

*Translated from Spanish*

**Response of Cuba to General Assembly resolution 75/139, entitled “Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives”**

Cuba notes with concern and unequivocally condemns violent acts committed against diplomatic and consular missions and their representatives.

Acts against the security and safety of diplomatic and consular missions and representatives have a negative impact on cooperative relations among States and are flagrant violations of the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of 1973.

The international community is called to take all appropriate steps to prevent acts of aggression and acts that violate the security and safety of missions, and to ensure that those responsible for such acts are brought to justice by the relevant State.

Cuba urges thorough observance, implementation and enforcement of all the principles and norms of international law governing the inviolability of the premises of diplomatic and consular missions and permanent diplomatic missions to international organizations.

**I. Measures adopted by Cuba to enhance the protection, security and safety of diplomatic and consular missions and representatives.**

In Cuba, the environment for the performance of diplomatic functions by all States and international organizations is calm and safe.

Cuba has paid and will continue to pay particular attention to the protection, security and safety of the diplomatic missions and representatives accredited in its territory, as a sign of its commitment to the relevant norms of international law in force.

Cuban criminal law establishes severe penalties for acts against the security and safety of diplomatic missions and representatives.

Act No. 62 of 29 December 1987, the Criminal Code, establishes offences to provide

particular protection for the inviolability of diplomatic officials and for the immovable property associated with their activities.

The criminal offences provided for in Cuban criminal law serve the dual purpose of preventing such acts from being committed and enabling the prosecution of those responsible for such acts in the event that they are committed.

Specifically, articles 113 (Acts against Heads and diplomatic representatives of foreign States) and 218 (Acts impinging on the right of diplomatic inviolability) establish penalties for those acts that are unrelated to the specific offences involved in their execution, which makes the punitive response to such acts more rigorous.

The premises of diplomatic missions accredited to the Republic of Cuba and the residences of diplomatic agents are inviolable, including by the authorities in charge of investigating criminal acts.

Similarly, special missions, consular missions and missions of international organizations accredited to the Republic of Cuba enjoy the inviolability recognized in the international treaties in force for the country.

Certain provisions illustrate that national legislation is in line with the relevant international instruments to which Cuba is a party

These include article 313 of Act No. 143 of 28 October 2021, the Criminal Procedure Act, and article 310 of Act No. 147 of 21 December 2021, the Military Criminal Procedure Act. These norms were recently enacted by the National Assembly of People's Power as part of the legislative updating process that has been taking place in Cuba since the adoption of the new Constitution in 2019.

## **II. Acts against Cuban diplomatic missions and representatives constituting serious violations of the protection, security and safety of diplomatic missions and representatives**

Over the last two years, Cuba has been the victim of violent acts perpetrated against its diplomatic missions and representatives.

**In the United States:**

1. Shortly after 2 a.m. on 30 April 2020, Alexander Alazo, a United States citizen of Cuban origin, opened fire on the Embassy of the Republic of Cuba in the United States, in Washington, D.C., using a semi-automatic AK-47-style rifle. The diplomatic premises were hit by 32 bullets. Seven people were in the building at the time of the incident. Some shots went through the windows to the interior of the building, while others hit the exterior of the building, the facade, the perimeter fence and the statue of the national hero of Cuba, José Martí.

Two years on from these terrorist acts perpetrated against the diplomatic premises and representatives of Cuba, the courts of the United States of America have not yet tried the person who perpetrated and is responsible for the acts.

The United States has not made any guarantees or taken any security or legal action to prevent the recurrence of such acts of international terrorism, which is endangering lives and putting the safety and security of Cuban missions and representatives in the United States at risk.

2. On the night of 15 September 2021, upon his arrival on a flight from Mexico, Ambassador Carlos Fernández de Cossío, who was at that time Director-General for the United States and is now the Deputy Minister for Foreign Affairs, was intercepted at John F. Kennedy International Airport in New York by an individual identified only as “Chris” and asked to discuss the health incidents of United States diplomats in Havana. The senior Cuban official suggested that the individual request the Permanent Mission of Cuba to the United Nations for a meeting to discuss the issue officially. The individual replied that the United States government agency to which he belonged did not operate in that manner and that it would opt to contact another person from the Ministry of Foreign Affairs, pay that person a lot of money and get the information that way.

