



United States Department of State

Washington, D.C. 20520

May 8, 2019

Case No. F-2014-06088

Segment: EB/IFD-0001 & LIT-0001

Mr. Jason I. Poblete  
PobleteTamargo LLP  
Courthouse Square  
510 King Street, Suite 350  
Alexandria, Virginia 22314  
(703) 566-3037

Dear Mr. Poblete:

This is in response to your request dated April 8, 2014, regarding the release of certain Department of State material under of the Freedom of Information Act (the "FOIA"), 5 U.S.C. § 552. The processing of records is ongoing and has, thus far, yielded 25 responsive documents to your request. After reviewing these documents, we have determined that nine may be released in full, nine may be released in part, and seven must be withheld in full pursuant to FOIA Exemptions 5 and 6, 5 U.S.C. §§ 552 (b)(5) and (b)(6).

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made excisions, the applicable exemptions are marked on each document. All non-exempt material that is reasonably segregable from the exempt material has been released, and is enclosed.

The processing of your request is ongoing. We will keep you informed as your case progresses. If you have any questions, your attorney may contact Jeremy S. Simon at (202) 252-2528 or [Jeremy.simon@usdoj.gov](mailto:Jeremy.simon@usdoj.gov). Please refer to the case number, F-2014-06088, and the civil action number, 18-cv-02335, in all correspondence regarding this case.

Sincerely,

Susan C. Weetman  
Chief, Programs and Policies Division  
Office of Information Programs and Services

Enclosures: As stated

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

- (b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:
- 1.4(a) Military plans, systems, or operations
  - 1.4(b) Foreign government information
  - 1.4(c) Intelligence activities, sources or methods, or cryptology
  - 1.4(d) Foreign relations or foreign activities of the US; including confidential sources
  - 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
  - 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
  - 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
  - 1.4(h) Weapons of mass destruction
- (b)(2) Related solely to the internal personnel rules and practices of an agency
- (b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:
- |                |   |
|----------------|---|
| ARMSEXP        | Arms Export Control Act, 50a USC 2411(c)                    |
| CIA PERS/ORG   | Central Intelligence Agency Act of 1949, 50 USC 403(g)      |
| EXPORT CONTROL | Export Administration Act of 1979, 50 USC App. Sec. 2411(c) |
| FS ACT         | Foreign Service Act of 1980, 22 USC 4004                    |
| INA            | Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f) |
| IRAN           | Iran Claims Settlement Act, Public Law 99-99, Sec. 505      |
- (b)(4) Trade secrets and confidential commercial or financial information
- (b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product
- (b)(6) Personal privacy information
- (b)(7) Law enforcement information whose disclosure would:
- (A) interfere with enforcement proceedings
  - (B) deprive a person of a fair trial
  - (C) constitute an unwarranted invasion of personal privacy
  - (D) disclose confidential sources
  - (E) disclose investigation techniques
  - (F) endanger life or physical safety of an individual
- (b)(8) Prepared by or for a government agency regulating or supervising financial institutions
- (b)(9) Geological and geophysical information and data, including maps, concerning wells

**Other Grounds for Withholding**

NR Material not responsive to a FOIA request excised with the agreement of the requester

**From:** Leszczak, Kristina <LeszczakK@state.gov>  
**Sent:** Tuesday, December 23, 2014 9:44 AM  
**To:** Markley, Erin N <MarkleyEN@state.gov>  
**Cc:** Barron, Benjamin A <BarronBA@state.gov>; Tracton, Michael K <TractonMK@state.gov>  
**Subject:** FW: Cuba/US National Claims

RELEASE IN PART  
B5,B6

Hi Erin – I neglected to loop you in. Clear for EB/IFD/OIA. Many thanks, K

This email is UNCLASSIFIED.

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**From:** Leszczak, Kristina  
**Sent:** Tuesday, December 23, 2014 9:40 AM  
**To:** Barron, Benjamin A  
**Cc:** Tracton, Michael K  
**Subject:** RE: Cuba/US National Claims

Hi Ben – Thanks for sending this forward to OIA, we also think the text below is fine. Kind regards, K

This email is UNCLASSIFIED.

---

**From:** Barron, Benjamin A  
**Sent:** Tuesday, December 23, 2014 7:27 AM  
**To:** Markley, Erin N  
**Cc:** Jacobs, John C; Tracton, Michael K; Leszczak, Kristina; Gabor, Robert R; Manogue, Robert D  
**Subject:** Re: Cuba/US National Claims

Hi Erin,

This looks fine to me. Clear for EB/TFS/SPI. Sorry for the delayed reply-

B6

I have added some EB colleagues on here who may be interested in this. Some of their offices may wish to be on the clearance line.

Sincerely,  
Ben

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**From:** Markley, Erin N  
**Sent:** Monday, December 22, 2014 08:00 PM  
**To:** Barron, Benjamin A  
**Subject:** Cuba/US National Claims

Seeking EB clearance to respond to attached (and below for your convenience) press question on Cuban claims against the US as well as US nationals' claims against Cuba. We already have L/WHA, L/CID, L/DL. Do we need anyone else from EB?

Thanks for your attention, Erin Markley, WHA/PDA

**Question 1:** What is the value of claims Cuba had made against the US for what it regards as an illegal embargo?

**Answer:**

B5

**Question 2:** Could you estimate what a realistic payout will be on US claims vs. Cuba in cents on the dollar, and how long the process of compensating victims might take?

**Answer:**

B5

SBU  
This email is UNCLASSIFIED.

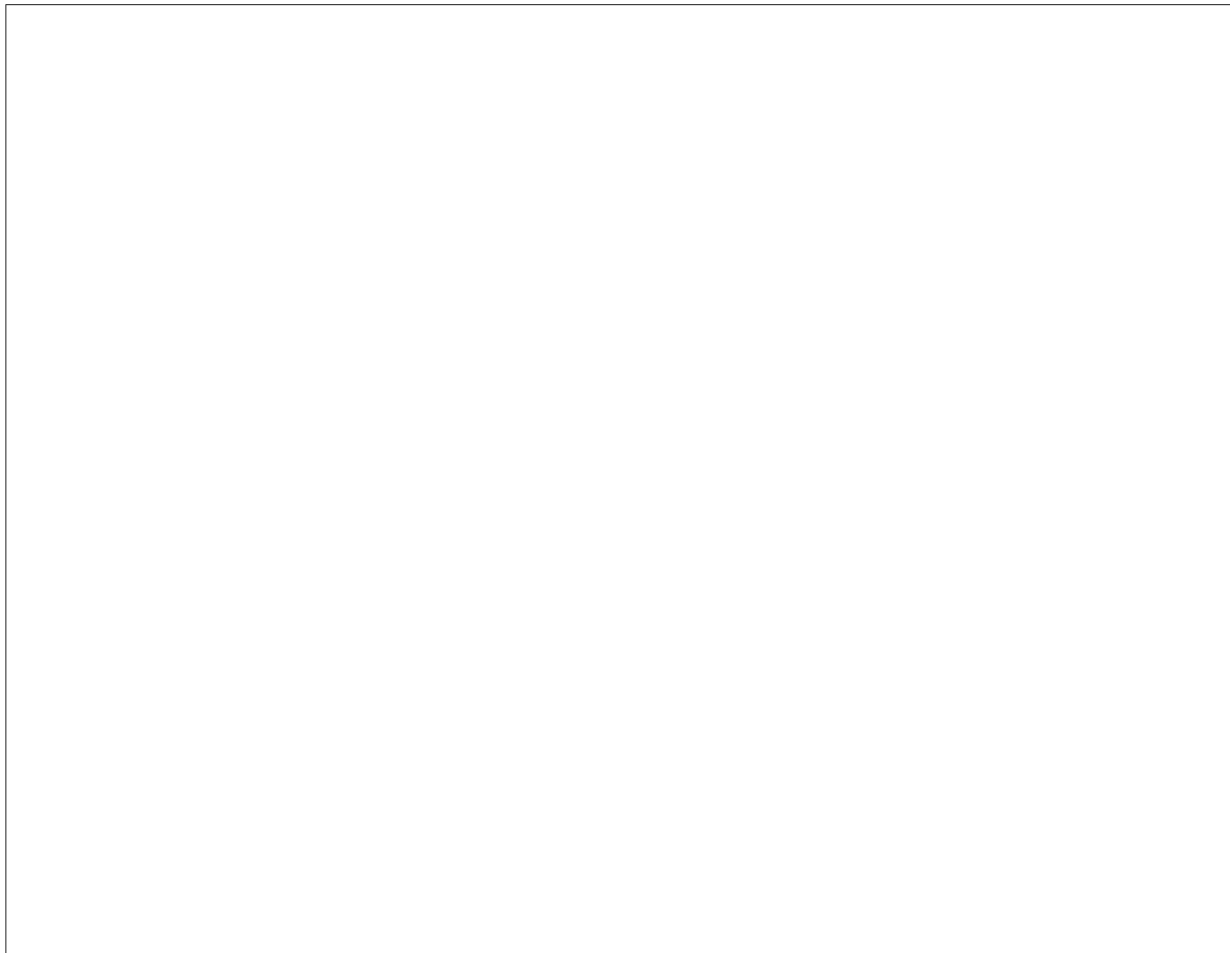
Cuba Policy Group Meeting  
September 18, 2015  
Chaired by WHA DAS Alex Lee

**RELEASE IN FULL**

1. BILATERAL COMMISSION
2. MIGRATION & CONSULAR
3. LAW ENFORCEMENT AND COUNTER NARCOTICS
4. HUMAN RIGHTS
5. TIP
6. EDUCATION
7. CLAIMS
8. ENVIRONMENT, SCIENCE & HEALTH
9. TRANSPORTATION
10. TELECOMMUNICATIONS/INTERNET/TECH
11. OTHER

**RELEASE IN PART B5,B6**

**Questions for the Record Submitted to  
Assistant Secretary Roberta Jacobson by  
Representative Edward Royce (1)  
House Committee on Foreign Affairs  
February 04, 2015**



B5

Approved: WHA/FO - Alex Lee, DAS ( )

