

Cubaencuentro

Madrid, Spain

6 November 2019

Where do the next shots of the embargo come from?

The "catapult shots" of the Trump Administration from outside the walls are not falling precisely in the Palace of the Revolution, but in civilian targets

Cuba is preparing to resist an unprecedented tightening of the US embargo, at a time when the most anti-Castro sector of the United States concentrates its hopes of overthrowing the Communist Party government in the re-election of Donald Trump to the White House, reports the AFP .

In the economic siege of almost 60 years against Havana, in recent months, measures that Cuban Foreign Minister Bruno Rodríguez defined as "unconventional" were added.

"The electoral campaign in the United States could cause the confrontational course against our country and additional blocking measures to be accentuated," but Cuba is prepared "to face the onslaught" and "sure to win," he added.

On Monday, Trump banned the federal government from financing educational and cultural exchanges with state officials and entities from Cuba, Russia, Syria and North Korea, three days before the General Assembly votes the resolution condemning the embargo.

Here are some key sanctions to anticipate possible scenarios:

Trump, the last chance

"Trump handed the keys of the policy with Cuba to Marco Rubio, to this sector of exiled Cubans who are looking for a regime change at the cost that is necessary," says Cuban professor Arturo López-Levy of the Holy Names University in California .

Its management is dismantling the agreements reached during the historic rapprochement with Havana of its predecessor, Barack Obama. Trump seeks the votes of Florida, a state considered decisive in the elections, as well as support for a possible political trial, says López-Levy.

"It is no doubt that before the 2020 elections come more restrictions. They assume that, if Trump loses, his hopes of maintaining the wall of the embargo will vanish "because" in the Democratic Party they want to exchange with Cuba, "he adds.

They have done?

Washington accuses Cuba of "repressing its own people" with a single-party government, without legal opposition and a state-controlled economy.

Also to support the president of Venezuela, Nicolás Maduro, "through the Cuban military and its security services." Cuba rejects these accusations, but maintains ties with its ally.

Recent sanctions include suspending direct flights to Cuba since December, except Havana. He previously suspended the cruises, banned the lease of aircraft to Cubana de Aviacion and applied visa restrictions.

Cuba operates with less oil than it needs (30% in September; 60% in October) due to sanctions for oil tankers that take fuel to the Island. Huge ranks were assembled at service stations.

He also limited the remittances that Cuban Americans can send to their families on the Island to \$ 1,000 per quarter.

And there is the Helms-Burton law: Trump activated in May a legislation of 1996 that allows, even to Cuban-Americans, to sue in foreign courts that manage in Cuba goods confiscated by the revolution. Among the defendants are American Airlines and Amazon.

“The Trump administration expected more demands (so far about 20). However, more important than the number of lawsuits is who is demanding and who is being sued,” explains the president of the Economic and Trade Council between Cuba and the United States, John Kavulich.

International banks have become extremely careful. The majority refrain from operating in transactions with Cuba for fear of sanctions.

Who is affected?

Those catapult shots from outside the walls are not falling precisely in the Palace of the Revolution, but in civilian targets.

According to the Cuban Foreign Ministry, since June 2017 Trump has issued 187 measures “that affect individuals, Cuban and Cuban-American companies.”

“It is not the Communist Party that they are damaging, they are damaging people who may even think differently from the government, who may not be socialists. They make contact with the family difficult, they make it difficult for them to access goods and financial possibilities,” former Cuban Foreign Minister Ricardo Alarcón tells AFP.

“These measures seek to increase the pressure in the economic boiler so that the country explodes, and that nobody in their right mind can conceive that it will happen without damage to the population,” López-Levy explains.

What else is coming?

According to experts consulted by the AFP, these could be the next steps:

Greater pressures to intimidate and block trade, financing and investments.

Greater penalty to the use of dollars or to sanction banks that outsource transactions with Cuba in other currencies.

Affect the insurance industries to the traveler to reduce tourism, an important engine of the economy.

Set a tighter spending limit for Americans traveling to Cuba.

Adjust more remittance delivery.

Block the use of credit cards. Visa and Mastercard are currently accepted.

Return Cuba to the list of countries that support terrorism.

Reduce diplomatic relations: the embassy in Havana could once again be only an office of interests.

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Por dónde vienen los próximos tiros del embargo?

Los “disparos de catapulta” de la Administración Trump desde extramuros no están cayendo precisamente en el Palacio de la Revolución, sino en blancos civiles

Cuba se prepara para resistir un endurecimiento sin precedentes del embargo estadounidense, en un momento en el que el sector más anticastrista de Estados Unidos concentra sus esperanzas de derribar al gobierno del Partido Comunista en la reelección de Donald Trump a la Casa Blanca, informa la AFP.

Al cerco económico de casi 60 años contra La Habana se sumaron en los últimos meses medidas que el canciller cubano, Bruno Rodríguez, define como “no convencionales”.

“La campaña electoral en Estados Unidos podría provocar que se acentúe el curso de confrontación contra nuestro país y medidas adicionales de bloqueo”, pero Cuba está preparada “para enfrentar la arremetida” y “segura de vencer”, agregó.

El lunes, Trump prohibió al gobierno federal financiar el intercambio educativo y cultural con funcionarios y entidades estatales de Cuba, Rusia, Siria y Corea del Norte, tres días antes de que la Asamblea General vote la resolución que condena el embargo.

A continuación, algunas claves de las sanciones para anticipar posibles escenarios:

Trump, la última oportunidad

“Trump entregó las llaves de la política con Cuba a Marco Rubio, a este sector de cubanos exiliados que buscan un cambio de régimen al costo que sea necesario”, dice el profesor cubano Arturo López-Levy, de la Holy Names University, en California.

Su gestión está desmontando los acuerdos alcanzados durante el histórico acercamiento con La Habana de su antecesor, Barack Obama. Trump busca los votos de Florida, estado considerado decisivo en las elecciones, así como apoyos ante un posible juicio político, considera López-Levy.

“No es de dudar que antes de las elecciones de 2020 vengan más restricciones. Suponen que, de perder Trump, sus esperanzas de mantener el muro del embargo se desvanezcan” porque “en el Partido Demócrata quieren intercambio con Cuba”, agrega.

¿Qué han hecho?

Washington acusa a Cuba de “reprimir a su propio pueblo” con un gobierno de partido único, sin oposición legal y una economía controlada por el Estado.

También de apoyar al presidente de Venezuela, Nicolás Maduro, “a través de los militares cubanos y sus servicios de seguridad”. Cuba rechaza esas acusaciones, pero mantiene lazos con su aliado.

Las recientes sanciones incluyen suspender desde diciembre los vuelos directos a Cuba, excepto a La Habana. Antes suspendió los cruceros, prohibió el arriendo de aviones a Cubana de Aviación y aplicó restricciones a las visas.

Cuba opera con menos petróleo que el que necesita (30 % en septiembre; 60 % en octubre) debido a sanciones a los petroleros que lleven combustible a la Isla. Se armaron enormes filas en las estaciones de servicio.

También limitó a \$1.000 trimestrales las remesas que los cubanoestadounidenses pueden enviar a sus familiares en la Isla.

Y está la ley Helms-Burton: Trump activó en mayo una legislación de 1996 que permite, incluso a cubanoestadounidenses, demandar en tribunales del país norteamericano a empresas extranjeras que gestionen en Cuba bienes confiscados por la revolución. Entre las demandadas están American Airlines y Amazon.

“La administración Trump esperaba más demandas (hasta ahora unas 20). Sin embargo, más importante que la cantidad de demandas es quién está demandando y quién está siendo demandado”, explica el presidente del Consejo Económico y de Comercio entre Cuba y Estados Unidos, John Kavulich.

Los bancos internacionales han pasado a ser extremadamente cuidadosos. La mayoría se abstiene de operar en transacciones con Cuba por temor a sanciones.

¿A quién afecta?

Esos disparos de catapulta desde extramuros no están cayendo precisamente en el Palacio de la Revolución, sino en blancos civiles.

Según la cancillería cubana, desde junio de 2017 Trump ha emitido 187 medidas “que afectan a individuos, empresas cubanas y cubanoamericanos”.

“No es al Partido Comunista que están dañando, están dañando a personas que hasta pueden pensar de un modo diferente al gobierno, que pueden no ser socialistas. Les dificultan el contacto con la familia, les hacen difícil el acceso a bienes y a posibilidades financieras”, dice a la AFP el excanciller cubano Ricardo Alarcón.

“Estas medidas procuran aumentar la presión en la caldera económica para que el país estalle, y eso nadie en su sano juicio lo puede concebir que vaya a ocurrir sin daños a la población”, explica por su parte López-Levy.

¿Qué más viene?

Según expertos consultados por la AFP, estos podrían ser los próximos pasos:

Mayores presiones para intimidar y bloquear el comercio, los financiamientos y las inversiones.

Mayor penalización al uso de dólares o sancionar a bancos que tercerizan transacciones con Cuba en otras monedas.

Afectar las industrias de seguros al viajero para reducir el turismo, motor importante de la economía.

Establecer un límite de gasto más estricto a los estadounidenses que viajen a Cuba.

Ajustar más el envío de remesas.

Bloquear el uso de tarjetas de crédito. Actualmente se aceptan Visa y Mastercard.

Devolver a Cuba a la lista de países que apoyan el terrorismo.

Rebajar las relaciones diplomáticas: la embajada en La Habana podría volver a ser solo oficina de intereses.

Financial Post

Toronto, Canada

5 November 2019

Trump activated a long-dormant clause in Cuba trade war — and its starting to hurt Canadian companies

Sherritt International is suffering from a ratcheting up of U.S. restrictions on everything from financial transactions, to travel and shipping



A man holds holds American and Cuban flags across the street from the Cuban embassy in Washington, D.C., U.S., on Monday, July 20, 2015. Andrew Harrer/Bloomberg

By Naomi Powell

Tougher U.S. sanctions on Cuba squeezed Sherritt International in the third quarter, disrupting the supply of diesel to its nickel mine on the island and casting doubt over the timing of key payments in foreign currency.

The Toronto based firm, which operates the Moa mine as a joint venture with the Cuban government, was forced to adopt conservation measures including running fewer mining trucks as U.S. sanctions on oil shipments worsened an acute fuel shortage.

The measures reduced production of mixed sulphite, though nickel production was unaffected. Mixed sulphite production is now back on track and access to fuel supply returned to normal in the fourth quarter, the company said in a call with investors Friday.

Meantime, the Trump administration's attempts to unsettle business in the Communist run nation have stifled the flow of cash Cuba needs to pay Sherritt, which has taken pains to limit its direct exposure to American sanctions, including the recent activation of Title III of the Helms Burton Act.

"The U.S. sanctions continue to be a concern for us," Sherritt chief executive David Pathe said in a call with analysts last week. "There is potential for further sanction increases in the months ahead and that does put further difficulty on our ability to forecast the timing of Cuban receivables, receipt of cash on Cuban receivables from our Cuban partners in the oil and power business."

The Trump administration moved in April to activate Title III of the 1996 Helms Burton Act, the legal underpinning of the U.S. embargo on Cuba. The long-dormant provision allows parties whose property was confiscated by the Cuban government in the 1959 revolution to sue in U.S. courts anyone who "traffics" or derives an economic benefit from that property. The provision has been suspended by every previous U.S. President.

Though a certified claim of \$88.3 million stands against Sherritt's Moa nickel mine, the company has structured its operations to avoid having any presence in the U.S. where a claim could be pursued. And changes made in 1996 to Canada's Foreign Extraterritorial Measures Act (FEMA) state that any judgement made under the U.S. embargo will not be recognized or enforced in Canada.

But that hasn't sheltered Sherritt from a ratcheting up of the U.S. restrictions on everything from financial transactions, to travel and shipping.



Sherritt's mining and processing facility in Moa, Cuba. Handout/Sherritt International

In an effort to punish Havana for its close ties to Nicolas Maduro's regime in Venezuela, the Trump administration has limited U.S. travel to Cuba, banned American cruise ships from entering Cuban ports, imposed sanctions on shipping companies and restricted the ability of Americans to send remittances to family in the country. The moves have limited foreign investment in Cuba, restricted access to supplies and equipment and reduced the availability of foreign currency, Sherritt said.

That's left the Caribbean nation unable to pay Sherritt — it's largest private investor — for the energy it has produced. Sherritt also produces electricity, oil and gas in the country.

"Each one of those implemented successively does impact Cuba's ability to draw hard currency reserves into the country and puts more pressure on their liquidity situation and hence more pressure on their ability to service our receivables," Pathe told investors.

Sherritt's Cuban partners are currently overdue on US\$154.8 million in payments, though the Canadian miner did receive its monthly injection of US\$2.5 million, National Bank Canada analyst Don DeMarco said in a note.

Cuba's timing in paying off the debt will have implications for Sherritt's liquidity and "ability to repay (or refinance) the Cdn \$170 million first tranche of corporate debt due in 2017," he added.



A worker counts Cuban pesos at a produce market in Havana. Lisette Poole/Bloomberg files

So far 20 lawsuits have been filed under Title III, according to John Kavulich, president of the U.S.-Cuba Trade and Economic Council Inc., a group that tracks Title III lawsuits. That's a long way from the

avalanche de claims many experts were expecting when Trump activated the provision, many of which were expected to affect Canadian companies.

Nearly 6,000 certified claims for property confiscated in Cuba have been certified by the U.S. Justice Department. And the number of uncertified claims have been estimated to be as high as 200,000.

Many parties are likely waiting to see how U.S. courts sort out various jurisdictional and other issues related to the law before venturing out with their own claims, said John Boscariol, head of the international trade and investment law group at McCarthy Tétrault LLP.

“This just happened in April so this is just the tip of the iceberg I think,” he said. “A lot of Canadian companies stepped in to fill the vacuum after the U.S. left so I think we’ll be seeing a lot more of this.”

Though former U.S. President Barack Obama sought to settle the certified claims and restore relations with Cuba, Trump has taken a markedly different stance. Ultimately the action will have a “chilling effect” on investment in Cuba, he added. “Rather than face lawsuits, these companies may decide not to spend in Cuba at all,” he said.

Le Journal de Montreal

Montreal, Quebec, Canada

5 November 2019

Les sanctions américaines contre Cuba en quatre points-clés

AFP

La Havane | À l’horizon, l’élection présidentielle américaine de 2020 et d’ici là, une pluie de sanctions contre Cuba: voici quatre clés pour comprendre l’agressivité sans précédent de l’administration de Donald Trump contre l’île, gouvernée par le parti communiste.

« La campagne électorale aux États-Unis pourrait accentuer la confrontation avec notre pays, avec des mesures supplémentaires d’embargo », outre celui déjà en vigueur depuis 1962, soulignait récemment le chef de la diplomatie cubaine, Bruno Rodriguez, assurant que Cuba est préparée « pour affronter l’assaut » et « sûre de vaincre ».

1 - Depuis la Floride « Trump a remis les clés de la politique à l’égard de Cuba à Marco Rubio (fils d’immigrés cubains anti-castristes et sénateur républicain de Floride, ndlr), à ce secteur de Cubains exilés qui visent un changement de régime coûte que coûte », explique l’universitaire cubain Arturo Lopez-Levy, de l’université californienne Holy Names.

La Floride fait partie de ces *swing states*, ces États indécis qui peuvent basculer à tout moment côté démocrate ou républicain et ont donc une importance capitale dans une élection présidentielle.

« Sans aucun doute, avant l’élection de 2020, viendront de nouvelles restrictions », selon Lopez-Levy, mais en cas de défaite de Trump, il faut s’attendre à un revirement car « le parti démocrate veut lui plus d’échanges avec Cuba ».

2 - Vols, croisières, pétrole... Washington accuse Cuba de réprimer son propre peuple, avec un système de parti unique, sans opposition légale, et de soutenir militairement le gouvernement de Nicolas Maduro au Venezuela, ce que nient les autorités cubaines, même si elles se disent solidaires de Caracas.

D’où une avalanche de sanctions: suspension à partir de décembre des vols directs à Cuba (hormis La Havane), interdiction aux bateaux de croisière américains d’y faire escale, restriction des visas américains... Autre stratégie d’attaque: bloquer le transport de pétrole vénézuélien vers l’île, qui a souffert de graves pénuries de carburant, devant opérer avec 30% du niveau normal en septembre puis 60% en octobre.

Les États-Unis ont aussi limité à 1 000 dollars par trimestre les envois d'argent des Cubano-Américains vers leurs proches à Cuba.

Enfin, M. Trump a activé en mai le titre 3 de la loi Helms-Burton, qui permet de poursuivre devant des tribunaux américains des entreprises étrangères qui gèrent à Cuba des biens confisqués lors de la révolution de 1959.

Une vingtaine de plaintes ont déjà été déposées.

« L'administration Trump s'attendait à plus de plaintes », souligne John Kavulich, président du Conseil commercial et économique américano-cubain, mais le plus important, ce sont "les sociétés poursuivies", et non des moindres: American Airlines, Amazon, Société Générale...

Ce climat offensif a effrayé les banques internationales, dont la majorité s'abstiennent désormais de toute transaction avec Cuba, par crainte de sanctions.

3 - La population, première touchée Ces attaques depuis l'autre rive du détroit de Floride ne touchent pas vraiment le Palais de la Révolution - épiscetre du pouvoir cubain -, mais plutôt la population.

Selon le ministère cubain des Affaires étrangères, depuis juin 2017, Donald Trump a appliqué 187 mesures qui affectent des individus et entreprises cubains et cubano-américains.

« Ce n'est pas au Parti communiste qu'ils font du mal, c'est à des personnes qui peuvent même ne pas penser comme le gouvernement, ne pas être socialistes », observe Ricardo Alarcon, ex-ministre cubain des Affaires étrangères. « Cela leur complique le contact avec leur famille, l'accès à des biens et à des financements ».

Pour Arturo Lopez-Levy, « ces mesures visent à augmenter la pression économique pour que le pays explose, mais personne ne peut imaginer que cela arrive sans faire de mal à la population ».

4- Bientôt de nouvelles sanctions Selon plusieurs experts consultés par l'AFP, de nouvelles sanctions sont à attendre, à mesure que s'approche l'échéance électorale.

Première possibilité: que Washington cible une fois de plus le secteur du tourisme, moteur de l'économie cubaine, en limitant les dépenses autorisées pour les Américains voyageant à Cuba ou en y interdisant l'utilisation des cartes de crédit Visa et Mastercard.

Autres hypothèses fréquemment citées: placer à nouveau Cuba sur la liste des pays soutenant le terrorisme ou réduire encore le montant des envois d'argent par les Cubano-Américains à leurs proches sur l'île.

Un dernier recours pourrait être de réduire les relations diplomatiques, l'ambassade américaine à La Havane redevenant alors une simple section d'intérêts.

Swissinfo.ch

Zurich, Switzerland

5 November 2019

El bloqueo de EEUU a Cuba: ¿por dónde vienen los próximos tiros?



Autos antiguos estadounidenses llevan turistas por las calles de La Habana, el 11 de junio de 2019 (*afp_tickers*)

Cuba se prepara para resistir un endurecimiento sin precedentes del bloqueo, en un momento en el que el sector más anticastrista de Estados Unidos concentra sus esperanzas de derribar al gobierno del Partido Comunista en la elección de Donald Trump a la Casa Blanca.

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A continuación algunas claves de las sanciones para anticipar posibles escenarios:

1.- Trump, la última oportunidad

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También de apoyar al presidente de Venezuela, Nicolás Maduro, "a través de los militares cubanos y sus servicios de seguridad". Cuba rechaza esas acusaciones, pero mantiene lazos con su aliado.

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4.-¿Qué más viene?

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- Mayores presiones para intimidar y bloquear el comercio, los financiamientos y las inversiones.
- Mayor penalización al uso de dólares o sancionar a bancos que tercerizan transacciones con Cuba en otras monedas.
- Afectar las industrias de seguros al viajero para reducir el turismo, motor importante de la economía.
- Establecer un límite de gasto a los estadounidenses que viajen a Cuba.
- Ajustar más el envío de remesas.
- Bloquear el uso de tarjetas de crédito. Actualmente se aceptan Visa y Mastercard.
- Devolver a Cuba a la lista de países que apoyan el terrorismo.
- Rebajar las relaciones diplomáticas: la embajada en La Habana podría volver a ser solo oficina de intereses.

Travel Weekly

Secaucus, New Jersey

29 October 2019

Latest Cuba restrictions force tour operators to adjust

By Robert Silk



A tour group in Havana. Photo Credit: Action Sports/Shutterstock

The Trump administration's decision to ban commercial flights from the U.S. to Cuban destinations other than Havana could cause complications for tour operators. However, where needed, operators will have the option to use charter flights as an alternative.

The latest restrictions, which take effect during the second week of December, will put an end to daily American Airlines flights from Miami to the Cuban cities of Camaguey, Huguin, Santa Clara, Santiago and Varadero. JetBlue will end flights from Fort Lauderdale to Camaguey, Huguin and Santa Clara.

In a letter requesting the Department of Transportation to issue the new rules, secretary of state Mike Pompeo wrote that the purpose of restrictions is to strengthen the economic consequences of the Cuban governments "ongoing repression of the Cuban people and its support for Nicholas Maduro in Venezuela."

The restrictions don't directly affect all Cuba tour operators. For example, Cuba Candela flies its clients in and out of Havana only, said CEO Chad Olin.

But the new rules will force sister tour operators InsightCuba and Friendly Planet to make adjustments, said InsightCuba president Tom Popper. In the past few months, he explained, Friendly Planet's "Captivating Cuba" tour and InsightCuba's "Classic Cuba" tour began departing Cuba from the north central city of Santa Clara. Now those itineraries will go back to using departure flights from Havana. As a result, guests will leave Cienfuegos on the last day of the tour to head back to Havana for the return flight.

"What's great is that none of the tour programming needs to change," Popper said.

Another InsightCuba tour, "Undiscovered Cuba," departs the island from the eastern city of Huguin, which is much farther from Havana than is Santa Clara. For that itinerary, the company is looking into replacing commercial air service with charter service, Popper said.

The new restrictions, Popper said, will have an impact on Cuban-Americans visiting family outside of Havana. But for InsightCuba, using charter service from Huguin to Miami "will represent virtually no disruption to passengers."

Prior to the decision by the Obama administration to restore commercial flights between the U.S. and Cuba in 2016, all flights between the two countries were operated via charter. The onset of commercial service put an end to many of those charter flights. Now, charters could have a resurgence to satisfy demand for travel by Cuban-Americans to secondary Cuban markets, said John Kavulich, president of the U.S.-Cuba Trade and Economic Council.

While charter flights will remain available, there will be inconveniences. Charter operations to Cuba, Kavulich said, are more expensive than commercial flights. And the operators historically haven't accepted credit cards.

Other inconveniences include the inability to check luggage through to a final destination, lack of access to frequent-flyer programs and flight schedules that aren't as likely to be synchronized as they would be with a commercial carrier selling single-itinerary travel.

Beyond that, Kavulich said, many travelers are simply more comfortable flying on familiar airlines.

"All of that adds to the anxiety factor, which, of course, is the goal of the Trump administration -- to increase the level of anxiety to the point where the non-family members will go somewhere else," he said.

The New York Times

New York, New York

25 October 2019

**Trump Administration Cuts Flights to Most Cuban Airports
Looking to punish Cuba over its support for President Nicolás Maduro of Venezuela, the United States will ban airlines from servicing all cities besides Havana.**



The Transportation Department said it would suspend flights to nine airports in Cuba beginning in December. Credit...Yamil Lage/Agence France-Presse — Getty Images

By Zach Montague

WASHINGTON — The Transportation Department announced Friday that it would suspend flights from the United States to nine airports in Cuba beginning in December. The policy will sever air service to every international airport there except the one in Havana.

The suspensions were made at the request of Secretary of State Mike Pompeo, who endorsed the measure as “in line with the president’s foreign policy toward Cuba,” according to a statement from the State Department, which has targeted Cuba in the last year over its support for President Nicolás Maduro of Venezuela.

The Trump administration has said it does not recognize Mr. Maduro’s government and has explored a variety of strategies to compel Mr. Maduro to step down, including offering Mr. Maduro amnesty in August if he voluntarily resigned. As Mr. Maduro has stayed in power, the Trump administration has taken aim at Cuba with increasingly punitive sanctions and restrictions.

The new suspensions announced on Friday follow several other recent measures aimed at complicating travel to and within Cuba. In June, the Trump administration banned cruise ships and several other classes of vessels from travel to the island. Last week, the Commerce Department said it would restrict the leasing of commercial aircraft to Cuba’s state-owned airlines.

A spotlight on the people reshaping our politics. A conversation with voters across the country. And a guiding hand through the endless news cycle, telling you what you really need to know.

The elimination of flights to any airport outside Cuba’s capital comes just over three years after flights between Cuba and the United States were restored under the Obama administration, leading to scheduled flights between the two countries for the first time in more than 50 years.

John S. Kavulich, the president of the U.S.-Cuba Trade and Economic Council, said the new restrictions were unlikely to significantly harm the Cuban economy.

“There’s no question that Cuba is being punished for its relationship with Venezuela,” he said. “It’s a highly visible decision but in terms of practical impact on Cuba, this is more shock and awe than it is bite and bleed.”

In a tweet, Bruno Rodríguez, Cuba’s foreign minister, criticized the restrictions and said that they would unnecessarily disrupt travel but not compel Cuba to make any concessions.

The policy is scheduled to go into effect on Dec. 10, allowing airlines in the United States 45 days to discontinue suspended routes and make arrangements for passengers scheduled to fly on those routes after that date. The timing will force airlines to cut flights to the island shortly before Christmas and New Year’s, when many Cuban Americans usually fly home for the holiday season.

Infobae
Buenos Aires, Argentina
25 October 2019

EEUU prohibió los vuelos comerciales a toda Cuba menos a La Habana



(Reuters)

El Departamento de Transporte suspendió la autorización a las aerolíneas estadounidenses para efectuar vuelos desde Estados Unidos hacia todos los destinos en Cuba exceptuando el aeropuerto internacional José Martí de La Habana.

Esa medida se tomó “a pedido del Departamento de Estado”, dijeron las autoridades en un comunicado en el que especifican que la norma entrará en vigor en 45 días.

El jefe de la diplomacia estadounidense, Mike Pompeo, pidió en una carta al Departamento de Transporte que suspendiera la autorización de vuelo para fortalecer las sanciones contra el gobierno de Cuba por la “represión a su propio pueblo, además de su continuo apoyo” al gobierno de Nicolás Maduro en Venezuela. Según el Departamento de Transporte, esta medida afecta a nueve aeropuertos internacionales, entre ellos el de Santiago de Cuba.

El presidente de Estados Unidos, Donald Trump, ha intensificado el bloqueo que aplica contra la isla desde 1962, revirtiendo la apertura que hubo con su predecesor, Barack Obama, y aplicando medidas que afectan al turismo, inversiones y el envío de combustible.

La semana pasada, el Departamento de Comercio anunció restricciones para impedir que el gobierno de Cuba arriende aviones para sus aerolíneas estatales.

Esta medida obligó a la aerolínea estatal Cubana de Aviaciones a suspender sus vuelos a México, Venezuela y a otros destinos del Caribe.

El lunes pasado entró en vigor una nueva tanda de medidas para endurecer aún más el embargo comercial de EEUU a Cuba, como su inclusión en la lista de Estados patrocinadores del terrorismo.

Un portavoz del Departamento de Estado de EEUU dijo a Efe que las sanciones fueron impuestas en represalia por el apoyo que La Habana ofrece al régimen de Maduro.

“El apoyo desmedido de Cuba a Maduro en Venezuela demuestra la disposición del régimen a exportar su sistema de represión y abusos contra los derechos humanos, desestabilizando a toda la región”, afirmó el citado portavoz.

Esa fuente rechazó comentar las "deliberaciones o potenciales deliberaciones" relacionadas con el proceso para incluir a un país en la lista de países patrocinadores del terrorismo que elabora el Departamento de Estado, de la que Cuba salió en 2015, durante el deshielo abierto entonces entre los dos países.

Las nuevas sanciones establecen que, a partir de ese lunes, EEUU prohibió al resto del mundo vender a Cuba artículos que contengan un 10 % de componentes estadounidenses, lo que supone un cambio sustancial pues hasta ahora se podían exportar productos que tuvieran hasta un 25 % de piezas hechas en EEUU.



Miguel Díaz-Canel y Nicolás Maduro en Caracas el 30 de mayo (Carlos Becerra/Bloomberg)

Asimismo, se determinó que solo podrán venderse en Cuba aquellas infraestructuras de telecomunicaciones que faciliten el "libre" flujo de informaciones entre el pueblo cubano.

También se prohíbe a compañías y ciudadanos estadounidenses comprar "artículos de promoción" del sistema político cubano, aunque se permitirá su adquisición si proviene del sector privado.

Por regla general, EEUU permite donaciones de material científico, cultural y educativo destinado a "apoyar al pueblo cubano"; pero ahora ha incluido una excepción en la normativa vigente para dejar claro que ni el Ejecutivo ni el Partido Comunista de Cuba pueden beneficiarse de esas concesiones.

Las medidas fueron dadas a conocer por primera vez el viernes 18 de octubre, cuando fueron publicadas en el Registro Federal, el boletín oficial del Estado en el que se difunden leyes, normas y avisos públicos.

En EEUU no ha habido ningún anuncio oficial para dar a conocer las nuevas amonestaciones; aunque en Cuba el viernes el presidente cubano, Miguel Díaz-Canel, rechazó esas medidas y consideró que eran "expresión de impotencia, degradación moral y desprecio imperial".



Donald Trump, al anunciar el giro que impulsa con Cuba (AFP)

Desde que llegó a la Casa Blanca en enero de 2017, el presidente Donald Trump ha endurecido la política hacia Cuba con reducciones del personal diplomático, el aumento del embargo comercial, restricciones a los cruceros y límites a los viajes de estadounidenses a la isla.

El recrudecimiento de las sanciones se ha dejado notar en la isla, entre otros ámbitos en el turismo, con un descenso de las visitas.

En declaraciones a Efe John Kavulich, presidente del Consejo Comercial y Económico EEUU-Cuba, describió las nuevas medidas como una nueva "capa" al pastel de amonestaciones de Washington contra la isla.

Y avisó: "Cualquiera que piense que la Administración Trump ha agotado sus opciones es peligrosamente ignorante".

EFE

Madrid, Spain

22 October 2019

Kavulich: Quien piense que EEUU agotó sus sanciones a La Habana es peligrosamente ignorante

Entran en vigor las nuevas medidas y Washington se reserva otras como la inclusión de Cuba entre los Estados patrocinadores del terrorismo.

Agencias
Washington



Embajada de EEUU en La Habana. efe

Una nueva tanda de medidas para endurecer aún más el embargo comercial de EEUU a La Habana entró este lunes en vigor y amenazan con aislar todavía más al Gobierno cubano, contra el que Washington se reserva sanciones, como su inclusión en la lista de Estados patrocinadores del terrorismo.

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Asimismo, se determinó que solo podrán venderse en Cuba aquellas infraestructuras de telecomunicaciones que faciliten el "libre" flujo de informaciones entre el pueblo cubano.

También se prohíbe a compañías y ciudadanos estadounidenses comprar "artículos de promoción" del sistema político cubano, aunque se permitirá su adquisición si proviene del sector privado.

Por regla general, EEUU permite donaciones de material científico, cultural y educativo destinado a "apoyar al pueblo cubano"; pero ahora ha incluido una excepción en la normativa vigente para dejar claro que ni el Ejecutivo ni el Partido Comunista de Cuba (PCC) pueden beneficiarse de esas concesiones.

Las medidas fueron dadas a conocer por primera vez el viernes, cuando fueron publicadas en el Registro Federal, el boletín oficial del Estado en el que se difunden leyes, normas y avisos públicos.

En EEUU no ha habido ningún anuncio oficial para dar a conocer las nuevas amonestaciones; aunque en Cuba el viernes el presidente cubano, Miguel Díaz-Canel, rechazó esas medidas y las catalogó de "expresión de impotencia, degradación moral y desprecio imperial".

Desde que llegó a la Casa Blanca en enero de 2017, el presidente Donald Trump ha endurecido la política hacia Cuba con reducciones del personal diplomático, el aumento del embargo comercial, restricciones a los cruceros y límites a los viajes de estadounidenses a la Isla.

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"Cualquiera que piense que la Administración Trump ha agotado sus opciones es peligrosamente ignorante", añadió.

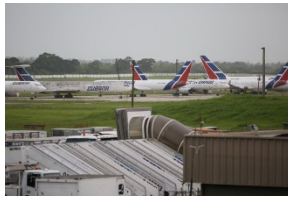
The Wall Street Journal

New York, New York

21 October 2019

U.S. Restricts Leasing of Commercial Aircraft to Cuban State-Owned Airlines

The U.S. has ramped up pressure on Cuba, saying the country is supporting Nicolás Maduro's government in Venezuela



Airplanes from Cuba state-owned carrier Cubana parked at the Havana International Airport in 2018. The Trump administration has instituted new restrictions on the leasing of commercial aircraft to the airline. Photo: alexandre meneghini/Reuters

By Mengqi Sun

The Trump administration has restricted the leasing of commercial aircraft to Cuban state-owned airlines, a move intended to further pinch revenue to the Cuban government.

The move, announced last week by the U.S. Commerce Department, follows U.S.-imposed travel curbs on Cuba in June, barring American cruise lines, yachts, sailboats and private flights from going to the island in an attempt to dry up income derived from visitors.

The U.S. in recent months has ramped up pressure on Cuba, which it says is supporting Nicolás Maduro's government in Venezuela. The Trump administration has said Maduro's government is illegitimate and corrupt, and that Cuba has been providing support to the Maduro regime in exchange for oil.

The U.S. has placed substantial trade restrictions on Cuba since the early 1960s. The export or re-export of goods and services to Cuba, except for food and medicine, is generally prohibited or requires a license from the U.S. government.

The U.S. said it would revoke existing licenses for aircraft leases to Cuban state-owned airlines and will deny future applications for aircraft leases, the Commerce Department's Bureau of Industry and Security said Friday.

The Commerce Department said it is making the changes because the Cuban government allegedly has been transporting tourists on leased aircraft to generate revenue.

"This action by the Commerce Department sends another clear message to the Cuban regime—that they must immediately cease their destructive behavior at home and abroad," Commerce Secretary Wilbur Ross said in a statement. "The Trump administration will continue to act against the Cuban regime for its misdeeds, while continuing to support the Cuban people and their aspirations for freedom and prosperity."

John Kavulich, president of the U.S.-Cuba Trade and Economic Council, said the action is another way for the Trump administration to discourage commercial transactions with Cuba and Venezuela.

Cuban airlines have had trouble getting newer aircraft because of the trade restrictions, and Cuban tourism industry could take another hit from this change in regulations, said Jose Fernandez, a partner at law firm Gibson Dunn & Crutcher LLP who previously served as an assistant secretary of state under the Obama administration.

"Anything that targets tourism is a major concern for Cubans," Mr. Fernandez said.

EFE
Madrid, Spain
19 October 2019

Estados Unidos endurecerá aún más el embargo comercial a Cuba por su apoyo a Maduro
Las medidas entrarán en vigor el lunes 21 de octubre

EFE USA
Washington/La Habana

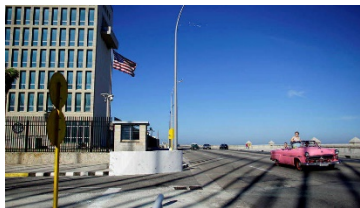


Imagen de archivo de la embajaa de Estados Unidos en La Habana, Cuba. REUTERS/Alexandre Meneghini/File Photo

El Gobierno de Estados Unidos ha anunciado este viernes una serie de medidas que endurecerán aún más el embargo comercial que impone desde hace más de medio siglo sobre Cuba, y ha asegurado que es una represalia por el apoyo que La Habana ofrece al "régimen" del presidente venezolano, Nicolás Maduro.

Las nuevas sanciones, que entrarán en vigor el 21 de octubre, han sido recogidas este viernes en un borrador que publicó el Departamento de Comercio en el Registro Federal, el boletín oficial del Gobierno en el que se difunden leyes, propuestas normativas y avisos públicos.

El objetivo de las nuevas sanciones es hacer que "el régimen cubano sea responsable por la represión del pueblo cubano y su apoyo al régimen de Maduro en Venezuela".



Un auto clásico dedicado al turismo espera clientes este viernes, en La Habana (Cuba). EFE/ Yander Zamora

"El régimen cubano niega a su gente las libertades fundamentales mientras mantiene a Nicolás Maduro en el poder usando sus fuerzas cubanas de seguridad y de inteligencia", afirma el Gobierno estadounidense en el borrador de la normativa.

