

Translated from Spanish

Response of Cuba to note LA/COD/11/1 from the United Nations Office of Legal Affairs on measures to eliminate international terrorism

3 June 2019

In the new national Constitution, adopted by referendum on 24 February 2019 following a process of constitutional reform and broad popular consultation, the commitment of Cuba to the fight against terrorism was elevated to constitutional status. Article 16(l) of chapter II, which is dedicated to terrorism, rejects and condemns terrorism in all its forms and manifestations, in particular State terrorism .

This decision reaffirms the long-standing rejection and condemnation by Cuba of all acts, methods and practices of terrorism in all its forms and manifestations, including when States are directly or indirectly involved, by whomever, against whomsoever and wherever committed, regardless of motivation.

In a fair decision taken in 2015, our country, which has been the victim of hundreds of terrorist acts that have claimed the lives of 3,478 persons and incapacitated another 2,099, was removed from the list of State sponsors of international terrorism, a unilateral mechanism in which it should never have been included.

Terrorism continues to be a serious challenge facing the international community. We would therefore like to reiterate that it is the duty of the United Nations to take the leading role in international counter-terrorism efforts.

International cooperation is essential to combating terrorism. While double standards and selectivity in addressing it prevail, this scourge cannot be eradicated. It is unacceptable that while some terrorist acts are condemned, political and economic interests mean that others are covered up, tolerated, encouraged, justified or manipulated.

harmful practice of financing, supporting or promoting subversive acts of regime change and messages of intolerance and hate towards other peoples, cultures, religions or political systems, through means including modern information and communications technologies, are in violation of the Charter of the United Nations and international law. These practices should also be targeted as we combat terrorism, and they should be condemned by the international community.

Measures taken at the international level:

Last year, Cuba joined one of the anti-terrorism initiatives that has garnered the most international support, by signing the Code of Conduct towards Achieving a World Free of Terrorism,

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As a State party to 18 international instruments on terrorism, Cuba has implemented legal and institutional measures aimed at effectively tackling this scourge. Cuba strictly complies with its obligations under Security Council resolutions 1267 (1999), 1373 (2001), 1540 (2004), 1988 (2011), 1989 (2011) and 2253 (2015) and has submitted, in accordance with the established timelines, the information requested on the measures taken to implement these resolutions.

On 5 December 2016, following the submission of national report, the Security Council Committee established pursuant to resolution 1540 (2004) published the approved implementation matrix for the country. In the period 2017-2018, the national Working Group updated the information on the set of legislative, administrative and institutional measures designed to ensure that no terrorist acts, in any of their forms or manifestations, are committed on Cuban territory, including measures to prevent terrorists from acquiring weapons of mass destruction, their means of delivery and materials and technologies related to their manufacture. In March 2019 Cuba submitted another national report on the implementation of Security Council resolution 1540 (2004).

In compliance with Security Council resolutions 1267 (1999), 1989 (2011), 1988 (2011) and 2253 (2015), the Ministry of Foreign Affairs of Cuba routinely informs the Ministry of the Interior, Cuban consulates and embassies and other relevant authorities, of the updates to the sanctions lists for Islamic State in Iraq and the Levant (Daesh), Al-Qaida and associated individuals, groups, undertakings and entities, in order to enable them to comply with the relevant measures set out in the above-mentioned resolutions.

In the period 2013-2015, Cuba was the first Latin American country to be evaluated by the Financial Action Task Force of Latin America (GAFILAT) as part of the fourth round of mutual evaluations conducted by the Financial Action Task Force (FATF), and it has continued to participate in the regular follow-up mechanism.

As part of this mechanism, Cuba submitted follow-up reports in 2017 and 2018, both adopted by the GAFILAT plenary, which recognized dedication and discipline in the country's fulfilment of its commitments. In July 2019, Cuba will submit its third follow-up report to the GAFILAT plenary.

Cuba committed to an action plan with the Financial Action Task Force in 2013. In 2014, the plenary of the Financial Action Task Force recognized the commitment of Cuba and its institutional capacity to prevent money-laundering and the financing of terrorism, and announced its inclusion in the network of jurisdictions that combat those scourges.

In June 2015, after a successful evaluation and on-site visit, Cuba was formally admitted to the Egmont Group, and became a part of its global network of financial intelligence units.

In 2017, the General Customs Administration of the Republic of Cuba and the United Nations Office on Drugs and Crime (UNODC) signed a memorandum of understanding for the implementation of the Global Container Control Programme. This is an initiative of UNODC and the World Customs Organization for the effective control of containers at borders; it is aimed at strengthening the level of port and airport security against all activity that is illegal or associated with transnational organized crime.

As a member of the Movement of Non-Aligned Countries, Cuba continues to participate actively in discussions and contribute to its statements concerning international terrorism. In addition, Cuba endorses the statements regarding terrorism been issued by regional coordination and integration groups, such as the Community of Latin American and Caribbean States, the Bolivarian Alliance for the Peoples of Our America Peoples Trade Agreement, and the Association of Caribbean States.

Legislative measures in Cuba ensure the prosecution of any person who participates in or in any way supports the commission of terrorist acts. All terrorist acts are codified as serious criminal offences in national legislation, and incur harsh punishments.

Money-laundering and the financing of terrorism have been categorized as criminal offences in Cuban criminal legislation since 1999 and 2001 respectively. On 7 December 2013, the Cuban authorities adopted two major legislative acts to prevent and combat money-laundering and the financing of terrorism.

In compliance with Security Council resolutions 1267 (1999), 1899 (2011), 1988 (2011) and 2253 (2015), the lists of individuals, entities and groups designated by the Security Council are published in the Official Gazette of the Republic, for general information.

Through Decree-Law No. 316 of 7 December 2013 amending the Criminal Code and the counter-terrorism act, the definitions of criminal offences relating to acts of terrorism involving the use of nuclear and radioactive material and ionizing substances were modified, and the range of offences categorized as money-laundering was expanded, in accordance with the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and the United Nations Convention against Transnational Organized Crime.

In 2016 prison sentences of between 1 and 15 years for the offences of financing of terrorism and other acts of terrorism were handed down to seven defendants (four Cubans residing in Miami, Florida, United States of America and three Cubans residing in Cuba) who were members of a terrorist organization based in the United States.

Decree No. 322 of 30 December 2013 governs the functioning and organization of the General Directorate and authorizes it to cooperate with foreign financial intelligence units on the basis of mutual understanding, rationality and reciprocity.

Decree-

Cuba reiterates its willingness to cooperate with any State to prevent and combat international terrorism, on the basis of respect for the rules of international law.