Drafted: Mary Brett Rogers-Springs, ext. 7-5561

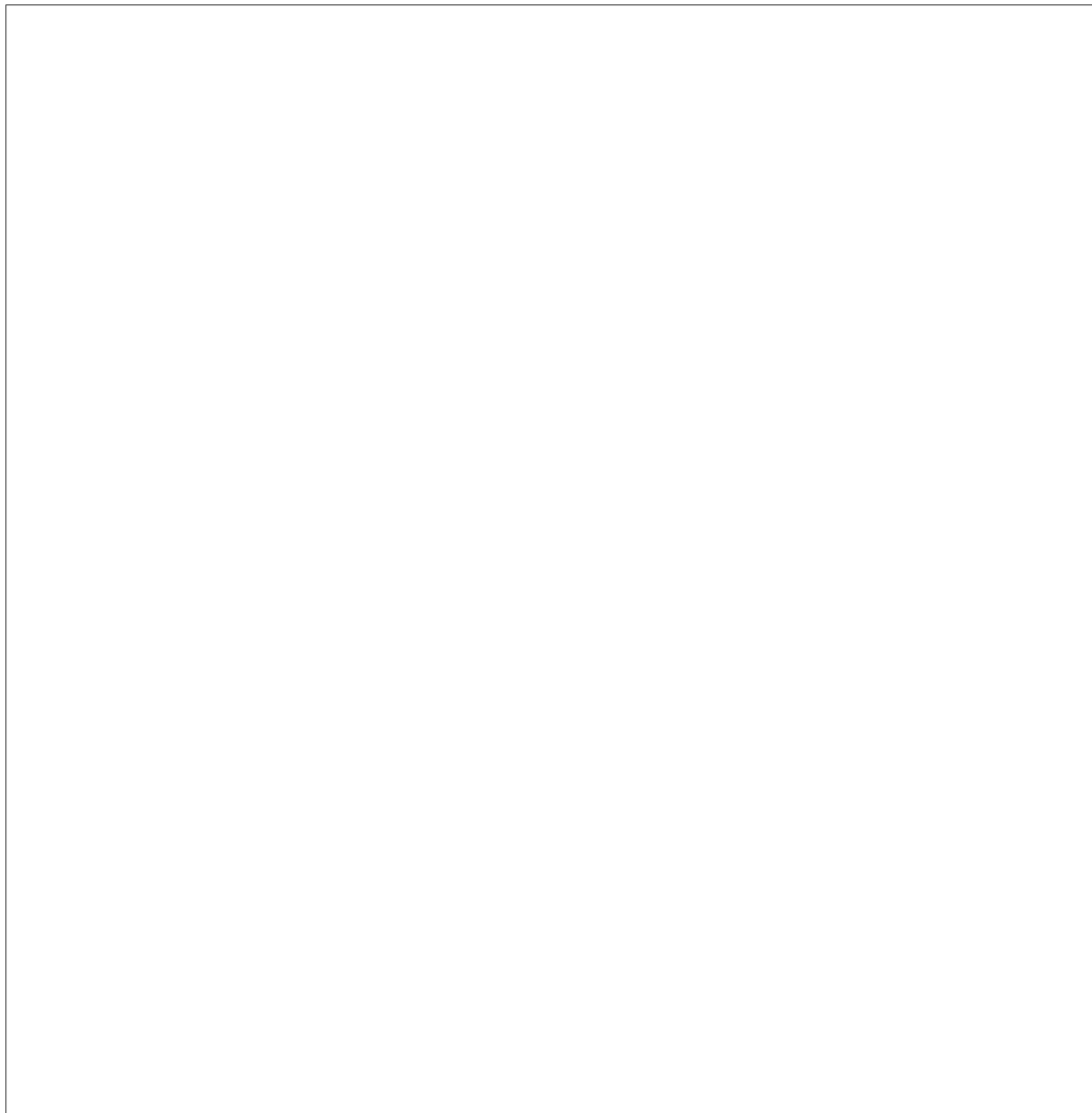
B6

Cleared:

WHA/FO: DErikson ( )  
WHA/CCA: MWells ( )  
WHA/CCA: RAllison ( )  
H/LMO: DSearby ( )  
L/WHA: AMelamud ( )  
L/CID: JSimcock ( )  
L/DL: MCMalin ( )  
D: SSheils ( )  
P: AStevenson ( )  
S/P: MCamilleri ( )  
D-MR: KKeshap ( )  
EB/TPP/BTA: JJacobs ( )  
EB/TFS/SPI: BBarron ( )  
EB/IFD/OIA: JChitlik (ok)  
E: JAshworth ( )

**RELEASE IN PART B5,B6**

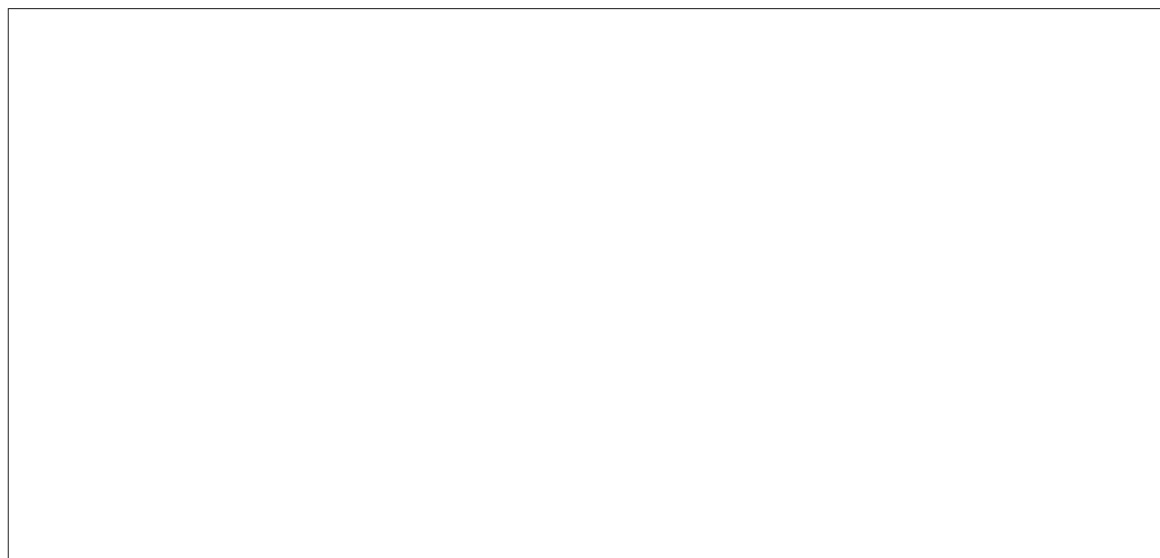
**Questions for the Record Submitted to  
Assistant Secretary Roberta Jacobson by  
Representative Edward Royce (2)  
House Committee on Foreign Affairs  
February 04, 2015**



B5



B5



Approved: WHA/FO - Alex Lee, DAS ( )

Drafted: Mary Brett Rogers-Springs, ext. 7-5561,

B6

Cleared:

WHA/FO: DErikson	( )
WHA/CCA: MWells	( )
WHA/CCA: RAllison	( )
H/LMO: DSearby	( )
L/WHA: AMelamud	( )
L/CID: JSimcock	( )
L/DL: MCMalin	( )
D: SSheils	( )
P: AStevenson	( )
S/P: MCamilleri	( )
D-MR: KKeshap	( )
EB/TPP/BTA: JJacobs	( )
EB/TFS/SPI: BBarron	( )
EB/IFD/OIA: JChitlik	(ok )
E: JAshworth	( )

**SAMPLE cont.**

Drafted: RM/BP: Lesley Werthamer x7-0770

Cleared: RM/BP: Sharon Nell ok  
RM/BP: Eric Hembree ok  
RM/BP: Steve Dietz ok  
RM/BP: Gil Knarich ok  
RM/BP: Kara Collier ok  
IO/PHO: Charles Casper ok  
D(N):John N. Doe ok  
D(B): John B. Doe ok  
P: Susan Suh ok  
S/P: David Van Cleve ok  
H: David Searby ok  
M: Adam Namm ok



United States Department of State

Washington, D.C. 20520

September 4, 2015

SENSITIVE BUT UNCLASSIFIED  
**MEMORANDUM**

RELEASE IN PART  
B4, B5, B6

TO: John Smith  
Acting Director  
Office of Foreign Assets Control  
Department of the Treasury

FROM: Julie Nutter  
Director  
Office of Sanctions Policy and Implementation

SUBJECT: [Redacted]

B4

**Background**

OFAC seeks foreign policy guidance on an application from [Redacted] requesting authorization to organize and operate entities in the United States it refers to as “the Fund,” which would own and manage property claims of U.S. nationals against Cuba certified by the Foreign Claims Settlement Commission (FCSC).

[Redacted]

Years ago, the FCSC adjudicated claims against the Cuban government related to

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SENSITIVE BUT UNCLASSIFIED

-2-

the expropriation of U.S. nationals' property by the Castro regime following the Cuban Revolution. The FCSC certified nearly 6,000 awards with a principal value of approximately \$1.91 billion, and a simple interest rate of 6 percent per annum. With interest, the claims now total approximately \$8 billion.

Pursuant to public guidance issued in July 2008, OFAC treats FCSC-certified claims against Cuba as property in which Cuba has an interest, as defined in Section 515.311 of the Cuban Assets Control Regulations, 31 C.F.R. Part 515. Accordingly, the transfer of FCSC-certified Cuban claims is generally prohibited absent authorization by OFAC.

**Recommendation**

In December 2014, the President announced that the United States would embark on a process of normalization with Cuba. As an initial step, the U.S. and Cuban governments re-established diplomatic relations July 20, and opened an embassy in Havana, which will allow the Administration to engage more effectively on a range of important issues, including claims. During the high level discussions with the United States that took place in Havana in January, the United States proposed, and Cuba agreed, to begin a dialogue on claims in the months following the re-establishment of diplomatic relations and re-opening of the respective embassies. We continue to expect that an initial meeting on claims will occur sometime in the fall.



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State requests that OFAC continue to refer cases involving transactions related to certified property claims of U.S. nationals against Cuba for foreign policy guidance.

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v2.docx

B4

Approved: Mark Wells (ok)

Drafted: WHA/CCA, SAWyngowski, 7-7488; bb:

B6

Cleared:

WHA/CCA:	JPerkins	(ok)
WHA/CCA:	KMurakami	(ok)
WHA/CCA:	EMendrala	(ok)
L/WHA:	JKovar/AMelamud	(ok)
L/CID:	LGrosh/JSimcock	(ok)
EB/TFS/SPI:	BBarron	(ok)

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DECONTROLLED

DECLASSIFICATION AUTHORITY:  
David Van Valkenburg, 04-12-2019

Background

[Redacted]

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RELEASE IN PART B5

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[Redacted]