De acuerdo con ese documento, a partir del lunes, EE.UU. prohibirá al resto del mundo vender a Cuba artículos que contengan un 10% de componentes estadounidenses, lo que supondrá un cambio sustancial pues hasta ahora se podían exportar productos que tuvieran hasta un 25% de piezas hechas en EE.UU.

Díaz-Canel critica la decisión

Asimismo, se establece que solo podrán venderse en Cuba aquellas infraestructuras de telecomunicaciones que faciliten el "libre" flujo de informaciones entre el pueblo cubano.

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Conductores de coco taxis esperando clientes. EFE/ Yander Zamora

En EE.UU. no ha habido ningún anuncio oficial para dar a conocer las nuevas medidas, que podrían sufrir modificaciones hasta que se hagan oficiales el lunes. Entretanto, en Cuba, la respuesta del Ejecutivo ha llegado poco después de que se publicara el borrador de las sanciones.

En un mensaje en Twitter, el presidente cubano, Miguel Díaz-Canel, ha afirmado: "#EEUU anuncia nuevas medidas de recrudescimiento del bloqueo contra #Cuba".

Y ha añadido: "Esta acción es expresión de impotencia, degradación moral y desprecio imperial. Es un acto inhumano, cruel, injusto y genocida que rechazamos enérgicamente. No nos rendiremos y daremos soberana respuesta".

“#EEUU anuncia nuevas medidas de recrudescimiento del bloqueo contra #Cuba. Esta acción es expresión de impotencia, degradación moral y desprecio imperial. Es un acto inhumano, cruel, injusto y genocida que rechazamos enérgicamente. No nos rendiremos y daremos soberana respuesta. pic.twitter.com/j7AdorvIKb” Miguel Díaz-Canel Bermúdez (@DiazCanelB) 18 de octubre de 2019

El recrudescimiento de las sanciones ha afectado al turismo de la isla

El ministro de Exteriores cubano, Bruno Rodríguez, también ha condenado las medidas de EE.UU. y ha considerado que son "representativas de una política en bancarrota moral, aislada internacionalmente y promovida por un Gobierno corrupto".

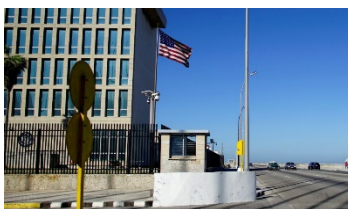
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El recrudescimiento de las sanciones se ha dejado notar en la isla, entre otros ámbitos en el turismo, con un descenso de las visitas.

Según dijo a Efe John Kavulich, presidente del Consejo Comercial y Económico EE.UU.-Cuba, las nuevas sanciones suponen "otro nuevo paso más cerca" para que tanto Venezuela como Cuba sean incluidos en la lista de países patrocinadores del terrorismo que elabora el Departamento de Estado, de la que la isla salió en 2015.

Televisa Mexico City, Mexico 18 October 2019

EEUU endurecerá más embargo comercial a Cuba por apoyar a Maduro
Las nuevas sanciones de Estados Unidos a Cuba entrarán en vigor el lunes 21 de octubre



Sede de la embajada de Estados Unidos en la Habana, Cuba. Reuters/Archivo

El gobierno de Estados Unidos anunció hoy que endurecerá aún más el embargo comercial a Cuba por apoyar al presidente de Venezuela, Nicolás Maduro.

Las nuevas sanciones, que entrarán en vigor el lunes 21 de octubre, fueron hoy recogidas en un borrador que publicó el Departamento de Comercio en el Registro Federal, el boletín oficial del Gobierno en el que se difunden leyes, propuestas normativas y avisos públicos.

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“El régimen cubano niega a su gente las libertades fundamentales mientras que mantiene a Maduro en el poder usando sus fuerzas cubanas de seguridad y de inteligencia”, afirmó el Ejecutivo estadounidense en el borrador de la normativa.

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Reuters Americas

London, United Kingdom

9 October 2019

Tougher U.S. sanctions make Cuba ever more difficult for Western firms

By Marc Frank

HAVANA (Reuters) - Tougher U.S. sanctions against Cuba have led international banks to avoid transactions involving the island, while prospective overseas investors put plans on hold and foreign firms operating in the country consider restructuring to lower their risk exposure.



A tanker ship leaves the Havanas bay in Havana, Cuba, October 2, 2019.
Picture taken on October 2, 2019. REUTERS/Alexandre Meneghini

Just a few years ago, foreign businesses were rushing to take a firsthand look at Cuba's opening economy, lured by the Communist government's market reforms and a detente pursued by former U.S. President Barack Obama. Yet two dozen Western executives, consultants and diplomats interviewed by Reuters said President Donald Trump's reversal of that detente and ratcheting up of the U.S. trade embargo have poisoned the business climate, in combination with Cuba's homegrown economic woes.

On top of the decades-old embargo, the Trump administration has sanctioned nearly 200 Cuban military-run companies and hotels as well as any company or vessel involved with shipping Venezuelan oil to Cuba. In April, Trump also activated Title III of the 1996 Helms-Burton Act, which allows Americans to sue U.S. and international companies profiting from property that was nationalized or confiscated after Cuba's 1959 Revolution.

American Airlines, Melia Hotels International, Amazon Inc and French lender Societe Generale are among the companies that have been slapped with lawsuits under the Helms-Burton Act, which they are contesting in court.

"The situation is catastrophic, at least for Western countries. I can't speak for Russia or say China," a European commercial attache said, asking not to be identified due to the sensitivity of the matter.

Many Western banks have long refused Cuba-related business for fear of running afoul of U.S. sanctions and facing hefty fines, as well as the country's poor credit history. Now, the combination of Trump's aggressive stance, the complications of new sanctions and fear of being sued under Helms-Burton are deterring the few that remained.

PostFinance, the last Swiss bank to process Cuba-related transactions, informed clients last month it would no longer do so. Bank spokesman Rinaldo Tibolla said in an email PostFinance relied on a trust-based network of correspondent banks as well as access to U.S. dollar payments.

"There is a risk that we will be excluded from this access if payments to Cuba, which may be subject to U.S. sanctions, are allowed to continue," he said.

Panama's Multibank shut down numerous Cuba-related accounts this year and European banks are restricting clients associated with Cuba to their own nationals, if that. Asked about the closures, Multibank said in a statement it constantly revised its foreign accounts from the perspective of regulations and risk. Businessmen and diplomats said large French banks, including Societe Generale, no longer want anything to do with Cuba and some are stopping payments to pensioners living on the Caribbean island. Neither Societe General nor Paribas, both of which have been sanctioned by the U.S. Treasury Department, responded to a request for comment.

But for the first time in years, the island has had problems financing the upcoming sugar harvest. Various joint venture projects, from golf resorts to alternative energy, are finding it nearly impossible to obtain private credit, the executives, diplomats and other sources consulted by Reuters said.

Even Cuban embassies abroad are finding it more difficult to open accounts, Cuban Foreign Minister Bruno Rodriguez told a news conference in Havana this month as he blasted sanctions as "genocidal."

“Financial sanctions are weapons of mass destruction,” said John Kavulich, president of the U.S.-Cuba Trade and Economic Council, which closely follows U.S.-Cuban relations.

“Enforcement by the Treasury Department can have a devastating impact.”

People stand at the American Airlines office at the Jose Marti International Airport in Havana, Cuba, September 25, 2019. Picture taken on September 25, 2019. REUTERS/Alexandre Meneghini

NOT WORTH THE RISK

Every time a Helms-Burton suit is filed, or Washington sanctions a bank for violating the embargo, corporate compliance officers say business with Cuba is not worth it, the sources said.

“It is like the old Chinese death sentence by a thousand cuts,” said a European financial services representative, who also asked to remain anonymous.

Clients from Canada, Europe and even China were still interested in Cuba, said Canadian lawyer Gregory Biniowsky, who lives in Havana and consults foreign businesses for the law firm Gowlings Consulting Inc. “What has changed is their calculations for the short- to medium-term, as in, let’s kind of shelve this for now and go into a holding pattern at least until November 2020,” he said, echoing the observations of other consultants.

While recent U.S. sanctions have spooked many potential partners, Cuba’s existing 200-odd joint ventures and other agreements with foreign companies appear to be staying the course. A number of well-known corporations such as Nestle, Unilever, Imperial Cigars, Sheraton, Pernod-Ricard, Total and AB InBev have ventures in Cuba and none have fled in response to the U.S. crackdown.

The companies did not respond to Reuters’ requests for comment. However, the sources said some were considering restructuring along the lines of British beverage giant Diageo PLC, which recently arrived in Cuba and partnered with a local firm in August to market rum.

Luca Cesarano, general director of the joint venture, has said he was confident Diageo was shielded from Helms-Burton, which assumes some U.S. exposure to collect penalties, since it was operating in Cuba through a subsidiary. “Neither the subsidiary of Diageo, which is the partner, nor the venture, will interact with any Diageo entity or person that interacts with the United States,” he said in August.

Reuters Americas

London, United Kingdom

9 October 2019

ANÁLISIS-Sanciones de EEUU hacen que mercado cubano sea aún más difícil para empresas occidentales

Por Marc Frank

LA HABANA, 9 oct (Reuters) - Las fuertes sanciones de Estados Unidos contra Cuba han llevado a bancos internacionales a evitar las transacciones que involucran a la isla, mientras potenciales inversores aplazan sus planes y empresas extranjeras que operan en el país consideran reestructurarse para reducir riesgos.



Foto de archivo del CEO de Unilever, Paul Polman, y el Ministro de Industrias de Cuba, Salvador Pardo, posando después de sentar las bases para un nuevo centro de negocios en Mariel, Cuba. 4 de noviembre de 2016. REUTERS/Alexandre Meneghini

Hace solo unos años, firmas extranjeras miraban con interés la apertura de la economía cubana, atraídas por las reformas de mercado y una distensión emprendida por el expresidente estadounidense Barack Obama. Sin embargo, dos decenas de ejecutivos, consultores y diplomáticos occidentales entrevistados por Reuters dijeron que el giro dado por el mandatario Donald Trump y el recrudecimiento del embargo de Washington han intoxicado el clima empresarial, en combinación con los problemas económicos locales.

Además del embargo de casi seis décadas, la administración Trump ha sancionado a casi 200 empresas y hoteles cubanos, así como a cualquier empresa o buque involucrado en envíos del petróleo venezolano a la isla caribeña.

En abril, Trump activó también el Título III de la Ley Helms-Burton de 1996, que permite a estadounidenses demandar a compañías que se benefician de las propiedades que fueron nacionalizadas o confiscadas tras la revolución cubana de 1959.

American Airlines, Melia Hotels International, Amazon Inc y el prestamista francés Societe Generale están entre las compañías que han sido objeto de demandas en virtud de la Helms-Burton.

“La situación es catastrófica, al menos para los países occidentales. No puedo hablar por Rusia o decir China”, dijo un agregado comercial europeo, que pidió no ser identificado.

Muchos bancos occidentales han rechazado durante mucho tiempo los negocios relacionados con Cuba por temor a infringir las sanciones de Estados Unidos y enfrentar fuertes multas, así como por el mal historial crediticio del país.

Ahora, se ha conjugado la postura agresiva de Trump, las complicaciones por las nuevas sanciones y el miedo a ser demandado por la Ley Helms-Burton para disuadir a los pocos que quedan.

PostFinance, el último banco suizo en procesar transacciones relacionadas con Cuba, informó el mes pasado a sus clientes que ya no lo hará. Rinaldo Tibolla, portavoz del banco, dijo en un correo electrónico que PostFinance confiaba en una red de bancos corresponsales basada en fideicomisos, así como en el acceso a pagos en dólares estadounidenses.

“Existe el riesgo de que seamos excluidos de este acceso si se permite que continúen los pagos a Cuba, que pueden estar sujetos a sanciones de Estados Unidos”, señaló.

Multibank de Panamá cerró este año numerosas cuentas relacionadas con Cuba y los bancos europeos están restringiendo los clientes asociados con Cuba a sus propios ciudadanos.

Empresarios y diplomáticos dijeron que los grandes bancos franceses, incluido Societe Generale, no quieren tener nada que ver con Cuba y algunos están suspendiendo los pagos a los pensionistas que viven en la isla caribeña.

Pero por primera vez en años, Cuba ha tenido problemas para financiar la próxima cosecha de azúcar. Varios proyectos de emprendimientos conjuntos, desde complejos de golf hasta energía alternativa, encuentran casi imposible obtener crédito privado, dijeron ejecutivos, diplomáticos y otras fuentes a Reuters.

“Las sanciones financieras son armas de destrucción masiva”, dijo John Kavulich, presidente del Consejo Económico y Comercial de Estados Unidos y Cuba, que observa de cerca los vínculos entre Washington y La Habana.

NO VALE EL RIESGO

Cada vez que se presenta una demanda de la Helms-Burton o Washington sanciona a un banco por violar el embargo, las autoridades corporativas de pronto sostienen que los negocios con Cuba no valen la pena, según las fuentes.

Clientes de Canadá, Europa e incluso China todavía están interesados en Cuba, dijo el abogado canadiense Gregory Biniowsky, que reside en La Habana y asesora a empresas extranjeras para el bufete Gowlings Consulting Inc.

“Lo que ha cambiado son sus cálculos a corto y mediano plazo, como en el caso de que dejemos de lado esto por ahora y sigamos con un patrón de espera al menos hasta noviembre de 2020”, dijo.

Si bien las recientes sanciones de Washington han preocupado a muchos socios potenciales, las 200 empresas conjuntas existentes en Cuba y otros acuerdos con compañías extranjeras parecen mantenerse bien encaminadas.

Varias multinacionales como Nestlé, Unilever, Sheraton, Pernod-Ricard, Total y AB InBev tienen negocios en Cuba y ninguna ha dejado el país en respuesta a las sanciones de Estados Unidos.

El Nuevo Herald

Miami, Florida

6 October 2019

Cubanoamericanos demandaron a Meliá por \$10 millones. La decisión de la Corte los sorprendió

por Mario J. Pentón



Vista del Hotel Meliá Cohiba. Alejandro Ernesto EFE

Una corte española decidió desestimar finalmente la demanda de los descendientes del empresario Rafael Lucas Sánchez Hill, quienes habían pleiteado contra el grupo hotelero Meliá.

La demanda, que coincidía con la activación del Título III de la Ley Helms-Burton por la Administración de Donald Trump el pasado 2 de mayo, no era juzgada por esta ley, que solo tiene valor en territorio de Estados Unidos. La Justicia en España adujo que “por motivos de jurisdicción” debían desestimar el trámite legal.

Los Sánchez Hill, quienes residen en Estados Unidos, pedían como indemnización unos \$10 millones por las tierras que le fueron expropiadas por el gobierno de Fidel Castro en 1960 y de las que Meliá se beneficia al administrar varios hoteles construidos allí por los militares cubanos, de acuerdo a documentos de la corte.

La Corte sienta así un precedente al desestimar la primera demanda presentada en España contra compañías de ese país por administrar bienes expropiados en Cuba durante la revolución de los hermanos Castro. La Ley Helms-Burton, en Estados Unidos, permite a los dueños de propiedades confiscadas por la revolución castrista demandar a quienes “trafiquen” con esas propiedades.

Anteriormente los Sánchez Hill habían negociado con Meliá y estuvieron cerca de un acuerdo por \$ 5 millones, pero al ver lejana la posibilidad de la activación del Título III, la empresa redujo la indemnización a \$ 3,000 y no hubo acuerdo.

La familia Sánchez Hill huyó de Cuba después de que le fuera expropiado el Central Santa Lucía LC y los terrenos de más de 40,000 hectáreas que lo circundaban. El patriarca de la familia había construido el central en 1857 después de mudarse a Holguín desde Matanzas, pero la ley 890 de 1960, firmada por el entonces presidente Osvaldo Dorticós, los dejó sin nada.

En los terrenos expropiados, los militares cubanos construyeron en las últimas décadas los hoteles Meliá Sol Río de Luna y Mares, Paradisus Río de Oro, Costa Verde, y Playa Costa Verde, entre otros.

Meliá es la compañía extranjera que más hoteles administra en Cuba, con unos 34 establecimientos. Le sigue Iberostar, con 20 hoteles. Estas compañías han sido muy criticadas por grupos de derechos humanos y opositores al régimen de La Habana por las condiciones en las que realizan sus inversiones en la isla. Hasta 2008, los cubanos tenían prohibido hospedarse en los mismos hoteles que los extranjeros y los salarios de los trabajadores en los hoteles internacionales es de apenas unas decenas de dólares al mes.

“En estos 31 años lo hemos tenido muy claro: que la apuesta por Cuba es incondicional. Nosotros creemos que es totalmente injusto, todas estas medidas”, dijo sobre la activación del Título III de la Helms-Burton a la televisión estatal cubana el vicepresidente ejecutivo y consejero delegado de Meliá Hotels International, Gabriel Escarrer.

“Frente a eso, seguimos con nuestra hoja de ruta: seguiremos colaborando estrechamente con las autoridades cubanas en el desarrollo de la industria turística de este país, que creo que es modélica en todos los sentidos”, añadió. Para el 2020 la compañía proyecta llegar a 38 hoteles y más de 15,000 habitaciones.

Según John S. Kavulich, presidente del Consejo Económico y Comercial EEUU-Cuba, con sede en Nueva York, el pasado septiembre se presentó en el Distrito Sur de Florida una demanda colectiva en la cual unas 40 personas buscan compensación económica de Melia Hotels International SA y Melia Hotels USA por el “tráfico” de bienes expropiados por la revolución castrista.

Desde la puesta en vigor del Título III de la Ley Helms-Burton han sido demandadas varias compañías con negocios en la isla entre las que se encuentran Expedia, Trivago, Meliá, la compañía de cruceros Carnival, la de aviación American Airlines, entre otras.

El Nuevo Herald

Miami, Florida

1 October 2019

Demandan a American Airlines y a Expedia por ‘traficar’ con propiedades en Varadero

por Mario J. Pentón y Nora Gámez Torres

Un cubano naturalizado estadounidense demandó a finales de septiembre a American Airlines (AA) y a Expedia por “traficar” con bienes confiscados por la revolución castrista a su familia en el balneario de Varadero, al este de La Habana.

Robert M. Glen, residente del Estado de Texas, demandó en el Distrito Sur de la Florida a la aerolínea argumentando que opera múltiples vuelos diarios con destino a Cuba, incluyendo Varadero, donde su familia tenía una mansión que fue expropiada tras la revolución de Fidel Castro y posteriormente demolida para construir hoteles.

La demanda se basa en que AA permite a través de su sitio web realizar reservas en los hoteles Iberostar Tainos, Meliá Las Antillas, Blau Varadero y Starfish Varadero, que según el demandante fueron construidos en los terrenos propiedad de su familia.

“Es así como reservando en esos hoteles, American Airlines está enfrascada en una actividad comercial que utiliza y se beneficia de la propiedad confiscada de la familia Glen. No solo participa sino que obtiene ganancias por el tráfico llevado a cabo por los hoteles”, advierte la demanda.

Glen presentó otra demanda contra la empresa de reservaciones Expedia en el Estado de Washington, al oeste de Estados Unidos, según informó John S. Kavulich, presidente del U.S.-Cuba Trade and Economic Council. En la demanda Robert M. Glen afirma que tiene derecho a dos propiedades frente al mar ubicadas en Varadero donde están construidos cuatro hoteles. No se descarta que los operadores de los hoteles también sean demandados.

Recientemente American Airlines había sido demandada por sus operaciones en el aeropuerto José Martí por José Ramón López Regueiro, quien afirma tener derechos sobre esa propiedad, confiscada a su padre José López Vilaboy, una figura cercana al régimen de Fulgencio Batista que antecedió a Fidel Castro.

López Regueiro también demandó a LATAM Airlines, una aerolínea chilena-brasileña que podría ver truncados sus negocios con la norteamericana Delta, que pensaba comprar el 20 por ciento de sus acciones. Otro cubanoamericano heredero de una casa en Varadero confiscada por el gobierno cubano y luego demolida para construir un hotel demandó recientemente a Expedia por “traficar” con bienes robados.

La demanda, presentada en la corte federal de Miami bajo el amparo de la ley Helms-Burton, es la primera que involucra el uso de una residencia y sus terrenos, y podría sentar un precedente a seguir por miles de cubanos que perdieron sus casas por confiscaciones.

Según la demanda, la casa de los padres de Diego Trinidad se encontraba mirando al mar en el famoso balneario de Varadero, entre las calles 72 y 73, donde actualmente se erige el hotel Barceló Solymar. Los padres del demandante huyeron de Cuba en el 1960 y la casa fue confiscada por el gobierno de Castro, que en la década de los 90 construyó un hotel manejado en conjunto con la cadena española Barceló.

Desde la activación del Título III de la Ley Helms-Burton, miles de cubanos nacionalizados estadounidenses y ciudadanos norteamericanos que huyeron de la revolución castrista y cuyos bienes fueron confiscados sin indemnización pueden demandar en cortes federales norteamericanas a compañías que hayan invertido en esas propiedades.

El gobierno cubano ha dicho que no reconoce “los efectos extraterritoriales” de la Helms-Burton, pero en un giro inesperado decidió, al menos en un caso, defenderse en cortes de Estados Unidos. El título III de la Helms-Burton permite a los afectados por confiscaciones demandar a compañías extranjeras por el triple del valor de las propiedades de las que se benefician.

Breitbart News Network

Los Angeles, California

28 September 2019

Lawsuit: Amazon Sells Charcoal Produced on Land Stolen by Cuban Communists



Jim WATSON/AFP

By Lucas Nolan

A Florida resident is suing e-commerce giant Amazon for marketing charcoal produced on land he says Cuba stole from his grandfather after the 1959 communist revolution.

Reuters reports a Florida man named Daniel Gonzales has filed a lawsuit against e-commerce giant Amazon for marketing charcoal produced on land that he says was confiscated from his grandfather by Cuba after the 1959 communist revolution, adding to a line of lawsuits in the U.S. court system regarding the island nation.

The lawsuit was filed just one day after another lawsuit which accused American Airline and the Latam Airlines Group of trafficking stolen property using Havana's international airport. These lawsuits were allowed due to President Donald Trump's activation in May of a provision of the 1996 Helms-Burton Act which was previously waived by every previous president due to opposition from the international community over fears it could create chaos in U.S. courts.

The Title III provision allows U.S. citizens including Cuban-Americans to file lawsuits against both Cuban entities and foreign companies over property seized after 1959. Gonzales says he is the rightful owner of 2,030 acres of land in Cuba's eastern Granma province which were nationalized in 1964. Authorities gave his family just seven days to vacate the area with their personal belongings.

"The communist Cuban Government ... has not paid any compensation to Plaintiff for its seizure," the filing reads. Gonzales claims that Amazon's promotion of the sale of Marabu charcoal produced on the property means that the firm is trafficking stolen property. Gonzales is also suing Florida-based company Fogo Charcoal for importing the charcoal.

John Kavulich, president of the U.S.-Cuba Trade and Economic Council, highlighted how many companies could potentially be sued under Title III, stating: "Will the next defendant be Crowley Liner Services, which transported the charcoal from Cuba to the United States? FedEx that delivered some of the charcoal?"

Approximately 11 lawsuits have been filed under Title III against 19 defendants, 14 of which are foreign firms doing business with Cuba to some degree. This includes U.S. cruise lines Royal Caribbean, Norwegian Cruise, and Carnival Corp. Travel website Expedia Group Inc. and Spanish hotel operator Melia Hotels International are also involved in Title III lawsuits.

Reuters

London, United Kingdom

26 September 2019

Amazon sued for marketing charcoal produced on land seized by Cuba in 1960s

By Sarah Marsh

HAVANA (Reuters) - A Florida resident is suing Amazon (AMZN.O) for marketing charcoal produced on land he says Cuba confiscated from his grandfather after the 1959 revolution, the latest in a recent slew of lawsuits regarding the island piling up in U.S. courts.



FILE PHOTO: Marabu prepared to be burned at a traditional charcoal factory is pictured in Ciro Redondo, Cuba, February 9, 2017. REUTERS/Alexandre Meneghini/File Photo

The lawsuit was filed in Florida on Thursday, the day after another was filed accusing American Airlines (AAL.O) and the Latam Airlines Group (LTM.SN) of trafficking in stolen property for using Havana's international airport.

Such lawsuits were allowed by U.S. President Donald Trump's activation in May of a controversial provision of the 1996 Helms Burton Act that had been waived by every previous president due to opposition from the international community and fears it could create chaos in U.S. courts.

So-called Title III allows U.S. citizens, including Cuban Americans, to file lawsuits against both Cuban entities and foreign companies over property seized after 1959.

In the lawsuit filed on Thursday, Daniel Gonzalez says he is the rightful owner of 2,030 acres of land in Cuba's eastern Granma province that were nationalized in 1964.

Authorities gave his family only seven days to leave with just their personal belongings, he says. "The communist Cuban Government ... has not paid any compensation to Plaintiff for its seizure," the filing reads.

Gonzalez claims Amazon promoted the sale of Marabu charcoal produced on that property, meaning it was trafficking in stolen property. Amazon declined to comment because it is an active lawsuit. Gonzalez is also suing Florida-based Fogo Charcoal for importing the charcoal.

"Will the next defendant be Crowley Liner Services, which transported the charcoal from Cuba to the United States? FedEx that delivered some of the charcoal?" asked John Kavulich, president of the U.S.-Cuba Trade and Economic Council, underscoring how many companies could potentially be sued under Title III.

The U.S. State Department has said Title III could produce up to 200,000 claims reaching a value in the tens of billions of dollars given the scale of expropriation after the Cuban revolution and of exile to the United States.

The Cuba government, as well as traditional U.S. allies the European Union and Canada, say it violates international law.

So far, around 11 lawsuits have been filed under Title III against 19 defendants, 14 of which are foreign firms doing business with Cuba directly or indirectly, according to Kavulich.

The latter include U.S. cruise lines Royal Caribbean (RCL.N), Norwegian Cruise (NCLH.N) and Carnival Corp (CCL.N), U.S. travel website operator Expedia Group Inc (EXPE.O) and Spanish hotel operator Melia Hotels International (MEL.MC). Five of the defendants are Cuban companies.

Five of the lawsuits are by multiple plaintiffs seeking class action, Kavulich said. In the largest, nearly 40 plaintiffs are suing Melia for "trafficking" in properties they say rightfully belong to them.

It remains unclear how these lawsuits will fare in the courts, given the lack of precedent. Moreover, it is doubtful how plaintiffs could collect if they win against foreign firms, given many countries have implemented laws blocking the law's implementation. But the lawsuits are worsening Cuba's already-weak business climate.

The Trump administration activated the long-dormant Title III as part of a campaign to increase pressure on Cuba to reform and drop its support of leftist Venezuelan President Nicolas Maduro. Some analysts say the Trump administration is also seeking to win over the influential Cuban-American community in the swing state of Florida ahead of the November 2020 presidential election.

Miami Herald

Miami, Florida

26 September 2019

Amazon hit with lawsuit for selling charcoal made in confiscated land in Cuba

By Nora Gámez Torres



Cargo shipment from Cuba arrives at Port Everglades
The first legal exports from Cuba to the U.S. in more than 50 years arrived at Port Everglades in January 2017.
The shipment was small, just two containers of artisanal charcoal. By José A. Iglesias

Daniel A. González traveled to Cuba to spread the ashes of his father in what had been his family's farm in the east of the country until Fidel Castro came to power and seized it. There he learned that the government was making charcoal from Marabou wood that grew in those lands. Later on, bags of that charcoal were sold under a Hialeah brand on Amazon, all without González — who claims to be the rightful owner of the land — having received a penny.

All of this is part of a lawsuit filed Thursday in Miami federal court against the giant Amazon under the Helms-Burton Act, the first of its type that involves the use of expropriated land in Cuba. González claims that since January 2017, Amazon and the Hialeah company Fogo Charcoal have promoted the sale of coal from Marabou that grew in the lands he inherited from his grandfather, Manuel González Rodríguez. According to the lawsuit, the 2,000 acres of land are located in the current province of Granma in the east of the country and were confiscated in June 1959 as part of agrarian reform.

The Cuban government offered no compensation for the expropriation of land and, according to the lawsuit, gave González's family seven days to leave the property.

“An ironic angle to this story is that the initial seed capital for Amazon came from the generosity of a Cuban exile (Miguel Bezos, the stepfather of Amazon founder Jeff Bezos) who invested \$245,573 in the company in 1995,” said the plaintiff's lawyer, Santiago A. Cueto, of the law firm Cueto Law Group. “Now 25 years later, Amazon is profiting from property seized by the same communist regime from which Miguel Bezos fled.”

The lawsuit is the latest in almost a dozen against airlines, cruise companies, banks and hotels accused of “trafficking in stolen goods” in Cuba, according to the Helms-Burton Act. On

Wednesday, American Airlines became the first airline sued by a Miami resident who claims to be the rightful owner of the international airport of Havana.

Since President Bill Clinton signed the Helms-Burton bill into law in 1996 and until May of this year, the right to sue under its Title III provision had been suspended every six months. But in May President Donald Trump let the suspension expire, which has opened the doors to several high profile legal cases.

Cueto said González's grandfather had acquired the three farms that make up about 2,000 acres — identified as “La América, El Martillo and Limoncito” — between 1941 and 1952. Gonzalez knew firsthand that charcoal was being produced on those lands when he traveled to Cuba to scatter the ashes of his father.

“He was subsequently able to piece together the information from additional contacts and sources in Cuba,” the lawyer said, adding that some of these details and others about the location of the lands are not included in the initial complaint because they are not necessary at this point in the process.

In January 2017, Coabana Trading company reached an agreement with the state-owned Cuba Export to import 40 tons of marabou coal produced by cooperatives and that were to be sold in the United States under the brand Fogo.

Coabana Trading, which is not named in the lawsuit, was founded by Scott Gilbert, the lawyer for Alan Gross, the USAID contractor who was jailed in Cuba and released after an exchange of prisoners in December 2014.

The importation of coal, the first direct import of a Cuban product in decades, was allowed under new rules that relaxed the embargo during the administration of President Barack Obama.

Fogo Charcoal bought two more containers of Cuban charcoal in July 2018, according to the U.S.-Cuba Trade and Economic Council. Amazon sold each bag of charcoal “directly from farmers in Cuba” for \$49.95, with free shipping.

Neither Amazon nor Fogo Charcoal responded to a request for comment.

Fox Business

New York, New York

25 September 2019

Cuban-American claims to be rightful owner of Havana airport, sues airlines

By Jason Schott

A lawsuit has been filed in Miami on behalf of a Cuban-American - who claims to be the rightful owner of Havana's international airport - against American Airlines and the Latam Airlines Group for “trafficking in the property that he claims was stolen by the Cuban government.

This is one of several suits that have been filed since the Trump administration implemented Title III of the 1996 Helms Burton Act. The law allows U.S. citizens to sue foreign firms and Cuban entities over their use of properties expropriated after Cuba's 1959 revolution.

The administration activated the long-dormant law for another reason - as part of a campaign to pile pressure on Cuba to reform and drop its support of Venezuelan President Nicolas Maduro.

In the lawsuit filed on Wednesday, Miami-based law firm Rivero Mestre argues that José Martí International Airport was expropriated from the father of Jose Ramon Lopez Regueiro in 1959.

The “defendants have trafficked in or benefited from ongoing, unlawful trafficking in the Airport, by arriving and departing the Airport and using its facilities for cargo and passenger transport, the court filing reads.



José Ramon López Regueiro speaks during a news conference in Coral Gables, Fla. Wednesday, Sept. 25, 2019. Rivero Mestre LLC filed a Helms-Burton Act lawsuit on behalf of José Ramon López Regueiro against American Airlines and LATAM Airlines Group

“What we seek to recover is the value of the airport times three,” attorney Andrés Rivero, who is handling the case, said. Rivero estimates the current value of the airport as “approaching 1 billion,” which means Regueiro could potentially receive up to \$3 billion.

“I have had to wait 60 years, unfortunately. But at the end, there will be justice.”

Jose Ramon Lopez Regueiro

López Regueiro, 66, said his family’s properties were taken “violently” and his family was never compensated but rather “defamed.” He departed Cuba for Holland in 1989, and then moved to Spain, where he worked in construction. He settled in Miami in 2009 and is now retired.

“I have had to wait 60 years, unfortunately,” López Regueiro said during a news conference, “But at the end, there will be justice.”

American Airlines said in a statement it would review the lawsuit in detail and “vigorously defend (its) service to Cuba, and added, “American Airlines service to Cuba including José Martí International Airport in Havana is authorized by the U.S. government, it said. “In addition, (this law) specifically exempts lawful travel, which is what American provides.

A spokesman in Chile for Latam, South America’s largest airline, did not respond to a request for comment. There is no precedent for these kinds of cases, which means it remains unclear how these lawsuits will fare in the courts.

There also is a question of how plaintiffs could collect the proceeds if they win a case against foreign firms because many countries have implemented laws blocking the Helms Burton Act’s implementation.

Havana-based diplomats and consultants claim the lawsuits are worsening Cubas business climate and putting off future investors.

Some analysts say U.S. courts could determine that the travel these companies facilitate is actually tourism, thereby violating the decades-old U.S. trade embargo on Cuba.

In August, U.S. courts declined U.S. cruise line Carnivals request for the dismissal of a separate lawsuit over its alleged trafficking in Cuban docks. This suggests that these lawsuits could carry increasing weight as they are filed.

"If more airlines are sued, some of the smaller ones may leave Cuba or change airports - presuming other airports are not subject to claims, said John Kavulich, president of the U.S.-Cuba Trade and Economic Council. "There are fifty-one airlines serving Havana.

Some analysts say the Trump administration could also be seeking to win over the influential Cuban-American community in the swing state of Florida ahead of the November 2020 presidential election. On Tuesday, the U.S. Treasury Department imposed sanctions on four maritime firms and vessels transporting Venezuelan oil to Cuba, amid an acute fuel scarcity in the island.

EFE

Madrid, Spain

25 September 2019

Presentan demandas contra American Airlines y LATAM bajo la ley Helms-Burton

Miami, 25 sep (EFE).- Un despacho de abogados de Miami presentó una demanda judicial bajo la ley Helms-Burton contra las compañías aéreas American Airlines y LATAM por operar en el Aeropuerto Internacional José Martí de La Habana, confirmaron a Efe fuentes de la firma Rivero Mestre LLP.

La demanda fue presentada en nombre de José Ramón López Regueiro, hijo de quien fue el propietario del aeropuerto habanero hasta su expropiación por la revolución cubana de 1959.

Una fuente del despacho dijo a Efe que la demanda puede llegar a incluir a otras compañías que operan en dicha terminal aérea y han sido notificadas ya de la intención de Regueiro de buscar compensación.

El título III de la Ley Helms-Burton de 1996, que el Gobierno de Donald Trump puso en vigor en mayo pasado después de haber permanecido en suspenso durante más de 20 años, faculta a los ciudadanos estadounidenses cuyas propiedades en Cuba fueron confiscadas tras la revolución a demandar en tribunales de EE.UU. a las empresas que se beneficien de esos activos.

Desde la entrada en vigor del título son muchas las empresas demandadas, entre ellas las del sector turístico Carnival, Expedia, Booking, Trivago, Meliá, Barceló, Accor, Blue Diamond y el banco Société Générale, pero hasta ahora no ha habido fallos judiciales.

En un comunicado, Rivero Mestre LLP indicó este miércoles que más de 40 compañías aéreas de carga y pasajeros están utilizando "ilegalmente" y beneficiándose con operaciones en el aeropuerto José Martí "sin permiso o sin compensar" a Regueiro.

Todas esas empresas fueron advertidas por escrito de que si no cesaban y desistían de sus actividades en el aeropuerto habanero en un plazo de 30 días, iban a ser demandadas judicialmente.

La estadounidense American Airlines y LATAM, la mayor aerolínea de América Latina, no respondieron a la notificación de la intención de demandar, lo que, de acuerdo con el Título III de la ley Helms-Burton, faculta a Regueiro a recibir una compensación triple, explicó a Efe la fuente consultada.

Regueiro es hijo de José López Vilaboy, quien como propietario del aeropuerto José Martí en los años 50 del siglo XX lo amplió y modernizó para transformarlo en una instalación de categoría internacional.

López Vilaboy no fue compensado por la expropiación por los dirigentes de la revolución de 1959, que dio lugar a un régimen que sesenta años después sigue gobernando Cuba.

Según John Kavulich, presidente del Consejo Comercial y Económico EE.UU.-Cuba, con sede en Nueva York, las autoridades estadounidenses han "certificado" 5.913 casos de ciudadanos y empresas que pueden acogerse al Título III de la ley que reforzó el embargo contra Cuba por un total de 1.900 millones de dólares. Con los intereses desde hace más de 60 años el monto ascendería a 8.521 millones de dólares. EFE

Miami Herald

Miami, Florida

25 September 2019

Miami man who says he's rightful owner of Havana's airport sues American Airlines

By Nora Gámez Torres

In an anticipated legal case, American Airlines on Wednesday became the first air carrier to be sued for conducting business on properties confiscated by the government in Cuba, despite having obtained authorization from the Barack Obama government to fly to the island.

