

Translated from Spanish

Permanent Mission of Cuba to the United Nations

NV-275

The Permanent Mission of Cuba to the United Nations presents its compliments to the Office of the Secretary-General of the United Nations and has the honour to refer to its communication of 21 January 2015, in which it sought information for the preparation of the report of the Secretary-General requested by the General Assembly in its resolution 69/120, adopted on 10 December 2014, entitled “Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts”.

In that regard, the Mission of Cuba transmits the following comments:

The four Geneva Conventions of 12 August 1949 and their Additional Protocols of 1977 retain their full validity and serve as the pillars of international humanitarian law for the protection of victims of armed conflicts. More than an international legal obligation, full compliance with these instruments is an ethical and moral imperative in the conduct of hostilities and military operations.

Cuba signed the four Geneva Conventions of 12 August 1949 on the very day they were adopted and ratified them on 15 April 1954. It acceded to Additional Protocols I and II of 1977 in 1982 and 1999, respectively. In the conduct of its external relations and domestic policy, Cuba has complied fully with these instruments and has invariably adhered to its obligations arising therefrom.

International efforts aimed at strengthening compliance with these instruments by States and other actors must be compatible with the purposes and principles of the Charter of the United Nations and international law, and with the provisions of the instruments themselves.

In that regard, the exchange of experiences, best practices and lessons learned in the application of these instruments at the national level should be promoted. Similarly, programmes promoting international cooperation and the transfer of resources, technologies and know-how to developing countries should be encouraged, in order to build national capacities for the dissemination and application of and compliance with international humanitarian law instruments.

Cuba notes with concern the ongoing serious violations of international humanitarian law instruments, particularly by highly developed countries, in the so-called fight against international terrorism and in military interventions against developing countries.

The failure to adhere to the principle of distinction in these contexts has caused thousands of civilians, mainly women, children and the elderly, to lose their lives or to sustain lifelong injuries. In a similar vein, civilian facilities and vital infrastructure, such as hospitals and schools, have been indiscriminately attacked with total impunity. Also of serious concern is the growing use of highly sophisticated armaments, in particular unmanned aircraft, which do not have the capacity to guarantee compliance with obligations under international humanitarian law.

Something else that must cease is the systematic practice of torture and other cruel, inhuman or degrading treatment or punishment of captured combatants and persons illegally detained in the fight against international terrorism, as it represents morally unacceptable behaviour for highly ethical military officers. That practice, which has been repeatedly denounced and condemned by the international community, violates not only international humanitarian law but also human rights and due process guarantees.

Furthermore, it is of concern that certain highly developed countries that are assuming a prominent role in the fight against international terrorism, that have participated in military interventions against third countries, and that finance groups and mercenaries in internal armed conflicts, are not parties to Protocol II Additional to the Geneva Conventions of 1949, adopted in 1997. That reveals a lack of true commitment and the application of double standards in the matter.

Cuba believes that the noble humanitarian ideal should not be sullied by being used as an excuse to violate the purposes and principles of the Charter of the United Nations and international law, in particular the sovereignty of States, the right of peoples to self-determination, the right to territorial integrity, and non-intervention in internal affairs, or as justification to formulate, finance and execute external agendas for regime change in developing countries.

The Permanent Mission of Cuba to the United Nations takes this opportunity to convey to the Office of the Secretary-General of the United Nations the renewed assurances of its highest consideration.

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H.E. Mr. Ban Ki-moon

Secretary-General

United Nations

New York
