



United States Department of State

Washington, D.C. 20520

September 5, 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 August 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 three additional responsive records subject to the FOIA. We have determined that all three 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. 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

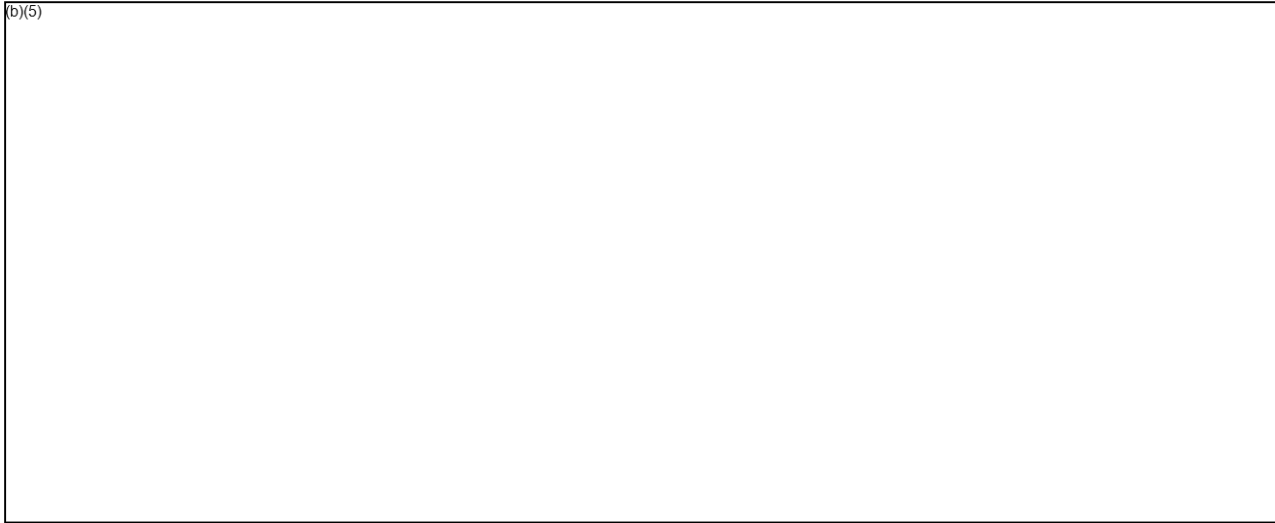
Other Grounds for Withholding

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

~~SENSITIVE BUT UNCLASSIFIED~~
~~DELIBERATIVE – ATTORNEY WORK PRODUCT~~

OUTSTANDING PROPERTY AND TERRORISM-RELATED CLAIMS AGAINST CUBA

(b)(5)



EXECUTIVE SUMMARY

(b)(5)



~~SENSITIVE BUT UNCLASSIFIED~~

(b)(5)



(b)(5)



~~SENSITIVE BUT UNCLASSIFIED~~

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(b)(5)



~~SENSITIVE BUT UNCLASSIFIED~~

DETAILED ANALYSIS

(b)(5)

(b)(5)

(b)(5)

(b)(5)



(b)(5)

(b)(5)



(b)(5)



(b)(5)



(b)(5)



(b)(5)

~~SENSITIVE BUT UNCLASSIFIED~~

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(b)(5)



~~SENSITIVE BUT UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

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(b)(5)



(b)(5)



~~SENSITIVE BUT UNCLASSIFIED~~

From: Gahan, Kimberly A <GahanKA@state.gov>
Sent: Thursday, October 14, 2010 12:19 PM
To: Grosh, Lisa J. <GroshLJ@state.gov>; Pearsall, Patrick W <PearsallPW@state.gov>; Kovar, Jeffrey D <KovarJD@state.gov>
Cc: Israel, Brian R <IsraelBR@state.gov>; Newman, Ronald L <NewmanRL@state.gov>
Subject: RE: Papers for Mary McLeod
Attach: LEGAL-#267655-v2-Transition_Papers_for_MM_-_Bilateral_Investment_Disputes_(and_tabs).DOC

Hi all,

I've incorporated Ronnie, Patrick, and Lisa's edits into the updated version, so this should be a consolidated revision. You may want to just give a quick read through your sections just to make sure I got all the tracked changes.

This version does not have a (b)(5) blurb – Brian, when you have that could you add it to the DM version here?

Thanks,
Kimi

From: Grosh, Lisa J.
Sent: Thursday, October 14, 2010 11:41 AM
To: Gahan, Kimberly A; Pearsall, Patrick W; Kovar, Jeffrey D
Cc: Israel, Brian R; Newman, Ronald L
Subject: RE: Papers for Mary McLeod

Thanks.