The federal lawsuit, which also includes Chile's LATAM Airlines, was filed in Miami on Wednesday by José Ramón López Regueiro. He is the son of José López Vilaboy, a businessman close to Cuban dictator Fulgencio Batista who was the owner in 1959 of what is now Havana's José Martí International Airport before it was confiscated by the revolutionary government led by Fidel Castro.

According to the lawsuit, filed by the Rivero Mestre law firm, López Vilaboy bought the land of the Rancho Boyeros airport from its previous owner, Pan American Airways, in 1952 for \$1.5 million in cash. The Cuban businessman then modernized the runway and built the airport terminal that he renamed José Martí. "For his efforts, Vilaboy, like so many other Cubans, was left with nothing when Fidel Castro took power and established a communist government, which stole his property and forced him and his family to flee Cuba," the lawsuit claims.

López Regueiro sued the two airlines for the use of the Havana airport facilities without his authorization, which constitutes "unlawful trafficking in his confiscated property in Cuba," the lawsuit says, in violation of Title III of the Helms-Burton law.

In a statement to the Miami Herald, American Airlines said several U.S. government agencies have authorized its trips to Cuba. "Title III specifically exempts lawful travel, which is what American provides. We'll review this lawsuit in detail and vigorously defend our service to Cuba," the statement said.

"It's a matter of justice," López Regueiro told the Miami Herald. "They took everything from my father and didn't compensate anyone."

The same day that Batista fled the island at dawn on Jan. 1, 1959, López Vilaboy requested asylum at the Guatemalan embassy. López Regueiro, then six years old, remained in Cuba until the late 1980s, when he emigrated to Spain. "I didn't see him again. He died in March 1989 in Miami," his son said.

A Florida court declared López Regueiro his father's legitimate and only heir. In addition to the airport, López Vilaboy was a shareholder of the airline company Cubana de Aviación, and owned a newspaper and a hotel, among other properties. All were confiscated by the Castro government, which accused him of having exploited his relationship with Batista to obtain loans from the government and sometimes act as the "frontman" of the Cuban leader. López Vilaboy denied the accusations in a memoir.

"For the Cuban government, either you are with the government, or you are bad. For the [Castro] government nobody owned property legitimately," López Regueiro said.

The case is the latest in more than a dozen lawsuits so far against Carnival, Royal Caribbean, Expedia, Booking.com, Meliá, Credit Suisse and other companies that are accused of having taken advantage of confiscated properties without having compensated their original owners.

The Helms-Burton law establishes exceptions for "transactions and uses of property incident to lawful travel to Cuba." Two Florida judges ruled recently that this determination must be made at a later date and allowed lawsuits related to the use of Cuban ports to continue their course.

Unlike cruise ships, American Airlines transports commercial cargo to Cuba, said lawyer Andrés Rivero, who represents López Regueiro and other plaintiffs in similar cases.

Rivero said he initially chose an American and a Latin American airline to test the main legal issues in the case. If it succeeds, other companies could be added to the lawsuit, or the firm could file separate lawsuits, he said.

About 50 airlines, including five American carriers, fly to José Martí International Airport.

Although the properties were confiscated in Cuba more than 60 years ago, the legal battles began in May, when President Donald Trump broke with tradition and decided to enforce the right to seek compensation in federal courts provided for in Title III. Since President Bill Clinton signed the law in 1996, all presidents had suspended that right every six months to avoid conflicts with foreign governments with commercial interests in Cuba.

Title III allows Cubans who later became U.S. citizens to file lawsuits, which expands the number of potential cases, since most of the properties confiscated by Castro had Cuban owners.

In a sign of concern, the Cuban official press had dedicated several articles to a possible claim for the use of the Havana airport, arguing that López Vilaboy's properties were legally confiscated because he was involved in illegal acts while Batista was in power.

Rivero said he is not worried that this argument will reach the courts. "Bring it," he said. "We have not sued the Cuban government in this case, but we will do it in others."

Reuters

London, United Kingdom

25 September 2019

Cuban-American sues American Airlines, Latam Airlines for trafficking in Havana airport

By [Sarah Marsh](#)

HAVANA (Reuters) - A Miami-based law firm filed a lawsuit on Wednesday on behalf of a Cuban-American who claims to be the rightful owner of Havana's international airport against American Airlines and the Latam Airlines Group for "trafficking" in the property he says the Cuban government stole.



People stand at the American Airlines office at the Jose Marti International Airport in Havana, Cuba, September 25, 2019. REUTERS/Alexandre Meneghini

The case is one of a slew filed in U.S. courts since the Trump administration in May implemented a long-dormant and controversial law allowing U.S. citizens to sue foreign firms and Cuban entities over their use of properties expropriated after Cuba's 1959 revolution.

It remains unclear how these lawsuits will fare in the courts given the lack of precedent. Moreover it is doubtful how plaintiffs could collect if they win against foreign firms, given many countries have implemented laws blocking the law's implementation. But the lawsuits are worsening Cuba's business climate and putting off future investors, according to Havana-based diplomats and consultants.

In the lawsuit filed on Wednesday, law firm Rivero Mestre argues that Cuba's main airport, in Havana, was expropriated from the father of Jose Ramon Lopez Regueiro in 1959.

The "defendants have trafficked in or benefited from ongoing, unlawful trafficking in the Airport, by arriving and departing the Airport and using its facilities for cargo and passenger transport," the filing reads. A spokesman in Chile for Latam, South America's largest airline, did not respond to a request for comment. American Airlines said in a statement it would review the lawsuit in detail and "vigorously defend (its) service to Cuba".

"American Airlines' service to Cuba including José Martí International Airport in Havana is authorized by the U.S. government," it said. "In addition, (this law) specifically exempts lawful travel, which is what American provides."

Still, some analysts say U.S. courts could determine the travel they facilitate is actually tourism, thereby violating the decades-old U.S. trade embargo on Cuba.

The fact U.S. courts in August chose not to agree to U.S. cruise line Carnival's request for the dismissal of a separate lawsuit over its alleged trafficking in Cuban docks suggests that such lawsuits will not be easy to shrug off.

“If more airlines are sued, some of the smaller ones may leave Cuba or change airports - presuming other airports are not subject to claims,” said John Kavulich, president of the U.S.-Cuba Trade and Economic Council. “There are fifty-one airlines serving Havana.”

The Trump administration activated the long-dormant Title III of the Helms Burton Act as part of a campaign to pile pressure on Cuba to reform and drop its support of leftist Venezuelan President Nicolas Maduro.

Some analysts say the Trump administration appears also to be seeking to win over the influential Cuban-American community in the swing state of Florida ahead of the November 2020 presidential election.

On Tuesday, the U.S. Treasury Department imposed sanctions on four maritime firms and vessels transporting Venezuelan oil to Cuba, amid an acute fuel scarcity in the island.

ABC Madrid, Spain 12 September 2019

Tres familias de EE.UU. incluyen a Meliá en la demanda por el embargo de Cuba

Los abogados mantienen que su colaboración con la dictadura comunista permite a las empresas lucrarse con propiedades robadas



Seguir David Alandete

La hotelera española **Meliá** ha sido incluida formalmente en la demanda colectiva presentada en Estados Unidos por violación de la ley del embargo a Cuba y lucro con propiedad confiscada. El bufete Rivero Mestre, que representa a varias familias de exiliados cubanos, ha añadido a la empresa balear, a Booking y a Expedia a las compañías denunciadas en Florida, después de que ninguna de las tres respondiera a un requerimiento de conciliación presentado ya hace más de 30 días.

El 3 de septiembre un juzgado de Palma de Mallorca desestimó una demanda de la familia Sánchez Hill contra Meliá en España por sus negocios en **Cuba**, argumentando falta de jurisdicción. Ahora, tres familias —los Mata, los Cantero y los Angulo Cuevas— han denunciado a Meliá en un juzgado de Florida por operar decenas de hoteles en colaboración con el régimen comunista en Cienfuegos, Hicacos y Cayo Coco. Según argumentan los abogados en la demanda, a la que ha tenido acceso ABC, Meliá puede ser juzgada según los términos de la ley del embargo, conocida como **Helms-Burton**, porque «mantiene contactos continuados y sistemáticos con Florida, hace negocios en Florida, se beneficia de su presencia en Florida, y sobre todo ha causado perjuicios en Florida».

Es el mismo caso que el que se aplica al resto de empresas demandadas con la salvedad de que Meliá tiene un hotel de su propiedad en Orlando (Florida) que puede ser expropiado si lo dicta un juez, como también

puede ser expropiado otro establecimiento suyo en Nueva York. Junto con Meliá, han sido llevadas a los tribunales las empresas **Expedia, Trivago, Hotels.com, Orbitz, Travelocity y Booking.**

Según sus asesores legales, los Sánchez Hill, que vieron su caso desestimado en España, también se sumarán a la demanda por sus propiedades en Holguín. Su caso es especialmente relevante porque dicen tener pruebas de que hace dos décadas Meliá negoció con ellos y les ofreció cinco millones de dólares (**4,5 millones de euros**) pero se echó atrás en el último momento.

«Aquella oferta que Meliá hizo a la familia Sánchez Hill hace tantos años puede permitirse ahora como prueba y admisión de culpa», dice **John S. Kavulich**, presidente del Consejo Comercial y Económico EE.UU.-Cuba.

Desde que en mayo Trump dejó que entrara en vigor la totalidad de la ley del embargo cubano, que estaba parcialmente suspendida desde su aprobación en 1996, **27 personas se han unido a esta demanda colectiva**, según un inventario detallado que lleva Kavulich.

Meliá no sólo se enfrenta a un juicio en Florida, sino que sus directivos y los familiares de estos pueden verse sujetos a una **suspensión de visados de entrada**, trabajo y residencia en EE.UU. en virtud del Título IV de la ley del embargo.

En 1995 el Capitolio aprobó la ley para la **Libertad y Solidaridad con la Democracia en Cuba**, conocida como Helms-Burton por los apellidos de un senador y un diputado que la impulsaron. En ella se endureció el embargo al régimen comunista, pero dos de sus títulos quedaron en suspenso por decisión del presidente Bill Clinton: el Título III, que permitía a ciudadanos norteamericanos demandar en los juzgados de EE.UU. a empresas extranjeras que sacaran rédito de propiedades expropiadas en Cuba, y el Título IV, que rescindía visados a los gestores de esas mismas empresas. Con Trump, ambos capítulos se aplican plenamente.

Temas

ABC

Madrid, Spain

4 September 2019

Un juez de Palma desestima la demanda contra Meliá por operar hoteles expropiados en Cuba

La familia Sánchez Hill, que presentó la acción legal contra la compañía española, la denunciará ahora en Florida

Seguir David Alandete
Corresponsal en WashingtonActualizado

Noticias relacionadas

Empresas españolas presionan por la amenaza a sus negocios en Cuba

La familia **Sánchez Hill**, que llevó a los tribunales españoles a la empresa **Meliá Hoteles Internacional** por la explotación comercial de sus terrenos en **Cuba**, acudirá a la justicia norteamericana para solicitar formalmente la aplicación de la **ley Helms-Burton**, que entró en vigor en su totalidad en mayo. Después de que el Juzgado de Primera Instancia número 24 de Palma haya archivado este martes la denuncia contra Meliá por «falta de jurisdicción y de competencia internacional», los demandantes, todos ellos estadounidenses, recurrirán a la Justicia de su país lo que, advierten, puede tener consecuencias más graves para Meliá.

«Si la Justicia española desestima la petición de compensación en términos de jurisdicción legal, las familias afectadas, después de un recurso, acudirán a la justicia en su país, ya que el gobierno de Estados Unidos ha dejado claro, por ley, que sí tiene jurisdicción en este caso», dice a ABC **Nicolás J. Gutiérrez**, asesor legal de los Sánchez Hill y otros demandantes cuyas propiedades fueron confiscadas por el régimen cubano. La ley Helms-Burton, que regula el embargo cubano, entró en vigor en 1996 pero el capítulo que

permite a los estadounidenses demandar a quienes exploten comercialmente sus propiedades estuvo suspendido hasta este año.

Desde que Donald Trump permitiera la entrada en vigor de la totalidad de la ley se han iniciado en EE.UU. una decena de demandas contra empresas hoteleras y de turismo de todo el mundo, incluidas la española Meliá, la alemana Trivago o la norteamericana Carnival Cruises. El proceso de demanda es lento, y debe hacerse sobre un listado oficial de reclamaciones elaborado por el departamento de Justicia norteamericano hace seis décadas y que incluye el reconocimiento de 8.821 propiedades confiscadas por valor estimado de **1.900 millones de dólares** que van aumentando a razón de un interés anual del 6%.

Los Sánchez Hill reclaman compensación por la explotación comercial de hoteles en un terreno de más de 40.000 hectáreas en Holguín en el que hoy funcionan los hoteles de Meliá Sol Río de Luna y Mares, y Paradisus Río de Oro, y los de la cadena Blau Costa Verde, y Playa Costa Verde. Los edificios son en realidad propiedad del Grupo Gaviota, que según varios informes de inteligencia norteamericanos controlan los militares cubanos. Hace dos décadas ambas partes negociaron y Meliá estuvo a punto de pagar cinco millones de dólares (4,5 millones de euros), aunque en el último momento se echó atrás.

Propiedades en Estados Unidos

Según **John S. Kavulich**, presidente del Consejo Comercial y Económico EE.UU.-Cuba, el juicio en Palma era importante para todos los demandantes, porque querían que la Justicia en España, donde tiene su sede Meliá y otros operadores hoteleros y turísticos que ofrecen servicios en Cuba, se declarara competente sobre las confiscaciones del régimen comunista. Al no ser así, todos los esfuerzos van a centrarse finalmente en Florida, donde se están presentando las demandas. «El caso en Palma era importante y el hecho de que haya sido desestimado tendrá un efecto inmediato sobre los demás demandantes», dice Kavulich. «Ahora todos los esfuerzos se centrarán en la ley Helms-Burton», añade.

La aplicación de la ley Helms-Burton tiene dos implicaciones importantes para las empresas extranjeras que hacen negocios en Cuba. Por un lado, si estas son denunciadas en una corte de Florida y tienen propiedades en EE.UU. se arriesgan a que estas les sean expropiadas. Meliá tiene un hotel en Nueva York y otro en Orlando. Por otra parte, y en virtud del Título IV de la ley, el Gobierno norteamericano se reserva el derecho de negar visados de entrada y residencia en EE.UU. a los administradores y altos directivos de las empresas sancionadas, así como sus familiares.

Según dice un portavoz del departamento de Estado a ABC en un correo electrónico, «hemos aumentado nuestros esfuerzos de aplicación de conformidad con el Título IV. Un ciudadano extranjero sujeto a restricciones del Título IV no puede obtener una visa o ingresar a los Estados Unidos. Como los registros de visa son confidenciales bajo la sección 222 (f) de la Ley de Inmigración y Nacionalidad, no podemos revelar esfuerzos específicos de cumplimiento».

Seatrade Cruise News

Essex, United Kingdom

27 August 2019

Royal Caribbean, Norwegian, MSC now face Cuba lawsuits



MSC Armonia is pictured arriving at Havana Harbor. MSC Cruises, along with Royal Caribbean, Norwegian Cruise Line Holdings and Carnival Corp. now face suits from US citizens who hold claims to docking facilities in Havana and Santiago de Cuba

Five new lawsuits have been filed against cruise lines under Title III of the Helms-Burton Act, which deals with the trafficking of stolen property in Cuba.

Two Florida businessmen who hold claims to cruise docks in Havana and Santiago de Cuba that were nationalized after the 1959 revolution are going after Royal Caribbean Cruises Ltd., Norwegian Cruise Line Holdings and MSC Cruises following their earlier suits filed against Carnival Corp. After denial of motion to dismiss Carnival suit

This comes close on the heels of a federal judge's denial of Carnival's motion to dismiss one of the suits which, as predicted by John Kavulich, president of the New York-based US-Cuba Trade and Economic Council, has led to further Helms-Burton cases. 'Plaintiff attorneys are feeling confident,' Kavulich said Tuesday.

Mickael Behn of Havana Docks Corp. has now also filed against RCL, NCLH and MSC for using the Havana Cruise Terminal, while Javier Garcia-Bengochea added claims against RCL and NCLH for using the Santiago cruise facilities. Both seek compensation for use of the properties.

'We are reviewing the filings and have no further comment on pending litigation,' a Royal Caribbean spokesperson said. NCLH and MSC Cruises did not immediately respond to requests for comment.

Seatrade Cruise News

Essex, United Kingdom

27 August 2019

Judge denies Carnival's bid to dismiss Cuba lawsuit



Carnival Corp. is being sued under Title III of the Helms-Burton Act for allegedly trafficking in stolen Cuban property; cruise facilities at Santiago and at Havana, pictured here PHOTO: Anne Kalosh

A federal judge in Miami has denied Carnival Corp.'s motion to dismiss a lawsuit that claims the cruise giant trafficked in stolen property by using cruise facilities in Santiago de Cuba.

Carnival in May became the first US-based company sued by Americans whose properties in Cuba were seized after the revolution, under Title III of the Helms-Burton Act.

Ruling could lead to other lawsuits

John Kavulich, president of the New York-based US-Cuba Trade and Economic Council, who has provided the court transcript, said the judge's ruling could lead to other lawsuits and other cruise lines being sued.

Carnival's attorneys had argued for dismissal on the grounds the company did not 'traffic' the property, whose use was incidental to travel legally authorized by the US Office of Foreign Assets Control, and because the plaintiff hadn't adequately established claim to the property.

Judge James Lawrence King held that the lawful travel exemption in Helms-Burton as an affirmative defense to trafficking must be established by Carnival, not negated by the plaintiff. In other words, ‘Helms-Burton frames the travel provision as an exception to otherwise unlawful conduct, not as lawful conduct that must be negated by the plaintiff to stake a claim.’

Claim to Santiago cruise docks

Florida businessman Javier Garcia-Bengochea claims an 82.5% interest in waterfront property in Santiago via inherited ownership of stock in La Maritima, a Cuban company that owned the Santiago docks before they were nationalized.

Carnival argued the plaintiff hadn’t adequately established claim to the property, and said that being an individual shareholder La Maritima would not entitle the assertion of a claim on behalf of the company.

Congress’s intent?

The court disagreed, saying that nothing has demonstrated Garcia-Bengochea’s claim is untrue. And Judge King was not persuaded that the plaintiff doesn’t have a claim to the property because, he said, there’s no indication Congress was legislating with corporate formalities in mind. Rather, in Helms-Burton ‘claim’ is a broadly used term referring to the right to something.

The judge further stated that Carnival’s reading of the statute would substantially undermine Congress’s goal of deterring trafficking.

‘... Under Carnival’s interpretation, one can traffic in a Cuban corporation’s confiscated property with impunity as long as the Cuban government not only took the property, but also nationalized the corporate entity itself, leaving only the individual shareholders behind to pursue any rights the corporation might have lost to the Castro regime,’ King wrote.

‘And because the Act applies to confiscations dating back to January 1959, there is a strong possibility that many of these corporations no longer exist or are otherwise unable to assert claims on their own behalf. In fact, in this case, Carnival argues that La Maritima is not a US national capable of bringing a Helms-Burton claim for the confiscated docks, and according to Carnival, that means no one is. The court finds it implausible that Congress intended such a result.’

Separate Havana Cruise Terminal suit

Carnival is also being sued by Mickael Behn, who claims ownership of the Havana Cruise Terminal.

Seatrade Cruise News

Essex, United Kingdom

6 August 2019

Carnival asks court to dismiss Cuba stolen property claim in Title III case



Carnival Corp. is being sued under Title III of the Helms-Burton Act for allegedly trafficking in stolen Cuban property, in this case, cruise facilities at Santiago and at Havana, pictured here PHOTO: Anne Kalosh

Carnival Corp., the first US-based company sued by Americans whose properties in Cuba were seized after the revolution, has asked a federal court in Miami to dismiss the claim of a man who said he owns Santiago de Cuba cruise facilities.

Florida businessman Javier Garcia-Bengochea said he holds an 82.5% interest in waterfront property in Santiago. He sued Carnival on the first day that Title III of the Helms-Burton Act became operative in May following a Trump administration policy change.

Arguments for motion to dismiss

Carnival's attorneys asked the judge to dismiss the suit, arguing that the cruise operator did not 'traffic' the property, whose use was incidental to travel legally authorized by the US Office of Foreign Assets Control, and because, they said, the plaintiff hasn't adequately established claim to the property, which he is said to have inherited.

Carnival further argued that being an individual shareholder in the Cuban corporation which owned the docks that were subsequently nationalized does not entitle the shareholder to assert a claim on behalf of the company. In any case, the company was Cuban, not US, and Helms-Burton applies to claims by US nationals. The case is being heard by Judge James Lawrence King.

The full 100-page court transcript of the first motion to dismiss for a Helms-Burton Act lawsuit is here, provided courtesy of the New York-based US-Cuba Trade and Economic Council. Council President John Kavulich noted the words of the judge, plaintiff and defendant are instructive as to how Title III lawsuits may be shaped and decided.

Carnival is also being sued under Title III by US citizen Mickael Behn, who claims ownership of the Havana cruise terminal.

Miami Herald

Miami, Florida

5 August 2019

The Cuban government will fight Exxon over an expropriation case in a U.S. courtroom

By Nora Gámez Torres

In an unusual move, the Cuban government will defend itself in a U.S. federal court to fight a lawsuit filed by Exxon Mobil seeking compensation for a refinery confiscated by the Fidel Castro government in 1960.

"It's a new departure. Based on historical records, most people assumed they would not defend themselves in a U.S. court," said lawyer Robert Muse, an expert on U.S. laws regarding Cuba. "This is genuinely interesting."

On Friday lawyers Michael Krinsky and Lindsey Frank, from the New York firm Rabinowitz, Boudin, Standard, Krinsky & Lieberman, notified the District of Columbia federal court that they would be representing CIMEX S.A. and Cuba Petroleum Union, known as CUPET, two Cuban state companies that are being sued by Exxon Mobil Corporation.

Exxon, formerly known as Standard Oil, argues in the lawsuit filed in May that the Cuban companies have been profiting from a refinery in the port of Havana, facilities and gas stations

that belonged to sub-subsidiaries of the U.S. company, with an original value of almost \$72 million.



The refinery, currently known as *Ñico López*, was nationalized in 1960 and Exxon claims that it received no compensation from the Cuban government. The Department of Justice has already certified Exxon's property claim.

A Cuban rides a bicycle in Havana near the Nico Lopez oil refinery in this file photo. Exxon claims the refinery was confiscated by the Fidel Castro government without compensation in 1960 and is suing in federal court. JOSE GOITIA AP

Exxon's legal case is based on the Helms-Burton Act. Signed in 1996, it allows Americans and Cubans whose commercial properties were seized by the Communist government to seek recourse in federal courts. But the right to sue was only recently authorized by President Donald Trump this May.

Exxon's lawsuit is the latest of at least nine against Cuban, American and European companies accused of profiting from property seized by the Cuban government. Among the defendants in other cases are the Miami-based Carnival cruise company; the French bank *Société Générale*; *Trivago*, a German subsidiary of *Expedia*; and Cuban hotel companies such as *Gaviota SA*, *Cubanacán* and *Hotel Group Gran Caribe*. Until now, the Cuban government had not hinted that it would respond to these demands.

"The Cuban government has had the general policy of not appearing in the United States courts because it is a sovereign state, but government companies have sometimes appeared," said Pedro Freyre, a lawyer at the Miami-based firm *Ackerman LLP*. Freyre is representing Carnival in a lawsuit filed by the American company *Havana Docks* for the use of the port of Havana.

After Castro came to power, state companies such as the *National Bank of Cuba* litigated some cases in U.S. courts in the early '60s. But the government never defended itself in criminal cases such as the wrongful-death lawsuit filed by the relatives of the pilots of the Cuban exile organization *Brothers to the Rescue*, who died when Cuban military planes shot them down in 1996. Family members won the case and obtained a default sentence of about \$100 million.

"My law firm has represented Cuban enterprises and entities in the courts of the United States since 1960, including multiple appellate cases and four cases in the United States Supreme Court," Krinsky said in an email. Most recently, in 2014, Cuban companies "successfully defeated an effort to seize Cuban-owned trademarks and patents that are registered in the U.S." Krinsky said his clients would "vigorously defend" against the Exxon lawsuit. Exxon's lawyers did not immediately answer questions sent by the *Miami Herald*.

But the pressure of foreign investors and the real danger of several multimillion-dollar judgments against the Cuban government or its entities seem to have changed the minds of Cuban leaders at the last minute. They had not responded to the Exxon lawsuit since it was filed in May.

"If the Cuban government does not defend itself, it would be sending the message to thousands of potential claimants that they can file a lawsuit and obtain a ruling and that the government would not defend itself," said Muse.

References to these irregular payments all appear in Drousys, an off-the-books accounting platform that Odebrecht's Structured Operations Division ran via servers in Switzerland. It was a system created to track bribe payments and other spending that it didn't want to account for in public audits of its finances.

Found amid 13,000-plus Drousys documents is a document whose title references an \$8.44 million payment under the English heading "Mariel Port Cuba conquest."

There are references from 2010 to a "services agreement." And there are contract "additions" between Companhia de Obras e Infra-estrutura (COI), the Odebrecht subsidiary used to carry out the Mariel project, and an Odebrecht-affiliated Dutch shell company called Likam Bouwwerken International.

Another Drousys document, filed under "Program 2013" and "Cuba," referenced bank instructions for a \$900,000 transaction between CIPSA and ENGETEC, two Odebrecht-controlled shell companies.

These structures are similar to those used by Odebrecht in Ecuador, Peru and Venezuela. Executives from Structured Operations — the so-called Bribery Division — have testified that bribe money in those countries often moved through overpayments, additions to existing contracts and fake contracts between offshore shell companies.

It's unclear if the numerous references to Cuba reflect efforts to hide payments from auditors, bribes paid to Cuban officials or people back in Brazil who freed up what eventually was \$692 million in financing for the Cuban port work from Brazil. Whether top Cuban officials collected bribes might never be known due to the lack of a free press or an independent judiciary in Cuba, the institutions that helped first ferret out corruption in other countries where Odebrecht operated.

The Drousys files were shared with the International Consortium of Investigative Journalists, or ICIJ, which assembled a team of 19 publications in 10 countries, including reporters from the Miami Herald, el Nuevo Herald and the McClatchy Washington Bureau. A first batch of collaborative stories published on June 26 revealed how questionable Venezuelan money flowed into Miami properties and how Bribery Division officials operated out of South Florida.

You've Got Mail

Further illuminating Odebrecht's Cuba business, the Miami Herald-Nuevo Herald-McClatchy team also received Odebrecht emails dating from 2007 to 2015 that chronicle how Odebrecht tried to curry favor with the Castros and keep hidden its dealings with them. The emails were first obtained by the Peruvian investigative website IDL-Reporteros but these had not yet been published.

Odebrecht officials rebuffed repeated requests for comment on why Cuba appears in the parallel accounting system — one so onerous it led the global giant to admit to \$788 million in illicit payments across the Americas when it entered into a record corruption settlement with the U.S. Department of Justice in December 2016. A request for comment from the Cuban Embassy went unanswered.

The man who ran operations for Odebrecht in Cuba from 2012 to 2017, Mauro Hueb, isn't talking either. Reached by surprise on his cell phone, Hueb dismissively said "I don't work for that company any longer." Asked specifically about Drousys, Hueb answered "this has nothing to do with me." Why then did the country in which he ran sensitive operations show up in Drousys?

"I don't know anything about this," he said, hanging up when asked about Index Miami Co., a company registered in Miami that he created in 2012, the same year his operations in Cuba provoked fury among Cuban Americans. Through Index Miami Co., Hueb bought a condo in Miami in 2012 for \$210,000, selling it in 2018 for \$240,000, according to public records.

Hueb was later transferred from Cuba to become Odebrecht's regional director in Ecuador, a country where Drousys features prominently in a number of ongoing investigations. In an October 2017 interview with the Ecuadorian daily El Universo, Hueb acknowledged bribery allegations against the company had spread like a "metastasis.... We don't know when it ends." It is unclear if Hueb has cooperated with investigators in any country.

Now-convicted CEO Marcelo Odebrecht told Brazilian investigators that he didn't pay bribes in Cuba. But virtually everything to do with his company's business foray on the communist island was irregular, including the creative financing eventually employed by the Brazilian Development Bank BNDES to avoid having Odebrecht paid directly by the Cuban government, which might have run afoul with U.S. sanctions. Mariel Contract by Anonymous jgPfxYCV on Scribd

From the outset, the contract to modernize Cuba's Mariel port, once used for submarines by the Soviet Union and Cuba, raised eyebrows. It was reached by Brazilian President Luiz Inacio Lula da Silva, himself now serving a corruption sentence, and carried out by his successor, Dilma Rousseff. Current President Jair Bolsonaro, a staunch conservative, promises to release documents showing how his predecessors improperly used the development bank to help Cuba.

According to Marcelo Odebrecht's depositions to Brazilian prosecutors, both President Lula and his minister of state for development, industry and foreign trade — Fernando Pimentel — played crucial roles in getting Rousseff to approve risky credit to Cuba under "exceptional" conditions, including low interest rates and a 25-year repayment schedule.

Odebrecht emails also show the company plotting to shower members of the Castro family with attention. Raúl Castro was president of Cuba at the time, and remains the head of the Communist Party today even though he stepped down from the presidency in 2018.

Gen. Luis Alberto Rodríguez López-Callejas was of special interest because of his influence in Cuba as the president of Grupo de Administracion Empresaria (GAESA), a military conglomerate controlling most of the Cuban economy. GAESA is currently under U.S. sanction. Mariel's container terminal was developed by GAESA through a newly created company called Zona de Desarrollo Integral Mariel S.A., or ZDIM.

A member of Castro's inner circle and his former son-in-law, López-Callejas accompanied by two other GAESA executives visited Brazil in August 2013 on a mission to discuss Odebrecht business in Cuba.

In an email sent in August 2013 to Luis Antonio Mameri, who headed Latin American and African operations for Odebrecht, Hueb said he expected the visit to "reinforce our trust relationship with the Cuban government through his main interlocutor." He described López-Callejas as in the process of separating from Castro's daughter but still a man exerting "a strong leadership on decisions taken by the Cuban government [all our business in Cuba passes through his hands]." And one such decision involved the Mariel contract.

This was documented in the book "Close But No Cigar" by Stephen Purvis, a British architect working with investment firm Capital Coral in the 2000s in Cuba. Along with Dubai Ports World, he developed proposals for the Mariel work and came up with an estimated cost of \$350 million for dredging, construction, equipment and working capital.

In an agreement signed by López-Callejas in the Persian Gulf, Dubai Ports World would operate the Mariel port as a joint venture with GAESA. But Purvis said that six months later, the general told him: "Well, in Cuba we don't like to see the word binding in contracts and we have to cancel the project for reasons of sovereignty. I hope you understand. Please, explain to Dubai."

Odebrecht soon afterward sealed the deal, eventually billing BNDES about twice what the Purvis deal was going to charge for work that began in late 2010.

Purvis and a dozen other foreign businessmen were imprisoned during an alleged anti-corruption effort led by Castro in 2011 and 2012 in what observers at the time believed was an attempt to avoid debt payments and move business to companies from countries friendly to Cuba.

Odebrecht also tried to use Raúl Castro's daughter, Mariela — then Cuba's de facto first lady — to advance its interests on the island.

In an email sent to Marcelo Odebrecht in April 2013, Hueb recommended that he directly seek Mariela Castro's support for "self-sustainable social projects" on the island aided by Odebrecht. But indirectly, Hueb wrote, the company wanted to use her to send a clear message to her father of "our support to Cuba in the economic modernization of the country."

Cuba hearts Kim Jong Un

Odebrecht's support to the Cuban government might have also included ignoring provocative Cuban military activities at a seaport just across the Florida Straits.

In July 2013, months before the Mariel terminal officially opened in January 2014, Panama seized a North Korean vessel called the Chong Chon Gang. It had stopped in Mariel, according to multiple news reports. A United Nations panel of experts later confirmed it was loaded in Cuba with Soviet-era MiG jet engines, anti-missile aircraft systems and munitions — all hidden under raw sugar and in violation of UN sanctions against North Korea..

“At that time when the NK weapons were loaded, they were loaded at the port of Mariel, which was not open to the public, it was still under construction so only two people [had] access to it: Almacenes Universales [another GAESA company] and Odebrecht,” said a senior Trump administration official, who demanded anonymity because he wasn't authorized to comment on the sensitive matter.

What did Hueb and Odebrecht know? Odebrecht did not respond, and Hueb said in a follow-up text message that he “did not have any sort of knowledge” of the matter. The incident would have been roughly half a year into Hueb's time as head of Cuba operations, according to his profile on LinkedIn. He threatened to sue for any “false publication related to my name.”

The Drousys documents about Cuba include reference to a revised petition in 2011 to the Treasury Department's Office of Foreign Assets Control, which oversees sanctions, concerning a nickel plant at an unidentified locale. There are also references to a petition to unfreeze unspecified blocked assets in 2013, the same year as the Chong Chon Gang seizure.

Multiple former OFAC officials declined to discuss the petitions, as did lawyers for White & Case, a U.S. law firm that handled a wide array of Odebrecht matters.

Miami Nice

When word of Odebrecht's involvement in Mariel spread several years into the project, reaction in Miami was fierce. It fell to Gilberto Neves, then the head of Odebrecht Construction Inc., the parent firm's Miami subsidiary, to fend off criticism. His company was boycotted by the influential Latin Builders Association. Now running his own construction company in Miami, Neves insists he was never asked to testify in U.S. or Brazilian investigations. On Cuba, he said he was sympathetic to Miami exiles.

“I told everyone who would listen that building in Cuba was a mistake, but I had no influence or input on projects outside the United States,” he said in a statement. Odebrecht's internal emails make it clear executives hoped to grow business in Cuba while still keeping it in Miami.

“I don't even have to say that the visit to the island must be done under maximum discretion, under the risk of enormous loss for Gilberto,” Marcelo Odebrecht cautioned in a Nov. 21, 2007, email to three company executives.

De: Marcelo Bahia Odebrecht
Enviado em: quarta-feira, 21 de novembro de 2007 12:27
Para: Marco Antonio Vasconcelos Cruz; Carlos Roberto M Alves Dias
Cc: Ricardo Boleira

Nao precisa nem dizer que a visita a ilha tem que ser feita sob maxima descricao, sob risco de enorme prejuizo a Gilberto.
Vamos ter que ir tateando

Miami didn't bring in much revenue, but it allowed company officials to brag to global investors and banks how they'd built the control tower at Miami International Airport and the city's splashy basketball arena. Less than two months later, and ahead of a trip to Cuba by executive Ricardo Boleira Sieiro Guimaraes, Marcelo warned in a Jan. 11, 2008, email: “Remember: Your presence on the island Ricardo must be VISIBLE to the Brazilian government and INVISIBLE to the media.”

De: Marcelo Bahia Odebrecht <mbahia@odebrecht.com>
Enviado em: sexta-feira, 11 de janeiro de 2008 10:42
Para: Joao Carlos Mariz Nogueira; Carlos Roberto M Alves Dias
Cc: Marco Antonio Vasconcelos Cruz; Ricardo Boleira Sieiro Guimaraes
Assunto: Re: RES: Actualización

Lembrete: Ricardo a sua presença na ilha deve ser VISIVEL ao governo brasileiro e INVISIVEL a mídia.

A changing political landscape clearly influenced Odebrecht's jump into Cuba, even if it meant eventually losing much of its vaunted Miami business.

Brazil's left-leaning Workers Party came to power in 2002, and President Lula — a former union leader jailed for opposing Brazil's nearly 21-year-long dictatorship — sought to support Cuba and leftist governments across the region. Odebrecht was a means to that end.

“The Lula government and its successor, Ms. Rousseff, they absolutely looked at Odebrecht as almost a sovereign wealth fund,” said John Kavulich, president of the U.S.-Cuba Trade and Economic Council, a New York-based clearinghouse for information on the Cuban economy.

A decade ago, cozying up made sense. Brazil's then-ruling party, known by its initials PT, looked like it would have a long run in power.

“Odebrecht along with other companies went to work on the PT very early. But as we've learned ... the PT was building a new 21st century model of corruption,” said Thomas A. Shannon Jr., U.S. ambassador to Brazil from 2010 to 2013 and acting secretary of state for the first few months of 2017.

