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IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”

Human rights and unilateral coercive measures

Report of the Secretary-General*

Summary

The present report is submitted pursuant to resolution 2005/14 of the Commission on Human Rights and decision 2/102 of the Human Rights Council. The report summarizes replies received in response to a request for information sent to Member States. Responses were received from the Governments of Colombia, Cuba, Mexico and Trinidad and Tobago.

* The reason for the late submission of this report is to reflect the latest information.

Introduction

1. The present report is submitted in response to Commission on Human Rights resolution 2005/14, requesting the Secretary-General to seek the views and information of Member States “on the implications and negative effects of unilateral coercive measures on their populations”, and Human Rights Council decision 2/102, requesting the Secretary-General and the High Commissioner for Human Rights “to continue with the fulfilment of their activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies”.

2. On 17 November 2006, the Secretary-General sent a note verbale to Member States seeking their views and information as requested in the above-mentioned resolution. As at 4 January 2007, the Office of the High Commissioner for Human Rights had received responses, summarized below, from the Governments of Colombia, Cuba, Mexico and Trinidad and Tobago. The full text of the submissions is available from the Secretariat.

Responses from Governments

Colombia

[Original: Spanish]
[22 December 2006]

1. In its response, the Government reported that Colombia opposes the use of unilateral coercive measures or sanctions and that it favours cooperation and aid as a means to promote the full realization of human rights and address obstacles that hinder the attainment of that objective.

2. The Government indicated that it supports the call of the General Assembly to Member States that have applied unilateral coercive measures to revoke them as soon as possible, in accordance with obligations undertaken under international humanitarian law.

Cuba

[Original: Spanish]
[21 December 2006]

1. In its response, the Government of Cuba recalled that, according to numerous resolutions of the Commission on Human Rights and the General Assembly, as well as political declarations adopted at international summits and conferences, economic unilateral coercive measures are contrary to the Charter of the United Nations and international law. The Government indicated that unilateral coercive measures used as a tool for political and economic coercion are an attack on the independence, sovereignty, and right to self-determination of peoples, as well as on the full enjoyment of all human rights. The main victims are the populations of the countries subject to such measures, in particular, the most vulnerable groups such as children, women, the elderly and persons with disabilities.

2. The Government indicated that the application of unilateral coercive measures has been a fundamental instrument of the policy of hostility and aggression of the United States of America towards Cuba for more than 45 years. A policy which the Government qualified as an act of genocide, according to article 2 (c) of the Convention on the Prevention and Punishment of the Crime of Genocide, as well as an act of war and an international crime.

3. The Government referred to some of the measures imposed by the United States, including the Torricelli Act of 1992 and the Helms-Burton Act of 1996, and estimated that the direct economic damage caused by these measures exceeded US\$ 86 billion, or an average of US\$ 1.8 billion annually. It indicated that the United States authorities showed contempt for the United Nations, multilateralism and international law by continuing its policy of imposing an economic embargo on Cuba in defiance of 15 consecutive resolutions of the General Assembly, the last of which, resolution 61/11, was adopted on 8 November 2006 with the support of 183 Member States.

4. As a result of additional coercive measures, which had been recommended in the report of the so-called "Commission for Assistance to a Free Cuba", which entered into force on 30 June 2004, actions against Cuba had intensified. Referring to some of the main economic measures taken against Cuba in the first semester of 2006, the Government indicated, among others, that the United States Office of Foreign Assets Control (OFAC) had fined seven persons with a total of US\$ 7.2 million for travelling to Cuba as tourists and importing prohibited goods; that OFAC had started to carry out in situ audits of travel agencies to ensure strict application of the prohibition on tourist travel to Cuba and that several travel agencies had had their licences withdrawn; that OFAC had asked the Mexican Tax Administration Service (Servicio de Administración Tributaria) to block the accounts of companies and persons linked to the Government of Cuba; that new OFAC regulations on fines applicable to banking institutions which violate United States legislation on sanctions against different countries, including Cuba, had entered into force on 13 February 2006; and that draft bills (H.R. 5292 and S. 2795) had been presented to the United States Congress in May 2006 "to exclude from admission to the United States aliens who have made investments contributing to the enhancement of the ability of Cuba to develop its petroleum resources, and for other purposes".

5. The Government also referred to the establishment of new inter-agency mechanisms in the United States to strengthen the economic blockade and maximize its extraterritorial effect, including an inter-agency task force to control and sanction the importation of products containing Cuban nickel, a metal which has become one of the main exports of the Cuban economy. The damages caused by the extraterritorial character of such measures were reinforced by the important participation of the United States and its companies in international trade and investment.

6. The Government indicated that sectors such as food, health, education and transport have been among the main targets of these policies. In the period between April 2005 and March 2006 damages caused by the embargo were estimated to exceed US\$ 63.9 million in the food sector, and US\$ 48.8 million in the health sector, while damages caused to the education

sector amounted to US\$ 9.8 million for teaching and technical resources, US\$ 2.3 million for maintenance of school buildings, and US\$ 4.4 million for educational material. As to the transport sector, the Government estimated that damages amounted to US\$ 174 million. The economic damages were mainly a consequence of being denied access to the markets of the United States and having to purchase materials and goods elsewhere at a higher cost. For example, the Government indicated that the blockade meant that Cuba was not able to purchase Braille machines for blind and partially sighted children from the United States, where they were available at a price of US\$ 700, but instead had to purchase them from third countries at the higher price of US\$ 1,000.

7. The Government indicated that the State Department of the United States had made unfounded references to human rights violations in Cuba, with the sole aim of fabricating a pretext to continue its policy of hostility and blockade and even an eventual military aggression against the Cuban people. It was inadmissible that the United States continued to adopt laws and measures to strengthen the embargo and worsen the living conditions of the Cuban people in defiance of the international community's reiterated condemnation of unilateral coercive measures.

8. The Government invoked its sovereign right to denounce the harm that the embargo had caused to its people, to the people of the United States, to third countries and to international law, and indicated that it was now more important than ever for the international community to vigorously pronounce itself against such practices.

Mexico

[Original: Spanish]
[21 December 2006]

1. In its response, the Government of Mexico indicated that it considers the application of unilateral coercive measures, and any attack on the self-determination of peoples, to be contrary to international law and international humanitarian law, and to affect negatively the full realization of human rights, including the right to development.

2. The Government indicated that it had not promulgated or applied laws extraterritorially or imposed unilateral coercive measures, through recourse to war and militarism, on any other nation or State. Equally, the Government had no observations to make about negative effects of unilateral coercive measures on its population.

Trinidad and Tobago

[Original: English]
[8 December 2006]

1. In its response, the Government indicated that Trinidad and Tobago had not been subject to any unilateral coercive measures and that it did not support imposition of such measures.
