European Commission and to the European Council about what is being done with regard to the blockade; questions have also been asked about the steps that have been taken to remove Cuba from

the list of terrorist states. It is a question that has been signed by dozens of Members of the European Parliament.

At the EuroLat meeting, of which I am chair, we made a number of statements stressing respect for the sovereignty and non-interference of states and their right to decide their own future free from external interference. Fundamental rights, which are so often respected by countries that are members of the EU and by the EU itself in relation to countries in Latin America, the Caribbean and the rest of the world. The EP is also part of a friendship group with Cuba, a space where we have the opportunity to receive Cuban friends who tell us firsthand about the effects of the blockade, to whom we express our solidarity with the Cuban people and against this illegal blockade. In January 2022, a delegation of MEPs from our group, from the European left in general, visited Cuba. It was a visit that established contacts of solidarity that allowed us to have a more concrete vision of the impact of the blockade and also of the great achievements that, despite it, the Cuban people have made.

We are here today to denounce and demand an end to the blockade. Solidarity, friendship and cooperation must be fundamental in relations between peoples and countries. We must reject all unequal relations, interference, blackmail, sanctions, blockades or any other type of activity of this kind. Cuba can count on us to continue to defend the right to the sovereignty and independence of States and the right of peoples to decide their future without external interference. Thank you very much.

Manu Pineda MEP, United Left, Spain:

Good morning to all. Thank you so much for being here. It is a real pleasure to see this Parliament filled with so much dignity and so much solidarity. You have come to grace the heart of the beast, so to speak. Your presence here and the holding of this International

Tribunal against the Blockade in this Parliament is very important to us, and we hope that it is also important for the people of Cuba.

In April 1961—April 16 and 17 if I am not mistaken—the US, using mercenaries, tried to invade Cuba and suffered its first great defeat in Latin America. The people of Cuba, with their commander-in-chief at the forefront, managed to defeat this invasion. We might have thought that the battle against the US was won there and that the US was going to accept defeat and respect the Cuban people. Nothing could be further from the truth. Also in those days, the spokesman for the US Secretary of State, Lester Mallory, stated that he recognized that the Cuban people supported the revolution and that they had to take drastic steps to stop this. Measures that would cause suffering, hunger, pain and death to the people of Cuba, so that they would stop supporting the revolution. And that was not an empty statement, but had consequences. In February of 1962, what the US calls an “embargo” and humanity calls a criminal blockade was decreed, which is causing deaths.

Cuba, which has developed five vaccine candidates against COVID alone, three of which are already vaccines that are working very effectively. We have here Belinda who is the designer of the Soberana vaccine. Cuba, which to do that with five vaccine candidates cannot buy the syringes to administer those vaccines to its citizens, has relied on solidarity to administer them. Cuba, which, in order to make those vaccines, which are not only for Cubans but which it has distributed generously and in solidarity, as it always does, to other parts of the world, has had to allocate resources for that purpose and stop producing other medicines. In Cuba, we have to say things as they are and not think that it is a socialist arcadia and that all is going very well. No, no, no. In Cuba right now it is hard to find an antibiotic. A person who needs an anti-

biotic to fight an infection, which we buy here at any pharmacy by the kilo, cannot buy it there because the blockade is preventing access to them. That is a crime. In Cuba, they are relying on what President Díaz-Canel called creative resistance, in order to be able to bypass some of the consequences of this situation. I have seen at the Center of Molecular Immunology in Cuba, how there are machines that break down, deteriorate and need to be fixed and that they are not able to buy the parts because of the blockade. Of course, in the end, with creative resistance, they manage to work it out and from a rubber band they make a rocket, but everything has its limits. We have seen how in Cuba a hurricane devastated two provinces two years ago, Pinar del Río and Artemisa; this year there was another. In Pinar del Río everything was destroyed. It is there where Cuban tobacco, which is exported to the whole world, is made. A dramatic consequence; the houses razed to the ground, the tobacco fields destroyed, the generators without water. If that happens anywhere else in the world, you go and buy and import the bricks, the roofs and the generators to be able to re-establish the service, but they cannot be sold to Cuba because whoever does so is sanctioned by the empire. And worst of all, the empire says it is doing this for the people of Cuba; to defend the human rights of the Cuban people. They are suffocating and killing the people of Cuba to defend their rights.

Donald Trump, whom we take as a fool and a madman—I'm not going to argue with that—but he took 243 precise—not foolish or crazy—measures that have dramatically affected the Cuban people. And then, as he was leaving office, he decided to include Cuba on the infamous list of countries that sponsor terrorism. Cuba, whose only exports are doctors, teachers and medicines, is included on that infamous list by the country whose only exports are bombs, weapons, death and destruction.

We are seeing this now—and I want us here to think of our beloved Palestinian people, who are being massacred under Israeli bombs, who are suffering a genocide, a holocaust—and we say Israel is a terrorist and a genocide state, but it could not do that if it did not have the support of the United States of America, which puts Cuba on the list of countries that sponsor terrorism. It could not be more cynical. In the history of the revolution, the only country with which Cuba has broken diplomatic relations is Israel, because it has no relations with terrorist regimes. In the year 1973, Commander-in-Chief Fidel Castro broke relations with Israel. The only country in the world that broke ties back then was Cuba. They offer us an example every day by sending—as they did in Seville, in my homeland of Andalusia—teachers to teach adult literacy. The Third World, which does not have enough to meet its own needs, is sending us teachers. Cuba must receive all the support it needs. Petty governments exist, but Cuba should know that the peoples support you. You share life, love, culture, history, solidarity and we will not fail you. We will be with you side by side, until victory always. Thank you very much.

Clare Daly MEP, Independents 4 Change, Ireland:

Thank you very much Sandra. Of course, Manu is always a hard act to follow, but we will try to do our best. I have to say that it really is an honor for me today, to speak at this International Tribunal, in the 61st year of the United States' tyrannical and illegal blockade against Cuba, as we unite here together, with the goal of bringing it down once and for all. And of course it is an outrage. And that this is now more urgent and necessary, given the intensification of what was already a murderous policy by the Trump administration in 2019. The blockade on Cuba is of course one of the longest standing examples of the so-called rules-based international order.

This cliché, which was invented by the United States and the political West, to allow them to pretend that they support international law, when actually what they want to do is make the rules, and have everybody else follow them. And of course the crown jewel of American hypocrisy is that the Cuban people, who only wish to self-determine, to choose their own form of government, have been victims of unilateral, economic war now for three score years, right next to the United States, in flagrant violation of international law and of the most fundamental of human rights. And why is this happening? Because we can see in Cuba what it would mean to really have a society where people, communities, industry are so organized that it is possible to mobilize the incredible power of so many people working together toward actually solving real problems.

We can see what is possible when many people sharing a single purpose stand up. We see that, very much in contrast to our own societies, where you can throw all the money in the world at a problem, and it just does not solve it. Because our society is organized in a manner where the rich extract wealth from it, not to make it work for the people who live there. And we look at countries like our own in Ireland where we threw billions, we spent 18 years spending billions of euros to try to build one single children's hospital, and in 18 years we have not done so. Could you imagine that happening in Cuba? Of course you couldn't, because it would never happen in Cuba, because the difference is that the people of Cuba own their own society, whereas those of us in Western countries are merely just tenants in ours. So, of course we come here, knowing very clearly and understanding very well that the people of Cuba have borne this blockade with enormous cost, with enormous cruelty and enormous hardship. We know life is incredibly difficult there for people. And yet, up against all the odds, Cuba doesn't just survive. Cuba is not just unbroken. As Manu said,

Cuba actually leads the world in some areas, and that is an absolutely phenomenal achievement. I want to say that no country but Cuba directed the entire apparatus of the State, as every country is going to have to do eventually, toward the task of addressing climate change. Cuba has done this and led the way in this.

When every society was reeling from the pandemic and the parasitical pharmaceutical companies in the West were dividing up the profits, dividing up the spoils, fighting over intellectual property rights, it was Cuba that developed the patents which became common property and became a resource for humanity. So these are marvels. They are particularly marvelous because they took place under a siege. But it gives a glimpse of another world that is possible and that is absolutely necessary to be built everywhere. Because if this is what Cuba can achieve, with its hands tied behind its back, how much more could Cuba do unencumbered? How much more could all of us do unencumbered? The US blockade on Cuba is not only an act of tyrannical domination against a free people, it is not only just a cruel and criminal assault on self-determination and well-being of millions of Cubans, but it is actually holding back the whole world. It is the general threat and it is an assault on working class people and movements the world over. And it is for this reason that we are very proud to host this Tribunal here today, to hear the evidence that we will present, and to demand and insist on an unequivocal end to the blockade.

*Homero Acosta, secretary of the National Assembly
of People's Power of Cuba:*

Good morning to all, dear Members of the European Parliament, political leaders and personalities present, friends of the solidarity movement with Cuba who from other countries are taking part in this event, distinguished jurists who will act as chiefs and prosecu-

tors in this court, experts and witnesses who will address various issues related to the blockade against Cuba. I thank these friends who spoke before me for their messages and commitment to Cuba.

Compañeras and compañeros:

My first words go to the Palestinian people who are suffering a veritable genocide by Israel with the complicity of the United States administration, the same that has been blockading us for more than 60 years.

I would like to express, on behalf of the National Assembly of People's Power of the Republic of Cuba, the supreme body of state power, which represents all its people and expresses their sovereign will, our deepest gratitude to all those who have contributed to the development of this initiative in favor of the fight against the economic, commercial and financial blockade of the United States government against Cuba. I am joined in this room by four of our deputies. Some of them were presented by our ambassador, and I want to do it again: compañera Tamara Valido Benítez, chair of the Standing Committee on Attention to Services; Dr. Yamila González Ferrer, who will act as an expert before this tribunal; and compañeros Luis Morlote Rivas, vice chair of the Standing Committee on Education, Culture, Science, Technology and Environment, and a special mention to Fernando González Llort, Hero of the Republic of Cuba and president of the Cuban Institute of Friendship with the Peoples.

We come to this gathering just a few days after the United Nations General Assembly passed, for the thirty-first time, the resolution condemning the US government for the blockade on Cuba. The overwhelming results of the vote, once again, with 187 votes in favor of the draft resolution, only two against—the US and Israel—and only one abstention, confirm the overwhelming support for Cuba, and the isolation of the US. During the discussion in the United Nations General Assembly, 44 heads of state or

government and senior dignitaries from the same number of countries intervened on our behalf, 21 of whom denounced the unjustified inclusion of Cuba on the list of countries sponsoring terrorism, drawn up by the US Department of State. There is no doubt that this is one of the issues on which, for the most years, there has the greatest consensus in this forum. Opposition to the blockade transcends political ideologies, tendencies or stripes; it is a position in defense of international law, of the legal order among nations and of universal justice and ethics.

Despite the international community's repeated support for our cause, the US has ignored it, and on the contrary disregarded its punitive measures, even during and after the 2019 pandemic. Behind the billions of dollars of damages that are accounted for as a result of this illegal and unjust policy is the objective and tangible damage to the daily life of the Cuban people. There is not an economic, productive or service sector or social sphere that is not impacted by the United States blockade. There are the serious effects on medicines, food, transport, housing, electricity generation and the general well-being of Cuban men and women.

What does the US intend to achieve with this inhumane policy? Simply to overthrow and subvert a humanist project of equality and social justice built democratically and in sovereignty by a people. What serious argument or justification can the US offer for maintaining these hostile measures against Cuba? None. Over the years, the US has sought different justifications, all of which have been fallacies, and the world does not believe them.

Today, they claim to be defending the human rights of the Cuban people, when the blockade itself constitutes their most flagrant and systematic violation and impedes or conditions the exercise of those rights.

As our Foreign Minister Bruno Rodríguez expressed during the presentation of the draft resolution at the UN General Assembly

on November 2, and I quote: "The blockade is an act of economic warfare in peacetime, aimed at nullifying the government's ability to meet the needs of the population, creating a situation of ungovernability and destroying the constitutional order," end of quote.

The vile and malicious intention of depriving the Cuban people of resources indispensable to life constitutes a crime of genocide, in accordance with the 1948 International Convention on the Prevention and Punishment of the Crime of Genocide. The extraterritorial effects of the blockade extend throughout the world, demonstrating unequivocally that they are not measures limited to the bilateral trade relationship between the two countries. This cruel policy has been in force for more than six decades, so that today more than 80 percent of Cubans know only a Cuba under blockade.

In the domestic legal order of the United States, the blockade is made up of a wide web of provisions, some approved by Congress and others implemented by executive decisions through which the president has prerogatives to mitigate or harden the effects of these measures. It is clear that, in recent years, the US government has opted for their tightening. During the presidency of Donald Trump, some 243 measures were approved aimed at strengthening the blockade and exerting greater pressure on Cuba. Some of them were applied for the first time and focused on achieving the greatest damage to our economy, depriving us of even more financial income, and causing more hardship and suffering to the Cuban people.

Among the most significant is the activation of Title III of the Helms-Burton Act, which seeks to intimidate potential foreign investors in our country. The inclusion of Cuba on the previously mentioned list of countries sponsoring terrorism, whose protocols have additional consequences for our economy, particularly in the financial-banking sector, such as the refusal of many companies and financial institutions to operate with Cuba, just as many banks

have suspended their ties with our institutions, which limits access to credit and makes it more difficult to purchase food, medicines, fuel, raw materials and other goods and services. With millimetric precision, the US government took measures to deprive us of fuel, persecuting and threatening ship operators, owners, financial institutions and insurance companies with sanctions. The campaign against Cuba's international medical cooperation and the elimination of United States cruise ship trips to our ports cannot be ignored.

What is most perverse is that none of these punitive measures was suspended, as was the case with other countries, during the COVID-19 pandemic. On the contrary, and as has been shown, the US prevented the acquisition of ventilators and the purchase of medicinal oxygen when our main production plant suffered breakdowns during the pandemic peak. These are just a few examples.

President Joe Biden has maintained all these measures unchanged and applies them with similar rigor, making what was implemented by his predecessor his own. Thus, as our foreign minister put it, and I quote, "The blockade, intensified to the extreme, continues to be the central element that defines United States policy towards Cuba." The blockade will have to be lifted, sooner rather than later, and on that day, history will have to acknowledge the heroism and resistance of the Cuban people, as well as the solidarity of millions of people of good will who have accompanied us in this long struggle. One of the pages to be written will highlight the holding of this International Tribunal, here in Europe, in this Parliament, where the blockade also has a negative impact on economic, trade and cooperation relations with Cuba and affects the companies, institutions and citizens of its 27 Member States. Despite the adversities and constraints that they constantly face, the Cuban people will persevere in their determination to build an increasingly just, inclusive, united, democratic and genuinely

participatory society with greater well-being for all. As the historic leader of the Cuban revolution, Commander-in-Chief Fidel Castro Ruz, told us one day: "The tightening of the blockade on Cuba only multiplies the glory and the honor of our people." We will not give up! Thank you very much.

Leila Chaibi MEP, La France Insoumise:

Good morning. I must say that I am delighted to address a few words here on behalf of the French delegation. I have the honor of being a member of the delegations taking part in this event, today, on the occasion of the International Tribunal against the siege, the embargo and the blockade of Cuba. Once again, this is not the first time we have done so, but once again, we speak out against the persistent injustice that has affected the Cuban people for far too long. That injustice is the blockade that the United States has imposed on Cuba. You all know that this policy has caused terrible suffering and is contrary to human rights. That suffering goes against an entire people, against an entire country. The time came a while ago for us to raise our voices with this initiative, to judge the blockade on Cuba. This Tribunal obviously intends to account for the devastating consequences of this US policy against Cuba, but it also seeks to reaffirm the fundamental principles of justice and respect for human rights. It is a fundamental initiative that is a collective means to bring about justice; to denounce an inhumane policy that affects the lives of millions of people in Cuba.

This blockade is a violation of the human rights, health, education and economic opportunities of the Cuban people. It is a reality that has existed for decades and entails unjust suffering, and in the face of that reality, this International Tribunal must be seen as a means of collective redress, a way of assessing the disastrous consequences of this blockade. It is a civic initiative, of citizens of the

world who believe in justice, in the fight against oppression, and it is also our responsibility here in the EP and in the EU, so I am delighted to see all these faces in the Chamber. Because it is not a question of saying that the blockade is only a problem between the US and Cuba and that here in Europe we have nothing to do with it and it has nothing to do with us. No, we are responsible. Here, as the European Parliament and as the EU, we must and can take concrete action—I repeat, concrete action—and I am thinking in particular of publicly condemning this violation of human rights. But of course, the EU could also take measures such as restricting its trade with the United States in order to express our opposition to the blockade on Cuba. It is something that is possible, it is a possible policy, and that economic tool should be used.

On behalf of my delegation, *La France Insoumise*, I express through this International Tribunal our solidarity with the people of Cuba and I would like to take this moment to state our commitment to the fundamental principles of justice, human rights and to call for the accountability of all those who violate these universal values, which can be read on posters on all the walls here in the EU buildings. Those fundamental rights of which we talk so much and which are the pillars of our constitutions here in Europe, including that of my country, France. Finally, I conclude by saying that this initiative and the presence of all of you here is light within this darkness of oppression. Recognizing the rights of all human beings, inside and outside Cuba, wherever we live, whatever our nationality, united for justice, we must raise and make our united voice heard so that those responsible are held accountable for their actions. We want to be able to live in a world where solidarity and justice prevail, together with the Cuban people. Thank you.

Chair: The floor is now open to MEPs who wish to speak:

Remarks by Massimiliano Smeriglio MEP, Partito Democratico, Italy, Group of the Progressive Alliance of Socialists and Democrats (via video):

Good morning to all. I would have liked to be present today at this important initiative, but I found it impossible to stay in Brussels. However, I would like to send a short video to contribute to today's debate.

For more than 60 years, Cuba and the Cuban people have been harassed by the blockade unjustly and unilaterally imposed by the United States. A blockade that we believed would be lessened over the years. Years in which the UN General Assembly has openly and almost unanimously called for its lifting. Years in which even the US stated that the isolation imposed on the Cuban people was not the way forward and that the normalization of bilateral relations was necessary. Years in which the EU signed a Political Dialogue and Cooperation Agreement with Cuba and its government. On the contrary, the situation has worsened. The implementation of Title III of the Helms-Burton Act in 2019, which affects individuals and companies that do business with Cuba; the 243 coercive measures imposed by the Trump administration; and the inclusion of Cuba on the list of countries sponsoring terrorism has done economic damage amounting to hundreds of thousands of dollars.

Then came the pandemic, the war, the climate catastrophes, the global crisis. Everything was extended to the lives of Cuban citizens, without the US being disturbed by the incalculable human damage. That is why the initiative of this Tribunal is so important. Because it is important to shed light on this issue, on these people. It is important to raise awareness among the general public and policy makers. It is important to reiterate that the blockade is unjust, immoral and illegal. It also has extraterritorial

repercussions, preventing third countries and entities from having any kind of relationship with Cuba, which is a criminal act, because it seeks to wear down and exhaust a people that is resilient but has been harassed for decades. The blockade is a violation of international law and of a nation's sovereignty. And we must take responsibility for demanding its immediate end. Thank you.

*Ana Miranda MEP, Bloque Nacionalista Galego, Spain,
Group of the Greens/European Free Alliance:*

Thank you very much Sandra. Good morning. I would like to begin by thanking my colleague Manu Pineda and the Left Group for this initiative. Especially for having invited us, and allowing us to add our voices to the rest of those who are here, like Sandra Pereira and other groups, like Sabrina, Massimiliano and so many others. In this Parliament we have tabled many initiatives condemning the inclusion of Cuba on the list of terrorist countries. In this Parliament, we have above all denounced the attacks that the far right intends to make on Cuba, and we are the brake on the far right in this Parliament. That has to be said. Thanks comrade, because we all are that brake. Because they constantly come up with questions about Cuba in all the committees.

It is an honor to welcome the Cuban delegation that has come to this Parliament with the Cuban ambassador. She welcomed us just three weeks ago and has done great work. We thank her very much, and her whole team, for taking account of all the voices of the left who are present in this Parliament in various parliamentary groups. And to that delegation because we received the invitation of the ANPP (Cuba's National Assembly of People's Power) and today we welcome them. I would like to stress that it is essential to hold a forum like this in this EP facility where we constantly denounce the unjust and inhuman blockade that the Cuban people

have been suffering for more than 60 years. A blockade that the Cuban people resist with dignity and integrity and that I have been able to witness recently on the island. That island and that people so united with my people, the Galician people. I would also like to greet the Francisco Villamil Association, present here, and the solidarity of the Galician people with the Cuban cause. Because after all, we have two Cubans who were famous and also Galician, Fidel Castro and Raúl; from Lánara, Lugo, we must always remember them.

Cuba is the master of its future, of its self-determination and of its sovereignty. Cuba must be respected. Over the years, Cuba has shown admirable resilience and, above all, infinite patience in wanting to be the master of its future. As the secretary-general of the Assembly said, any people, in less time, would not have lasted a year, and you Cubans have been giving humanity a lesson in ethics for no less than 60 years. You have left that universal and heroic legacy to humanity. The decision of the United Nations gives us some hope in this respect, but in this Parliament, in Europe, we must continue to work. We will do so in different groups, uniting as we are doing. Denouncing the extraterritorial effects on not only individuals, companies and organizations, but on organizations such as the European solidarity organizations, which are currently unable to exercise direct solidarity because of this systematic blockade on financial matters too. I would also like to take this opportunity, as I am here before my fellow MEPs, to denounce the fact that the EP travel agency is American and does not allow travel to Cuba—and Sabrina knows this—and this is also a disgrace, that this Parliament has an American agency which does not allow travel to Cuba to be booked.

Finally, I maintain hope that an end to the blockade is possible, that we will continue to work tirelessly from the left of this Parliament and from the positions of all democratic people who

want to see an end to the suffering of the Cuban people. Because ultimately, the blockade and the 243 measures affect the daily lives of Cubans. This is collective punishment and it is certainly a form of war in peacetime, which must be stopped now. To finish, I simply convey on behalf of the Galician Nationalist Bloc, my political organization, all my support to the Cuban people and their government and say loud and clear: We are with Cuba – no to the blockade, long live a free and sovereign Cuba! Long live the Cuban people!

*Sabrina Pignedoli MEP, Movimento 5 Stelle, Italy,
Non-attached Members:*

Good morning! Thank you very much for this initiative.

I was in Cuba two weeks ago at the invitation of the [National] Assembly. I was able to see the situation in Cuba, the very difficult economic situation. The lack of food, the lack of medicine, the lack of energy, the lack of gas. All this because of the blockade and because of the inclusion of Cuba on the list of countries sponsoring terrorism. As an example, in order to travel to Cuba, I had to take out insurance costing 25 euros. The bank blocked my transfer because I put in the reference “Insurance for Cuba.”

It is impossible to make an investment in Cuba; it is impossible for European citizens too.

We are here today, not only for the rights of the Cuban people, which is very good, which is very important for the future of the Cuban people, but also for the right of European citizens to have the opportunity to invest in Cuba, to work in Cuba and to travel to Cuba, which is currently not possible.

Thank you very much!

*Valeria Vilaseca, Ambassador of Bolivia to Belgium,
Luxembourg and the European Union:*

Dear Sandra. Good morning to all of you!

I would like to begin this brief statement by first expressing our full solidarity with the Palestinian people. While the world continues to rotate, a genocide is taking place there.

The Plurinational State of Bolivia, consistent with the popular mandate in the framework of the conclusions of the Peoples' Summit held in this same city in July 2023, where more than 500 social organizations, popular movements, civil society from Latin America, the Caribbean and Europe, demanded this gathering take place.

We welcome the establishment of this International Tribunal against the Blockade and are here today to accompany the Cuban people in their most just cause, which we have witnessed for more than 60 years.

Members of the Tribunal, Bolivia today wishes to echo the voice of the international community, of 187 countries from five different continents who unanimously voted in the United Nations General Assembly to lift the criminal blockade against Cuba.

At present, there is no other cause from any other country that has the support and backing of so many countries around the world, which has been repeated for more than 30 years, resolution after resolution.

Members of the Tribunal, the unilateral blockade and the coercive measures unlawfully imposed against Cuba violate international law.

We demand, once again, the lifting of this criminal economic and financial blockade, illegally and illegitimately imposed, which violates and flouts international law and international consensus and support.

Bolivia rejects the application of any policy of interference and interventionism and any unilateral coercive measure that violates the sovereignty, independence and territorial integrity of any State.

We reiterate our solidarity with the Cuban people and our commitment to accompany the cause through the diplomacy of the peoples, for as long as it takes.

Lift the blockade! Jallalla Cuba!

Peter Mertens, general secretary of the Workers' Party of Belgium:

Thanks for the invitation. I cannot begin without mentioning Palestine, because before the eyes of the whole planet, there is ethnic cleansing, a war of destruction, which we see live on television, and that war is Israel's genocide against Gaza. At the same time, it is an attack on everything that international law entails. Where are the sanctions against Israel's apartheid state? Where is the military embargo against the war machine that is Israel? Where is the mandate of the International Criminal Court to arrest Netanyahu and the rest of the perpetrators?

The United States and Israel are countries that think they are above the rules and can do anything they want. However, dear friends, Cuba has shown how things are. In the recent November 2 vote at the UN, 187 countries voted unanimously in favor of lifting the blockade against Cuba and only two countries on this planet—only two countries—have voted against: the United States and Israel; and that is no coincidence.

The United States has found no other ally than Israel in the world. It has not been able to find any country on the planet other than Israel to support it. Israel, an apartheid state, which itself also imposes an embargo, a blockade against Gaza for years, with the support of Washington. In turn, they provoke wars. The United States and Israel are increasingly isolated and are confronted with

an increasingly louder voice calling for international law to be respected and for Washington's policies to be repealed.

The United States, as we already know, has been fueling a war against Cuba for more than 60 years, seen in the longest blockade in modern history. That blockade is illegal, immoral and criminal, because it is not simply a blockade or an embargo against an independent country, but, furthermore, it is a blockade against a proud people defending its sovereignty. It is a blockade through which the United States attempts to destroy the socialist ideal in every possible way.

Thus, behind that blockade, that criminal embargo, behind that endless series of rights violations, lurks a regime that is afraid. Washington is afraid of a humane alternative to that capitalist and imperialist world. That is why they are trying to wipe out little Cuba in every possible way. Washington imposes sanctions on companies, on governments of the rest of the world that want to invest in Cuba or that want to establish normal trade relations with Cuba. These sanctions laws are entirely illegal, just as the extraterritorial nature of these same sanctions is also illegal.

You cannot be sovereign and at the same time have to take orders from Washington, and I will repeat that. You cannot be sovereign and at the same time have to continue following orders from Washington. Any country that asserts its sovereignty on this planet should be able to say: look, I am sovereign, I establish my own relations with Cuba and I do not submit to illegal laws imposed by the United States and Europe. If it is a sovereign country, it must follow its own rules and establish relations, as it wishes, with Cuba.

Cooperation between the European Union and Cuba is a situation in which we would all benefit at various levels, for example, at the scientific level, but not that alone.

There is a European regulation called the Blocking Statute, which literally stipulates that companies are not authorized to

apply American legislation imposing sanctions, including against Cuba. That has already been explicitly stated. That is what the European Union legislation says, but what happens? The banks are not authorized to block these transfers to Cuba, nor to apply these sanctions, and yet the reality is that most banks operating here in Belgium do so. This is illegal. European law forbids it, but they do it, they stop those transfers. That must be avoided, and it can be avoided.

On this subject, as on many others, there are international experts and witnesses who will speak during these two days. These are all very important testimonies for a sound sentence to be handed down. This International Tribunal against the illegal blockade should therefore help to break with, to get out of this situation, because *compañeros* and *compañeras*, the time has come for the blockade to end and for Cuba to be removed from the list of states that sponsor terrorism. The time has come for Washington to stop dictating what the rest of the world's sovereign countries can and cannot do. The time has come, *compañeros* and *compañeras*, for international law to triumph.

*Patrick Köbele, general secretary of the German Communist Party
(DKP):*

Dear comrades:

I believe that the general aspects of this terrorist and illegal blockade have already been mentioned by previous speakers. I would like to add three examples, three specific facts:

UZ is my party's publication; well, its publication has been blocked because Cuba appears too often. The word Cuba appears too often in this publication of our party. Of course, this is obviously a completely capitalist act, because it is software that searches for the word Cuba, the software of a multinational capitalist com-

pany to use that algorithm to apply this brutal and illegal blockade in yet another way. Another example that I would like to offer you: a year ago, a little more, I attended the international meeting of Communist and Labor parties in Cuba and I visited a medical institute that was working precisely on the preparation of the COVID vaccine and the treatment against COVID. Cuba had succeeded in developing several vaccines against COVID, and these were not made for profit, as in the case of the messenger RNA vaccines developed in the rest of the world. Cuba was trying to develop a vaccine that would work for both rich and poor countries, and succeeded. Cuba's vaccines do not require a very complicated cold storage system that would prevent their use in the countries of the southern hemisphere, which are the warmest and do not have all the patents of the imperialist countries. Yet again, this criminal blockade has meant that many of these vaccines have not been able to reach the rest of the planet, especially those countries that could not apply those that require cold storage.

The United States does not care at all and uses repressive instruments that go beyond Cuba's borders. That is not a crime against Cuba, against the citizens of Cuba, it is a crime against humanity. It is an international crime.

Another example: as a tool to fight against the blockade, my political party organized solidarity brigades, as they were called, back in the 1990s. In the fall of 2001, we started working with Esteban Hernández from Cuba, so that the "Rosa Luxemburgo" clinic could be built in Cárdenas and there could be swift treatment of all the disorders affecting newborns, neonates. That clinic was inaugurated in 2002. The Rosa Luxemburg operates as a day clinic to treat 9,000 children, mainly newborns, infants who have some kind of disorder or disability since birth. For example, neuromuscular disorders, psychomotor disorders, or other diseases or disabilities of these infants, these newborns, especially of the

neuromotor apparatus. For example: paralysis of the central nervous system, of the skeletal compartment, disabilities, autism or Down syndrome, etc.; many congenital diseases. The blockade made it necessary to raise 250,000 euros to be able to send material in several containers to Cuba. This hospital is unique among the least developed countries. In the rest of the least developed countries, those children would all have died. Despite the blockade, this has been possible in Cuba. However, the blockade is, I repeat, a crime against humanity, not only imposed against Cuba. Amidst all this, medical courses are offered in this hospital, which would not otherwise have been possible, for doctors from abroad, especially from Argentina and Mexico. The blockade seeks to prevent these kind of projects and when it fails to prevent them, the US at least attempts to ruin them through the blockade.

Medicine without computers is not possible. Most of the infrastructure of the clinic that I am describing to you, however, dates from the early 2000s. This is totally outdated equipment. In Europe and the United States, nobody would imagine working with a 2002 computer, among other things because they would no longer work. Computers and other IT equipment are also affected by the blockade. And from Cuba, they constantly confirm that new software, the latest equipment does work in Cuba. And even when it is purchased, it cannot or is not delivered to Cuba. There are exceptions when it comes to devices for medical emergencies. And that is an exception that we took advantage of this year to once again raise 100,000 euros to be able to provide new equipment to the Rosa Luxemburg clinic that I mentioned. That container we sent arrived in Cuba a few days ago.