Another factor was President George W. Bush's punitive approach to Cuba, rejecting the Canadian and Spanish opening to the Castro brothers.

“Brazil came to the conclusion that the only potential investors in Cuba were going to be Chinese and Venezuelan, and it did not want to be left out of that opportunity,” said Shannon. “And that's where Mariel became a strategic imperative for the PT, and where Odebrecht became a useful tool for them.”

But that did little to quell backlash in Miami. Both city and state politicians sought to restrict Odebrecht from Florida projects, passing in May 2012 a state ban on contracts with subsidiaries of companies like Odebrecht that did business with Cuba. Odebrecht sued and the action was struck down by the courts.

The U.S. subsidiary in a July statement cited a confidentiality agreement its parent company reached with the U.S. Justice Department in declining to answer specific questions for this story.

“As an international exporter of engineering services, the Odebrecht group established an independent, special-purpose subsidiary to develop infrastructure projects in Cuba in a manner not to violate U.S. laws and applicable regulations,” the statement said. “Odebrecht USA's operations have not provided any financial, technical, or human-resource support to the subsidiary in Cuba. Furthermore, none of Odebrecht USA's employees have any involvement in projects in Cuba.” That answer doesn't sit well with the Trump administration.

“Any lawyer understands that a wholly owned subsidiary is part of that company, so you're responsible for the behavior of the parent company,” said the senior Trump administration official. Asked if Odebrecht may have been in violation of longstanding U.S. trade prohibitions with Cuba, the official said that “there is nothing to say that they didn't do that.”

El Nuevo Herald
Miami, Florida
31 July 2019

La División de los Sobornos: Cómo Odebrecht buscó el favor de los Castro mientras hacía negocios en Miami

por Nora Gámez Torres y Kevin Hall



Raúl Castro inaugura la Zona Especial de Desarrollo de Mariel

Raúl Castro inauguró en 2014 el proyecto estrella de su mandato, la Zona Especial de Desarrollo de Mariel, con una fuerte inversión brasileña. Cuatro años después el puerto languidece a la espera de empresarios con deseos de invertir en la Isla. por Mario J. Penton

El gigante de la ingeniería brasileña Odebrecht S.A. gastó cientos de millones de dólares en sobornos y contribuciones ilícitas a campañas políticas para obtener contratos en la región, lo que al final de cuentas le buscó problemas con el Departamento de Justicia de Estados Unidos. Documentos filtrados muestran que proyectos en Cuba también generaron pagos millonarios que aún no tienen explicación.

Entre 2010 y 2015, Odebrecht realizó pagos irregulares relacionados con la modernización del puerto del Mariel, una localidad al oeste de La Habana, y la ampliación de dos aeropuertos, contratos que valían más de \$800 millones con financiamiento del gobierno brasileño.

Estos pagos irregulares aparecen en Drousys, un sistema secreto de contabilidad que la División de Operaciones Estructuradas de Odebrecht mantenía en servidores informáticos en Suiza. Fue un sistema creado para rastrear los pagos de sobornos y otros gastos que no quería que aparecieran en sus cuentas auditadas públicamente.

Entre los más de 13,000 documentos que se guardaron en el sistema Drousys, hay referencias a un pago de \$ 8.44 millones mencionado en el título de un documento que también contiene en inglés la frase “Mariel Port Cuba Conquest” [Conquista de Puerto del Mariel Cuba].

También hay referencias de 2010 a un “contrato de servicios” y “adiciones” contractuales entre la Companhia de Obras e Infra-estrutura (COI), la filial de Odebrecht que llevó a cabo el proyecto del Mariel, y una empresa fantasma afiliada con Odebrecht y registrada en Holanda llamada Likam Bouwwerken Internationaal.

En otro registro de Drousys, bajo los archivos “Programa 2013” y “Cuba”, hay referencias a instrucciones bancarias para una transacción de \$900,000 entre CIPSA y ENGETEC, dos compañías fantasma controladas por Odebrecht.

Esto es similar al modus operandi de Odebrecht en otros países donde pagó sobornos, como Ecuador, Perú y Venezuela. En esos y otros países de América Latina y África, la División de Operaciones Estructuradas realizó los sobornos a través de sobrepagos, adiciones a contratos existentes y contratos falsos entre compañías ficticias, entre otras estrategias.

No está claro si las numerosas referencias a Cuba en los archivos de Drousys, que van desde 2010 hasta 2015, reflejan intentos de esconder información sobre pagos a los auditores, o corresponden a sobornos pagados a funcionarios cubanos o a personas en Brasil que autorizaron los \$692 millones en financiamiento para la modernización del puerto. Es posible que nunca se sepa si funcionarios del gobierno cubano recibieron sobornos, debido a la falta de una prensa libre o un poder judicial independiente en la isla, instituciones que ayudaron a descubrir la corrupción en otros países donde operaba Odebrecht.

Los archivos de Drousys fueron obtenidos por el Consorcio Internacional de Periodistas de Investigación (ICIJ), que organizó un equipo de 19 medios de comunicación en 10 países y que incluyó a reporteros del del Miami Herald, el Nuevo Herald y la oficina de McClatchy en Washington.

Bajo el título, la División de los Sobornos, el equipo de periodistas publicó dos reportajes sobre cómo dinero de los sobornos pagados por Odebrecht en Venezuela llegó a Miami y cómo funcionarios de la División de Operaciones Estructuradas manejaron la gigantesca operación desde el sur de la Florida.

El equipo también obtuvo correos electrónicos nunca antes vistos de Odebrecht, enviados entre 2007 y 2014, que indican cómo la compañía trató de ganarse el favor del clan Castro e intentó mantener fuera de la atención pública sus relaciones con Cuba. Los correos fueron obtenidos originalmente por la página de periodismo investigativo IDL-Reporteros en Perú pero no se habían publicado.

Los funcionarios de Odebrecht se negaron repetidamente a explicar por qué Cuba aparece en este sistema de contabilidad paralelo, que llevó al gigante de la construcción a reconocer \$788 millones en pagos ilícitos en América Latina cuando llegó a un acuerdo en diciembre de 2016 con el Departamento de Justicia de Estados Unidos para no ser llevado a los tribunales federales.

La embajada de Cuba en Washington no respondió a preguntas sobre el tema.

El hombre que dirigió las operaciones de Odebrecht en Cuba, Mauro Hueb, tampoco quiere hablar. Sorprendido al ser contactado por teléfono, dijo que ya no trabajaba en la compañía. Cuando se le preguntó específicamente sobre el sistema Drousys, respondió: “Esto no tiene nada que ver conmigo”.

Hueb creó la compañía Index Miami en el 2012, mientras estaba a cargo de las operaciones de Odebrecht en Cuba.

“No sé nada sobre eso”, dijo, y colgó bruscamente cuando se le preguntó sobre Index Miami Co., una compañía registrada en Miami que creó en 2012, mientras dirigía las operaciones en la isla. A través de esa compañía, Hueb compró un condominio en Miami ese mismo año, que luego vendió en 2018 por \$240,000, según registros públicos.

Tras su paso por Cuba, Hueb fue enviado por Odebrecht a supervisar las operaciones como director regional en Ecuador, donde se han originado varias investigaciones a partir de los hallazgos en Drousys. En una entrevista de octubre de 2017 con el diario ecuatoriano El Universo, Hueb dijo que los problemas que ha enfrentado la compañía tras las acusaciones de pago de sobornos se han multiplicado como una “metástasis”.

No queda claro si él llegó a cooperar con la fiscalía de ese país u otros que han iniciado investigaciones. Condiciones “excepcionales”

El ahora convicto presidente ejecutivo de Odebrecht, Marcelo Odebrecht, dijo a los investigadores brasileños que condujeron el caso conocido como Lava Jato, que no pagó sobornos en Cuba. Pero prácticamente todo lo relacionado con la incursión empresarial de la compañía en la isla comunista fue irregular, como el creativo esquema de financiamiento empleado por el Banco Nacional de Desarrollo Económico y Social (BNDES) para evitar pagos directos al gobierno cubano, así como pagos directos de La Habana a Odebrecht, lo que podría haber contravenido las regulaciones del embargo estadounidense a la isla.

El contrato para modernizar el Puerto del Mariel, que fue usado por submarinos durante la era soviética, generó sospechas e investigaciones en Brasil. El presidente de ese país, el conservador Jair Bolsonaro, se ha comprometido a entregar documentos que muestren cómo sus antecesores —los presidentes Dilma Rousseff y Luiz Inácio Lula da Silva, ambos del izquierdista Partido de los Trabajadores (PT)— usaron el BNDES para ayudar a Cuba.

Según el testimonio de Marcelo Odebrecht, tanto el presidente Lula —quien cumple prisión en este momento, condenado por corrupción— como Fernando Pimentel, el Ministro de Estado para el Desarrollo, la Industria y el Comercio Exterior, jugaron un papel crucial en lograr que Rousseff aprobara nuevas partidas del crédito otorgado al gobierno cubano bajo condiciones “excepcionales”, como bajas tasas de interés y un generoso cronograma de pagos a 25 años.

Los correos electrónicos de Odebrecht también muestran el interés de la compañía en la familia de Raúl Castro, quien actualmente sigue dirigiendo el país desde el Partido Comunista, aunque se retiró de la presidencia en 2018.

El general Luis Alberto Rodríguez López-Callejas despertó especial atención debido a su influencia como presidente del Grupo de Administración Empresarial (GAESA), un conglomerado militar que controla la mayor parte de la economía cubana y que actualmente está sancionado por Estados Unidos. El proyecto del Puerto de Mariel fue dirigido por GAESA a través de la compañía Zona de Desarrollo Integral Mariel SA (ZDIM).

López-Callejas también era parte del círculo íntimo de Castro pues estuvo casado con una de sus hijas. Ejecutivos de Odebrecht intercambiaron esta información antes de la visita del general y otros dos ejecutivos de GAESA a Brasil, en agosto de 2013, para discutir los negocios de la compañía en Cuba.

En un correo electrónico enviado en agosto del 2013 a Luis Antonio Mameri, director de las operaciones de Odebrecht en América Latina y África, Hueb dijo que esperaba que la visita ayudara a “fortalecer nuestra relación de confianza con el gobierno cubano a través de su interlocutor principal”, en referencia a López-Callejas. Hueb mencionó que el general estaba en proceso de divorcio de una de las hijas de Castro pero que aún ejercía “un fuerte liderazgo en las decisiones tomadas por el gobierno cubano. Todos nuestros negocios en Cuba pasaron por sus manos”.

Stephen Purvis, un arquitecto británico que trabajó en Cuba con la firma de inversiones Capital Coral desde principios de la década del 2000, escribió en su libro *Close but No Cigar* que desarrolló propuestas para el Puerto de Mariel y la terminal de contenedores a petición de empresas cubanas. El dragado, la construcción, los equipos y el capital de trabajo se estimaron en \$350 millones, casi la mitad de lo que Odebrecht más tarde le cargó al BNDES por las obras que iniciaron a fines del 2010. La compañía Dubai Ports World operaría el Puerto de Mariel como una empresa mixta con GAESA y López-Callejas viajó a Dubai para firmar el acuerdo.

Purvis dijo que seis meses después, el general le dijo: “Bueno, en Cuba no nos gusta ver la palabra vinculante en los contratos y tenemos que cancelar el proyecto por razones de soberanía. Espero que lo entiendan. Por favor, explícaselo a Dubai”. Al poco tiempo, el gobierno cubano anunció el acuerdo con Brasil y Odebrecht.

Purvis y una docena de otros empresarios extranjeros fueron encarcelados durante un presunto esfuerzo contra la corrupción dirigido por Raúl Castro entre 2011 y 2012. Los observadores en ese momento creían que la operación era un intento de evitar los pagos de la deuda y redirigir las inversiones y el comercio hacia compañías de países aliados en el terreno político.

Odebrecht también intentó usar a la hija de Castro y primera dama de facto, Mariela, para promover sus intereses en la isla.

En un correo electrónico enviado a Marcelo Odebrecht en 2013, Hueb le recomendó que buscara directamente el apoyo de Mariela Castro para “proyectos sociales autosustentables” en la isla que serían implementados con la ayuda de la compañía brasileña. Pero indirectamente, escribió Hueb, la compañía quería usarla para enviarle un mensaje a su padre: “Nuestro apoyo a Cuba en la modernización económica del país”.

El Chong Chon Gang

El apoyo de Odebrecht al gobierno cubano parece haber implicado también cerrar los ojos ante las actividades de los militares cubanos en el Puerto de Mariel.

En julio de 2013, meses antes de inaugurarse oficialmente la nueva terminal de contenedores del Puerto del Mariel en enero de 2014, el Chong Chon Gang, un barco de Corea del Norte que atracó allí fue incautado en Panamá. El barco llevaba escondidos motores de cazas de combate MIG, armamentos y municiones. Las Naciones Unidas condenaron a Pyongyang, pero no a La Habana, de violar el embargo de armas impuesto por esa organización internacional.

“En ese momento, cuando se cargaron las armas para Corea del Norte, se cargaron en el Puerto de Mariel, que no estaba abierto al público, aún estaba en construcción, por lo que solo dos entidades tenían acceso: Almacenes Universales [otra compañía de GAESA al frente de la terminal de contenedores] y Odebrecht”, dijo un funcionario de alto rango de la administración del presidente Donald Trump. El funcionario pidió no ser identificado porque no estaba autorizado a hablar del tema.

¿Qué sabían Hueb y Odebrecht del asunto? Odebrecht no respondió y Hueb dijo en un mensaje de texto que no tuvo “ningún conocimiento” de ese asunto. Hueb amenazó con demandar por cualquier “publicación falsa relacionada con mi nombre”.

Las referencias en Drousys relacionados con Cuba también incluyen documentos que mencionan a la Oficina de Control de Activos Extranjeros (OFAC), entidad del Departamento del Tesoro que supervisa el programa de sanciones a Cuba. Uno de los documentos del 2011 menciona una planta de níquel; otro es una solicitud para descongelar activos no especificados bloqueados en 2013.

Los funcionarios de la compañía y Hueb se negaron a discutir el asunto, al igual que ex funcionarios de la OFAC. El bufete de abogados White and Case, que representó a Odebrecht, también declinó hacer declaraciones al respecto.

Reacción en Miami

Cuando la noticia de la participación de Odebrecht en la modernización del Puerto del Mariel llegó a Miami, la reacción fue feroz. Gilberto Neves, entonces jefe de la filial en Miami, Odebrecht Construction Inc., tuvo que defenderse de las críticas y del boicot de la influyente Latin Builders Association.

Neves, quien tiene su propia empresa de construcción en Miami, insiste en que nunca se le pidió que testificara en las investigaciones de Estados Unidos o Brasil. Sobre Cuba, dijo que simpatizaba con los exiliados de Miami.

“Dije a todos los que querían escuchar que construir en Cuba era un error, pero no tenía influencia ni opinión en los proyectos fuera de Estados Unidos”, dijo.

Los correos electrónicos internos de Odebrecht dejan en claro que los ejecutivos esperaban aumentar su presencia en Cuba mientras mantenían contratos en Miami.

De: Marcelo Bahia Odebrecht
Enviado em: quarta-feira, 21 de novembro de 2007 12:27
Para: Marco Antonio Vasconcelos Cruz; Carlos Roberto M Alves Dias
Cc: Ricardo Boleira

Nao precisa nem dizer que a visita a ilha tem que ser feita sob maxima descricao, sob risco de enorme prejuizo a Gilberto.
Vamos ter que ir Tateando

“No tengo ni que decir que esta visita debe ser hecha con máxima discreción”, escribió el CEO de Odebrecht, Marcelo, en relación a una visita de un ejecutivo a Cuba.

De: Marcelo Bahia Odebrecht
Para: Marcos Wilson Spyer Rezende
Cc: Carlos Roberto M Alves Dias; Luiz Augusto T. Rocha; Marco Antonio Vasconcelos Cruz; Luiz Antonio Mameri; Adriano Juca; Paulo Henyan Yue Cesena; Paulo Lacerda de Melo
Enviado em: Mon Jan 14 06:18:00 2008
Assunto: Re: Além da Petrobrás, somos a única empresa citada:

Nao podemos aparecer nem confirmar nada.
Lembrem que se fomos atuar nao sera atraves da CNO, mas sim de uma empresa nao relacionada.

“No podemos aparecer ni confirmar nada”, escribió el CEO de Odebrecht en relación a la presencia de la compañía en Cuba. “Si fuéramos a actuar no será a través de la CNO (Constructura Norberto Odebrecht), sino de una empresa no relacionada”.

Miami no generó muchos ingresos, pero permitió a los funcionarios de la compañía presumir ante los inversionistas y bancos globales de haber construido la torre de control del Aeropuerto Internacional de Miami y la AmericanAirlines Arena.

“Ni siquiera tengo que decir que la visita a la isla debe hacerse con la máxima discreción, bajo el riesgo de una enorme pérdida para Gilberto”, advirtió Marcelo Odebrecht el 21 de noviembre de 2007 en un correo electrónico a tres ejecutivos de la compañía.

Menos de dos meses después, y antes de un viaje a Cuba del ejecutivo Ricardo Boleira Sieiro Guimaraes, Marcelo advirtió en un correo electrónico del 11 de enero de 2008: “Recuerda: tu presencia en la isla, Ricardo, debe ser VISIBLE al gobierno brasileño e INVISIBLE a los medios de comunicación”.
¿Por qué Cuba?

Un panorama político cambiante claramente influyó en el interés de Odebrecht por Cuba, incluso si significaba perder parte del negocio en Miami.

El Partido de los Trabajadores (PT) llegó al poder en 2002 y el presidente Luiz Inácio Lula da Silva, un ex dirigente sindical encarcelado por oponerse a una dictadura de casi 21 años, trató de apoyar a Cuba y a los gobiernos de izquierda en toda la región. Odebrecht era un medio para ese fin.

“El gobierno de Lula y su sucesora, la Sra. Rousseff, consideraron a Odebrecht casi como un fondo de riqueza soberano”, dijo John Kavulich, presidente del U.S.- Cuba Trade and Economic Council.

Hace una década, la intimidación tenía sentido. Todo indicaba que el PT estaría mucho tiempo en el poder. “Odebrecht y otras compañías se pusieron a trabajar con el PT desde el principio. Pero como hemos conocido... el PT estaba construyendo un nuevo modelo de corrupción del siglo XXI”, dijo Thomas A. Shannon Jr., embajador de Estados Unidos en Brasil entre 2010 y 2013, y secretario de Estado interino durante los primeros meses del 2017.

Otro factor fue el enfoque punitivo del presidente George W. Bush hacia Cuba, contrario a la apertura de Canadá y España hacia los hermanos Castro.

“Brasil llegó a la conclusión de que los únicos inversionistas potenciales en Cuba serían China y Venezuela, y no quería quedarse sin esa oportunidad”, dijo Shannon. “Y ahí es donde Mariel se convirtió en un imperativo estratégico para el PT, y donde Odebrecht se convirtió en una herramienta útil para ellos”.

Pero eso hizo poco para sofocar la reacción en Miami. Tanto los políticos de la ciudad como los del estado trataron de restringir la participación de Odebrecht en proyectos en la Florida. En mayo de 2012, el estado de la Florida prohibió otorgar contratos a filiales de compañías como Odebrecht que tuvieran negocios con Cuba. Odebrecht demandó y la medida fue anulada por los tribunales.

La filial de Odebrecht en Estados Unidos se negó a contestar preguntas específicas sobre el tema, citando un acuerdo de confidencialidad que su empresa matriz alcanzó con el Departamento de Justicia.

“Como exportador internacional de servicios de ingeniería, el grupo Odebrecht estableció una subsidiaria independiente y de propósito especial para desarrollar proyectos de infraestructura en Cuba de una manera que no infrinja las leyes de Estados Unidos y las normas aplicables”, dijo un portavoz de la empresa en un comunicado. “Las operaciones de Odebrecht USA no han proporcionado ningún apoyo financiero, técnico o de recursos humanos a la subsidiaria en Cuba. Además, ninguno de los empleados de Odebrecht USA participa en proyectos en Cuba”.

Esa respuesta no le sienta bien al gobierno del presidente Trump.

“Cualquier abogado entiende que una filial que es propiedad total [de una compañía matriz] es parte de esa compañía, por lo que usted es responsable del comportamiento de la empresa matriz”, dijo el funcionario de alto cargo del gobierno de Trump.

Cuando se le preguntó si Odebrecht pudo haber violado el embargo de Estados Unidos a Cuba, el funcionario dijo que “no hay nada que diga que no lo hicieron”.

Thomson Reuters

London, United Kingdom

28 July 2019

Cuban officials attend funeral service for Cardinal Ortega

By Marc Frank, Nelson Acosta

HAVANA (Reuters) - Cuban government and Communist Party officials attended funeral services for Roman Catholic Cardinal Jaime Ortega on Sunday in a testament to his success in elevating the Church's position on the Caribbean island after the fall of the Soviet Union.



Member of the clergy carry the coffin holding the body of Roman Catholic Cardinal Jaime Ortega out of the Cathedral of Havana, in Havana, Cuba July 28, 2019. REUTERS/Fernando Medina/Pool

Cuban First Vice President Salvador Mesa and two other top leaders on the Communist Party Politburo attended the Requiem Mass along with other officials.

Religious leaders from other countries including Miami Archbishop Thomas Wenski, Puerto Rico Archbishop Roberto Gonzalez Nieves and Cardinal Seán Patrick O'Malley of Boston also attended the event in the colonial district's Havana Cathedral. Ortega, who died on Friday aged 82, was buried afterwards in the city's Colon cemetery.

A labor camp inmate in the 1960s when Fidel Castro's revolutionary government was rounding up religious figures and other perceived enemies, Ortega became archbishop of Havana in 1981 at a time when Cuba was still officially atheist.

For the more than three decades that followed, as Castro's stance on the Church softened, Ortega raised its visibility and power, building a working relationship with the government thanks to his nonconfrontational style and opposition to U.S. sanctions. Ortega earned the wrath of hard line exiles and some dissidents on the Caribbean island with his stance.

"His work helped a lot to bring closer the ideas of the Cuban government and the Catholic church," retiree Maria Green, said, standing outside the Cathedral. "He managed to solve many things and opened the way for many, many Cubans," she added.

Ortega hosted three popes and negotiated the release of dozens of political prisoners in 2010 and 2011. When Raul Castro became president in 2010, Ortega backed his attempts to open up the country and restore relations with Western nations.

At a critical moment in secret talks between Cuba and the United States that led to a detente in December 2014, it was Ortega who relayed messages among Pope Francis, Castro and then-President Barack Obama. Ortega met with hundreds of U.S. lawmakers, religious figures and businessmen over the years.

John Kavulich, president of the U.S.-Cuba Trade and Economic Council, worked with Ortega in the 1990s to channel medical aid to the country and said members of his organization provided some logistics for Pope John Paul II's historic visit in 1998. "With Cardinal Ortega, there was never a 'can't do it,' or 'we must wait,' or 'no'," Kavulich said.

El Nuevo Herald

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Fallece en La Habana el cardenal de Cuba Jaime Ortega Alamino

por Mario J. Pentón y Luz Escobar

Cardenal de Cuba Jaime Ortega fallece en La Habana

El cardenal de Cuba Jaime Ortega Alamino falleció en La Habana después de luchar contra el cáncer. El cardenal impulsó la presencia de la Iglesia Católica en Cuba y fue una figura clave en el restablecimiento de las relaciones entre EEUU y la isla. por Marta Oliver Craviotto

El cardenal de Cuba Jaime Ortega Alamino, quien impulsó la presencia de la Iglesia Católica en el país comunista y una figura clave en el restablecimiento de las relaciones entre Estados Unidos y la isla, falleció a los 82 años este viernes en La Habana, después de luchar contra el cáncer, según informaron fuentes eclesiásticas.

“Nuestras condolencias por el fallecimiento del Cardenal Jaime Ortega. Es innegable su aporte al fortalecimiento de las relaciones entre la Iglesia Católica Romana y el Estado cubano”, escribió el gobernante cubano Miguel Díaz-Canel en Twitter.

Por su parte, el arzobispo de La Habana y sucesor de Ortega, Juan García, dijo que el cardenal sería recordado por “su amable sonrisa, su inteligencia clarividente y el testimonio de un sacerdocio entregado y en ocasiones sufrido”.

Jaime Lucas Ortega Alamino nació el 18 de octubre de 1936 en Jagüey Grande, Matanzas. Ingresó al seminario en 1956 y en 1964 fue ordenado sacerdote.

Su ministerio se vio interrumpido en 1966 durante ocho meses tras su encierro en las Unidades Militares de Ayuda a la Producción (UMAP), una especie de campos de trabajo forzado donde eran enviados religiosos, homosexuales y desafectos al régimen comunista instaurado por Fidel Castro en los primeros años de la década del 60. Al año siguiente, Ortega fue nombrado párroco de su pueblo natal.

En 1969 fue promovido al frente de la Catedral de Matanzas y nueve años después, en 1978 consagrado obispo de Pinar del Río por el papa Juan Pablo II. Durante estos años también impartió clases en el Seminario San Carlos y San Ambrosio. En 1981, el Papa polaco lo nombró arzobispo de La Habana y en 1994 fue nombrado cardenal, el segundo cubano en la historia en alcanzar el título eclesiástico más alto que concede Roma.



HAB07. LA HABANA (CUBA), 06/04/2012.- El cardenal cubano Jaime Ortega pronuncia un sermón, hoy viernes 6 de abril de 2012, en la Catedral de La Habana. En su mensaje, que cuenta con una inusual transmisión televisiva por un canal nacional, el arzobispo de La Habana llama al perdón y a la reconciliación en el primer Viernes Santo como día festivo celebrado en la isla en décadas. EFE/Alejandro Ernesto

Ese mismo año fue uno de los principales artífices de la carta pastoral “El amor todo lo espera”, que contenía fuertes críticas al gobierno, en especial a la temida Seguridad del Estado. En esos años, la voz de Ortega fue una de las más críticas al gobierno entre los obispos cubanos, llegando a condenar los “violentos y trágicos” sucesos del hundimiento del Remolcador 13 de Marzo, que se hundió frente a las costas de La Habana el 13 de julio de 1994 y donde murieron 37 personas.

“Su nombramiento como cardenal fue un regalo del papa Juan Pablo II para la Iglesia cubana. El Papa quería que la Iglesia rompiera con el silencio al que se había visto obligada y saliera de los templos a evangelizar”, dijo desde Camagüey el sacerdote Castor José Álvarez Devesa.

El religioso cree que uno de los grandes logros de Ortega fue la estructura pastoral que construyó en su arquidiócesis. “Él organizó vicarías, consejos pastorales, hizo que los fieles se vincularan con la Iglesia y a través de su actitud dialogante se consiguieron cosas importantes, como el paso de la Virgen de la Caridad del Cobre por toda la isla, lo que ha sido una bendición”, apuntó.

Para el sacerdote, la Iglesia cubana “ha tenido unos retos muy grandes” con la implantación del sistema marxista. Álvarez destacó además el papel de Ortega al condenar la pena de muerte en la isla y el derecho de los cubanos a salir y regresar a su país.

Desde Trinidad, en el centro de Cuba, el sacerdote José Conrado Rodríguez dijo que “Jaime Ortega fue una figura que tuvo un peso grande en el transcurso de las últimas décadas tanto en la vida de la Iglesia cubana como en la vida de nuestro pueblo”.

“Jaime siempre buscó que la Iglesia estuviera presente en la vida del país. Estuvo atento a problemas que afectaban la vida de la nación, como la emigración”, explicó Rodríguez. “Trató de resolver problemas grandes y graves y lo hizo con la mejor voluntad, aunque personalmente creo que no fue tan feliz la forma en que los afrontó”, agregó el sacerdote, muy crítico de la postura de cercanía entre la Iglesia y el Estado cubanos.

Durante los casi 35 años que estuvo al frente de la Arquidiócesis de La Habana, el cardenal Ortega restauró decenas de templos, estableció un Consejo Diocesano de Pastoral para hacer más efectivo el trabajo de la Iglesia e instauró la sede de la Conferencia de Obispos Católicos de Cuba.

Obra de Ortega es Cáritas Habana, creada en 1991 y que antecedió a Cáritas Cuba, la mayor ONG en la isla que reparte a diario medicinas, alimentos y otros tipos de ayuda. Ortega tuvo un papel importante en la creación de las publicaciones sociorreligiosas “Palabra Nueva” y “Espacio Laical y Amor y Vida”.



El cardenal Jaime Ortega durante el funeral del disidente cubano Oswaldo Payá Archivo. ADALBERTO ROQUE AFP/Getty Images

Ortega tomó parte en 2011 del proceso de excarcelación de 75 presos políticos de la llamada Primavera Negra y en la posterior salida a España de muchos de ellos. Fue muy criticado después al afirmar ante medios internacionales que en Cuba no habían presos políticos.

El religioso fue considerado el artífice de tres visitas papales a Cuba: Juan Pablo II, en 1998; Benedicto XVI, en 2012 y Francisco, en 2015, quienes oficiaron misas multitudinarias en espacios hasta entonces reservados al gobierno.

Ortega inauguró en 2010 una nueva sede para el Seminario San Carlos y San Ambrosio, la primera construcción de la Iglesia católica en la isla desde 1959. El cardenal también comprometió su figura con la creación del Centro Cultural Félix Varela, un centro de formación alternativa al monopolio educativo del Estado cubano.

John S. Kavulich, presidente del Consejo Económico y Comercial EEUU-Cuba, con sede en Nueva York, recuerda al cardenal Ortega como alguien que nunca dijo “no puedo” o “debemos esperar”. El académico conoció de cerca las gestiones de Ortega para permitir que empresas norteamericanas pudieran exportar productos relacionados con la salud a Cuba.

“A mediados de la década de 1990, las empresas de los Estados Unidos estaban explorando cómo utilizar una disposición de la Ley de Democracia Cubana de 1992 que re-autorizaba la exportación de productos de salud (equipos médicos, instrumentos médicos, suministros médicos y productos farmacéuticos) a Cuba.

El desafío era encontrar una entidad que permitiera la verificación in situ de los requerimientos de la Ley de Democracia Cubana”, recuerda Kavulich.

Fue gracias a la gestión de Ortega, que ofreció el servicio de Cáritas Cubana, que el acuerdo se logró y se permitió la exportación, minando el discurso del gobierno cubano que afirmaba que EEUU no permitía la importación de medicamentos y equipos médicos.

“Era un hombre humilde, un hombre enérgico, un hombre agradecido. Extrañaré su sonrisa”, dijo Kavulich. Negociaciones secretas

“Yo era la carta”, dijo Ortega sobre su papel en las negociaciones secretas entre Estados Unidos y Cuba que permitieron el restablecimiento de las relaciones entre ambos países durante el gobierno del ex presidente estadounidense Barack Obama.

Según reveló el cardenal años después de que los dos países vecinos pusieron fin a una ruptura de más de medio siglo, el papa Francisco le confió en secreto la entrega de una carta para Raúl Castro y Obama.

“Quizás lo más importante de mi misión se produjo cuando el presidente Raúl Castro me pidió que transmitiera de su parte un mensaje al presidente Obama, del cual yo sería portador al llevarle al presidente en la Casa Blanca la carta del Santo Padre”, recordó el cardenal durante un discurso.



El cardenal Jaime Ortega junto al presidente Raúl Castro en el aeropuerto De La Habana. Archivo. AL DIAZ adiaz@miamiherald.com

El mensaje encargado por Raúl Castro era que Obama no había sido responsable de la política hacia Cuba, que era un hombre honesto y que en La Habana conocían sus intenciones de mejorar las relaciones con la isla.

Obama agradeció a Castro sus palabras y envió con el cardenal un mensaje verbal: “Era posible mejorar la situación existente”, a pesar de las diferencias. El 17 de diciembre de 2014, fecha del cumpleaños del papa Francisco, Cuba y Estados Unidos anunciaron el restablecimiento de relaciones diplomáticas.

Ambas partes reconocieron el trabajo de la Iglesia Católica como mediadora, aunque sectores del exilio y la oposición en Cuba criticaron duramente a Ortega porque no exigió una mejora en temas de derechos humanos y libertades en la isla.



Los obispos cubanos junto al cardenal Jaime Ortega en un homenaje reciente. Palabra Nueva

Después de tres décadas y media al frente del arzobispado habanero, Ortega se despidió en 2016 cuando el papa Francisco aceptó su renuncia y en su lugar designó al camagüeyano Juan de la Caridad García Rodríguez.

Hace algunas semanas, la Conferencia de Obispos Católicos de Cuba otorgó al cardenal la Distinción Monseñor Carlos Manuel de Céspedes, que reconoce a personalidades e instituciones católicas por su labor de evangelización. En la ceremonia estuvieron presentes los obispos de las 11 diócesis cubanas.

Los restos mortales del cardenal Jaime Ortega serán velados desde este viernes en la tarde y hasta el domingo en la Catedral de La Habana. El domingo a las 3:00 pm se celebrará la Misa de Exequias.

Associated Press

New York, New York

26 July 2019

Cardinal Ortega, former archbishop of Havana, dies at 82

By Andrea Rodriguez and Peter Orsi



FILE - In this Dec. 9, 2009 file photo, Cubas Cardinal Jaime Ortega speaks during a ceremony at the cathedral in Havana. Cubas Roman Catholic Church said Friday, July 26, 2019, the former archbishop of Havana who helped organize the first papal visit to communist Cuba has died. Ortega was 83. Photo: Javier Galeano, AP



FILE - In this Nov. 10, 2011 file photo, Cubas Cardinal Jaime Ortega celebrates a Mass, in Havana. Cubas Roman Catholic Church said Friday, July 26, 2019, the former archbishop of Havana who helped organize the first papal visit to communist Cuba has died. Ortega was 83. Photo: Javier Galeano, AP



FILE - In this Sept. 20, 2015 file photo, Cubas Cardinal Jaime Ortega, right, accompanies Pope Francis in the popemobile as they arrive for Mass at Revolution Plaza in Havana. Cubas Roman Catholic Church said Friday, July 26, 2019, the former archbishop of Havana who helped organize the first papal visit to communist Cuba has died. Ortega was 83. (Ismael Francisco/Cubadebate Via AP File)

HAVANA (AP) — Cardinal Jaime Lucas Ortega y Alamino, a sugar workers son who oversaw the first papal visit to Cuba, helped lower barriers to believers in the communist country and played a role in mediating improved U.S.-Cuba ties, died Friday at age 82.

His death was announced by his successor, Havana Archbishop Juan de la Caridad García Rodríguez.

He also helped drive a gradual but significant thaw in relations with a government that was officially atheist and long barred religious believers from Communist Party ranks.

"His contribution to the strengthening of relations between the Roman Catholic Church and the Cuban State is undeniable," Cuban President Miguel Díaz-Canel said while offering his condolences via Twitter.

With his flawless French, flowing vestments and dark-rimmed glasses, Ortega cut an elegant figure in Cuban society. Abroad, he was well known among fellow cardinals, especially in the United States, where he befriended several, including Cardinal William Keeler, archbishop of Baltimore.

Born and raised in Cuba, the countrys top Roman Catholic leader was mentioned at times as a longshot candidate to succeed Pope John Paul II. But Ortegass beginnings were modest, and his climb up the ecclesiastical ladder was arduous.

The son of a sugar worker, Ortega was born on Oct. 18, 1936, in the sugar mill town of Jagüey Grande in the central province of Matanzas, and moved to the provincial capital as a child. There, he attended public schools and began studying for the priesthood at San Alberto Magno Seminary.

He completed his studies with the Fathers of Foreign Missions in Quebec, Canada, and returned to Matanzas to be ordained on Aug. 2, 1964 — just as the new communist government was further weakening an already feeble Cuban church.

The church, long identified with Cubas wealthier citizens, took a vehemently anti-communist line shortly before Castro declared Cuba to be socialist in 1961. The government later accused prominent Catholics of trying to topple Castro.

Public religious events were banned after processions were transformed into political protests, sometimes turning violent. Hundreds of foreign priests, mostly from Spain, were expelled. The more than 150 Catholic schools that once operated across the island were nationalized.

Ortega was among many Cuban priests sent to military-run agricultural work camps, spending a year beginning in 1966. After his release, Ortega worked as a parish priest in his hometown. He also oversaw several neighboring parishes, traveling among churches to say Mass, perform baptisms and officiate at weddings.

A practiced pianist, Ortega composed music for a Cuban Catholic Mass, and traveled to Havana weekly to lecture on theology at the San Carlos y San Ambrosio Seminary.

Ortega was named bishop for the western province of Pinar del Río in December 1978 and was consecrated the following month. He became archbishop of Havana in November 1981.

At the time, the Cuban government was officially atheist. Believers of all faiths were banned from the Communist Party, the military and some other professions. But Ortega quietly helped rebuild the church infrastructure around Havana, establishing new parishes and renovating more than 40 churches.