On 17 September 2021, the Ministry of Foreign Affairs of the Republic of Cuba sent Diplomatic Note No. 1616 to the Embassy of the United States in Havana, also transmitting a copy to the Department of State. The note expressed the strongest rejection of the aggressive and disrespectful action towards Ambassador Fernández de Cossío, who had travelled to New York as part of the delegation of the Republic of Cuba participating in the high-level segment of the United Nations General Assembly.

The United States authorities never responded to the note from the Republic of Cuba.

This incident not only put the Cuban diplomat concerned in serious danger but was also a violation of the Vienna Convention on Diplomatic Relations and the norms of international law that protect diplomatic agents.

3. Since November 2020, demonstrations have taken place regularly outside the Permanent Mission of Cuba to the United Nations. The following actions have occurred during the demonstrations:

- The demonstrations have been led by the same individuals the whole time. They have occupied the space at the entrance to the Mission, preventing both Mission staff and visitors from entering the building. Mission staff and their families, including children and adolescents, work and live in this building.
- At times, the demonstrators have attempted to force their way into the Mission, thrown stones from the area in front of the Mission and threatened staff at the entrance to the building.
- The demonstrators have made threats of physical violence and threatened to use knives and firearms against the Cuban diplomats attached to the Mission.
- On multiple occasions, one or more demonstrators have followed the Mission's diplomatic staff to their homes while insulting and threatening them.
- Demonstrators have also used loudspeakers and other sound amplification devices right at the entrance to the Mission, without authorization, in violation of United States law.
- Posters, graffiti and offensive propaganda have been placed on the facade of the Mission building.
- The door to the building has been physically blocked with a rope.

Cuba, as a victim of these violations, has reported them to the host country authorities. However, the authorities in charge of the diplomatic security of the permanent missions have not always provided due protection to the Cuban Mission, despite having been informed in a timely manner, even prior to the occurrence of these events.

On several occasions, the New York City Police Department has withdrawn protection when

the aggressors arrived, refraining from intervening to enforce international law and the law of the United States itself.

The response of the United States authorities is inadequate, and the resulting impunity with which these individuals are acting could promote a dangerous escalation in their activities, which could lead to terrorist attacks against the Permanent Mission of Cuba or other actions that put the security and safety of the Mission and its staff at risk.

Both the attack against the Embassy in Washington, D.C. and the recent acts directed against the Cuban Mission to the United Nations in New York are direct consequences of the aggressive and hateful policy and rhetoric of the Government of the United States in respect of Cuba and the constant incitement to violence by United States politicians and anti-Cuban extremist groups that have turned these kinds of attacks into a way of life.

Cuba recalls that in the past, these kinds of demonstrations have had serious consequences, owing to their violent nature, even causing the physical injury and death of Cuban diplomats. Cuban diplomatic missions in the United States have been targets of violence, including in the bombing of the Permanent Mission in 1979, in which three people were injured, and the assassination of an official of the Permanent Mission in 1980.

Cuba has repeatedly expressed, within the relevant United Nations frameworks and to the host country at the bilateral level, its strongest rejection of these actions and the impunity with which the above-mentioned individuals have committed offences against and threatened Cuban officials and damaged diplomatic facilities and immovable property.

Cuba, as the victim of this aggression, has requested the Mission of the United States to take all necessary measures to ensure adequate protection for the Permanent Mission of Cuba and its staff in accordance with article 22, paragraph 2, of the Vienna Convention on Diplomatic Relations, which establishes the obligation to “take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.”

Cuba has also brought the events described above to the attention of the United Nations authorities.

Those acts constitute flagrant and systematic violations of diplomatic immunity and of the

protection of the security and safety of diplomatic and consular missions and premises, which are universally accepted principles of international law, in particular in the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations, to which the United States is a party.

Cuba wishes to reiterate its support for the biennial consideration of this matter in the Sixth Committee and for the production of the Secretary-General's report on the issue, as they help to improve diplomatic and consular relations against a backdrop of security and strict compliance with the provisions of international law.

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