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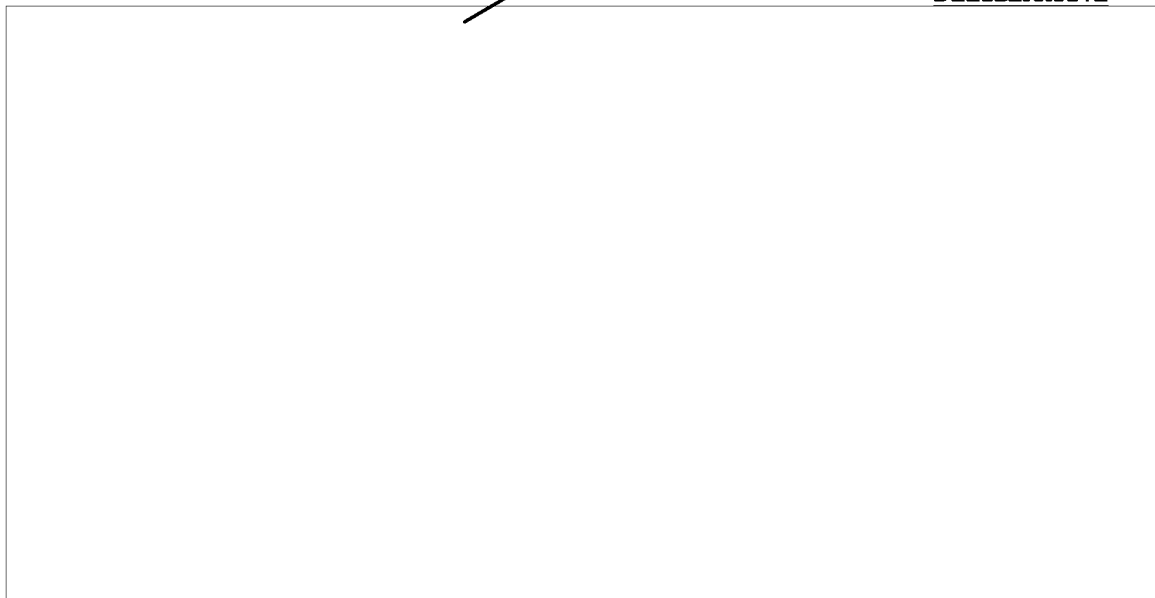
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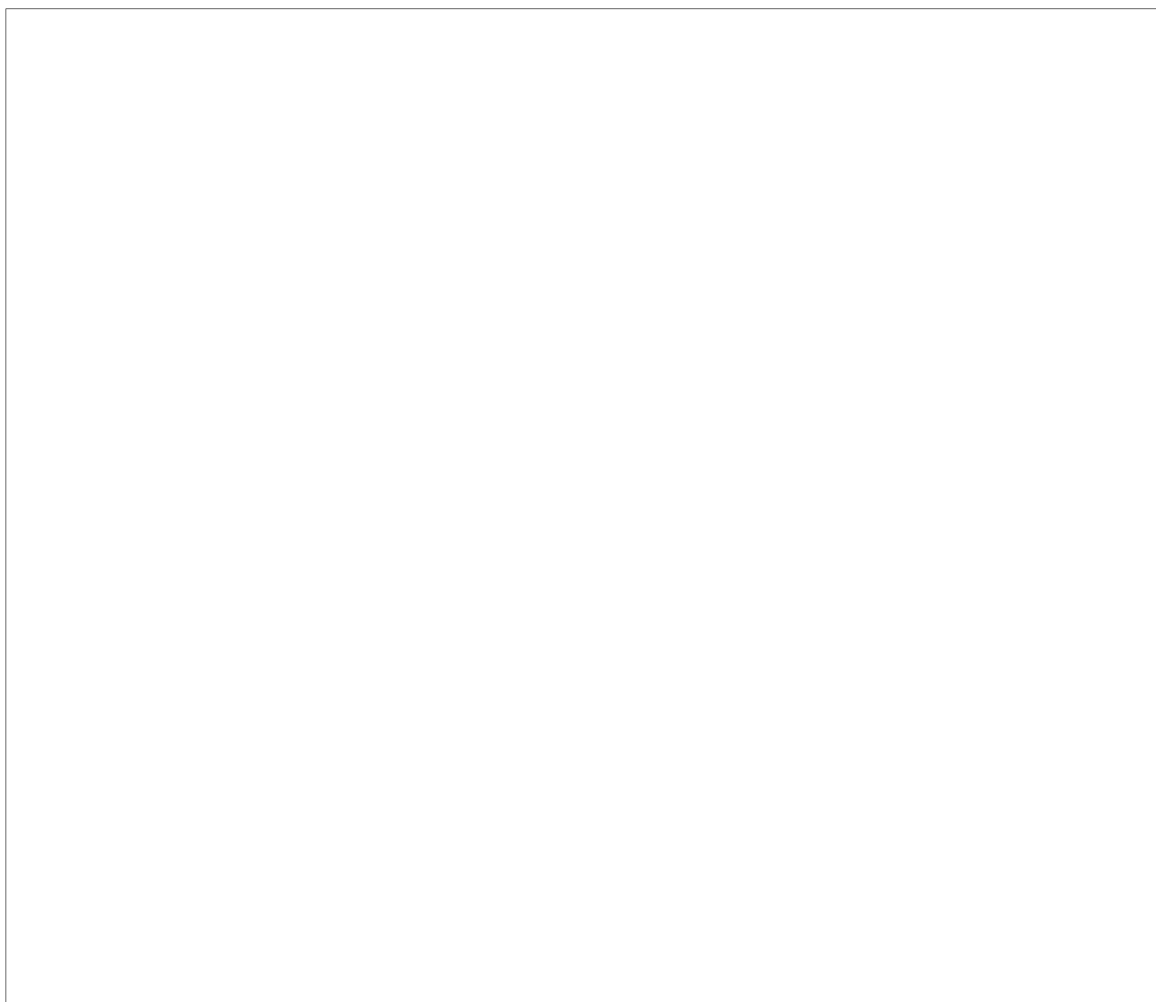


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Cleared:

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L/FO

WHA

-WHA/CCA

-WHA

H

-H/WHA

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RELEASE IN PART B5

REVIEW AUTHORITY:  
David Van Valkenburg,  
Senior Reviewer

**TAB 6**

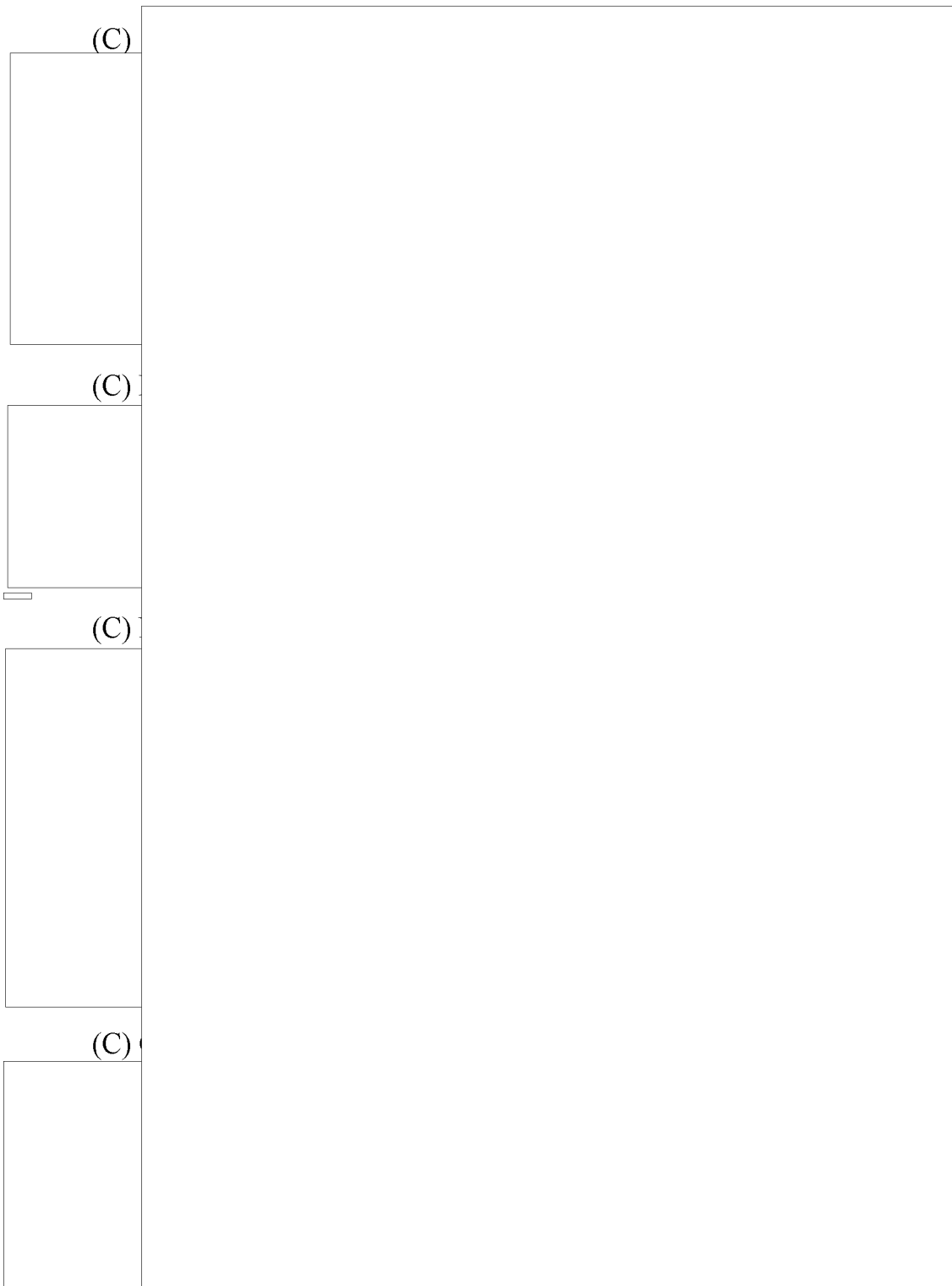
VIEWS OF L AND OTHER AGENCY COUNSEL

(C)

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[Redacted]

(C)

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(C)

[Redacted]

[Redacted]

DECLASSIFICATION AUTHORITY:  
David Van Valkenburg, 05-03-2019

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TAB A: BACKGROUND

RELEASE IN PART B5

[Redacted]

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[Redacted]