He also set up Caritas of Havana, the first office of the Catholic relief charity in Cuba. That planted the seed for Caritas of Cuba, which delivers meals and medicine to people across the island.

Ortega was named president of Cubas Catholic Bishops Conference in 1988 and held that position for a decade. In November 1994, Pope John Paul II named Ortega the first cardinal in Cuba in more than three decades — and the second in the islands history.

In 1992, the government dropped its constitutional references to atheism, and a gradual thaw in church-state relations began, culminating with the papal visit on Jan. 21-25, 1998, and government acceptance of some outdoor religious events. While Ortega refrained from publicly confronting the Cuban government, on his trips abroad he expressed disappointment that the opening had been modest.

Critics accused him of being too conciliatory to the government, although Ortega — who in 2010 and 2011 helped the church and Raúl Castro reach a deal to free a group of political prisoners who had been held since 2003 — said the churchs place was not in politics but in humanitarian deeds.

He told a group of U.S. students in 2012 that some would like the church to be "the party of opposition that is lacking in Cuba, and we cannot be. That cannot be our role because it would be against the nature of the church.

John Kavulich, president of the U.S.-Cuba Trade and Economic Council, recalled working with Ortega on many occasions over the years, including logistics for papal visits and restarting U.S. exports of health care products to Cuba, a politically sensitive matter on both sides of the Florida Straits.

He described Ortega as an optimistic man full of encouragement: "He was always looking for ways to make it work, as opposed to first trying to develop a list of why it wont."

"He would smile, and you would believe what was possible. ... He instilled that optimism not just spiritually but commercially, in trying to make things happen for his flock," Kavulich said.

In addition to John Paul II's historic visit, he also hosted visits by Pope Benedict XVI in 2012 and Pope Francis in 2015. In April 2016, Pope Francis approved Ortega's request to retire.

Miami Herald

Miami, Florida

11 July 2019

Hialeah family sues French bank it says “trafficked” in their property, stolen in Cuba

By Nora Gámez Torres

PHOTO: Carnival Corp. is the first U.S. company sued for using ‘stolen’ property in Cuba. The Miami-based cruising conglomerate was sued in federal court by Mickael Behn and Javier Garcia-Bengochea, both of whom hold claims certified by the federal government for assets confiscated shortly after the Cuban Revolution. By Pedro Portal

The Miami-based cruising conglomerate was sued in federal court by Mickael Behn and Javier Garcia-Bengochea, both of whom hold claims certified by the federal government for assets confiscated shortly after the Cuban Revolution. By Pedro Portal

Descendants of the owner of the second-largest Cuban-owned bank before 1959 are suing French bank Société Générale for \$792 million for allegedly “trafficking” with their property, now part of the National Bank of Cuba.

The lawsuit was filed in federal court in Miami on Wednesday on behalf of the descendants of Carlos Núñez and Pura Galves, the owners of Banco Núñez. Some of the claimants currently live in Hialeah.

Banco Núñez had 22 branches and controlled \$105 million in assets in 1958. Valued at about \$8 million, it was confiscated in October 1960 by the Fidel Castro government and absorbed by the newly created National Bank of Cuba (BNC in Spanish).

The Cuban government did not offer compensation for the expropriation of the bank. But many decades after, in May of this year, President Donald Trump decided to enforce Title III of the Helms-Burton Act, a provision that allows seeking compensation in court for property that was confiscated by the Castro regime.

Since the law was signed in 1996, all presidents, from Bill Clinton to Barack Obama, suspended the right to sue to avoid conflicts with allied countries that have business ties with Cuba.

“This is the first lawsuit involving a financial institution that has been brought under the Helms-Burton Act,” said Javier Lopez, partner at Miami-based firm Kozyak, Tropin & Throckmorton.

Lopez and attorney Evan Stroman are representing 14 heirs of the Núñez family. “They were waiting for the day when a president would lift the pause button and allow them to get justice,” Lopez said.

The Núñez heirs claim they are entitled to 10.5 percent of the value of BNC and argue that Société Générale “trafficked” in their property by engaging in financial transactions with the BNC while earning more than a billion dollars in profits.

The Helms-Burton Act entitles claimants to sue for up to three times the original value of the property plus an annual interest rate of six percent, calculated from the time of expropriation. In their favor, say the family's lawyers, is the admission the French bank itself made that it had violated the U.S. embargo against Cuba, according to a deferred prosecution agreement with the Department of Justice for which the bank agreed to pay \$1.4 billion in penalties and fines in November last year.

According to the court documents, Société Générale admitted to having concealed financial transactions related to Cuba, including credits and loans to the BNC, to evade U.S. sanctions. The French bank used a New York-based subsidiary and other U.S. financial institutions for these operations.

“They admitted to the behavior that accounts as ‘trafficking’ in the Helms-Burton Act in the criminal case, and we will use it against them in the civil lawsuit,” Lopez said. The Helms-Burton Acts states that any commercial or financial transaction involving confiscated property, with few exceptions, constitutes “trafficking.”

Société Générale did not immediately respond to a request for comment.

The lawsuit against the French bank follows another five already filed against the cruise company Carnival, several Cuban companies (CIMEX, Cuba Petróleo, Gaviota SA, Cubanacán and Grupo Hotelero Gran Caribe) and the Trivago travel website, an Expedia subsidiary.

John Kavulich, president of the U.S.-Cuba Trade and Economic Council, estimates that there are more than three dozen potential targets for these lawsuits, including U.S. airlines such as American and Delta.

The expert believes many of these cases are likely to end up with settlements, which would allow these companies to continue their business without fear of being sanctioned by the United States. The agreements would also result in “an increase to the operational value of an asset located in Cuba,” said Kavulich, due to increased confidence of investors, partners, and suppliers in the long-term viability of the business.

ABC

Madrid, Spain

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**El heredero del aeropuerto de La Habana demandará a varias compañías españolas
Las demandas por el embargo a Cuba incluirán a las aerolíneas Iberia y Air Europa**



José López Vilabo, padre del denunciante inaugurando el aeropuerto confiscado - ABC

By Seguir [David Alandete](#)
Corresponsal en Washington

El 4 de julio, José Ramón López tomó un vuelo de Madrid a Miami con **Iberia, la aerolínea a la que se dispone a demandar** por tráfico con propiedades confiscadas en Cuba. A sus 65 años, el hijo de quien fue dueño del aeropuerto de La Habana antes de la revolución de 1959 se ha mudado a Estados Unidos para reclamar lo que considera su derecho legítimo a una indemnización, aprovechando que el presidente Donald Trump permitió en mayo la entrada en vigor de la totalidad de la ley que regula el embargo sobre el régimen cubano, conocida como **Helms-Burton**.

«Todas esas empresas van a tener que reconocer al final que las propiedades de las que se benefician son legalmente nuestras», explica a ABC López. **Como ciudadano español, además de cubano y estadounidense**, López se siente profundamente decepcionado con cómo el Gobierno de Pedro Sánchez ha gestionado esta crisis, ya que ha amenazado a EE.UU. con llevarle a la Organización Mundial de Comercio por el endurecimiento del embargo.

Durante la revolución, **Fidel Castro** y sus seguidores **confiscaron la mayoría de la propiedad privada** de la isla, incluido el aeropuerto Rancho Boyeros de La Habana -hoy José Martí- y la aerolínea nacional, ambos propiedad de José López Vilaboy, empresario con lazos estrechos con Fulgencio Batista, depuesto por los comunistas. Los medios de la propaganda oficial, como «Granma», han ninguneado las peticiones de López porque, según afirman, «su padre fue uno de los testaferros más allegados del dictador Batista».

«Tiene derecho legítimo»

Sin embargo, para el asesor legal Nicolás J. Gutiérrez, que asiste a varias familias de EE.UU. en múltiples demandas por el embargo, esas críticas son meramente de índole política, ya que «no hay duda de que **el señor López es hijo del dueño del aeropuerto** cuando fue confiscado y según la ley tiene el derecho legítimo a interponer una demanda contra las empresas que obtienen beneficios económicos por explotar propiedades que antes de la revolución en Cuba eran privadas».

López, que ha contratado a varios abogados, estudia demandas contra la empresa francesa Aéroports de Paris, que gestiona el aeropuerto internacional José Martí, y contra las principales aerolíneas que operan vuelos comerciales con origen y destino La Habana, **entre ellas tanto Iberia como Air Europa**. También pretende demandar a Meliá y otras hoteleras españolas por explotar hoteles confiscados a su padre en 1959, como el Jagua, en la bahía de Cienfuegos.

Contactados por ABC, los portavoces de las aerolíneas afectadas no han querido valorar las posibles demandas. Fuentes de Globalia, matriz de Air Europa, sí mantienen que no creen que las demandas prosperen porque la empresa no posee propiedad alguna en Cuba. Es la misma respuesta que han ofrecido en el pasado otras compañías ya demandadas, como Meliá, que defienden ser meros operadores.

Según cree John S. Kavulich, presidente del Consejo Comercial y Económico EE.UU.-Cuba, «ese argumento de que no tener propiedades en Cuba exime de responsabilidad no es válido porque la ley, tal y como ha entrado en vigor en mayo, establece que pueden ser demandados quienes obtengan beneficio por la explotación de bienes confiscados. Esas aerolíneas utilizan el aeropuerto de La Habana y por lo tanto pueden ser demandadas».

En marcha 18 reclamaciones

Kavulich, que tiene amplia experiencia en Washington y ha viajado a España tres veces desde enero para asesorar a empresas y autoridades españolas sobre el impacto de la entrada en vigor de la ley del embargo, cree que si estas demandas prosperan, quienes más pueden verse afectadas son las empresas con propiedades o intereses en EE.UU., como Meliá, con hoteles en Orlando y Nueva York, o Iberia, cuyos aviones operan en Miami, Nueva York, Los Ángeles, Chicago y Boston.

Desde que **Trump dejó que entrara en vigor** la totalidad de la ley del embargo cubano, que estaba parcialmente suspendida desde su aprobación en 1996, se están preparando 18 demandas en juzgados norteamericanos, según un inventario que lleva Kavulich.

Paralelamente, la familia Sánchez-Hill, afincada en EE.UU., denunció a Meliá en un juzgado de Palma de Mallorca el 14 de junio, alegando que la jurisprudencia española también prohíbe el usufructo con propiedades confiscadas. Esta última demanda es, según los abogados y asesores que llevan estos casos en EE.UU., la más relevante porque si Meliá acepta una indemnización extrajudicial y las otras empresas la imitan, las familias pueden ahorrarse unos litigios que se prevén largos.

«Por supuesto que estamos dispuestos a hablar de indemnizaciones, lo hemos estado hace mucho tiempo», dice López. Sin embargo, estas familias de origen cubano no tienen prisa porque, como dice Gutiérrez, asesor legal de la mayoría de ellas, «mientras esté Trump en la Casa Blanca sabemos que estamos cubiertos y esto no va a cambiar».

Tampa Bay Times

St. Petersburg, Florida

25 June 2019



U.S.-Cuba relations strain again, but ambassador hopes for stronger Tampa ties
José Ramón Cabañas, Cuba's ambassador to the United States, has been visiting the Tampa area. [JUAN CARLOS CHAVEZ | Centro]

TAMPA — Relations between the United States and Cuba thawed briefly under President Obama and are growing cold again under President Trump with the return of restrictions on travel.

But, José Ramón Cabañas, Cuba's ambassador to the United States, said in a visit to the Tampa area this week that his country's ties with this region may continue to grow.

One example: Expanding upon the collaborative research between Havana's National Aquarium and Tampa's Florida Aquarium, now focused on saving coral reefs throughout the Caribbean.

"We are exploring several ideas on how to extend that cooperation, which is so far bilateral, to include other countries in the Caribbean," Cabañas told the *Tampa Bay Times* Tuesday. Environmental issues are "about the survival for Cuba and many parts in the south of the United States."

Florida Aquarium spokesperson Kari Goetz said, "We are open to working with anyone on coral restoration."

What's more, Cabañas hopes to interest local mayors in attending his country's week-long celebration in November of the capital Havana's 500th anniversary — perhaps on Mayor's Day. "Mayors from many places in the world are coming to Cuba," he said.

Cabañas extended an invitation to St. Petersburg Mayor Rick Kriseman during a Monday morning meeting.

"He would not accept just yet," Cabañas said, noting that Kriseman has traveled to Cuba several times and favors normalizing relations. "He said, Thank you for the invite and I will consider that." Tampa Mayor Jane Castor will receive an invitation also, Cabañas said. Neither mayor could be reached for comment Tuesday.

Citing a prior engagement, Castor did not meet with Cabañas during his local visit this week. But Tampa City Councilman Bill Carlson, who has been advocating for normalization since 1999, did. If Castor does not travel to Havana in November, Carlson said, he is willing to officially represent the city.

During his Monday morning meeting with Cabañas, Carlson said, they discussed furthering Cubas arts and cultural exchanges with Tampa and strengthening joint ventures already underway.

Carlson also discussed making Tampa the U.S. gateway for container- ship traffic coming from Asia via the Port of Mariel, an industrial center encompassing some 180 square miles west of Havana that features factories, storage for trade, and a marine terminal.

Some see the Port of Mariel as a possible trans-shipment hub for gulf ports in the United States. But the U.S. travel and trade embargo against Cuba, now in its sixth decade, prohibits such a relationship. "You call it the embargo," Cabañas said. "We call it the blockade."

Carlson also presented Cabañas with a resolution passed unanimously by Tampa City Council earlier this month condemning any restrictions on American travel to Cuba.

But his nation has been hurt far more by the decades of restrictions than by new Trump-era bans on educational group travel and cruises to the island nation, Cabañas said. "We debate in Cuba if cruiseliners are profitable or not for Cuba," he said.

"Visitors spend most mornings on board and not visiting the place. ... In terms of the economy, it is not that large of an amount of money we are lacking now because the cruises arent coming."

Still, Cabañas admitted, some Cubans who depend on cruise passengers — such as taxi drivers and private restaurant owners — will be hurt.

The cruises made possible under Obama's policy of normalization — including Carnival's connections between Tampa and Havana — generated an economic impact of \$120 million economic impact on Cuba in 2018, said John Kavulich, president of the New York-based U.S.-Cuba Trade and Economic Council.

As the Obama administration reached out to Cuba, talk even turned to placing a Cuban consulate in Tampa or St. Petersburg. No such discussions are underway between the two nations today, Cabañas said, but if they start, the cities would not have a say. "This is not something a local government can decide," he said. "It will be decided on the federal level."

Financial Times

London, United Kingdom

18 June 2019

Cubans queue for food as Trump tightens sanctions

Ban on US cruises to the communist island is latest measure in crackdown by White House



US cruise ships have been banned from Cuba. About 630,000 non-Cuban US citizens travelled to the island last year, almost half by cruise ship © Bloomberg

Marc Frank in Havana

Cubans are being forced to queue for food and endure sharp cuts in transport services as a crackdown by US president Donald Trump's administration worsens the impact of the economic implosion of Venezuela, the communist-ruled island's key patron.

When American cruise ships were banned from Cuba this month it was the most visible sign that the US had reinstated a policy of sanctions and economic isolation after a brief thaw during the previous administration of Barack Obama.

Cruise ships were diverted at sea after the June 4 announcement and an estimated 800,000 Americans with bookings for Cuba were told they must change their holiday plans. In Cuba, tourist guides, classic car and restaurant owners, souvenir hawkers and others were left high and dry.

"We feel like we are on a rollercoaster," said David Lopez, who sells souvenirs in Havana. "We went way up like never before with Obama, and now it feels we are dropping really fast."

For many Cubans, the tide of American tourists in recent years raised hopes of better times just as the economic largesse from Venezuela, its ideological ally, was dwindling.

About 630,000 non-Cuban US citizens travelled to the island last year, according to the Havana government, almost half by cruise ship, while 257,500 Americans arrived this year through to April, 55 per cent on cruise ships.

This had boosted Cuba's growing private sector, which includes more than 2,000 restaurants and 24,000 private rooms in bed and breakfasts.

"The annual financial impact, assuming approximately 300 sailings originating in the United States transporting approximately 800,000 visitors, will be up to \$112m in passenger expenditures and up to \$20m from port fees," said John Kavulich, president of the US-Cuba Trade and Economic Council.

That comes on top of other travel restrictions imposed by Mr Trump, including a ban on the most popular category under which Americans were permitted to visit the island, known as "people-to-people educational travel".

Mr Trump has reduced both countries' embassies to skeleton staffs; slowed Cuban travel and immigration to the US to a trickle; ended most bilateral contacts; sanctioned all Cuban military-run companies and hotels and any company involved with shipping Venezuelan oil to Cuba.

"We will continue to take actions to restrict the Cuban regime's access to US dollars," Mr Trump's national security adviser John Bolton wrote on Twitter after the cruise ship ban.



A man selling fruit and vegetables in Havana. The crisis has led the government to regulate some sales to prevent hoarding © AFP

Mr Bolton has led the US campaign against what he has called the “troika of tyranny” of Cuba, Venezuela and Nicaragua.

Cuba reported tourism revenues approaching \$3bn in 2018. But the island is immersed in a liquidity crisis caused in part by the economic implosion of Venezuela, from which it receives oil in exchange for providing doctors and, until the past few years, cash and other goods.

Bilateral trade with Venezuela plunged from about \$7.2bn in 2014 to just \$2.3bn in 2017. Oil shipments are down more than 50 per cent, forcing Cuba to purchase fuel from Russia and Algeria.

Declining revenues have led to increased short-term debt to suppliers and investment partners, estimated at more than \$1.5bn by western diplomats and businessmen. This has forced some suppliers to stop doing business with the country, those sources say.

Declining Venezuelan support and the US crackdown are also hitting ordinary citizens. The Havana government has reduced fuel allocations to some state entities by as much as 50 per cent over the past three years, according to local media, resulting in fewer bus and taxi services in a land where few own private vehicles.

Scattered shortages are nothing new in Cuba, but they have become much worse this year, leading the government to regulate some sales to prevent hoarding and reselling products.

Throngs of people queueing for basic goods such as bread, cooking oil, chicken and eggs has become a common sight. Cuba imports up to 70 per cent of its food.

“Everyone is very anxious, because it is not just a problem of food and transportation but, for example, medicines in the hospitals and pharmacies,” Anaida Gonzalez, a retired nurse in the central farming province of Camagüey, said.

“Everyone expects it to get worse and there isn’t even anything to feed to chickens or a pig if you raise them in your yard,” she added. From the archive Cuba US targets Nicolás Maduro with new measures against Cuba

Tightening the screws, the US administration in April activated a previously dormant section of a 1996 law that allows Americans to sue international companies using Cuban premises that were previously taken over by the communist government.

Western diplomats and businessmen said allowing Americans to sue over use of their former Cuban properties, combined with the ferocity of the Trump administration rhetoric and Cuba’s payment problems, had chilled already anaemic interest from investors.

Panama’s Multibank shut down numerous foreign accounts related to Cuba this year, stating that the action was not related to US pressure, a claim many in the business community doubt.

Two people involved in Cuba’s financial sector said they understood that Spain’s Banco Sabadell was terminating most, if not all, of its non-Spanish clients on the island because of the latest sanctions. A bank spokesperson would not comment.

“It is all but dead,” a European diplomat, whose country is one of the most engaged with Cuba, said of the investment climate.

National Public Radio (NPR)

Washington DC

12 June 2019

Trump Will Play Ball With MLB On Cuban Players If League Helps With Venezuela

Franco Ordoñez



Alexis Rivero of Cuba's Los Leñeros de las Tunas during a Caribbean Series match against Venezuelas Cardenales de Lara in Panama City on Feb. 6, 2019. MLB had made a deal with Cubas baseball federation to allow Cuban players to play in the U.S. without defecting, only to see the Trump administration subsequently block the rule. Luis Acosta/AFP/Getty Images

President Donald Trump has resumed talks with Major League Baseball owners after his administration blocked a historic agreement that would have allowed Cuban baseball players to join a Major League Baseball team without having to defect.

But the White House made clear that in exchange for revisiting that decision, it wants MLB, like other groups with ties to the island, to urge Cuba to reduce its long standing cooperation with Venezuelas socialist government.

Trump met Monday with Major League Baseball commissioner Rob Manfred to discuss the leagues concerns that Cuban ballplayers risk their lives hiring human smugglers to go to the United States to play. The White House told NPR on Tuesday that it was willing to continue to talk with MLB about the issue, but administration officials also sought MLBs assistance with the crisis in Venezuela.

"The Administration will continue to hold the Cuban regime accountable for its direct role in the trafficking of its citizens from the island," a White House official told NPR. "The Administration looks forward to finding productive ways to work with MLB to help the people of Venezuela, a country that has a rich history with MLB but has been destabilized by Cubas interference."

The Trump administration blames Cuba for propping up Venezuelan leader Nicolás Maduro and demanded Cuban security forces leave Venezuela.

The MLB reached an agreement with the Cuban Baseball Federation in December that would allow Cuban baseball players to sign contracts directly with professional U.S. baseball clubs.

Four months later, the Treasury Department told MLB that it was reversing an Obama-era decision that would have allowed payments to the Cuban Baseball Federation, accusing the Cuban government of using baseball players as "pawns." The Trump administration argued the agreement was prohibited because payments cant be made to the Cuban government due to long -standing U.S. sanctions.

The fact that Trump later accepted a high-profile meeting with the baseball commissioner appeared to be an easing of the stance and raised hopes of a reversal.

"The president taking a meeting with the commissioner of MLB to discuss a topic that the administration recently made a ruling shows that the president is open to seriously considering changing the administration ruling that was recently made," said Fernando Cutz, a former acting senior director for Western Hemisphere

Affairs at the National Security Council in the Trump administration. "That shows the president is willing to at least consider overruling whoever made that ultimate decision underneath him."

The agreement is intended to give Cuban baseball players a chance to play baseball in the United States without having to make the dangerous journey overseas or contract with a dangerous smuggling operations. Some Cuban baseball players report being harassed by smugglers for years after making the journey. Earlier this spring, MLB hired a lobbying firm with close ties to the Trump administration for help finding a solution.

John Kavulich, president of the U.S.-Cuba Trade and Economic Council, said the meeting is particularly significant from the Cuban perspective. It marks a "meaningful change from 60 days ago" when the Trump administration was in lockstep with some of the Cuban governments harshest critics, such as Sen. Marco Rubio, R-Fl., who vowed to fight the plan.

But Kavulich and other experts said Cuba would not turn on its longtime ally for the MLB deal – and the expectation could make the challenge even greater.

"Theyve added elements to the resolution process and the elements theyve added are incredibly difficult for MLB or governments to resolve in the short to medium term," Kavulich said. "Anytime that an issue gets linked to what is happening to Venezuela or how Cuba is connected to Venezuela, turn off the lights, and read a good book."

Benjamin Gedan, who was responsible for Venezuela policy on the National Security Council during the Obama administration, said its unclear whether the Obamas administration strategy of rapprochement with Cuba would have led Havana to distance itself from Venezuela, but he questioned how isolating Cuba and its ballplayers would do that either.

"By attacking the MLB for its Cuba engagement, the Trump administration further alienates Havana, which could be a far more helpful player on Venezuela than baseball executives," Gedan said.

Ric Herrero, executive director of the Cuba Study Group, said any effort to address human smuggling in the region is a positive one, but questioned what the administration is "actually going to do here other than make pronouncements" to end human trafficking.

"It seems if theyre serious to wanting to end the trafficking of Cuban baseball players, it seems that cancelling a relationship between Major League baseball and Federación Cubana de Béisbol isnt the way to go about it."

The Hill

Washington DC

12 June 2019

Trump wants MLB to pressure Cuba to give up support for Venezuela: report

BY ZACK BUDRYK



© Getty Images

The White House may rethink its decision to block an agreement to allow Cubans to play for Major League Baseball without defecting if MLB applies pressure on Cuba to draw down its ties with Venezuela's government, according to NPR.

President Trump met Monday with MLB Commissioner Rob Manfred, who discussed concerns that under the status quo, Cuban players often risk their lives on the journey to the U.S.

The White House told NPR that in exchange for ongoing talks with MLB, it seeks the league's assistance on Venezuela.

"The administration will continue to hold the Cuban regime accountable for its direct role in the trafficking of its citizens from the island," a White House official told NPR.

"The administration looks forward to finding productive ways to work with MLB to help the people of Venezuela, a country that has a rich history with MLB but has been destabilized by Cubas interference," the official added.

The Trump administration has blamed the Cuban government for helping Venezuelan President Nicolás Maduro remain in power.

In audio published by The Washington Post last week, Secretary of State Mike Pompeo told a private meeting that Maduro "is surrounded by Cubans" and mistrusts his Venezuelan advisers.

The meeting indicated "a meaningful change from 60 days ago" when the White House announced it would block the arrangement, negotiated under the Obama administration, according to John Kavulich, president of the U.S.-Cuba Trade and Economic Council.

But Kavulich told NPR the Cuban government is unlikely to abandon its ties to Venezuela for the MLB deal.

"Theyve added elements to the resolution process, and the elements theyve added are incredibly difficult for MLB or governments to resolve in the short to medium term," Kavulich said.

"Anytime that an issue gets linked to what is happening to Venezuela or how Cuba is connected to Venezuela, turn off the lights, and read a good book," he added.

The White House canceled the deal, which also would have allowed MLB to directly sign Cuban players once they reach a certain age or professional service time threshold, in April.

Travel Weekly

Secaucus, New Jersey

12 June 2019

Tour Operators

Under new rules, some Cuba hotel stays are legal

By Johanna Jainchill

|



The Saratoga Havana, a hotel where U.S. guests are permitted to stay. Photo Credit: Johanna Jainchill

Americans traveling to Cuba are allowed to stay in hotels, as long as the hotels are not on the State Departments restricted list, and assuming the travel activity is authorized.

The Treasury Department has clarified the rules after the U.S. banned "people to people" travel on June 5. Under new regulations, most tours must operate under the "support for the Cuban people" category. Previously, the "support for the Cuban people category" did not specifically reference the use of a hotel, saying only that private home stays are compliant. Now, hotels that aren't on the restricted list are eligible for "support for the Cuban people" tours.

Hotels on the restricted list are owned by the Cuban government or military.

John Kavulich, president of the U.S.-Cuba Trade and Economic Council., said that the prohibition of all hotels would have resulted "in a mismatch of supply and demand, as there would be far too many individuals and groups seeking accommodations at private residences than would be the number of available private residences."

Tampa Bay Times

St. Petersburg, Florida

7 June 2019

Sudden change to Cuba travel rules hits cruise line earnings

Royal Caribbean and Norwegian, which have operations at Port Tampa Bay, cut earnings projections after the Trump administration banned "people to people" travel with one days notice.



Ship photographer Andrea Castillo makes a photo of guests Jim and Francisca Frye of San Antonio, Texas before they board the Empress of the Seas for a 7-night cruise that included a stop in Havana in 2017. Royal Caribbean, which offered cruises from Tampa to Cuba last summer but stopped in the fall, this week projected lower earnings per share after the Trump administration announced new rules immediately restricted a popular form of travel to Cuba.

LUIS SANTANA | Times (2017)

By Richard Danielson

TAMPA — The Trump administration's new restrictions on travel to Cuba are expected to hit the bottom line of the cruise ship industry, including two cruise lines that sail out of Port Tampa Bay.

Royal Caribbean and Norwegian Cruise Lines both lowered their projections this week for the earnings their stockholders can expect to see this year.

Royal Caribbean, which offered cruises from Tampa to Cuba last summer but stopped in the fall, on Thursday cut 25 to 35 cents per share from its previous projection of \$9.65 to \$9.85 per share for the year.

On Friday, Norwegian, which sails to Cuba from other Florida ports, forecast a bigger hit: 35 to 45 cents off earnings per share that it had projected last month at \$5.40 to \$5.50 for the year.

It's not the size of the business at stake that hurts. Sailings to Cuba amount to only about 3 percent of each lines business.

Instead, it's the timing and lack of warning. The Trump administration announced on Tuesday that the popular "people to people" category of group and educational travel to Cuba would be illegal as of Wednesday. In response, cruise lines changed itineraries for ships already at sea. St. Petersburg Mayor Rick Kriseman was aboard a Norwegian cruise to Havana that was diverted to the Bahamas after the announcement.

"The extremely short notice period for this high-yielding destination amplifies the earnings impact," Royal Caribbean executive vice president and chief financial officer Jason T. Liberty said in announcing the earnings adjustments.

Norwegian said making those abrupt changes, as well as offering substantial discounts to guests to remain on cruises they had booked, accommodating cancellations, changing reservations, spending more on marketing in response to the news and protecting travel agent commissions would all have an impact.

Meanwhile, Port Tampa Bay says the end of Cuba travel is not expected to change business as usual. At the time the new rules were announced, only one ship, the Carnival Paradise, was calling on Cuba intermittently on sailings from Tampa, according to port vice president of marketing and business development Wade Elliott. That accounted for less than 5 percent of the port's cruise passenger traffic, which is on a pace to exceed a million passengers again this year.

"Carnival advised us they do not expect this new Cuba ruling to impact their sailings or passenger volumes from Tampa," Elliott said in an email to the *Tampa Bay Times* on Friday.

The U.S.-Cuba Trade and Economic Council in New York City this week estimated the new rules would have a \$700 million impact on gross revenues for the cruise ship industry.

Council president John Kavulich said Friday that the changes also would ripple out to airlines that fly cruise passengers to the port cities where cruises begin, as well as hotels, restaurants, entertainment businesses and transportation firms that cater to them on their way to the dock.

The council expects that maybe 10 to 15 percent of travelers who booked cruises between a Florida port and Havana might cancel their trips and demand a refund rather than agree to go to an alternate port, Kavulich said. For passengers booked on cruises previously scheduled to go to Havana and other ports, the cancellation might be in the 5 percent range. But the council will watch to see how those numbers pan out.

"If those numbers are significant, then that gives energy to the travel industry to demonstrate that going to Cuba was more important (to those passengers) than going anywhere else," Kavulich said.

Miami Herald

Miami, Florida

7 June 2019

Ban on U.S. cruise trips to Cuba will hurt private sector on the island, experts say

By Nora Gámez Torres



A classic car drives by a U.S. cruise ship at the port in Old Havana, Cuba, in November 2018. MATIAS J. OCNER mocner@miamiherald.com

The Trump administration sent a strong message to the Cuban government by abruptly suspending cruise ship visits and eliminating group people-to-people tours, but experts and entrepreneurs are questioning the impact of the measures.

New U.S. sanctions were slapped on Cuba Tuesday for its support of the regimes of Nicolás Maduro in Venezuela and Daniel Ortega in Nicaragua.

“These actions will help to keep U.S. dollars out of the reach of the Cuban military and the intelligence and security services,” said Treasury Secretary Steven Mnuchin.

But experts say that the Cuban government’s income from the cruise visits is not significant, and that the new restrictions will instead affect a vulnerable sector of private entrepreneurs that the Trump administration claims to support.

“What Cuba earns from the cruise ships is insignificant,” said Emilio Morales, president of the Havana consulting Group, which tracks the island’s economy. “Most of the profits go to the cruise company.”

Cruise ship visits to Cuba soared in recent years, especially from the United States, after the Obama administration allowed such trips in 2015. Official Cuban news media reported that about 380,000 cruise passengers visited the island in 2017, and more than 800,000 in 2018. Industry sources caution, however, that those numbers were probably manipulated to try to cover up a drop of more than five percent in airplane arrivals in 2018.

Even with those figures, the government’s income from the cruise industry is much less than the money spent by travelers who stay in hotels or private homes.

John Kavulich, president of the U.S.-Cuba Trade and Economic Council, estimates that the cruise ships generated from \$63 million to \$107 million for the Cuban government, a tiny fraction of the \$2.5 billion in income reported by the Tourism Ministry that year.

Cruise companies pay the government a tax of about \$8 per visitor, according to several sources linked to the cruise industry. The companies also contract Cuban companies for some local services, such as cleaning. Tourist companies owned by the government, such as Havanatour and Cubanacan, also offer land excursions to the historic heart of Havana and the Tropicana cabaret.

Although the Cuban government planned to expand the port of Havana by 2024, the island’s armed forces, which control most of the tourism industry, did not favor the expansion of cruise ship arrivals, arguing that the ships were taking money away from the hotels they run, according to one cruise industry source who asked to remain anonymous because the source was not authorized to comment on the issue.

Suspending the cruise visits, the source added, “will directly benefit the armed forces because now the Americans who continue coming in groups will stay in hotels and will hire government-owned transportation.

The elimination of the group educational visits known as people-to-people contacts or contacts between the people, announced Tuesday, could also diminish the number of U.S. visitors, even though travel agencies argue that it is still possible to visit Cuba because the Trump administration left in place other permitted categories for travel to Cuba, such as “supporting the Cuban people.”

It’s very likely, however, that the new restrictions and the general climate of tension between Washington and Havana will dash Havana’s expectations of about 5 million foreign visitors in 2019, Morales said.

Although the government and the military, which operates hotels, taxi services and travel agencies, receive the lion's share of the income from tourism, a drop in that industry would especially affect an emerging private sector that depends on the dollars of U.S. visitors to survive.

"The new Cuba regulations imposed by the Trump administration represents another step backward that will only undermine U.S. business interests, further divide the Cuban family and create difficulties for the Cuban people, especially the Cuban business class that the (U.S.) government has repeatedly said it wants to support," said Emily Mendrala, executive director of the Center for Democracy in the Americas.

Nearly half a million Cubans work for themselves or own private businesses, allowing them to gain independence from the state and increase their income. The official average monthly salary in Cuba stands at about \$30. A survey by the travel agency Cuba Educational Travel of about 200 self-employed Cubans showed that 96 percent said that a drop in U.S. visitors to the island would hurt their businesses.

Cruise ship visitors had become a lifeline for Cubans such as handicraft makers, drivers of classic American cars from the 1950s and waiters in private restaurants near the ports of Havana, Santiago de Cuba and other cities.

The measures adopted by the Trump administration "will directly affect the Cuban people, especially in port communities outside Havana that no one talks about but which have improved with the arrival of the U.S. cruise ships," said Cuban businessman Camilo Condis. "The self-employed sector today represents a little more than 12 percent of the working class, and we are the economic support of our families, in the majority of cases."

"I'm devastated for the people in Havana," said Greg Shapiro, who worked as a tour guide for Carnival's Fathom line and was aboard the first U.S. cruise ship that arrived in Cuba in 2016. "Obviously the government is not perfect, but cruise passengers coming for the day injected much needed tourism into the economy, where high paying opportunities are scarce."

Although the Cuban government pocketed most of the income, the most popular land tours included private restaurants, farms and other businesses, said the source familiar with cruise ship visits to the island.

"The economy is one," said Condis, "and it's impossible to adopt a measure that affects the Cuban government and not the people."

Travel Weekly **Secaucus, New Jersey** **7 June 2019**

Aviation

Airlines will wait and see in Cuba

By Robert Silk |

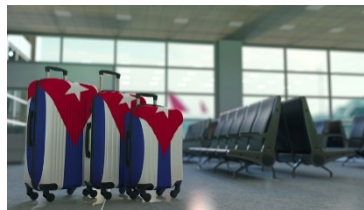


Photo Credit: Novikov Aleksey/Shutterstock

The new restrictions imposed by the Trump administration this week on travel from the U.S. to Cuba could end up compelling airlines to recalibrate service to the island.

"Overall there are simply going to be fewer people traveling to Cuba, and there will be fewer seats needed, fewer aircraft needed, so you're going to see continuing adjustments of aircraft size and scheduling," said John Kavulich, president of the U.S.-Cuba Trade and Economic Council.

According to OAG data, airlines have had relatively consistent U.S.-Cuba bookings of between 130,000 and 170,000 one-way passengers per month since September 2017, following higher numbers during the first year after commercial flights were authorized in late 2016.

Recent months have trended upward year-over-year. For example, in March (the most recent month for which OAG provided data) travelers flew 173,000 flight legs between the U.S. and Cuba compared with 148,000 a year earlier.

That trend could reverse following the Treasury Department's decision on Tuesday to put an end to the cultural trips between the U.S. and Cuba categorized as people-to-people travel.

According to Transportation Department figures provided by Kavulich, 893,000 passengers flew from the U.S. to Cuba in 2018. Meanwhile, 586,000 people of Cuban descent visited the island nation in 2018, according to Cuba's tourism ministry. Most arrived from the U.S. and stayed with relatives or friends.

Working under the supposition that most of those people traveled to Cuba via air, Kavulich estimates that around 300,000 American tourists flew to Cuba last year. Of those, almost all would have been traveling under the people-to-people exemption (which the Trump administration has now nixed) or the "support for Cuban people" exemption, which still exists.

