



**United States Department of State**

*Washington, D.C. 20520*

November 3, 2023

Case No. FL-2014-06088

Mr. Jason I. Poblete  
Poblete Tamargo LLP  
Courthouse Square  
510 King Street, Suite 350  
Alexandria, Virginia 22314

Dear Mr. Poblete:

As we noted in our letter dated October 3, 2023, we are processing your request for material under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. The Department of State (“Department”) has identified an additional six responsive records subject to the FOIA. We have determined that one record may be released in full and five records may be released in part.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made redactions, the applicable FOIA exemptions are marked on each record. Where applicable, the Department has considered the foreseeable harm standard when reviewing these records and applying FOIA exemptions. All non-exempt material that is reasonably segregable from the exempt material has been released and is enclosed.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Diamonece Hickson". The signature is fluid and cursive, with a large initial "D" and "H".

Diamonece Hickson  
Chief, Litigation and Appeals Branch  
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

FL-2014-06088-16353 B-00002431917 "UNCLASSIFIED" 11.3.2023 Page 1  
**From:** Donoghue, Joan E <DonoghueJE@state.gov>  
**Sent:** Wednesday, January 6, 2010 8:46 AM  
**To:** Kovar, Jeffrey D <KovarJD@state.gov>  
**Subject:** RE: Solution to Cuba claims issue proposed

---

Yes; let's discuss.

-----Original Message-----

**From:** Kovar, Jeffrey D  
**Sent:** Tuesday, January 05, 2010 10:37 PM  
**To:** Donoghue, Joan E  
**Subject:** FW: Solution to Cuba claims issue proposed

Joan -- you will find this interesting. -- Jeff

-----Original Message-----

**From:** Tamargo, Mauricio J [mailto:Mauricio.J.Tamargo@usdoj.gov]  
**Sent:** Tuesday, January 05, 2010 10:17 AM  
**To:** Kovar, Jeffrey D  
**Subject:** FW: Solution to Cuba claims issue proposed

FYI

Mauricio Tamargo  
Chairman  
Foreign Claims Settlement Commission  
Department of Justice  
600 E Street, NW, Suite 6002  
Washington, DC 20579  
202-616-6985  
Fax 202-616-6993  
Cell 202-305-5737  
mauricio.j.tamargo@usdoj.gov

Posted on Tue, Jan. 05, 2010

Solution to Cuba claims issue proposed

By JUAN O. TAMAYO  
jtamayo@ElNuevoHerald.com

A group of foreign investors is seeking a U.S. government license to buy claims against Cuba for American-owned properties seized in the 1960s, and then swap them with Havana in a debt-for-equity exchange.

The settlement would resolve one of the oldest U.S.-Cuba disputes and perhaps open the way for other improvements in bilateral relations, according to the investors' company, Clarinbridge.

Clarinbridge requested the license in a July 17 filing with the Treasury Department's Office of Foreign Assets

OFAC has not yet replied, said Tim Ashby, a Miami lawyer who represents Clarinbridge and other firms considering business opportunities in Cuba.

Clarinbridge investors also have presented the idea to Cuban officials in Havana, Ashby told El Nuevo Herald. "I understand the Cubans took it seriously and took a wait-and-see attitude."

Clarinbridge's request to OFAC, provided by Ashby, says the company hopes to acquire "600-700 of the U.S. claims . . . [that represent] 85 percent of the aggregate certified monetary value of all U.S. claims."

The claims would then be transferred to a fund that would negotiate with Havana to settle the claims in exchange for equity in Cuban properties, bonds or other ways, Ashby said. U.S. law allows Cuba to make payments to settle the claims.

"That's a good idea. If OFAC permits it, we would consider doing the same thing," said Thomas Herzfeld, head of a Miami investment fund, the Herzfeld Caribbean Basin Fund, created in anticipation of the day that political changes would open Cuba to U.S. investments.

"It's a creative idea, but can you trust the Cuban government not to confiscate these investments again?" asked Jaime Suchlicki, director of the University of Miami's Institute for Cuban and Cuban American Studies.

"You're dealing with an arbitrary government, in a country where there's no legal system to protect investments."