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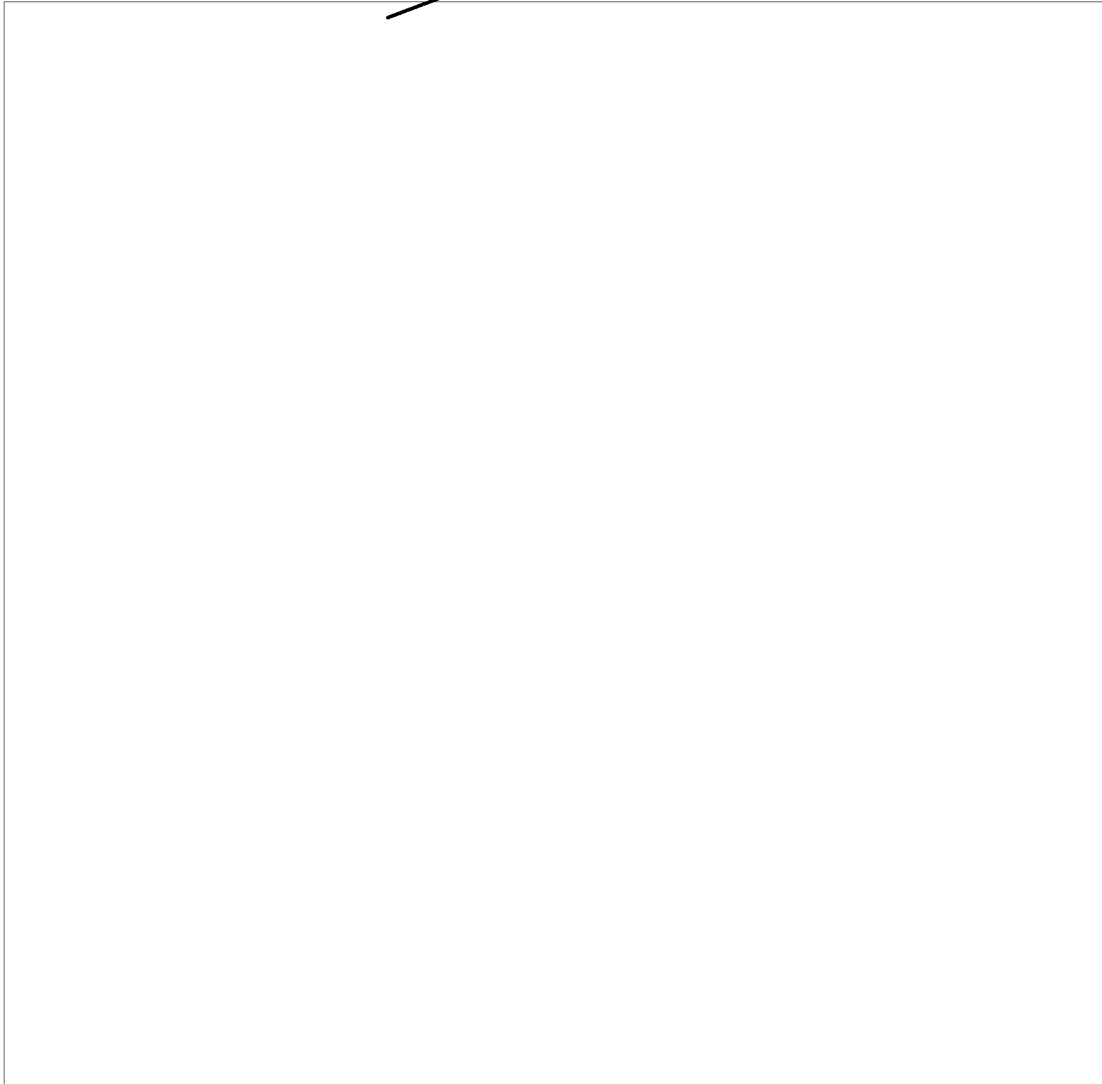
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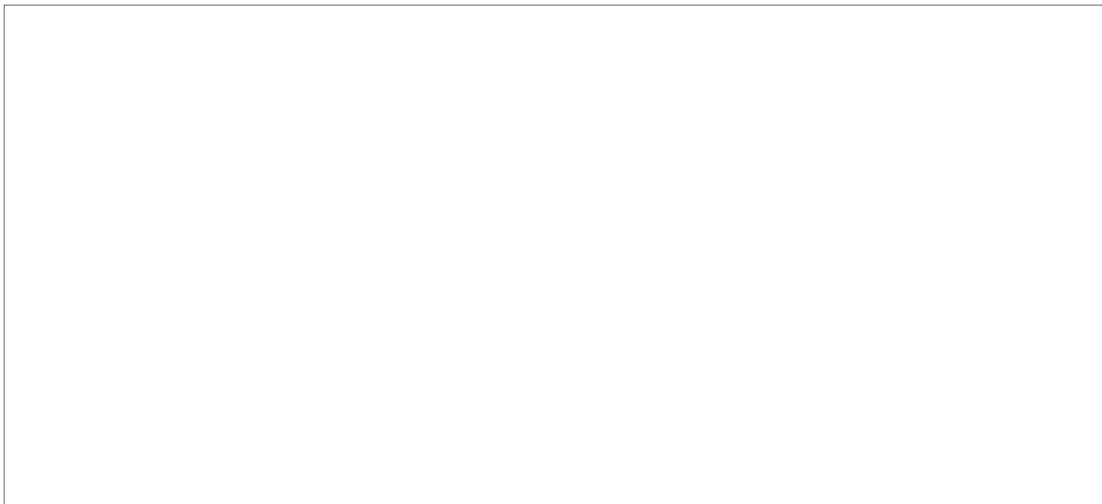
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[Redacted]

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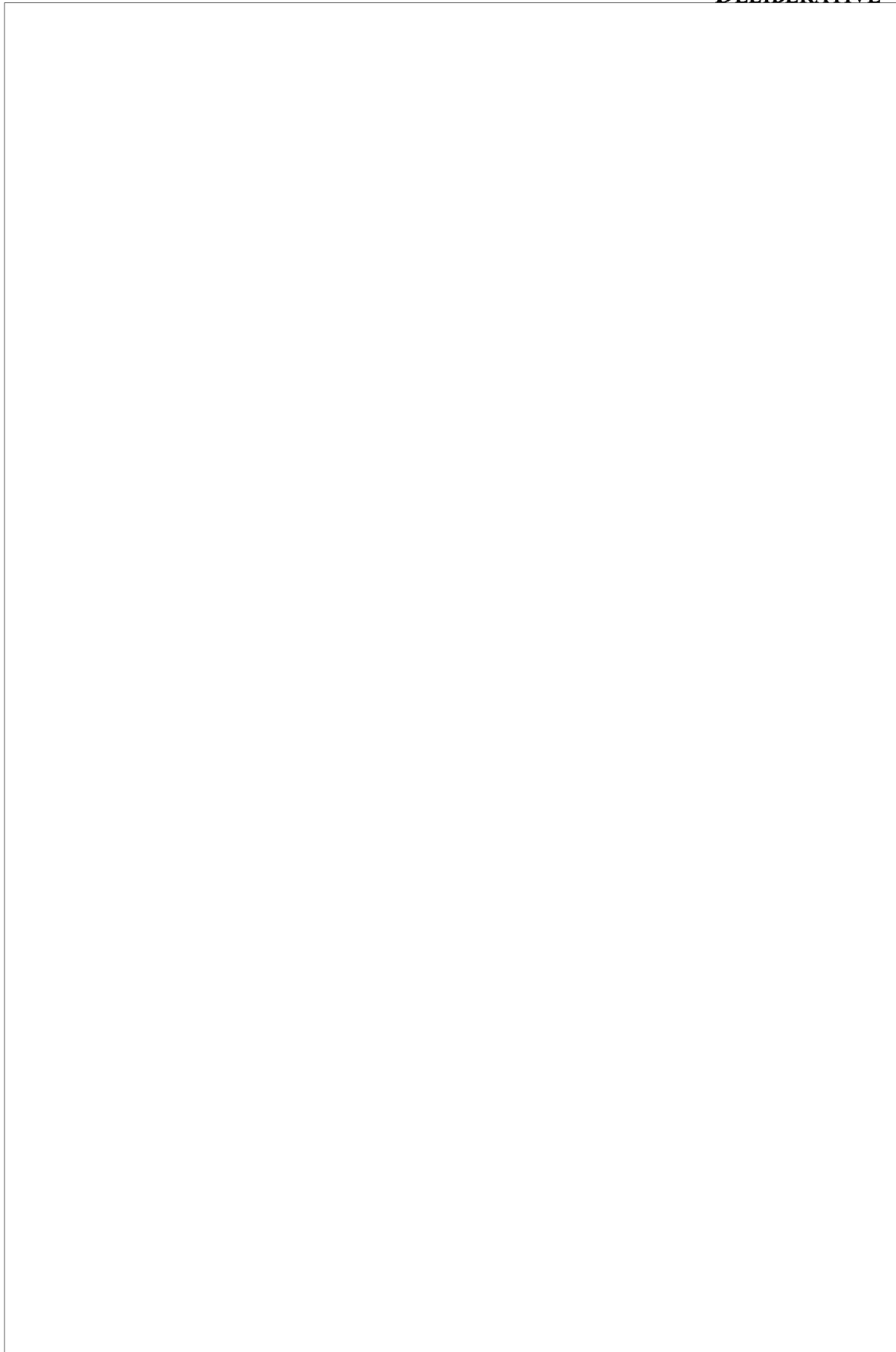


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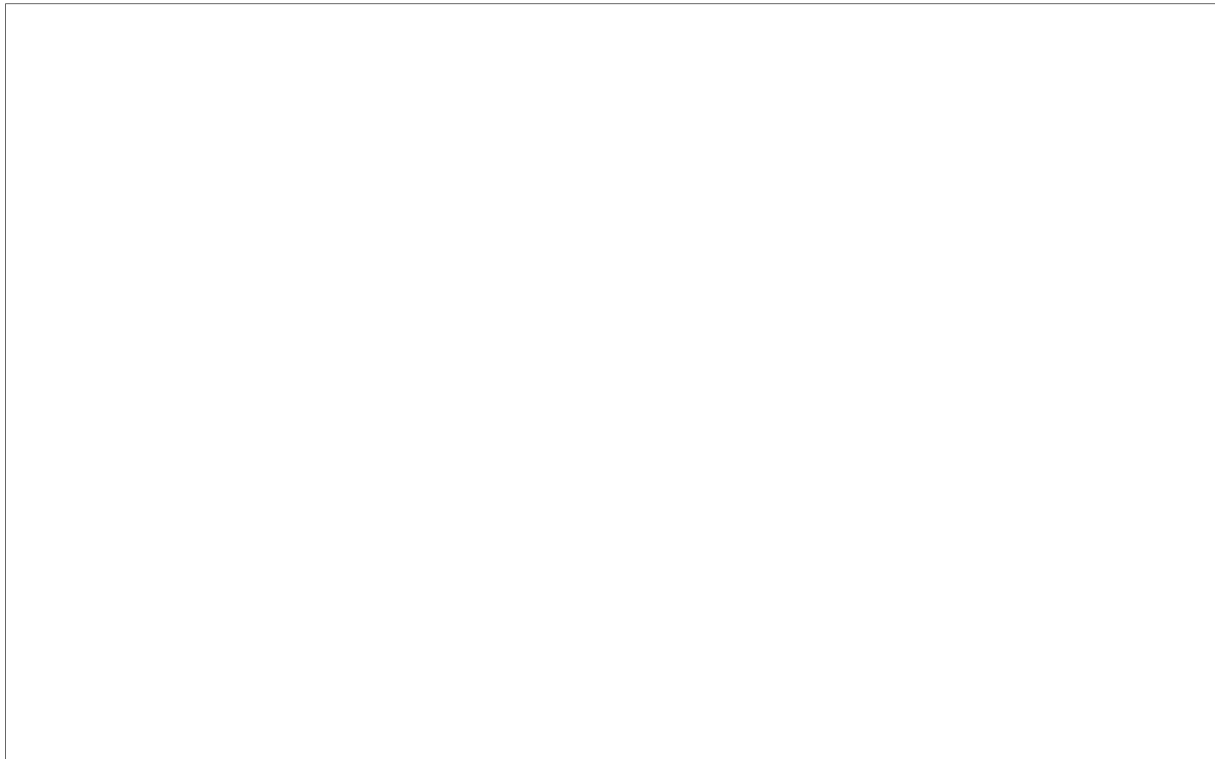
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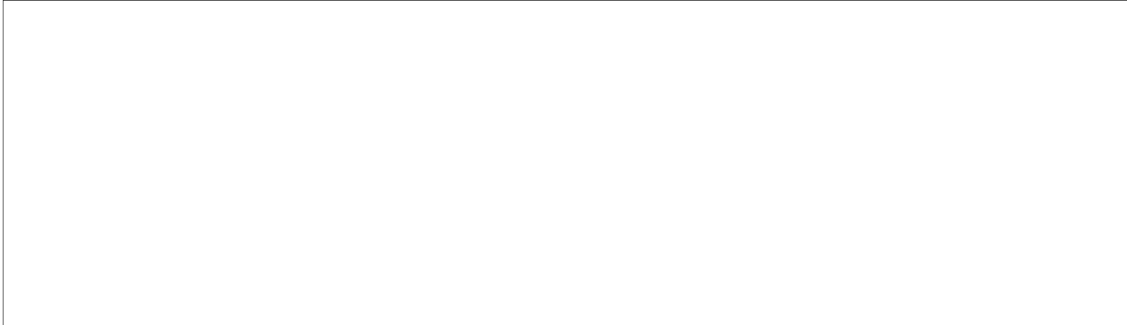
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DELIBERATIVE