From: Gahan, Kimberly A
Sent: Thursday, October 14, 2010 11:40 AM
To: Pearsall, Patrick W; Grosh, Lisa J.; Kovar, Jeffrey D
Cc: Israel, Brian R; Newman, Ronald L
Subject: RE: Papers for Mary McLeod

Hi Lisa and Patrick,

These changes were made to an earlier version of the paper, which I had then updated and incorporated Jeff's edits, including the addition of (b)(5) I will put these into the revised version, along with Ronnie's changes, so that we have one consolidated updated version.

Thanks,
Kimi

From: Pearsall, Patrick W
Sent: Thursday, October 14, 2010 9:44 AM
To: Grosh, Lisa J.; Kovar, Jeffrey D; Gahan, Kimberly A
Subject: FW: Papers for Mary McLeod

All of these changes look good. I am looping in Kimi for (b)(5) Thanks again Lisa.

From: Grosh, Lisa J.

Sent: Thursday, October 14, 2010 1:37 AM

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To: Pearsall, Patrick W

Cc: Kovar, Jeffrey D

Subject: FW: Papers for Mary McLeod

Patrick,

I have provided some suggested changes to the main paper, (b)(5)

(b)(5)

(b)(5)

Let me know if you have any questions.

Thanks, Lisa

From: Pearsall, Patrick W

Sent: Wednesday, October 13, 2010 10:40 AM

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

Subject: RE: Papers for Mary McLeod

Jeff –

(b)(5)

edits attached. Thanks!

Lisa, I am free to chat with you about (b)(5) at any time.

From: Kovar, Jeffrey D

Sent: Wednesday, October 13, 2010 5:59 AM

To: Pearsall, Patrick W; Newman, Ronald L; Israel, Brian R; Grosh, Lisa J.

Cc: Gahan, Kimberly A

Subject: RE: Papers for Mary McLeod

Patrick – (b)(5) looks fine. Can you take a quick pen to the (b)(5) section? Thanks -- Jeff

From: Pearsall, Patrick W

Sent: Tuesday, October 12, 2010 3:12 PM

To: Kovar, Jeffrey D; Newman, Ronald L; Israel, Brian R; Grosh, Lisa J.

Cc: Gahan, Kimberly A

Subject: RE: Papers for Mary McLeod

Jeff – attached are my edits to the (b)(5) passage.

Lisa – let's touch base when you have a moment on (b)(5) 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 (b)(5) (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 (b)(5) 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.
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 Cuba and (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), 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. The only other possible claim I thought we might want to include as a Tab to the paper is (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:

(b)(5)

Bilateral claims – Kimi, (b)(5)
(b)(5) Brian
(b)(5) ua – Patrick
Cuba – Ronnie (b)(6)

(b)(5)

(b)(5)

(b)(5)

(b)(5) Jen

(b)(5) Ronnie

(b)(5) 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

From: Melamud, Anna <MelamudA@state.gov>
Sent: Friday, December 4, 2015 2:46 PM
To: Teel, Wynne M <TEELWM@state.gov>; Kovar, Jeffrey D <KovarJD@state.gov>;
 Khawam, Joseph N <KhawamJN@state.gov>; Weinberg, Jeremy M
 <WeinbergJM@state.gov>; Simcock, Julian C <SimcockJC@state.gov>; Grosh, Lisa J
 <GroshLJ@state.gov>
Subject: RE: HC Draft Foreign Policy Guidance
Attach: Cuba HC Draft - 12-04-15 Clean (3).docx

Just a few more suggested tweaks that you can take or leave.
Thanks,
Anna

SBU
This email is UNCLASSIFIED.

From: Teel, Wynne M
Sent: Friday, December 04, 2015 2:01 PM
To: Kovar, Jeffrey D; Khawam, Joseph N; Weinberg, Jeremy M; Melamud, Anna; Simcock, Julian C; Grosh, Lisa J
Subject: FW: HC Draft Foreign Policy Guidance

Sorry, but more comments on (b)(5).

SBU
This email is UNCLASSIFIED.

From: Khawam, Joseph N
Sent: Friday, December 04, 2015 10:30 AM
To: Kovar, Jeffrey D; Weinberg, Jeremy M; Teel, Wynne M; Melamud, Anna
Cc: Simcock, Julian C; Grosh, Lisa J
Subject: RE: HC Draft Foreign Policy Guidance

A few more edits from me and Jeremy. I understand that Wynne will be looking at it again now.

From: Kovar, Jeffrey D
Sent: Friday, December 04, 2015 10:16 AM
To: Weinberg, Jeremy M; Khawam, Joseph N; Teel, Wynne M; Melamud, Anna
Cc: Simcock, Julian C; Grosh, Lisa J
Subject: RE: HC Draft Foreign Policy Guidance

I think it would be good to move this up to the FO and get the L version in the can today so can circulate to other
bureaus and Justice

SBU
This email is UNCLASSIFIED.

