

Mercenaries, Special Rapporteur on the use of:
(E/CN.4/1998/31, paras. 16–23)

The report refers to information provided by the government related to various groups operating in southern Florida and involving Cuban nationals residing in that area. The government stated to the Special Rapporteur (SR) that nationals of a country “should be deemed mercenaries when they attack their own country at the behest of a foreign Power and are in its pay.”

The SR noted that, at present, article 47 of Additional Protocol I of 1977 to the Geneva Conventions of 1949 sets as a requirement for the definition of a mercenary that the person concerned is neither a national nor a resident of the country affected by the individual’s unlawful activity. The SR recalled previous observations to the effect that international legislation regarding mercenaries contains gaps, conflicting requirements, and deficiencies of wording that facilitate the performance of unlawful acts which should be considered and punished as mercenary acts. On the case raised by the Cuban government, the report states that the illegal acts against Cuba in September 1997 – which resulted in the death of an Italian citizen and material damage to hotel facilities – may be said to bear the hallmark of mercenary activity since the perpetrator was a foreign national and admitted to a number of facts qualifying him as a mercenary agent in light of the international provisions which are currently in force.

The individual responsible was identified by the government as a Salvadoran citizen who: had entered Cuba as a tourist; had admitted to being the perpetrator of various attacks on hotel and tourist facilities; had been recruited abroad, trained, supplied, and paid to carry out the acts; was to receive a payment of \$4,500 for each bomb; was trained in El Salvador and received the necessary equipment, a list of possible targets, tickets and money to cover his expenses; was a former member of the Salvadoran army, where he received training as a parachutist and as a sharpshooter, the latter in a military school in Georgia in the United States; and had indicated that he had also taken a course in explosives with U.S. instructors. The government asserted that the attacks had been organized from Miami, Florida, by a group called the Cuban American National Foundation.

The report notes that the SR was still waiting for a copy of the self-incriminating statement in order to analyse the characterization of the act, existing connections, the possible responsibilities of third parties, and its possible mercenary character. [Note: see under “United States” the response of the U.S. government.]

Torture, Special Rapporteur on: (E/CN.4/1998/38, paras. 83–84; E/CN.4/1998/38/Add.1, paras. 80–82)

Three new cases were transmitted to the government related to torture and ill treatment of inmates by prison

guards, which included beatings and resulted in bone fractures, sprains and bruising. In one case, the beating and subsequent confinement in a punishment cell and suspension of family visits was reported to have been in response to a letter by an inmate addressed to the President of the National Assembly denouncing abuses against prisoners. The letter had been found in the inmate’s cell during a search.

Violence against women, Special Rapporteur on: (E/CN.4/1998/54, Section II.E)

In the section on custodial violence and preventative national measures, the report notes that Cuba is among a number of countries which penalize – under either the penal law or administrative functions – sexual intercourse between a man and a woman involving the abuse of the man’s professional authority. Special sanctions are applied to anyone who, while wearing a military uniform or appearing as a public official, violates the physical integrity of a detained woman by sexual abuse or harassment.



DOMINICA

Date of admission to UN: 18 December 1978.

TREATIES: RATIFICATIONS AND RESERVATIONS

Land and People: Dominica has not submitted a core document for use by the treaty bodies.

Economic, Social and Cultural Rights

Acceded: 17 June 1993.

Dominica’s initial report was due 30 June 1995.

Civil and Political Rights

Acceded: 17 June 1993.

Dominica’s initial report was due 16 September 1994.

Discrimination against Women

Signed: 15 September 1980; ratified: 15 September 1980. Dominica’s initial and second through fifth reports were due 3 September 1982, 1986, 1990, 1994 and 1998 respectively.

Rights of the Child

Signed: 26 January 1990; ratified: 13 March 1991.

Dominica’s initial and second periodical reports were due 11 April 1993 and 1998 respectively.

