

# Congress of the United States

Washington, DC 20515

November 10, 2022

The Honorable Linda Thomas-Greenfield  
U.S. Representative to the United Nations  
U.S. Mission to the United Nations  
799 United Nations Plaza  
New York, NY 10017

Dear Ambassador Thomas-Greenfield,

We write to express our profound concern regarding the Cuban regime's sinking of a boat near Bahía Honda which reportedly resulted in the deaths of at least seven Cubans, including one child. Accordingly, we respectfully request that you condemn these murders at the United Nations, and call for an international investigation into whether they constitute crimes against humanity.

Article 7 of the Rome Statute of the International Criminal Court defines crimes against humanity as actions such as murder, torture, persecution, "imprisonment or other severe deprivation of physical liberty," or other "inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health" which is knowingly "committed as part of a widespread or systematic attack directed against any civilian population." We believe that the sinking of a civilian boat by a Cuban regime vessel, resulting in the deaths of vulnerable, unarmed Cuban civilians was knowing, purposeful, and part of a systematic campaign of oppression against those who dare to oppose the regime – even if that "opposition" is simply attempting to escape.

Such action at the United Nations has precedent. As you know, the United Nations Human Rights Council established the UN Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (FFMV) in September 2019 with a one-year mandate (resolution 42/25). The FFMV was extended another two years (resolution 45/20). Throughout those three years, the FFMV has produced three reports documenting the Maduro dictatorship's egregious human rights abuses and numerous crimes, such as extrajudicial executions, enforced disappearances, arbitrary detentions, and torture. These reports have highlighted not only the abuses, but also the state's systematic complicity in committing them.

While Venezuela voluntarily subjected itself to the jurisdiction of the ICC long before Maduro seized power, Cuba never did so. However, the UN and the ICC both have authority to investigate crimes against humanity. Shamefully, the regime in Cuba has committed egregious human rights abuses systematically and knowingly for nearly six decades with few repercussions; the perpetrators of these crimes have not been held accountable for their atrocities at the United Nations nor the International Criminal Court. The victims of firing squads, political persecution, arbitrary imprisonment, widespread expropriations, the Tugboat Massacre, Brothers to the Rescue shutdown, reprisals following repatriations or failed refugee attempts, torture, terrorism, forced disappearances, and arbitrary killings deserve to have their cases heard and documented by the international bodies charged with safeguarding human rights.

Most recently in Cuba, in the case of the boat sinking near Bahía Honda, the regime has not been forced to account for the deaths of these Cubans whose only crime was attempting to flee their island prison. Persecuting those who attempt escape has become a reprehensible pattern of the regime, following the dozens of innocent lives lost in the deliberate and vicious Tugboat “13 de Marzo” Massacre of 1994, the executions of three men who attempted to escape by seizing a ferry in 2003, and now the regime’s sinking of a boat off Bahía Honda. We believe that the knowing and systematic nature of the regime’s actions in murdering innocent Cubans is well established.

It is past time that the regime in Cuba, and those who carry out its malign directives, are held accountable for the torment that they inflict on the Cuban people. When these crimes are no longer committed with impunity, perhaps those receiving these heinous orders will decline to follow them. Accordingly, within all applicable rules and regulations, we respectfully request that you unequivocally condemn these barbaric acts at every opportunity. We further request that you call for a full, fair, and expeditious investigation into these killings with particular consideration as to whether they constitute crimes against humanity, as defined in the Rome Statute of the International Criminal Court, or other customary international rules and norms.

Thank you for your attention to this matter of utmost importance.

Sincerely,



Mario Diaz-Balart  
Member of Congress



Albio Sires  
Member of Congress



Maria Elvira Salazar  
Member of Congress



Carlos A. Gimenez  
Member of Congress



Nicole Malliotakis  
Member of Congress