

Translated from Spanish

Response of the Republic of Cuba to note LA/COD/11/1 from the United Nations Office of Legal Affairs on measures to eliminate international terrorism (General Assembly resolution 74/194)

Cuba is committed to the unequivocal rejection and condemnation of all terrorist acts, methods and practices in all their forms and manifestations by whomever, against whomever and wherever committed, regardless of motivation, including when States are directly or indirectly involved.

As a sign of the Cuban State's commitment to combating terrorism, it was elevated to constitutional status in the nation's new Magna Carta, approved by the referendum on 24 February 2019, following a process of constitutional reform and broad popular consultation.

In chapter II of the new Constitution of the Republic, which is dedicated to international relations, it is stated in article 16 (l) that the Republic of Cuba "rejects and condemns terrorism in all its forms and manifestations, particularly State terrorism".

Cuba, a country that has been the victim of terrorist acts that have claimed the lives of 3,478 persons and maimed another 2,099, has a completely clean record in the fight against terrorism. It has never participated in the organization, financing or commission of an act of terrorism against any country, and its territory has never been and will never be used for such purposes. It has never supported and will never support acts of international terrorism.

Cuba has been arbitrarily and unilaterally included in the list of countries that allegedly do not fully cooperate in the fight against terrorism, which was issued by the United States Department of State on 13 May 2020. The list is known to have no basis, authority or international backing. Its sole purpose is to defame and coerce countries that refuse to abide by the will of the United States Government in their sovereign decisions.

Paradoxically, the United States Government has chosen not to condemn or reject the serious terrorist attack perpetrated against the Embassy of the Republic of Cuba to the United States of America with the use of a fire arm, which endangered the lives and safety of the staff of the diplomatic mission and their families. The complicit silence of the United States Government may encourage similar acts against diplomatic missions in both Washington and New York.

There is a serious historical record of violent and hostile acts, including terrorist acts, against

diplomatic officials based in the United States, both at the headquarters in Washington and at the Permanent Mission to the United Nations in New York. It should be recalled, for example, that Cuban diplomat Félix García Rodríguez was murdered in New York on 11 September 1980 and that direct attacks with the use of explosive devices were carried out against the headquarters of the Permanent Mission of Cuba in that city.

The groups and individuals who have committed terrorist acts against Cuba in the past continue to operate and have operated with impunity on United States territory for years, as the law enforcement agencies of the United States Government are fully aware.

The facts confirm that terrorism continues to be a serious challenge facing the international community. We therefore reiterate that the United Nations must play the leading role in international efforts to combat it.

International cooperation in the fight against terrorism is indispensable because this scourge cannot be eradicated while double standards, manipulation, political opportunism and selectivity in addressing it prevail. It is unacceptable that while some terrorist acts are condemned, political and economic interests mean that others are met with silence, tolerated, encouraged, justified or manipulated.

Certain States' harmful practices of financing, supporting or promoting subversive acts of regime change and messages of intolerance and hate towards other peoples, cultures or political systems, through means including modern information and communications technologies, are violations of the principles of the Charter of the United Nations and of international law. This should also be the focus of our attention in the fight against terrorism.

Measures taken at the international level

Cuba is a State party to 18 of the 19 international counter-terrorism conventions and is finalizing the domestic legal requirements for the ratification of the final convention, in accordance with which it has put in place legislative, institutional, administrative and other measures aimed at effectively combating this scourge.

The United Nations Global Counter-Terrorism Strategy is a key instrument for combating the scourge of international terrorism. The United Nations General Assembly must play a central role in its coordination.

The Secretary-General's Plan of Action to Prevent Violent Extremism is a contribution that complements, but can never be a substitute for, the United Nations Global Counter-Terrorism Strategy.

In 2017, Cuba supported the Secretary General's proposal to establish the Office of Counter-Terrorism, which should continue to focus on more effective implementation of the United Nations Global Counter-Terrorism Strategy, without prejudice to the central implementing role of Member States. All actions by the Office must be based on full respect for the principles enshrined in the Charter of the United Nations and in international law, particularly respect for sovereign equality and non-interference and non-intervention in the internal affairs of States. Under no circumstances may it constitute a mechanism for the monitoring of States.

The new structure should promote international cooperation to effectively prevent and combat terrorism in all its forms and manifestations by facilitating the balanced and comprehensive implementation of the four pillars of the United Nations Global Counter-Terrorism Strategy.

In 2018, Cuba signed the Code of Conduct towards Achieving a World Free of Terrorism, an initiative promoted by Kazakhstan, which had been signed by 88 States, including Palestine, by the end of 2019. The same year, Cuba participated in the United Nations High-level Conference of Heads of Counter-Terrorism Agencies of Member States, entitled "Strengthening international cooperation to combat the evolving threat of terrorism", held in New York. Cuba support the holding of the second United Nations High-Level Conference of Heads of Counter-Terrorism Agencies of Member States and the first Congress of Victims of Terrorism.