This blockade is inhuman and terrorist. A blockade that has repercussions even in a children's hospital. That is, a hospital that aims to treat children, and yet it is affected by the blockade. Cuba is not a terrorist state; but the United States, which implements this

policy, certainly is. My country of origin, Germany, is doing nothing to fight the blockade on Cuba and even allows that blockade to encroach on Germany's sovereignty; it submits.

I, like Germany and the rest of the world, rejoice at the United Nations condemnation of the blockade. That is all very well, but at the same time the same countries that vote against the blockade at the UN comply with the blockade. I believe that is a disgrace and we are witnessing the terror of the United States in Germany.

Thank you.

*Maité Mola, secretary of International Relations
of the Party of the European Left:*

Thank you very much. I want to begin by thanking all of you who have made this event possible, which I understand has been organized from both sides of the Atlantic. I am not going to go into names or institutions, because we have very little time. I would also like to thank the interpreters who have been very patient with us. On behalf of the Party of the European Left, I would like to point out that, despite the obscenity of the blockade, the very serious repercussions on the daily lives of Cubans, the power cuts, which have already been mentioned here, the scarcity of the most basic means of subsistence has also been mentioned. The uninterrupted attacks by the media of the system—I mean the capitalist system—against the country, from the US and also from other parts of the world. The EU has also been cited, which is not doing much to prevent this either.

Despite all the progress Cuba has made in promoting and protecting the human rights of its people, with participatory democracy based on community work, such as the updating of the country's legislation that has taken place immediately after the pandemic. The design and implementation of public policies

on gender. The continuous struggle against racism and racial discrimination, as well as the protection of vulnerable groups, among other issues, which has been enormous and a historic milestone has been achieved – namely the Family Code – which was constructed from the bottom up. All the scientific development has already been pointed out, and I will not go into it because there is little time, despite what the DKP comrade told us of all the difficulties to develop technically. In fact, he gave me the figure that over the last ten years, more than 500 million USD had to be invested in order to be able to make the technological advances that he pointed to, and so I will not comment.

And why is Cuba blockaded and put on the list of terrorist countries, while Zionism can do whatever it wants in Palestine and nothing happens? Cuba on the list of terrorist countries – why is that? Of course, because it is an example for the world of democracy and participation. And that is why Cuba is blockaded. Cuba is blockaded because the countries that blockade it or that do nothing about it are capitalist countries where patriarchy still controls absolutely everything. Where it is difficult for us to reach people through the media, where there is racism, where abortion is prohibited, where NATO does whatever it wants to benefit imperialism. And that is the reason Cuba is blockaded. It is not lacking reason, it is precisely because it is the opposite of what we have.

To conclude, capitalism likes wars, it does not like freedom. And that is why this Tribunal is so important, because we have to do a lot of educational work for people to understand this. And not only to understand the reasons for the blockade, but also to understand that the blockade is against the people – as has already been said, but I think we must insist on it – and not just against the government. I am done. Heinz Bierbaum, who was president of the PEL (Party of the European Left) until December last year, along with Fernando, spoke a lot about the idea of this Tribunal, which

was later consolidated. He has sent a letter, and I want to put it on record, congratulating us on holding this Tribunal and apologizing for not being able to attend and showing once again that, now as president of the Rosa Luxemburg Foundation, he is a great advocate of this Tribunal and of the road map that we are setting out.

Comrades: Cuba Yes, Blockade No!

Charlotte Velaboine, representative of the French Communist Party:

Good morning to all, and firstly, I would like to extend a huge, fraternal greeting on behalf of the French Communist Party, on behalf of its National Secretary, Fabian Russel, and André Chassaingne, who is the president of the Friendship Group with Cuba in the National Assembly and who was unable to be here due to prior engagements and because there was an solidarity with Cuba initiative in Limoux last night.

First of all, many thanks of course to the organizers of this initiative, which we consider extremely important as a means to condemn the blockade, the embargo in general.

I will not repeat what comrades have said before me, but I do believe that we have a collective responsibility in the face of the current situation in Cuba. And I say this as a representative of a political organization that, since the beginning of the Cuban revolution, has stood in solidarity with Cuba, with its people and with its revolutionary process. Even so, I believe that today we have an enormous responsibility because the vast majority of European citizens do not know the reality of this blockade. They do not know the reality of the Cuban people and to a large extent, as I have observed in France, they think that the blockade was lifted years ago, with those small reforms that Obama made at the time. I think we have an educational task, as Maité said; we have to undertake a strengthened ideological battle regarding Cuba. I believe that this

cooperation with various bodies, and with European organizations, will move us forward in this solidarity.

Following our Secretary General Fabian Russel's visit to Cuba in December last year, we decided to launch a major solidarity campaign with Cuba during our April Congress, based on three central ideas: first, the ideological battle that I have just mentioned. That ideological battle means convincing people who are not necessarily our political allies, who do not have to be politically close to us, and in this sense on two fronts: first, the impact of the blockade on the European economy, as others have said, and on the French economy concretely. To date, the activation of Title III of the Helms-Burton Act has resulted in more than 8 million sanctions on 38 European banks, among them French banks. I believe that is part of the arguments that we have to present to investors and to the French state. You have seen that my government, in general, has never been very pro-Cuban, but it is respectful of international law. Because, as has been recalled, Cuba has been added to that list of State Sponsors of Terrorism for having hosted the Colombian peace process and for having allowed this peace process to come to fruition, with an agreement recently reached with the ELN, an agreement that the government of Colombia requested. In fact, the current government of Colombia has asked Washington to remove Cuba from that list, but this has not yet been done. And I think this should be remembered. Cuba is today the victim of injustice precisely because it has tried to respect the framework of international law. I think that is one of the arguments that can help convince others.

Then logically there is the position of the United States. What is of the sovereignty of our countries, including my own, France? Do we really want to be systematically submitted to the will of the United States? Because we are talking about foreign and trade policy. Do we not want our own policies? I think that is another

argument. That is why we have decided to launch this campaign, which we want everyone to make their own. That is why our secretary General has not been able to be here with us, who has just published a book entitled *Cuba: A Star in the Night Sky. The Struggle of a People against a Criminal Blockade*. It is a book that offers a series of pedagogical arguments for all the progressive comrades in this ideological struggle against the blockade to help Cuba to be taken off that list of states that sponsor terrorism.

I am going to speed up. Our campaign has two more core ideas: concrete solidarity, and I think that from here, with all the political associations in the room, we can try to join forces to show concrete solidarity with Cuba. There have been organizations from years ago of the CGT, a French trade union, that sent containers with materials to Cuba. I think we could strengthen that aspect, but obviously it is not only about immediate support with materials to solve the current difficult situation in Cuba. It is also about allowing the Cuban people to develop their own resources, which is why this aspect of solidarity with municipalities—municipalities and town councils—and with companies that want to invest in Cuba also seems fundamental to us.

We are working to that end at the local level, with different local and territorial entities. And to conclude, Peter Mertens said something very interesting: “The struggle for the freedom of the Cuban people is much broader than that of just the progressive forces, because we are talking about world justice.” Thus, it obviously has to be even more important for progressive and communist forces. Cuba shows that there is another possible economic and political system; that capitalism is not inevitable, and it is not the only option. I believe we all have this important responsibility—we have to keep the Cuban example alive, to show the planet that things can be changed and there can be a socialist society that allows us to achieve individual and collective emancipation. I

think that is why Cuba, as André said, is a star in the night sky. It is a metaphor for us as communists that represents a unique and important example. The first time I went to Cuba I was 11 years old, and I said then that when I grew up I would be a communist, because if a people can resist like this, then we can make a revolution in France too. Thank you, comrades. Long live Cuba!

Augusto Praça, lawyer, member of the National Board of the Federation of Agricultural, Food, Beverage, Hotel and Tourism Workers of Portugal, responsible for International Relations at the General Confederation of Portuguese Workers – National Trade Unions (CGTP-IN):

On behalf of the Portuguese delegation present at this International Tribunal for the condemnation of the blockade against Cuba, we greet the members of the International Tribunal who regard as illegal the blockade imposed on the Republic of Cuba by the United States of America. From this Tribunal, we greet the Cuban people, led by their highest dignitaries, who for 60 years, or even more, have been fighting for their sovereignty and independence against the aggressor, who spares no resources, regardless of whether they are political, economic or social, to subdue and thus overthrow the Cuban revolution. We also salute all those present at this meeting who express their condemnation of the illegal United States blockade against Cuba and the Cuban people.

The coercive measures imposed by the United States, directly or indirectly, through the sanctions it imposes on countries or companies that have commercial relations with the Republic of Cuba, are aimed at preventing the Cuban State from having access to financial resources, food, technology, bank transactions and credits, in order to be able to develop policies that respond to the country's needs.

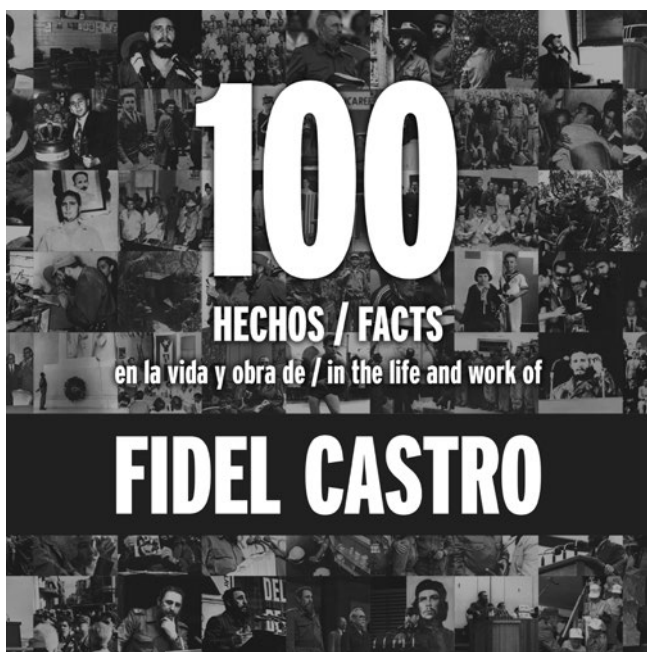
The Cuban State has been facing the blockade for almost six decades and has been deprived of hundreds of billions of dollars for not being able to freely develop its trade relations with other countries. The blockade promoted by the United States of America is undoubtedly illegal under the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Political, Economic and Social Rights and the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, given the specific measures adopted by the US administration against the Cuban people and State.

In Portugal, we are aware of the limitations imposed on relations between the Portuguese State and the Cuban State. Whenever Portuguese companies try to enter into commercial contracts, whether in the field of industry, health technology, commerce or tourism, they face many obstacles. Of course, they know that they face the possibility of being sanctioned if there is any connection with American companies.

The blockade on the transport of goods and services to Cuba is almost total, because the United States sanctions companies that land or dock at Cuban airports or ports. There are enormous difficulties in financial and banking transactions whenever a payment needs to be made, or an economic activity carried out. For example, a tourist trip or to pay the expenses of a diplomatic activity in Cuba. It is also known that the Cuban State is always harassed in international organizations due to pressure from the United States.

The Portuguese delegation reiterates in this Tribunal its total commitment to continue the struggle in Portugal, based on the decisions of this International Tribunal, which condemns and demands an end to the United States criminal blockade. That is our commitment.

Thank you very much.



100 FACTS IN THE LIFE AND WORK OF FIDEL CASTRO

Rodolfo Romero Reyes y Elier Ramírez Cañedo

Fidel Castro is one of the most universal figures of Cuba and Latin America. This book synthesizes, in a brief chronology, 100 significant facts of his life, accompanied by many rarely seen photos. The moments narrated here offer the reader a comprehensive overview of the personality and the historical significance of the principal leader of the Cuban Revolution. Facts and photographs from his childhood and youth, the guerrilla struggle in the Sierra Maestra, his decades as Cuba's head of state and leader of the Revolutionary Government until his last days are the features of this book.

2021, 208 pages + images, ISBN: 978-1-922501-12-7

COMPOSITION OF THE TRIBUNAL

Judges



Norman Paech, Germany

Chair Judge

Graduate in History and Law of the universities of Tübingen, Munich, Paris and Hamburg. Worked at the Federal Ministry of Economic Development in Bonn. Member of the Left Party (Die Linke). Former member of the German federal parliament and party spokesman.

Member of the Association of Democratic Lawyers (VDJ); Vietnam-FRG Friendship Association; Advisory Board of the International Association of Lawyers Against Nuclear Arms (IALANA); International Physicians for the Prevention of Nuclear War (IPPNW); the Scientific Advisory Board of the anti-globalization organization Association for the Taxation of Financial Transactions and for Citizens' Action (Attac); and the Auschwitz Committee.

He is a leading figure of the German justice system and in the defense of just causes around the world.



Dimitris Kaltsonis, Greece

Professor of State Theory and Law at Panteion University, Athens, Greece.

Numerous publications, the most important of which include: *What is the State? And What Democracy Do We Need?*, Athens: Topos Books, 2016; *Che on the State and Revolution*, Athens: Topos Books, 2012; *The Dilemma of Bolivarian Democracy: State and Law in Hugo Chávez's Venezuela*, Athens: Xifaras Editions, 2010.



Simone Dioguardi, Italy

Graduated in Law in 2019 from the LUMSA University in Rome.

Worked at the Fratini Vergano law firm in Brussels, gaining experience in the field of International Trade, Agri-food, Environmental and European Union law. In September 2021, he joined Dioguardi European Law Firm as a legal advisor.

He later joined the volunteer organization Humanitarian Association Semi di Pace - ODV, of which he was elected general secretary in 2022. He teaches Human Rights in schools through the Study Center created by Dioguardi European Law Firm and Semi di Pace.



Ricardo João Duartes Rodrigues Avelãs Nunes, Portugal

Graduated in Law in 2002 from the University of Coimbra's Faculty of Law. He has completed several studies on Administrative Law and Child Protection.

Member of the Portuguese Communist Party. He visited Cuba as a member of the May 1st International Brigade in 2023, where he stood out for his political commitment to the Cuban revolution. President of the Pinhelenses Volunteer Firefighters.



Suzanne Adely, United States

Graduate of the City University of New York's School of Law. The first Arab-American president of the National Lawyers Guild and a bureau member of the International Association of Democratic Lawyers.

She was a civil rights coordinator with Desis Rising Up and Moving (DRUM) in Queens, New York, and a legal worker with the Arabic Network for Human Rights Information (Cairo). In Chicago, she worked on campaigns with the Arab American Action Network and the Chicago Coalition to Protect People's Rights, challenging War on Terror policies.

Suzanne has been active in anti-war and Palestine solidarity organizing in the United States. She is a long-time member of Al-Awda-NY, the National Lawyers Guild, and the Defend the Egyptian Revolution Committee of New York.



Daniela Dahn, Germany

Writer, journalist and essayist. Since the reunification of Germany in 1990, she has been an outspoken critic of the reunification process. Her highly personal style of writing and her strident political views have sparked controversy within Germany, but Dahn, who considered herself a dissident within East Germany before 1989, advocates critical journalism that continues the democratic tradition of challenging the government and policies of reunified Germany.

She serves on the Executive Board of PEN International writers' association and lectures internationally. She is also on the Advisory Board of the Humanist Union, and has held the post of writer-in-residence at the University of Sunderland in the United Kingdom. She is co-editor of the weekly newspaper *der Freitag*.

Prosecutors



Jan Fermon, Belgium
Chief Prosecutor

Lawyer at the Bar of Brussels, Belgium, specialized in Criminal Law, International (humanitarian) law and Human Rights Law. Author of the book *Political Defense* alongside Ties Prakken, published in 2010.

Since 2005, he has been a Bureau member of the International Association of Democratic Lawyers (IADL), the biggest international organization of progressive jurists. He has represented trade unionists against attempts to criminalize collective action and victims of the Rwandan Genocide, of war crimes committed by US troops during the war on Iraq and of NATO bombings in Libya. He was the lead lawyer for the founder of the Communist Party of the Philippines José María Sison in the successful case against the “terrorist” blacklisting by the European Union. He was part of the legal team that successfully defended 41 Kurdish activists accused of participation in the Kurdistan Workers’ Party (PKK).



Nana Gyamfi, United States

President of the United States National Conference of Black Lawyers. Executive director of Black Alliance for Just Immigration (BAJI), the largest black-led social justice organization representing the nearly 10 million black immigrants, refugees and families living in the United States. She previously served as BAJI’s Board vice-chair and managing director.

A Movement attorney for the past 25 years, she is co-founder of Justice Warriors 4 Black Lives and Human Rights Advocacy, both dedicated to fighting for human rights and black liberation. She has served as the executive director of Black Women’s Forum,

an organization co-founded by Congresswoman Maxine Waters, who serves as its president. Nana is also a former professor of the Pan African Studies Department at California State University Los Angeles.

She has repeat appearances in documentaries and other media, including *Tales of the Grim Sleeper* and *Democracy Now* with Amy Goodman, and she hosts her own weekly radio show *Conversations On the Way: The Asafo Edition*.



Antonio Segura Hernández, Spain

Member of the Madrid Bar Association (ICAM). Graduated in Law from the Complutense University of Madrid, 1994. Specialist in Criminal Law.

Member of the Free Association of Lawyers (ALA) and the Forum of Left Lawyers (FAI-RADE). Head of the Communist Party of Spain (PCE) Justice Secretariat.

Involved in numerous trials defending political and trade union activists, including at the National High Court and the Supreme Court. He was a member of the collective of lawyers of the former Association Against Torture, the Argentine Association for Human Rights, and took part in the proceedings of the Guatemala Genocide Case.

He served as a lawyer for the Association of Victims of March 11 affected by terrorism, and as public prosecutor in numerous cases of jihadism where the accused were arrested and tried in Spain. He also filed a complaint with the National High Court against the entire Israeli Government over the case of Al-Darahj, a Hamas leader who was murdered without trial along with all the residents of the building in which he lived in Gaza. He also drafted an Amicus Curiae brief in favor of the Five Cuban Heroes.

Court Official



David Rodríguez Fernández, Spain

High School Physical Education teacher in the Valencian Community, Spain. Civil servant since 2007. Member of the Communist Party of the Valencian Country (PCPV) Secretariat and responsible for International Solidarity. Member of the Communist Party of Spain (PCE) Central Committee since 2018. Member of United Left of the Valencian Country (EUPV) since 1997 and its general coordinator from October 2016 to February 2018. Member of the Board of Non-University Teaching Staff of Alicante. Student Vice Dean in the academic year 1997/98 at the Faculty of Physical Activity and Sports Sciences of the University of Valencia. Activist in several Valencian platforms advocating international solidarity and the defense of public education.

Member of the Valencian José Martí Association of Friendship with Cuba since 2000, serving as its vice president from 2002 to 2006 and president from 2006 to 2016. Currently a member of its Board of Directors. Awarded the Medal of Friendship of the Council of State of the Republic of Cuba in 2023. Honorary Member of the Nicolás Guillén Foundation, appointed in July 2017. Represents his solidarity organization on the Coordinating Board of the MESC (State Movement of Solidarity with Cuba).

Founder of the Platform against the Blockade in Valencia and partner and collaborator/correspondent of *Cubainformación*. He has participated in activities and events in solidarity with Cuba both inside and outside his home country. Director of two documentaries on Cuban internationalism and the *Cuba Va* radio program from 2006 to 2015. Writes on Cuba and solidarity, with opinion pieces published in the Cuban and Valencian press, as well as by solidarity media such as *Cubainformacion*.

INTRODUCTION

Opening remarks of the Tribunal by David Rodríguez, court official

Good afternoon,

In the city of Brussels, on November 16, 2023, the TRIBUNAL is constituted by members of multiple organizations of solidarity with Cuba and jurists of recognized prestige from many countries.

The case is being investigated on the basis of the large number of complaints received of gross violations of human rights, accompanied by documentary evidence proving that the United States government is responsible for these violations, as well as their persistence over time and their effects on the population.

The call for this Tribunal has been issued by the following organizations:

- International Association of Democratic Lawyers
- National Lawyers Guild of the United States
- Left-Wing Lawyers Forum – Democratic Lawyers’ Network of Spain
- National Conference of Black Lawyers of the United States
- Trade Union organizations
- Associations of Cubans living in Europe
- The Left in the European Parliament - GUE/NGL
- Party of the European Left (PEL)
- National Network on Cuba in the United States
- Cuba Solidarity Movement in Europe

The case will follow the accusation based on the maintenance of the economic, financial and commercial blockade by the Government of the United States of America against the people of Cuba.

It is reported that, up to March 31 of this year, 42 lawsuits had been filed under Title III of the Helms-Burton Act, adopted on March 12, 1996, which codified more than 10 laws of the blockade against Cuba.

The United States government ignores the appeal of the international community expressed in the United Nations General Assembly resolutions approved for 31 consecutive years, thus violating the principles of international law and the norms of international trade, which has caused accumulated damages amounting to 159.843 billion dollars and economic losses of more than 1.337 trillion dollars.

In view of the fact that the case was filed and admitted at the seat of the European Parliament and that this Tribunal has been constituted, I request that the judges take their seats and conduct this hearing.

We also invite the designated prosecutors to present their evidence.

To all present, I would like to inform you that Professor of Public, Constitutional and International Law at the University of Hamburg, Dr. Norman Paech, a member of the Association of Democratic Lawyers, of the Advisory Board of the International Association of Lawyers Against Nuclear Arms, and a leading figure of the German justice system specializing in human rights, was appointed Chair Judge.

And as members of the panel, the judges:

1. Dimitris Kaltsonis, Professor of State Theory and Law at Panteion University, Athens, Greece. Author of several books, including *What is the State?* and *What Democracy Do We Need?*

2. Simone Dioguiardi, Italian lawyer, graduate of LUMSA University in Rome, specializing in International Public and Private Law and Food Law. He is a legal adviser at the Dioguiardi European Law Firm, and general secretary of the Semi di Pace association, where he teaches on human rights.
3. Daniela Dahn, writer and journalist on issues of war and peace.
4. Suzanne Adely, president of the National Lawyers Guild of the United States.
5. Ricardo João Duarte Rodrigues Avelãs Nunes, member of the Portuguese Bar Association, graduate of the University of Coimbra's Faculty of Law. Legal adviser specializing in administrative offences and public procurement, as well as child protection.

And appointed as prosecutors to this hearing:

1. Jan Fermon, lawyer at the Bar of Brussels, Belgium. General secretary of the International Association of Democratic Lawyers. Specialist in Criminal Law and International Humanitarian Law, he has represented trade unionists, victims of the genocide in Rwanda and of the war crimes committed by US troops during the Iraq War and the NATO bombings in Libya.

2. Nana Gyamfi, member of the United States National Conference of Black Lawyers, Executive Director of Black Alliance for Just Immigration, and former professor in the Pan African Studies Department at California State University Los Angeles. Founder of the Community Legal Clinic, Transformative Justice Center and LegalEase Workshops, and co-founder of Justice Warriors 4 Black Lives.

3. Antonio Segura, lawyer and member of the Madrid Bar Association, Spain. Founder and president of the Lawyer Friends of China Association. Member of the Board of Directors of the

Forum of Left Lawyers, a network of European democratic lawyers, and member of the Free Association of Lawyers. He has represented trade unionists and collaborated with Equipo Nizkor in several cases such as the proceedings initiated for the crimes committed during the Argentine dictatorship. He also took part in the Guatemala Genocide case representing the Association against Torture; in the case of Couso, a journalist killed by US troops in Iraq; and he collaborated in the preparation of an Amicus Curiae brief in support of the five Cuban anti-terrorists tried in the United States.

I inform all those attending that they are subject to legal jurisdiction and must therefore comply with the procedural norms defined for this type of hearing.

I give the floor to the Chair of the Tribunal, Judge, Dr. and Professor Norman Paech, to begin the proceedings.

Opening remarks of the hearing by Chair Judge Norman Paech

A warm welcome from the judges, dear friends, colleagues, ladies and gentlemen:

Now we have changed from the political forum to the legal forum; but as you know, all legal questions are political questions as well.

We live in dark times, the world is in disarray. Two terrible wars are paralyzing human progress and setting us back decades in our social progress.

The two major wars in Ukraine and Palestine are not just wars between individual states, but wars into which the whole world is being dragged and whose crimes have already crossed the line into crimes against humanity and genocide.

We are in danger of forgetting that the world has not been peaceful up to this point. We are experiencing wars that leave countless victims in their wake and drive entire peoples to the brink of existence, not through military force but through economic coercion.

Who does not remember former Secretary of State Madeleine Albright's cynical answer to the question of whether the deaths of 500,000 children as a result of the sanctions against Iraq were worth it? She replied, "it was worth the price."

Economic and financial sanctions have become an increasingly common instrument of war against dissenting governments, the consequences, destruction and damage of which are comparable to the casualties of military conflict.

The USA has probably imposed the oldest, longest and most painful sanctions in history against its neighbor Cuba. Since the beginning of the 1960s, they have tried to change policy in Havana and force it onto the liberal-capitalist path with a bundle of sanctions and blockades – to no avail.

The next two days will focus on the sanctions and the legal analysis, that is, the legality of these measures.

And I would like to say a few words about the meaning of these tribunals. They go back to the great philosopher Sir Bertrand Russell and perhaps the first and most famous one, the Vietnam War Crime Tribunal in Stockholm in 1966.

It was followed by numerous other tribunals, for example against the dictatorship in Chile, against the US invasion of Iraq in 2003 and on the human rights situation in Palestine; at least four tribunals. The philosopher Jean Paul Sartre, then executive president of the Vietnam Tribunal, responded at the time to criticism of the tribunal and I quote:

"These are the limits and the meaning of what our court has set out to do: It is not a question for us of judging whether the American policy in Vietnam is disastrous or not – which is beyond

question for most of us – but of seeing whether or not it falls within the provisions of international legislation on war crimes... It is not a question of condemning a policy in the name of history, it is not a question of judging whether or not it is contrary to the interests of mankind: it is only a question of determining whether or not it falls within the competence of existing laws.” Quotation ends.

These sentences apply equally to this Tribunal. We do not have to negotiate the imperialism of the United States – which most of us agree on – the harmfulness and amorality of its policy toward Cuba. Our criteria are international law, which the states themselves – and with them the USA – have adopted in treaties, covenants and declarations.

We only examine whether the USA is complying with the law it has created itself and whether it is violating it.

This tribunal does not have the legitimacy and power to enforce a judgment, we know. But it is more than a spectacle. It is a mirror of legality or illegality into which states look in order to recognize that their actions are committed solely to the principles and laws that can guarantee the peaceful relations of states – that is, hold the world together – and our criteria are:

First, these are the most official international jurisdiction:

1. public international law as enshrined in the UN Charter and customary law;
2. human rights as summarized in the two International Covenants of 1976;
3. the international treaty and trade law of the WTO; and
4. the laws of the EU.

A few days ago, on November 4, 2023, the overwhelming majority of UN member states, as we heard already, called on the USA to lift the economic, trade and financial embargo by 187 votes with only

two votes against (USA and Israel) and one abstention (Ukraine). It calls for compliance with the UN Charter and international law, in particular freedom of trade and navigation.

We also have to take this clear condemnation of the sanctions and blockade policy into account in our negotiations and have asked ourselves two questions:

1. what international law is violated by the sanctions directly directed against Cuba, and
2. what international law is violated by the extraterritorial, so-called third-party effects of the sanctions on foreign states and companies?

That is what we will have to do.

I thank you for your attention and now, I give the floor to the prosecutors.

INDICTMENT

*Filed by Chief Prosecutor Jan Fermon of the International Association of
Democratic Lawyers, Belgium*

**International Tribunal against the Blockade of Cuba
by the United States of America**

We, the undersigned, Prosecutors of the International Tribunal against the Blockade of Cuba, held in Brussels (Belgium) on November 16-17, 2023, hereby charge the United States of America and its President and Government with having deliberately and wilfully committed an Internationally Wrongful Act as defined in Resolution 56/83 adopted in 2001 by the United Nations General Assembly, by organising for more than six decades a blockade against Cuba and its people in violation of the provisions of international law mentioned hereafter, causing tremendous economic but also human losses to the Cuban state and people, among other things, by violating the right to self-determination, the right to sovereignty, the right to development, the right to life, health, education etc. of Cubans; as well as the right to self-determination of all other peoples of the world by subjecting them to the extraterritorial effects of the blockade which prevents third countries and peoples from freely organizing political, economic, cultural and other ties, relations and exchanges with Cuba if they so wish.

We demand that the United States of America be held responsible by the Tribunal for said violations.

Effects of the blockade and damages to the Cuban people

The criminal effects of the US blockade on Cuba are eloquently and convincingly described in Cuba's Report On Resolution 77/7 of the United Nations General Assembly entitled "Necessity of ending the economic, commercial and financial blockade imposed by the United States of America against Cuba" of July 2023, attached in full to this indictment.

In its introduction, the Cuban government states:

The economic, commercial and financial blockade is the central element that has defined the policy of the United States towards Cuba for over 60 years. The effects of this undeclared war on the economy, society, daily life and dreams of progress of over 11 million Cubans have been without a single day's respite. [...] The severest of the current measures under Washington's policy of aggression towards Cuba include: enabling action through the U.S. courts under Title III of the Helms- Burton Act; the inclusion of Cuba on the U.S. State Department's arbitrary list of state sponsors of terrorism; persecution of the country's financial and trading operations; the impossibility of processing non-immigrant visas in Havana; intimidation of companies that send us fuel supplies; attempts to undermine recovery of the tourism sector in the wake of the COVID 19 pandemic; and a campaign aimed at discrediting Cuba's medical cooperation programs. These are especially injurious measures under the conditions of an international economy in crisis, which is increasingly interconnected, interdependent and at the whim of the centers of financial power controlled from Washington. Together with the magnified effects of the blockade, Cuba has had to suffer the lingering repercussions of the COVID-19 pandemic on the socioeconomic life of the country and the combined impacts of a global multidimensional crisis. The U.S. government seized on the pandemic as an ally in subjecting Cuba to its policy of

aggression. The vindictive intention of stepping up the blockade under these conditions exposes Washington's inhumanity and eagerness to exploit the recession caused by this worldwide pandemic, in order to undermine social stability and subjugate the Cuban people through hunger and desperation. The impact of this policy in the present conditions is consequently that much more pernicious and damaging from the humanitarian point of view. The blockade directly causes extreme harm through the combined effects of its various measures, pursuing its cruel, practical aim of depriving the country of the inflow of funds essential for the purchase of food, supplies, equipment, spare parts, technologies and software, marking the day-to-day life of the Cubans by shortages, empty shelves, long lines and anxiety. The harm is very real and is clearly reflected in the deterioration of the country's socioeconomic indicators. These measures are accompanied by a media campaign against Cuba emanating from the U.S. broadcasting and intelligence services which conveys a distorted virtual picture, sows the seeds of discontent, portrays a situation of internal political crisis, discredits our public institutions and plays down the huge efforts the country is making to counter the effects of a blockaded economy. Despite the priority accorded by the Cuban government to humanitarian concerns, the blockade has undoubtedly undermined the quality of life and of public services to a population which has never before experienced such levels of shortages of medicines, food and fuel as those of recent years. These are conditions that not only undermine people's standard of living but also detract from human dignity. The rise in Cuban emigration is a direct effect of the intensification of the blockade. No one can deny that this policy has been the primary cause of the country's economic decline, resulting in a large number of Cubans seeking personal realization abroad. These levels reflect the intensified impact of the blockade on Cuban exports, mainly in the tourism sector, the ruthless persecution of the country's

banking and other financial operations, the cost of geographical relocation of trade, impairment of production and services to the population and obstacles to access to advanced technologies. It is estimated that, without the blockade, in 2022 Cuba's GDP would have grown by 9%. At current prices, the accumulated losses during the over 60 years of application of this policy amount to USD 159,084,300,000. Taking into account the behavior of the dollar in relation to gold in the international market, the quantifiable losses attributable to the blockade have reached USD 1,337,057,000,000; the reduction compared with the corresponding total cited in the preceding report (for the period up to February 2022) is due to the 4.2% decline in the gold price since then up to February 2023. No other nation has been obliged to take on a social and development program under such conditions of prolonged systematic hostility on the part of the greatest power in human history. Nevertheless, under the worst of circumstances and the most criminal pressures, Cuba proved capable of overcoming the severe COVID-19 pandemic with our own efforts and talent. The blockade constitutes a massive, flagrant and systematic violation of the human rights of all Cubans. By reason of its express purpose and the political, legal and administrative structures on which it is based, it constitutes an act of genocide under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. This unilateral policy is the main obstacle for the implementation of the National Economic and Social Development Plan (Spanish initials "PNDES") up to 2030, as well as for the achievement of the 2030 Agenda and its Sustainable Development Goals (SDGs) in the country. Few issues have encountered the unanimity of condemnation across the international community as has the blockade on Cuba. More and more forces and actors around the world are ready to accept the responsibility of denouncing this inhuman and illegal policy at every opportunity and in every forum. This report is intended as a contribution to those efforts.