Clarinbridge is a wholly owned subsidiary of Siboney Limited, based in the Isle of Man, a low-tax British dependency. Ashby identified some of the main investors as Charles Guthrie, former chief of the British defense staff; Canadian Peter Munk; Felipe and José Vicini of the Dominican Republic; Israeli billionaire Beny Steinmetz, and Roberto Servitje of Mexico's Grupo Altex.

The U.S. government officially recognizes some 5,900 claims for American-owned properties seized by the Castro government in the 1960s. They were initially valued at about \$1.82 billion, but, with interest, the claims now would be worth about \$6 billion.

Cuba also alleges that U.S. sanctions caused the island \$236 billion in damages over the past half-century.

Cuba, which has settled the 1960s claims from all other countries, recognizes it owes compensation for the U.S. properties and at times has offered bonds to settle those cases, Ashby added.

None of the U.S. claims appear to have been settled, though a few have changed hands.

In the late 1990s, ITT leased its claim for seized Cuban telephone assets to Telecom Italia so the Italian firm could invest in Cuba and avoid possible complications under the Helms-Burton law. ITT received \$25 million over 10 years, according to reports.

And in early 2008, Clarinbridge paid more than \$1 million to the St. Louis-based Siboney Corp. for its claim to oil exploration rights seized by Cuba and valued at \$2.4 million, Ashby said. Siboney Corp. is not related to Clarinbridge's parent company.

But on July 31 2008, OFAC issued a regulation requiring licenses for all such deals. Regulations are not law and can be changed by administrative decision.

Ashby said Cuban officials have expressed interest in settling the U.S. claims privately, without government-to-government negotiations, because that would clear the way for other investments.

Some foreign firms have expressed concerns about possible disputes over property rights in Cuba.

Clarinbridge's request to OFAC said its proposal could help clear the way for improved U.S.-Cuba ties because U.S. laws require the American claims be settled before full relations can be resumed.

The Clarinbridge proposal, it argued, would significantly reduce the number of remaining U.S. claims that would need to be negotiated between the two governments ``as a prerequisite for a new beginning with Cuba."

It would also ``significantly support the emergence of a private sector" in Cuba, ``providing jobs to ordinary Cubans and facilitating [the] de facto privatization of the economy," the document said.

**From:** Simcock, Julian C <SimcockJC@state.gov>  
**Sent:** Tuesday, September 29, 2015 3:38 PM  
**To:** Tracton, Michael K <TractonMK@state.gov>; Humphrey, Kerry S <HumphreyKS@state.gov>; Sulby, Ari N <SulbyAN@state.gov>; Bonilla, Jean A <BonillaJA@state.gov>  
**Cc:** Crook, Joseph L <CrookJL@state.gov>; Robinson, Laura A <RobinsonLA2@state.gov>; Leszczak, Kristina <LeszczakK@state.gov>; Kovar, Jeffrey D <KovarJD@state.gov>; Padgett, Katherine (Penberthy) <PadgettKP@state.gov>  
**Subject:** RE: Reply to reporter this afternoon: Cuba claims vs spreadsheet  
**Attach:** RE\_For Joan\_For ECON\_Cuba claims vs spreadsheet.msg; RE\_For ECON\_Cuba claims vs spreadsheet.msg

---

Thanks for including us, Mike. I offered my thoughts on these points earlier today (attached).

Best,  
 Julian

---

**From:** Tracton, Michael K  
**Sent:** Tuesday, September 29, 2015 3:23 PM  
**To:** Humphrey, Kerry S; Sulby, Ari N; Bonilla, Jean A  
**Cc:** Crook, Joseph L; Robinson, Laura A; Leszczak, Kristina; Simcock, Julian C; Kovar, Jeffrey D; Padgett, Katherine (Penberthy)  
**Subject:** RE: Reply to reporter this afternoon: Cuba claims vs spreadsheet

I would suggest an L clearance too, even though the points below look boilerplate. Adding Julian and his colleagues.  
 Thanks, Mike

SBU  
 This email is UNCLASSIFIED.

---

**From:** Humphrey, Kerry S  
**Sent:** Tuesday, September 29, 2015 3:19 PM  
**To:** Sulby, Ari N; Bonilla, Jean A  
**Cc:** Crook, Joseph L; Robinson, Laura A; Tracton, Michael K; Leszczak, Kristina  
**Subject:** Re: Reply to reporter this afternoon: Cuba claims vs spreadsheet

Thanks! Jean has cleared FYI as has wha. Reattached is the sheet.