Tour operators have been saying that they can continue to offer trips to U.S. citizens under the "support for Cuban people" exemption. For now, airlines say they will wait and see how the people-to-people ban affects demand.

"We are reviewing the revised regulations to determine what the changes mean for our operations and our customers," JetBlue spokesman Philip Stewart said in an email Wednesday. JetBlue flies the second-most passengers between the U.S. and Cuba. American Airlines, the largest carrier in the market, had a similar message.

The five U.S. carriers that serve Cuba already concentrate the bulk of their departures in Florida, where most of the approximately 2 million Cuban-Americans reside. Those routes are mostly flown by Cubans who are visiting friends and family.

Also, United flies to Havana from Houston and Newark, JetBlue flies to Havana from New York JFK and Boston, and Delta serves Havana from Atlanta.

Kavulich noted that United's Newark route serves northern New Jersey, where the second-largest concentration of Cuban-Americans live. The other non-Florida routes are more leisure-focused and could end up with capacity reductions or a suspension of service, he said.

He added that airlines could choose to shift more of their Cuba capacity to Florida as they exit other markets.

Still, much remains to be learned about how this week's changes will impact U.S.-Cuba flight schedules. With Cuba cruises no longer permitted from the U.S., hundreds of thousands of Americans who had been visiting Cuba by sea can now only make the journey via air. But will they?

Cuba Candela CEO Chad Olin said he expects his air-reliant tour operations to gain business. "It's possible that the 300,000 people who were visiting Cuba on a cruise will now fly and will go to Cuba on a stayover," he said. "So, it's possible that flights could increase."

South Florida Sun Sentinel

Deerfield Beach, Florida

7 June 2019

You can still fly to Cuba despite Trump's new ban. Here's how.

By David Lyons



Marcelo Martinez, age 79, strums his guitar for tourists in Cojimar, Cuba, east of Havana, Tuesday, May 3, 2016. (JOE CAVARETTA / Sun Sentinel)

You may have thought your chances of traveling to Cuba were slim after the Trump administration's new travel restrictions. But you can still book a flight to visit the island. That's because Washington has left intact a list of 12 travel categories for people flying there.

"It is what it is and that's the way politics get played," said Miami attorney Pedro Freyre, chairman of the Akerman law firm's international practice. "It's important to note the 12 categories are still there." Here's a look at the ever-changing policies for trips to Cuba, and how U.S. travelers may still visit.



Garcia Baxe, a dance instructor for Carnival who has lived in Cuba, waves the U.S. and Cuban flags as the Fathom Adonia arrives in Havana, on May 2, 2016. (JOE CAVARETTA / Sun Sentinel)

A boom in travel

In 2016, then-President Barack Obama eased the decades-old economic embargo against the Havana government, triggering an outpouring of interest from U.S. travelers who long were barred from travel to Cuba.

For nearly three years, travel became widespread under a so-called "people-to-people" designation, which was meant to foster cultural contacts on the island. The new policies dramatically widened U.S.-to-Cuba travel by air and sea, as U.S.-based airlines and cruise lines set up an array of routes to connect the two countries' airports and seaports.

But on Tuesday, the Trump administration drastically dialed back services as part of its continuing push to punish Cuba for supporting the Venezuelan regime of President Nicolas Maduro. At the heart of the restrictions was the elimination of the "people-to-people" designation for travel.

It shut down the burgeoning Cuba cruise line business, disrupting an estimated 600,000 industry bookings. It effectively barred trips by private operators. It forbade travel by private airplanes, yachts, fishing boats and other vessels. And travelers may not fly commercially to Cuba under the "people-to-people" designation, an American Airlines official said.

The action will reduce travel to Cuba, "but certainly not to a trickle," said John Kavulich, president of the nonprofit U.S.-Cuba Trade & Economic Council in New York. He said most travelers will be people of Cuban descent as opposed to individuals traveling for other reasons.

Airlines still flying to Cuba

So far, the Trump administration hasn't disturbed commercial flight schedules to Cuba as U.S. airlines continued to fly to and from Cuba out of Fort Lauderdale-Hollywood International Airport, Miami International Airport and other U.S. airports. From South Florida, seven U.S. airlines are serving Cuba out of Miami-Dade and Broward counties.

Passengers must show a visa in order to travel and select one of the allowed travel categories listed by the U.S. Treasury Department's Office of Foreign Assets Control.

Depending on when a flight is booked and availability, the cost of a round trip can range from \$250 to over \$700. Southwest, for example, had available seats ranging from \$233 to \$350 for flights from Fort Lauderdale to Havana on Saturday, with return fares on Tuesday ranging from \$137 to \$350, according to its website.

Travelers must cite the reason for travel when checking in for their flights. They include: family visits; official government business; journalistic activities; professional research and meetings; educational activity and religious activity.

Others include public performances, clinics, workshops and exhibitions; support for the Cuban people; humanitarian projects; private foundation, research and educational institute activities; the import and export of information; and authorized export transactions.

American, which operates a major Miami hub for the Caribbean and Latin America, said it has not changed any of its Cuba flight schedules, and would continue to fly to the island as long as it is permitted by federal law. The airline serves Havana, Varadero, Santa Clara, Santiago, Holguin and Camagüey.

The airline does not ask for any proof that shows a passenger is traveling under a certain category, said Alexis Aran Coello, corporate communications manager for the airline's Miami hub.

"That responsibility is with the passenger," Aran Coello said. "The airline is responsible for ensuring they have the travel visa." American hasn't seen any drop in reservations. "Those flights are always full," she said. However, passengers may no longer fly under the people-to-people category, industry officials said.

"If you bought your ticket before June 5, you can still travel on people-to-people," Coello said. "For those that have purchased tickets on or after June 5, you cannot select people-to-people as one of your travel categories."

Southwest Airlines and JetBlue operate daily flights to Cuba from Fort Lauderdale-Hollywood, said Greg Meyer, spokesman for the Broward County Aviation Department. Southwest has three daily flights to Havana; JetBlue maintains daily service to Havana, Santa Clara, Camaguey and Holguin.

American Airlines, Delta Air Lines, Swift Air, United Airlines and World Atlantic are all flying to Cuba from Miami International, an airport spokesman said.



Cubans wait at the Plaza San Francisco across from the Sierra Maestra Cruise Terminal after the Fathom Adonia arrives in Havana, Monday, May 2, 2016. (JOE CAVARETTA / Sun Sentinel)

Changing cruise itineraries

But anyone with cruise ship tickets to visit Cuba from Port Everglades, PortMiami, Port Canaveral and other seaports quickly found their plans were being changed — and not by choice.

"We are disappointed that cruise lines will no longer be operating to Cuba," said Adam Goldstein, chairman of the Cruise Lines International Association, an industry trade group. "While out of our control, we are genuinely sorry for all cruise line guests who were looking forward to their previously booked itineraries to Cuba."

Cruise companies such as Carnival Corp., MSC Cruises, Norwegian and Royal Caribbean Cruises all scrambled to analyze the policy change on Tuesday, and all concluded that their Cuba business had come to a sudden end.

They redirected ships away from Cuba and offered their customers refunds, credits and re-booking alternatives. The lines encouraged customers to call about refunds, credits and changes in their travel arrangements.

MSC Cruises said Thursday that its MSC Armonia, which had been calling at Havana as part of Caribbean sailings out of PortMiami, would visit Key West; Costa Maya, Mexico; George Town, Cayman Islands; or Cozumel, Mexico, as alternatives. The remainder of the ship's itinerary remained as planned.

MSC said it will waive cancellation fees if passengers choose to change their Armonia bookings to another MSC ship or itinerary, and apply previously paid funds to the new booking.

Norwegian Cruise Line Holdings, whose Norwegian Cruise Line, Oceania Cruises and Regent Seven Seas Cruises called on Cuba, said it changed itineraries and offered "substantial" discounts to persuade passengers to stay on cruises that no longer had Cuba as a stop. On June 4, the Norwegian Sky was the last company ship to visit Havana, the day before the ban went into effect.

On Friday, management announced that discounts, cancellations and travel agent commissions for re-booking passengers would reduce its 2019 profits.

Carnival Corp.'s Carnival Cruise Line said it is offering full refunds for canceled Cuba trips booked through July and is offering alternate trips and credit options to passengers booked aboard 30 sailings on five ships for the remainder of the year.

Royal Caribbean diverted its Empress of the Seas to the Bahamas and Coco Cay, a private island it owns. The line's Majesty of the Seas headed for Costa Maya, Mexico. Passengers received the option of canceling current bookings for full refunds, or taking rerouted trips and 50 percent rebates. The company said that it, too, would reduce its 2019 earnings projections.

Pearl Seas Cruises, a small company based in Connecticut that offered voyages to the island from Port Everglades, did not respond to a phone message seeking comment. The company's trips circumnavigated Cuba, allowing customers to visit six cities including Havana, Cienfuegos and Santiago.

Other companies that intended to begin Cuba sailings later this year shelved their startup plans.

They include Seabourn, which belongs to Carnival Corp., and Virgin Voyages, a new line headquartered in Plantation started by British billionaire Richard Branson. Virgin planned to sail to Cuba out of PortMiami next year. In a statement, the company said it will announce a new round of itineraries and allow customers to change reservations without financial penalties.

El Nuevo Herald

Miami, Florida

6 June 2019

La suspensión de los cruceros dañará al sector privado en Cuba, advierten expertos

por Nora Gámez Torres

El último crucero de los Estados Unidos partió de La Habana el miércoles 5 de junio, terminando con un breve boom en las visitas de cruceros a Cuba que llevaron a decenas de miles de estadounidenses a la isla. por AP

La administración de Donald Trump envió un fuerte mensaje al gobierno cubano con la abrupta suspensión de los cruceros a partir de este miércoles y la eliminación de la autorización de los viajes en grupo para promover los contactos "pueblo a pueblo", pero expertos y emprendedores en la isla cuestionan el impacto de las medidas.

El martes, EEUU impuso nuevas sanciones al gobierno de Cuba por su apoyo al régimen de Nicolás Maduro en Venezuela y a Daniel Ortega en Nicaragua. "Estas acciones ayudarán a mantener a los dólares

estadounidenses fuera del alcance de los militares y los servicios de inteligencia y de seguridad cubanos”, dijo el secretario del Tesoro, Steven Mnuchin. Sin embargo, algunos señalan que los ingresos que proveen los cruceros al gobierno cubano no son significativos, al tiempo que las nuevas restricciones afectarían a un sector vulnerable de emprendedores privados a los que la política del presidente Donald Trump dice apoyar.

“Lo que Cuba gana por los cruceros es insignificante”, dijo Emilio Morales, presidente del Havana Consulting Group, una empresa consultora en temas relacionados con la economía cubana. “El grueso del dinero lo gana la compañía de cruceros”.

El turismo de cruceros ha aumentado meteóricamente en los últimos años, especialmente el proveniente de Estados Unidos, luego de que el gobierno de Barack Obama permitiera los viajes en el 2015. Los medios oficiales cubanos reportaron la llegada de alrededor de 320,000 pasajeros a bordo de cruceros en el 2017, y más de 800,000 en el 2018 aunque fuentes dentro de la industria consideran que estas cifras estarían maquilladas para compensar por el declive de un poco más del cinco por ciento de los turistas que llegaron por avión en el 2018.

Aún con estas cifras, los ingresos que deja la industria de cruceros al gobierno es mucho menor que lo que generan los viajeros que se hospedan en hoteles o casas privadas.

Según estimados de John Kavulich, presidente del EEUU-Cuba Trade and Economic Council el arribo de cruceros aportó al gobierno cubano entre 63 y 107 millones de dólares, una ínfima parte de los \$2500 millones en ingresos que reportó el Ministerio de Turismo ese año.

Las compañías de cruceros pagan al gobierno cubano un impuesto por cada pasajero que lleva a la isla, a razón de \$8 por persona, según confirmaron varias fuentes ligadas a la industria de los cruceros. Además, las compañías contratan algunos servicios, por ejemplo, servicios de limpieza, a una compañía cubana. Compañías turísticas del gobierno como Havanatur y Cubanacán, ofrecen excursiones por el llamado casco histórico en la Habana o al cabaret Tropicana.

Aunque el gobierno había planificado la expansión del puerto de La Habana para el 2024, los militares cubanos, que controlan el grueso de la industria turística en la isla, veían con desconfianza la expansión de la llegada de cruceros a la isla, a la que achacan el bajo nivel de ocupación en los hoteles en la isla, comentó una fuente en la industria de los cruceros a Cuba que pidió no ser identificada porque no estaba autorizado a comentar. La suspensión de los cruceros de EEUU a Cuba, “beneficia directamente a los militares pues ahora los americanos van a seguir viniendo en grupos y se van a quedar en hoteles, y van a contratar transporte del gobierno”.

La eliminación de la categoría de viajes grupales educativos “no académicos”, popularmente conocida como “contacto entre los pueblos” anunciada el martes, también podría disminuir la llegada de visitantes estadounidenses, pero las agencias de viaje han asegurado que aún es posible viajar a Cuba pues la administración de Trump dejó intactas otras categorías permitidas, por ejemplo, los viajes para “apoyar al pueblo cubano”.

No obstante, es muy probable que las nuevas restricciones y el clima general de tensión entre Washington y La Habana impidan que lleguen a la isla los 5 millones de visitantes extranjeros planificados para el 2018, dijo Morales.

Aunque el gobierno, y los militares que operan las cadenas hoteleras, servicios de taxis y agencias de viaje, reciben la mayor parte de los ingresos que deja el turismo, una contracción en esa industria golpearía particularmente a un emergente sector privado que depende de los dólares de los estadounidenses para sobrevivir.

“Las nuevas regulaciones de Cuba impuestas por el gobierno de Trump representan otro paso hacia atrás que solo socavarán los intereses comerciales de los Estados Unidos, dividirá aún más a las familias cubanas y creará dificultades para el pueblo cubano, especialmente la clase empresarial cubana a la que el gobierno ha dicho repetidamente que intenta apoyar”, opinó Emily Mendrala, directora ejecutiva del Centro para la Democracia en las Américas.

Cerca de medio millón de cubanos trabaja por su cuenta o tiene negocio un privado, lo que les ha permitido ganar independencia del estado y aumentar sus ingresos. El salario medio en el sector estatal ronda los \$30. Según una encuesta de la agencia Cuba Educational Travel a 200 emprendedores y “cuentapropistas” cubanos, el 96 por ciento respondió que el declive de los viajes de los estadounidenses a la isla impactaría negativamente en sus negocios.

La llegada de los cruceros se había convertido en el sustento de quienes trabajan como artesanos, chóferes de autos americanos de los años 50 o camareros en los restaurantes privados cercanos a los puertos de La Habana, Santiago de Cuba y otras ciudades en la isla.

Las medidas tomadas por la administración de Trump “afectarán al pueblo cubano directamente, especialmente en aquellas comunidades portuarias fuera de La Habana de las que nadie habla y que se han revitalizado con la llegada de los cruceros americanos”, dijo el emprendedor cubano Camilo Condis. “El sector por cuenta propia representa hoy día poco más del 12 por ciento de la fuerza laboral en Cuba, y somos el sostén económico de nuestras familias en la mayoría de los casos”.

“Estoy devastado por la gente de La Habana”, dijo Grep Shapiro, quien trabajó como guía turístico para la línea Fathom de Carnival y estaba a bordo del primer crucero que llegó a Cuba desde EEUU en el 2016. “Obviamente el gobierno no es perfecto, pero los pasajeros de cruceros inyectaron el turismo muy necesario en la economía [cubana], donde escasean las oportunidades de [obtener] altos ingresos.”

Pese a que el gobierno cubano se quedaba con la tajada más grande, las excursiones más populares eran las que incluían paladares, fincas y negocios privados, comentó la fuente familiarizada con los cruceros a la isla.

“La economía es un todo”, dijo Condis “y es imposible tomar alguna medida que afecte al gobierno cubano y no al pueblo”.

American Journal of Transportation

Plymouth, Massachusetts

5 June 2019

Will Turkish company, Global Ports Holding, be next to be sued?

By: AJOT | Jun 05 2019 at 12:34 PM | Ports & Terminals

Istanbul, Turkey-based Global Ports Holding (2018 revenues exceeded US\$124 million), which also has a registered office in London, United Kingdom, and is listed on the London Stock Exchange (LSE) may be a defendant in a lawsuit relating to Title III of the Libertad Act of 1996.

Global Ports Holding has “a management agreement in Cuba to advise and consult on cruise port management best practice. The cruise terminal is in the Sierra Maestra complex, in San Francisco pier, with a current capacity for two ships.”

Absent, as of 5 June 2019 resulting from a decision by the Trump Administration to suspend passenger cruise ship activity from the United States to the Republic of Cuba, the substantial port fees paid by cruise lines operating from the United States since 2016, questionable whether the Republic of Cuba will have the revenue stream required to make payments for and obtain financing for upgrades and expansion at the Port of Havana and other passenger port facilities in the Republic of Cuba.

Two lawsuits were filed on 2 May 2019 in United States District Court (Southern District of Florida- Miami Division) against Miami, Florida-based Carnival Corporation & plc (2018 revenues approximately US\$18.9 billion) by individuals who have certified claims against the Republic of Cuba. The lawsuits claim that Carnival Corporation & plc is using (“trafficking”) assets upon which there is a certified claim (the passenger port located in the city of Havana and the passenger port located in the city of Santiago de Cuba) and the certified claimant has not received compensation from the Republic of Cuba. The two plaintiffs are expected to also file lawsuits against Miami, Florida-based Royal Caribbean Cruise

Lines (2018 revenues approximately US\$9.5 billion) and Miami, Florida-based Norwegian Cruise Line (2018 revenues approximately US\$5.4 billion).

On 4 June 2019, the Trump Administration announced that from 5 June 2019, passenger cruise ships would no longer be permitted to transport individuals subject to United States jurisdiction from the United States to the Republic of Cuba.

Thomson Reuters

London, United Kingdom

5 June 2019

Cubas private -sector workers say Trumps travel curbs will hurt them too

By Sarah Marsh



Cruise ship MS Empress of the Seas, operated by Royal Caribbean International, leaves the bay of Havana, Cuba, June 5, 2019.

HAVANA (Reuters) - Lazaro Hernandez, who has made a good living showing U.S. cruise ship passengers around Havana in his pink 1950s Chevrolet, says the new U.S. ban on cruises to Cuba will wipe out 90% of his business overnight.

Hernandez is one of thousands of Cubans who benefited from the boom in American visitors to the Caribbean's largest island following the loosening of travel restrictions under former U.S. President Barack Obama during the short-lived 2014-2016 detente between the Cold War foes.

Obama's successor, President Donald Trump, aims to punish Cuba's Communist government - especially for its alliance with Venezuela - by tightening the rules once more. Yet Cubans say those who will really suffer are the people, including the private-sector workers the United States purports to support.

"This is a fatal blow for us," said Hernandez, 27, who makes \$30 an hour - the equivalent of the average monthly state salary - doing tours of Havana. "If there's no tourism, we don't have work."

U.S. travelers excluding Cuban-Americans became the second- biggest group of tourists on the island in recent years after Canadians, with cruise travelers making up half of those. Although they typically contributed less to the economy as they stayed on ships rather than in hotels or bed-and-breakfasts, they hired drivers and tour guides and spent at private shops, bars and restaurants.

"We bought T-shirts as souvenirs and bags," said Sarah Freeman, 42, one of the passengers on the last U.S. cruise ship to sail from Havana, using a handcrafted wooden Cuban fan to fend off the Caribbean heat.

The new restrictions on U.S. travel to Cuba also include the elimination of so-called group people-to-people educational travel, one of the most popular exemptions to the overall ban on U.S. tourism to Cuba.

'NEGATIVE PERCEPTIONS'

William LeoGrande, a Cuba expert at American University in Washington, estimated the measures could reduce the number of non-Cuban-American U.S. visitors by two-thirds or more. That could cut overall tourist arrivals in Cuba by about 10 percent, he said. Another expert, John Kavulich, said the drop could be as much as 20 percent.

“Optically, not having Carnival, Norwegian and Royal Caribbean in the marketplace will recreate negative perceptions about Cuba,” said Kavulich, president of the U.S.-Cuba Trade and Economic Council Inc, referring to the three main cruise lines forced to cancel service.

Tourism revenues, the country’s second-biggest source of hard currency, already slumped nearly 5 percent last year, according to official data. That was partly the result of an earlier round of Trump administration restrictions.

Washington says it is pressuring Cuba to reform and tamp down its support for socialist Venezuelan President Nicolas Maduro, whom Trump has been seeking to force out in favor of opposition leader Juan Guaido, who is backed by most Western countries. Critics say Trump is seeking to drum up support from the Cuban-American community in the swing state of Florida ahead of next year’s election.

Starting on Thursday, many Cubans will already be feeling the sudden absence in revenue from cruise passengers. “For me, it will have a domino effect,” said Nichdaly Gonzalez, who earns her living posing for photos, dressed up in her colorful colonial garb, adding she expected to have to rein in her spending. As such, it will have a trickle-down impact on the local economy, especially in the ports of Havana, Santiago de Cuba and Cienfuegos that received the U.S. cruise ships.

The Cuban government has said it is aiming for tourism income to increase 5.8% this year, but it is hard to see how it can reach that goal now. “We’ve lived with U.S. hostility now for 60 years, since the revolution, so we’ll get by,” said Abel Amador, 46, selling sketches to tourists on a cobbled street. “But this new move will still affect us.”

National Public Radio (NPR)

Washington DC

4 June 2019

**Trump Administration Orders Halt To Cruises To Cuba And People -To-People Exchanges
2:45**

Heard on All Things Considered



Michele Kelemen

The Trump administration has ordered a halt to cruises to Cuba. This is part of a broader effort by the administration to roll back Obama-era openings to the Communist island.

ARI SHAPIRO, HOST: Its just gotten harder for Americans to travel to Cuba. The Trump administration announced new restrictions today to prevent U.S. citizens from going to the island on cruise ships or on people-to-people exchanges. NPRs Michele Kelemen reports that the administration sees those things as veiled tourism that supports Cubas Communist leaders.

MICHELE KELEMEN, BYLINE: Many popular hotels and restaurants in Cuba are run by the military and intelligence services, and the State Department says it wants to make sure that American travelers are not lining the pockets of the very same people who are, quote, "repressing the Cuban people and supporting Nicolas Maduro in Venezuela." But the new restrictions on travel could also hurt budding Cuban businesspeople, says Collin Laverty, who runs an organization called Cuba Educational Travel.

COLLIN LAVERTY: Its very clear that America ns are getting off the beaten track. Theyre eating at private restaurants. Theyre taking private taxis, staying at bed and breakfasts and really empowering the Cuban

people. Does the Cuban government benefit - certainly to some extent. But do millions of Cuban households benefit - yes. Really they're the ones who are going to suffer from these changes.

KELEMEN: According to the new rules, Americans can no longer go to Cuba on cruise ships and yachts, and the U.S. is eliminating one category of travel, people-to-people visits. If you have any travel plans already, you are grandfathered in. And Laverty says there are other categories still available, including religious trips and humanitarian projects.

LAVERTY: And so there are still a number of ways to legally travel. And so, you know, I recommend that folks don't cross it off the list. Just be practical about it. Think about it. Plan, and we'll still figure out a way to get down there.

KELEMEN: When the Obama administration restored diplomatic ties to Cuba, it expanded the opportunities of travel. But as John Kavulich of the U.S.-Cuba Trade and Economic Council points out, U.S. businesses didn't get as much as they hoped out of this diplomatic opening.

JOHN KAVULICH: U.S. companies have unfortunately wanted to do far more in Cuba than Cuba has permitted them to do. And that's one of the tragedies of where we are today.

KELEMEN: With few American companies invested in Cuba, Kavulich says it's easier for the Trump administration to make these and other changes to the Obama-era policies.

KAVULICH: The structure of U.S. policy during the last three years of the Obama administration and its dealings with the Castro administration was built of cardboard. And the Trump administration today threw water on that cardboard. And when cardboard gets wet, it collapses. And that's exactly what happened today.

KELEMEN: U.S. tourism to Cuba is still illegal, and it was during the Obama administration even as the U.S. tried to promote more travel to the island. Michele Kelemen, NPR News, the State Department.

The Wall Street Journal

New York, New York

4 June 2019

Trump Administration Imposes Cuba Travel Limits

U.S. targets cruise-ship tourism in effort to pressure Havana to cease support for Maduro in Venezuela



A Royal Caribbean cruise ship sails into Havana harbor on May 6. Photo: yamil lage/Agence France-Presse/Getty Images

By Ian Talley

WASHINGTON—The Trump administration moved to shut down cruise-ship travel from the U.S. to Cuba under tighter rules issued Tuesday, as it raises pressure on Havana to stop supporting Venezuela's Maduro government.

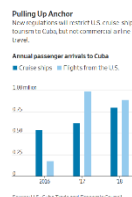
The joint action on Tuesday by the U.S. Treasury Department and the Commerce Department's Bureau of Industry and Security will largely prohibit cruise-line travel to Cuba but doesn't affect commercial airline flights. It is designed to curb a significant source of revenue for Cuba's struggling economy and further isolate the nation.

A Commerce Department official said Tuesday that “cruise ships as well as recreational and pleasure vessels are prohibited from departing the U.S. on temporary sojourn to Cuba, effective tomorrow.” The Cuban embassy in Washington didn’t immediately respond to a request for comment.

The Trump administration in 2017 began reversing Obama-era policy that thawed economic and political ties with Cuba, a move that gained importance as Washington sought to oust Cuba-backed strongman Nicolás Maduro from office in Venezuela and replace his government with the opposition the White House says is the nation’s legitimate power.

To get around a U.S. law banning tourism in Cuba, the Obama administration permitted a particular type of travel that included educational and “people-to-people” cultural exchanges. Critics of the policy called it tourism. Cruise ships started ferrying in U.S. passengers and a major U.S. hotel chain planned an expansion into Cuba. Around 800,000 passengers visited Cuba via cruise lines last year, according to the country’s Ministry of Tourism.

Pulling up Anchor New regulations will restrict U.S. cruise-ship tourism to Cuba, but not commercial airline travel.



Annual passenger arrivals to Cuba: Source: U.S.-Cuba Trade and Economic Council [See Chart]

But the Trump administration’s hawkish view of Cuba and Havana’s support for anti-U.S. political movements throughout Latin America brought the burgeoning detente to an end.

“Cuba continues to play a destabilizing role in the Western Hemisphere, providing a communist foothold in the region and propping up U.S. adversaries in places like Venezuela and Nicaragua by fomenting instability, undermining the rule of law, and suppressing democratic processes,” Treasury Secretary Steven Mnuchin said in a statement accompanying the new rules.

“These actions will help to keep U.S. dollars out of the hands of Cuban military, intelligence and security services,” he said.

The administration has also previously sanctioned the free oil exports Venezuela sends to Cuba in exchange for Havana’s political support, especially the provision of thousands of intelligence agents the U.S. says are helping Mr. Maduro maintain control amid the power struggle and a collapsing economy.

The actions—coming into force on Wednesday—will cut off the income derived from cruises docking in Cuba, largely run by Carnival Corp. , Norwegian Cruise Line Holdings Ltd. and Royal Caribbean Cruises Ltd. , industry experts said.

“We are closely monitoring these recent developments and any resulting impact to cruise travel to Cuba,” a Norwegian representative said in a statement. “We will communicate to our guests and travel partners as additional information becomes available.” Carnival and Royal Caribbean didn’t immediately respond to a request for comment.

The policy also affects private jet travel from the U.S. and other growing tourist operations such as fishing tournaments and sailing regattas, according to John S. Kavulich, president of the U.S.-Cuba Trade and Economic Council. But the new rules won’t affect the thousands of commercial flights largely used by Cuban-Americans traveling between the two countries, he said.

Reservations for cruises made before June 5 for travel after that date will be allowed, Treasury officials said.

Tampa Bay Times

St. Petersburg, Florida

4 June 2019

**Future in doubt for Tampa-Havana travel with new restrictions from Trump administration
Southwest Airlines, cruise companies had expanded service under Obama-era initiatives.**



By Paul Guzzo

If you've been putting off that trip to Cuba, you may have waited too long. The Trump administration on Tuesday announced new restrictions on American travel to the island nation 90 miles off Florida's shore, including an end to cruises and group tours. Tampa hosts cruises as well as flights to Havana.

"This is a huge mistake," said Suzanne Carlson, founder Tarpon Springs Carlson Maritime Travel. "This is going to have an impact on those of us who book travel to Cuba."

Group and educational trips, otherwise known as "people to people" travel, now become illegal. The short-lived opportunities introduced Americans to Cuban artists and business people and taught the nations history.

American trips to Cuba purely for tourism have been illegal since travel and trade sanctions were levied on the socialist nation in 1960.

But under executive orders issued during the Obama administration, regulations on travel to Cuba were so loose that "the activity was perceived as tourism," said John Kavulich, president of U.S.-Cuba Trade and Economic Council.

The new Department of Commerce guidelines say, "cruise ships, sailboats, fishing boats and other similar aircraft and vessels generally will be prohibited from going to Cuba."

The Trump administration said the move is a response to Cubas "destabilizing role" in the Western Hemisphere, specifically its support of Venezuelan President Nicola Maduro.

"Now the funds of an unethical tourism will not be filling the coffers of their oppressors," said Rafael Pizano, a Tampa spokesman for Miami-based Cuban Democratic Directorate.

READ MORE: Ads take aim at cruises to Cuba

Carlson of Maritime Travel said the new restrictions will hurt a nascent Cuban private sector dependent on American travelers.

U.S. Rep. Kathy Castor, a Tampa Democrat, said American travel to Cuba is important because U.S. citizens "serve as an integral part of our efforts to promote the spread of democracy and ensure the security of our region."

Anyone who had already booked a now-banned trip is grandfathered in and still can go. What's more, commercial flights to Cuba can continue. But the question is whether airlines will still have enough passengers to make them worthwhile. People-to-people group tours have been the most popular form of U.S. travel to Cuba.

Southwest Airlines has flown daily from Tampa to Havana since December 2016. The airline said it is reviewing the changes.

The Tampa Bay area has the nation's third largest Cuban-American population. Tampa International Airport said 141,826 passengers flew between Tampa and Havana in fiscal 2018, up from 109,317 in 2017.

Americans still can legally visit Cuba through other categories of travel, including professional and university research, athletic competitions, support for the Cuban people and family visits.

The category "support for the Cuban people" might still provide the typical traveler with wiggle room to make the journey, said Collin Lavery, head of Cuba Educational Travel in Washington, D.C.

"It is very broadly defined," Lavery said. "You have to link up with independent Cuban individuals and empower them in some way. One could argue that by going to private businesses and supporting them, that you are supporting the Cuban people as long as you do that for the majority of your time in Cuba."

Carlson with Maritime Travel's echoed those sentiments. "I don't think this is a death sentence," she said, "but it is stricter on what you can and cannot do."

READ MORE: The federal government says this man rightfully owns Havana's cruise port

Lavery said the cruises might argue that their operations are grandfathered in because "they worked with their Cuban partners to arrange the cruise travel and the excursions on the ground" before the Tuesday announcement.

Neither of the cruise lines that sail from Tampa to Havana, Carnival and Royal Caribbean, responded to a request for comment.

"But on its face," Lavery said, "it looks like all boat travel from the U.S. to Cuba, including cruises, is being cancelled."

That likely means the end of the St. Petersburg Yacht Clubs race to Havana, relaunched in 2017 after a 58-year hiatus. The most recent race was held in March. Scheduled for every other year, the next race was to be in 2021 — but a lot can happen between now and then, said George Pennington, regatta general of the yacht club.

Miami Herald

Miami, Florida

4 June 2019

U.S. bans cruises to Cuba in bid to pressure the island's government out of Venezuela

By Nora Gámez Torres and Taylor Dolven

Taking a cruise to Cuba, an unprecedented step allowed by the Obama administration to bring Americans and Cubans closer together, ended abruptly after three years Tuesday, when the Trump administration shut down the trips to continue punishing Cuba for its support of the Venezuelan regime.

Cruise lines, the biggest of them based in Miami, scrambled to deal with the news Tuesday and figure out what it means for their passengers. One thing seemed clear: there will be no more cruises to Cuba after Tuesday if they originate or make a port stop in the U.S.

According to a new Department of Commerce rule, “private and corporate aircraft, cruise ships, sailboats, fishing boats, and other similar aircraft and vessels generally will be prohibited from going to Cuba.”

A Commerce spokesperson confirmed that as of Wednesday, “cruise ships, as well as recreational and pleasure vessels, are prohibited from departing the U.S. on temporary sojourn to Cuba.”

A senior administration official told the Miami Herald that the Cuban government “manipulated” cruise travel. Cruise companies provided “money directly to the Cuban government,” the official said, because companies have to pay docking fees to the government and the Cuban military has control of most port facilities.

The official said more sanctions were in the pipeline to increase the “cost” for the Cuban government of its support to the Maduro regime.

“I will encourage cruise companies to rebook everyone to Puerto Rico,” the official said. “It’s a U.S. territory, they need the support; or go and support one of our democratic allies in the region.” The four largest cruise companies in the world — Carnival Corporation, Royal Caribbean International, Norwegian Cruise Line Holdings, and MSC Cruises — all based in South Florida, have ships scheduled to sail to Cuba this year. The Norwegian Sun, Norwegian Sky, Empress of the Seas, Majesty of the Seas, MSC Armonia, Carnival Sensation and Carnival Paradise are set to dock at ports in Cuba this month, some are currently on voyages that stop there.

Alyssa Goldfarb, a spokesperson for MSC Cruises, said, the company is “currently reviewing and working through the details of the Administration’s Cuba policy announcement made earlier today to assess the scale and timing of its effect on its cruise sailings from the U.S. to Cuba.”

Hugo Cancio, Norwegian’s Cuba operation representative, said the measure was “unfortunate,” adding that the cruise’s travelers usually dine and stay on board overnight, and don’t spend as much as those traveling by plane. “In terms of U.S. policy, the affected are always the Cuban people, not the government,” he added.

The other cruise companies did not immediately respond to requests for comment about the new restrictions.

Patricia Rogers, a spokesperson for smaller cruise line SeaDream, said the company’s interpretation of the new restrictions allows U.S. citizens to sail to Cuba with them if they book by 11:59 p.m. Tuesday because their cruises do not make stops in the U.S., leaving, for example, from ports in the Bahamas. “At this time, our 2020 Cuba Collection remains unaffected,” she said.

The announcement implements some of the new policies announced by National Security Advisor John Bolton in Miami last April. Bolton said the U.S. would limit non-family travel to Cuba and cap remittances to the island.

“The Trump administration deserves tremendous credit for holding accountable the Cuban regime,” said Florida Republican Sen. Marco Rubio, who has been advising the administration on Cuba policy.

“As the Cuban regime continues to export its destructive communist agenda throughout our hemisphere, and to directly empower the narco-terrorist Maduro regime, the United States must use all tools available under U.S. law to counter the Cuban regime’s deceitful activities to undermine U.S. policy,” Rubio said.

“The roots of the decision by the Trump Administration arises from the Obama Administration expanding who can travel to Cuba and how they arrive to Cuba so that the activity was perceived as tourism, which is illegal, “ said John Kavulich, president of the U.S.-Cuba Economic and Trade Council.

The Commerce Department said the new regulations were in line with “the Administration’s national security and foreign policy decision to restrict non-family travel to Cuba to prevent U.S. funds from enriching the Cuban regime, which continues to repress the Cuban people and provides ongoing support to the Maduro regime in Venezuela.”

Only cargo vessels transporting authorized items will be allowed to go to Cuba. Commercial airlines flying to the island won’t be affected by the new ruling.

Additionally, the Treasury Department is eliminating ‘people to people’ educational travel to Cuba, a category created under president Barack Obama to allow Americans to visit the island on organized thematic tours that promoted cultural exchanges between the two countries.

This change also includes a “grandfathering” provision to authorize trips when travelers had already booked a flight or a hotel before June 5.

According to official Cuban figures, more than 600,000 Americans traveled to the island in 2018, mostly on cruises. That figure does not include another half a million Cuban Americans who visited their families on the island last year.

Critics of Obama’s engagement policies with Cuba said cruises to Cuba and ‘people to people’ travel amounted to tourism, which is forbidden by the U.S. embargo. The Trump administration has shown increasing irritation with the alleged presence of Cuban security and intelligence agents in Venezuela. Several U.S. officials have said Cuban support has been critical in maintaining Maduro, whom the U.S. no longer recognizes as the legitimate president, in power.

“The new rules on Cuba are overdue,” said John Suarez, executive director of the Center for a Free Cuba. “Why should the United States allow the flow of tourist dollars to Havana while thousands of Cuban soldiers repress Venezuelans? The ‘people to people’ travel was designed to circumvent the law which bans tourism to the island.”