In Annex I, the report contains sector by sector calculations of the economic damages Cuba has suffered as a result of the blockade.

That table demonstrates that no aspect of life in Cuba escapes the harmful effects of the blockade and that the economic losses are enormous.

Between March 1, 2022 and February 28, 2023 the blockade was responsible for economic damage conservatively estimated at USD 4,867,000,000. This equates to losses of over USD 405,000,000 per month, over USD 13,000,000 per day and over USD 555,000 for every hour of the blockade. It is estimated that without the blockade, Cuba's GDP would have grown in 2022 by 9%. At current prices, the cumulative damage during over 60 years' application of this policy amounts to USD 159,084,300,000. Taking account of the behavior of the dollar in relation to gold in the international market, the quantifiable losses attributable to the blockade have reached USD 1,337,057,000,000; the reduction compared with the corresponding total cited in the preceding report for the period up to February 2022 is due to the 4.2% decline in the gold price since then up to February 2023.

Behind these figures on economic losses are of course the human beings that suffer. The Tribunal will hear testimony from various sectors about the human suffering resulting from the blockade.

The report rightly concludes:

No Cuban family escapes the effects of the U.S. blockade - the most prolonged, cruel and all-pervading system of unilateral coercive measures ever imposed on any nation. In the words of Gen. Raúl Castro in his central address to the 8th Congress of the Cuban Communist Party on April 16, 2021: "The harm these measures cause to the quality of life of the population is neither accidental nor a side effect: it is the result of a deliberate intention to punish the Cuban people as a whole".

US legal framework "organizing" the blockade¹

The legal basis for the implementation of the US blockade against Cuba is made up of a complex set of norms, some of which are more than a century old.

—**Trading with the Enemy Act (1917, TWEA)**. Enacted as a wartime measure to restrict trade with nations deemed "hostile" to the United States. Its application was later expanded to authorize the president to regulate property transfers involving any of its nationals in a foreign country, both in times of war and "during any other period of national emergency declared by the President." The first regulations of the 1962 blockade against Cuba were based on this law. On September 2, 2010, President Barack Obama announced the extension of the Trading with the Enemy Act, which effectively means the continuation of the blockade of Cuba. A memorandum signed by the president to Secretary of State Hillary Clinton and Treasury Secretary Timothy Geithner reads, "the continuation for 1 year of the exercise of those authorities with respect to Cuba is in the national interest of the United States."

In September 2013, Barack Obama extended the trade sanctions imposed against Cuba for another year. The memorandum addressed to the US Secretary of State and the Secretary of the Treasury was released by the White House, ordering the blockade against the island to be maintained. In accordance with current US legislation, the president of the United States decided to extend the sanctions against Cuba under this law (Trading with the Enemy Act), alleging that it responds to Washington's national interests.

¹ This section was taken in its entirety from: Cuban Society of International Law and National Union of Jurists of Cuba, "Análisis de la ilegalidad del bloqueo impuesto a Cuba por Estados Unidos" (Analysis of the Illegality of the Embargo Imposed On Cuba by the United States), Havana, undated which was attached to the indictment.

Under the Donald Trump administration, these actions intensified with the application of 243 blockade measures, starting with the implementation of Title III of the Helms-Burton Act, which had been suspended by previous administrations.

– **Foreign Assistance Act (1961):** Through this law, the United States Congress authorized the president to “establish and maintain a total embargo upon all trade between the United States and Cuba.” It also prohibited the granting of any aid to the Government of Cuba.

Section 620A: Prohibits any foreign aid as recognized in this Act, most of which falls under the **Peace Corps Act, the Agricultural Trade Development and Assistance Act of 1954 (except emergency food aid under Title II) and the Export-Import Bank Act of 1945.**

– **Presidential Proclamation 3447 (1962):** Signed by President Kennedy in 1962 and legalized by Federal Resolution 1085. This legitimized the economic, commercial and financial blockade against Cuba in accordance with US law.

This was part of the economic warfare measures prepared by the Kennedy administration in the context of the largest subversive operation carried out by the United States against the Cuban revolution, known as Operation Mongoose, which included:

- Taylor Commission Report (6-13-61)
- Memorandums by Richard Goodwin (22 and 30-8-61)
- Economic measures of the multi-pronged policy
- National Security Action Memorandum No. 220 establishing shipping blacklists
- Comprehensive covert action program against Cuba: Increase in terrorist attacks on the economy (8-6-63)

– **Cuban Assets Control Regulations (CACR),** implemented and established by the Office of Foreign Assets Control (OFAC)

(1963). Authorized by the TWEA, the president directed the Treasury Department to issue the regulations. They have been amended several times, depending on the dynamics of the bilateral relationship.

– **Gun Control Act (1968). Arms Export Control Act Section 40(A)**: Gives the Department of State the authority to issue licenses for the export of “defense articles and defense services.” Cuba cannot receive these as the Secretary of State believes that Cuba has not cooperated fully with US counterterrorism efforts and on the assumption that it has repeatedly supported acts of international terrorism.

– **Trade Act of 1974**. This requires the United States government to deny Cuba the status of normal trade relations (NTR) necessary to apply for the Generalized System of Preferences (GSP).

– **Export Administration Act (EAA) of 1979**: Gave the US president the authority to control exports and re-exports of goods and technology and, in particular, to restrict those exports that contribute to the military potential of any country which may threaten United States national security. This includes Cuba given its support of so-called terrorist groups in Latin America, in reality national liberation movements. This law, along with the TWEA, also stipulates as a requirement of licenses for exports to Cuba of anything that is subject to the **Export Administration Regulations**, with the exception of specific elements contained in public laws such as informational materials and humanitarian donations. (Regulations controlling exports to Cuba as contained in the **Export Administration Regulations** are usually issued by the **Department of Commerce** and the **Bureau of Industry and Security**.)

– **Caribbean Basin Economic Recovery Act (CBERA) (1984)**. (Section 212(b): Prohibits the president from designating a country as a beneficiary of a trade program if it is Communist or has nationalized US property without compensation.

– **Cuban Democracy Act (CDA) (1992)** or Torricelli Act. Established just after the fall of the socialist bloc and the USSR, and therefore of Cuba's main trading partners. Reinforced economic measures against Cuba and provided normative support for the extraterritoriality of the blockade.

The basic elements in this regard include prohibiting trade with Cuba by subsidiaries of US companies in other countries; prohibiting ships that have docked at Cuban ports for commercial purposes from entering US ports or possessions for 180 days after departure from Cuba; and sanctions on countries that provide assistance to Cuba, as provided for in the Trading with the Enemy Act of 1917.

Section 1702: Seeks Cuba's so-called "transition to democracy".

Section 1703 (6): Stipulates the maintenance of sanctions against the Cuban government until it moves toward democratization and greater respect for human rights.

Section 1705 "Support for the Cuban People": To mitigate the opposition of US allies to the extraterritorial nature of this law, direct telecommunications services between the two countries, humanitarian donations and commercial medical exports are authorized under certain conditions. In a hypocritical exercise of charity toward the very people condemned to death by hunger and disease under the law, this section was introduced during the final debates prior to its approval.

– **Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996:** Known as the **Helms-Burton Act**, this seeks to discourage foreign investment and internationalize the blockade of Cuba. It codified the provisions of the blockade, limited the president's prerogatives to suspend the policy and expanded its extraterritorial scope. It denied entry to the United States to foreign company executives (and their family members) who invested in "confiscated" US property in Cuba and established the possibility of filing lawsuits against them in US courts.

– **Export Administration Regulations (EAR):** These include the prohibition of exports from the United States to Cuba, except in the case of exceptions specified in the regulation itself or those authorized by licenses issued by the Bureau of Industry and Security of the Department of Commerce. These regulations are covered by the Trading with the Enemy Act and the Export Administration Act.

– **Anti-Terrorism and Effective Death Penalty Act (1996):** Expanded exceptions to the immunity of foreign states on the list of countries unilaterally designated as “terrorists” in US courts. Used by the US government to compensate relatives of alleged victims of the Cuban state using funds frozen in US banks.

– **Omnibus Supplemental Appropriations and Consolidated Emergencies Act (1998):** Allows the enforcement of sentences covered by the funds of states included on the list of countries considered by the US government to be state sponsors of terrorism.

– **Section 211 US Omnibus Appropriations Act:** Promoted by the Bacardi company together with Miami’s conservative anti-Cuban leaders to usurp the Havana Club brand of Cuban rum. It has been used in the US as the basis for the non-recognition of trademarks and trade names linked to Cuban interests.

– **Victims of Trafficking and Violence Protection Act (2000):** Authorized the United States government to appropriate Cuban assets frozen in that country (to date, **more than \$161 million dollars, belonging to Cuban companies and banks**), as well as the right to continue to do so in the future, in the event of transactions resulting from the lifting of the blockade.

– **Terrorism Risk Insurance Act (2002):** Eliminated the requirement to obtain authorization from the US government (OFAC license) to enforce court rulings at the expense of frozen assets of states deemed by the US to be “sponsors of terrorism”.

Division E. Title V. Section 527: Provides that funds earmarked for bilateral assistance shall not be used in those countries that the president believes harbor any group or individual that has committed acts of international terrorism or that supports international terrorism. Hence, Cuba is excluded from receiving direct loans, credits, insurance and guarantees from the Export Import Bank or its agents.

– **National Defense Authorization Act (2008):** Invalidated the “**separate entity**” principle, established by the US Supreme Court, according to which beneficiaries of rulings issued against Cuba could not enforce them on the property of Cuban entities with independent legal personality, even if owned or controlled by the Cuban State.

Violations of International Law Resulting from the Blockade

State responsibility: “Draft Articles on Responsibility of States for Internationally Wrongful Acts”, adopted in 2001 by UN General Assembly Resolution 56/83.

In 2001, the United Nations General Assembly adopted Resolution 56/83 containing the “Draft Articles on Responsibility of States for Internationally Wrongful Acts”, recognizing in Article 1 that: “*Every internationally wrongful act of a State entails the international responsibility of that State*”; and in Article 2 on Elements of an internationally wrongful act of a State, that it may result from an **action or omission** that constitutes a breach of an international obligation of the State.

In accordance with international law, it defines an internationally wrongful act as any action or omission “attributable to the State under international law.”

Thus, in order to attribute an internationally wrongful act to a State, it is first necessary to determine which norm or norms of international law are violated by that action or omission.

The blockade violates a large number of norms of international law, the most important of which will be enumerated and briefly commented on hereafter. The list, however, is not exhaustive.

UN Charter, Covenants and Resolutions

The first group corresponds to the norms that are recognized as the **structural basis of contemporary international law**, among which the **Charter of the United Nations and Resolution 2625 (XXV)** adopted by the United Nations General Assembly in 1970 and entitled “Principles of International Law concerning Friendly Relations and Co-operation among States” stand out. Both international legal instruments contain a set of rules of *international jus cogens*, and render null and void any legal act or transaction contrary to those rules.

General principles of self-determination, sovereign equality, prohibition of the use of force, prohibition of coercion

In this regard, to be noted are the provisions contained in

– Article 2 (1), (3) and (4) of the Charter of the United Nations;

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

– The **common Article 1 of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights of 1966** which states:

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

– The 1965 Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty;

– The preamble to the 1962 United Nations General Assembly (UNGA) Resolution on Permanent Sovereignty over Natural Resources;

– Article 4 of the 1974 Declaration on the Establishment of a New International Economic Order;

– Articles 1 to 32 of the 1974 Charter of Economic Rights and Duties of States

provide that **“No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights or to secure from it advantages of any kind.”**

For its part, paragraph 31 of the Vienna Declaration states that coercive measures that create obstacles to trade relations among States directly impact the rights set forth in the Universal Declaration of Human Rights. For this reason, it calls on States to: “refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations.” (United Nations, 1993, p. 30).

Therefore, the unilateral coercive measures imposed by the US against Cuba are contrary to the principles of international law and are to be considered as an Internationally Wrongful Act as confirmed by Resolution 2625 (XXV) adopted by the United Nations General Assembly in 1970 and entitled “Principles of International Law concerning Friendly Relations and Co-operation among States”:

“Convinced that the strict observance by States of the obligation not to intervene in the affairs of any other State is an essential condition to ensure that nations live together in peace with one another, since the practice of any form of intervention not only violates the spirit and letter of the Charter, but also leads to the

creation of situations which threaten international peace and security,

Recalling the duty of States to refrain in their international relations from military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of any State,

Considering it essential that all States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Considering it equally essential that all States shall settle their international disputes by peaceful means in accordance with the Charter,

Reaffirming, in accordance with the Charter, the basic importance of sovereign equality and stressing that the purposes of the United Nations can be implemented only if States enjoy sovereign equality and comply fully with the requirements of this principle in their international relations,

Convinced that the subjection of peoples to alien subjugation, domination and exploitation constitutes a major obstacle to the promotion of international peace and security, Convinced that the principle of equal rights and self-determination of peoples constitutes a significant contribution to contemporary international law, and that its effective application is of paramount importance for the promotion of friendly relations among States, based on respect for the principle of sovereign equality,

[...]

No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind."

Other instruments and international norms

The second group includes other international legal instruments, which enjoy universal recognition and are an expression of the concerted will of the members of contemporary international society. Among them, the following should be noted:

- International Bill of Human Rights, consisting of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights of 1966, in various aspects related to the human right to health, education, food, etc.
- Declaration on the Law of Maritime War (adopted by the London Naval Conference in 1909).
- Convention on the Prevention and Punishment of the Crime of Genocide (December 9, 1948).
- Marrakesh Agreement Establishing the World Trade Organization of 1994 (WTO Agreement) and its Annexes
- General Agreement on Tariffs and Trade (GATT 1947, 1994)
- Trade Facilitation Agreement (TFA) and the amendment to the Trade Policy Review Mechanism
- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement)
- Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity
- Cartagena Protocol on Biosafety

Short Analysis of Violations Caused by the Cuban Liberty and Democratic Solidarity Act (1996) Known as the Helms-Burton Act²

The provisions contained in the Cuban Liberty and Democratic Solidarity Act (1996) include a series of actions that flagrantly violate the system of basic principles of international law, especially those of sovereign equality, non-intervention and the prohibition of the threat or use of force. The title of the Helms-Burton Act is in itself interventionist, since it refers to the supposed liberty and democracy that should be built in Cuba, ignoring the inalienable right of the Cuban people to determine their political, economic and social system independently; and correspondingly to the human rights recognized in the international covenants on this subject.

The law in question is an example of how the justification of an alleged violation of human rights in a country is used to impose unilateral coercive measures, which in themselves and in a contradictory manner, have a negative impact on the development and protection of human rights.

This is structured into four fundamental titles: Title I: Strengthening International Sanctions Against the Castro Government; Title II: Assistance to a Free and Independent Cuba; Title III: Protection of Property Rights of United States Nationals; and Title IV: Exclusion of Certain Aliens.

² This section was taken in its entirety from: Prof. Dr. C. Celeste Elena Pino Canales, Faculty of Law, University of Havana, Cuba and Lic. Yusmari Díaz Pérez, Ministry of Foreign Affairs, Cuba, "Medidas coercitivas unilaterales de los Estados Unidos en el contexto de la Ley Helms-Burton y su relación con los derechos humanos a la luz del derecho internacional público" (United States Unilateral Coercive Measures in the Context of the Helms-Burton Act and Its Relationship with Human Rights in the Light of Public International Law), Havana, undated, which was attached to the indictment.

Both the preamble and its titles are riddled with unilateral definitions made up by the US government, as opposed to norms of universal scope and binding legal force. Without intending to carry out an exegetical analysis of the content of the Helms-Burton Act, we refer to the main aspects that, due to their implications, represent violations of the principles universally recognized by all nations, especially in the field of human rights.

D'Estefano Pisani (1985) states that sovereign equality as a principle implies the indissoluble link between the concepts of sovereignty and legal equality of States; and also recognizes that alongside sovereignty marches independence. The latter is represented by the power of States to decide autonomously about their internal and external affairs within the framework of Public International Law. The sovereignty of States denotes the inalienable, exclusive and supreme right to exercise public political power.

Sovereign equality does not imply absolute equality in the rights and duties of States and, according to the wording of United Nations General Assembly Resolution 2625 (XXV) of 1970 on the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, it means the existence of a minimum and invulnerable set of rights and duties common to all States. In particular, sovereign equality includes the following elements: States are legally equal; each State enjoys the rights inherent in full sovereignty; each State has a duty to respect the personality of other States; the territorial integrity and political independence of the State are inviolable; every State has the right to freely choose and manage its political, social, economic and cultural systems; and each State has a duty to comply fully and in good faith with its international obligations and to live in peace with other States.

Thus, Title II: Assistance to a Free and Independent Cuba of the aforementioned Act deprives the people of Cuba of the right to decide their own legal order, their form of government and to elect the bodies of the political structure in accordance with their national laws, as an expression of the will of the people. This title is one of the flagrant manifestations of interference. Manifestations of threats, political pressure and economic coercion are evident in Section 202: Assistance for the Cuban People, which stipulates that a plan to provide economic assistance to Cuba shall be developed when the US President determines that a transitional Cuban government or a democratically elected Cuban government is in power; that it shall be subject to an authorization of appropriations and their availability; and that it shall include assistance in preparing the Cuban military forces to comply with the functions of a democracy; as well as encouraging other countries to provide assistance comparable to that provided by the United States, with a view to obtaining the consent of other countries, international financial institutions and multilateral organizations to provide for a transitional government in Cuba and a democratically elected government in Cuba.

In addition, Section 204: Termination of the Economic Embargo of Cuba, sets forth the requirements and procedures for suspending the economic embargo on Cuba, to the extent that such measures contribute to laying a stable foundation for a democratically elected government in Cuba. The economic, commercial and financial blockade imposed by the United States against Cuba constitutes the most complex and prolonged system of unilateral coercive measures ever imposed against any country. It has caused huge damages to the human rights of the Cuban people, in areas such as health, education, food and the country's economic development, among others.

Section 205: Requirements and Factors for Determining a Transitional Government, and Section 206: Requirements for Determining a Democratically Elected Government, are aimed at modifying the will of the Cuban people and State, which undermines Cuba's sovereignty. The language is typical of the Cold War: opposition to Cuba being part of international financial institutions if it does not modify its internal regime; support for a transitional government; television broadcasts to Cuba; authorization of support for democratic and human rights groups and international observers.

Since one of the main purposes of the principle of sovereign equality is to establish areas of exclusive competence of each State, it stands as the basis for not intervening in the internal affairs of other States. Consequently, the principle of non-intervention is implicit in Article 2 of the Charter of the United Nations (United Nations, 1945). In addition, the 1970 Declaration does not provide a definition, but describes intervention by means of two concrete examples and a general formulation. The first example is the reference to armed intervention, an expression that encompasses all acts of force that, for one reason or another, do not amount to armed attacks, aggression or unlawful use of force. The second specific example of intervention is provided in the prohibition regulated in paragraph 3: "No State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State." In the second part of the first paragraph, the Declaration defines violations of international law, in addition to armed intervention, as any other form of interference or threat against the personality of the State, or its political, economic and cultural elements (United Nations, 1970).

Accordingly, "No State may use or encourage the use of economic, political or any other type of measures to coerce another

State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind.” Ortiz Ahlf (2004) states that the duty of non-intervention is understood as a restriction that international law imposes on States in order to protect the right to sovereign equality, self-determination and independence of the members of international society.

Title I of the aforementioned Act on Strengthening International Sanctions Against the Castro Government, is a clear example of the interventionist intention of the United States regarding Cuba, by including a combination of provisions aimed at the political and economic fields. Section 101 seeks to characterize the Cuban government’s actions as a threat to international peace and security by describing the situation in Cuba as a massive, systematic, and extraordinary violation of human rights. Section 102: Enforcement of the Economic Embargo of Cuba, stipulates that other countries should be encouraged to restrict trade and credit relations with Cuba; further urges that immediate measures be taken to enforce sanctions against countries that assist Cuba; and calls for civil penalties to be imposed on any person who violates any license, order, rule or regulation issued pursuant to the provisions of this Act. The regulations are contrary to the principles governing international trade on prohibiting the importation into the United States of products from Cuba; exports of US products to Cuba; and commercial relations between Cuba and companies headquartered or with subsidiaries in the United States; as well as violating the provisions of the General Agreement on Tariffs and Trade (GATT) in its Articles I, XI, XIII (GATT, 1994). The United States, for its part, has invoked national security as an argument to justify these measures and demonstrate that it does not violate this multilateral instrument, which is untenable.

Section 109: Authorization of Support for Democratic and Human Rights Groups and International Observers, qualifies as

coercion and political pressure by the United States on Cuba and third States, in order to obtain change. This action is contrary to the principle of non-intervention, since it authorizes the President of the United States to provide assistance and other types of support to individuals and independent nongovernmental organizations in support of Cuba's democratization efforts, including humanitarian assistance, support for Cuba's democratic and human rights groups and the permanent establishment of independent international human rights observers in Cuba; as well as the Organization of American States and the member states of this organization.

As can be seen, the latter provisions also contravene the principle of the prohibition of the threat or use of force enshrined in the fourth paragraph of Article 2 of the UN Charter, which states that, "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations" (United Nations Organization, 1945). Thus, the renunciation by United Nations Member States of the unilateral use of armed force has as its counterpart the protection derived from the system of collective security established in the Charter of the United Nations. On the other hand, the term intervention has the function of encompassing any illegitimate act of coercion by one State with respect to another, which does not amount to the use or threat of force.

However, the United Nations General Assembly has adopted Resolution 2625 (XXV), Resolution 3314 (XXIX): Definition of Aggression, and Resolution 42/22: Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, which point toward the interpretation of the term force in its broadest and non-restrictive sense. This includes armed force and any form of coercion or pressure exerted on another State in order to subordinate

the exercise of its sovereign rights and to obtain from it advantages of any kind as part of the use of force prohibited by international law (United Nations 1970, 1974, 1987).

Examples of the Consequences of the Blockade with Reference
to the Violated Norms of International Law³

The blockade:

—Forces Cuban companies to carry out operations relating to products of US origin through **third parties** as it cannot acquire them directly in the US market, and they cannot receive payments directly from Cuba with the corresponding delays, due to pressure from the US government. This increases costs by approximately 45 percent. The measure particularly harms companies that produce medicines. This also has a negative impact not only on commercial activity, but also on Cubans' access to certain medicines and products essential for the diagnosis of diseases. (Violation of the **principles of international law recognized in the Charter of the United Nations, sovereign equality, self-determination, the prohibition of the application of unilateral coercive measures, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights in the field of human rights to health, WHO norms and WTO rules**)

—Prohibits entities that have merged with US companies from doing business with Cuban entities. EXAMPLE: In April 2022, a request was made for the purchase of listed filters from the company ACALAG, required by the Cuban company Productora de Vacunas Virales y Bacterianas. Communication was received from

³ This section was taken in its entirety from: Cuban Society of International Law and National Union of Jurists of Cuba, "Análisis de la ilegalidad del bloqueo impuesto a Cuba por Estados Unidos" (Analysis of the Illegality of the Embargo Imposed On Cuba by the United States), Havana, undated, attached to the indictment.

the company that it could not accept the contract because the production company SARTOURIOS GERMANY did not authorize the sale to Cuba. Similarly, in 2018, following Bayer's merger with a US transnational company (Monsanto), Bayer stopped doing business with Cuba. (Violation of the **principles of international law recognized in the Charter of the United Nations, sovereign equality, self-determination, the prohibition of the application of unilateral coercive measures, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights in the field of human rights to health, WHO norms and WTO/GATT rules**)

—Imposes excessive restrictions and limitations on the importation of products manufactured in the United States, which excessively complicates the work of intermediaries and considerably increases the cost of acquiring products, including essential components for the manufacture of drugs. This has a negative impact not only on commercial activity, but also on the acquisition by Cubans of certain medicines and products essential for the diagnosis of diseases. (Violation of the **principles of international law recognized in the Charter of the United Nations, sovereign equality, self-determination, the prohibition of the application of unilateral coercive measures, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights in the field of human rights to health, WHO norms and WTO/GATT rules**)

—Applies pressure on companies that supply fuel to Cuba, due to having to conduct business with Cuban importers that are on the SDN list, which increases transaction prices by up to more than 69 percent. (**UN Charter, WTO/GATT rules**)

—Prohibits foreign entities that do business with US companies from conducting commercial business with Cuban companies.
EXAMPLE: Bayer merged with US multinational company

Monsanto in 2018 and therefore stopped doing business with Cuba. (UN Charter, WTO/GATT rules)

—Prohibits numerous shipping companies from docking at Cuban ports, meaning imports and exports must be transhipped in other countries, as otherwise shipping companies would not transport products to and from Cuba. As a result of this situation, the cost of freight and transshipment increases. Likewise, the transit times of the goods (25 days on average) make the commercial operation more expensive due to the duplication of shipping companies, loading and unloading manipulations, etc. The immobilization of inventories due to distance from markets to ensure safety stock to be able to maintain productions also has an impact on production costs. (Principles of international law recognized in the Charter of the United Nations, sovereign equality, self-determination, the prohibition of the application of unilateral coercive measures, WTO/GATT rules)

—Prohibits third-country banks from carrying out banking operations with companies that do business with Cuba. (Principles of international law recognized in the Charter of the United Nations, sovereign equality, self-determination, the prohibition of unilateral coercive measures, WTO/GATT rules)

—Prohibits the use of the US dollar in financial transactions of all kinds, including exchange rate variations with respect to the currencies that the country is forced to use and the resulting bank charges, as well as any other financial impact caused against Cuban interests. (Principles of international law recognized in the Charter of the United Nations, sovereign equality, self-determination, the prohibition of the application of unilateral coercive measures, WTO/GATT rules)

—Violates the rights of US citizens, as they are limited in their ability to receive quality medical services in Cuba at a lower cost due to their geographical proximity. On the other hand, citizens

of that country sometimes face difficulties in enrolling in undergraduate and graduate courses in a self-financed manner in Cuban medical universities. (**Principles of international law recognized in the Charter of the United Nations, sovereign equality, self-determination, the prohibition on the application of unilateral coercive measures, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights in the field of human rights to health, WHO norms, WTO/GATT rules**).

—Limits access to the most advanced technologies in all spheres, as well as the case of access to internet platforms. (**principles of international law recognized in the Charter of the United Nations, sovereign equality, self-determination, the prohibition of the application of unilateral coercive measures, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights in the area of human rights to health, WHO norms, WTO/GATT rules**)

—Prevents access to US courts, trademark owners and their successors, to enforce rights. (**Principles of Fair and Equitable Treatment, Most-favoured-nation Treatment, International Identity principles as recognized in the Charter of the United Nations, sovereign equality, self-determination, prohibition of the application of unilateral coercive measures, Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights in the field of human rights to health, WHO norms, WTO/GATT rules**)

Potentially an Act of Aggression

On December 14, 1974, the United Nations General Assembly adopted Resolution 3314, which defined the crime of aggression as follows:

Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition.

This definition is not binding as such under international law, though it may reflect customary international law.

While there is no general international consensus on whether to consider any form of economic coercion or acts severely undermining national economies as a form of “aggression” as defined in Resolution 3314, the nature of the blockade on Cuba has a higher degree of intensity than most unilateral coercive measures imposed upon other countries.

A blockade is an act of war that is regulated by international law – namely, by the 1856 Paris Declaration Respecting Maritime Law and by Articles 1–22 of the 1909 London Declaration Concerning the Laws of Naval War.

Article 29 of the Charter of the Organization of American States explicitly refers to acts of aggression other than armed attacks:

“If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an armed attack or by an act of aggression that is not an armed attack, [...] the American States, in furtherance of the principles of continental solidarity or collective self-defense, shall apply the measures and procedures established in the special treaties on the subject.”

Potential Violation of the Convention on the Prevention and Punishment of the Crime of Genocide

According to Article II (c) of the 1948 Geneva Convention on the Prevention and Punishment of the Crime of Genocide “(c)

Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;" is an act of genocide.

The dramatic and huge impact of the abovementioned laws and regulations, maintained for more than 60 years, also demonstrates that no blockade has been as comprehensive, long lasting and brutal against a nation as the one that the United States has maintained against Cuba. The blockade has resulted directly and indirectly in the loss of numerous human lives and the decision of the US to maintain this blockade until the Cuban people surrender implies the determination to maintain measures in the long term that are calculated to bring about the physical destruction at least in part of the Cuban people.

Such an attitude could amount to the crime of genocide.

Violation of the Right to Sovereignty and Self-Determination of Other Peoples and Nations through the Extraterritorial Application of the Blockade

The blockade against Cuba has in extraterritorial effects in many cases.

As part of the exercise of its sovereignty, a country can decide to establish trade, economic, political, cultural and other relations with any other country. The extraterritorial effects of unilateral coercive measures such as the blockade of Cuba result in the fact that the choice of third nations to establish or not to establish such relations with is restricted or even impeded. In this case, the extraterritorial effect of unilateral coercive measures violates not only Cuba's right to self-determination, but also that of all other countries that want to establish relations of different kinds with Cuba.

The United States is abusing its position in the international banking system, given the fact that it controls the Swift system, and the dominance of its currency, the US dollar, in international

financial transactions to impose the blockade upon third countries as mandatory.

Therefore, the blockade on Cuba results also in a violation of the right to self-determination (and free trade) of third countries.