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**DRAFT**  
**DELIBERATIVE**

Drafted: L/WHA EPelofsky; WHA/CCA EGoff; WHA/JFerrao (Dec. 04);  
L/WHA KHooke (Jan. 05; Mar. 05)

PCDoc: 120614 v.3

Cleared:

L	SWitten
L/WHA	MCMalin
L/EB	KLoken
WHA	DFisk
WHA	JFerrao
WHA/CCA	KWhitaker
EB	SDonnelly/LGreenwood/PSimons
EUR	
EUR/WE	KAllegrone
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Classification: UNCLASSIFIED  
Message #: 2000STATE107535

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ORIGIN WHA-00

INFO LOG-00 NP-00 AID-00 AMAD-01 A-00 CIAE-00 DODE-00  
ANHR-00 EUR-00 UTED-00 VC-00 H-01 TEDE-00 INR-00  
IO-00 JUSE-00 L-00 VCE-00 NSAE-00 NSCE-00 OIC-02  
PA-00 PM-00 SP-00 IRM-00 SS-00 USIE-00 R-00  
PMB-00 DRL-02 SAS-00 /006R

107535  
SOURCE: CLOUTCLS.003709  
DRAFTED BY: WHA/PPCP:LSHAMILTON:LSH -- 00/00/00 647-4726  
APPROVED BY: WHA/PPCP:A KOSS  
PA: P REEKER (SUBS)  
DESIRED DISTRIBUTION:  
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INFO UNCLASSIFIED

RELEASE IN FULL

REVIEW AUTHORITY: David  
Van Valkenburg, Senior Reviewer

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PAGE 02 STATE 107535 062206Z  
USMISSION USUN NEW YORK  
AMCONSUL SAO PAULO  
AMCONSUL CIUDAD JUAREZ  
AMCONSUL NUEVO LAREDO  
AMCONSUL TIJUANA  
USCINCLANTFLT NORFOLK VA  
USCINCTrans INTEL CEN SCOTT AFB IL  
USCINCSO MIAMI FL  
USCINCSO MACDILL AFB FL //POLAD

UNCLAS STATE 107535

ALL POSTS FOR PAO; ROME FOR VATICAN; USSOCOM FOR POLAD

E.O. 12958: N/A  
TAGS: OPRC, KPAO  
SUBJECT: WHA GUIDANCES, JUNE 6, 2000

SUMMARY OF CONTENTS:  
WHA PRESS GUIDANCE, JUNE 6 (CHILE, PERU, MEXICO, CUBA,  
HAITI)  
END SUMMARY.

-----  
WHA PRESS GUIDANCE, JUNE 6, 2000:



**Classification: UNCLASSIFIED**  
**Message #: 2000STATE107535**

-----  
-- PINOCHET CASE - IMMUNITY RULING --

Q: THE SANTIAGO APPEALS COURT HAS NOW CONFIRMED ITS MAY 22  
DECISION TO STRIP AUGUSTO PINOCHET OF HIS PARLIAMENTARY  
UNCLASSIFIED

PAGE 03 STATE 107535 062206Z  
IMMUNITY. CAN YOU COMMENT?

A: THE COURT'S DECISION IS HISTORIC AND SIGNIFICANT, FOR  
CHILE, FOR THE RULE OF LAW, AND FOR THE PROMOTION AND  
PROTECTION OF HUMAN RIGHTS. THE DECISION REAFFIRMS THE  
FUNDAMENTAL PRINCIPLE THAT NO ONE IS ABOVE THE LAW. WE HOPE  
IT WILL CONTRIBUTE TO THE RESOLUTION BY CHILEAN SOCIETY OF  
LONG-PENDING HUMAN RIGHTS ISSUES, AND FURTHER ADVANCE THE  
PROCESS OF JUSTICE AND RECONCILIATION IN CHILE.

Q: WILL PINOCHET EVER STAND TRIAL IN CHILE?

A: THE SANTIAGO APPEALS COURT'S HISTORIC DECISION IS ONLY  
THE FIRST IN A SERIES OF ADDITIONAL LEGAL STEPS THAT COULD  
ALSO TAKE PLACE BUT HAVE YET TO UNFOLD. HENCE, IT WOULD BE  
UNWISE TO SPECULATE ON THE OUTCOME OF THAT PROCESS.

Q: ARE YOU SAYING THAT YOU HAVE DOUBTS THAT THE OTHER  
CENTERS OF POLITICAL POWER IN CHILE WILL EVER PERMIT  
PINOCHET TO STAND TRIAL FOR HIS ALLEGED HUMAN RIGHTS  
VIOLATIONS?

A: THE CHILEAN GOVERNMENT HAS REPEATEDLY EXPRESSED ITS FULL  
BACKING FOR THE INDEPENDENCE OF THE JUDICIARY IN EXAMINING  
THESE ISSUES. WE EXPECT THAT THIS MATTER WILL CONTINUE TO  
BE HANDLED PROFESSIONALLY BY THE CHILEAN JUDICIAL SYSTEM.

Q: DOES THE U.S. THINK THAT THIS ACTION AGAINST PINOCHET  
WILL AID IN PROSECUTING THE LETELIER CASE?

A: THE APPEALS COURT DECISION IS A SPECIFIC RESPONSE TO A  
UNCLASSIFIED

PAGE 04 STATE 107535 062206Z  
PETITION BASED ON EVIDENCE COMPILED BY JUDGE JUAN GUZMAN  
TAPIA IN HIS INVESTIGATION OF THE "CARAVAN OF DEATH" CASE IN  
CHILE. WE WOULD NOT WISH TO SPECULATE ON ANY OTHER LEGAL  
EFFECTS THE DECISION MAY HAVE.

-- PERU: OAS RESOLUTION ON STRENGTHENING DEMOCRACY  
IN PERU --

Q: WHAT IS YOUR REACTION TO THE RESOLUTION ON PERU PASSED  
BY THE OAS GENERAL ASSEMBLY YESTERDAY?

A: WE REFER YOU TO THE POSTED STATEMENT ISSUED BY THE OAS  
DELEGATION YESTERDAY. AS INDICATED IN THAT STATEMENT, WE  
WELCOME THE APPROVAL OF THIS RESOLUTION BY THE OAS GENERAL  
ASSEMBLY. WE BELIEVE THAT THE MISSION TO BE LED BY OAS  
SECRETARY GENERAL GAVIRIA AND CANADIAN FOREIGN MINISTER  
AXWORTHY IS AN IMPORTANT AND TIMELY RESPONSE TO THE  
DEVELOPMENTS IN PERU. WE ARE VERY PLEASED THAT THE  
HEMISPHERE DEMONSTRATED ITS COMMITMENT TO DEMOCRACY BY  
ADOPTING THE RESOLUTION WITH SUCH A STRONG CONSENSUS, AND  
THAT PERU ACCEPTED THE RESOLUTION AND THE MISSION.

Classification: UNCLASSIFIED  
Message #: 2000STATE107535

WE CALL ON PERU TO FULFILL ITS COMMITMENT, REITERATED YESTERDAY, TO STRENGTHEN DEMOCRATIC INSTITUTIONS. THIS IS A LONG-STANDING PLEDGE, GOING BACK TO PRESIDENT FUJIMORI'S REMARKS TO THE OAS GENERAL ASSEMBLY IN 1992. WE WILL BE WATCHING CLOSELY, ALONG WITH THE REST OF THE REGION, HOW THE GOVERNMENT OF PERU MEETS ITS COMMITMENTS UNDER THE RESOLUTION.

UNCLASSIFIED

PAGE 05 STATE 107535 062206Z  
Q: (IF ASKED) YESTERDAY'S STATEMENT FROM THE U.S. MISSION IN WINDSOR SAID THAT THE U.S. "RESERVED THE RIGHT" TO TAKE ITS OWN ACTIONS? IS THE U.S. STILL CONSIDERING UNILATERAL ACTION?

A: AS THE DELEGATION STATED YESTERDAY, WE LOOK FORWARD TO A SUCCESSFUL MISSION AND ARE PREPARED TO ASSIST ITS ACTIVITIES IN ANY WAY WE CAN. HOWEVER, WE RESERVE THE RIGHT, AS ALWAYS, TO DRAW OUR OWN CONCLUSIONS AND TAKE OUR OWN ACTIONS AS APPROPRIATE IN RESPONSE TO THE DEGREE OF PROGRESS ACTUALLY MADE BY THE GOVERNMENT OF PERU.

-- MEXICO: BOUNTY PLACED ON BORDER PATROL AGENT --

Q: DO YOU HAVE ANY COMMENT ON REPORTS THAT THE HEAD OF A MEXICAN ADVOCACY GROUP HAS OFFERED DOLS 10,000 TO ANYBODY WHO KILLS A U.S. BORDER PATROL AGENT?

A: WE ARE AWARE OF MEDIA REPORTS THAT CARLOS IBARRA PEREZ, WHO HEADS A LOCAL ADVOCACY GROUP IN REYNOSA, MEXICO, HAS OFFERED A DOLS 10,000 BOUNTY TO ANYONE WHO KILLS A U.S. BORDER PATROL AGENT.

WE TAKE SUCH THREATS SERIOUSLY AND WELCOME THE MEXICAN EMBASSY'S RECENT STATEMENT TO THE PRESS CONDEMNING THE BOUNTY OFFER AS "IRRESPONSIBLE" AND "AN INTOLERABLE PROVOCATION." WE UNDERSTAND THAT U.S. LAW ENFORCEMENT IS LOOKING INTO THE MATTER.

THE U.S. GOVERNMENT IS COMMITTED TO WORKING WITH MEXICAN  
UNCLASSIFIED

PAGE 06 STATE 107535 062206Z  
AUTHORITIES TO PROMOTE BORDER SAFETY. THE MATTER MAY BE RAISED AS PART OF A BROADER DISCUSSION OF BORDER ISSUES AT A MEETING OF THE LOWER RIO GRANDE BORDER LIAISON MECHANISM SCHEDULED FOR JUNE 9.

-- CUBA: UNOFFICIAL PROPOSAL TO NEGOTIATE SETTLEMENT OF CERTIFIED CLAIMS --

Q: HAVE THE CUBANS EVER SETTLED ANY CLAIMS WITH U.S. FIRMS OR INDIVIDUALS?

A: WE KNOW OF NO SUCH SETTLEMENTS.

Q: WHAT IS THE TOTAL OF OUTSTANDING CLAIMS?

