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Why won't Obama Administration seek dismissal of civil judgements against Cuba... and help certified claimants?

Members of Congress & advocates should focus upon the NSC... Mr. Ben Rhodes

129 days to act on behalf of certified claimants

On 20 July 2016, a senior official of the United States Department of State provided a briefing about the process of negotiating a settlement of the certified claims against the Republic of Cuba, claims by the United States government against the Republic of Cuba, and individual United States court judgements against the government of the Republic of Cuba.

At the same time, representatives of the government of the Republic of Cuba reinforced that its courts have issued judgements (damages and reparations) against the United States with values ranging from US\$121 billion to US\$180 million to US\$900 billion.... And, the government of the Republic of Cuba reported that there had been no negotiations with the government of the United States.

First, why isn't the United States Department of State robustly focused upon negotiating a settlement of the certified claims? A resolution would have the most impact upon the bilateral relationship with the Republic of Cuba.

Second, why hasn't the United States Department of State declared the United States national interest in a cessation of civil judgments against the Republic of Cuba by courts located in the State of Florida- which now are valued at more than US\$4 billion... and with interest (upwards of 11% annually) continuing to increase in value?

United States-based companies- with and without certified claims against the Republic of Cuba, need the United States Department of State to **1)** seek the dismissal of actions pending against the Republic of Cuba and **2)** move to vacate judgments entered against the Republic of Cuba.

Iran Example

The United States government successfully intervened in a case against the Islamic Republic of Iran brought by United States diplomats and United States Marines held in the United States Embassy in Tehran.

The United States government requested that the court dismiss a case against the Islamic Republic of Iran due to defects under the **Foreign Sovereign Immunities Act (FSIA)**. The court allowed the intervention and dismissed the suit.

The same infirmity applies to judgements against the Republic of Cuba. Yet, surprisingly, when courts have asked the United States government for its position on plaintiffs seizing frozen United States bank accounts of the Republic of Cuba, the response has been to recommend the courts do what the courts want to do. So much for principled advocacy on behalf of legitimate claimants.

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The results of the position of the United States government has been to deplete bank accounts of the Republic of Cuba that had been frozen since the early 1960s- which were always considered to be for the benefit of the 5,913 claims valued at US\$1,902,202,284.95 that were certified by the Foreign Claims Settlement Commission (FCSC) within the United States Department of Justice.

Long Term Impact

Today, the issue is no longer about preserving funds for use in the settlement of the certified claims because those funds have pretty much vanished. Instead, Florida-based civil judgments for individuals are obstructing normalization of relations between the United States and Republic of Cuba.

These judgements are seemingly intended to punish the brothers Castro, but in reality they are punishing the 11.3 million citizens of the Republic of Cuba, as well as, punishing companies and individuals who have legitimate, and certified, claims. These judgements are also obstructing normalized relations between the United States and the Republic of Cuba.

The Republic of Cuba could attempt to halt default judgments by claiming sovereign immunity in lieu of filing a response. However, there is resistance in Havana to recognizing the jurisdiction of United States courts, even if only to assert sovereign immunity. As officials of the government of the Republic of Cuba appreciate, nothing in United States courts (especially in the State of Florida) is simple when it comes to the Republic of Cuba. They fear lengthy and expensive litigation would follow any assertion of sovereign immunity and they would probably end up being victimized by home-court (pun intended) advantage.

“Vulcan Justice”

For Mr. Ben Rhodes, the thirty-nine (39) year old Assistant to the President and Deputy National Security Advisor for Strategic Communications for the National Security Council (NSC) at The White House, who was a primary participant in the secret negotiations with the government of the Republic of Cuba that resulted in in the 17 December 2014 announcement by President Barack Obama, and who was quoted by The New York Times sharing “*I don’t know anymore where I begin and Obama ends,*” ... it’s time for another Vulcan “*mind meld.*”