*Statement by Prosecutor Nana Gyamfi, president of the National
Conference of Black Lawyers*

Honorable Judges,

We, the prosecutors of this Tribunal come before you today respectfully requesting that you find the United States responsible for multiple violations of human rights and international law in the origination and perpetuation of its vindictive blockade against Cuba from 1962 to the present. The US' illegal blockade has impacted every sector of Cuban life, including but not limited to Cuba's medical, industrial, educational and cultural sectors, resulting in serious harm to Cuba and to its people, as well as an attack on the sovereignty of other countries whose governments and citizens are themselves restricted by the United States unilateral decision to impose a blockade on Cuba and to outrageously place Cuba on the list of State Sponsors of Terrorism.

Your Honors,

We will present both oral and written evidence of the economic impacts of the blockade, but it is critical to note that every economic barrier, every denial of access, every exorbitant fee and expense, every assault to Cubas reputation as a result of the US blockade, is cruelly and unlawfully paid by the Cuban people in their suffering, in their lives, in their families, in their communities. As well as those of others who benefit from Cuban innovation, creativity and humanitarian support.

The real and consistent limitation to addressing the needs, rights and aspirations of Cuba and the Cuban people is the economic blockade. The blockade's limitations are unilaterally imposed and they affect, again, the sovereignty of other nations and the personal autonomy of people living around the world, including the European Union.

As a result of the US embargo, the cost of exporting from Cuba and importing into Cuba is exorbitant, impacting Cuba's growth and development.

The blockade has created severe difficulties in making basic bank transfers and other types of money transfers. Businesses working with or in Cuba face real risks of retaliation by the United States. Further, the blockade has resulted in the unilateral suspension of agreements to travel to the United States with the ESTA process for those who have traveled to Cuba.

In this Tribunal, you will also hear testimony on the tremendous damage that the US embargo on Cuba causes in the areas of medicine and science, to the detriment of people living inside and outside of Cuba. The blockade has impaired Cuba's medical and scientific capacity in several ways, including but not limited to:

1. Greatly reducing the ability to buy equipment and ingredients needed to produce medicine,
2. Unfairly impacting Cuba's ability to maintain its patents and research credibility through scientific journal publications; and
3. Unfairly impacting Cuba's ability to maintain its patents and research credibility through scientific journal publications.

As a consequence of these and other restrictions resulting from the United States blockade of Cuba in the area of medicine, Cuba's capacity to provide scientific and medical support to people inside and outside of Cuba has been inhumanely reduced. Cuba's inabil-

ity to access pharmaceuticals and equipment needed to produce medicines, including Cuba's one of a kind lung cancer vaccine, and the limitations on Cuba's ability to share its research has led to preventable illness and death to the Cuban people, and potential beneficiaries of Cuban scientific innovation, including cancer patients and children.

The blockade has also impacted the capacity of Cuba to fully engage in its long tradition of providing global humanitarian medical assistance and consultation. At the height of the pandemic, Cuba added 4,000 doctors to the 28,000 medical staff deployed in over 40 countries across five continents. Cuba's internal COVID response also served as a model for the world. The testimony you will hear reveals that the US, through its unfair and illegal embargo of Cuba, also robs the world of the full potential of Cuba's humanitarian medical support and scientific collaboration.

The theft of opportunities and human loss by the US blockade continue in the area of education. The consequences of the US blockade of Cuba include, but are not limited to:

1. Universities in Europe that have programs with Cuba are unable to use platforms like Zoom and Teams or Canvas in order to have meetings and information sharing;
2. Professors who visit Cuba cannot visit the United States for a year because they have visited a country that the US has, again unilaterally, placed on the list of State Sponsors of Terrorism. Teachers are also subject to extensive questionnaires at the US Embassy when applying for a US visa.

Socially, Cubans suffer daily as a direct result of the US blockade. The blockade imposes additional burdens and reduces accessibility to daily basics, including food, fuel, provisions and medicines. The blockade has had a particularly disproportionate negative impact on Cuban women and people with disabilities. The blockade has

exacerbated the gender gap and impeded women from achieving their goals for themselves and their families. Women, as primary caregivers and healthcare professionals, are affected by the embargo's impact on Cuba's health sector. Cubans with disabilities also face disproportionate harm, as the blockade prevents them from accessing equipment and software that enables them to be a part of social inclusion and personal autonomy and improves their quality of life.

The US blockade of Cuba also impacts Cuba's cultural development and global cultural expositions and exchanges. It has been difficult to import materials and equipment needed for the country's national public cultural education and cultural arts. Because of its huge reach and role in entertainment and cultural spaces, the United States has been able to wield its blockade as a sword against Cuban artists and the sharing of Cuban culture with people outside of Cuba, including countries of the European Union. The blockade has also led to and encouraged the harassment, the physical assault and denigration of Cuban artists and authors and Cuba itself. The harassment and violence against Cuba's cultural artists and curators is fueled by US-sponsored media assaults on Cuba. These media directly collaborate in the blockade's implementation by generating and perpetuating false narratives and fake news about Cuba, legitimizing the blockade and fomenting discord and counterrevolution.

Your Honors,

The great civil rights and human rights leader Martin Luther King Jr., African American, taught us that justice delayed is justice denied. The devastating costs of the US' illegal blockade of Cuba are sweeping and systemic, and the blockade must be stopped.

The United States must be held responsible for the serious damages its blockade has inflicted on Cuba, the Cuban people

and the other countries and peoples of the world over these past 60 years.

I will now pass the opening argument to my co-prosecutor Antonio Segura.

Thank you.

Statement by Prosecutor Antonio Segura, member of the Free Association of Lawyers (ALA) and the Forum of Left Lawyers (FAI-RADE). Head of the Communist Party of Spain (PCE) Justice Secretariat.

Your Honor, with your permission, honorable Tribunal,

Allow me, after the brilliant intervention of my colleague Nana Gyamfi, to mention an illustrious philosopher and political scientist, Confucius, who in his work *The Analects*, in response to one of his students who asked him: "Master, what is the first thing to do when we take over the government?"; Confucius replied: "Change the meaning of the words." What we now call the narrative. The first request we make to this Tribunal is that we do not call them unilateral sanctions; we call them unilateral coercive measures. Sanctions are for when someone does something wrong; Cuba has done nothing wrong.

What the US is doing with all this legislation—to which it certainly has the right in the exercise of its sovereignty—is not sanctioning Cuban conduct, but punishing it for a reason that we will also see throughout the proceedings, particularly when we delve into the Helms-Burton Act: it is punishing it for ideological reasons.

Therefore, having already been considered unilateral coercive measures, the first thing to be said about them is that any State has the right to negotiate or not to negotiate with any country in the

world, and may impose any type of measure in this two-way relationship. We reiterate, measures yes, but not sanctions.

Sanctions in international law can only be imposed by the United Nations Security Council.

And this is the second request that we would like to make so that the Tribunal, if you deem it appropriate, should include it in the verdict. That is, sanctions are only issued by the Security Council.

The US, within the framework of its legislation, can do anything, but that anything must also be subject, among others, to the principles of the United Nations Charter and the rest of the international order.

And we will see throughout the hearing, more concretely, that duty of compliance, because there are experts in international law and experts in the legislation of their countries who have tried to put a stop to the illegal extraterritoriality of these norms.

We, as prosecutors, will only make an accusatory statement based on some facts, to put them on the table. Firstly, the murder weapon.

The murder weapon, which we know you are familiar with, are more than 30 laws, executive orders and other legal documents that the United States has used to attack Cuba. I will list a few:

1. The Trading with the Enemy Act of 1917. Issued as a wartime measure to restrict trade with nations considered "hostile" to the US, in its opinion.
2. Foreign Aid or Foreign Assistance Act of 1961. Congress authorized the President to establish a total embargo on US-Cuba trade.
3. Presidential Proclamation 3447 of 1962. Signed by President Kennedy. It legitimized the total economic, financial and commercial blockade against Cuba, within the framework of Operation Mongoose, thus not solely a legal intervention.

4. Trade Agreements Act of 1979. Made it easier for the US government to prevent Cuba from maintaining the status of normal trade relations.
5. Caribbean Basin Economic Recovery Act of 1984. Prohibits the US President from designating a country as a beneficiary of a trade program if it is communist, or if it has nationalized US property.
6. Cuban Democracy Act, also known as the Torricelli Act of 1992. Prohibited trade with Cuba by subsidiaries of US companies. Prohibited ships entering Cuban ports from touching US ports within 180 days.
7. Cuban Liberty and Democratic Solidarity Act of 1996, also known as the Helms-Burton Act. This is a compendium, the codification of all the previous acts, and defines the purpose of all as to change the government of Cuba for one that best suits the US.

All of these, together with 23 others not pronounced here but well known to the Tribunal, constitute the murder weapon that we place under the scrutiny of this Tribunal.

We are going to move on, thanks to the witness statements, to analyze why they are murder weapons and what norms of international law they violate.

The first violation of these norms is the violation of the Charter of the United Nations and the violation of the Convention on the Prevention and Punishment of the Crime of Genocide. We would like to further consider the term genocide, and frame these violations within the framework of genocide with some peculiarities. Another circumstance that we would like to highlight is that the United States consciously ignores legislation that it should not ignore because it is *jus cogen*, and ignores the International Covenant on Civil and Political Rights. It also ignores the International Covenant on

Economic, Social and Cultural Rights. And it ignores the Universal Declaration of Human Rights.

We prosecutors, as we have said, are going to give them (the judges) the murder weapon: all this legislation of the US. We also list the norms that they do not comply with and the principles that they violate. And we try to explain that all this added together becomes a crime against humanity, not only because of the concrete facts that will be exposed in the hearing, but also because it attacks sovereign equality. Not only the sovereignty of Cuba, but also the sovereignty – and this is very important and there are also witnesses who will speak about this – the sovereignty of Europe, the sovereignty of France, the sovereignty of Spain and the sovereignty of other countries.

Therefore, we want to expose this, and there are witnesses who will testify about it.

And in the same sense, the principle of independence is attacked. The Helms-Burton Act, in the points that have been applied since 2019, where it is textually stated that its objective is not to eliminate all Cubans, but the textual objective is, with these measures, to do away with the Cuban government and impose a government that is convenient to the US.

The principle of non-intervention is also violated. There are numerous United Nations resolutions on non-intervention: Resolution 26/25, Resolution 21/31, Resolution 32/81.

It also violates, not only principles, but also, in addition to these resolutions, the jurisprudence of the International Court of Justice regarding the principle of non-intervention, the Corfu Channel case and the case of Nicaragua v. United States.

The OAS Charter must be added to this list, where the crime of aggression is not necessary that an armed intervention. This specific case could serve as a motive for dogmatic discussion, but there

is not time for this. However, we believe that the crime of aggression can be used to condemn this attitude of the US toward Cuba.

There have been 28 UN resolutions prohibiting unilateral coercive measures, and an important fact that allows us see that all the above is a violation of human rights at the international level, and that they are illegitimate regulations, is that the European Union has drawn up a regulation against the blockade to protect the interests of Europeans against these regulations and to defend European sovereignty. It is therefore not only the prosecutors who are making the accusation today, but the EU itself, with this regulation, that shows how illegal and harmful these unilateral coercive measures against Cuba are.

There are very interesting witnesses, who are going to provide concrete data and about which we will be able to ask questions in case of any doubts. However, there is something that we want to emphasize regarding the interference in the sovereignty of third parties, and there is one witness who is going to tell us how the French employers' organization itself published a report in which the interference in the sovereignty of France is made clear. And like this, numerous examples of statements of witnesses who will be testifying.

We would like to point out that there is an intervention that seems brilliant to us given its content and execution, which is a document—a report of 2022-2023 by the National Union of Cuban Jurists—which recounts all that I have referred to with greater accuracy. This documentation is attached to the proceedings. There is also a document that was initially going to be a statement—that of Cuban lawyer José Alexis Ginarte Gato—who could not attend the hearing, but we want to include it as a document, with those arguments that I have attempted to defend. With that, I will end. Thank you.

TESTIMONIES BEFORE THE INTERNATIONAL TRIBUNAL AGAINST THE BLOCKADE

The hearing on November 16 and 17 saw the presentation of expert reports and testimonies of victims of the blockade on Cuba. Some 30 people took the stand to offer evidence of the impact of this genocidal and extraterritorial policy.

Expert reports

*"The Illegality of the Blockade Imposed on Cuba by the United States."
Presentation by Yamila González Ferrer,
National Union of Jurists of Cuba (UNJC)*

The National Union of Jurists of Cuba is here to denounce the illegality of the blockade imposed by the Government of the United States against Cuba.

The blockade is characterized by a group of unilateral coercive measures adopted by the United States government with the aim of destroying the Cuban revolution and thereby regaining control over Cuba under conditions similar to those prevailing before the revolutionary triumph of January 1959. To achieve this goal, its primary objective is to deny Cubans access to the means essential to their survival and subsequent development, to provoke despair in a situation similar to that of besieged cities, often employed by enemy troops in earlier periods of human history and during war.

For the implementation of the blockade against Cuba, which in a few days will see its 63th anniversary, the United States has provided itself with a legal framework of more than 30 laws, executive orders and other legal documents, which began with the implementation of the Trading with the Enemy Act of 1917, and standing out among which are: the Trade Act of 1974; the Cuban Democracy Act of 1992, known as the Torricelli Act, which reinforced the economic measures against Cuba and provided a regulatory framework for the extraterritoriality of the blockade; and the Cuban Liberty and Democratic Solidarity Act of 1996, known as the Helms-Burton Act, which seeks to discourage foreign investment and internationalize the blockade against Cuba by denying entry to the United States to executives of foreign companies (and their families) who invest in “confiscated” properties in Cuba, establishing the possibility of filing lawsuits against them in United States courts, thus further expanding its extraterritorial scope.

The blockade of Cuba is not a bilateral issue between Cuba and the United States. The repeated extraterritorial application of United States laws and the persecution of the legitimate interests of companies and citizens of third countries significantly affect the sovereignty of many other states.

Under this policy, sanctions continue to be imposed on United States and European companies for conducting transactions with Cuba. Sick people in Cuba are often unable to benefit from new diagnostic tools, technologies and medicines, even if their lives depend on them, because regardless of whether they are produced or available in a third country, the blockade laws prohibit Cuba from acquiring them if some of their components or software originate in the United States.

The extent of the abovementioned laws and regulations also shows that no other blockade against another nation has been as comprehensive or brutal as that which the United States has

maintained against Cuba. It can therefore be described as an act of genocide under Article II (c) of the 1948 Geneva Convention on the Prevention and Punishment of the Crime of Genocide and as an act of economic warfare in accordance with the Declaration concerning the Laws of Naval War adopted by the 1909 London Naval Conference.

In this sense, two sets of international norms have been identified that are violated by the conduct of the US government. The first group corresponds to the rules that are recognized as the structural basis of contemporary international law, among which are the Charter of the United Nations and Resolution 2625 (XXV) adopted by the United Nations General Assembly in 1970 and entitled "Principles of International Law concerning Friendly Relations and Co-operation among States." Both international legal instruments contain a set of peremptory norms, or *jus cogens*, of general international law, and render null and void any legal act or transaction contrary to those norms. The second group includes other international legal instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights, which enjoy universal recognition and are an expression of the concerted will of the members of contemporary international society.

In other words, the unilateral coercive measures imposed by the US government against Cuba, regardless of what they are called, violate international law, considering their intentionality and their enduring nature, which have become more acute and must therefore be identified as an act in violation of the *jus cogens* norms of contemporary international law.

In that regard, UN General Assembly Resolution 56/83 of 2001 comprising the Draft articles on Responsibility of States for Internationally Wrongful Acts recognizes in Article 1 that "Every

internationally wrongful act of a State entails the international responsibility of that State"; and in Article 2 that the internationally wrongful act may result from an act or omission, or both, and that such conduct violates international law. The actions of the US government against Cuba clearly class as the elements of an Internationally Wrongful Act.

The United States blockade of Cuba violates the principal peremptory norms recognized in contemporary international law and undermines the full enjoyment of human rights by the Cuban people, third country nationals and United States citizens themselves. This policy has aimed at undermining the sovereignty of our country and of other member states of the United Nations. Broad sectors of the international community reject and denounce the framework of orders, regulations and laws of all kinds that make up the blockade as a legal aberration and an affront to Cuban sovereignty and independence given their extraterritorial, interventionist and genocidal nature.

"Relations between Cuba and the European Union: EU Antidote Laws."

*Presentation by Yiannis Rachiotis,
member of the Athens Bar Association*

Following the implementation of the Helms-Burton Act in 1996, the European Union (EU) openly expressed its disagreement with the illegal US blockade against Cuba, as well as with the sanctions imposed on Iran and Libya. In particular, the EU opposed the extraterritorial application of US sanctioning laws. This was the correct thesis considering that the Unilateral Coercive Measures (UCM), and even worse the blockade, are violations of international law and their extraterritorial application amounts to an attack on the sovereignty of states.

This position led the EU to adopt, on November 22, 1996, Council Regulation (EC) No 2271/96, known as the Blocking Statute or Blocking Regulation. In short, the Blocking Statute aims to protect EU citizens and companies, referred to in the regulation as “operators,” engaged in lawful international trade and/or capital movement, as well as related commercial activities with third countries in accordance with EU law, from the extraterritorial application of certain US sanction laws against Cuba and Iran. These laws were listed in an annex to the Regulations.

As far as Cuba is concerned, the laws listed are:

1. The Torricelli Act of 1992;
2. The National Defense Authorization Act for Fiscal Year 1993; and;
3. The Cuban Liberty and Democratic Solidarity Act of 1996, known as the Helms-Burton Act.

The latter provides for a total ban on trade and finance with Cuba, as well as an asset freeze, and prohibits even the transport of goods from or through Cuba and any kind of legal or physical act on property in Cuba that was owned by United States persons prior to the 1959 revolution. Included as US persons are Cubans who subsequently obtained US citizenship.

The annex does not include the Electronic System for Travel Authorization (ESTA) 2015, which excludes anyone who has traveled to Cuba, even for tourism, regardless of the country of citizenship from the US Visa Waiver Program, which is designed to deal a severe blow to the Cuban tourism industry.

We should also take into account that the US had designated Cuba a State Sponsor of Terrorism from 1982-2015, and did so again from January 12, 2021 at the end of the Trump presidency, which also means severe sanctions.

The Blocking Regulation prohibits EU operators from complying with any requirements or prohibitions based on the laws listed in the aforementioned Annex and provides for:

- The nullification in the EU of any foreign court judgment based on the abovementioned laws.
- And the right of EU operators to compensation for damages or losses caused by the extraterritorial application of foreign laws listed in the Annex. This right was granted only against third persons or entities, not against the EU for damages caused by the application of the regulation.

On the contrary, the same Regulation provides for the right of the operator to request exemption from the Blocking Regulation, i.e. permission to comply with the UCMs in the event of possible disproportionate damages from compliance with the regulation. Subsequently, in 2018, an Implementing Regulation (No 2018/1101) was issued providing a more specific procedure to facilitate exemptions.

The regulation had a positive effect on EU-Cuba relations not because of the wide application of its provisions, which never occurred, but as an expression of the EU's discrepancy with the aggressive US stance against Cuba.

The practical application of the Regulation was initially limited because in 1998 a memorandum was signed between the EU and the US stating that the US would exclude EU citizens and companies from the extraterritorial application of its blockade laws against Cuba and, in response, the EU would take its own steps to promote "democracy" in Cuba, in other words, to further the objectives of the US blockade.

Despite the previous memorandum, there have recently been several incidents of the extraterritorial application of the United States blockade against Cuba, as well as against Iran.

Claims for compensation, based on the Blocking Regulation, were brought before a number of EU national courts and finally before the ECJ [*Bank Melli Iran v Telekom Deutschland GmbH* (C-124/20)]. Unfortunately, the vast majority of court rulings found a number of tricks to avoid the application of the Regulation and rejected claims for compensation against EU companies that had aligned themselves with the UCMs of the US.

Let us recall that the EU itself imposed a kind of soft sanction policy against Cuba between 2003 and 2005. Now the EU has imposed a large number of UCMs, practically a blockade, against Russia and Belarus. It has also imposed UCMs against individuals and legal entities from a large number of other countries, including Syria, North Korea, Congo, etc. Some Member States also imposed harsh sanctions on their former colonies when they lost political control over them. Obviously, these policies delegitimize the EU's rhetoric about the illegality of the US blockade against Cuba and its extraterritorial effect.

To conclude, we must point out the adoption on July 12, 2023 of a very aggressive anti-Cuban resolution in the EU Parliament, which is full of neocolonial dictates toward Cuba and reiterates the well-known arrogant and unfounded Western rhetoric against the Global South.

Testimonial evidence

As part of the presentation of witnesses summoned to appear before the court, several video testimonies of victims who for various reasons were prevented from doing so in person were shown.

These can be accessed by scanning the QR codes that appear throughout.

Testimonies of Mothers and Doctors of Pediatric Oncology Patients Affected by the United States Blockade of Cuba



Limits to Scientific Activity for the Development of Medicines in Cuba as a Result of the Blockade

*Belinda Sánchez, Board secretary of the Cuban Society of Immunology.
Director of Immunology and Immunotherapy at the Center
for Molecular Immunology (CIM)*

I am here to speak on behalf of Cuban scientists, who have suffered from the effects of the United States economic blockade against our country, both in terms of science and in the production of medicines. I have worked for more than 30 years at the Center for Molecular Immunology, an institution dedicated to the development and production of innovative and biosimilar drugs for the treatment of cancer patients. We are part of the BioCuba-Farma business group, which brings together 33 biotechnology and pharmaceutical companies that produce high-tech medicines, equipment and services to improve the health of our people and generate exportable products that contribute to the economic development of Cuba.

The genocidal blockade of the United States government has affected our scientific work in different fields for decades, which I will summarize below:

1. Logistics management has been forced to procure reagents and supplies made in the United States from third parties (some geographically distant), needed for scientific research and production, making the procurement process more expensive by up to 20 percent and causing delays in the acquisition of resources. This has the effect of reducing and slowing down research and the scope of production of both new and generic medicines. To put it mildly, this has meant for some of our companies an additional cost of up to \$1 million in a year, over and above what it would have cost if it these supplies had been purchased directly.
2. We cannot purchase research and production equipment containing 10 percent or more US-made components. When we have achieved this through third parties, we have been unable to repair such equipment because we do not have access to spare parts, negatively impacting the efficiency of our processes.
3. Payments for patents and scientific publications are overdue because United States banks and others do not accept money transfers from Cuban banks.

Failure to pay for a patent has the direct consequence of losing the patent in that territory, which means that it can be copied, with the potential loss of markets for Cuba.

Failure to pay for a scientific publication has the direct consequence that the publication is withdrawn from the journal and that the authors are prohibited from republishing in it. Years of research destined for human health are being wasted. At my institution alone, we currently

have a payment backlog of 24 publications on the subject of Immunotherapy for Cancer, some of which are more than four years overdue.

4. There is an increasing perception of risk on the part of United States and other companies in doing business with Cuba. This has affected exports of high-quality Cuban biotechnology products, which could alleviate the health problems of millions of people around the world, including in the United States. Moreover, at the same time, it affects our contribution to the country's economy, which so badly needs it. This growing perception of risk also negatively affects the clinical development of innovative Cuban biotechnology products, which is necessary in order to register them in developed countries, by making it difficult to find commercial partners to invest in this development. Cuba has unique products such as the CIMAVax-EGF lung cancer vaccine and Heberprot-P for patients with diabetic foot ulcers, which are not reaching people who need them today just because they are of Cuban origin.
5. The increased monitoring of the ban on travel to Cuba outside the framework of the 12 categories authorized by United States law has reduced the number of patients traveling to Cuba to receive health services with products derived from Cuban science.
6. Prestigious Cuban scientists have been denied visas to travel to the United States, preventing them from attending congresses such as the ASCO Meeting, the most important international congress on cancer. In addition, we have also been denied the possibility of registering for other congresses based on the "justification" that Cuba is sanctioned by the United States.

7. International scientific collaboration, essential for the development of world science, is today a reality for us with Europe, Asia and Latin America, but is a very limited option with the United States.
8. In the past year, the Electronic System for Travel Authorization, which facilitates the entry into the United States of citizens from many countries of the world, has for a long time been inaccessible to those who travel to Cuba. This affects scientists, among others, who are often unable to attend congresses in Cuba if they later have to attend congresses in the United States.

All these issues were exacerbated by the global economic crisis created by the COVID-19 pandemic. Cuban scientists, the fruit of our people's history of resistance and determination to triumph, rose to the challenge during the pandemic. Thanks to Fidel and the revolution's confidence that Cuba's future would be a future of scientists, in 2020, we had a developed biotechnology sector, more than 30 years of experience in the production of vaccines and skilled human potential. We brought together the human talent and the technological strengths of each scientific institution, and that is why—despite the fact that Cuba could not secure all the reagents needed for the research phase in time, despite the fact that our access to supplies and reagents essential for production was blocked—we were able to develop three vaccines and two vaccine candidates against COVID-19, which allowed us to protect our entire adult population and all our children from the age of two. And thanks also to the solidarity of the peoples.

However, even though we were successful, without a doubt, we could have done it sooner without the blockade and we could have saved more lives. And for us, even one life matters.

Documentary evidence to support Belinda Sánchez's testimony

Impossibility to register for a scientific event

From: [REDACTED]
Sent: Wednesday, August 24, 2016 8:37 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: About Invitation letter 2016 Antibody Engineering Event

Good morning [REDACTED],

I do apologize if me or my manager did not get back to you regarding this. Unfortunately at this time, we are not able to process your registration due to company policy with Cuba being sanctioned. I do not know the full detail of why we cannot allow you to register, but that is what my manager had informed me. I'd be happy to pass this along to my manager if you would like to know further why we do not have the authority to register you. I do apologize once again. Thank you.

Best,

[REDACTED]
Associate Delegate Relations Manager | Life Sciences | KNect365

[cid:image002.png@01D1B2AE.D76ACF50] an informa business

Direct Phone: +1 646-[REDACTED]

Main: +1 212-[REDACTED]

Email: [REDACTED] <

[REDACTED] Avenue, New York, NY 10017

Ban on money transfers to Cuban bank



CENTRO NACIONAL DE INVESTIGACIONES CIENTIFICAS

Ave 25 # 15202 Esq. 21 A Cubanacán, Playa

Apartado 6414 Tel. (537) 208-5236 Fax (537) 208- 0497, Ciudad de La Habana, CUBA.

Anexos

Anexo 1: Comunicaciones del cliente australiano

De: [REDACTED]

Enviado el: jueves, 11 de noviembre de 2021 21:19

Para: [REDACTED]

[REDACTED]

CC: [REDACTED]

Asunto: FW: Urgent RAINBOW AND NATURE PTY LTD Payment 3039TT30Y1679912 Case C211135404 (Held by NAB)

Dear Gilberto and Rafael,

Sorry to forward you the reply email from our banker. Just let you know that we could not send out money to Cuba by our current banker since the bank policy changed.

Mr. Lee and I will try our best to find out some new way to do so. We will update you next week.

Thank you and kind regards,

[REDACTED]

From: [REDACTED]

Sent: Friday, 12 November 2021 8:59 AM

To: [REDACTED]

Subject: RE: Urgent RAINBOW AND NATURE PTY LTD Payment 3039TT30Y1679912 Case C211135404 (Held by NAB)

[REDACTED]

Sorry I spoke to the Sanctioned Team and t's a hard stop on any transaction to Cuba. (see below link to NAB website).

[Where online banking is blocked | Sanctioned countries - NAB](#)

I did a little bit of digging around myself and its look like it is extremely difficult to transfer money to Cuba.

[Can I send money to Cuba from Australia? | Finder](#)

I'm sorry I don't know what else I can do to help you.

I will keep asking around to some of my more experienced banking colleagues and let you know if I have any luck.

Regards

[REDACTED]

[REDACTED]

[REDACTED]

Supplier refusal to provide materials due to US origin and Cuba as destination

CENTRO DE INGENIERIA GENETICA Y BIOTECNOLOGIA

Directora: Dra. [REDACTED]

Fecha: junio 2021

Estimado cliente; Mucho gusto en saludarle y esperando se encuentre bien, le escribimos para presentar la siguiente situación

En relación con el contrato:

N° GB-610-31-9252-12119

Le informamos que no será posible cumplir con todas las entregas comprometidas en los contratos señalados (adjuntamos listado de los productos), pues estos materiales están etiquetados con las nuevas marcas [REDACTED]

[REDACTED] en otros casos los artículos contienen más de un 10% de componente americano, debido al embargo de Estados Unidos ninguna de las dos situaciones permite la comercialización en Cuba. De esta forma nos vemos imposibilitados a suministrarlos en este momento y poder cumplir con todo el contenido de los contratos.

Además de lo anterior, las cantidades solicitadas de los productos señalados no cumplen con los requisitos que Merck les informó con anterioridad que permitieran crear un código especial para Cuba, producir un lote en Alemania, etiquetarlo con la marca anterior alemana y así, enviarlos a Cuba.

Nos hemos demorado en hacerles llegar esta información, pues estábamos buscando cumplir de alguna manera con lo pactado, pero ha sido imposible lograrlo.



Impossibility of bank transfer relating to Cuba

From: [REDACTED]

Sent: Tuesday, May 24, 2022 7:50 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: New Supplement for a new Bank account

Dear [REDACTED],

Yes, the payment is still under auditing because yesterday our bank asked questions regarding the payment. They asked:

1. Detailed purpose of payment
2. Country of origin, destination and end use of any goods or services related to the payment.
3. Please confirm if the payment has a direct or indirect connection to Cuba or any other sanctioned countries.
4. Copies of any supporting documentation relating to the payment (i.e. bill of lading, invoice, certificate of origin).

Hope the fund can be released soon. I will inform you once I have any update.

Kind regards,

[REDACTED]

Supplier refusal to provide materials due to US origin and Cuba as destination

From: [REDACTED]
Sent: Tuesday, April 19, 2022 6:52 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Fw: Solicitud de oferta referencia [REDACTED] [REDACTED]
Importance: High

Estimado [REDACTED] Buenos días.

[REDACTED] nos comunica que ya no venderá mas con destino a Cuba. Hemos estado por varios días intercambiando con ellos sobre eso. Hemos intentado que nos vendiesen a través de una otra empresa, pero tampoco va ser posible. Ellos ahora son parte de [REDACTED] group y la nueva Dirección no autoriza la operación.

Por favor, ver con el cliente si hay sustituto o fabricante que tenga aprobado para estos productos y qué nos envíen nueva solicitud que la gestionaremos.

Quedamos al tanto.

Un cordial saludo,

[REDACTED]

Manufacturer's refusal to supply materials to Cuba

De: [REDACTED]
Enviado el: miércoles, 25 de enero de 2023 6:22
Para: [REDACTED]
CC: [REDACTED]
Asunto: RE: SOLICITUD CIGB

Estimada [REDACTED]

Empezamos a trabajar en su solicitud, le informamos que el fabricante [REDACTED] nos pide cliente final para el envío de la mca directamente por lo que no podemos ofertar ¿estan interesados en alternativa?