Cuba strictly complies with its obligations under Security Council resolutions 1267 (1999), 1373 (2001), 1540 (2004), 1989 (2011) and 2253 (2015), and has participated actively in discussions on the work of the Counter-Terrorism Committee. It has also submitted, in accordance with the established timelines, the information requested on the measures taken for the implementation of these resolutions.

In compliance with the provisions of the above Security Council resolutions, the Ministry of Foreign Affairs of Cuba systematically informs the Ministry of the Interior, Cuban consulates and embassies and other competent authorities of updates to the sanctions lists for Islamic State in Iraq and the Levant (ISIL) (Da'esh), 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 March 2019, Cuba submitted its fifth national report on the implementation of Security Council resolution 1540 (2004), in which it updated information on the set of legislative, administrative and institutional measures designed to ensure that no terrorist acts, in any of their forms and manifestations, are committed on Cuban territory, including measures to prevent terrorists from acquiring weapons of mass destruction, their means of delivery or materials and technologies related to their manufacture.

The national response to the questionnaire on effective measures taken by Member States to eliminate the financing of terrorism was submitted in February 2020 to the Counter-Terrorism Committee Executive Directorate and the Analytical Support and Sanctions Monitoring Team, pursuant to Security Council resolutions 1526 (2004) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida and the Taliban and associated individuals and entities.

In the period from 2013 to 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.

In 2014, the FATF plenary 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 the process for evaluations and on-site visits was approved, Cuba was formally admitted to the Egmont Group, and became a part of its global network of financial intelligence units. Cuba also participates in the regional Asset Recovery Network.

Cuba submitted follow-up reports to GAFILAT in 2017 and 2018, both approved by the plenary, which recognized the country's commitment and discipline in complying with the commitments made. The submission of the third follow-up report has been postponed by that regional body.

Cuba is honoured to have contributed its considerations to the Office of Counter-Terrorism in response to its note OCT/2017-11218, relating to General Assembly resolution 70/291, entitled "The United Nations Global Counter-Terrorism Strategy Review". In April 2020, it also provided inputs to the United Nations Office on Drugs and Crime (UNODC) and the Office of Counter-Terrorism for the preparation of the report on terrorism and organized crime, pursuant to Security Council resolution

2482 (2019).

Since 2017, the General Customs Administration of the Republic of Cuba, in cooperation with UNODC, has been implementing the Container Control Programme for the effective control of containers at the border. This is aimed at strengthening the level of ports and airport security against any activity that is unlawful or associated with transnational organized crime.

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

Within the context of the United Nations, Cuba has participated in and continues to follow with deep interest and commitment the discussions on a future comprehensive convention on terrorism. Cuba believes that it is imperative not only to adopt a comprehensive international convention on terrorism that will address the deficiencies and omissions of the current legal framework, but also to take consistent and joint international action against this scourge. In Cuba's view, the convention must establish an exact, clear and precise definition of the crime of international terrorism that covers all its dimensions, including State terrorism. The adoption of a comprehensive convention on terrorism would help to advance the implementation of the United Nations Global Counter-Terrorism Strategy and, more generally, the progress of the international community in addressing this scourge.

Measures taken at the national level

The decision to give constitutional status to Cuba's commitment to combating terrorism by including it in article 16(l) of the new Constitution of the Republic reaffirms the long-standing position held by Cuba and establishes the rejection and condemnation of terrorism in all its forms and manifestations, in particular State terrorism, as a principle of its foreign policy.

Cuba has implemented legislative, institutional, administrative and other measures aimed at preventing and suppressing all terrorist acts and activities, and other measures directly or indirectly connected thereto, including those related to the financing of terrorism, border protection and surveillance, arms trafficking, judicial cooperation, adherence to international legal instruments on

the prevention and suppression of international terrorism and the adoption of specific legislation in this area.

In December 2001, the Cuban parliament adopted Counter-Terrorism Act No. 93, which, in addition to criminalizing acts of international terrorism, includes all punishable offences associated with terrorism and its financing. The magnitude of the penalties covered by the Act is commensurate with the seriousness of the offences committed.

Cuban criminal legislation ensures the prosecution of any person who participates or in any way supports the commission of terrorist acts. All acts of terrorism are codified as serious crimes that incur severe penalties.

Money-laundering and the financing of terrorism have been categorized as criminal offences in national legislation since 1999 and 2001, respectively. On 7 December 2013, the Cuban authorities adopted two major legislative acts: Decree-Law No. 316 and Decree-Law No. 317 on preventing and countering money-laundering and the financing of terrorism, respectively.