But organizations that have promoted those exchanges believe the administration policies will further hurt the Cuban people.

“Today’s news is especially damaging for the Cuban people, particularly the burgeoning Cuban private sector, who rely on American travelers to support their businesses and families,” said James Williams, president of Engage Cuba. “The Cuban people should not be used as political pawns. They are human beings. Continuing a 60-year failed embargo policy that punishes the Cuban people for the sins of their government is morally and strategically wrong.”

O Estado de S. Paulo

Sao Paulo, Brazil

4 June 2019

EUA ampliam sanções contra Cuba e encerram viagens em grupo de americanos

Ao anunciar medidas, secretário do Tesouro Steven Mnuchin afirmou que Cuba continua a desestabilizar Hemisfério Ocidental, ao fornecer plataforma comunista na região

Carla Bridi, O Estado de S.Paulo

O governo dos Estados Unidos ampliou nesta terça-feira, 4, as sanções econômicas contra Cuba. A partir desta quarta-feira, 5, o Departamento do Tesouro americano proíbe o turismo de grupos à ilha, realizados por meio de viagens em cruzeiros, iates, aviões particulares e voos fretados.



EUA endureceram sanções contra Cuba e acabaram com as viagens em grupo de turistas americanos Foto: YAMIL LAGE / AFP

A justificativa do secretário do Tesouro, Steven Mnuchin, é de que “Cuba continua a desempenhar um papel desestabilizador na região, fornecendo uma plataforma comunista e apoiando adversários dos EUA em lugares como Venezuela e Nicarágua, fomentando a instabilidade, minando o estado de direito e suprimindo o processo democrático.”

Cuba é acusada pelo governo americano de enviar tropas para a Venezuela para manter o regime do ditador Nicolás Maduro. Havana nega que tenha militares em Caracas.

Apesar do turismo de cidadãos americanos em Cuba ser proibido por lei, caravanas “educacionais e culturais” tinham sinal verde para viajar ao país. Com a nova sanção, somente voos executivos entre os dois países serão permitidos, mantendo as chamadas “viagens familiares”. Washington justifica a decisão afirmando que cidadãos cubano-americanos utilizam a rota para visitar parentes na ilha.

Ruptura. Desde 1962, os EUA aplicam um bloqueio econômico contra Cuba com o objetivo de forçar uma mudança de regime. Com a chegada de Donald Trump ao poder, a Casa Branca tem reforçado medidas repressivas contra a ilha, revertendo a aproximação promovida pelo governo anterior de Barack Obama.

A abertura comercial entre os dois países durante a presidência de Obama, que reativou rotas aéreas e navais, beneficiou diretamente o turismo cubano. Entre abril de 2018 e abril deste ano, houve aumento de 93,5% de visitantes em Cuba. Destes, 55% chegaram à ilha em cruzeiros. Os canadenses são os que mais visitam Cuba. Os americanos vêm em seguida.

“Ir atrás da indústria de cruzeiros atrapalha mais do que qualquer coisa os cubanos que estavam se beneficiando de pequenos comércios nas áreas turísticas dos portos”, afirmou ao Estado Fernando Cutz, brasileiro que foi membro do Conselho de Segurança Nacional dos EUA.

De acordo com Cutz, os trabalhadores autônomos da ilha, chamados de “cuentapropistas”, em certo momento foram prioridade da política externa americana. “Tentamos maximizar a quantidade de dinheiro que vai para o povo de Cuba, evitando ajudar o governo em si”, relata Cutz.

Para John Kavulich, presidente do Conselho Econômico e Comercial EUA-Cuba, a medida “foca em dinheiro e comércio”. “É uma estratégia a curto prazo para mudar a forma de governo em Cuba”. Com a economia em crise desde o colapso do regime chavista, o turismo ainda é a segunda maior fonte de renda do país – atrás apenas das receitas com petróleo e gás. / COM EFE e AFP

Thomson Reuters
London, United Kingdom
31 May 2019

Cruise line Carnival seeks dismissal of U.S. lawsuits over Cuba docks

By Sarah Marsh, Nelson Acosta

HAVANA (Reuters) - Cruise line Carnival Corp is asking a U.S. court to dismiss lawsuits that claim the company profited from confiscated Cuban property, the first such cases brought since the Trump administration made them possible this month.

FILE PHOTO: People look at the arrival of U.S. Carnival cruise ship Adonia at the Havana bay, the first cruise liner to sail between the United States and Cuba since Cubas 1959 revolution, Cuba, May 2, 2016. REUTERS/Alexandre Meneghini

Two U.S. citizens who claim to hold titles to the Havana and Santiago de Cuba ports that were nationalized by Cuba after Fidel Castro's 1959 leftist revolution filed suits against Carnival in U.S. District Court in Florida in early May for docking there.

That came after the Trump administration announced a long dormant and controversial section of the 1996 Helms-Burton Act would take effect on May 2, allowing U.S. citizens to sue Cuban entities and foreign firms over confiscated Cuban property. The law is part of a broader attempt by the United States to pressure Cuba over its support for Venezuela's embattled government by taking aim at Havana's beleaguered economy.

Cuba sought to reassure foreign investors at an event in Havana on Friday, saying only four lawsuits had been filed so far, despite the United States saying there could be hundreds of thousands. The European Union and Canada have said they will use blocking legislation to protect their companies.

"Helms-Burton has no application here," according to a filing in the case by Carnival on Thursday. "First, by its own terms, trafficking under Helms-Burton does not include uses of property 'incident to lawful travel to Cuba'."

These cases could set a precedent, especially in the travel industry. Some lawyers like Carnival's say the travel exemption should shield U.S. cruise lines and airlines doing business with Cuba under licenses granted by former President Barack Obama during the two countries' brief 2014-2016 detente.

But U.S. courts could determine the travel they facilitate is tourism and violates the decades-old U.S. trade embargo on Cuba.

"The fulcrum for determining the outcome of all travel-related lawsuits will be whether there has been tourism," said John Kavulich, president of the U.S.-Cuba Trade and Economic Council Inc.

Carnival also disputed the ownership of the two U.S. citizens who are descendants of original owners. Their lawyers did not immediately reply to requests for comment.

Increased U.S. hostility, more than Helms-Burton, is affecting foreign companies operating in Cuba, said Xulio Fontecha, head of the Association of Spanish Businesses in Cuba (AEEC), at the event in Havana.

Banks in Panama and Costa Rica had closed the accounts of some customers in recent months and courier services were declining to send documents to Cuba, he said. "The problem goes far beyond Title III, which we condemn of course," he said, referring to the section of the Helms-Burton Act that permits the lawsuits. Some Spanish companies also received a letter from a group in Florida warning them of potentially being complicit in violations of human and labor rights, he said.

The ambassador of the European Union, Alberto Navarro, said the bloc would continue to seek to expand business with Cuba, defying the U.S. hostility. He encouraged Cuban reforms to make the

island more attractive to foreign investors and offset disincentives created by the Trump administration policy.

Seatrade Cruise News

Colchester, United Kingdom

19 May 2019

Cuba tallied 2018 cruise arrivals at about 800,000



Carnival is among the many cruise lines sailing to Cuba, which numbered 17 in 2018, according to MINTUR PHOTO: Carnival Cruise Line

Of the 4.75m international visitors to Cuba in 2018, approximately 800,000 arrived on ships belonging to 17 cruise lines, according to Cubas Ministry of Tourism (MINTUR), as reported by John Kavulich, president of the New York-based US-Cuba Trade and Economic Council.

Up from 619,000 in 2017

That was up from 2017s 619,000 cruise travelers, of a total 4.5m visitor arrivals recorded by MINTUR, Kavulich said. MINTURs cruise count for 2016 was 541,000. Kavulich noted these numbers compare to media reporting of 500,000 cruise travelers to Cuba in 2018 and 397,520 in 2017.

CBC

Toronto, Canada

15 May 2019

Freeland to visit Havana as tensions rise over Venezuela, Trumps anti -Cuba talk

John Paul Tasker · CBC News



Minister of Foreign Affairs Chrystia Freeland delivers brief remarks at the opening session of the 10th ministerial meeting of the Lima Group in Ottawa. Freeland will travel to Havana to meet with Cuban leaders to discuss the deteriorating situation in Venezuela and U.S. trade action against Cuba. (Sean Kilpatrick/Canadian Press)

Foreign Affairs Minister Chrystia Freeland will travel to Cuba today to meet with Communist leaders in Havana as the situation in Venezuela worsens and U.S. President Donald Trump adopts a far more aggressive posture toward the Caribbean island nation.

In a press release sent to the parliamentary press gallery, Freelands office said she will meet with her Cuban counterpart, Foreign Affairs Minister Bruno Eduardo Rodríguez Parrilla, to discuss Venezuela and the increasingly fraught U.S.-Cuba relationship.

President Trump has taken a markedly different stance on Cuba than his immediate predecessor, Barack Obama, who sought to improve relations with the country after decades of Cold War-era tensions.

Instead, Trump has enforced a long-dormant part of the U.S. trade embargo against that country, known as Title III of the Helms-Burton Act, which could seriously threaten foreign investment by Canadian and European companies in Cuba.

The action is designed to punish Cuba for its support for Venezuelan President Nicolas Maduro, called a "Cuban puppet" by Trump in February.

By enforcing Title III of the embargo, Cuban Americans and other U.S. citizens will be able to file lawsuits in U.S. federal court against businesses that operate on property the Cuban government appropriated after the 1959 revolution. Title III has never been fully enforced since the law was passed in 1996.

"Any person or company doing business in Cuba should heed this announcement," U.S. Secretary of State Mike Pompeo said in announcing the policy shift earlier this month.

"Implementing Title III in full means a chance at justice for Cuban Americans who have long sought relief from Fidel Castro and his lackeys seizing property without compensation."

This move could spell trouble for major Canadian companies that operate in Cuba, including the Montreal-based National Bank of Canada, which operates a branch in Havana focused on trade financing, and Toronto-based resource company Sherritt International.

Sherritt is thought to be particularly vulnerable to these U.S. changes since it is one of the largest foreign investors in Cuba through its ownership stake in nickel and cobalt mines, a power plant and oil and gas operations in that country.

The company's executives are already banned from travelling to the U.S., or doing any sort of business there, under existing provisions of the Helms-Burton Act, which is also known as the Cuba Liberty and Democratic Solidarity (LIBERTAD) Act.



Cuba's former President Raul Castro, center, listens to a translator as Ian Delaney, president of Canadian Sherritt International Corp., right, looks on during a visit to a gas processing plant in Boca de Jaruco, Cuba, Wednesday, June 6, 2007. Sherritt International has investments in power and metals mining projects in Cuba. Delaney has since retired from his position with the company. (Adalberto Roque/AP Photo)

Canada's airlines, which ferry tens of thousands of Canadians to Cuban resorts each year, also could face legal challenges, according to the U.S.-Cuba Trade and Economic Council Inc., a group that tracks investments in Cuba.

The U.S. law is designed to have a chilling effect on investment and business activities in Cuba in the hopes that such economic pressure will lead to regime change and a democratically elected government in Cuba. "It is of critical importance that our two countries meet to discuss the economic, political and humanitarian crisis in Venezuela and the work we can undertake together to address it," Freeland said in a statement.

"I also look forward to discussing how we can work together to defend Canadians conducting legitimate trade and investment in Cuba in light of the United States ending the suspension of Title III of the Helms-Burton Act."

Canada is part of the Lima Group of countries that opposes Maduro's presidency and has recognized opposition leader Juan Guaidó as the country's legitimate leader.

Houston Chronicle

Houston, Texas

3 May 2019

Exxon sues over Cuban assets seized by Castro in 1960s

James Osborne



Cars stand and refuel in Havana Cuba. Exxon Mobil has sued Cuba to gain compensation for the expropriation of a refinery and other assets after Fidel Castro took power some 60 years ago. Photo: Jens Kalaene, CTR / Jens Kalaene/picture-alliance/dpa/AP Images

WASHINGTON - Six decades ago, the Cuban revolutionary Fidel Castro ordered federal inspectors to raid Standard Oil offices there, seizing maps and geological records in what was to become the first step in an expropriation that would go on to include a refinery, ports and more than 100 gas stations.

Now Exxon Mobil, Standard's successor, is suing Cuba's national oil company and a state-owned industrial conglomerate for approximately \$280 million, filing a lawsuit in federal court in Washington Thursday seeking compensation for the value of the assets plus almost six decades of interest.

The legal action followed an announcement by the White House last month that President Donald Trump would allow companies and individuals to go ahead and sue in U.S. federal court for assets seized during the Cuban Revolution, breaking with more than two decades of diplomatic norms.

Exxon, the first publicly traded company to file a claim, declined to comment on the reason for the litigation Friday. But in the lawsuit, Exxon claimed the assets seized six decades ago, "are still in use today even though [Exxon] has never received any compensation for this property." The Cuban embassy did not respond to a request for comment.

Ranging from hotels to ports to communications systems, the assets seized by Cuban forces beginning in the late 1950s have been valued at approximately \$8 billion by the Justice Department's Foreign Claims Settlement Commission. Congress passed a law allowing companies to sue for compensation in 1996, but European nations, concerned about how such a law might affect their trade relations with the Caribbean nation, threatened to file a claim against the United States at the World Trade Organization if the lawsuits went ahead.

The Maduro factor

Former presidents Bill Clinton, George W. Bush and Barack Obama all chose to suspend the provision of the law that allows companies to sue. But unhappy with Cuba's decision to support Venezuelan President Nicolas Maduro amid growing international outrage over the regime's human rights in Venezuela, Trump has decided to allow the litigation to move ahead.

"Havana continues to prop up Maduro and help him sustain the brutal suffering of the Venezuelan people," National Security Advisor John Bolton said in a speech in Miami in April. "As President Trump has said, Maduro is quite simply a 'Cuban puppet.'"

Under Trump's order, companies were allowed to begin filing suit for Cuban claims as of midnight Thursday. So far, Exxon is the only publicly-traded company to do so, said John Kavulich, president of the U.S.-Cuba Trade and Economic Council, a business organization advocating for greater trade between the two nations.

“Exxon has said nothing. This is hugely surprising,” he said. “Exxon Mobil is going to be the accelerator for others to decide to sue. It gives a lot of companies political cover and commercial justification to move ahead on their claims.”

Other companies with claims against Cuba include the hotel group Marriot International, retail giant Office Depot and oil major Chevron, which has a claim on a refinery seized by Cuba valued at \$56.2 million. But it’s unclear whether they and other companies will follow Exxon Mobil.

Cuban companies do not recognize the jurisdiction of U.S. courts, making it difficult to recoup any damages assessed against them by U.S. courts, said Philip Brenner, a professor studying U.S.-Cuba relations at American University in Washington. He added that many U.S. companies have deals in place or plans to develop business in Cuba in the future and might be reluctant to anger politicians there through litigation.

Political decision

“The reality is Exxon Mobil has written this off long ago, as have other large companies,” Brenner said. “It looks wholly like a political decision to support the Trump administration.”

So far, only two other lawsuits have been filed seeking compensation for assets seized by Cuba, both by individuals against the Miami-based cruise line Carnival, Kavulich said. They claimed Carnival operates on docks and other port facilities seized from their family by the Cuban government.

Miami Herald

Miami, Florida

3 May 2019

Exxon-Mobil sues Cuba’s oil companies for their use of properties seized under Castro

By Nora Gámez Torres

The Miami-based cruising conglomerate was sued in federal court by Mickael Behn and Javier Garcia-Bengochea, both of whom hold claims certified by the federal government for assets confiscated shortly after the Cuban Revolution. By Pedro Portal

In an expanding legal battle, Exxon-Mobil has filed suit in U.S. federal court against Cuba’s CIMEX and CUPET companies for their use of an oil refinery and other properties seized by the Fidel Castro government six decades ago.

Exxon-Mobil is the first U.S. company to file suit after President Donald Trump allowed Title III of the Helms-Burton Act to take effect, opening the way for demands against Cuban and foreign companies that benefit from properties seized by the communist government.

Title III had been suspended every six months by every U.S. president since the law was approved in 1996.

The Exxon-Mobil lawsuit, filed in federal court in Washington Thursday, followed two other complaints filed in U.S. court in Miami against Carnival Corp. for the use of port facilities in Havana and Santiago de Cuba, by descendants of the families that owned the docks and warehouses.

“This filing is immensely significant. The largest energy company in the United States, the fifth-largest energy company in the world (is) using Title III ... to sue a company owned by the

government of Cuba,” said John Kavulich, president of the U.S-Cuba Trade and Economic Council.

“This provides comfort for other large claimants to sue, will increase fear by companies in other countries from engagement with Cuba due to the reach of Exxon-Mobil and is consistent with Exxon-Mobil efforts to recover assets in Venezuela and defend themselves in other countries,” he added.

Exxon has filed suit against the Venezuelan government’s PDVSA oil company for the nationalization of properties during the government of the late President Hugo Chavez.

Exxon-Mobil, a successor company to Standard Oil, argued in its lawsuit that CIMEX and CUPET (Cuba Petroleo) have long exploited a refinery in Havana, formerly called the Belot and now the Nico López refinery, as well as gasoline stations and other installations that were worth \$72 million when they were seized by the Castro regime without compensation in 1960

The Helms-Burton law allows companies to demand three times the original value of the seized properties, plus six percent per year and court costs.

The U.S. Department of Justice has certified nearly 6,000 claims by U.S. citizens and companies for properties expropriated after Castro seized power in 1959. Now Cubans who became U.S. citizens after their properties were seized will also be able to file lawsuits under Title III.

Cuban Foreign Minister Bruno Rodríguez said Thursday his government will protect the companies facing lawsuits under Title III, but offered no details.

“The Helms-Burton law is illegal, violates international law, cannot be applied and has no legal weight or impact,” he declared on Twitter. “Cuba will protect the Cuban and foreign entities operating in the country, and considers all demands based on that judicial monstrosity to be null.”

Kavulich warned of rough waters ahead for Havana.

“Regardless of the position of the government of Cuba, if enough certified claimants use Title III, there will be immense pressure upon Cuba by members of the EU, Canada, Japan, Russia and China to negotiate a settlement with the 5,913 certified claimants,” he said.

Founded by the Cuban Ministry of the Interior, CIMEX is on the list of restricted Cuban entities maintained by the U.S. Department of State. It is now part of GAESA, a conglomerate controlled by the Cuban military, and administers shops, restaurants and real estate agencies. With CUPET, it operates hundreds of gas stations on the island.

One CIMEX branch, Fincimex, has a contract with Western Union to deliver remittances to island residents, one of the principal sources of hard currencies for the country.

CUPET also co-managed a gasoline refinery in Cienfuegos with Venezuela’s PDVSA until 2017, when CUPET took over sole management of the facility.

In the past, a number of people have won lawsuits in U.S. courts against Cuba, but have been largely unable to collect on the damages awarded because the Cuban government no longer has properties or accounts in the United States that can be seized.

But that apparently did not dissuade Exxon-Mobil, which has a powerful legal team, from filing its lawsuit.

Kavulich said the oil giant could try to seize some part of the fees that Western Union or other clients pay to CIMEX for the remittances. Western Union itself has a certified claim against Cuba for more than \$1 million.

Exxon-Mobil has “the commercial, economic and political reach to locate assets and litigate for assets,” Kavulich said. “And, the Trump Administration will certainly assist in whatever way is viable.”

El Nuevo Herald

Miami, Florida

3 May 2019

Petrolera Exxon Mobil demanda a compañías cubanas bajo la ley Helms-Burton

por Nora Gámez Torres

Seis décadas después de que Fidel Castro confiscara miles de propiedades a cubanos y estadounidenses sin ofrecer compensación, dos estadounidenses presentaron demandas este jueves en la corte de Miami contra la compañía de cruceros Carnival. por Pedro Portal

Seis décadas después de que Fidel Castro confiscara miles de propiedades a cubanos y estadounidenses sin ofrecer compensación, dos estadounidenses presentaron demandas este jueves en la corte de Miami contra la compañía de cruceros Carnival. por Pedro Portal

En lo que parece ser una creciente batalla legal, la corporación estadounidense Exxon Mobil ha presentado una demanda contra las compañías cubanas CIMEX y CUPET por el uso de una refinería y otras instalaciones expropiadas hace seis décadas por el gobierno de Fidel Castro.

Exxon es la primera compañía estadounidense en presentar una demanda contra compañías del gobierno cubano, tras la entrada en vigor del derecho a presentar demandas judiciales —amparadas en el Título III de la Ley Helms-Burton o ley Libertad—, contra compañías cubanas y extranjeras que se han beneficiado del uso de bienes y propiedades que fueron nacionalizadas o confiscadas por el gobierno comunista. El presidente Donald Trump decidió por primera vez no suspender el controversial artículo, como había sucedido hasta ahora desde que la ley fue aprobada en 1996.

La demanda de Exxon, presentada en una corte federal del Distrito de Columbia el jueves, se suma a otras dos presentadas en Miami contra la compañía de cruceros Carnival, por el uso de los puertos de Santiago de Cuba y La Habana sin haber ofrecido compensación a quienes el gobierno de Estados Unidos reconoce como sus legítimos dueños.

“Esta demanda es inmensamente significativa”, opinó John Kavulich, presidente del U.S-Cuba Trade and Economic Council y quien ha seguido de cerca el tema de las reclamaciones. “La compañía de energía más grande de los Estados Unidos, la quinta empresa de energía más grande del mundo utiliza el Título III de la Ley de Libertad para demandar a una compañía propiedad del gobierno de Cuba”.

Kavulich cree que la acción de Exxon estimulará a otras compañías a presentar sus reclamaciones y sobre todo, aumentará el temor de las compañías extranjeras de hacer negocios en Cuba. Más sorprendente que las esperadas demandas contra las compañías de crucero, la acción, agregó el experto, “es consistente con los esfuerzos de la compañía para recuperar activos en Venezuela y defenderse en otros países”—Exxon demandó a PDVSA por activos nacionalizados por el gobierno del fallecido Hugo Chávez en Venezuela.

Exxon Mobile Corporation (anteriormente conocida como Standard Oil) argumenta en la demanda que la Corporación CIMEX S.A. y la Unión Cuba Petróleo (CUPET) han explotado durante años una refinería en el puerto de La Habana (la actual Nico López), instalaciones y gasolineras que pertenecían a subsidiarias de la compañía estadounidense con un valor original de casi \$72 millones. Según la demanda, la refinería conocida anteriormente como Belot fue nacionalizada en 1960 y la compañía no recibió compensación.

La ley Helms-Burton permite a las compañías demandar por daños equivalentes al triple del valor original, más un seis por ciento de interés anual, así como recobrar los gastos del litigio.

El Departamento de Justicia certificó casi 6,000 reclamaciones de ciudadanos y compañías estadounidenses cuyos bienes fueron expropiados a partir de la llegada al poder de Castro en enero de 1959. A eso se suman las posibles demandas que pudieran presentar los cubanoamericanos que luego obtuvieron la ciudadanía en Estados Unidos, según lo reconoce la ley Helms-Burton.

El canciller cubano, Bruno Rodríguez, declaró el jueves que su gobierno protegería a las compañías que fueran demandadas aunque no explicó cómo.

“La Ley Helms-Burton es ilícita, violatoria del Derecho Internacional, inaplicable y sin valor ni efecto jurídico”, dijo en Twitter. “Cuba protegerá a las entidades cubanas y extranjeras que operan en el país y considera nula toda reclamación amparada en este engendro jurídico”.

Pero, “independientemente de la posición del gobierno de Cuba, si suficientes reclamantes certificados usan el Título III, los miembros de la Unión Europea, Canadá, Japón, Rusia y China ejercerán una inmensa presión sobre Cuba para negociar un acuerdo con los 5,913 reclamantes certificados”, opinó Kavulich.

Fundada originalmente por el Ministerio del Interior cubano, CIMEX se encuentra en la lista de entidades cubanas restringidas mantenida por el Departamento de Estado. CIMEX forma parte de GAESA, el mayor conglomerado militar de empresas de Cuba, y realiza operaciones financieras y de comercio exterior, gestiona tiendas, restaurantes e inmobiliarias y opera junto a CUPET cientos de gasolineras en el país.

Una de sus empresas de CIMEX, Fincimex, tiene un contrato con Western Union para gestionar el pago de las remesas en Cuba, una de las principales fuentes de divisas del país.

Por su parte, CUPET operó por algunos años en conjunto con PDVSA la refinería de Cienfuegos hasta que retomó todo el control en el 2017.

En el pasado, quienes han ganado demandas contra el gobierno cubano, no han podido cobrar la reparación acordada por la corte porque el gobierno cubano no posee ya propiedades o cuentas en Estados Unidos. Pero esto no parece haber sido suficiente para detener a Exxon, que cuenta con un poderoso equipo legal.

Como CIMEX gestiona los pagos de las remesas, Exxon Mobil podría solicitar una parte de las tarifas que Western Union o los clientes pagan a CIMEX, si ganan el caso, señaló Kavulich. Western Union también tiene reclamaciones certificadas por pérdidas en Cuba que superan el millón de dólares.

El gigante petrolero estadounidense “tiene el alcance comercial, económico y político para ubicar activos y litigar por activos”, dijo el experto. “Y, la Administración Trump sin duda ayudará de cualquier manera que sea viable”.

Thomson Reuters

London, United Kingdom

2 May 2019

Exxon Mobil sues Cuba over property expropriated in 1960

By Marc Frank

HAVANA (Reuters) - Exxon Mobil Corp on Friday sued Cuban state-owned Cuba-Petroleo and the CIMEX corporation in U.S. federal court over a refinery, gasoline stations and other assets seized in 1960 after Fidel Castro's revolution.



FILE PHOTO: An Exxon gas station is seen in Houston, Texas, U.S., April 30, 2019. REUTERS/Loren Elliott

The largest U.S. oil producer is the first corporation to sue Cuba since the Trump administration allowed a long dormant section of the 1996 Cuban Liberty and Democratic Solidarity Act, known as the Helms-Burton Act after its sponsors, to take effect on May 2.

The Trump administration has been ratcheting up pressure on Venezuela and Cuba. Previous presidents had waived Title III of the Act, under which anyone whose property was nationalized after the 1959 Cuban Revolution can sue any individual or company profiting from their former holdings.

On Thursday two Cuban-Americans sued Carnival Corporation for using Cuban ports nationalized from the family members who owned them.

Exxon Mobil accuses the Cuban defendants of “unlawful trafficking in Plaintiff’s confiscated property in violation of Title III of the ... Cuban Liberty and Democratic Solidarity Act of 1996,” according to the complaint filed in the U.S. District Court for the District of Columbia.

The Standard Oil refinery at Havana Bay, now operated by CUPET, was the first U.S. property taken over by Castro and his bearded revolutionaries after the company refused to process oil from the Soviet Union as tensions mounted with the United States.

CIMEX operates gasoline stations in Cuba with CUPET.

Standard Oil was broken up into several companies, one of which was Exxon, which merged with Mobil in a 1998 deal.

In the 1960s the United States certified 5,913 claims against Cuba valued at \$1,9 billion of which Standard Oil and Mobil each have a claim valued at a combined \$245 million according to the U.S.-Cuba Trade and Economic Council, a New York - based organization whose expertise includes U.S. claims.

“This filing is significant. This is the fifth-largest company in the world using Title III of the Libertad Act to sue a company owned by the government of Cuba,” said John Kavulich, president of the council.

“This provides comfort for other large claimants to sue, will increase fear by companies in other countries from engagement with Cuba due to the reach of Exxon Mobil and is consistent with Exxon Mobil efforts to recover assets in Venezuela and defend themselves in other countries,” he said.

Under a Cuban law passed in 1996 in response to the Helms-Burton Act, certified claimants who take advantage of the Act will be disqualified from future settlements. CUPET and CIMEX were not immediately available for comment. An Exxon Mobil spokesman said the company does not comment on pending litigation.

Cuba charges Title III violates international law because its nationalization of property was legal and also because Cuban-Americans were not U.S. citizens when their properties were taken.

All other nations settled their citizens’ property claims decades ago. Certified U.S. claims by American citizens at the time of expropriation were never settled. Canada, the European Union and other countries charge the United States has no jurisdiction over their citizens’ activity in Cuba and they will take the issue to the World Trade Organization, among other actions.

International opposition, and the fear that thousands of suits brought by Cuban-Americans would clog U.S. courts, led previous U.S. presidents to waive implementation of Title III.

Title I and II of the Helm-Burton Act codify all previous sanctions into law and set conditions for the U.S. Congress to lift them. Title IV bans executives and their families from the United States if they profit from expropriated properties.

The New York Times

New York, New York

2 May 2019

**In Cuba, Carnival Cruise Ships Have Been Using Stolen Ports, Original Owners Say
Revolutionaries confiscated the Havana Docks Company in 1960.**



Revolutionaries confiscated the Havana Docks Company in 1960. Credit: Havana Docks Company

By Frances Robles

Mickael Behn grew up attending shareholder meetings of a port company that no longer existed, except on paper.

The Havana Docks Company used to run maritime operations in the busy harbor of Cuba’s capital, until they were confiscated at gunpoint by revolutionaries in 1960. The company’s officers, in the quixotic hope of one day getting their port business back, went on keeping the books, paying taxes and meeting annually in exile.

Now Mr. Behn, who succeeded his grandfather as president of Havana Docks, is trying to make that patience finally pay off. Taking advantage of a recent policy change by the Trump

administration, he is suing the company that currently uses his family's lost property: Carnival Cruise Lines.

His action was one of at least two suits seeking compensation for "trafficked" properties that were filed on Thursday against Carnival in United States District Court in Miami. Experts say the suits could signal legal trouble for many companies around the world that do business in Cuba using assets confiscated after the revolution.

Not since Fidel Castro first rode into Havana on an open-topped Jeep have Americans been able to demand compensation in an American court from the current users of assets seized by his government. The administration said last month that it would begin allowing such suits, one of a series of measures to toughen Washington's stance against Cuba.

"The cruise lines just completely ignored us, and are using our port without any care that it was stolen from us," said Mr. Behn, a 43-year-old television production editor who shuttles between Miami and London. "They are profiting from people who lost their businesses," he said.

The Carnival Corporation's website advertises five-day cruises to Cuba from Miami and Fort Lauderdale for as little as \$299. The cruises began in 2016, after the Obama administration loosened restrictions on travel and trade with the island nation.

A company spokesman, Roger Frizzell, declined to comment on the lawsuits except to say, "We continue to operate our normal cruise schedule to Cuba."

Nearly 900,000 people cruised to Cuba last year aboard ships operated by 17 different companies, according to the Cuban government, and Carnival has announced plans to add more routes to the island from Florida, Virginia and New York.

For years, the legal quest to be compensated for confiscated properties in Cuba was futile.

After Cuban fighter jets shot down small private planes operated by a Miami volunteer group, Brothers to the Rescue, that sought to assist refugees fleeing the island and sometimes dropped leaflets from the air, Congress passed the Cuban Liberty and Democratic Solidarity Act in 1996. The legislation, more commonly known as the Helms-Burton law, tightened the American trade embargo and included a section known as Title III that authorized compensation claims against foreign companies over their use of seized assets.

However, the law allowed the president to temporarily waive Title III, and all four presidents since then have done so, until the Trump administration decided last month to finally let Title III take effect.



Capt. William Behn, once president of Havana Docks, and two Cuban revolutionary men on Nov. 21, 1960. Credit: Havana Docks Company

Lawyers who specialize in the issue say that the law and the new policy are ambiguous enough that the lawsuits will probably be vigorously contested in court.

"This is a very technical piece of legislation, which has never been litigated," said Pedro A. Freyre, a Miami lawyer who represents companies doing business in Cuba. "It was enacted at a time when interaction between Cuba and the U.S. was very different than at present. There are a number of defenses and ambiguities which will undoubtedly be brought up."

John S. Kavulich, head of the U.S.-Cuba Trade and Economic Council, said the key to the lawsuits will be proving that the Obama administration broke the law when it expanded the ways Americans would be allowed to travel to Cuba. He said a court could decide that sailing aboard a luxury cruise liner does not qualify for any of the categories permitted under the law, like educational travel.

“If it’s tourism, it wasn’t legal,” Mr. Kavulich said. “If it was legal, then the cruise companies are off the hook.”

Both of the lawsuits against Carnival were filed by Roberto Martínez, a former United States Attorney in Miami who has won enormous verdicts against the Cuban government in a variety of cases, including a \$188 million wrongful death suit over the four people who were killed when the Brothers to the Rescue planes were downed. Frozen Cuban assets in the United States were used to pay some of those awards.

Mr. Martínez said his clients had been preparing for years and were more than ready to file suit on the first day they could.

“Their family businesses were destroyed, stolen by the Castro government, and these American companies were put on notice for many years that they were using properties that were stolen, and they did nothing about it,” he said. “They miscalculated the decision that it was worth doing business and ignoring the pleas not to use stolen properties, and now they are basically going to court and having to deal with the consequences of that risk.”

He said the law stipulates that former property owners can seek triple the value of the property as compensation, and the property can be valued several different ways. The Havana Dock Co. has a claim certified by a United States commission saying that its property was worth \$9.1 million in 1960; under the law, it could be awarded three times that amount, plus interest, or three times the current fair market value.

The other plaintiff is Javier Garcia-Bengochea, a neurosurgeon in Jacksonville, Fla., whose family owned port facilities in Santiago de Cuba, in the eastern part of the island.

Dr. Garcia-Bengochea has spent years writing to Carnival, sending letters to the editors of newspapers and going public in any way he could about his family’s claim, which he said was more about principle than money.

He was 15 months old when his family fled the island, he said, and has seen the confiscated property just once, when he traveled to Cuba in the late 1990s.

“You grow up raised under a certain shadow or cloud of the culture and a country that you left,” Dr. Garcia-Bengochea said. “The enduring symbol of that, the physical symbol of that, is the property you lost.”

Bloomberg
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2 May 2019

As Trump Allows Cuba Lawsuits, Young Lawyer Sees Vindication

By Jonathan Levin

Companies prepare to defend operations on the communist island

Families want justice. Critics fear collateral damage to U.S.



A car sits parked below a painting of Che Guevara in Havana.
Photographer: Ty Wright/Bloomberg

Javier Lopez has spent hundreds of hours interviewing Cuban exiles and meticulously building cases for families who lost property after the 1959 revolution. He's pored over obscure legal papers, Spanish-language newspaper articles and, in one case, a century-old parchment deed. Then, he stashed the suits in his computer: No court would hear them, and he couldn't bill a cent. On Thursday, the cases can come out again.



Javier Lopez
Source: Javier Lopez

For the first time, the Trump administration will allow lawsuits in U.S. courts against firms operating on seized Cuban property, including multinational corporations based in Canada and Europe, which accounts for the island's biggest source of foreign investment. In many cases, the companies entered the market decades after the land was expropriated, but they could be held accountable all the same.

Some Cuba watchers are projecting a flurry of legal activity, while foreign governments and corporations are preparing to defend billions in assets. The European Union and Canadian governments have jointly warned that suits could prompt them to complain to the World Trade Organisation. Among potential lawsuit targets are Swiss food company Nestle SA; Canadian miner Sherritt International Corp.; and Spanish hoteliers NH Hotel Group SA and Melia Hotels International SA, according to a list from the U.S.-Cuba Trade and Economic Council.

Lopez, 39, has been waiting for this day for the better part of the past decade.

"Vindicated is certainly one of the things that I feel," he said from his Coral Gables, Florida, office, decorated with paintings depicting the Cuban diaspora experience, his collection of busts of the Cuban poet Jose Marti, and his cigar humidor. (He prefers Romeo y Julieta, a brand nationalized by Cuba but later replicated in exile.)

"It's just intensely personal, having come from a Cuban family, political prisoners," said Lopez, whose great uncle Mario Chanes de Armas was held about three decades in one of Castro's prisons.

Unused Weapon

Indeed, thousands of families have stories of assets lost when they fled under Castro's threats. The ability to sue might provide them a semblance of long-awaited justice. But there could be collateral damage to key U.S. relationships: The Helms-Burton Act of 1996 created the legal recourse. Yet until Trump, every president has delayed implementation of the lawsuit provision, due in large part to concerns that the cases would bedevil global corporations and leave the U.S. at odds with allies.



People and vehicles cross a street in Havana.
Photographer: Eliana Aponte/Bloomberg

The current administration appears to have decided it's worth the risk. As some progressive Democrats embrace the term socialism, Trump has sought to make an example of Cuba during speeches in Florida, America's biggest swing state and the seat of the island nation's exile community.

The administration is blaming Cuba for backing Venezuela's autocratic President Nicolas Maduro and thwarting opposition leader Juan Guaido's efforts to unseat him. Trump suggests Cuba props up Maduro amid food and medicine shortages, rigged elections and growing discontent in the streets. He tweeted Tuesday that he may implement a "full and complete" embargo on Cuba, beyond what's already in place, in retaliation for its military presence in Venezuela.

