

108TH CONGRESS  
1ST SESSION

# S. RES. 146

Expressing the sense of the Senate regarding the establishment of an international tribunal to prosecute crimes against humanity committed by Fidel Castro Ruz and other Cuban political and military leaders.

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IN THE SENATE OF THE UNITED STATES

MAY 20, 2003

Mr. REID (for himself and Mr. ENSIGN) submitted the following resolution;  
which was referred to the Committee on Foreign Relations

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## RESOLUTION

Expressing the sense of the Senate regarding the establishment of an international tribunal to prosecute crimes against humanity committed by Fidel Castro Ruz and other Cuban political and military leaders.

Whereas since 1959, Fidel Castro Ruz has led a tyrannical regime that restricts basic human rights, including freedom of expression, association, assembly, and movement;

Whereas Fidel Castro's brother, Raul Castro Ruz, controls the Ministry of Interior, the primary instrument of totalitarian control in Cuba that is responsible for many of the most egregious human rights violations that occur in that country;

Whereas the regime of Fidel Castro dominates all facets of public life, forcing all associations to meet in the presence

of state officials and requiring government approval of any material a person or association wishes to publish prior to its publication;

Whereas the Department of State has concluded that the Government of Cuba continues to “harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates,” and that the “Interior Ministry Department of State Security investigated and actively suppressed political opposition and dissent”;

Whereas the Government of Cuba continues to repress peaceful attempts by the Cuban people to bring democracy to Cuba;

Whereas in 2002, when members of the Varela Project, a democracy and human rights initiative in Cuba, collected more than 11,000 signatures on a petition calling for a national referendum on democratic reforms in accordance with the Constitution of Cuba, the regime of Fidel Castro orchestrated a constitutional amendment that declared Cuba’s socialist system irrevocable;

Whereas several human rights groups have estimated that the Government of Cuba is holding hundreds of political prisoners on charges such as dissemination of enemy propaganda, illicit association, clandestine printing, contempt for the authorities (which often means criticism of Castro), and rebellion;

Whereas Cuban police are permitted to arrest any person they believe exhibits signs of “dangerousness” and subject such person to therapy or political reeducation;

Whereas, in March 2003, the Government of Cuba began a massive crackdown on leaders of independent labor

unions, opposition parties, and the pro-democracy movement that led to the arrest of 80 dissidents;

Whereas the Government of Cuba subjected the dissidents arrested in March 2003 to unfair, closed-door trials, did not provide the dissidents with due process protections during the trials, and sentenced 50 of the dissidents to prison for terms of up to 28 years;

Whereas the regime of Fidel Castro has trampled the human rights of journalists, killing 25 and threatening, harassing, or detaining 1,420 in 2002, detaining an additional 27 in the March 2003 crackdown, and holding 120 as political prisoners as of May 2003;

Whereas prisoners in Cuba endure inhumane treatment, including psychological and physical torture, malnourishment, and sexual abuse, despite the fact that the Constitution of Cuba forbids abusive treatment of prisoners;

Whereas the Ministry of Interior regularly harasses religious leaders and practitioners, despite the fact that the Constitution of Cuba allows for freedom of religion;

Whereas the Government of Cuba engages in active surveillance of people's homes and correspondence, despite the fact that the Constitution of Cuba establishes the right to privacy;

Whereas the Government of Cuba encourages, condones, and tolerates racial discrimination, especially against blacks, violence against women, and child prostitution;

Whereas the Government of Cuba requires children to perform uncompensated farm work;

Whereas on April 11, 2003, the Government of Cuba summarily tried 3 men who hijacked a ferry in an attempt

to escape from Cuba in unfair, closed-door trials, after which all 3 were found guilty and executed by firing squad;

Whereas the Department of State has concluded that Cuba is a state sponsor of terrorism that continues to harbor terrorists and fugitives from the United States, including harboring members of 2 Colombian terrorist organizations, the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN);

Whereas the Government of Cuba has consistently ignored resolutions from the United Nations, the Organization of American States, and Congress condemning the human rights abuses;

Whereas since 1959, the regime of Fidel Castro has persecuted more than 100,000 Cubans, of which more than 18,000 either were murdered or have disappeared; and

Whereas actions taken by the Government of Cuba during 2002 and 2003 have demonstrated that even after 44 years, the campaign of terror by the regime of Fidel Castro shows no signs of waning: Now, therefore, be it

1       *Resolved*, That it is the sense of the Senate that—

2               (1) Fidel Castro Ruz and Raul Castro Ruz—

3                       (A) are guilty of grave violations of inter-  
4               national law and crimes against humanity; and

5                       (B) should be held legally and financially  
6               accountable for such violations and crimes;

7               (2) the President and Secretary of State should  
8       work with the members of the Organization of  
9       American States, the Inter-American Commission on

1 Human Rights, and other international organiza-  
2 tions to establish a special international tribunal  
3 with jurisdiction to prosecute Fidel Castro Ruz,  
4 Raul Castro Ruz, and other political and military  
5 leaders of Cuba who have committed crimes against  
6 humanity;

7 (3) the President should not agree, under any  
8 circumstances, to an arrangement whereby Fidel  
9 Castro Ruz and Raul Castro Ruz would relinquish  
10 control in Cuba in exchange for immunity from pros-  
11 ecution for crimes against humanity; and

12 (4) the United States should continue to  
13 strengthen programs and groups that foster demo-  
14 cratic progress and the development of a civil society  
15 in Cuba.

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