Kerry Humphrey, State Dept Econ & Business Affairs Bureau Senior Media Advisor

---

**From:** Sulby, Ari N  
**Sent:** Tuesday, September 29, 2015 3:09 PM  
**To:** Humphrey, Kerry S; Bonilla, Jean A  
**Cc:** Crook, Joseph L; Robinson, Laura A; Tracton, Michael K; Leszczak, Kristina  
**Subject:** Re: Reply to reporter this afternoon: Cuba claims vs spreadsheet

Kerry

I'm copying Mike and K who should review.

Ari

Sent from my BlackBerry 10 smartphone.

**From:** Humphrey, Kerry S  
**Sent:** Tuesday, September 29, 2015 2:58 PM  
**To:** Bonilla, Jean A; Sulby, Ari N  
**Cc:** Crook, Joseph L; Robinson, Laura A  
**Subject:** Reply to reporter this afternoon: Cuba claims vs spreadsheet

And for your background info here is the document

Kerry Humphrey, State Dept Econ & Business Affairs Bureau Senior Media Advisor

---

**From:** Humphrey, Kerry S  
**Sent:** Tuesday, September 29, 2015 2:50 PM  
**To:** Bonilla, Jean A; Sulby, Ari N  
**Cc:** Crook, Joseph L  
**Subject:** Fw: Cuba claims vs spreadsheet

Hello, any concerns with this approach?

Kerry Humphrey, State Dept Econ & Business Affairs Bureau Senior Media Advisor

---

**From:** Crook, Joseph L <CrookJL@state.gov>  
**Sent:** Tuesday, September 29, 2015 2:48 PM  
**To:** Pfaff, Katherine M; WHA-Press; EB-A-PD-DL  
**Subject:** RE: Cuba claims vs spreadsheet

Hi Katherine,

Our response would be:

(b)(5)

Let us know if you need more info or want us to respond directly.

Best,

Joe

---

**From:** Pfaff, Katherine M  
**Sent:** Monday, September 28, 2015 11:17 AM  
**To:** WHA-Press; EB-A-PD-DL  
**Subject:** FW: Cuba claims vs spreadsheet



Colleagues – This Bloomberg reporter is looking to confirm some information on corporate claims against Cuba. The

(b)(5)

(b)(5)

Her deadline is tomorrow.

Thanks,

Katherine

---

**From:** Adkins, Lenore (Contractor) [mailto:[lAdkins@bna.com](mailto:lAdkins@bna.com)]

**Sent:** Monday, September 28, 2015 11:03 AM

**To:** PA Press Duty

**Subject:** Cuba claims vs spreadsheet

Good morning, my name is Lenore Adkins and I'm a reporter at Bloomberg BNA. I'm working on a story about some of the U.S. corporate claims against Cuba.

I am preparing a chart that lists the top 10 claims against Cuba that came from corporations. For two of these claims, the names of the corporations on the spreadsheet are completely different from the information in the actual claims documents.

One claim lists the Standard Oil Company as the name of the claimant, while the related spreadsheet lists Exxon Corporation is the name of the claimant; Exxon does not appear anywhere in the actual claim. In another claim, the United Fruit Sugar Company is listed as the claimant, but St. James Investments is listed as the claimant in the spreadsheet. Do you know why there is a difference?

In other instances, the actual claims list more companies than are in the spreadsheet.

Which information is most accurate, the information in the spreadsheet or the information on the actual claim?

I have enclosed a copy of the spreadsheet. The "claim number" column at the far left has links to the actual claims that you can click on. The ones where the names of the claimants are completely different from what the claims say are CU-2776 and CU-0938.

The claims that list multiple companies are CU-2622, CU-2619, CU-2615 and CU-2500. All of those names do not appear on the spreadsheet.

I sorted them by dollar amount within the spreadsheet to make this as painless as possible for you to quickly identify the items that concern me.

Thank you very much. Please let me know if you need anything else.

