

E.T. Long - ARA - 9/20/78
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FROM : AMEMBASSY, HABANA 173
TO : THE DEPARTMENT OF STATE, WASHINGTON.
REF : Despatch 165, July 28, 1953

DESP. NO. F739011-0528

JULY 29 1953	
DEPARTMENT OF STATE BUREAU OF INTER-AMERICAN AFFAIRS	

Handwritten initials: H, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z

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SUBJECT: Suspension of Constitutional Guarantees as Result of Attacks on Armed Forces

Law-Decree No. 989 dated July 26, 1953, published in an extraordinary edition of the Official Gazette also dated July 26 and effective from that date, suspended for a period of 90 days the constitutional guarantees provided in Articles 26, 27, 28, 29, 30, 32, 33, 36, 37 and 71 of the Constitutional Statute of April 4, 1952. The suspension was made applicable throughout the country and was motivated by the attacks on the armed forces at Santiago de Cuba and Bayamo.

The suspension of constitutional guarantees was effected under authority of Article 41 of the Constitutional Statute which authorized such suspension "for the time that may be necessary for the security of the State" when there is "disturbance of public order and other cases that deeply disturb public tranquility" or in order to "combat terrorism or gangsterism".

Simultaneously with the suspension of the constitutional guarantees in question, Law-Decree No. 989 brought into force the "Law of Security and Public Order" of January 5, 1942, which under normal conditions is not in effect. This Law empowers the authorities to employ such preventive and precautionary measures as may be necessary to re-establish and assure order.

The constitutional guarantees that have been suspended are briefly summarized below.

Articles 26, 27, 28 and 29 provided protection for arrested persons and set down fundamental principles for prompt and fair trial. Article 30 guaranteed the right to freedom of movement, subject to immigration and criminal laws. Article 32 provided for the inviolability of communications, except as otherwise authorized by competent judicial authority. Article 33 safeguarded freedom of

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expression without prior censorship, subject to judicial restraint in cases of libel, threat to public welfare, etc. Articles 36, 37 and 71 recognized, respectively, the right of petition; the right of congregation, except for illicit purposes; and the right to strike and to "lock out", subject to regulatory legislation.

For the Ambassador:



Earl T. Crain
Acting Counselor of Embassy

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Department of State

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FROM: Habana
TO: Secretary of State
NO: 25, July 29, noon

DEPARTMENT OF STATE
BUREAU OF
INTER-AMERICAN AFFAIRS
file
had
JUL 30 1953

Hand

Minister State told me this morning he received unconfirmed report from Legation San Jose, 200 armed men left Costa Rica in unnamed number of vessels July 25, and there was presumption they were headed for Cuba. He said no such vessels have yet appeared in this vicinity.

BEAULAC

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