A: AN AGGREGATE PRINCIPAL AMOUNT OF \$1.8 BILLION WAS AWARDED IN THE 5,911 CLAIMS CERTIFIED BY THE FOREIGN CLAIMS SETTLEMENT COMMISSION PURSUANT TO THE INTERNATIONAL CLAIMS SETTLEMENT ACT. HOWEVER, THIS FIGURE HAS GROWN TO SEVERAL

Classification: UNCLASSIFIED  
Message #: 2000STATE107535

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TIMES THAT BECAUSE THE CERTIFICATION OF EACH CLAIM PROVIDES FOR THE ANNUAL PAYMENT OF 6 PERCENT INTEREST BETWEEN THE DATE OF LOSS AND THE DATE OF SETTLEMENT. WE DO NOT KNOW THE VALUE OF OTHER CLAIMS AGAINST CUBA.

Q: HAS THE CUBAN GOVERNMENT ALLOWED VISITS BY U.S. CLAIMANTS?

A: YES, BUT U.S. TREASURY DEPARTMENT-ISSUED TRAVEL LICENSES FOR SUCH PRIVATE VISITS WOULD, BY OPERATION OF LAW, PRECLUDE CLAIMS NEGOTIATIONS BY SUCH PRIVATE PARTIES WITH THE CUBAN  
UNCLASSIFIED

PAGE 07 STATE 107535 062206Z  
GOVERNMENT.

Q: WHAT IS THE USG POSITION TOWARD OPENING CLAIMS SETTLEMENT NEGOTIATIONS WITH CUBA?

A: WE WOULD WELCOME A SINCERE EFFORT BY THE CUBAN GOVERNMENT TO PROVIDE ADEQUATE COMPENSATION TO U.S. CERTIFIED CLAIMANTS. HOWEVER, THERE HAS THUS FAR BEEN NO INDICATION OF CUBAN WILLINGNESS TO SETTLE THESE CLAIMS.

Q: WHAT OTHER CLAIMS ARE THERE AGAINST CUBA IN ADDITION TO THOSE CERTIFIED BY THE FCSC? WOULD A SETTLEMENT TAKE THEM INTO ACCOUNT AS WELL?

A: THE CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1996 CONTEMPLATES PROPERTY RIGHTS OF U.S. CLAIMANTS WHO WERE NOT U.S. NATIONALS AT THE TIME PROPERTY WAS CONFISCATED.

-- HAITI-ELECTIONS --

Q: WHAT IS THE CURRENT STATUS OF THE ELECTORAL PROCESS IN HAITI?

A. VOTING TOOK PLACE ON MAY 21. APPEARS THAT UP TO 60-70 VOTED. THE PROVISIONAL ELECTORAL COUNCIL COUNT CONTINUES; RESULTS EXPECTED SHORTLY.

THE ORGANIZATION OF AMERICAN STATES ELECTORAL OBSERVATION MISSION HAS RAISED CONCERNS OVER THE METHODOLOGY  
UNCLASSIFIED

PAGE 08 STATE 107535 062206Z  
FOR THE ELECTION OF 17 SENATORS AND OTHER IRREGULARITIES. ALTHOUGH THE OAS CONSIDERS CREDIBLE THE ELECTORAL PROCESS THUS FAR, THE SENATE QUESTION COULD CALL INTO QUESTION INTEGRITY OF OVERALL ELECTIONS.

WE RESERVE JUDGEMENT ON THE PROCESS UNTIL COUNT COMPLETED, ALL PARTIES HAD OPPORTUNITY TO CONTEST THE RESULTS, AND OAS GIVES ITS EVALUATION.

IN THE AFTERMATH OF VOTING, SOME POLITICAL FIGURES WERE DETAINED BY THE POLICE. THESE INCLUDE OPPOSITION MEMBERS AS WELL AS SOME PARTISANS OF THE RULING FANMI LAVALAS PARTY. MOST WERE SUBSEQUENTLY RELEASED. WE EXPRESSED CONCERNS TO THE HAITIAN GOVERNMENT THAT THESE DETENTIONS COULD STIFLE AND INTIMIDATE POLITICAL EXPRESSION.  
PICKERING

UNCLASSIFIED

&lt;&lt; END OF DOCUMENT &gt;&gt;

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RELEASE IN FULL

REVIEW AUTHORITY: David Van Valkenburg, Senior Reviewer

398 FOREIGN CLAIMS SETTLEMENT COMMISSION

<i>Item of Property</i>	<i>Date of Loss</i>	<i>Amount</i>
Stock interest in Rancho.....	October 24, 1960	\$61,278.08
Tangible personal property.....	September 15, 1960	964.00
Stock interest in RSD.....	September 15, 1960	16,742.75
Total		\$78,984.83

The Commission reaffirms its holding that interest shall be allowed, and it is so ordered as follows:

<i>FROM</i>	<i>ON</i>
September 15, 1960.....	\$17,706.75
October 24, 1960.....	61,278.08
Total.....	\$78,984.83

Accordingly, the Certification of Loss in the Proposed Decision of July 23, 1969 which was affirmed by the Final Decision of June 2, 1971 is set aside and the following Certification of Loss will be entered, and in all other respects the Final Decision, as amended herein, is affirmed.

CERTIFICATION OF LOSS

The Commission certifies that FREDERIC SAMUELS suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Seventy-Eight Thousand Nine Hundred Eighty-Four Dollars and Eighty-Three Cents (\$78,984.83) with interest thereon at 6 1/2 per annum from the respective dates of loss to the date of settlement.

Dated at Washington, D.C., June 30, 1972.

IN THE MATTER OF THE CLAIM OF HOWARD E. HOLTZMAN, ET AL.

Claim No. CU-2168—Decision No. CU-3522

The Commission may, on its own motion, reopen a claim and make adjustments based upon its findings in a related claim.

AMENDED PROPOSED DECISION\*

Under date of March 19, 1969, the Commission entered its Final Decision certifying losses in favor of claimants as follows:

- HOWARD E. HOLTZMAN—\$303,023.72 plus interest;
- MORTON L. PERRY—\$202,015.82 plus interest; and
- LOUIS SUKONIK—\$303,023.72 plus interest.

These amounts represented claimants' stock interests in Fomento Ball-Brothers, S.A. (Fomento), a Cuban corporation which was operating certain mines in Cuba pursuant to a lease from the Sandy Mining Company, a Cuban corporation. In determining the values of claimants' 30%, 20% and 30% stock interests, respectively, in Fomento, the Commission deducted Fomento's liabilities from its assets to find the net worth of Fomento. Since the record

\* This decision was entered as the Commission's Final Decision on November 19, 1971.

FOREIGN CLAIMS SETTLEMENT COMMISSION

399

indicated that the 10% royalty with respect to ore at the mine site, valued at \$350,000.00, had been paid, no deductions were made in this respect.

A claim was presented by Sandy Fryer, sole owner of the Sandy Mining Company, Fomento's lessor, Claim No. CU-1617. In that claim, the Commission found in the basis of the entire record, including the record in this case, that on March 1, 1959, the date of loss, Fomento owed its lessor a royalty of \$35,000.00 with respect to the ore at the mine site which had not been taken into consideration in determining this claim.

The valuations of claimants' stock interests in Fomento were based upon Fomento's assets and liabilities, aggregating \$1,061,079.08 and \$51,000.00, respectively. The Commission now finds that Fomento's liabilities on the date of loss amounted to \$86,000.00. Therefore the net worth of Fomento on March 1, 1959 was \$975,079.08, and claimants' 30%, 20% and 30% stock interests, respectively, had values of \$292,523.72, \$195,015.82 and \$292,523.72.

Accordingly, the Final Decision of March 19, 1969 is set aside and the Proposed Decision of February 19, 1969 is amended; the Certifications of Loss in the Proposed Decision are set aside and the following Certifications of Loss will be entered, and in all other respects the Proposed Decision is affirmed.

CERTIFICATIONS OF LOSS

The Commission certifies that HOWARD E. HOLTZMAN suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Two Hundred Ninety-two Thousand Five Hundred Twenty-Three Dollars and Seventy-Two Cents (\$292,523.72) with interest at 6% per annum from March 1, 1959 to the date of settlement;

The Commission certifies that MORTON L. PERRY suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of One Hundred Ninety-Five Thousand Fifteen Dollars and Eighty-Two Cents (\$195,015.82) with interest at 6% per annum from March 1, 1959 to the date of settlement; and

The Commission certifies that LOUIS SUKONIK suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Two Hundred Ninety-Two Thousand Five Hundred Twenty-Three Dollars and Seventy-Two Cents (\$292,523.72) with interest at 6% per annum from March 1, 1959 to the date of settlement.

Dated at Washington, D.C., October 20, 1971.

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented originally by Fomento Ball-Bro, S.A., based upon the asserted loss of \$737,886.57, sustained as a result of the taking of its personal property by the Government of Cuba.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§ 1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the

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400 FOREIGN CLAIMS SETTLEMENT COMMISSION

Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term "property" means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

The record discloses that the original claimant, Fomento Ball-Bro, S.A., hereafter referred to as Fomento, was organized under the laws of Cuba and does not qualify as a corporate "national of the United States" defined by Section 502(1) (B) of the Act as a corporation or other legal entity organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, whose ownership is vested to the extent of 50 per centum or more in natural persons who are citizens of the United States. In this type of situation, it has been held previously that a stockholder in such a corporation is entitled to file a claim based upon his ownership interest therein. (See *Claim of Parks, Davis & Company*, Claim No. CU-0180, 1967 FCSC Ann. Rep. 33.)

Accordingly, HOWARD E. HOLTZMAN, MORTON L. PERRY and LOUIS SUKONIK, nationals of the United States since birth and stockholders of Fomento, have been substituted as claimants, and as claimants they have increased the amount of their claim to \$1,188,516.57.

The record includes the minutes of a meeting of the stockholders of Fomento, affidavits and stock certificates, on the basis of which the Commission finds that HOWARD E. HOLTZMAN, MORTON L. PERRY, and LOUIS SUKONIK owned 30 shares, 20 shares, and 30 shares, respectively, of Fomento, representing 80% of the total outstanding capital stock of Fomento. The remaining 20 shares were owned by a nonnational of the United States.

The evidence establishes that Fomento entered into an agreement on September 5, 1957 with the Sandy Mining Company, a Cuban corporation, pursuant to which Fomento leased two mining sites known as "El Americano" and "Demasia A Josefina" for the purpose of mining and extracting manganese ore deposits. The lease was for one year, and was renewable from year to year at the option of Fomento, the maximum period being 30 years. Fomento was required to pay royalties to the lessor of 10% of the sales price for each long ton (2,240 pounds) mined less certain expenses, and a minimum rental was also included. Other procedural and reheated matters were set forth in a lease, which was executed between HOWARD E. HOLTZMAN, President of Fomento, and the President of the lessor. It appears that Fomento had acquired the right to exploit the "Josefina" mine from the predecessor in interest of Sandy Mining Company. On the

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FOREIGN CLAIMS SETTLEMENT COMMISSION

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basis of this right and a preliminary geological report, dated June 29, 1956, Fomento entered into an agreement in February 1957 with a Delaware corporation, E. J. Lavino and Company, referred to as Lavino, providing for the sale of 10,000 tons of manganese dioxide to Lavino during the period ending April 30, 1958. The agreed price was \$90.00 per dry ton for the first 5,000 dry tons and the balance at \$85.00 per dry ton, with a penalty against Fomento of \$2.50 for each percent of manganese dioxide below 84%, and Lavino was authorized to reject any ore with less than 84% manganese dioxide. Lavino was to advance \$50,000.00 to Fomento in consideration of which Fomento was to pledge its lease of "Josefina" to Lavino and credit Lavino \$10.00 per dry ton on the first 5,000 tons delivered to Lavino in liquidation of said advance.