Best, Lenore

**From:** Simcock, Julian C (b)(6)  
**Sent:** Tuesday, September 29, 2015 10:30 AM  
**To:** Murakami, Kevin T <MurakamiKT@state.gov>; Young-Smith, Madelina M <YoungMM@state.gov>  
**Cc:** WHA-CCA Economic Unit <WHA-CCAEconomicUnit@state.gov>; Adams, Gregory M <AdamsGM@state.gov>; Melamud, Anna <MelamudA@state.gov>; Grosh, Lisa J <GroshLJ@state.gov>  
**Subject:** RE: For ECON: Cuba claims vs spreadsheet

All,

I'm adding Lisa for her awareness.

(b)(5)

Best,  
Julian

**From:** Murakami, Kevin T  
**Sent:** Tuesday, September 29, 2015 9:02 AM  
**To:** Young-Smith, Madelina M  
**Cc:** WHA-CCA Economic Unit; Adams, Gregory M; Simcock, Julian C; Melamud, Anna  
**Subject:** FW: For ECON: Cuba claims vs spreadsheet  
**Importance:** High

Adding L/CID and L/WHA.

(b)(5)

K

This email is UNCLASSIFIED.

**From:** Young-Smith, Madelina M  
**Sent:** Tuesday, September 29, 2015 8:59 AM  
**To:** WHA-CCA Economic Unit  
**Cc:** Adams, Gregory M  
**Subject:** FW: For ECON: Cuba claims vs spreadsheet  
**Importance:** High

Hi Kevin,

This email is UNCLASSIFIED.

**From:** Young-Smith, Madelina M  
**Sent:** Monday, September 28, 2015 12:19 PM  
**To:** WHA-CCA Economic Unit  
**Cc:** Adams, Gregory M  
**Subject:** For ECON: Cuba claims vs spreadsheet

(b)(5)

This email is UNCLASSIFIED.

---

**From:** Peters, Hilary J  
**Sent:** Monday, September 28, 2015 11:50 AM  
**To:** Young-Smith, Madelina M; Adams, Gregory M  
**Cc:** WHA-Press  
**Subject:** FW: Cuba claims vs spreadsheet

Hi Madelina:

(b)(5)

Joy

This email is UNCLASSIFIED.

**From:** Pfaff, Katherine M  
**Sent:** Monday, September 28, 2015 11:17 AM  
**To:** WHA-Press; EB-A-PD-DL  
**Subject:** FW: Cuba claims vs spreadsheet

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(b)(5)  
(b)(5) Her deadline is tomorrow.

Thanks,

Katherine

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**Subject:** Re: Reply to reporter this afternoon: Cuba claims vs spreadsheet

---

So EB clears then, Joe--thanks!

Kerry Humphrey, State Dept Econ & Business Affairs Bureau Senior Media Advisor

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Best, Lenore

**From:** Pearsall, Patrick W <PearsallPW@state.gov>  
**Sent:** Tuesday, October 12, 2010 3:12 PM  
**To:** Kovar, Jeffrey D <KovarJD@state.gov>; Newman, Ronald L <NewmanRL@state.gov>; Israel, Brian R <IsraelBR@state.gov>; Grosh, Lisa J. <GroshLJ@state.gov>  
**Cc:** Gahan, Kimberly A <GahanKA@state.gov>  
**Subject:** RE: Papers for Mary McLeod  
**Attach:** LEGAL-#99901-v1-Transition\_Papers\_for\_JD\_-\_Bilateral\_Investment\_Disputes.DOC

---

Jeff – attached are my edits to the (b)(6) passage.

Lisa – let’s touch base when you have a moment o (b)(5); (b)(6) Thanks!

---

**From:** Kovar, Jeffrey D  
**Sent:** Tuesday, October 12, 2010 2:36 PM  
**To:** Newman, Ronald L; Israel, Brian R; Grosh, Lisa J.  
**Cc:** Gahan, Kimberly A; Pearsall, Patrick W  
**Subject:** RE: Papers for Mary McLeod

That’s right. (b)(5)

**From:** Newman, Ronald L  
**Sent:** Tuesday, October 12, 2010 2:35 PM  
**To:** Kovar, Jeffrey D; Israel, Brian R; Grosh, Lisa J.  
**Cc:** Gahan, Kimberly A; Pearsall, Patrick W  
**Subject:** RE: Papers for Mary McLeod

Sorry for the delay on UNCC. (b)(5)  
But I’ll get it done shortly.