Quedo a la espera de sus comentarios al respecto.

Gracias.

“Atentamente” – “With compliments”

[REDACTED]

[REDACTED]

[REDACTED]

Freight forwarder refusal to supply materials to Cuba

From: [REDACTED]
Date: 2022-09-21 01:59
To: [REDACTED]
CC: [REDACTED]
Subject: Re: Re: Fwd: Request of BPM

Good day to you.

I just get a mail from forwarder that the consignee was in sanctions list, so they are unable to arrange shipping space, and we just want to you if you have any Alternate consignee information, thanks.

Best Regards

[REDACTED]

2022.11.30

Ms. [REDACTED] Sales Manager

[REDACTED]

Tel: (86)-[REDACTED] (Direct Line)

Fax: (86)-[REDACTED]

Skype: [REDACTED]

Website: [REDACTED]

Impossibility of bank transfer to Cuba

От: [REDACTED] <[REDACTED]@cigb.edu.cu>

Дата: [REDACTED]

Кому: "mailto:irina.burtseva@cratia.ua" <irina.burtseva@cratia.ua>

Копия: [REDACTED] <[REDACTED]@cigb.edu.cu>, [REDACTED]

[REDACTED] <[REDACTED]@cigb.edu.cu>, [REDACTED]

<[REDACTED]@cigb.edu.cu>, [REDACTED] <[REDACTED]@cigb.edu.cu> [REDACTED]

[REDACTED] <[REDACTED]@cigb.edu.cu>, [REDACTED]

[REDACTED]

Тема: Nuevas coordenadas bancarias

Dear [REDACTED],

First of all, I am Miss [REDACTED]. I. Miss [REDACTED] is no longer with us, so from now on I will communicate with you. My e-mail address is being managed, as soon as it is in use, they will be informed to undertake communications in this way, while this address will continue to be used temporarily. It is a pleasure to write to you.

I hope that you are in good health, as well as your family and co-workers.

I write for the following:

1. As is known, we are under the effects of the economic, financial and commercial blockade imposed by the United States on our country, so it is not possible for us to make payments to the Bank [REDACTED], [REDACTED], Germany, which is used as Intermediary bank.

For our part, we can use the following banks:

- DZ BANK
- BANCO BILBAO VIZCAYA ARGENTARIA S.A (BBVA), SPAIN,
- SANTANDER BANK. Alcalá 28 2nd Floor, 28014 Madrid, Spain,
- UBS Europe SE,
- BANCO CREDICOOP C.L. - Buenos Aires, Argentina, Banco Caixa Geral, Alicante Spain.

Please, if it is possible for you to use any of these banks, we would be grateful if you could provide us with the bank coordinates to be able to have it as an effective way for commercial transactions and the due payments for the services provided.

I am aware of your considerations,

Kind regards,

[REDACTED]

Impossibility of bank transfer from BFI/Cuba due to blockade law

De: [REDACTED] <[REDACTED]>
Enviado el: jueves, 8 de diciembre de 2022 13:38
Para: [REDACTED] <[REDACTED]@cim.sld.cu>
CC: [REDACTED] <[REDACTED]@cim.sld.cu>; [REDACTED] <[REDACTED]@cim.sld.cu>;
[REDACTED] <[REDACTED]@cim.sld.cu>; [REDACTED]
<[REDACTED]@cim.sld.cu>
Asunto: RE: CIM-Cuba Project (letter of credit)

Hola [REDACTED],

Esta fue la respuesta que recibí por parte de [REDACTED], quedo en espera de tus comentarios.

Dear [REDACTED],

Thank you for your email.

According to your email they have sent the Letter of Credit to this German bank, [REDACTED] BANK.

As far I know do not have an account or business relationship with this German Bank.

Therefore we cannot make a claim with this bank.

I would like to emphasize that it would be recommendable that they use a different sending/opening bank, which is not on the OFAC list or other means of payment like a cash trans wire.

It most likely that majority of banks will decline a direct payment or so from the BFI.

As you know the current OFAC list and the American embargo list has to be taken in to consideration. You can find tis on the website of the American ministry of Foreign Affairs (US State Department)

As Finance department we cannot advise more than this as per internal regulation.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Foreign bank cancellation of letter of credit due to internal policy

NG FIN dictionary message type = 799 - FREE FORMAT MESSAGE

- page 1 of 1 -

MT Message Text :799 FREE FORMAT MESSAGE
 BASIC HEADER BLOCK :F 01 BFICCUHAXXX 6212 231191
 BANCO FINANCIERO INTERNACIONAL, S.A.
 APPLICATION HEADER :O 799 1000 231026CAIXESBBAXX0391066091 231026 0816 N
 [REDACTED] BANK, S.A.

108 - MESSAGE USER REFERENCE :00002
 (MUR)

20 - TRANSACTION REFERENCE [REDACTED]
 NUMBER

21 - RELATED REFERENCE :NON-REF.

79 - NARRATIVE

SU REFERENCIA TF2327600001
 EN REFERENCIA A LA OPERACION ARRIBA MENCIONADA,
 LES INFORMAMOS QUE DEBIDO A NUESTRA POLITICA
 INTERNA, NO ESTAMOS EN DISPOSICION DE AVISAR ESTA
 OPERACION AL BENEFICIARIO.
 POR FAVOR, INFORME A SU CLIENTE AL RESPECTO.
 CERRAMOS EXPEDIENTE.
 CAIXABANK S.A.

TRAILER BLOCK

CHK (CHECKSUM)

DLM DLM (DELAYED MESSAGE)

:

Foreign bank reference to Cuba as a listed prohibited country

Junio 2023

Transferencia Bancaria a [REDACTED] por compra de Medios de Cultivo

Ver a continuación ultimo correo recibido de [REDACTED]:

With reference to your payment of EUR 153532.46 from CIM, Cuba. We would like to inform you that our bank has called an Opinion Report since Cuba falls in the Banned country list. Once our bank (SBI) gets the report, they will obtain the necessary permission from the Sanctioning authority for the transaction to credit the proceeds in our account.

Supplier bank cancelation of bank transfer due to internal policy

Fecha	V.Valor	Referencia	Detalle	Debitos	Creditos
			Saldo Anterior		
14 02 23	26 01 23	FT2304507090	TRASPASO DE FONDOS: BFI CANC DE FT2301998236 DD 190123 POR POLITICA INTERNA		19275.75
14 02 23	14 02 23	FT2304505026	TRASPASO DE FONDOS:USD 5,00 24 COM DE CANC DE FT2301998236 DD 1901 23 CON FT2304507090	120.00	502,156.21

Handwritten notes:
 - "Cancelacion del TB" with an arrow pointing to the first entry.
 - "H. H. H." and "E. P." written vertically.
 - "522" written near the credit column.

Refusal of partner to continue project with Cuban institution due to blockade law

----- Mensaje reenviado -----

De: [REDACTED]@cigb.edu.cu>
Fecha: 11 de julio de 2022 0:26:39
Asunto: Decision de empresa Canadiense de no continuar, en el proyecto de producción de Granos con el CIGB, Cuba, por el bloqueo
Para: [REDACTED]@cigb.edu.cu>, [REDACTED]@cigb.edu.cu>, [REDACTED]@cigb.edu.cu>, [REDACTED]@cigb.edu.cu>

--- Forwarded message ---

From: [REDACTED]@gmail.com
Date: 10 July 2022 5:27:39 pm
Subject: Fwd: Cuba Ag
To: [REDACTED]@cigb.edu.cu, [REDACTED]@cigb.edu.cu
CC: [REDACTED]@gmail.com

It has come to our attention that an earlier message to you may not have reached you.

Unfortunately we have some difficult developments to communicate to you about our ability to continue with the project.

After extensive due diligence and consultation with legal counsel, we have reached the conclusion that the United States Helms Burton legislation and in particular Title III of that legislation creates a significant problem with our ability to carry out the project. Cypress View and our partners have farming operations and land holdings in the United States which could be subject to legal action. Our ability to travel to the United States could also be compromised.

It is with great regret that we have decided to end further work on the project pending changes to Helms Burton or the suspension of Title III of that legislation.

If at any point in the future, circumstances change materially in the relationship between the U.S.A. and Cuba we would be pleased to resume our contract discussions.

Sincerely,

[REDACTED]

Effects of the Blockade from the Perspective of an African American ELAM Graduate

Dr. Samira Mifatou Addrey, graduate of the Latin American School of Medicine (ELAM), Cuba

The Cuban government has demonstrated Cuba's capacity to positively address health inequalities and improve health outcomes for people of the African Diaspora. During the 1980s, Ghana underwent a brief period of change geared toward redistributing wealth and resources. In addition to other forms of South-South solidarity, Cuba trained over 2,000 Ghanaian youth from rural villages and towns in different fields. Through this collaboration, Cuba trained professionals in almost every sector of the Ghanaian economy, and those young people returned to apply their knowledge and skills in Ghana.

I migrated with my family from Ghana to the United States in 1997. A few years later, when I was 15, I heard about the opportunity to study medicine in Cuba and spoke with my parents about it. I decided I wanted to be a doctor and would train at the Latin American School of Medicine (ELAM) in Cuba. I graduated from ELAM in 2020, after completing the seven-year program. Since graduating and through my work with IFCO/Pastors for Peace as the ELAM Scholarship Program Coordinator, I have championed an equal footing in medical education and access to community-centered care for historically oppressed and exploited people.

Health inequities are a part of the systematic differences in the opportunities groups have to achieve optimal health. These systemic differences lead to unfair and avoidable health outcomes. Some aspects of social identity that influence these inequities are race, gender, ethnicity, employment and socioeconomic status.

The inequities of the United States healthcare system are well documented. However, what is not mentioned is how Cuba, directly and indirectly, supports vulnerable people in the US to address these health inequities through ELAM and its exchange programs. However, Cuba would be able to do more for working-class black, brown and indigenous people if the United States put an end to its illegal blockade of Cuba and also removed Cuba from the list of state sponsors of terrorism.

It is not an overstatement to say that the illegal US blockade of Cuba cost black, brown, indigenous and working-class people their health and lives during the COVID pandemic. Let's look at the impact of COVID-19 on working-class black, brown and indigenous people in the US, and how those communities would have benefitted from collaboration with Cuba, which is almost impossible under the blockade.

As the COVID-19 pandemic was unfolding in the US, data was surfacing showing the persistent and exacerbated disparities in infection and death rates among communities of color. Based on available data, the Navajo Nation had an infection and death per-capita rate ten times higher than that of the entire neighboring state of Arizona. In Chicago, black residents made up 60 percent of the deaths due to COVID-19 while making up only 29 percent of the general population. In New York City, the COVID-19 mortality rates of Latino and black populations were about twice those of white and Asian populations. Nationwide, black people in the US have died at 1.4 times the rate of white people. As of September 27, 2023, indigenous, Latino, Pacific Islander and black Americans all have significantly higher COVID-19 mortality rates than either white or Asian Americans once the data are adjusted to account for age distribution differences among racial and ethnic groups.

How could collaboration with Cuba on COVID-19 prevention help to mitigate the health inequities that continue to take their toll on these marginalized communities?

Well one of the reasons that black, brown and indigenous people were severely impacted by COVID is due to the lack of access to COVID-19 vaccines. Cuba had developed an effective COVID vaccine that could have been shared with black, brown and indigenous community members – many of whom were denied prioritized access to the vaccine due to racism and corporate greed – via affordability. Cuba shared its vaccines with the world, but could not share them with US communities because of the US blockade on Cuba.

Another cause of high illness and death rates in black, brown and indigenous communities in the US is the distrust of American pharmaceuticals and the healthcare system. The racist and illegal scientific testing that occurred during the Tuskegee experiment and other violative medical procedures conducted on working-class people of color in the past at schools, clinics, prisons and reservations have created an earned distrust of any vaccination campaigns conducted by the US government. On the other hand, those same communities trust Cuban medicines and vaccines, and more people would have been vaccinated if there were no US blockade of Cuba. Moreover, Cuba has developed experience, expertise, knowledge and technical skills in building trusting relationships between medical personnel and communities. While the US floundered in providing clear information and community outreach, Cuba's community door-to-door screening (*pesquizaje*) did more than contact tracing because people became familiar with the students checking on them daily. And the government educated the population daily during the pandemic.

We know that black, brown and indigenous people in the US were also at higher risk of illness and death from COVID because

of the poor healthcare we receive, regardless of income. There are not enough black, brown and indigenous doctors to provide culturally competent care, and not enough US medical schools actually interested in graduating black, brown and indigenous medical doctors. Through ELAM, Cuba has already trained black, brown and indigenous doctors providing critical care to their communities, but much more training and support could be provided if the US lifted its blockade. There are only four historically black medical schools in the US. In light of this year's US Supreme Court decision ending affirmative action in higher education, the need for other avenues to medical training is more urgent than ever.

The blockade cost the most vulnerable people in the United States their lives and the people who could save them. The US must end this illegal blockade and take Cuba off the list of terrorist states.

Effects of the Blockade on Cuba on the Purchase of Medical Supplies

*Guadalupe Aguilar, member of the Puentes de Amor/
Bridges of Love movement*

Dear Judges and participating organizations:

We come to this Tribunal against the blockade to denounce a crime being committed against the Cuban people, that mass crime, that genocide, that blockade by the United States. We represent Puentes de Amor, a movement made up of Cubans and non-Cubans around the world. We are people of different faiths and ideologies, united in the desire to see an end to the economic war waged by the United States against Cuba.

Our movement brings together people from civil society who believe that the blockade against Cuba is indecent, immoral and inhumane, and that is why it should be lifted.

For the past three years, on the last Sunday of every month, Puentes de Amor has organized and participated in mobilizations that have spread throughout the world denouncing the United States blockade of Cuba.

We have also carried out solidarity initiatives to bring medical supplies and powdered milk to pediatric hospitals in Cuba.

Evidence of the effects of the blockade on Cuba cannot be concealed. They are in plain sight. We will talk about two specific cases:

—In June last year, for example, the scourge of the blockade continued to destroy the lives of Cuban children. In this case, eight Cuban children were in urgent need of liver transplants. To carry out the delicate surgery, special medical supplies were needed, including a product called Custodiol, which allows the transplanted organ to be preserved until it is inserted into the recipient patient. The United States pharmaceutical companies that market this medical solution refused even to consider selling the product to Cuba.

As reported by the Cuban and US press, members of Puentes de Amor made a community effort to raise the necessary funds: it cost more than \$30,000 and finally, given the impossibility of acquiring the product in the United States, they managed to buy Custodiol in a third country and finally take it to Havana.

At the moment, the Cuban health system is unable to carry out transplants or performs a limited number of such surgeries due to the impossibility of acquiring this and other supplies needed for these delicate operations.

Hundreds of Cuban patients in need of transplants on the island—children and adults—languish waiting for the remote possibility of obtaining the necessary supplies to perform the operation that could save their lives. The blockade kills.

—In another case this year, members of Puentes de Amor tried to acquire intravenous catheters for children through various companies supplying these supplies in the United States. The companies responded: first they would review the order; then they could not sell it to Cuba as it was a sanctioned country and a special license was needed to facilitate the sale.

In Cuba, on the other hand, the lack of these catheters means that metal needles have to be reused to access children's veins. This creates suffering and complications in the treatment of children and all Cuban patients.

At a meeting held at the State Department offices in Washington, D.C., on October 28, 2022, attended by members of Puentes de Amor and other organizations seeking to end the blockade against Cuba, the participants informed officials of the impossibility of acquiring intravenous catheters and the refusal of United States companies to sell them because Cuba is included among the countries that sponsor terrorism. United States officials present at the meeting denied that Cuba's listing prevented the procurement of medical supplies and promised to investigate the matter.

Until today, in view of the refusal of US companies to sell the catheters, as reported by the press, and the impossibility of acquiring the intravenous needles in the United States, members of Puentes de Amor have purchased thousands of these catheters through Mexico to send them to Cuba.

This form of irregular procurement makes the availability of catheters more expensive and more difficult in Cuba and contributes to increasing the suffering of Cuban patients, especially children.

Puentes de Amor once again denounces the genocide being committed against 11 million Cubans and joins all the people and governments of the world in calling for an end to the blockade against Cuba.

Thank you very much.

Solidarity with Cuba in the Health Field, Effects of the Extraterritorial Application of the Blockade and Why MediCuba-Europe Exists

Franco Cavalli, oncologist and president of mediCuba-Europe

MediCuba was created in 1991 and today mediCuba-Europe encompasses associations in 14 European countries.

Since 1991, mediCuba has been able to provide support to the Cuban health system in the order of 30 million euros. We usually provide medicines, instruments and reagents that Cuba is unable to acquire because of the blockade.

As examples of the enormous difficulties encountered due to the blockade when conducting our projects, we will describe what has happened in our major projects for the IPK (Pedro Kourí Institute of Tropical Medicine) regarding the development in Cuba of the diagnosis of infectious agents based on molecular biology and our support for the Finlay Institute for the development of vaccines against COVID-19.

We also have many examples, mainly in pediatric oncology and pediatric psychiatry, of children who have died or have not received treatment because of the dramatic shortages caused by the blockade. A particular example is the drug Actinomycin D, which Cuba acquired in Mexico until 2009. When the Mexican company was acquired by the US company Merck, this drug (an essential part of pediatric oncology treatment) was no longer available in Cuba, as no other company produced the drug.

Economic Effects of the Sanctions on Cuba

Enrique Santiago, secretary general of the Communist Party of Spain (PCE). Participant in negotiations between the FARC and the Colombian government

I. General effects of inclusion on the List of State Sponsors of Terrorism

The unilateral designation by the US of certain countries as state sponsors of terrorism entails strict coercive measures against them.

These include the blocking of credits at the World Bank and similar institutions and other financial and “economic assistance” restrictions; the elimination of duty-free imports from designated countries; the prohibition of US citizens from entering into financial relations with listed countries; bans on the sale of goods and technology; and the cancellation of arms exports.

Some provisions associated with designation as a State Sponsor of Terrorism are reflected in several federal statutes:

- Under the Export Administration Act (1979), licenses are required to export most goods to listed countries, except those permitted by law, such as informational materials, humanitarian aid, food and medicine.
- Foreign aid is restricted in the annual US budget laws.
- The Foreign Assistance Act (1961) prohibits authorized assistance to the government of a country that has “repeatedly provided support for acts of international terrorism.”
- The Arms Export Control Act (1968) prohibits the export or other supply of ammunition to a country whose government has “repeatedly provided support for acts of international terrorism.”

- In addition to the Export Administration Act, the Arms Export Control Act prohibits the sale or export of defense articles and defense services if the US President determines and certifies to Congress, by May 15 of each year, that the country concerned is “not cooperating fully with United States antiterrorism efforts.” The list of states that “are not fully cooperating with U.S. counterterrorism efforts” currently includes Cuba.
- Under an amendment to the Foreign Sovereign Immunities Act (1976), lawsuits may be filed against the designated State or its officials.
- With the passage in the US of the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015, it is established that the visa waiver program through the ESTA⁴ system is not valid for persons who have visited any one of the countries designated as a sponsor of terrorism after March 1, 2011.

II. Impact on Cuba of designation as an alleged sponsor of terrorism

In the case of Cuba, designation as a State Sponsor of Terrorism intensifies the effects of the blockade laws themselves.

Since its official re-inclusion on the list in January 2021, Cuba’s banking-financial, commercial and service sectors have been significantly affected.

⁴ Electronic System for Travel Authorization. Part of the US Visa Waiver Program, which allows citizens of countries that are in the Visa Waiver Program to enter the US for tourism, business or transit purposes and to stay for up to 90 days. As of the renewed inclusion of Cuba on the List of State Sponsors of Terrorism in January 2021, nationals of countries benefiting from the ESTA cannot apply online and must formally apply for an entry visa to the United States if they have traveled to Cuba after March 1, 2011.

Cuba's difficulties in conducting international trade, financial operations and in acquiring basic supplies for the daily lives of its citizens and the country's development as a whole have been exacerbated.

Numerous banks have suspended their operations with Cuba, including transfers for the purchase of food, medicine, fuel, parts and goods for the population, even in the midst of the battle against the COVID-19 pandemic.

Between January 2021 and February 2022, for example, there were 642 reports of foreign banks that refused to provide services to the country.

Likewise, Cuban diplomatic missions around the world have lost their relations with the banks that traditionally provided them with services, a situation that affects the functioning and livelihood of embassies and consulates.

Cuba's payments to a number of international and regional bodies have also been affected.

The fear and deterrent effect on third country companies, which avoid entering into trade and investment deals in the face of possible retaliation by the Treasury Department, has been strengthened.

Owing to Cuba's designation, obstacles to negotiations and trade with issuing entities from all regions have on several occasions led to an increase in the cost of the country's transactions.

Tourism was one of Cuba's main sources of foreign currency earnings and has been affected in recent years primarily by the country's closure during the pandemic as a public health measure. Unlike other countries in the region, such as the Dominican Republic, which took advantage of Cuba's preventive stance to expand its share of the Caribbean tourism market.

Tourism has also been severely affected by the difficulties that the abovementioned provisions associated with designation as a

State Sponsor of Terrorism entail in terms of financial transactions or the arrival of energy supplies, food and other goods required by the industry.

The United States can withdraw the right to apply through ESTA – the simple online authorization to enter the United States – from any European entering Cuba, even for tourism. People who lose the right to apply through ESTA must apply for a visa to enter the United States. According to data provided by foreign tourism companies operating in Cuba, the effect of the withdrawal of ESTA for those traveling to the island has meant a 50 percent decrease in European tourists in Cuba this summer, i.e., it represents a severe blow to one of the country's main industries.

III. Chief negative effects of the US blockade on the Cuban economy and on foreign companies operating in the country as suppliers or investors

Cuban Assets Control Regulations (CACR):

These regulations of the United States Treasury Department issued under the Trading with the Enemy Act governing relations between Cuba and the United States are the main mechanism for enforcing the blockade against Cuba.

These regulations have been reviewed and updated by the Office of Foreign Assets Control (OFAC), subordinate to the Treasury Department, on numerous occasions since their creation in 1963.

The CACR apply to all persons subject to United States jurisdiction:

1. Any individual, wherever located, who is a citizen or resident of the United States
2. Any person within the United States
3. Any corporation, association or organization organized under the laws of the United States

The following operations are therefore prohibited (unless authorized under specific OFAC licenses) when they have a point of connection with the United States:

- I. Transactions by any person subject to the jurisdiction of the United States (importer, exporter, originator, beneficiary, bank, carrier, insurer, etc.)
- II. Transfers of funds through United States banks
- III. Operations where the currency used is USD
- IV. Operations involving goods or services wholly or partly of US origin
- V. Goods transiting through United States ports or transported by United States means
- VI. Transactions involving payments in connection with travel to Cuba that do not comply with United States regulations relating to Cuba
- VII. Any other operations involving a US person or entity

List of Restricted Entities and Subentities Associated with Cuba:

The OFAC publishes lists of designated persons and companies (OFAC Sanctions Lists), with which persons and companies subject to the jurisdiction of the United States are prohibited from doing business.

Initially, they included military personnel and members of the Cuban intelligence and security services. However, during the Trump administration, this list was expanded to include companies belonging to the Cuban state business conglomerate (GAE).

International banks:

Foreign banks are not required to comply with blockade regulations outside the United States, because those regulations do not

apply to “Non-U.S. Persons” located and operating outside the United States.

However, this general rule does not apply:

1. In cases where the foreign bank causes other banks to breach, or conspires with others to breach, or helps others to breach these regulations
2. In cases where the foreign bank knowingly violates regulations through transactions that have some connection with the United States, when the transaction is carried out through a United States bank or involves the United States financial system or jurisdiction

The risk of breaching this strict regulatory framework is that the US will penalize the foreign bank with hefty fines, and US banks will cancel correspondent relationships and close USD accounts, with the resulting devastating effect on any bank that wants the asset outside its domestic sphere.

Several banks have been sanctioned: BNP, Société Générale, Credit Agricole, Commerzbank, Deutsche Bank, ING, ABN AMRO, HSBC, Barclays.

This has an intimidating and dissuasive effect on most banks in the EU and also in other countries with trade and investment in Cuba, such as China, Mexico, Panama, the Dominican Republic, etc.

The prudential requirement, essential for any bank that decides to do business with Cuba, is to have a regulatory compliance department specialized in United States law. As a result, few international banks admit transactions and they frequently refuse to act as intermediary banks in transactions between another international bank and a Cuban bank.

Helms-Burton Act and Effects on the Cuban Economy:

Among the central objectives of the Helms-Burton Act is to hamper Cuba's economic, commercial and financial relations with third countries and to affect its ability to attract foreign direct investment for its development.

The damage to the economy is enormous and difficult to calculate. However, the Government of Cuba maintains and regularly updates its own figures.

Undoubtedly, the damage has increased substantially with the inclusion of Cuba on the list of countries that sponsor terrorism, the activation of Titles III and IV of the Helms-Burton Act and the large group of restrictive measures put in place during the Trump administration, which, for the most part, remain in place under the Biden administration.

Title III:

In April 2019, the Trump administration activated Title III of the Helms-Burton Act, which allows "U.S. Persons", individuals and companies, to claim damages in United States courts against those individuals and companies that "traffic" in or with property "confiscated" by the Cuban government following the triumph of the revolution. Potential claimants include US citizens and nationalized Cubans, as well as their legal heirs.

The application of Title III was suspended by the previous presidents of the United States: Clinton, Bush and Obama.

Among the defendants are BBVA, Société Générale, the National Bank of Canada, The Bank of Nova Scotia; the Spanish hotel chains Meliá, Iberostar, Barceló and the French chain Accor; and the hotel booking platforms Trivago and Booking.

A lawsuit was also filed in Spain against Meliá for 10 million euros, which was dismissed in the Spanish courts.

Title IV

Allows the United States government to deny entry to shareholders and board members of companies that have been sued under Title III.

Spanish companies:

Given the significant presence in Cuba of Spanish companies as suppliers of goods and as investors, the sanctions particularly affect them.

Noteworthy impacts are:

1. The ban on tourists from the United States, who meet the restrictive US regulations for travel to Cuba, to stay in any of the hotels included on the list of prohibited accommodations (more than 400). This affects and damages all Spanish hotel chains operating in Cuba: Meliá, Iberostar, Barceló, NH and others.
2. The cruise ban has also been detrimental to the entire tourism industry.
3. In 2018, the United States was the second largest emitter of tourists to Cuba. The drop was drastic after the new sanctions imposed by the Trump administration.
4. The Biden administration's maintenance of Cuba on the list of countries sponsoring terrorism has abolished the possibility of entering the United States with a valid ESTA form if the traveler has previously visited Cuba, thus requiring the most complex entry visa to the United States. This directly affects tourism and business travel to Cuba.
5. The pressure on the international financial system, coupled with the heavy fines imposed on banks, makes it extremely difficult for transactions, imports, exports, etc. to function. The aim of scaring international banks has largely succee-

ded and, consequently, only a small number are operating normally.

6. This affects, without exception, all Spanish businesses active on the island, be they exporters, buyers or investors. The same applies to European companies or companies of other nationalities.
7. The set of sanctions added by the Trump administration and maintained under the Biden administration have significantly worsened the "Cuba risk," which adds to the damages derived from the effects on the economy of the pandemic and the decline in tourism, which is currently recovering slowly.

The business scenario in Cuba is complex and with obvious uncertainties as a result of this dense framework of sanctions, with few options or possibilities for companies to comply with all US regulations, which implies an immense risk for any investor.

Testimony of Mogens Lykketoft, president of the United Nations General Assembly between 2015 and 2016



What Laws Have Had to Be Adopted within the European Union to Prevent the Extraterritorial Application of the US Blockade against Cuba, in the Exercise of Sovereignty by the EU, Its Member Countries and Its Companies?

*François-Michel Lambert, former French MP (2012-2022), president
of the France-Cuba Friendship Group of the French National Assembly*

In 2019, French MP Raphaël Gauvain (Macron's presidential majority) presented a report to French Prime Minister Édouard Philippe entitled "Restoring French and European Sovereignty and protecting our companies from extraterritorial laws and measures."

The opening words of the report are edifying: "The rule of law (...) has today become a weapon of destruction in the economic war waged by the United States against the rest of the world, including against its traditional allies in Europe."

In response to the application of United States extraterritorial laws (known as the Helms-Burton Act, whose exact title is the Cuban Liberty and Democratic Solidarity Act of 1996, with its political scope unequivocal) issued in 1996, the European Union

introduced a legal instrument, European Council Regulation No. 2271/96, known as the "Blocking Statute."⁵

Regulation 2271/96 aims to nullify the effects, within the EU, of foreign decisions and legislation, and thus protect natural or legal persons from sanctions imposed by third countries. This regulation, which acts as a law, provides for two types of protection:

- The impossibility of obtaining recognition and enforcement in the EU of foreign court judgments based on foreign law;
- The possibility for EU operators to seek compensation for damages caused by the extraterritorial application of foreign laws

As its name suggests, its main purpose is to block the effects of the implementation of legislation adopted by States outside the European Union. Pursuant to section 1 of the 1996 Regulations, the Helms-Burton Act is affected by its application as it is contained, including Title III, in the legislation annexed to the Regulations. Thus, the effects arising from the application of the Helms-Burton Act in the United States are affected by this Blocking Regulation and prevent, in particular, the recognition and enforcement of any court judgment based on it in the United States. Article 11 expressly provides for persons who may benefit from such protection in the EU, but does not protect them from the enforcement in the US of a US court judgment on their tangible and intangible assets.

The Blocking Statute obliges companies affected by the extraterritorial application of a foreign law to notify the European Commission. It prohibits European operators from complying with

⁵ Official Journal of the European Communities, "COUNCIL REGULATION (EC) No 2271/96 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom," adopted November 22, 1996, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31996R2271>

foreign laws on EU territory. However, an operator, whether a company or an individual, may apply to the European Commission for permission to comply with these foreign laws if it considers that failure to enforce the law would cause it even greater harm, particularly if the company or individual has assets on US soil.

If a company is sanctioned by the United States on the basis of extraterritorial provisions, it will be compensated by the European Union. To offset the amount paid as compensation, the Commission could then seize US assets (movable and immovable property, accounts, etc.) on EU territory not covered by diplomatic immunity (not all sovereign assets are covered by diplomatic immunity), provided that the courts do not consider that immunity from jurisdiction constitutes an obstacle to such a remedy.

However, it must be said that the compensation procedure currently provided for in the 1996 Regulation is largely ineffective. Article 6 of the Regulation provides that any European person affected by extraterritorial sanctions provided for in the laws annexed to the Regulation has the right to seek compensation before the courts of the Member States. However, the financial risk remains entirely in the hands of the company until it has won its case in the European courts, which greatly limits the scope of the system.

As a result, EC Regulation 2271/96, even after its revision in 2018, does not in its current state provide sufficient protection for European economic operators against the extraterritoriality of US legislation.

Only a thorough revision of this text will make it possible to achieve the desired objective, which is to serve as a shield against the sword of the Helms-Burton Act.

If the aim is first and foremost to dissuade the United States from pursuing our operators, the strengthened mechanism must

be sufficiently operational and credible, if not as currently drafted, since the seizure of US goods in Europe is already explicitly provided for in the 1996 Regulation.