The record shows that mining operations were begun by Fomento and shipments were made to Lavino. The record contains a copy of a document marked "Final Settlement Statement" from Lavino to Fomento, dated November 19, 1957. That statement indicates the receipt by Lavino at its Philadelphia, Pennsylvania office on October 29, 1957 of 103,4184 dry tons of ore which, upon analysis, was found to contain 81.75% manganese dioxide. Accordingly, the statement indicates that deductions were made pursuant to the penalty clause of the agreement as well as for certain expenses, likewise covered by that agreement.

The evidence also includes affidavits from individuals having personal knowledge of the facts, attesting that on March 1, 1959 Cuban militiamen seized the two mines and offices of Fomento together with all of Fomento's machinery, equipment and other personal property related to the operation of the mines. These affiants also stated that Fomento's offices and employees had been prohibited from entering upon the premises and that they had later observed that the mines continued to be operated on behalf of the Cuban Government.

On the basis of all the evidence of record, the Commission finds that Fomento owned certain personal property appurtenant to its mining operations of the "El Americano" and "Josefina" mines and an inventory of mined ore on March 1, 1959 when all of said property was seized by the Government of Cuba. It is therefore concluded that the three claimants herein sustained losses within the meaning of Title V of the Act.

In determining the value of the personal property thus taken, exclusive of the inventory of mined ore, the Commission considered the nature of Fomento's operations, affidavits from claimants and others having personal knowledge of the facts as well as lists of the various items of personalty present when Cuba seized the property.

One of the itemized lists appears as part of the affidavit of HOWARD E. HOLTZMAN, dated June 13, 1958, which aggregates the sum of \$612,516.57. This list, however, includes the amounts of \$3,600.00 and \$450,000.00, for inventory of ore discussed separately below, thereby reducing this sum to \$158,916.57. According to this affidavit, many of the items of machinery and equipment were purchased in 1956, some in 1957 and others were purchased from local concerns or built on the sites, apparently during those dates, and the amounts set forth are the prices paid for these items of property. Considering the nature of the personalty and the use to which it was devoted, the Commission concludes that it would be fair and equitable to apply a depreciation factor of 15% in order to determine the reasonable value of the property on the date of loss. Accordingly, the Commission



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finds that the said personal property had a value of \$135,079.08 on the date of loss.

A second list of items of property claimed includes the following:

Stopping, mucking and shafting of mines .....	\$ 60,000.00
Exploration and staking of ore sites .....	22,000.00
Road building.....	18,000.00
	<b>\$100,000.00</b>

This list also included "Leaseholds" in the amount of \$26,000.00, which will be discussed below.

The Commission finds that the items appearing on the foregoing list were necessary appurtenances to the mining operations and enhanced the value of the mines. The Commission finds that the values asserted for these items are fair and reasonable, and that these items of property had an aggregate value of \$100,000.00 on the date of loss.

With respect to the inventory of ore, claimants have computed their claim on the basis of \$90.00 per ton, asserting in effect that the ore was at least 84% manganese dioxide and applying the price included in Fomento's 1957 agreement with Lavino.

It is noted in this connection that the geologist's report of June 29, 1956 estimated the existence of 125,000 tons which would yield 16,875 tons of 85% ore by the use of conventional methods, and that with special procedures it could yield another 8,125 tons of 85% ore, or 25,000 tons. He stated furthermore that more exploration may yield as much as 50,000 tons, but that there was a "lack of openings into the ore and lack of actual plant tests on the ore." An affidavit of December 5, 1968 from Franz R. Dykstra, a geologist formerly employed by Lavino from 1949 to 1965, states that he recommended the agreement between Lavino and Fomento in 1957. The "Final Settlement Statement" of November 19, 1957 from Lavino to Fomento would appear to indicate an end of relations. Moreover, there is insufficient evidence to establish that the inventory of ore taken by Cuba on March 1, 1959 was 84% or more pure manganese dioxide, or that its market or fair value on that date was \$90.00 per dry ton, as asserted by claimants. The Commission also takes note of statements in Mr. HOLTZMAN's affidavit of June 13, 1958 that from January 1956 through July 1956 Fomento sold lower grade ore extracted from its leased mines at \$40.00 per ton, and from July 1956 to April 1959, Fomento sold lower grade ore at \$60.00 per ton.

Additionally, certain rentals, royalties and other expenses were involved even if sales at \$90.00 per ton were made.

The record does not contain any balance sheets or other financial statements concerning Fomento, it appearing that all records are in Cuba and unavailable to claimants. Mr. HOLTZMAN has stated, however, in answer to the Commission's inquiries that on the date of loss the only obligations of Fomento were \$45,000.00 to Lavino and salaries payable in the amount of \$6,000.00. He further stated that the monthly payroll was about \$24,000.00. Even if it could be shown that the value of the inventory were as asserted, other expenses would have to be taken into account as well, such as freight charges, loading and unloading fees, etc.

Upon careful consideration of this matter, the Commission concludes that the evidence does not warrant the finding that the inventory of ore,

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FOREIGN CLAIMS SETTLEMENT COMMISSION

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amounting to 5,040 tons according to Mr. HOLTZMAN's affidavit, had a value of \$90.00 per ton on the date of loss. Taking all of the circumstances into consideration, the Commission finds that the fair and equitable value of the inventory of ore at the mine sites was \$350,000.00.

The remaining items for which claim is made are "Leaseholds" in the amount of \$26,000.00, and the "fair market value of the company's mining operations as a going business." Considering the fact that the lease granted Fomento the right to mine the two sites for a period of 30 years, less than 2 years of which had expired as of the date of loss, the Commission finds that the fair and reasonable value of the leasehold was \$26,000.00, as stated by claimants.

The Commission has carefully considered the claim for the value of the "mining operations as a going business." The geologist's report of June 29, 1956, before operations commenced, indicates a potential of at least 25,000 tons of high grade ore with the possibility of mining another 25,000 tons of high grade ore if certain special procedures were followed. On the basis of all the evidence of record the Commission finds that the fair and reasonable value of the mines as a going business was \$450,000.00 on the date of loss.

The Commission further finds that the aggregate amount of losses sustained by Fomento was \$1,061,079.08, less liabilities of \$51,000.00, as stated by Mr. HOLTZMAN, or a net loss of \$1,010,079.08. It therefore concludes that claimants, HOWARD E. HOLTZMAN, MORTON L. PERRY AND LOUIS SUKONIK, sustained losses within the meaning of Title V of the Act in the amounts of \$303,023.72, \$202,015.82, and \$303,023.72, respectively, based upon their stock interests in Fomento.

The Commission has decided that in the certification of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see *Claim of Lisis Corporation*, Claim No. CU-0644), and in the instant case it is so ordered.

CERTIFICATION OF LOSS

The Commission certifies that HOWARD E. HOLTZMAN suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Three Hundred Three Thousand Twenty-three Dollars and Seventy-two Cents (\$303,023.72), with interest thereon at 6% per annum from March 1, 1959 to the date of settlement;

the Commission certifies that MORTON L. PERRY suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Two Hundred Two Thousand Fifteen Dollars and Eighty-two Cents (\$202,015.82), with interest thereon at 6% per annum from March 1, 1959 to the date of settlement; and

the Commission certifies that LOUIS SUKONIK suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Three Hundred Three Thousand Twenty-three Dollars and Seventy-two Cents (\$303,023.72), with interest thereon at 6% per annum from March 1, 1959 to the date of settlement.

Dated at Washington, D.C. February 19, 1969.

REVIEW AUTHORITY: David Van Valkenburg,  
Senior Reviewer

**TAB 4**

CHRONOLOGY OF CORRESPONDENCE REGARDING BREEZES  
COSTA VERDE HOTEL

RELEASE IN  
PART B5



B5





B5

RELEASE IN FULL

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REVIEW  
AUTHORITY:  
David Van  
Valkenburg, Senior  
Reviewer

Dear Mr. Chairman:

The enclosed report is provided to you pursuant to Section 2802 of the Foreign Relations Reform and Restructuring Act of 1998 (Public Law 105-277), as amended by the Foreign Relations Authorization Act, Fiscal Year 2003. This section requires the Secretary of State to report to Congress on the implementation of Title IV of the Cuban Liberty and Democratic Solidarity (*Libertad*) Act of 1996 (22 United States Code 6091 et seq.). Under Title IV, the Secretary of State shall deny a visa to, and the Attorney General shall exclude from the United States, any alien whom the Secretary of State determines has confiscated property, or has converted or trafficked in confiscated property, after March 12, 1996, if a claim to the property is owned by a U.S. national. The enclosed submission reflects enforcement action undertaken from August 22, 2008, through November 21, 2008. For clarity, quarterly submissions repeat previously reported actions that remain in effect.

This report includes a classified annex. Under Executive Order 12958, the Department is not permitted to disseminate classified information outside the Executive Branch, except under conditions that ensure that the information will be given protection equivalent to that afforded such information within the Executive Branch. We ask that you and your staff protect the classified information by applying standards at least as stringent as E.O. 12958 on the handling of classified information. We ask that only staff members with a need

The Honorable  
Joseph R. Biden, Jr., Chairman,  
Committee on Foreign Relations,  
United States Senate.

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Classified by: Assistant Secretary Matthew A. Reynolds  
E.O. 12958, Reasons: 1.4 (b) and (d)

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-2-

to know this information and with appropriate security clearances be permitted to examine this material.

We hope this report is useful to you. As always, please do not hesitate to contact us if you have further questions.

Sincerely,

Matthew A. Reynolds  
Assistant Secretary  
Legislative Affairs

Enclosures:

As stated.

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REVIEW  
AUTHORITY:  
David Van  
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Senior Reviewer

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The Honorable

David Obey, Chairman,  
Committee on Appropriations,  
House of Representatives.

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Classified by: Assistant Secretary Matthew A. Reynolds  
E.O. 12958, Reasons: 1.4 (b) and (d)



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Sincerely,

Matthew A. Reynolds  
Assistant Secretary  
Legislative Affairs

Enclosures:

As stated.

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REVIEW AUTHORITY: David Van  
Valkenburg, Senior Reviewer

Dear Mr. Lewis:

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The Honorable

Jerry Lewis,  
Committee on Appropriations,  
House of Representatives.

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E.O. 12958, Reasons: 1.4 (b) and (d)

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We hope this report is useful to you. As always, please do not hesitate to contact us if you have further questions.

Sincerely,

Matthew A. Reynolds  
Assistant Secretary  
Legislative Affairs

Enclosures:

As stated.