Through Decree-Law No. 316 amending the Criminal Code and the Counter-Terrorism Act, criminal offences relating to acts of terrorism involving the use of nuclear or radioactive material or ionizing substances were modified, and the range of predicate offences for 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.

Pursuant to Decree-Law No. 317 on the prevention and detection of transactions related to countering money-laundering, the financing of terrorism, arms proliferation and illicit capital flows, a higher legal status in the country was given to the identification and freezing, without delay, of assets linked to individuals or terrorist organizations.

The above-mentioned Decree-Law No. 317 established a coordinating committee for preventing and countering the financing of terrorism and the proliferation of weapons of mass destruction, as well as money-laundering and its predicate offences. The coordinating committee is chaired by the President of the Central Bank of Cuba and is composed of representatives of the Attorney-General's Office, the Ministries of Justice, Foreign Affairs, Finance and Prices, Foreign Trade and Foreign Investment, and the Interior, as well as the General Customs Administration of the Republic and the National Tax Administration Office. The coordinating committee has the function

of identifying and evaluating the national risks associated with these crimes and coordinating policies and actions to prevent and counter them. The entities that comprise it have issued complementary regulations in this area.

At the institutional level, Cuba also has a General Directorate for the Investigation of Financial Operations, under the Central Bank of Cuba, which operates as a financial intelligence unit responsible for receiving, investigating and analysing suspicious transaction reports related to the financing of terrorism, the proliferation of weapons of mass destruction and money-laundering and its predicate offences; as well as establishing coordination and information-sharing links with the competent authorities.

Decree No. 322 of 30 December 2013 governs the functioning and structure of the General Directorate and authorizes its cooperation with foreign financial intelligence units on the basis of mutual understanding, rationality and reciprocity. Decree-Law No. 361 of 14 September 2018 established that the General Directorate reports directly to the Minister-President of the Central Bank of Cuba and strengthened the internal structure of financial intelligence system in operational and functional terms.

Pursuant to Security Council resolutions 1267 (1999), 1988 (2011), 1989 (2011) and 2253 (2015), the lists of persons, entities and groups designated by the Council are published in the General Gazette of the Republic for public knowledge.

In 2016, Cuba updated the national risk strategy for the period from 2017 to 2019 with a separate strategy for the financing of terrorism and the proliferation of weapons of mass destruction, respectively. Work is in the final stages on the second update to the national risk strategy, which will cover the period from 2020 to 2022 and employ a similar methodology.

Decree-Law No. 389 amending the Criminal Code, the Counter-Terrorism Acts and the Criminal Procedure Act was adopted in October 2019. This Decree-Law supplemented Cuban legislation in line with the requirements of international standards regarding the financing of terrorism. It criminalizes any contribution to the financing of terrorism, including the financing of travel of foreign terrorist fighters, the financing of terrorist actions and the financing of terrorist organizations. Cooperation with the international community in the fight against this scourge is also being strengthened and special investigative techniques are being codified, in accordance with the tenets endorsed in the Constitution of the Republic and promulgated in April 2019.

In accordance with existing legislation, seven defendants (four of them citizens of Cuban origin residing in Miami, Florida, United States of America, and three Cuban citizens residing in Cuba), all members of a terrorist organization based in the United States, were sentenced in 2016 to imprisonment for periods of between 1 and 15 years for the offences of financing of terrorism and other acts of terrorism.

In 2019, six Cuban citizens residing in Cuba, financed by a Cuban citizen residing in Miami, Florida, United States of America, were prosecuted for the offences of acts committed with an explosive or deadly device, chemical or biological agents or other means or substances and other acts of terrorism, and were sentenced to imprisonment for periods of between 2 and 28 years. The penalties imposed are covered by Act No. 93 of 2001.

The private sector and non-profit organizations are also regulated by Decree-Law No. 317 of 2013. To achieve greater regulation of non-profit organizations, decisions No. 5 and No. 6 of the Director of Partnerships within the Ministry of Justice were approved in February 2018. These decisions improve the methodologies for carrying out inspections of partnerships and control visits to liaison bodies. Subsequently, the Ministry of Culture adopted decision No. 30/2019 on regulations for the care and control of foundations and partnerships, for which the Ministry of Culture is the liaison body. These decisions make it possible to strengthen prevention and control mechanisms for non-profit organizations, in accordance with the new FATF requirements.

Over the period from 2017 to 2019, the specialized system of the Ministry of the Interior was established for preventing and countering terrorism and its financing. In 2018, financial intelligence was integrated into the system, which represented an important step in terms of inter-institutional coordination and the integration of operational and analytical capabilities.

In 2019 the General Directorate for the Investigation of Financial Operations received 430 suspicious transaction reports, of which 51 cases were disseminated and 177 were reported. Of the suspicious transaction reports processed, 228 reports were forwarded to the competent authorities for money-laundering and its predicate offences and for the financing of terrorism. During the same period, 13 strategic financial intelligence reports were disseminated through the Egmont Group. The General Directorate received five requests for cooperation through the Egmont Group's secure network and made 11 requests. At the national level, 16 financial investigative dossiers have been developed jointly with other criminal prosecution authorities.