Ronnie

---

**From:** Kovar, Jeffrey D  
**Sent:** Tuesday, October 12, 2010 2:29 PM  
**To:** Israel, Brian R; Grosh, Lisa J.  
**Cc:** Gahan, Kimberly A; Newman, Ronald L; Pearsall, Patrick W  
**Subject:** RE: Papers for Mary McLeod

All:

Ronnie – we also need UNCC updated paper.

Brian (b)(5)

I’d really like to get these done and up in the next couple of days.

Thanks all.

- jeff

---

**From:** Kovar, Jeffrey D  
**Sent:** Tuesday, October 12, 2010 2:27 PM



**To:** Israel, Brian R; Grosh, Lisa J.

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"UNCLASSIFIED"

11.3.2023 Page 14

**Cc:** Gahan, Kimberly A; Newman, Ronald L; Pearsall, Patrick W

**Subject:** RE: Papers for Mary McLeod

Reminder – Ronnie and Patrick, we need your edits on (b)(5) Thanks. - Jeff

---

**From:** Israel, Brian R

**Sent:** Wednesday, October 06, 2010 4:43 PM

**To:** Grosh, Lisa J.; Kovar, Jeffrey D

**Cc:** Gahan, Kimberly A; Newman, Ronald L; Pearsall, Patrick W

**Subject:** RE: Papers for Mary McLeod

Lisa and Jeff,

I added a small update to the (b)(5) (b)(6) tab, and also a comment to the overview paper (b)(5)

(b)(5)

Many thanks,

Brian

---

**From:** Kovar, Jeffrey D

**Sent:** Wednesday, October 06, 2010 3:40 PM

**To:** Gahan, Kimberly A; Grosh, Lisa J.

**Subject:** RE: Papers for Mary McLeod

Kimi – here are my thoughts. I've marked some items for the tabs. Please pass them on as necessary to others. Thanks. -- Jeff

**From:** Gahan, Kimberly A

**Sent:** Tuesday, October 05, 2010 12:27 PM

**To:** Grosh, Lisa J.

**Cc:** Kovar, Jeffrey D

**Subject:** RE: Papers for Mary McLeod

Lisa/Jeff,

Attached please find my proposed revisions to the paper on bilateral investment disputes, including Tab A on

(b)(5) I assume we'll integrate updates to the other tabs after everyone has finished them. (b)(5)

(b)(5) Please let me

know if you'd like me to do that, and I look forward to your comments on this paper.

Thanks,

Kimi

**From:** Grosh, Lisa J.

**Sent:** Monday, October 04, 2010 5:53 PM

**To:** Gahan, Kimberly A; Pearsall, Patrick W; Toole, Jennifer I; Newman, Ronald L; Feldman, Mark E; Israel, Brian R; Feighery, Timothy J

**Cc:** Kovar, Jeffrey D

**Subject:** Papers for Mary McLeod

All,

We are going to provide a set of background materials for Mary to acclimate her to our work. Attached are the transition papers that we had provided to Joan in December 2008, which can be drawn to produce a set of papers for Mary. See specific assignments below:

Iran claims – Tim (b)(5)

(b)(5)

(b)(5) Lisa (b)(5)

(b)(5)

Bilateral claims – Kimi (b)(5)

(b)(5) Brian

(b)(5) Patrick

(b)(5) Ronnie (changes may not be needed)

Victims of Terrorism – Patrick (b)(5)

Cuba victims -- Ronnie (b)(5) (b)(6)

(b)(5)

Iraq claims – Kimi (b)(5)

(b)(5)

Torts – Jen

UNCC – Ronnie

NAFTA – Mark

Please provide draft papers or otherwise send what I have requested by COB Wed., and please let me know if you have any questions or think there are other topics that should be included that I have omitted, particularly for bilateral claims. Thanks, Lisa

L/CID TRANSITION BACKGROUND PAPERS FOR  
JOAN DONOGHUE

**Bilateral Investment Disputes**

(b)(5)



- 2 -

(b)(5)



- 3 -

(b)(5)

Tabs

A (b)(5); (b)(6)  
B  
C  
D  
E  
F  
G  
H