It is therefore essential to improve the protection afforded by the 1996 Regulation, in particular to give effect to the freezing of US assets in Europe and to ensure real protection for companies, property and individuals in the face of the upsurge in litigation in recent years.

Thoughts on the Extraterritorial Impact of the Blockade on Relations between Cuba and the EU

Miguel Ángel Martínez Martínez, Spanish Socialist Workers' Party (PSOE), vice-president of the European Parliament from 2007 to 2014

Dear friends:

It is not my intention to make a major statement on the subject before us. I believe that is the work of the jury that I have every confidence in. I would like to explain the reasons for my involvement in this initiative.

I have gone through life always seeking the maximum coherence in my actions at the service of certain values. Among these, I have always emphasized world peace as an unquestionable objective, and for this I have understood the need to give constant support to all the norms of international law, and certainly even more so of international humanitarian law.

Moved by this sense of responsibility, a few weeks ago I condemned in the strongest possible terms, the terrible actions of Hamas against Israel and, in particular, against certain Kibbutzim in that country, whom I felt I belonged to as I had lived and worked in Kibbutz when I was young.

A few days later, with the same vigor and indignation, I denounced and condemned the savage shelling by the Israeli army against Palestinian citizens of all ages and genders, civilians, in the Gaza Strip.

In both cases, my condemnation did not refer to any particular antipathy I might have felt for the Hamas organization or the Israeli army. On both occasions, what I was condemning were violations of international humanitarian law, which outraged and continue to outrage me.

The two violations to which I have just referred lead me directly to associate myself with the denunciation of the blockade to which Cuba is subjected by the United States of America. That blockade seems to me to be an unquestionable and outrageous violation of the norms of international law, to which may be added a sense of disgust at the bullying behavior of the United States, since it is a flagrant proof of the abuse of the most powerful against the weak, as no one could ever imagine that Cuba could impose or demand a blockade on the United States.

Certainly, in recent times and even before, I have heard with surprise and even amazement how the president of the United States himself, when he speaks of his country, does not mention it by name, but speaks of AMERICA, ignoring, forgetting and concealing the fact that America is much more than the United States; it is a collection of several dozen independent and sovereign States, each with its own identity, history and life, forming the American reality, usurped without any consideration by the president of the United States.

There is something else that outrages me on this subject and that is the abominable and persistent practice of the United States of lecturing the entire world on democracy, on efforts for peace and coexistence and on respect for the norms of international law and humanitarian law, when its policy toward Cuba is what it is

and highlights the contradiction between what is preached to all of us and what is directly practiced with regard to the island.

I add to all this that I have been and am a sincere friend of Cuba, of its people and of its revolution. That has led me to be one of the founders of the Friendship Group which was set up in the European Parliament some 20 years ago and of which I was elected president for more than two European legislatures. Moreover, when I left as an MEP in 2014, the members of the Group honored me by appointing me Honorary President of this Group.

Since then, our Group has continued to gain considerable credibility to the point that the so-called Common Position, which was one of the biggest obstacles, was effectively abandoned with the negotiation and approval of the EU-Cuba Political Dialogue and Cooperation Agreement, signed in December 2016.

Without a doubt, this Agreement meant a victory for those who for decades advocated dialogue and cooperation with the island and a defeat for the extremists who advocated policies of unilateral sanctions and pressure. Unfortunately, the coming to power of Donald Trump meant a radical change in policy and discourse in the US administration, with new restrictions.

Today, the Friendship Group continues to operate with the same tenacity and commitment to advance our respectful and mutually supportive goals in the hope and commitment that the United States will come to its senses and return to a policy of respect and consideration for the island and its people.

Impact of the Blockade on the Working Class and Youth in the US

Brenda López, US youth activist and leader campaigning in defense of Cuban sovereignty

I want to start by thanking the International Tribunal for the opportunity to testify today. My name is Brenda López and I am a founder of the Los Angeles Hands Off Cuba Committee, and of the Cleveland Ohio Hands Off Cuba Committee.

In the US, we are fooled to believe that we have equal access to opportunity and the ability to connect and exchange ideas with the whole world, but the reality is quite different. Here are some specific examples of what US youth lose because of the 243 sanctions and the State Sponsor of Terrorism listing the US has against Cuba:

First, the US blockade of Cuba prevents a vital exchange of ideas and experiences between young American students and youth in Cuban educational institutions. Specifically, due to Cuba's designation on the State Sponsors of Terrorism list, college and university liability insurance does not cover travel to Cuba. This has significantly reduced travel and education exchange by academic institutions into the island.

If you are not a student, there are very limited legal licenses enabling young US citizens to travel to Cuba without facing possible federal prosecution. This greatly restricts the numbers of youth traveling to Cuba, and has a chilling effect on people who want to experience the culture, art, nature, science and all other aspects of Cuban life.

Secondly, working conditions and wages in the US have a history of benefitting the employers and not the workers. Over a quarter of US agricultural workers are overwhelmingly young immigrants, often undocumented, that work in super-exploitative

health-endangering agriculture. Without papers or health benefits, the threat of sickness and/or deportation hangs over the heads of organizers for union rights and safer working conditions on these vital yet low valued jobs American youth have to endure.

The blockade is an attempt to block an exchange of ideas and solidarity in action between union members here and our counterparts in Cuba. If the blockade ended, it would mean more dignified jobs with better working conditions for US and Cuban youth.

Third, in the United States, fewer than 6 percent of medical graduates are black or brown. Young people who dream of being doctors in the United States will owe a median average of \$215,000 or more in total educational debt. Aware of the class and racist obstacles towards equal participation in medical science, Cuba has established the Latin American Medical School (ELAM), where 47 percent of Americans trained are black and 29 percent are Latino. And upon returning to the United States, they undertake work in areas lacking medical services, working where most American trained doctors refuse to serve.

Fourth, the blockade has also created gigantic obstacles toward collaboration between Cuba's world-class biotechnical industries and scientists in the United States. Due to the blockade, travel restrictions and the lack of internet access, collaboration is extremely difficult. American scientific journals rarely publish the works of Cuban researchers, and when they do, Cuban researchers don't have access because of internet restrictions. Once again squashing an opportunity for scientists and researchers to connect and work together in pressing problems, like the COVID pandemic, affecting people worldwide.

Fifth, US farmers would like to sell more agricultural goods to Cuba, but cannot due to the blockade. In Cleveland, where I currently live, the City Council passed a resolution calling for an end to the blockade, citing "expressed special concern regarding

the costs of the blockade to Ohio farmers and manufacturers, who have products to sell which Cuba wants to buy. It's estimated that the U.S. loses out on a billion dollars of agricultural exports every year because the blockade prohibits most exports and mires the rest in financial regulation." An increase in US exports to Cuba would stimulate more jobs for young people on farms, in factories and retail stores. Exports to the US would help both the Cuban and American economies.

Sixth, US youth are clearly interested in the state of our environment. As seen at the current climate strikes where tens of thousands of youth have come out to express their anxieties and fears about the lack of action of those in charge to address our climate crisis. Unlike Cuba, who addresses current environmental issues through their environmental plan Tarea Vida. The name itself gives you a hint at the humanitarian approach the Cubans take toward climate change. This has proven itself in the differences between hurricane responses. Let's take for example, Hurricane Isabel were more Americans died in 2003 than Cubans died during 6 major hurricanes from 1996 to 2002. This is why the UN has repeatedly cited Cuba as a global model for risk reduction and climate change preparedness. As a result of the blockade youth world-wide cannot collaborate on fighting climate change and adopting preventative tactics as we are already fighting greed induced climate catastrophes.

In conclusion, young people in the US are looking for alternatives and solutions in a system that continuously shows it does not have our best interest in mind. When our governments stop us from connecting with others and building better futures together, we really have to question what it is they are actually trying to hide from us. Because what I have seen while visiting and experiencing Cuba is very different from what the main English and Spanish media outlets, including entertainment, had told me growing up. And this is why I am here to respectfully demand the US to end

the blockade and remove Cuba off the State Sponsors of Terrorism list. The youth deserve to learn and experience alternative ways of social and political systems to help us create a system that is more humanitarian and collaborative.

Effects of the Blockade on Business and Commercial Relations between European Citizens and Cuba

*Juan Francisco Fernández, businessman from Seville affected
by the blockade of Cuba*

Thank you very much to the Tribunal for allowing me to testify.

I have not prepared any speeches. I am a Spanish businessman, my wife is Cuban, my son is Cuban. Today, when I had the opportunity to see the documentary, *The Drop of Water*, presented this morning, I remembered why I am here. I am here for my son and for many children in Cuba who unfortunately suffer the blockade on a daily basis.

Being a businessman in Cuba is a risk. The extraterritoriality of the US blockade is completely real. In my case, I have experienced the cancellation of accounts, making me bankrupt due to Cuba's debts—and it is not that Cuba does not want to pay, it is that it cannot pay. It has to choose, with what little it has, between feeding, buying the basics or honoring his debts.

In 2018, I had 77 clients, of which 69 were financial institutions. Today, I do not have any left. All my credit lines were canceled for working with Cuba.

I refuse to stop working with Cuba.

Making use of a phrase used by Che in an interview where he was asked if he was afraid to die, and he said: "Sure, but I would rather die on my feet than live on my knees."

I urge this Tribunal, if I may, to strongly condemn the US blockade. Because not only does it harm Cuba domestically, but its fallacy, its lies, its hypocrisy, cause many businesspeople, whose only desire is the good of our families and the economic development of our companies, to undergo unbearable, inhumane stress. That is the blockade, completely genocidal.

Let me give you a very simple example. Three weeks ago—we lived in Havana until 12 months ago—three weeks ago when we were in Havana, we were asked to provide pens for children with hypoglycemia, insulin pens. This shipment was refused because they have 3 percent US components. A child went into hypoglycemia and died. That's the US blockade!

And that is what other states really have to argue in court: that it is killing people in the name of freedom. A false freedom, because the Cuban people want the system they have and they have demonstrated it hundreds and hundreds and hundreds of times.

I therefore encourage this Tribunal to strongly condemn the blockade. I make available all the information the prosecutors and the lawyers in this case may need, because it really does a lot of damage.

[Antonio Segura, Prosecutor of the Tribunal asks: Mr. Juan Francisco, you are Spanish, you have Spanish nationality, a European citizen. You get your accounts blocked, what does that mean, you can't use that money? Can you pay the electricity in your house? Can you pay for the gasoline of your vehicle with your card? Can you pay your company expenses o? What happens when a European citizen is blocked for working with a country that is accused of promoting terrorism? What happens to an entrepreneur in that case?]

Loss of civil rights, that means, losing a house. You cannot operate. You have to prove that you are not a terrorist. Businesspersons in most countries of the world work to create jobs, jobs that generate profit and social well-being—in our case we are in favor of the anti-corruption pact and corporate social responsibility.

I would go a little further than you have: the US blockade literally prevents legitimate movement between people—even if they are not Americans—it prevents normal trade. That is what the US blockade does.

Consequences of Extraterritoriality on Trade Relations with Cuba Regarding Food and Economic Cooperation

Michele Curto, president of the Agency for Cultural and Economic Exchange with Cuba (AICEC), Italy

When people in Europe talk about the blockade, they often trivialize it; they often think of a physical blockade of ships, or worse, they think that it is a thing of the past, or a system that affects a supposed regime. On the contrary, the blockade primarily affects the Cuban people, all Cuban citizens who do not have free access to goods, services and opportunities. But it does not only affect Cuba and its people, it also affects each and every one of us indirectly, restricting our economic and sometimes even social and political freedoms. Let's start with something simple: How does world trade work? All countries export and import freely and, in particular, food security is ensured through food imports. This system also guarantees the free and full economic development of countries, although it is obviously governed by often unequal economic power relations.

But Cuba cannot do this like other countries. How is that possible?

If we take, for example, a Caribbean country close to Cuba, such as the Dominican Republic, we immediately realize that the cost of logistics to and from Europe is absolutely unequal. A 20-foot container costs an average of 1,300 euros if it departs from Santo

Domingo and 2,500 euros if it departs from Havana. Meanwhile, in Santiago de Cuba, the port from which all the cocoa and coffee leaves the island, there are no 20-foot containers and one is forced to use 40-foot containers, which cost 4,000 euros in Genoa, with obvious economic consequences.

You can imagine, from these simple figures, how this situation affects not only the costs but also the efficiency of maritime transportation.

This situation is directly related to the blockade. As you well know, ships that dock in Cuba suffer a temporary suspension of the right to dock at US ports. It is obvious that this severely limits the willingness of major shipping companies to invest in this route. And it is obviously not possible for a single state, and also a small one like Cuba, to use domestic resources to meet the logistical needs that today are handled by international giants.

But let us go further. Even overcoming the logistical problem, the blockade, by threatening and punishing companies that, in their exercise of freedom of trade, import products with US intellectual property into Cuba, creates a dual market, formed by intermediaries who shield the companies, or who simply buy and resell the products. Emblematic is the case of an Italian technology company that the AICEC followed in 2016 and 2017 which sold computer technology to Cuba. It could not appear directly as a supplier to Cuba since the company was very active in the US technology market using hardware and software from that country. At a given moment, the firm realized that the Panamanian intermediary that sold its products to Cuba applied a surcharge that reached 100-120 percent.

These mechanisms also have a direct impact on Cuba's export capacity, further depressing its potential for growth and development. Cost overruns, logistical difficulties and fear of direct repercussions on international companies make it very difficult for Cuba to export its products, even when they have significant

added value. Think of coffee, cocoa, coconut fiber, charcoal, honey. All products that, although not in large quantities, could be a great economic engine for Cuba, but that are uncompetitive in the market due to the extreme difficulty faced by the country to secure everything it needs to produce, pack and ship.

Think of the production of tropical fruit, a product which is not only very much coveted in Western countries, especially in Europe, but is considered to be of great value, to the extent that it is even imported by air. But this is only possible if the supply chain is able to guarantee high quality levels combined with security and continuity of supply. If there is suddenly a shortage of fuel, if suitable agricultural products cannot be bought, if packaging cannot be bought effectively, then this market cannot develop.

Going even deeper, let us think of the issue of international certifications, such as organic certification or the Rainforest Alliance/UTZ certification, which in the European market are considered essential for accessing markets with high added value. With a lot of work and the collaboration of such an important certifier as Control Union, we managed to organically certify coffee for the first time in Cuba, but this was only possible thanks to large joint investment by AICEC and the Lavazza Foundation, which together created the conditions for this to happen. But for any agricultural cooperative, or even worse for a private farmer, it is technically impossible to access the international certification market.

But let us go further and think of other strategic sectors, such as banking transactions and similar. Not only is it constantly complicated to transfer money to Cuba, even with regular invoices, but many banking institutions, especially those with interests and operating branches in the United States of America, prevent simple payments from being made. And even when banks are willing, the end result is often not guaranteed, or the procedure becomes

extremely complex and cumbersome, full of bureaucratic procedures and forcing companies to sign declarations and submit information that would not otherwise be required.

But not only that, today there are large online payment systems such as PayPal that work systematically and proactively to prevent any type of economic transaction related in any way to Cuba, expressly violating our rights. We experienced two similar cases in the space of a few months in 2019. The company Alce Nero, with whom we have been working for years on Cuban sugar, decided to dedicate a sugar package to Cuba in the framework of the 500th anniversary of the founding of the city of Havana and included it among the products for sale in its online store. Among the payment systems was obviously PayPal. A few days later, the contract with Alce Nero was unilaterally terminated by PayPal and the service was cancelled.

We had the same problem shortly after: PayPal unilaterally closed the account with which we could make online purchases of Cuban products from our solidarity network Sano Giusto e Solidale.

Notice these transactions were not to or from Cuba, they were payments from Italian or European citizens made directly to an Italian company!

How do you imagine an Italian or European company will decide to start buying and importing goods from Cuba if this is the ordeal it has to suffer? How can you ask an entrepreneur to assume more costs and enormous difficulties in simply making payments? Or risk losing sales or even customers because online payment services are suspended or cancelled? How can we accept that, in a sector as sensitive and justly regulated as economic transactions, there is total arbitrariness and unilateralism in dealing with clients?

In addition, in biotechnology and pharmacy, the rules on the famous GMPs or Good Manufacturing Practices are used as a barrier and real discrimination. These are safety protocols for the pro-

duction of medicines; standards that are measured and constantly updated in line with technological innovations. Of course, adhering to these rules is not easy, especially for a country subject to a blockade, but above all it is practically impossible for those who do not generate or do not have behind them the huge capital of major companies or economically powerful states. Assuming and refusing to accept that these standards are necessary, since each country has the right to set its own standards for the safety of its citizens, the issue becomes discriminatory when compliance with these standards is not a prerequisite for marketing a medicine or a product in Europe or Italy, but nullifies the results of scientific research and experiments carried out on products manufactured in factories that do not comply with them! This hinders and, for example, has specifically prevented Cuba from seeking authorization to market its COVID-19 vaccines in Europe. Not even during a global pandemic, at a time when solutions for everyone all over the world were sought-after, not even in those dark days, was it taken into account that Cuba had developed five vaccines against COVID-19, as effective as those of Pfizer or Moderna, and at the same time enormously cheaper. Obviously, this continues to be an important barrier to all Cuban biotechnological development.

I could give you many more examples. However, I would just like to recall, in closing my testimony, that in the face of the COVID-19 pandemic—when the whole world closed its borders; when countries and municipalities went into lockdown; while the impressive and terrible images circulated of a deserted Times Square or of Pope Francis alone in St. Peter’s Square reciting the Angelus prayer; when we were forced to look at the world from the screens and windows of our homes—a group of Cuban heroes, doctors and nurses, left their homes, their loved ones and donning their white coats, went out into the world to help the sick, to face the pandemic with the courage of solidarity. A group of those

heroes also came to my city, to help a country a hundred thousand times richer and more powerful than Cuba, a country of the so-called First World. And during those same days, the same dramatic hours, there were those who prevented Cuba from buying syringes to administer its vaccine; there were those who prevented Cuba from buying atracurium, a fundamental medicine to be able to intubate patients; there were those who prevented Cuba from buying mechanical ventilators. This is the genocidal blockade, this is what happens every day to the Cuban people, who not only resist, but also demonstrate every day that “Homeland is Humanity.”

Summary of the Impact of the Blockade on Spain and Its Institutional Vision

Roser Maestro, lawyer specializing in International Law, former MP and former chair of the Commission on International Cooperation of the Spanish Parliament

Your Honor, above all I would like to make it clear that the value of my testimony will lie primarily in confirming the documentary evidence that I have submitted to the Tribunal, and I do so and understand that I can take this as given.

During the 14th legislature, as chair of International Cooperation of the Spanish Congress of Deputies, several businesspeople—especially from the Spanish tourism sector—conveyed to me their concerns regarding the implementation of Title III of the Helms-Burton Act. Not just businesspeople, but ordinary citizens. I would like to make it clear, for the sake of context, that both the already approved Master Plan for International Cooperation of Spain and the new Law on Cooperation for Sustainable Development and Global Solidarity identified Latin America, and especially Cuba, as one of the countries with a special impact on plans to expand eco-

conomic, financial and commercial ties at all levels. Therefore, this type of US law only harms a law and a master plan directly promoted and approved in Spain by a large majority.

Given this, I felt obliged to convey to the Spanish government—specifically to the previous government—all the grievances that were submitted to me. I was pleased to receive the response conveyed to me.

The response of the Government of Spain first acknowledges that the existence of the blockade is a problem, but particularly the existence of Titles III and IV of the Helms-Burton Act. It also states that the policy does not meet the ends of the Act, since it does not protect persons, trade or property. Spain has therefore already denounced it on several occasions—some of which have been commented on before this Tribunal—but will continue to voice all kinds of condemnation in order to protect any Spanish company in this regard.

Similarly, a new protocol to this effect was signed, very specifically, paragraph XIII and I summarize, states that any type of commercial or economic dispute that may arise in this area will be settled bilaterally or through the EU; precisely in order to provide a response that under no circumstances could harm Spanish citizens and business.

For all these reasons, and in order not to go on for too long since, as I said at the beginning, most of my burden of proof is documentary and documented, I ask the Tribunal to make good use of it and to clarify the very serious damage that the entire blockade policy, and particularly Titles III and IV of the Helms-Burton Act, is causing to all European citizens and, of course, to all Spanish citizens.

Without further ado, thank you very much.

Documentary evidence to support Roser Maestro's testimony

Missive submitted by Congressman Roser Maestro Moliner to the Bureau of the Congress of Deputies of Spain on the impacts on Spanish companies caused by the application of Title III of the Helms-Burton Act.



A LA MESA DEL CONGRESO DE LOS DIPUTADOS

Al amparo de lo establecido en el artículo 185 y siguientes del Reglamento del Congreso de los Diputados, la diputada que suscribe formula las siguientes preguntas dirigidas al Gobierno para su respuesta escrita.

La Ley para la Libertad y la Solidaridad Democrática Cubanas o Ley Helms-Burton (1996) es una herramienta que codifica las disposiciones del bloqueo y amplía su alcance extraterritorial, para la imposición de sanciones a personas y/o empresas extranjeras que realicen transacciones con propiedades estadounidenses nacionalizadas en Cuba y la posibilidad de presentar demandas en tribunales de los Estados Unidos (EE.UU.).

Desde su entrada en vigor en 1996, dicha ley fortaleció su alcance extraterritorial aplicando medidas coercitivas contra terceros países, incluidos España, además de obstaculizar las relaciones comerciales y de inversión extranjera en la isla. Su título III permite a antiguos dueños de patrimonios nacionalizados en Cuba, la posibilidad de demandar ante tribunales estadounidenses a personas naturales y jurídicas que tuvieron nexos con dichas entidades, incluido a ciudadanos cubanos que no eran entonces sus propietarios.

En mayo de 2019, la Administración Trump anunció por primera vez que podían exhibirse demandas en cortes de EE.UU. para tomar acción con respecto a ellas, al amparo de esta legislación, a pesar de que las Administraciones anteriores nunca activaron los títulos III y IV respectivamente, desde su aprobación por la resistencia de la Unión Europea y países afectados que Trump logró quebrar.

Esta aplicación férrea de la ley ha trascendido como un mecanismo de EE.UU. para ejercer brutales presiones no solo contra Cuba, sino contra gobiernos y empresas de terceros países, entre los que figura España, con más de veinticinco años de inversión extranjera en la Isla.

¿Cuáles son los perjuicios que han sufrido las empresas españolas como consecuencia de la activación de los títulos III y IV de la Ley Helms-Burton?

¿Qué medidas se han tomado para defender a estas empresas?

¿Existe algún informe o documento oficial que detalle los daños ocasionados y el apoyo brindado a las empresas españolas para minimizar los efectos de dicha legislación?



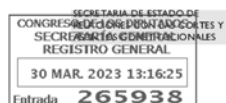
¿Cómo aborda el Gobierno con su homólogo estadounidense estas cuestiones en el marco de la declaración conjunta entre ambos Estados firmada en junio de 2022 y en defensa del empresariado español?

Palacio del Congreso de los Diputados
Madrid, 3 de marzo de 2023

Roser Maestro Moliner
Diputada GCUP-ECP-GE

C.DIP 260931 03/03/2023 13:39

Government of Spain's response to the questions raised by Congressmember Roser Maestro Moliner



RESPUESTA DEL GOBIERNO

(184) PREGUNTA ESCRITA CONGRESO

184/103501

03/03/2023

260931

AUTOR/A: MAESTRO MOLINER, Roser (GCUP-ECP-GC)

RESPUESTA:

En el marco de las estrechas y fluidas relaciones que España mantiene con la Administración norteamericana, el Gobierno español ha instado reiteradamente, tanto bilateralmente como a través de la Unión Europea, a las autoridades de Estados Unidos a que procedan a la suspensión de las sanciones extraterritoriales derivadas de los títulos III y IV de la Ley Helms Burton, que no favorecen necesariamente la protección de los derechos de las personas que fueron privadas de sus propiedades y al mismo tiempo perjudica a personas y empresas que no tuvieron ninguna responsabilidad en aquellas decisiones, ni buscaron beneficiarse de ellas.

La visita el pasado año del Presidente Biden a España, y en particular la firma de la nueva Declaración Conjunta entre ambos países, a la que hace referencia Su Señoría, son muestras elocuentes del excelente momento que atraviesan nuestras relaciones bilaterales. La propia Declaración Conjunta hace, en su párrafo 13, referencia explícita a “*la cooperación transatlántica para resolver las diferencias comerciales, económicas y tecnológicas*”, estableciendo con ello el cauce apropiado para la resolución de las mismas a través del diálogo tanto bilateral directo como, muy señaladamente, por vía de la Unión Europea.

Como se ha señalado, España ha recurrido a ambos cauces para defender los intereses de las empresas españolas afectadas por los títulos III y IV de la Ley Helms Burton.

Madrid, 30 de marzo de 2023

How Extraterritorial Laws Impact Cooperation with Cuba

Víctor Fernández, president of Cuba Cooperation France Association (CubaCoop)

Mr. Chair of the International Tribunal against the Blockade of Cuba:

Members of the International Tribunal:

On behalf of the Cuba Cooperation France Association and the State Movement of Solidarity with Cuba (MESOC) in Spain, I appear before this Tribunal as a witness.

We have been cooperating with Cuba for 30 years in order to develop cultural, scientific and economic ties between our countries. To do so, we use the means of decentralized cooperation between France and Spain, which allow, on the one hand, human, cultural, economic and educational exchanges based on good management and governance practices. On the other, they provide for the implementation of specific projects and the strengthening of friendly ties between our territories.

Since the creation of our associations, more than 200 projects of solidarity collaboration have been carried out with our Cuban partners.

This cooperation has mainly taken place in the fields of culture, transport, water and sanitation and local development. Some projects have been carried out in partnership with the UNDP.

Our long experience in Cuba allows us to affirm that all sectors of the Cuban economy, its social model and its population are severely affected by the economic and commercial blockade imposed by the United States of America.

This is the main obstacle to Cuba's economic development and causes suffering for its people.

Despite these difficulties, we have witnessed significant progress in the areas of education, health, the environment and local development. Democracy and reforms to perfect the social model have not been immune to change. Cuba also has a high and recognized human development index.

Given this progress, we must ask ourselves: What level of economic and social development would Cuba have today had it not been subjected to the economic blockade and extraterritorial sanctions?

This court could look into this matter.

Mr. Chair, I wish to draw attention to the difficulties we are encountering in France and Spain in carrying out projects that have been approved by European partners and Cuban bodies. Our task is to apply, implement and monitor the financial resources allocated to these projects. We intervene on Cuban soil with the mandate of local and regional authorities, institutions and foundations.

Yes, the blockade against Cuba and the extraterritorial sanctions are also being applied in France and Spain, creating difficulties for our work of solidarity cooperation.

The majority of the damage has an impact on two activities: the purchase of equipment for shipment to Cuba for cooperation and solidarity projects and the transfer of funds, either for solidarity campaigns or for the payment of purchases for the implementation of projects.

Main challenges:

1. Many companies refuse to sell technological products to be shipped to Cuba. The argument for the refusal is always the same: we cannot send supplies to Cuba.
2. Purchase rates of goods higher than the market price, which reduces our ability to implement the projects in question.
3. Difficulties in shipping cargo and excessive fees. The COVID-19 pandemic exacerbated this situation.

4. Failure to meet delivery deadlines for containers destined for Cuba. In some cases more than two months late. Shippers always justify these delays with the lack of direct shipping lines.
5. Refusal to make bank transfers in support of projects.
6. Refusal to transfer sums to individuals or families.
7. Closure of bank accounts.
8. Impossibility of fast delivery of small packages due to DHL and Colisimo delays.
9. Partners are reluctant to participate in projects because of the risk of sanctions or pressure on financial institutions.

This situation worsened considerably in 2019 with the announcement by the United States of the re-establishment of extraterritorial sanctions on the Republic of Cuba.

The consequences were not long in coming. The major European banks have since rejected any activity with Cuba.

The banks Banque Wormser Frères and Banque Populaire Rives de Paris decided to close our accounts, which had always functioned smoothly.

Economic projects carried out by CCF-Développement in the areas of agriculture, infrastructure and water and sanitation have been affected or even abandoned as a result of lack of support from financial institutions and fear of sanctions.

We have had to give up importing Cuban fruits because our bank refuses to participate in this economic activity.

A major railway project supported by AFD (French Development Agency) was canceled due to the activation of Title III of the Helms-Burton Act. Other projects have had to be modified.

In March 2023, the SIAAP—the public sanitation authority of the Paris region—which had been committed since 1996 to a

cooperation agreement in the field of water and sanitation, canceled the agreement with Cuba's National Institute of Hydraulic Resources (INRH) and CubaCoop.

That path of cooperation was inscribed in the 2030 Agenda for Sustainable Development.

The lines of work were:

1. Water quality control
2. Donation of reagents and equipment for water analysis laboratories in Cuba
3. Improvement of sanitation networks in the city of Havana and other provincial capitals such as Cienfuegos and Santiago de Cuba. The strengthening of health and safety for staff working in the sector
4. Studies for sanitation master plans of at least two major cities: Cienfuegos and Santiago de Cuba

Under the coordination of INRH, SIAAP's actions were developed for the benefit of the Cuban population and the environment. All parties involved in the work acknowledged its exemplary results. In France, it proved to be a national benchmark for decentralized cooperation because of the volume of funding and duration of the program.

Despite the results obtained over 27 years, under political pressure and particularly that from one of its banks, the BNP, SIAAP terminated the agreement in advance and with it, the most important and longest cooperation project of a French public service with Cuba.

Many companies operating in Cuba have been penalized as a result of their projects in the country. This shows the extent to which the blockade and sanctions harm Europe, undermining the sovereignty of collectives, national bodies and companies from the

moment they interfere with their free choice to invest in the country or to cooperate with Cuba.

This view is also shared by the employers' organization MEDEF (Movement of the Enterprises of France), which, in a statement, deplored the extraterritorial sanctions at a time when Cuba is gradually adopting measures to open up its economy. The legal tools at the disposal of France and Europe must be fully mobilized to ensure respect for European sovereignty and to preserve free trade.

Mr. Chair of the Tribunal, all these difficulties have a name: the blockade and sanctions against Cuba.

Extraterritorial sanctions are illegal under international law.

The blockade is also a violation of human rights.

The culprit: the United States.

We accuse the United States of being responsible for a unjustified crime aimed at starving the Cuban people in order to impose regime change.

We accuse the French Government and the European Union of double standards.

They both condemn the blockade, but do not implement all United Nations resolutions.

For all these reasons, we request that this International Tribunal:

- Condemn the United States of America and demand reparation for Cuba in accordance with the economic damages caused;
- Demand that the European Union use its legal instruments to ensure respect for European sovereignty;
- Force the European banking system to negotiate with Cuba

Such a verdict will be a blueprint for those who defend this cause; a global roadmap to continue this fight to the end.

In conclusion, let me request that this sentence be included in the record of judgment:

Cuba's economic and social policy is not decided in Washington, Miami or Brussels. Only the free and sovereign Cuban people can decide their future.

Thank you for your attention.