The General Directorate has made spontaneous disclosures to financial intelligence units in

the geographical area. These are related to false positives detected for terrorism owing to matches with lists of persons designated by the United Nations Security Council.

The legal, administrative and institutional measures adopted by Cuba, in conformity with the international standards to which it is a State party, are aimed at preventing the commission on Cuban soil of acts of terrorism in any of their manifestations; while also ensuring the investigation and prosecution of persons who commit them, as well as investigation into incidents related to money-laundering and associated crimes. In this regard, Cuba has civil, administrative and criminal regulations that empower the authorities to take confiscatory action against unlawful acts. Upon a request from the authorities, the General Directorate liaises with financial institutions for the freezing of assets.

When Cuba joined GAFILAT in December 2012, the Central Bank of Cuba signed a memorandum of understanding for cooperation among the States members of this regional mechanism. In addition, 19 cooperation agreements have been signed with other countries in the field of financial intelligence. As a GAFILAT member, Cuba participates in the GAFILAT Asset Recovery Network.

Cuba has strengthened judicial cooperation with other countries, to which end it has signed 26 agreements on legal assistance in criminal matters (16 of which include extradition), 30 agreements on the transfer of convicts and 11 agreements on extradition. The signing of these agreements illustrates the country's continued willingness to cooperate with all States in this domain.

Cuba cooperates and exchanges information on a regular basis with its counterparts in other countries in countering terrorism. It has an International Criminal Police Organization (INTERPOL) National Central Bureau that provides and requests information related to individuals or groups who are wanted for or suspected of committing terrorist acts, belong to terrorist organizations or have committed other associated crimes. In view of the geographical location of Cuba, which is on the route through the Caribbean of foreign terrorist fighters, the authorities of the Ministry of the Interior have received alerts from their foreign counterparts about possible terrorist hotspots in areas of Latin America and the Caribbean; and they have been given lists of ISIL terrorist fighters who might be passing through the region, in order to impede their possible passage through Cuba. In the period from 2017 to 2018, the Cuban authorities conducted 11 investigations of suspicious persons.

The General Customs Administration of the Republic of Cuba promotes operational and international cooperation through the exchange of information in this area. As a member of the World

Customs Organization and its intelligence liaison network, the General Customs Administration participates in information exchange, with a focus on the Caribbean region, and in global World Customs Organization initiatives and operations aimed at preventing or addressing crimes, with priority given to combating, inter alia, terrorism, drug trafficking and money-laundering. In May 2019, Cuba welcomed the creation of the Caribbean Customs Organization, with the participation of some 30 countries, which will facilitate the fight against drug trafficking, organized crime and terrorism in the region.

Cuba also participates in regional training events sponsored by the World Customs Organization and GAFILAT. Cuba has developed national and joint actions to monitor the cross-border movement of cash or other means of payment, having acquired modern technology in order to prevent operations linked to money-laundering and the financing of terrorism. The participation of Cuba in the Airport Communication Project (AIRCOP), implemented by UNODC in partnership with INTERPOL and the World Customs Organization, also contributes to the prevention of terrorism.

The General Customs Administration of the Republic of Cuba, in partnership with the Ministry of Science, Technology and the Environment and the Ministry of the Interior, implements projects with the International Atomic Energy Agency to establish or improve technical and human capacity in support of physical nuclear security at borders, in order to enable timely detection of and response to illicit trafficking in nuclear and radioactive materials at ports and airports, as well as the detection of explosives and drugs.

In September 2018, Cuba hosted the fifteenth meeting of contact points of the GAFILAT Asset Recovery Network in Havana. In August 2019, Cuba participated in the twentieth GAFILAT workshop with assessors, held in Tegucigalpa, Honduras, which was aimed at training future assessors who will participate in the GAFILAT mutual assessment process. In March 2020, a regional workshop was held in Havana on the implementation of the risk-based approach to money-laundering, the financing of terrorism and the proliferation of weapons of mass destruction, with the participation of the German Agency for International Cooperation, GAFILAT and the Central Bank of Cuba. A national committee for the assistance programme against transnational organized crime, composed of agencies of the Cuban central State Administration, was established on 10 March 2020.

Cuba does not possess and has no intention of possessing weapons of mass destruction. The possession of such weapons has never been part of the Cuban national defence strategy. In Cuba, all programmes in the nuclear, chemical and biological fields have always been strictly peaceful and are

aimed at the socioeconomic development of the Cuban people. All of these programmes are strictly controlled by the relevant national authorities and are subject to oversight by the competent international bodies.

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