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REVIEW AUTHORITY: David Van  
Valkenburg, Senior Reviewer

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The Honorable

Nita M. Lowey, Chairwoman,  
Subcommittee on State, Foreign Operations,  
and Related Programs,  
Committee on Appropriations,  
House of Representatives.

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Classified by: Assistant Secretary Matthew A. Reynolds  
E.O. 12958, Reasons: 1.4 (b) and (d)

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Executive Branch. We ask that you and your staff protect the classified information by applying standards at least as stringent as E.O. 12958 on the handling of classified information. We ask that only staff members with a need to know this information and with appropriate security clearances be permitted to examine this material.

We hope this report is useful to you. As always, please do not hesitate to contact us if you have further questions.

Sincerely,

Matthew A. Reynolds  
Assistant Secretary  
Legislative Affairs

Enclosures:

As stated.

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~~CONFIDENTIAL~~

(UNCLASSIFIED when separated from enclosure)

REVIEW AUTHORITY: David Van  
Valkenburg, Senior Reviewer

Dear Mr. Wolf:

The enclosed report is provided to you pursuant to Section 2802 of the Foreign Relations Reform and Restructuring Act of 1998 (Public Law 105-277), as amended by the Foreign Relations Authorization Act, Fiscal Year 2003. This section requires the Secretary of State to report to Congress on the implementation of Title IV of the Cuban Liberty and Democratic Solidarity (*Libertad*) Act of 1996 (22 United States Code 6091 et seq.). Under Title IV, the Secretary of State shall deny a visa to, and the Attorney General shall exclude from the United States, any alien whom the Secretary of State determines has confiscated property, or has converted or trafficked in confiscated property, after March 12, 1996, if a claim to the property is owned by a U.S. national. The enclosed submission reflects enforcement action undertaken from August 22, 2008, through November 21, 2008. For clarity, quarterly submissions repeat previously reported actions that remain in effect.

This report includes a classified annex. Under Executive Order 12958, the Department is not permitted to disseminate classified information outside the Executive Branch, except under conditions that ensure that the information will be given protection equivalent to that afforded such information within the

The Honorable

Frank R. Wolf,

Subcommittee on State, Foreign Operations,  
and Related Programs,

Committee on Appropriations,  
House of Representatives.

~~CONFIDENTIAL~~

(UNCLASSIFIED when separated from enclosure)

Classified by: Assistant Secretary Matthew A. Reynolds  
E.O. 12958, Reasons: 1.4 (b) and (d)

~~CONFIDENTIAL~~

(UNCLASSIFIED when separated from enclosure)

-2-

Executive Branch. We ask that you and your staff protect the classified information by applying standards at least as stringent as E.O. 12958 on the handling of classified information. We ask that only staff members with a need to know this information and with appropriate security clearances be permitted to examine this material.

We hope this report is useful to you. As always, please do not hesitate to contact us if you have further questions.

Sincerely,

Matthew A. Reynolds  
Assistant Secretary  
Legislative Affairs

Enclosures:

As stated.

~~CONFIDENTIAL~~

(UNCLASSIFIED when separated from enclosure)

~~CONFIDENTIAL~~

(UNCLASSIFIED when separated from attachments)

DECL: 11/20/2018

RELEASE IN FULL

**ACTION MEMO FOR UNDER SECRETARY BURNS - P**

REVIEW AUTHORITY: David  
Van Valkenburg, Senior  
Reviewer

FROM: WHA – Thomas A. Shannon  
H – Matthew A. Reynolds

SUBJECT: Quarterly Report to Congress on Implementation of Title IV of the  
Cuban Liberty and Democratic Solidarity (*Libertad*) Act of 1996

**Recommendation**

That you approve the attached report, including the classified annex, and authorize its transmittal to the Senate Committee on Foreign Relations, the House Committee on Foreign Affairs, and the Senate and House Committees on Appropriations.

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

**Background**

The attached report reflects enforcement activities undertaken from August 22, 2008, through November 21, 2008, pursuant to Title IV of the *Libertad* Act. It has been prepared as required by Section 2802 of the Foreign Affairs Reform and Restructuring Act of 1998, as amended by Section 216(b) of the Foreign Relations Authorization Act, Fiscal Year 2003.

Attachments:

- Tab 1 – Section 2802 Summary
- Tab 2 – Quarterly Report and Classified Annex
- Tab 3 – Transmittal Letters

~~CONFIDENTIAL~~

(UNCLASSIFIED when separated from attachments)

Classified by: WHA Thomas A. Shannon  
E.O. 12958, Reasons: 1.4 (b) and (d)



G:\SEARACCA\2008 Documents\ETTC - Trade and Technology  
Controls\Libertad - Title IV\HB Title IV Reports\2008-11 November\1. 11-08  
Title IV Action Memo.doc

Approved: WHA – Thomas A. Shannon

Drafted: Youliana Ivanova, Ext. 77479

Cleared:

WHA/FO:	DRobertson
WHA/CCA:	RZuniga
L/WHA:	DHuitema
L/EB:	KLoken
WHA/CAN:	GSheaffer
D:	MConaway
P:	PAguilera
E:	THastings
EB/ESC/TFS:	JMKlein
S/ES-CR:	EHardy
S/P:	FJGonzalez
EB/IFD/OIA:	WScholz
H:	JHagan
CA/VO:	SEdson
L/CA:	MMalin
L/CA:	DNewman

**DRAFT**

**RELEASE IN PART B5**

**ACTION MEMORANDUM**

~~CONFIDENTIAL~~

DECL: 12/01/15

**DECLASSIFICATION AUTHORITY:  
David Van Valkenburg, 05-03-2019**

**TO:** WHA – Thomas A. Shannon

**FROM:** WHA/CCA – Stephen G. McFarland

**SUBJECT:** Libertad Act Title IV Implementation Roxa 1 S.L.: Final Determination

**Recommendation:**

B5

**Approve:** \_\_\_\_\_

**Disapprove:** \_\_\_\_\_

B5

~~CONFIDENTIAL~~

Classified by Stephen G. McFarland, Coordinator, WHA/CCA  
Reasons: E.O. 12958, 1.4 (b), (c), and (d)

~~CONFIDENTIAL~~

- 2 -

**DRAFT**



B5

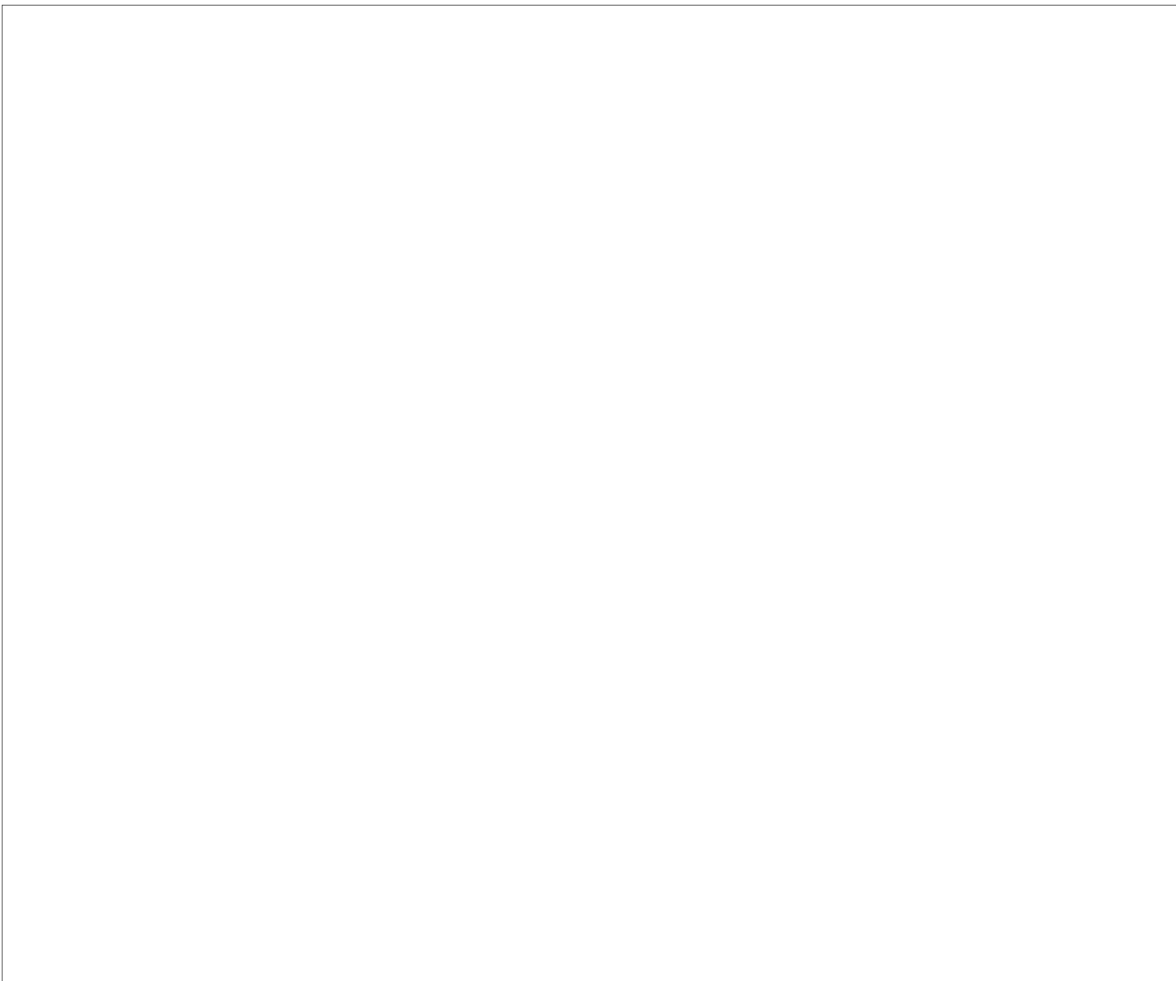
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

- 3 -

**DRAFT**

B5



**Attachments:**

- TAB A – Background
- TAB B – List of Corporate Officers, Principals, and Directors of Roxa
- TAB C – Consequences of Option (WHA)
- TAB D – Consequences of Option 2 (EUR)
- TAB E – Chronology of Events
- TAB F – Letters to Corporate Officers, Principals, and Directors of Roxa

~~CONFIDENTIAL~~

Drafted by: WHA/CCA: Edwin Childs, x6-4018  
F:\SEARACCA\Libertad - Title III and IV\HB-Roxa\Determination  
Package\Roxa Determination Memo.DOC

Cleared:

L		
L/WHA	PDean	
L/EB	KLoken	
L/EUR	POlsen	
WHA/FO	DLindwall	
WHA/FO	JFerrao	
WHA/CCA	SMcFarland	
WHA/CCA	TZuniga-Brown	
WHA/PDA	JCarpenter-Rock	info
H	JHagan	
EB/ESC/TFS	LDonovan	
EB/IFD/OIA	PBrown	
EUR/FO		
EUR/WE	GClements	
EUR/AGS		
EUR/PPD		
D	JFritz	
P	CEcheverria	
E	DEdwards	
S/P	WMcIlhenny	
CA/VO/I	SVann	info
USTR		
DOJ		