Inter-University Cooperation with Cuban Universities Is Seriously Hampered by the United States Blockade

Stefaan Smis, professor of International and Human Rights Law, Faculty of Law and Criminology, Vrije Universiteit Brussel (VUB), Belgium

My objective is to first show that the Vrije Universiteit Brussel (VUB) has for many years been involved in intense inter-university cooperation with Cuban universities and second, that this cooperation is seriously hampered by the US blockade.

The collaboration between VUB and the higher education institutions of Cuba started more than 25 years ago (in 1998) with a research project between the Protein Chemistry Department of the VUB and the Research Institute of Plant Biotechnology of the Universidad Central "Marta Abreu" de Las Villas (UCLV) in Santa Clara, with funding of the Belgian Federal Government through the Flemish Interuniversity Council. Since then, collaboration has expanded. The VUB also paved the way for other Flemish universities and other funders were approached. Currently seven Cuban universities have a close collaboration with the VUB. The collaboration is built upon trust and mutual respect, and has become an important pillar for the Cuban Ministry of Higher Education. The latter often uses it as an example for international partners visiting Cuban universities. Various VUB academics were nominated as invited professors, and one even received a Doctor Honoris Causa.

The VUB as well conferred a Doctor Honoris Causa to the former Minister of Higher Education, and recently choose UCLV as a strategic partner.

In these 25 years, in the field of education, initiatives such as “ICT in Education,” “Information Culture Development” and “Capacity Building for Communication in English for Academic Purposes” have significantly improved the quality of postgraduate programs in Cuba, enhanced information literacy and bolstered English communication skills among Cuban academic staff. Furthermore, the collaboration has strengthened research capacity and infrastructure, particularly in plant genetics, pharmaceutical sciences, environmental education, protection of cultural heritage and computer science. Through its cooperation, the VUB has contributed to the development of the Cuban vaccines against COVID-19. It has substantially impacted ICT infrastructure and e-administration, developing intelligent systems for monitoring processes such as energy forecasting and smart water management. These innovations have improved technological processes and contributed to smart cities and precision medicine, driving advancements in education, research, internationalization and technology transfer across various domains.

In the specific case of the collaboration between VUB and UCLV, the cooperation has led to the publication of 1,135 joint articles in international peer-reviewed journals and 920 conference proceedings. At the level of teaching, 349 courses/training programs were developed, and 22 academic programs were accredited. Also, on human resource development the cooperation led to important results; 380 training programs were held in Belgium (technical, PhD, post-doc) and 105 PhDs were awarded. In addition, in terms of infrastructure, 45 computer rooms, 25 classrooms and 20 laboratories were renovated.

The collaboration has, however, not been free of problems caused by the US economic and financial blockade. The most important are:

- Inability to use CANVAS, a commonly used educational platform, because its headquarters are based in the US. If used, the company faces fines worth millions of dollars.
- It is impossible to use Zoom or Teams for online conferences and meetings. When you try to use them, you cannot access your partners because it says that Cuba is under an embargo.
- Cuban researchers and students can often not access up-to-date information and databases because some academic websites are not accessible from Cuba.
- VUB professors who visit Cuba cannot visit the US for a year because they have visited a “state sponsor of terrorism.” They are also subject to lengthy questionnaires at the US Embassy when applying for a US visa.
- Providers with a formal connection to the US cannot be approached for purchasing equipment. This has a huge impact on the purchase of lab equipment.
- Shipping equipment and supplies to Cuba for research and education purposes is very difficult because many shipping and export-import companies do not want to be fined millions of dollars for trading with Cuba.
- Opening bank accounts in Cuba to receive donations or make transfers to implement international projects is complicated because Cuban partners must use third parties or banks based outside the country for financial transactions.
- Various publishing companies do not ship books to Cuba. For example, Springer Nature cannot send books to authors if they reside in Cuba.

- Cuban visitors to the VUB have been cut off retroactively and without any warning from their travel insurance.

All this shows that inter-university cooperation is seriously affected by the US blockade.

Effects of the Blockade on Cuba on the Work of the Rosa Luxemburg Foundation and on Work with Cuban Counterpart Organizations

Gerold Schmidt, Rosa Luxembourg Foundation, Germany

The Rosa Luxemburg Foundation is a German institution for political education, of a left-wing political position, active at the national and international levels. It conceives itself as a platform for debate and critical thinking on political alternatives to capitalism, and as a research center for the progressive development of society. The Foundation is affiliated with Germany's Die Linke (Left Party).

The Foundation is committed to a socially just and ecologically sustainable world economic order, gender equality, international solidarity and peace. The prerequisite for this is the overcoming of the capitalist mode of production.

The Foundation's international work is coordinated by the Centre for International Dialogue and Cooperation. The Foundation has regional and country offices in more than 20 locations outside Germany. It works in more than 80 countries with hundreds of counterpart organizations, political stakeholders and individuals.

The Foundation's regional office in Mexico City has counterparts not only in Mexico, but also in Guatemala, Costa Rica, Nicaragua and Cuba. In Cuba, we have been working for years with CIERIC, the Center for Exchange and Reference on Community Initiative, the Institute of Philosophy of Havana and the Casa de las Américas.

In recent years, the Foundation has also had a stand at the Havana International Book Fair with the publications it sponsors. Given the special relationship of trust that has developed between the Cuban authorities and the Rosa Luxemburg Foundation office in Mexico, this is the only German political foundation that works directly with counterpart organizations in Cuba.

After this general introduction, I would like to discuss the specific effects of the United States blockade against Cuba. I would like to highlight the following points:

1. The blockade has contributed significantly to the weakening of the Cuban energy sector and is partly responsible for blackouts. This in turn hampers fluid communication between the Foundation's office in Mexico and Cuban partners. For example, webinars or exchanges generally via email or platforms such as Google, Skype, Meet, Zoom, etc. are often difficult or impossible due to frequent interruptions.
2. An important part of the cooperation between the Foundation and Cuban counterparts is the invitation of Cuban guests to events outside Cuba. Pressure from the US authorities on other countries, and also from other national governments, makes the Foundation's policy of invitations difficult. The issuance of visas for Cuban guests is often difficult, lengthy and sometimes refused. As a result, for example, Cuban guests were ultimately unable to attend a regional event in Chile organized jointly with the Latin American Council of Social Sciences (CLACSO) in 2022. Something similar happened with an event in Guatemala.
3. On the other hand, for the members of the Foundation's regional office, travel to Cuba jeopardizes future travel to the United States. A Cuban stamp on the passport of a member of the office is an obstacle to entry into the US, even with a valid US visa. The application for a new US visa has little or

no chance of being approved if previous trips to Cuba have been recorded. Office staff always have to count on being included on US “blacklists” because of their visits to Cuba.

4. Because of US sanctions, only a few airlines fly to Cuba. This usually translates into higher airfares. Money spent on flights could be put to better use.
5. Any payment transaction with Cuba is significantly hampered by United States sanctions. For example, there is only one bank in Mexico (BBVA) through which the Foundation can conduct payment transactions with Cuba. All other international banks do not offer this service because, in turn, they have to be aware of sanctions.

In conclusion, I would like to stress that, although the US blockade against Cuba certainly hampers the work of the Foundation, there is no comparison with its negative repercussions on the Cuban people themselves, especially in the economic sphere. In cooperation with our Cuban counterparts, we have developed counterstrategies that mitigate the effects of the blockade on our cooperation and political dialogue. However, this does not change the perfidy of the blockade policy.

The Media Not Only Legitimize the Blockade, but Also Collaborate in Its Direct Implementation

*José Manzaneda, Basque journalist and coordinator
of the Cubainformación alternative media outlet*

The previous witness has explained how the media legitimize the US blockade of Cuba before public opinion, and I agree with his argument. However, in addition to legitimizing it, the media directly collaborate in the implementation of this policy. And that is what I will focus on.

The so-called “anti-Castro” civil organizations act as a powerful lobby that, with direct or indirect funding from the US government and other institutions, and in coordination with them, seek to destroy each of the sources of income of the Cuban economy, thus reducing the public budget and lowering wages and pensions.

For this purpose, they have three-tiered media support structure:

- The first tier is formed by dozens of digital media, with the word Cuba in their denomination, which were created or enhanced during the Donald Trump administration and which today, for the most part, continue to receive significant funding from the state agencies USAID and NED;
- The second, consisting of newspapers, radio and television channels located in Miami and with a broad distribution among the Latino public;
- And third, important international corporate media, from the US, Latin America and Europe, which repeat, in an imitative or moderated way, the narrative of the aforementioned media.

This media structure serves not only to justify the blockade, but also to activate its implementation. Let us review four important lines of the Cuban economy:

1. Tourism. Rumors and information taken out of context are turned into alarming news by certain media, with the aim of discouraging visits to Cuba.⁶ At the same time, each new travel ban approved by the White House is applauded by

⁶ Inma Benedito, "Cuba, país maldito: crónica de un destino turístico arrasado por la inflación" (Cuba, a cursed country: Report on a tourist destination devastated by inflation), *Business Insider*, August 18, 2023, <https://www.businessinsider.es/aconsejable-viajar-cuba-turismo-desapareciendo-1289760>.

media close to “anti-Castro” organizations.⁷ Meanwhile, the international corporate media report on the bans without any critical analysis, even though they clearly violate civil rights.⁸ Particularly striking is the silence of the European media in the face of one of the latest measures adopted by the United States to hinder European tourism to Cuba: the visa requirement for anyone who has previously visited the island.⁹ This is an attack on the freedom of travel of the people of Europe, about which we do not read any criticism, not even in opinion pieces.

2. Foreign investment. The “anti-Castro” organizations bring to the media information about the trade and investment agreements between the Cuban State and foreign companies, with the aim of having Washington apply the Helms-Burton Act.^{10 11} As in the previous case, the European media

⁷ “EEUU prohíbe que sus ciudadanos se hospeden en hoteles estatales cubanos” (US bans its citizens from staying in Cuban state-owned hotels), *Diario de Cuba*, September 23, 2020, https://diariodecuba.com/cuba/1600877682_25218.html.

⁸ “Vuelos a Cuba: Trump prohíbe a las aerolíneas comerciales estadounidenses volar a la isla, con excepción de La Habana” (Flights to Cuba: Trump bans US commercial airlines from flying to the island, except for Havana), *BBC News Mundo*, October 25, 2019, <https://www.bbc.com/mundo/noticias-internacional-50147618>.

⁹ José Manzaneda, “La nueva maniobra contra el turismo a Cuba y la indignidad europea” (The new maneuver against tourism to Cuba and European outrage), *Cubainformación*, September 20, 2022, <https://www.cubainformacion.tv/especiales/20220920/99152/99152-la-nueva-maniobra-contrael-turismo-a-cuba-y-la-indignidad-europea-italiano-francais-deutsch>.

¹⁰ “Un petrolero con unos 410.000 barriles de crudo mexicano se dirige hacia Cuba” (Tanker carrying 410,000 barrels of Mexican crude heads for Cuba), *14ymedio*, October 11, 2023, https://www.14ymedio.com/cuba/petrolero-barriles-mexicano-dirige-Cuba_0_3621837789.html.

¹¹ “Exiliados cubanos y funcionarios redoblan lucha para que Trump implemente todo el Título III de la Ley Helms-Burton” (Cuban exiles and officials redouble campaign for Trump to fully implement Title III of the Helms-Burton Act), *Cibercuba*, March 27, 2019, <https://www.cibercuba.com/noticias/2019->

are completely passive in the face of the persecution of European companies.¹²

3. The pharmaceutical industry. Vaccines and products of the Cuban biopharmaceutical industry are constantly vilified in the press, which reduces the revenue from their marketing. One example was the violent campaign of lies about Cuban COVID vaccines.¹³ Today, the epicenter of this campaign is in Mexico, where the mainstream media attempts to spread fear about the Cuban vaccine Abdala.¹⁴
4. And the international medical agreements, under which, in some countries—only in some, since Havana bears all the costs of cooperation in the poorest countries—the Cuban Ministry of Health receives certain revenues that help to support the island’s public health system. We can read hundreds of news stories that try to impose the narrative that these medical agreements are a “business of the Cuban regime” based on the “slave labor” of cooperating staff.¹⁵

03-27-u1-e43231-s27061-exiliados-cubanos-funcionarios-redoblan-luchat-rump-implemente.

¹² Enrique Fueris, “Nuevo golpe de Trump a los hoteleros españoles: prohíbe a sus ciudadanos alojarse en su planta de Cuba” (Trump’s new blow to Spanish hoteliers: US citizens banned from staying at their Cuban facilities), *El Mundo*, September 25, 2020, <https://www.elmundo.es/baleares/2020/09/25/5f6dd21921efa080598b461e.html>

¹³ “Médicos de Cuba en alerta: Las vacunas no protegen” (Cuban doctors on alert: Vaccines do not provide protection), *Diario Las Américas*, September 13, 2021, <https://www.diariolasamericas.com/america-latina/medicos-cuba-alerta-las-vacunas-no-protegen-n4231736>.

¹⁴ Alberto Morales and Pedro Villa y Caña, “Ante desconfianza a Abdala y Sputnik, AMLO propone que otras vacunas cuesten 500 pesos” (In the face of distrust of Abdala and Sputnik, AMLO proposes that other vaccines cost 500 pesos), *El Universal*, October 24, 2023, <https://www.eluniversal.com.mx/nacion/ante-desconfianza-a-abdala-y-sputnik-amlo-propone-que-otras-vacunas-cuesten-500-pesos/>.

¹⁵ Arturo McFields Yescas, “Esclavitud moderna: el enfermizo negocio de los médicos cubanos” (Modern slavery: The sickening trade of Cuban doctors), *infobae*,

As a journalist who denounces the blockade, I am a victim of persecution and criminalization.

This last point allows me to talk about how I, as a journalist, have been affected by reporting on the blockade. Because, precisely because of a report, in October 2020, in which I explained the joint efforts of the Prisoners Defenders organization and the US Department of State to destroy the aforementioned Cuban medical conventions, I am facing a criminal proceedings for libel, slander and hate crimes, with a request for a sentence of six years in prison and compensation of 50,000 euros.¹⁶ The lawsuit was filed by the president of Prisoners Defenders against myself and the legal representatives of the Euskadi-Cuba Association which, at the time of publication, owned the *Cubainformación* website.¹⁷

The report debunks the lies about Cuban medical cooperation and explains that the aim of these attacks is to deprive Cuba of economic resources to maintain its health system. The report apparently damaged the credibility and lobbying work of Prisoners Defenders, which decided to take action against this journalist, taking advantage of a detail of the work—the least important from an informational point of view—a sentence in which I argued that Donald Trump and Marco Rubio, responsible to varying degrees in

July 28, 2022, <https://www.infobae.com/america/opinion/2022/07/28/esclavitud-moderna-el-enfermizo-negocio-de-los-medicos-cubanos/>.

¹⁶ José Manzaneda, “Creating a health crisis in Cuba: Objective of the war against its medical cooperation,” *Cubainformación*, October 5, 2020, <https://www.cubainformacion.tv/especiales/20201005/88116/88116-crear-una-crisis-sanitaria-en-cuba-objetivo-de-la-guerra-contra-su-cooperacion-medica-italiano-francas-deutsch-english-portugues>.

¹⁷ Asociación Euskadi-Cuba, “Destruir la cooperación vasca y Cubainformación, nueva diana del bloqueo a Cuba: comunicado de Euskadi-Cuba” (Destroying Basque cooperation and Cubainformación, new target of the blockade on Cuba: Euskadi-Cuba communiqué, *Cubainformación*, September 30, 2021, <https://www.cubainformacion.tv/solidaridad/20210930/93448/93448-destruir-la-cooperacion-vasca-y-cubainformacion-nueva-diana-del-bloqueo-a-cuba-comunicado-de-euskadi-cuba-italiano>).

the blockade policy against Cuba — which, according to numerous sources, is an “act of war” or part of the “asymmetric war” against the island — should be considered “war criminals.” This is the center of the lawsuit. The expression is evidently a journalistic hyperbole and refers to “war criminals against medical cooperation” or “criminals of unconventional warfare” against the Cuban people.

This is an attack on the freedom of the press, which seeks to silence me and, due to the high legal costs, the closure of *Cubainformación*. In addition, it seeks to bankrupt an NGO, Euskadi-Cuba, which has been involved in development cooperation in Cuba for 30 years.

But not only that; it is pursuing our criminalization. Prisoners Defenders managed to get major newspapers to reproduce, without the slightest right of reply, notorious falsehoods against Euskadi-Cuba and *Cubainformación*, without any connection whatsoever to the motive of the complaint, in a clear use of the legal dispute. The Spanish newspaper *ABC*, for example, reported that “the Basque Government is pouring European funds into the Euskadi-Cuba Association” in order to “destabilize Europe and Spain.”¹⁸ In addition, *El Nuevo Herald* of Miami claimed that Euskadi-Cuba is feeding on “cooperation funds” for “intelligence work.”¹⁹ To clarify, these funds are grants from Basque institutions to 18 development cooperation projects, which have been used to equip Cuban

¹⁸ Susana Gaviña, “El Gobierno vasco riega con fondos europeos a la asociación Euskadi-Cuba para minar instituciones y desestabilizar” (Basque Government pours European funds into the Euskadi-Cuba Association to undermine institutions and destabilize the country), *ABC*, September 28, 2021, https://www.abc.es/internacional/abci-euskadi-cuba-utiliza-millones-euros-fondos-europeos-para-minar-instituciones-y-desestabilizar-202109281607_noticia.html.

¹⁹ Carlos Martínez, “Gobierno vasco habría apoyado con fondos europeos a organizaciones procastristas” (Basque government allegedly supported pro-Castro organizations using European funds), *El Nuevo Herald*, September 28, 2021, <https://www.elnuevoherald.com/noticias/america-latina/cuba-es/article254593327.html>.

cooperatives with irrigation systems, greenhouses and tractors, improving the lives of several thousand people.

This is the sad role of the media in the blockade against Cuba and in the criminalization of journalists and associations fighting against this policy of warfare against an innocent people.

Thank you.

How Does the US Justify the Blockade on Cuba Through the Media and Its Value System?

Pascual Serrano, Spanish journalist, essayist and media analyst

We live in times when power needs the complicity of public opinion, or at least its silence or resignation. In this case, the United States must secure a high degree of consensus among its citizens in order to justify its extraterritorial and therefore illegal measures against the island of Cuba. It must be able to constantly insist on its claims, even if they are false, and gloss over dissent to prevent its lies from being exposed.

And to do this it has a fundamental tool—the media.

In criminal law, an “accessory before the fact” is defined as a person who, without being the perpetrator of a crime, cooperates in the commission of an act without which the offences would not have been committed.

Therefore, if a crime is committed by the authorities—for example, by blockading a country to prevent it from developing trade relations with the rest of the world, or sharing its culture or science, or from having access to the same resources as the rest of humanity—it is logical to deduce that the media that allow it to convince or manipulate public opinion so that it does not rebel against this injustice become what criminal law calls an “accessory before the fact.”

According to criminal law, the accessory before the fact does not carry out the action typical of the act constituting the offences and is therefore not strictly the perpetrator of the crime, but intervenes in a fundamental way with an action without which the offences could not have been committed.

It therefore remains for us to define the media actions and interventions that make it an accessory before the fact in the crime of the blockade against the people of Cuba. With these interventions, the media succeed in implanting in the minds of their audiences the chicanery of the United States to justify the blockade against Cuba and endow it, through deception and disinformation, with consensus and social legitimacy.

1- Silencing the crimes of the blockade. In other words, not telling the public about the damage caused by the blockade.

2- Disseminating falsehoods from the US to justify the blockade.

The US government argues that Cuba supports terrorism: first in Africa, where history has shown it was fighting apartheid; then in Latin America, where today it is recognized that it was fighting US-backed dictators. Accusations of human rights violations, political prisoners, repression or persecution of freedom of expression. It is enough to compare the record on rights and freedoms of countries that are "friends" of the United States such as Saudi Arabia, Morocco and Israel, or the United States itself, to see that there are fewer rights, more prisoners and more repression than in Cuba.

3- A steady stream of news that blames the Cuban government for many of the problems that result from the blockade. Any problem that may arise in Cuba is the fault of its revolution and a sign of the failure of socialism. It is funny how whenever there is inefficiency, a general strike or a protest in capitalist countries, they never say it is due to a failure of capitalism.

4- Stifling the voice of the Cuban government and people. Every day and at all hours in Cuba, citizens' voices are raised to denounce the blockade: lack of medicines, lack of computer or automotive technology, lack of educational material, etc. Those of us here know very well that those voices do not appear in the media. A few weeks ago, I was able to publish in a Spanish media outlet an interview with Cuban President Miguel Díaz-Canel. In his four years as president, this is the first time he has been interviewed in the Spanish press. And it was not because he refused to take interviews; no media wanted to interview him. Much less will you have seen an interview with a Cuban minister and even less with Cuban citizens.

However, when it comes to criticizing Cuba, we have seen Cuban emigrants venturing even onto Spanish public television cooking shows.

- 5- Silencing the voice of groups in solidarity with the Cuban people and those who denounce the blockade. Right now, without going beyond this space, the necessary cooperation will be taking place to ensure that this Tribunal will be silenced.
- 6- Concealing the entire history of aggression by US governments against Cuba. That is, enough context and background to understand the difficulties that Cuba and its revolution have had to face for decades: attempted invasion, bombings, chemical and biological attacks, etc.
- 7- Denying the achievements of the Cuban revolution in order to prevent it from being an example for other peoples. This is a crime of which not only Cuba is a victim, but all the peoples of the world who are unable to learn about or share these advances. Advances such as different vac-

cines against COVID-19, other medicines and treatments for different diseases (including lung cancer). Cultural advances such as music or cinema, which are silenced or hidden from humanity.

All of the above are examples of premeditation, malice and conspiracy to commit crimes between the US government, its Western allies and the mass media corporations. All this violates not only the right of the Cuban people to live without the blockade, but also the right of citizens outside Cuba to receive truthful information.

2021 Oxfam Report on the Impact of the Blockade on Cuban Women

Statement by Ms. Skevi Koukouma, former MP, vice-president of the Women's International Democratic Federation (WIDF), general secretary of the Pancyprian Federation of Women's Organizations (POGO), Cyprus

Your Honors,

Today, I stand before you to address a matter of great importance, one that transcends borders and speaks to the fundamental principles of justice and human rights. It is our obligation to discuss the impact of the United States' blockade on Cuba, specifically focusing on its profound effects on Cuban women. As we delve into this issue, it is crucial to consider the human stories behind the statistics, recognizing the faces, dreams and struggles of the women who bear the brunt of this economic blockade.

I would like first to mention that Cuba has outpaced the majority of developed states in the political empowerment of women. Women's participation in parliament is more than 55 percent. In 2021, women represented 51.5 percent in State and Government positions,

and 52.3 percent of the members of the Council of State. In ministerial positions, women represent a percentage of 48.5 percent and of elected governors and deputy governors, 53.3 percent are women.

Cuba is a country that has endured a dreadful economic, financial and commercial blockade and harsh diplomatic retaliation for its political stance for many years. Yet Cuba has managed to develop gender equality admirably despite the economic effect of the blockade it has experienced.

Let us first acknowledge the statistical landscape that underscores the gravity of the situation. I will concentrate on OXFAM's Report of 2021 and the statistics that through a detailed analysis and the examples presented verify the situation.

OXFAM's report documents how the US blockade concretely affects Cuban men and women, showing how its severe consequences limit the potential for key sectors in the country. Based on solid evidence, it condemns the blockade's direct effects on the daily lives of Cuban women, who endure the brunt of this hostile policy that diminishes their opportunities for autonomy and development. Failure to recognize the differentiated impact of the blockade on women has perpetuated gender gaps and impeded women from realizing their goals.

The Report describes how the economic blockade has led to a staggering reduction in the Cuban GDP, with estimates suggesting losses amounting to billions annually.

While these figures might seem abstract, they translate into tangible consequences for the lives of Cuban women.

One of the most immediate and severe impacts is felt in the healthcare sector. Statistics reveal that the blockade restricts Cuba's access to vital medical resources and technologies. Women, as primary caregivers in many households, are directly affected by the scarcity of medicines and medical equipment. Maternal and

reproductive health is compromised, leading to increased challenges for expectant mothers and their families.

In 2019, there were a total of 479,623 healthcare professionals, 71 percent of them women. Women also represent the majority of healthcare professionals in Cuba's medical missions to over 60 countries.

Women in science account for 53 percent of workers in the sector while many of the scientists working on the clinical trials for Cuba's COVID-19 vaccine candidates are women.

For Cuban scientists, the blockade's practical restrictions require tireless, innovative efforts, often meaning long working hours that disrupt the balance between work, family life and personal time.

Education, a cornerstone of empowerment, has also suffered. Despite making progress toward enhanced access to information technology, the blockade has slowed the use of new technologies, forcing Cuban education authorities to resort to older methods.

Cubans with disabilities are deprived from accessing Apple equipment and software, which are very efficient in enabling social inclusion and personal autonomy as well as improving their quality of life and health.

The blockade contributes to economic hardships, affecting employment and entrepreneurial opportunities, exacerbating gender inequalities in the workforce. This not only hinders economic empowerment but also perpetuates a cycle of dependence.

Family dynamics, too, bear the weight of economic strain. Statistical analyses of household incomes and expenditures underscore the difficulties faced by Cuban women as they strive to meet the basic needs of their loved ones.

People living in vulnerability in Cuba, whether due to their age, sex, sexual orientation or identity, place of residence, educational level, skin color, or physical or mental condition or ability, require additional efforts to engage in development processes and thrive.

As we discuss the US blockade on Cuba, let us remember that this is not just a geopolitical issue; it is a major human rights issue. The statistics highlight the scope of the problem, but it is our responsibility to translate these numbers into meaningful action. We must advocate for policies that prioritize the well-being of Cuban women, lifting the barriers that hinder their access to health-care, education, employment and entrepreneurial opportunities.

The Report offers many statistics but we should see behind them. These statistics are the faces of resilience and determination—the Cuban women who navigate these challenges daily. It is imperative that we recognize their agency and honor their stories. They are not mere data points but individuals with aspirations, dreams and an inherent right to a life free from the shackles of economic adversity.

In closing, let us unite in our commitment to justice and equality. By addressing the adverse effects of the unjust blockade on Cuban women, we not only stand for the principles of fairness and humanity but also contribute to building a world where every woman, regardless of her nationality, can pursue her dreams unencumbered by the chains of economic injustice.

Damages Caused to Cuban Culture by the US Government's Hostile Policy

Luis Morlote, Member of the National Assembly of People's Power of the Republic of Cuba and president of the Friendship Group with the EU, president of the Union of Writers and Artists of Cuba (UNEAC) from 2019 to 2024

The blockade makes it difficult to find market niches and business opportunities; it forces us to deal with numerous technological and material obstacles; it prevents the promotion, dissemination

and minimal commercialization of talent; it makes selling prices pitifully low; and it greatly limits the enjoyment of our arts by the broad masses of people on all continents of the planet, and has done so for several decades.

The United States is one of the leading markets for cultural products. It is impossible to offer our goods and services directly in that territory, since the world's major transnational corporations are dominated by capital of that country and their interests cannot contradict any of the premises of the genocidal blockade. The extraterritorial nature of these sanctions considerably hinders, and sometimes prevents, the establishment of normal commercial relations between our businesspeople and their counterparts in third countries.

Several forms of private management associated with the sector have also faced difficulties in importing and obtaining supplies because of the restrictions imposed by the blockade. Such is the case of Cuban creators in the area of plastic and applied arts, whose requested goods have arrived in the country up to two and a half months late due to discriminatory controls abroad, transshipment operations, difficulties at ports of embarkation and the need to resort to distant markets to obtain these materials, which has meant paying up to four times their purchase price.

Our arts schools are highly valued internationally for the great recognition of Cuban arts education, provided free of charge and with a system that covers the whole country. It should be pointed out that having to buy and move the materials and supplies to guarantee the artistic education of our students on the other side of the world means paying four times what it would cost us to acquire them in nearby markets, which we are prevented from doing due to the United States blockade.

The unjustified blocking of personal and institutional accounts linked to culture and the digital media bombardment of anti-

Cuban propaganda that seeks to undermine the achievements and values of our society continue.

In this period, the cultural sector has been the target of the subversive policy of the United States against Cuba, which has directed all its resources toward fomenting discontent; inciting emigration; waging a ferocious media campaign against Cuban creators and artists who continue to work in the country, thwarting their performances abroad, including through harassment and physical violence; and promoting a breakdown in relations with the cultural institutions of other countries.

In May 2023, the Cuban duo Buena Fe fell victim to this brutal smear campaign. During their concert at the Galileo Galilei hall in Madrid, as part of a European tour, an attempt was made to sabotage the performance by throwing objects and shouting insults. The media hounding and harassment of the promoters and venue owners led to the cancellation of other planned performances in Salamanca and Zamora.

Cuban intellectual and National Prize for Literature laureate, Nancy Morejón, was also the target of the cultural and media war against Cuba. In late May 2023, the organizers of the Paris Poetry Market, which took place in the French capital from June 7 to 12, withdrew her status as honorary president of the event, yielding to pressure from those who promote hate speech and persecution against Cuban artists. Other artists residing in Cuba have also been attacked and harmed with these calls for boycotts and lynchings in Miami, such as Los Van Van, Haila Mompié, Alexander Abreu, Pedrito Calvo and Paulito FG, among others.

Cuba and her people are deeply grateful for the solidarity and support of the international community in her legitimate demand to put an end, once and for all, to this unjust, illegal and cruel system of unilateral coercive measures, which also affects culture and its creators.

ECONOMIC DAMAGES AND LOSSES IN THE CULTURAL SECTOR
 (Evaluation period: March 2022 - March 2023)
 (In USD)

I	Revenue foregone from exports of goods and services	6,786,600
II	Losses due to geographical relocation of trade	12,511,200
III	Impacts on production and services	22,371,200
IV	Monetary-financial implications	7,019,700
V	Impacts on the exercise of rights and services provided to the population	30,625,000
VI	Impacts of the technological blockade	4,132,300
	TOTAL	\$ 83,446,000

The Blockade and the National Italy-Cuba Friendship Association (ANAIC)

Marco Papacci, president of the National Italy-Cuba Friendship Association

Good morning Mr. Chair, judges, Cuban delegation, solidarity friends:

With regard to the daily damages caused by the blockade on Cuba, we would like to offer the following comments:

- 1- On July 29, 2021, the National Italy-Cuba Friendship Association issued a transfer of 10,000 euros to a Cuban credit institution on the grounds of "Emergency Donations." The bank used for this operation was Banca Etica, with which the Association holds an account, which duly took charge of the operation. However, six days later we received communication from Banca Etica, of which we are clients, indicating

that the foreign bank would not undertake the transaction for compliance reasons. This term represents risk control in every bank and is an integral part of each bank's system of internal controls, which seek to verify that internal procedures are consistent with the aim of preventing breaches of norms (laws and regulations) and self-regulation (codes of conduct or codes of ethics) applicable to the bank. In essence, the transaction payee did not "comply" with the rules (pressures) to which banks are subjected in a totally arbitrary manner by the regulations imposed by the United States.