From: Weinberg, Jeremy M
Sent: Friday, December 04, 2015 10:15 AM
To: Khawam, Joseph N; Teel, Wynne M; Kovar, Jeffrey D; Melamud, Anna; Weinberg, Jeremy M
Cc: Simcock, Julian C; Grosh, Lisa J
Subject: FW: HC Draft Foreign Policy Guidance

Thanks Joe – apologies but a few last lick suggestions from me, on the clean version attached.

From: Khawam, Joseph N
Sent: Friday, December 04, 2015 9:53 AM
To: Teel, Wynne M; Kovar, Jeffrey D; Melamud, Anna; Weinberg, Jeremy M
Cc: Simcock, Julian C; Grosh, Lisa J
Subject: RE: HC Draft Foreign Policy Guidance

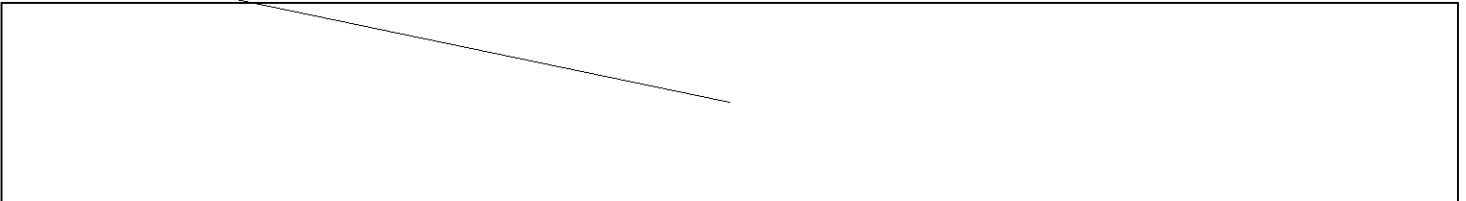
Attached please find an updated redline and clean draft with my additional edits taking account of Wynne’s and L/WHA’s comments. Is it ready to go to the FO, or are others planning to review again?

From: Teel, Wynne M
Sent: Thursday, December 03, 2015 6:50 PM
To: Khawam, Joseph N; Kovar, Jeffrey D; Melamud, Anna; Weinberg, Jeremy M
Cc: Simcock, Julian C; Grosh, Lisa J
Subject: FW: HC Draft Foreign Policy Guidance

Joe et al. –

(b)(5)

I think you have done about as good a job as can be done on this, and I have (of course) added some comments. The



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From: Melamud, Anna
Sent: Thursday, December 03, 2015 5:05 PM
To: Khawam, Joseph N; Kovar, Jeffrey D
Cc: Weinberg, Jeremy M; Teel, Wynne M
Subject: RE: HC Draft Foreign Policy Guidance

Joe,
Thanks for the great draft! The attached reflects my and Jeff’s combined edits, which, among other things, (1) put this into the format of our usual FPG, (2) suggest simplifying a few parts, and (3) add in some language that the Cuba desk had suggested in drafts that they had shared with me.
Happy to discuss.
Thanks,
Anna

From: Melamud, Anna
Sent: Thursday, December 03, 2015 2:49 PM
To: Khawam, Joseph N; Kovar, Jeffrey D
Cc: Weinberg, Jeremy M; Teel, Wynne M
Subject: RE: HC Draft Foreign Policy Guidance

Joe,
Absolutely. I'm going to take a look now.
Also, FYI I heard from OFAC counsel today that (b)(6) will be on vacation starting 12/12 through the end of the year. I'll confirm with her, but assuming that's the case, we certainly want to get whatever draft we're working with to her in time for her to review before departing.
Thanks,
Anna

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From: Khawam, Joseph N
Sent: Thursday, December 03, 2015 2:47 PM
To: Kovar, Jeffrey D; Melamud, Anna
Cc: Weinberg, Jeremy M; Teel, Wynne M
Subject: RE: HC Draft Foreign Policy Guidance

Sorry to provide further edits after circulating the draft this morning,

(b)(5)

From: Khawam, Joseph N
Sent: Thursday, December 03, 2015 10:09 AM
To: Kovar, Jeffrey D; Melamud, Anna
Cc: Weinberg, Jeremy M; Teel, Wynne M
Subject: HC Draft Foreign Policy Guidance

Attorney Work Product

Jeff, Anna,

Jeremy

(b)(5)

(b)(6)

Attorney-Adviser

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U.S. Department of State

Office of the Legal Adviser (L/EB)

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