

CUBAN DOCTORS HUMAN RIGHTS LITIGATION

Ramona Matos Rodriguez,

Tatiana Carballo Gomez,

Fidel Cruz Rodriguez, and

Russela Margarita Ribero Sarabia,

vs.

Pan American Health Organization

Case No. 18-____ in the United States District Court for the Southern District of Florida
(assigned to U.S. District Judge _____)

Filed November 29, 2018

Q & A

Q. What is the case about?

A. Cuban doctors were sent to Brazil from 2013 to 2017 to provide medical services to underserved populations in a program called “Mais Medicos” under the direction of the Pan American Health Organization (PAHO). The Doctors allege that the Mais Medicos program was an illegal, forced labor enterprise that generated hundreds of millions of dollars for the Cuban government. Brazil paid PAHO for the doctors’ services. PAHO transferred 85% of the money to Cuba, paid the Doctors approximately 10% and kept 5% for itself. In all, PAHO pocketed some \$75 million in illegal profits from human trafficking, and sent over \$1.3 billion to Cuba that should have been paid to the Doctors.

Cuban doctors who escaped the program came to the U.S, have sued PAHO because it is an international organization based in Washington, D.C., and made decisions about the program and used its bank accounts in Washington to implement the scheme.

Q. What specifically is PAHO accused of doing?

A. The lawsuit alleges that PAHO knowingly provided labor for and profited from the Mais Medicos program to generate profits for the Cuban treasury. The entire enterprise violated U.S. and international law by “exporting” Cuban Doctors to Brazil. The program operated hand in hand with Cuba’s repressive controls over its population and human rights violations, which PAHO was well aware of. The doctors had no practical choice but to accept the assignment because of the political repercussions and risks to themselves and their family members if they refuse a “patriotic” mission. In addition, the doctors are not told where they will be posted or what work they will do, they are forced to sign contracts with no notice or negotiation. In addition, the doctors’ freedom of movement in Brazil is severely restricted and they are under constant surveillance by Cuban intelligence operatives, employed by PAHO.

PAHO paid the Cuban Doctors only a small fraction of the wages paid by the Brazilian government for the Doctors' work, while doctors from other countries received the full amount paid by Brazil for the same work, which violates Brazilian law, World Health Organization rules, as well as other laws.

Q. What remedies are the Cuban Doctors seeking?

A. The Plaintiffs are seeking damages under two laws, the Trafficking Victims Protection Act, (18 U.S.C. §§ 1589, 1590, and 1595) and the Racketeering Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961, 1962, and 1964). Both these laws provide remedies to victims of forced labor such as the practices PAHO managed and profited from.

Q. What will happen next in the case?

A. PAHO will likely try to dodge the suit claiming immunities.. The issues will be heavily litigated and will likely take several months to resolve.

Q. What does it mean for the case to be pursued as a Class Action?

A. The Federal class action rule allows Courts to permit individuals with similar claims to band together in one lawsuit against a common defendant. After preliminary issues are resolved, the Plaintiffs will request to represent the full class: all the U.S.-resident Cuban Doctors from the Mais Medicos program.

Q. What do I do if I believe I am affected by this lawsuit?

A. If you believe you would be a member of this Class, you do not have to take any action now. If the Court certifies the case as a class action, it will set out a procedure for every possible member of the class to be notified. Until then, you do not need to do anything regarding this case. You are, however, encouraged to continue to consult with this website for updated information.

Q. What is the basis for the allegations in the Complaint?

A. This case was filed after consultations with individual Cuban Doctors from the Mais Medicos program who now live in the United States, and research into government and other public documents. The research includes:

1. Interviews with, and review of documents from, Cuban Doctors who participated in the Mais Medicos program in Brazil, who defected and were granted humanitarian parole by the U.S. government under the Cuban Medical Professional Parole Program.

2. Reports of the official Brazilian government auditors, the Supremo Tribunal Das Contas (“Tribunal”), which raised concerns about the legality of the Mais Medicos program under Brazilian law by the unequal treatment of Cuban doctors compared to others in the program. The Tribunal also requested documentation regarding the relationship between PAHO/WHO and Cuba. [\[LINK\]](#)

3. Reports from PAHO’s official independent external auditor, the Tribunal De Cuentas De España in 2013-2016 which recommended that PAHO establish a financial reserve to account for possible financial liabilities from the Mais Medicos Program. [\[LINK\]](#)

4. Plaintiff Ramona Matos Rodriguez’s address to the Brazilian Congress describing the way the Cuban Doctors were being mistreated under the Mais Medicos program in Brazil, including how their every movement was heavily surveilled and overseen by Cuban intelligence officials connected to PAHO. [\[LINK\]](#)

Q. Will PAHO try to move the case out of federal court in Florida?

A. PAHO is expected to challenge the Florida’s federal court’s power to hear the case. Plaintiffs’ position is that PAHO’s presence throughout the United States and illegal actions affecting Cuban doctors in Florida, allow the lawsuit to be filed in Federal court in Miami.

Q. Can PAHO avoid compensating the Cuban Doctors if they win?

A. PAHO may claim that it doesn’t have to pay if we win. Plaintiffs disagree. PAHO is based in the U.S., has assets here, and receives American taxpayer dollars.

Consult this Website Periodically for Updates

This website contains the Complaint and many of the key documents and other materials supporting the lawsuit. [LINK](#)