Which bank blocked the transaction? It was not Banca Etica, but a foreign intermediary bank. The transfer initiated by Banca Etica reached the level of intermediary banks and one of them refused to proceed on the grounds that it would have constituted a breach of a national law or a breach of an internal code of conduct.

We requested an explanation from Banca Etica, which sent us copies of the transactions between the intermediary banks, revealing that Deutsche Bank AG reimbursed the transfer on August 4, 2021.

It is reasonable to assume that it was this foreign bank that refused to process the transaction, in order to avoid a regulatory violation of coercive measures imposed from abroad or to comply with its own code of ethics.

- 2- On August 8, 2022, the National Italy-Cuba Friendship Association proceeded to transfer 11,000 euros to the Banco Financiero Internacional of Cuba, to an account opened by the Ministry of Foreign Trade in response to the tragic incident that had devastated the city of Matanzas. The transfer was also requested through Banca Etica.

The next day, the bank informed us that it was impossible to process the transfer, as “bank BFICCUHHXXX is included on the list of banking entities sanctioned by the U.S. and no European intermediary bank makes payments to customers with accounts in BFICCUHHXXX.”

- 3- On May 21, 2018, Italian citizen Valeria Lucia Milesi proceeded to make a transfer of €620 to the National Italy-Cuba Friendship Association to participate in an educational trip to Cuba, that the Association was promoting. The description for the transfer was the following: “Affiliation Association + participation J. Martí Brigade July 2018.” There was no explicit reference to Cuba and Cuba was in no way the beneficiary of that transaction; the name of the island was only present in that of the beneficiary, namely ANAIC.

Ms. Milesi, an ordinary Italian citizen, banked with ING Bank, a Dutch credit institution with multiple branches in Italy. ING Bank blocked and cancelled the transfer the next day with no apparent explanation. When Ms. Milesi contacted the bank by phone to explain what had happened, she was informed that Cuba is considered a risk country.

Ms. Milesi took the case to Altroconsumo, an Italian consumer organization, complaining about ING Bank’s intention to review the legitimate use of her money, as well as the misconduct and breach of contract by the bank according to which it would process current account holders’ transactions. Recalling that the transfer was not directly in favor of Cuba but to be paid to an Italian bank, belonging to a recognized Italian association, in July 2019, Ms. Milesi filed an appeal against ING Bank before the Banking and Financial Ombudsman (ABF) of Milan, which ruled in her favor, stating that the bank “refused to make the payment without any justifiable motive,” and violated Ms. Milesi’s

right to make a transfer with these characteristics. ING Bank was therefore obliged to compensate her.

- 4- On June 13, 2023, the Verona branch of the National Italy-Cuba Friendship Association was asked to act as an intermediary organization to send a donation to Cuba consisting of a fruit dehydrator with a solar-powered system, as the manufacturer considered it safer to donate the equipment through a third party to avoid United States reprisal given the blockade.
- 5- On October 5, 2023, the National Association received a request to be listed as the organization sending a donation to Cuba consisting of Computerized Axial Tomography (CAT scan) equipment and two Toshiba ultrasound machines donated by ACTIS SpA. This was necessary to avoid possible United States penalties against the donor company due to the blockade measures.

These are some direct examples of how the blockade has affected us as the National Association of solidarity with Cuba.

I would like to end by mentioning two things: firstly, we have recently opened a gap in the US blockade by laying the foundations for an agreement between Cuba's Center for Genetic Engineering and Biotechnology (CIGB) and a major Italian research center.

Yesterday we heard from José Manzaneda, of *Cubainformación*, who has a pending case against him. We hope he will win this case, but if he does not, we cannot allow this important media outlet to be silenced and should it be, we must all provide it with financial support.

Secondly, and with this I conclude, we will always respond with more solidarity to the tightening of the blockade.

Cuba is not alone and this Tribunal proves it!

Thank you very much.

Impact of the Extraterritorial Nature of the Blockade on the Exercise of Solidarity with Cuba

Angelika Becker, Netzwerk Cuba solidarity organization, Germany

I speak on behalf of Netzwerk Cuba, the solidarity with Cuba network in Germany.

We have known for a long time that it is barely possible to make transfers or do business with Cuba. But as early as 2014, almost 10 years ago, we found that was impossible to transfer money within Europe—that is, from Germany to the United Kingdom, then a member of the European Union—when “Cuba” appears in the name of the recipient or in the payment reference.

In 2014, we wanted to support the Tribunal for the Release of the Cuban Five in London. The payee was CSC, Cuba Solidarity Campaign, and we had transferred €4,000 through Postbank. We received a brief email informing that it was not possible to process the transaction, without an explanation. In a phone call, the bank informed us that US laws were the obstacle.

Netzwerk Cuba asked Postbank for a written explanation for the refusal of the transfer.

I quote from the reply of February 13, 2014:

“Such transfers are made for procedural-technical reasons in cooperation with a bank in the USA. There they consider payments with reference to Cuba as very serious, which is why we must assume that these payments will be frozen. It does not matter where Cuba appears, either in the ‘payee’ or in the ‘reference.’ That is why we do not transfer such payments in the interest of our clients.”

Postbank Saarbrücken

Our next step was to raise the case with the public financial regulatory authority, Bundesanstalt für Finanzdienstleistungen (BaFin).

I quote from the reply of September 2014:

“It is obvious that credit institutions are obliged to make transfers for their clients. But when a credit institution in an individual case rejects the action for intelligible reasons, there is no possibility of influencing the institution.”

In our view, this presented a violation of European rights and therefore we wrote a letter to the European Commission to confirm whether this presented a violation of European Council Regulation No. 2271/96. The response was that the case had been accepted and registered with the European Commission, but the decision was in the hands of German institutions. There was never a ruling from them.

We tried to legally clarify the case, but without success. We closed our Postbank account, but the problem continues to impact our solidarity work.

One of the latest cases: a donation to a Belgian account for the expenses of the People’s Summit in Brussels in July of this year was rejected by the Belgian bank. This also happens often when we seek to buy medical supplies or food for Cuba, as companies or banks refuse to buy or pay for reasons of “compliance.” Up to now, we have always found a solution, but nevertheless, this hinders our solidarity work, which is always an honor.

The Extraterritorial Impact on the Belgian Financial Sector

Wim Leysens, secretary of the Belgian Coordinating Committee for the Lifting of the Blockade against Cuba

Dear members of the Tribunal, over the past three years the Belgian Coordinating Committee for the Lifting of the Blockade against Cuba has collected evidence of transfers to Cuba or that bear the word Cuba in the name of the recipient or in the reference and have been rejected by most Belgian banks.

I refer to some cases from Belgium:

1. BNP Paribas Fortis

– BNP Paribas Fortis refuses to transfer money to mediCuba in Switzerland. In late March 2020, in the midst of the coronavirus pandemic, Ms. X transferred money through her bank BNP-Paribas-Fortis to mediCuba in Switzerland. BNP Paribas Fortis justified its refusal to process the transaction, stating: “If this operation was blocked, it is because, a priori, there are elements that do not seem coherent to us.”

– BNP Paribas Fortis closes the account of a non-profit organization. In June 2021, BNP Paribas Fortis abruptly ended its relationship with an association that has been working in solidarity with Cuba for years. The non-profit organization has not officially received any reason from the bank justifying the end of its relationship with this long-standing client.

2. ING

– ING Holland threatens to close an account.

A Dutch student undertaking an internship in Cuba received the following warning letter in 2018: “With this

letter, we draw your attention to the following: ING Bank N. V. does not wish to facilitate transactions with a number of specific countries. Based on your credit card transactions on your payment account, we note that you may be a long-term resident of Cuba.”

– ING refuses to receive membership fees from members of the solidarity NGO.

On January 21, 2022, a German supporter of paid his membership to the Belgian NGO in solidarity with Cuba from his bank in Germany. Belgian bank, ING, blocked the payment and requested information from the German bank, such as “Does this payment have a direct or indirect link to Cuba?”

– TRIODOS and ING refuse payment for a shipping container of medical equipment to Cuba.

Thanks to a solidarity campaign, at the beginning of 2022 a container with medical equipment was ready to be sent to Cuba. The bank refused to pay the container shipping company. Triodos Bank uses ING’s banking network for cross-border payments.

– TRIODOS refuses to transfer funds for emergency aid.

A charity organization has raised funds for emergency aid after a fire at an oil depot in Cuba in 2022. Since the bank says it cannot make any payments to Cuba, the organization is still looking for a way to send the funds to Cuba.

– Argenta and ING refuse to transfer funds for humanitarian aid. E. D. made a transfer on March 15, 2023 to the Swiss account of the NGO mediCuba. Two days later, on March 17, 2023, the money was returned to his account. ING, the intermediary bank for international transfers, refused to process the payment.

3. KBC refuses to pay humanitarian aid to a religious community in Cuba. A solidarity group has been sending money since 2000 through a Belgian NGO to a religious community in Cuba. This was usually sent without problems. On May 25, 2023, the NGO received a phone call from KBC: "The Italian intermediary bank no longer wants to send money to Cuba because of the embargo."

4. Bpost rejects transfer that mentions "support for Cuba."

A transfer of €1 to 1C4C in the UK by B.VH. made on May 26, 2023 was rejected because it mentioned "support for Cuba." Bpost bank customer service repeatedly informed that the measure was part of a legal obligation that the bank could not evade.

5. BNP Paribas Fortis

On March 10, 2023, M.S. made a transfer to a British account marked "For Cuba." On March 13, the bank informed that the transfer seemed suspicious and could be used for arms and/or drug trafficking. On May 12, 2023, M.S. received an email from BNP Paribas Fortis Complaint Management with the following explanation: "You would like to transfer a sum to an organization that raises funds to send medical aid to Cuba. **BNP Paribas Fortis did not carry out this operation.** Article 19 of the General Banking Conditions defines the term 'sanctions' as all sanctions of a financial, economic or commercial nature imposed or enforced by Belgium, the European Union, the United Nations Security Council, the Office of Foreign Assets Control, the United States Department of State, or any other competent authority. **BNP Paribas Fortis takes these 'sanctions' into account when analyzing and processing transactions.**"

However, the United Nations Security Council has not issued any sanctions against Cuba. Neither has the European Union or Belgium. On the contrary, on December 12, 2016 the EU and Cuba signed the Political Dialogue and Cooperation Agreement (PDCA), which has since been implemented.

The only remaining agencies to which the bank refers that impose sanctions against Cuba are the US Office of Foreign Assets Control and the US Department of State.

Therefore, we conclude that BNP Paribas Fortis rejected the transaction in compliance with the United States sanctions laws against Cuba, which constitutes a violation of the EU's 1996 Blocking Statute, which prohibits European operators—and therefore also a bank such as BNP Paribas Fortis—from complying with the laws of third countries.²⁰

Effects of the United States Blockade on Solidarity with Cuba in Spain

Manolo García, representative of the State Movement of Solidarity with Cuba (MESOC), Spain

Good morning.

Firstly, I would like to thank the MESOC, comrades in solidarity with Cuba, for being able to offer this testimony, which is the fruit of the efforts of thousands of activists all over Spain.

²⁰ For further information see: Coordination pour la Levée du Blocus contre Cuba - Belgique, "Dossier 2023: Les banques belges refusent de transférer de l'argent vers Cuba," (Dossier 2023: Belgian Banks Refuse to Transfer Money to Cuba), September 2023, <https://nonaublocus.be/sites/default/files/2023-10/Dossier%20Les%20Banque%20refusent%2009%202023.pdf>.

It is also a great honor to participate in this forum of dignity and truth in defense of the Cuban revolution, its state and its people, which for more than 60 years have suffered the merciless harassment of the most powerful country in the world.

I will briefly list the concrete experiences of different associations and territories in Spain:

Platform of Solidarity with the Cuban People of Granada:

Refusal of Caja de Granada to transfer €7,238 to Cuba following Hurricane Irma in 2017.

Refusal by Caisse D'épargne bank in Luçon, in the department of Vendée, France, to transfer €84 to the Malaga Association of Friendship with Cuba for the payment of the sale of Cuban rum alleging due to the term "friendship with Cuba."

Miguel Hernández Friendship with Cuba Association of Alicante:

Bankia refused to transfer money to Cuba following the January 2019 tornado in Havana. Complaints submitted to Bankia and the Bank of Spain have been met with administrative silence.

Casal de Amistad con Cuba de Badalona:

Refusal by Triodos Bank to send money to Cuba following the Saratoga Hotel fire.

Euskadi-Cuba Association:

City Bank refused to process payment to a volunteer in Cuba to cover health and life insurance.

Several banks refused on three occasions during 2018 to make transfers destined for a solidarity project in a third country, Argentina, where Cuban medical cooperation operates:

First transfer: Deutsche Bank refused to transfer €6,800.

Second transfer: UniCredit, Italy, refused to make a transfer of €3,500.

Third transfer: For the amount of €7,000, met with the refusal of German bank Commerzbank AG.

SODEPAZ

In 2014, the British bank Lloyds Bank refused a transfer of €7,250 that was sent for the purchase of organic sugar from Cuba.

This organization needed to buy a Supervisory Control System for the Cuban biotech industry. The three mandatory bids prior to purchase could not be secured and only one bid was issued. Other manufacturers did not show up for fear of possible US sanctions.

Some conclusions:

The blockade is activated or tightened in the event of natural disasters, serious accidents, COVID, hurricanes and fires. It is a cruel, dehumanized policy that seeks to increase the harm and suffering of the Cuban people.

The financial blockade applies not only to direct remittances to Cuba but also to transfers between associations in Europe itself, for the mere fact of mentioning the words “Cuba”, “Friendship with Cuba”, “Solidarity with Cuba”, etc.

In the face of complaints that banks refuse to carry out financial transactions with Cuba, the response is administrative silence, even when recourse is made to the financial guarantor, the Bank of Spain.

In addition to demanding that the European Union protect the right of European banks to free financial relations with Cuba, we must agree to work with those banks that are prepared to assume the risks of doing so.

We conclude that the holding of this Tribunal is yet another nail in the coffin of the blockade that the struggle of the Cuban people will bury, sooner rather than later.

Solidarity Impeded in Switzerland

*Samuel Wanitsch, member of the National Coordination
of the Association Suisse-Cuba, www.cuba-si.ch*

With regard to the Cuba solidarity efforts in Switzerland, the United States blockade particularly impacts in the area of financial transactions. Swiss banks refuse to carry out transactions for which they presume there is a relationship with Cuba. They do not analyze the grounds for payments, but refuse them when the term “Cuba” appears in the name of the beneficiary or in the reference for the payment.

The effect of this illegal practice is particularly damaging to organizations that use the term “Cuba” in their names:

- The Association Suisse-Cuba should note that its members’ dues are regularly not paid because its name includes the term “Cuba.” Bank Cler bank, a 100 percent Basel-based state-owned Swiss bank, went so far as to close the Association’s account.
- For the same reason, the medical aid organization mediCuba-Suisse reports that payments and donations to its benefit are frequently not processed.
- The same organization, mediCuba-Suisse, is sometimes unable to pay its invoices, because payment orders are not processed by correspondent banks.

I myself have had this experience with paying money for Cuba from my private PostFinance account into a Lloyd's Bank account in London. The transaction has been blocked by Banco Santander London Branch, a PostFinance correspondent bank in Switzerland. In addition, my private bank account has been unusable for several days, so I could not make my own payments.

These illegal practices sometimes affect the Swiss State itself, which owns 100 percent of PostFinance. Thus, PostFinance refused for months to process a state development assistance subsidy payment to mediCuba-Suisse. The same state bank, years earlier, had blocked the payment of state pensions to beneficiaries residing in Cuba. These transactions concerned old-age or disability pensions for Swiss nationals residing in Cuba, but also disability pensions for Cuban nationals who had worked in Switzerland and had suffered a workplace accident or occupational disease there. Switzerland was obliged to establish other financial transaction channels in order to ensure the payment of these vitally important pensions to such persons.

In conclusion, I would like to present to you our document "Swiss Banks against Cuba – Report on an Officially Certified Scandal," jointly prepared by mediCuba-Suisse and the Association Suisse-Cuba, which documents how we reached the highest authorities of our country and even presented a motion in the national parliament, including the reply of the minister responsible.

JUDGMENT OF THE INTERNATIONAL TRIBUNAL AGAINST THE BLOCKADE

Brussels, November 17, 2023

The International Tribunal on the US sanctions against the Republic of Cuba pronounces the following judgment:

The extensive political and economic sanctions imposed on the Republic of Cuba since 1960 up to date violate international law. These include, above all, Articles 2(4) and 2(7) of the UN Charter on the protection of sovereignty, self-determination and the prohibition of intervention, the articles of the Universal Declaration of Human Rights (UDHR) of 1948 and the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966, as well as the provisions of the World Trade Organization (WTO) on the protection of freedom of trade and numerous principles of the Treaty on European Union (TEU, Maastricht Treaty).

Merits of the case

I.

Since 1960, the USA has built up an ever more comprehensive network of sanctions against all areas of social life in Cuba, which profoundly affect the living conditions of the Cuban population. Building on the "Trading with the Enemy Act" of 1917, the US government enacted a series of further laws and regulations after the revolution in Cuba in 1959. These include the „Foreign Assistance Act“ of 1961, the „Cuban Assets Control Regulations“

of 1993, the „Cuban Democracy Act“ of 1992, the so called „Torricelli Act“, the „Cuban Liberty and Democratic Solidarity Act“ of 1996, the so called „Helms-Burton Act“ and the „Trade Sanction Reform and Export Enhancement Act“ of 2000. The aim of all these measures was to destroy the social, economic and cultural achievements of the revolution of 1959. As early as 1960, Lester Mallory, Deputy Assistant Secretary of State for Inter-American Affairs, openly articulated the strategy of the US administration: the aim was to weaken the vitality of the Cuban economy, provoke hunger and despair and sow discontent in order to facilitate regime change. Literally: “every possible means should be undertaken promptly to weaken the economic life of Cuba [...] [by] denying money and supplies to Cuba to decrease monetary and real wages, to bring about hunger, desperation and overthrow of government”. These criminal principles have guided US sanctions policy against Cuba to this day.

The Tribunal heard numerous witnesses and gathered extensive evidence over two days of hearings. It has heard the detailed indictment and examined the arguments in defence of the accused US Administration. It has been presented with numerous examples of the deep interventions of the sanctions in almost all areas of social life, giving the impression of a total blockade of Cuba with ever new restrictions. The only easing of travel and money transfers to and from Cuba under President Barak Obama was lifted again by the Donald Trump Administration and reinforced by further measures. Even the change to the government of President Biden didn't bring relief.

The sanctions affect the entire economic and financial sector and are aimed at Cuba's technological sovereignty, which is vital for economic development and access to technological innovations. International payment transactions are closed for Cuba as evidenced by current practice shown in the context of this Tribunal.

No country faces a process of technological modernisation under these conditions.

The sanctions have caused the most serious damage to the entire public health sector. The health system in Cuba has gained worldwide recognition for its exemplary care of the population, but also for the outstanding results of its pharmaceutical research and industry processes. The extraterritorial effects of the blockade have severely hampered and very often made impossible the import of necessary components for the production of medicines as well as international medical cooperation. During the period from April 2019 to March 2020, the US blockade caused losses in the health sector amounting to 239 million 803 thousand 690 dollars, which is almost 80 million more than the losses recorded in the period prior to the COVID-19 pandemic.

The blockade has caused an ever-increasing reduction in the supply of fuel, which not only hinders all efforts at industrial progress, but also drives up the cost of daily supplies for the population. This is also strongly felt in agriculture, for which the sanctions have dramatic consequences, be it in the import of fertilizers and herbicides or the operation of the irrigation system.

The education sector, internationally recognized as exemplary, is not spared from the sanctions either. It severely hampers all online education opportunities, hinders international exchange and the provision of schools and universities with the necessary equipment and teaching materials due to the lack of foreign currency. The blockade to the telecommunications and information technology sector has a negative impact on the possibilities for Cubans to have an adequate infrastructure, greater access to the Internet and computerization.

Overall, the evidence gathered from witnesses, videos and documents has given the impression of a concentrated attack on the basic structures of Cuban society, its livelihoods and development

capabilities, which is unique and unprecedented in history in its duration and scope.

II.

This practice of sanctions against the Republic of Cuba violates international law in all aspects.

This was also recently recognized by the UN General Assembly in its resolutions of 23 June 2021 (A/RES/75/289) and 3 November 2022 (A/RES/77/7) and on 4 November 2023 at the request of Cuba (A/78/L.5) and called on the US government to repeal their laws.

1. The sanctions clearly violate Cuba's sovereignty, which is protected under Article 2(1) of the UN Charter, and the prohibition of intervention under Article 2(4) and (7) of the UN Charter. On 4 November 2023, the UN General Assembly, by an overwhelming majority of 287 votes to 2 with 1 abstention, called on states for the 31st time "*to refrain from promulgating and applying laws and measures of the kind referred to in the preamble to the present resolution [Helms-Burton Act]*". The resolution is based on the clear decision that unilateral sanctions are illegal if their effects exceed a certain level of severity. Although this threshold is not defined, the duration, scope and objective of the sanctions leave no doubt as to their illegality. The USA cannot invoke justification grounds either. The sanctions cannot be considered a reaction to conduct that violates international law. If the nationalization after the revolution of real estate owned by US citizens is meant, it was in accordance with the principle of sovereignty of each state over its natural resources (UNGV Res. 1803v. 14 December 1962) and was justified. Moreover, the Helms-Burton Act and the sanctions expressly pursue completely different objectives, which are not aimed at restitution or compensation, but at regime change. Nor can the USA invoke the protection of the security of its state.

Although the USA has placed Cuba on a list of states that allegedly support terrorism, it has never been threatened by Cuba.

2. The sanctions imposed by the USA on Cuba also violate numerous human rights, in particular those contained in the UN “Covenant on Economic, Social and Cultural Rights” (ICESCR) of 1966. These rights are just as binding and obligatory as political and civil rights. As early as 1997, the Committee on Economic, Social and Cultural Rights stated that unilateral economic measures *“often cause significant disruption in the distribution of food, pharmaceuticals and sanitation supplies, jeopardize the quality of food and the availability of clean drinking water, severely interfere with the functioning of basic health and education systems, and undermine the right to work.”*

The evidence has proven that these harmful consequences have occurred in the lives of Cubans. This means that the right to work (Art. 6 ICESCR) under just and favourable conditions with wages that allow a decent life (Art. 7, 11 ICESCR) is violated. As a result of inflation, between January and October 2022 alone, the average price of the basket of goods and services increased by almost 29%. From October 2021 to October 2022, inflation increased by almost 40%. In this situation, not only does inflation imported by world market prices play a key role, but essentially the lack of availability of foreign currency, aggravated by the intensified effects of the blockade and the US government’s relentless pursuit of all sources of income in the country.

Similarly, the right to health (Art. 12 ICESCR) is permanently violated by the obstruction of the import of medical equipment for clinics and pharmaceutical products for the production of own medicines.

The right to education (Art. 13 ICESCR) and the right to science and culture (Art. 15 ICESCR) are also severely endangered and impaired by the lack of equipment and teaching materials and the impediment of scientific and cultural international contact.

Unlike all members of the EU, neither the USA, Cuba nor the EU have ratified the ICESCR. However, there is a consensus in the international academic community that these human rights are also binding for states and confederations of states on the basis of customary law.

3. The sanctions are aimed at restricting Cuba's trade with other states, blocking the import and export of essential goods and destroying financial transactions. They therefore contradict numerous provisions of international trade law as codified in WTO law. For example, Art. XI of the General Agreement on Tariffs and Trade (GATT) of 1947, to which the USA is a party, prohibits the restriction of imports and exports. The freezing of assets and the restriction of international transfers and payments is also prohibited. Art. III section 2 of the "Articles of Agreement of the International Monetary Fund" of December 22, 1945 also stipulates that members must refrain from all restrictions on current payment and discriminatory currency practices. Art. XVI (1) GATS stipulates that members of the WTO, such as the USA, must grant natural persons freedom of movement in various service sectors. Here, too, there are exceptions for reasons of essential security interests (Art. XIV bis GATS), but these do not apply to the USA in relation to Cuba. Neither Cuba's military, political nor economic activities pose a threat to the USA. Finally, the USA refuses to use the dispute settlement system provided for trade disputes in the WTO system, which is expressly provided for in Art. III paragraph 7 of the

Annex 2 of the GATT 1994 “*Understanding on rules and procedures governing the settlement of disputes*,” expressly providing that “[...] *in the absence of a mutually agreed solution, the first objective of the dispute settlement mechanism is usually to secure the withdrawal of the measures concerned [in this case, the blockade] if these are found to be inconsistent with the provisions of any of the covered agreements*”. The USA was never interested in a peaceful solution to the issues in dispute, as it wanted to weaken Cuba’s economy in order to overthrow the government.

4. The sanctions against Cuba have far-reaching effects on extraterritorial companies and states, be it in the area of trade, finance, investment or tourism. In its repeated resolutions calling for the lifting of US sanctions, the UN General Assembly has cited the Helms-Burton Act in particular, as it targets the “*extraterritorial effects of which the sovereignty of other States, the legitimate interests or persons under their jurisdiction and the freedom of trade and navigation*” (UN DOC A/RES/74/7). In 1996, the EU also condemned laws and regulations with extraterritorial effect as a violation of international law, as they interfere with the sovereignty of foreign states in violation of the ban on intervention. With its so-called blocking resolution (Council Regulation (EC) No 2271/96 of Nov. 22, 1996), it even prohibited European companies from complying with the extraterritorial measures, declared all foreign court decisions based on the third-party effects of the sanctions laws null and void and decided on a right to compensation for damages and losses based on these laws.

Legal measures with extraterritorial effects also violate central Maastricht principles, e.g. No. 3 and 4: “*All states also have extraterritorial obligations to respect, protect and fulfil*

economic, social and cultural rights” and No. 13: “States must desist from acts and omissions that create a real risk of nullifying or impairing the enjoyment of economic, social and cultural rights extraterritorially”. Finally, Principle No. 22 explicitly demands: “States must refrain from adopting measures, such as embargoes or other economic sanctions, which would result in nullifying or impairing the enjoyment of economic, social and cultural rights [...]. States must refrain in all circumstances from embargoes and equivalent measures on goods and services essential to meet core obligations”.

According to International Criminal Law codified in the Rome Statute of 1998 crimes against humanity are those that constitute generalized or systematic attacks against civilian population. Those are extermination, enslavement, deportation or forced expulsion, deprivation of physical and intellectual freedom, the persecution of a group on political, racial, ethnic or national grounds etc. Here, the blockade, even they call it an embargo or sanctions, undermines people’s lives, freedom, rights and dignity and is a crime against humanity. Blockades are one of the most treacherous, illegal and illegitimate forms of warfare, even if they invoke international treaties and law to camouflage their action.

According to Art. II of the 1948 Geneva Convention on the Prevention and Punishment of the Crime of Genocide, paragraph c, *“Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”*, is an act of genocide. The dramatic and huge impact of the above-mentioned laws and regulations, maintained for more than 60 years; also demonstrates that no blockade has been as comprehensive, long-lasting and brutal against a people as the one that the United States have maintained against Cuba. The blockade has resulted directly and indi-

rectly in the loss of numerous human lives. The US has decided to maintain this blockade until the Cuban people decide to bow. The US are determined to maintain measures that are calculated to bring about in the long term the physical destruction at least in part of the Cuban people. Such an attitude could amount to a crime of genocide.

5. Since the numerous sanctions and the US laws on which they are based are unlawful, they must be abolished. The USA must pay compensation for the damage caused to the Cuban state, its companies and citizens.

Brussels, 17 November 2023

Norman Paech (Germany), Suzanne Adely (US), Ricardo Avelãs (Portugal), Daniela Dahn (Germany), Simone Dioguardi (Italy), Dimitris Kaltsonis (Greece).

EPILOGUE:

Statement at the Tribunal closing session

Fernando González Llord, ICAP president

Friends all:

I am sure you will agree with me that we have witnessed an event of great content and political courage, following a legal framework par excellence. What seemed almost impossible to achieve in mid-2021, when this initiative began to take shape, has become an act of great significance, thanks to the joint efforts of lawyers, solidarity with Cuba organizations, political groups, trade unions, MEPs and individuals, among others, who recognize the injustice that has been committed against the Cuban people for more than six decades by the biggest imperialist power in history.

Only two weeks ago, the US government was once again isolated internationally in the United Nations General Assembly, receiving yet another crushing moral defeat. Today, the European Parliament—a place where anti-Cuban resolutions have been repeatedly adopted accusing us of violating human rights and disrespecting democracy, among other great fallacies—has also dealt a new and crushing blow to the current US government which, like its predecessors, constantly tries to quash us and erase the example that my brave and rebellious homeland represents for many peoples of the world.

There is no doubt that a major political exercise has been accomplished. It has been demonstrated that the United States' conduct toward Cuba is entirely unilateral and unjustified, in violation of international laws and treaties, and that it is not a bilateral issue at all, but rather affects third parties, including European companies and citizens.

I urge you to work together to take new and much more effective action to demonstrate how the clearly extraterritorial nature of the blockade undermines the sovereignty of the countries you represent and violates domestic laws.

Just as there is not a single valid argument justifying Cuba's arbitrary inclusion and continued presence on the unilateral list of countries sponsoring terrorism, we know that nothing will undermine the resolve of all those gathered here to continue to denounce the economic, commercial and financial blockade imposed on us.

In the same way as the Cuban President, Miguel Díaz-Canel Bermúdez, expressed his gratitude on convening this International Tribunal against the Blockade of Cuba on July 17, within the framework of the EU-CELAC Peoples' Summit held in this same capital, I extend to all those present here—to the team of judges, prosecutors, experts, witnesses, the organizations that called this Tribunal and to the participating public, who together reached 243 participants representing 18 countries of Europe and the United States—the sincere appreciation of the Cuban Institute for Friendship with the Peoples and our entire nation for your efforts and commitment in defending Cuba's just cause.

The resistance of the Cuban people, proven at all costs in the face of this stubborn policy, together with the support we have received from thousands of men and women just like you, who represent the best of your peoples, encourages us to push ahead. To make this fight more effective, I invite you to make use of the

verdict of this Tribunal as a new working tool. It represents a new and very useful legal tool to raise awareness among other sectors and increase the impact of our shared struggle, which is none other than that of David against Goliath. A new stage in the fight against the blockade begins, which must be combined with political and legal action, making greater use of the European Union's own mechanisms in favor of our truth.

Let's shout together, louder every day: Unblock Cuba, unblock us!

Thank you very much.

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DENUNCIATION OF A CRIME

INTERNATIONAL TRIBUNAL AGAINST THE BLOCKADE OF CUBA BRUSSELS, 2023

On November 16 and 17, 2023, the International Tribunal against the Blockade of Cuba was held in Brussels, Belgium. The impacts of the application of Title III of the Helms-Burton Act and the inclusion of Cuba on the list of State Sponsors of Terrorism were denounced. Irrefutable evidence demonstrated that the blockade imposed by the United States on Cuba is not a bilateral issue between two countries, but violates international law and is an attack on democratic values and the peoples of the world.

The Tribunal was convened by organizations representing European and US civil society, political parties, associations of jurists, businesspeople, scientists and friends of Cuba.



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