"Our view, which differs from that of some of our partners, is that a policy of engagement with this regime has failed miserably," the State Department said in an emailed response Thursday to questions about the lawsuits' impact on foreign relations.

Cuba's government didn't respond to a request for comment. But this month, Josefina Vidal -- Cuba's ambassador to Canada and the negotiator who normalized relations with the U.S. during the Obama years -- said America had exaggerated Cuban influence in Venezuela. She also said the Trump approach wouldn't do anything to remove the regime in Havana.

Expired Time

For years, there was an effort to settle many of the claims, and such a negotiated deal was seen as a necessary precursor to further rapprochement -- including an eventual lifting of the U.S. embargo.

The Obama administration dallied because it failed to anticipate Trump's defeat of Democrat Hillary Clinton, said John Kavulich, president of the New York-based Trade and Economic Council, which acts as a liaison for companies interested in doing business on the island. The group officially takes no political positions, but its web site displayed a countdown clock to the opening of the lawsuit window.

Kavulich said he was surprised that Trump, who trumpets his deal-making prowess, hadn't attempted a compromise.

"That one's a pretty easy one," he said. "It's a real-estate settlement. This has now left the political process and moved into the judicial process."

Lost Land

For Lopez, one of the first filings will be for the woman who appeared at his office not long ago and matter-of-factly produced from a plastic supermarket bag the 1903 parchment deed to a massive sugar plantation.



The 1903 parchment deed
Source: Javier Lopez via Bloomberg

But he acknowledges that many challenges lie ahead, including actually collecting any awards. He also questioned whether inherited property claims will be permitted to proceed.

“What happens if you inherit the claim when your father passes away and leaves you this deed, this proof of ownership, but he died in 2010?” Lopez said. “The purpose of the Helms-Burton Act is to help get a remedy for the people that had their property stolen. If you go by a strict interpretation, thousands and thousands of people will be out of luck because their parents died.”

Under Trump, U.S. policy toward Cuba is undergoing a remarkable reversal. In 2015, America reopened its Havana embassy after decades of post-revolutionary diplomatic silence. The next year, Barack Obama became the first president to visit the city since Castro took power, promoting warming relations and heralding a potential rollback of the decades-old embargo.

U.S. economic policy had failed to achieve the goal of forcing Castro and his brother, Raul, from power, but many Cuban-Americans blasted the new approach as too soft on a brutal, anti-democratic regime.

Lopez said he hopes Trump keeps ratcheting up the pressure. “These are foreign companies that are going to be held accountable, but the Cuban government still hasn’t,” he said. “That shoe hasn’t dropped yet, and that shoe needs to drop.”

The Gleaner

Kingston, Jamaica

28 April 2019

David Jessop | The troubling consequences of Washington’s new Cuba policy



AP. In this May 2, 2016 file photo, Yaney Cajigal, left, holds out an American flag, and Dalwin Valdes holds a Cuban National flag, as they watch the arrival of Carnivals Adonia cruise ship from Miami, in Havana, Cuba. Relations between Cuba and the US have deteriorated under the Trump administration.

COLUMN: FOREIGN POLICY

Just before Easter, the Trump administration announced multiple new sanctions on Cuba.

In doing so, senior United States officials made clear that Washington was not just trying to break Havana’s close economic and political ties with Venezuela but intended the measures to bring about fundamental political change.

It is a position that stands in stark contrast to that of the EU, Canada, Mexico and most other nations worldwide that believe the only way to encourage change in Cuba is through dialogue, calibrated support and the exploration of the potential that generational change offers.

Speaking on April 17 to Bay of Pigs veterans in Miami, the US National Security Adviser, John Bolton, could not have been clearer about US intentions. US policy in the Americas, he observed in a speech high on aggressive rhetoric against Cuba, now ends with the removal of communism and socialism from the hemisphere.

“We proudly proclaim for all to hear: the Monroe Doctrine is alive and well” he declared in remarks that anticipated “the coming of the first free hemisphere in human history,” Bolton said.

The same day in significantly more measured terms, Mike Pompeo, the US Secretary of State, suggested that the sanctions were intended to advance “human rights and democracy on behalf of the Cuban people”. The new measures allow as of May 2 US lawsuits against anyone including US companies ‘trafficking’ (that is, making use of) expropriated US property in Cuba, by ceasing to waive Title III of its 1996 Helms Burton legislation.

More potently, the State Department will now actively use Title IV of the bill to deny US visas to any foreign national who ‘traffics’ in confiscated property or who are corporate officers or shareholders of involved entities.

The Trump Administration also said that it will halt ‘u-turn’ financial transactions to Cuban entities made through US banks and will cap previously unlimited personal transfers to US\$1,000 per quarter, a measure expected to drastically reduce the US\$4 billion a year ordinary Cubans receive in remittances largely from the US.

In addition, Washington will impose new restrictions on non-family travel to Cuba in ways that are as yet unclear but likely to impair significantly all US travel to the island. It will also add additional Cuban enterprises and individuals to the State Department’s restricted list.

Other measures are also planned. Speaking after Mr Pompeo, the US Assistant Secretary for the Western Hemisphere, Kim Brier, said that the US is exploring further options and that the measures announced were just the beginning of a new process.

Although the detail has yet to be spelt out, an “on background” interview with two senior-level Trump Administration officials conducted by the US-Cuba Trade and Economic Council Inc provides several clues.

The business group, which works with US and other investors in Cuba, quoted its interlocutors as saying that while they did not expect sanctions to result in immediate political change in Cuba, one intended outcome would be to alter the structure of the Cuban economy by removing the subsidised oil exports the country receives from Venezuela. “That means permitting more of a market-based economy. They won’t like it, but their ability to derail (sanctions) is pretty fast moving beyond their control”, the official was reported as saying.

The same individuals also said that that a unique confluence of events now offers the US the opportunity to bring about change in Cuba. “For President Trump, the stars have aligned, and Venezuela is the tool that we believe can provide change within two countries” one of the officials was quoted on the organisation’s website as saying.

How effective such an approach might be is unclear. Cuba has a fifty year plus history of resistance and no inclination to back down in the face of US pressure. Moreover, there are already signs of a significant deepening in Havana’s economic and political relationship with Russia, which both sides now publicly refer to as being refer once again as being strategic.

Washington’s latest announcements however come at a difficult moment for the Cuban government. It is continuing to struggle to reform its over-centralised, bureaucratic and inefficient planned economy in the hope that decentralisation and individual responsibility might deliver a more modern, productive, socially oriented economy.

Speaking recently to Cuba's National Assembly as First Secretary of the country's Communist Party, Raúl Castro stated that its government was preparing for what may be an extended period of hardship. He said that faced with the "increasingly threatening tone" of the US, equal importance was being placed on "preparing for the country's defence and the national economy's development".

He warned legislators that while the country was not in danger of returning to the hardships that followed the collapse of the Soviet Union, Cuba could face additional economic challenges that could worsen in coming months. He also said that measures were under way to reinforce the combat capacity of the country's armed forces in accordance with its strategic doctrine of a "war of all the people".

What comes next is a period of uncertainty in relation to investment, trade and travel, and a growing international divide between Washington and its allies over Cuba.

In a joint letter to Mr Pompeo the EU High Representative, Federica Mogherini, and the EU Trade Commissioner, Cecelia Malmstrom, made clear that the US decision on Helms-Burton broke commitments made by Washington in 1997 and 1998, and should not be conflated with shared concerns about human rights and democracy in Cuba, or the need to urgently to find a solution to the crisis in Venezuela.

Subsequently the EU and Canada issued a joint statement expressing concern about the impact of US policy on legitimate EU and Canadian business activity in Cuba. They also indicated they would work together to offset any extraterritorial effect by introducing countervailing sanctions against US entities and introduce actions at the World Trade Organization.

Recent statements make it hard to escape the conclusion that President Trump and his most senior advisers have embarked on a strategy intended to engineer change in Cuba through economic hardship and the creation of discontent. If this is so, it is policy that has unpredictable political, social, economic and migratory consequences for the wider region, placing ideology above realpolitik and what is humane.

David Jessop is a consultant to the Caribbean Council.

Miami Herald

Miami, Florida

25 April 2019

American owners of confiscated property in Cuba prepare for potential lawsuits

By Nora Gámez Torres

Pompeo: We're 'holding the Cuban government accountable for seizing American assets'

The United States will allow lawsuits against foreign firms operating on properties Cuba seized from Americans after the 1959 revolution. Secretary of State Mike Pompeo spoke about the decision on April 17, 2019. By Department of State

A group of cruise lines, including some based in Miami, might become the first companies to face lawsuits under the Helms-Burton Act over the use of properties owned by Americans that were confiscated by the Fidel Castro government 60 years ago.

Beginning on May 2, the Trump administration will allow Title III of the Helms-Burton Act to go into effect, Secretary of State Mike Pompeo announced recently. The controversial provision allows U.S. citizens to seek compensation for the confiscated properties in federal courts.

Mickael Behn and Javier Bengochea, the holders of certified claims for properties confiscated in the ports of Havana and Santiago de Cuba, told el Nuevo Herald they have notified a number of

cruise companies that they intend to file lawsuits against them, probably in Florida. The two men were guests at a recent luncheon in Miami where National Security Advisor John Bolton unveiled a series of measures to tighten the economic embargo against the Cuban government.

“I am going to sue all of them,” said Bengochea, referring to cruise companies that use the docks in the eastern city of Santiago de Cuba. The main terminal and several warehouses in the port of Santiago were confiscated from his family in October 1960.

El Nuevo Herald reviewed a list of cruise companies that Behn said are using the installations of Havana Docks, a company managed by his grandfather that owned three docks and a number of buildings in the port of Havana. The facilities were confiscated in November 1961 and are currently part of the city’s cruise ship terminal. The terminal has been administered by a Turkish company, Global Ports Holding, since 2018.

The list includes 10 U.S. companies, among them some based in Miami such as Carnival, Royal Caribbean and Norwegian. Carnival and Norwegian did not reply to requests for comment for this story. Royal Caribbean issued a statement saying it was “reviewing the recent statements to evaluate their impact on our guests and our company. For now, we are sailing our Cuba itineraries as scheduled and will keep our guests updated if anything changes.”

The Foreign Claims Settlement Commission of the U.S. Department of Justice has certified through two programs 5,913 claims by U.S. citizens and companies for seized properties and losses valued at a total of \$1.9 billion — now valued at \$8.5 billion because of accumulated interests. The commission’s final report showed that only 817 of the claims had an original value of more than \$50,000 — the minimum figure required for lawsuits filed under Title III of the Helms-Burton Act.

Title III also allows lawsuits by Cubans who became U.S. citizens after their properties were seized. One State Department estimate in 1996 reported that those lawsuits could climb to as many as 200,000, although the technical complexities and costs of pursuing those cases could limit their number significantly. Unlike holders of certified claims, Cuban Americans will have to provide judges with evidence that they owned the seized properties, said Pedro Freyre, an attorney with Akerman LLP, which represents clients that do business in Cuba.

Kimberly Breier, assistant Secretary of State for Western Hemisphere affairs, did not rule out the possibility of starting a new process to certify the claims by the Cuban Americans.

“They could still be [certified] if the window were [to] open,” she said in a telephone briefing for journalists.

Some experts said that allowing the implementation of Title III is not a genuine effort by the U.S. government to resolve the dispute over confiscations, in particular for those with certified claims on their hands.

“There has been outreach to the Trump administration by representatives of certified claimants; there has been no interest by senior-level officials to meet with them in an ongoing manner, meaning to construct a settlement process,” said John Kavulich, president of the U.S.-Cuba Trade and Economic Council.

Meanwhile, companies doing business in Cuba have been preparing for some time to deal with the risks they run. After the provision goes into effect on May 2, there is a statutory three-month waiting period before claimants can file lawsuits.

“Yes there’s a lot of concern,” among the companies involved in Cuba-related business, said Aymee Valdivia, a lawyer with Holland & Knight, which represents European and U.S. companies

like Starwood — now part of Marriott — that administers the Four Points by Sheraton hotel in Havana.

The nearly 60 U.S. companies with presence in Cuba are doing so under authorizations issued by the Treasury’s Office of Foreign Assets Control, which handles a number of U.S. sanctions programs. But having an OFAC license may not be enough to protect the businesses from lawsuits, experts said.

Asked by el Nuevo Herald if the OFAC licenses for doing business in Cuba provide protection, Breier would only say: “There will not be any exemptions.”

“That’s right,” said Behn, the Havana Docks certified claimant. “The cruise companies have an authorization to go to Cuba, but they don’t necessarily have to use the port of Havana installations that were confiscated from my family.”



William Behn faces off across a desk with two armed revolutionaries when Havana Docks Corp. was nationalized by the Castro government on Nov. 21, 1960. His grandson, Mickael Behn, inherited the certified claim for the company. Courtesy Mickael Behn

Several experts and attorneys agreed that a significant part of the lawsuits filed under Title III will pivot on interpretations of the language in the law itself. U.S. cruise, airline and hotel companies are concerned about how federal courts will interpret “lawful travel.” That is because the prohibition on “trafficking” with confiscated properties excludes “transactions and uses of property incident to lawful travel to Cuba, to the extent that such transactions and uses of property are necessary to the conduct of such travel.”

Companies in the travel industry could argue their businesses in Cuba are covered under that exception in the law, Freyre said. But since most of the U.S. companies’ businesses in Cuba did not exist when the Helms-Burton Act was signed by President Bill Clinton in 1996, federal judges will have to assess the intention of the lawmakers at the time, Kavulich said.

Companies facing lawsuits could also reach out-of-court settlements to avoid trials, as some European companies with dealings in Cuba have done.

Behn’s certified claim for Havana Docks, for example, has an original value of nearly \$9.2 million, now about \$45 million because of the 6 percent annual interest approved by the U.S. claims commission. Title III allows compensation for up to three times the claim value, which Behn said would allow him to seek about \$125 million in damages.

Canada and many European countries already have said that they will oppose the application of U.S. laws to their companies for doing business in Cuba, calling it an extraterritorial reach. Some of those countries also adopted national laws protecting companies from Helms-Burton, which promises lengthy legal battles.



Fidel Castro’s guerrilla fighters on armored tanks parade in front of Havana Docks building in the port of Havana.

The photo was probably taken on November 1960, when the property was nationalized, said Michael Behn, who is recognized by the U.S. government as his rightful owner. Courtesy

Valdivia said another possibility is that the companies facing Title III lawsuits will collectively pressure the Cuban government to agree to negotiate and settle the claims.

During the Obama administration, U.S. and Cuban representatives met several times to discuss the issue, but the talks went nowhere because Havana insisted in demanding compensation for the damages caused by the U.S. trade embargo on the island.

The Cuban government already said that it will not respond to any lawsuit filed under Helms-Burton and that it does not recognize the jurisdiction of U.S. Courts.

Izvestia

Moscow, Russia

23 April 2019

**Санкции в Кубе: ЕС ответит на меры США против Гаваны
Вашингтону грозят иском в ВТО и встречными требованиями компенсации**

Наталья Портякова

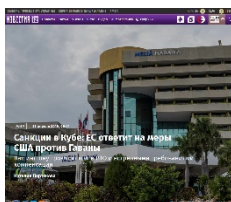


Фото: Getty Images/Roberto Machado Noa

Добиваться демократических изменений на Кубе следует не рестрикциями, а развитием торгово-инвестиционного сотрудничества. Ответом Европы на экстерриториальные санкции США против Острова свободы, которые ударят и по интересам Евросоюза, станут встречные меры. Такую позицию объединения «Известиям» озвучил посол ЕС на Кубе Альберто Наварро, отреагировав на последнее решение США активировать Третий раздел закона Хелмса–Бертон. Он дает право американским гражданам подавать в суд на любые иностранные компании, распоряжающиеся на Острове Свободы имуществом, некогда принадлежавшим американскому бизнесу, но конфискованным 60 лет назад правительством Фиделя Кастро.

Суд да дело

Со 2 мая американские граждане смогут официально подавать в суды США иски против работающих на Кубе иностранных компаний, которые контролируют собственность, в прошлом принадлежавшую американцам, но конфискованную островными властями после победы кубинской революции в 1959 году.

Такое право было прописано и раньше. Еще в 1996 году конгресс США принял закон Хелмса–Бертон, дававший «зеленый свет» на подачу соответствующих исков. Но в 1998 году Вашингтон приостановил действие Третьего раздела этого закона, затрагивающего интересы европейских и канадских компаний, — дабы не испортить отношения с главными союзниками. В течение более чем 20 лет конгресс США каждые полгода подтверждал приостановку действия Третьего раздела. Но 17 апреля Дональд Трамп решил официально изменить этой традиции, что вызвало крайне болезненную реакцию в Европе.

— Европейский союз не будет молчать. Мы очень четко заявили, что это (решение США) противоречит международному праву, и мы готовы защищать наших граждан и инвесторов всеми

доступными средствами, включая разбирательство в ВТО и блокирующий статус, — сказал «Известиям» Альберто Наварро.



Фото: REUTERS/Alexandre Meneghini/File Photo

Блокирующий статус признает недействительными на территории ЕС любые решения иностранных судов, вынесенные во исполнение санкций, и запрещает гражданам союза соблюдать ограничения США. Но главное — он позволяет европейским компаниям получать компенсацию за те убытки, которые они несут из-за экстерриториальных американских санкций.

В последний раз Европа воспользовалась этим ограничительным законом прошлым летом. В ответ на односторонний выход США из «ядерной сделки» с Ираном и введение вторичных санкций против всех, кто будет с ним сотрудничать, Брюссель объявил недействительными на своей территории санкции США в отношении Ирана. Той же дорогой ЕС пойдет и сейчас.

Как признал Альберто Наварро, встречные иски по обе стороны Атлантики будут проигрышными для обеих сторон, именно поэтому Брюссель так активно старался предотвратить это решение. 10 апреля глава европейской дипломатии Федерика Могерини и еврокомиссар по торговле Сесилия Мальмстрем написали письмо госсекретарю США Майку Помпео с призывом соблюдать соглашение США и ЕС от 1998 года, дающее европейским компаниям иммунитет от судебного преследования в американских судах за деятельность на Кубе. И непрозрачно намекнули: подавляющее большинство из 50 крупнейших истцов США, на которых приходится свыше 70% стоимости требований о компенсации, имеют активы в ЕС. Но убедить своего заокеанского партнера Европе не удалось.

Цена вопроса

— Мы первый торговый партнер Кубы и, думаю, важнейший инвестор, поэтому для нас вопрос санкций США очень серьезен. На Евросоюз приходится около трети всей внешней торговли Кубы — около 33–34%, в прошлом году наш двусторонний товарооборот достиг €2,6 млрд. Вторым по значимости торговым партнером является Китай с долей примерно 27%, за ним идут Венесуэла, Мексика, Канада, на которые приходится по 5% кубинского объема внешней торговли, — пояснил Альберто Наварро.

Наиболее активны на Кубе испанские компании. В конце прошлого года побывавший на Острове свободы премьер Испании Педро Санчес сказал, что инвестиции Мадрида в разные секторы кубинской экономики достигают €370 млн. Особенно продуктивно идет сотрудничество по туристической линии: испанская гостиничная сеть Melia, к примеру, управляет 34 отелями по всему острову, еще три десятка отелей контролируется сетью Iberostar. Через дочерние компании на кубинском рынке присутствуют и крупные британские корпорации — Imperial Brands Plc, British-American Tobacco и Unilever. Французы представлены, в частности, производителем и дистрибутором алкогольных напитков Pernod Ricard.



Отель испанской гостиничной сети Melia в Гаване
Фото: REUTERS/Claudia Daut

Источник «Известий» в немецких дипломатических кругах сказал, что пока Берлин не предвидит каких-то конкретных последствий от решения США по Кубе примерно для 60 немецких компаний,

ведущих бизнес на острове. Вместе с тем он подчеркнул: правительство Германии, как и ЕС, «отвергает экстерриториальные санкции как нарушающие международное право».

— В 1990-х годах, когда были созданы первые совместные предприятия, компании из ЕС были очень осторожны, чтобы не брать на себя собственность, на которую распространялись претензии США. У компаний были специальные юристы, которые занимались вопросами недвижимости, — рассказал «Известиям» эксперт Школы глобальных исследований им. Фредерика Парди в Бостонском университете Пол Хэйр, бывший в 2001–2004 годах послом Великобритании на Кубе.

Венесуэльская ниточка

Диалог Вашингтона и Гаваны всегда был непростым, но прошлый глава Белого дома Барак Обама предпринял редкую попытку нормализовать его. И хотя Вашингтон не отменил торговое эмбарго против Острова свободы, он восстановил с Гаваной прерванные в 1961 году дипотношения и несколько смягчил политику США на кубинском направлении в сфере торговли, туризма, финансов. Дональд Трамп, прославившийся стремлением по максимуму перечеркнуть все достижения своего предшественника, отыграл назад и по части кубинской политики. Он вновь ввел ограничения на туристические поездки на остров для американцев и ужесточил экономическую политику. А вслед за событиями в Венесуэле, где США взяли четкий курс на отстранение всеми правдами и неправдами от власти правительство Николаса Мадуро, Белый дом открыто пообещал наказать Кубу (а также Никарагуа) еще и за поддержку «неугодного» венесуэльского президента.



Президент США Дональд Трамп
Фото: REUTERS/Kevin Lamarque/File Photo

— Страны ЕС обеспокоены тем, что политика США, похоже, нацелена преимущественно на смену режима на Кубе и в Венесуэле. Европейцы давно считают, что можно критиковать права человека и другие проблемы в этих странах, но участие и вовлечение в диалог — куда лучший способ содействия демократическим изменениям, — сказал бывший британский дипломат Пол Хэйр.

Ту же мысль высказал и Альберто Наварро: санкции и блокада — это не способ работы с Кубой. Европейский союз работает с республикой и всеми другими странами мира через вовлечение и диалог.

На закон истец бежит

Когда коммунистическое правительство Кубы во главе с молодым Фиделем Кастро начало кампанию по национализации иностранных активов, компании из Великобритании, Канады, Франции, Испании и Швейцарии получили компенсацию. А вот американцам — на фоне резко ухудшившихся двусторонних отношений и последовавшего эмбарго Кубы со стороны США — не выплатили ни цента.



Фото: REUTERS/Alexandre Meneghini/File Photo

Как рассказал «Известиям» Джон Кавулич, президент Торгово-экономического совета США–Куба (организации, отстаивающей интересы американского бизнеса на Острове свободы), в настоящее время в минюсте США зарегистрировано 5913 исков на получение компенсации от Кубы за экспроприированную когда-то собственность. Общая сумма претензий с учетом 6% годовых превышает \$8,5 млрд.

Однако общее количество тех, кто лишился собственности на Кубе в ходе национализации, достигает, по данным Госдепа США, 200 тыс. человек. На момент экспроприации они были гражданами Кубы, получив американский паспорт уже в последующие годы. По закону, правительство США может поддерживать только судебные иски тех граждан, которые были американцами на момент изъятий. Однако активизация Третьего раздела пресловутого закона Хелмса–Бертон подтвердит правомочность требований граждан Кубы, которые с тех пор имеют гражданство США, что увеличит число истцов в американских судах в десятки раз.

Куба официально не отвергает претензии американских граждан на компенсацию, но увязывает этот вопрос с возмещением самой Гаване того ущерба, который ей за многие десятилетия нанесли торговое эмбарго со стороны и другие «акты агрессии США». А его сумма варьируется, по разным оценкам, от \$121 млрд до \$300 млрд.

Financial Times London, United Kingdom 18 April 2019

Havana squeeze

US to allow lawsuits over properties nationalised by Cuba

AIME WILLIAMS — WASHINGTON JOHN PAUL RATHBONE — NEW YORK

In a move designed to squeeze Havana for its support of the Maduro regime in Venezuela, the US has opened the door for citizens to sue companies deemed to be trafficking in Cuban properties nationalised after the 1959 revolution.

The decision, which changes two decades of US policy towards communist-ruled Cuba, could affect dozens of Canadian and European companies that do business on the island, and see lawsuits lodged against the likes of French drinks company Pernod Ricard, Spain's Meliá Hotel and Canadian miner Sherritt International.

“Any person or company doing business in Cuba should heed this announcement,” Mike Pompeo, US secretary of state, said. “Cuba's behaviour . . . undermines the security and stability of countries throughout the region, which directly threatens US national security interests.”

The move, which could undermine Havana's efforts to attract foreign investment, marks a further step by US President Donald Trump to roll back the historic opening to Cuba begun by his predecessor, Barack Obama.

It is also Mr Trump's latest measure to overturn what Washington calls the “Troika of Tyranny” — the loose tripartite alliance of Cuba, Venezuela and socialist Nicaragua.

“Allowing US citizens to sue regime for confiscated property in Cuba is the right thing to do,” tweeted Marco Rubio, a Republican senator for Florida, widely seen as close to the Trump administration on Latin American policy issues.

The decision activates the so-called Title III of the Helms-Burton Act, which has been waived by every US president over the past 23 years due to opposition from the international community and fears it would flood the US court system.

Kim Breier, assistant US secretary of western hemisphere at the state department, said the foreign claims settlement commission at the US justice department had certified almost 6,000 claims by US citizens for nationalised Cuban property, but knew of another 200,000 that could have a value of “tens of billions of dollars”.

The EU has signalled its disagreement with the US position and suggested it would challenge the Cuba measure at the World Trade Organization. The EU “is ready to protect European interests . . . and entities in their relations with Cuba,” Alexander Winterstein, European Commission spokesman, said.

The move adds to a growing number of disagreements between Washington and its allies in Brussels and Ottawa, and could undermine their joint efforts to bring democratic change to Venezuela.

The two largest current Cuba property claims, which stem from the post-revolution nationalisations of the Cuban Electric Co and International Telephone & Telegraph Co, are held by Office Depot and Marriott International.

“The US did not call any meetings with the current largest claimants or their lawyers prior to this move,” said John Kavulich, president of the US-Cuba Trade & Economic Council. “This is not a strategy to settle the claims, but rather one to maintain and expand them.”

Financial Times

London, United Kingdom

17 April 2019

US targets Nicolás Maduro with new measures against Cuba
Venezuela’s central bank also sanctioned as Trump administration ramps up pressure



A US official estimated that billions of dollars of Cuban property could be affected by the Trump administrations move © AP Share

John Paul Rathbone in New York and Aime Williams in Washington DC

The Trump administration has placed new sanctions and other tough restrictions on Cuba and Venezuela in a series of measures designed to increase the pressure on Havana and try to force it to end its support for Nicolás Maduro, Venezuela’s de facto president.

Speaking in Miami to survivors of a Cuban exile group that once led the failed 1961 Bay of Pigs invasion, John Bolton, the US national security adviser, said that Washington was targeting Cuba's military and intelligence services through these sanctions, and that it would also restrict travel and cap exile remittances to the island.

His speech followed an announcement earlier on Wednesday by Mike Pompeo, US secretary of state, that opened the door for US citizens to sue foreign companies deemed to be trafficking in Cuban properties nationalised after the island's 1959 revolution.

Mr Pompeo's legal move, which could lead to thousands of multimillion-dollar lawsuits against companies such as France's Pernod Ricard and Canada's Sherritt International, drew immediate criticism from Europe and Canada.

Federica Mogherini, the EU's foreign policy chief, and Chrystia Freeland, Canada's foreign minister, said in a statement that they would join forces to protect their companies and allow counterclaims against any US lawsuits. "This is the sharpest turning away yet of any US policy of engagement with Cuba," said Pedro Freyre, a Cuban expert at the US law firm Akerman. "The overarching point is that the US policy is now in full-blown isolation mode."

For Donald Trump, the US president, the moves are his latest attempt to try to end what Washington has called the region's "Troika of Tyranny" — the loose tripartite alliance of Cuba, Venezuela and socialist Nicaragua. "When Venezuela is free, and Cuba is free, and Nicaragua is free, this will become the first free hemisphere in all of human history," Mr Trump said in a statement. In Miami, Mr Bolton announced a range of fresh measures.

He sought to squeeze the estimated \$3bn that Cuban émigrés currently send to the island annually by limiting remittances to \$1,000 every three months per person. He warned that travel restrictions to the island by US citizens would be tightened, a move likely to hurt Cuba's fledgling private sector entrepreneurs who mostly work in tourism.

Mr Bolton also accused Cuba of providing security forces to prop up Mr Maduro, announced fresh sanctions against Venezuela's central bank and issued a warning to "all external actors, including Russia," against deploying military assets to support Venezuela's socialist leader. Cuba, which has endured a 60-year US embargo, appears unlikely to be swayed by the Trump administration's demands to drop Mr Maduro, a longtime Havana ally. "We will never change our attitude," Cuba's president, Miguel Díaz-Canel, wrote on Twitter. "We Cubans do not surrender."

Despite tough US oil sanctions, Mr Maduro has also shown little sign of losing the loyalty of the Venezuelan military, or the support of allies such as Russia or China. The US and most western countries recognise opposition leader Juan Guaidó as the country's legitimate president. Mr Pompeo's decision to greenlight legal claims will further complicate the situation as it gives US citizens the right to sue companies that operate out of Cuban properties nationalised after Fidel Castro took power in 1959, as well as Cubans who subsequently became US citizens. Recommended Americas politics & policy Venezuela's exodus continues as Maduro digs in The justice department has already certified 5,913 claims by US citizens for nationalised Cuban property, with a value of \$1.9bn.

However, Kim Breier, assistant US secretary of western hemisphere at the state department, said it knew of another 200,000 claims, which could have a value of "tens of billions of dollars". The two largest single claims, which stem from the post-revolution nationalisations of the Cuban Electric Co and International Telephone & Telegraph Co, are currently held by Office Depot and Marriott International.

Marriott told the Financial Times that it had not been canvassed by the US government ahead of the move.

“The US government did not call any meetings with the current largest claimants or their lawyers prior to this move,” said John Kavulich, president of the US-Cuba Trade and Economic Council. “This is not a strategy to settle the claims, but rather one to maintain and expand them.”

NPR
Washington, DC
17 April 2019

NATIONAL SECURITY

Trump Administration Announces Measures Aimed At Ending Maduros Rule In Venezuela

LISTEN 3:38:38

Heard on All Things Considered

DAVID WELNA

White House National Security Adviser John Bolton spoke in Miami Wednesday about "security threats" posed by Cuba and Venezuela. The remarks came as the Pentagon plans to increase pressure on Venezuela.

<https://www.npr.org/2019/04/17/714413432/trump-administration-announces-measures-aimed-at-ending-maduros-rule-in-venezuel>

AILSA CHANG, HOST: The Trump Administration announced new measures today aimed at both ending the rule of Venezuelan President Nicolas Maduro and finishing off Cuba's communist regime. The announcement came on the 58th anniversary of the Bay of Pigs invasion. That was the failed Cold War attempt at a counterrevolution that left 13,000 CIA-backed Cuban exiles either killed or captured. NPR's David Welna has the story.

DAVID WELNA, BYLINE: At a luncheon this afternoon put on by Bay of Pigs veterans in the Miami suburb of Coral Gables, the keynote speaker was White House national security adviser John Bolton. His message - that the end is near for the Maduro regime in Venezuela.

(SOUNDBITE OF ARCHIVED RECORDING)

JOHN BOLTON: The walls are closing in. There is no turning back. The people will prevail. And when they do, we know that Cuba will be next.

(APPLAUSE)

WELNA: Bolton announced new sanctions against Venezuela's Central Bank aimed at cutting off its access to dollars. But he also had a message for Russia, which recently sent a hundred members of its military and 35 tons of unknown cargo to Caracas - keep out.

(SOUNDBITE OF ARCHIVED RECORDING)

BOLTON: These steps against Venezuela's Central Bank should be a strong warning to all external actors, including Russia, against deploying military assets to Venezuela to prop up the Maduro regime.

WELNA: But most of the sanctions, Bolton unveiled, had to do with Cuba, including a provision of the 1996 Helms-Burton Act that no other president has enforced.

(SOUNDBITE OF ARCHIVED RECORDING)

BOLTON: Anyone who traffics in property stolen from Americans will not be issued a visa to the United States. They are not welcome here.

(CHEERING, APPLAUSE)

WELNA: And there was more - new prohibitions on direct financial transactions with Cuba's security services, new restrictions on non-family travel to Cuba and limiting how much money can be sent to Cuba to no more than \$4,000 a year. Meanwhile, this morning in Washington, Secretary of State Mike Pompeo made another announcement that the U.S. would allow American citizens, including those born in Cuba, to sue the Cuban government.

(SOUNDBITE OF ARCHIVED RECORDING)

MIKE POMPEO: For the first time, claimants were able to bring lawsuits against person's trafficking property that was confiscated by the Cuban regime.

WELNA: Any person or company doing business in Cuba, Pompeo added, should heed this announcement.

(SOUNDBITE OF ARCHIVED RECORDING)

POMPEO: Those doing business in Cuba should fully investigate whether they are connected to property stolen in service of a failed communist experiment.

WELNA: That will likely trigger an avalanche of lawsuits against the Cuban government according to Robert Muse, a Washington attorney who's an expert on Cuban expropriations.

ROBERT MUSE: It puts virtually every commercial enterprise on the island in question at this point and subject to a lawsuit.

WELNA: And it's also likely a big setback for settling the claims of some 6,000 Americans whose demands Cuba has recognized as legitimate by opening the door to hundreds of thousands of lawsuits seeking hundreds of billions of dollars from Cuba. John Kavulich advises on Cuban trade and investment. He says the Trump administration seems more interested in winning votes in South Florida than it is in settling those certified claims.

JOHN KAVULICH: You can get everyone in a conference room and negotiate a settlement in an afternoon, and they never made that effort. Therefore, it leaves one reason left. And that reason is the presidential election in 2020.

WELNA: Today's enthusiastic response in South Florida could indeed bode well for the president next year. David Welna, NPR News, Washington.

(SOUNDBITE OF FOXYGEN'S "STAR POWER I: OVERTURE") Transcript provided by NPR, Copyright NPR.

South Florida Business Journal

Miami, Florida

18 April 2019

Restrictions on travel to Cuba could hammer S. Fla. companies doing business there



By Emon Reiser
Digital Producer, South Florida Business Journal

South Florida companies, especially cruise lines, could face significant revenue losses and potential lawsuits for conducting business in Cuba, following the Trump administration's move to strengthen the embargo against the island nation.

On Wednesday, the White House announced it would limit non-family travel to Cuba and how much Cuban-Americans can send to relatives in the communist nation, among other restrictions. The new measures reverse broader policies implemented by former President Barack Obama's administration.

The changes are expected to impact airlines and Miami-based cruise lines now offering travel to Cuba, as well as other companies conducting or hoping to conduct business there. The additional repercussions for South Florida's hospitality industry could be substantial, as many of those traveling to Cuba stay at local hotels before or after traveling to the island.

"With [the Helms-Burton Act] being fully implemented and not knowing how far [the Office of Foreign Assets Control] will go, you potentially have an economic impact that's substantial," John Kavulich, the president of the U.S.-Cuba Trade and Economic Council, told the *Business Journal*. "These companies don't have any legal standing to take any action."

That's because the Trump administration's interpretation of the law when it comes to Cuba is that it's illegal for U.S. companies to do business there, Kavulich said. So, companies previously authorized to host cruises or regularly scheduled flights to the island should not be shocked if the administration eliminates or significantly reduces that activity, he added.

Cruise lines, however, were anticipating the current administration's stance against the communist country ahead of this week's announcement.

Miami-based Royal Caribbean International Ltd. (NYSE: RCL), which sails three ships to Cuba across its four brands, told investors in an annual report filed Feb. 22 to the U.S. Securities and Exchange Commission (SEC) that "a significant shift in U.S. policy towards Cuba, including the administration's possible taking action to limit the ability of companies like us to continue to conduct business in Cuba, and/or a significant deterioration in the Cuban economy could impact our Cuban itineraries and associated ticket and tour revenues."

In its Feb. 27 annual filing, Miami-based Norwegian Cruise Line Holdings Ltd. (NYSE: NCLH) stated that "any limitations on the availability of ports of call, including Cuba, or on the availability of shore excursions and other service providers at such ports could adversely affect our business, financial condition and results of operations." Eleven of its ships are scheduled for trips to Cuba.

"We are closely monitoring recent developments with respect to US-Cuba travel. At this time no new regulations have been issued and accordingly, the company's itineraries which include Cuba as a destination will continue as scheduled," a spokesperson for Norwegian said.

Doral-based Carnival Corp., the world's largest cruise company, told investors that it continued to increase the number of cruises to Cuba in a Jan. 28 filing to the SEC. In 2016, it was the first cruise company to host a commercial trip to the island in more than 40 years. Currently, six of its ships are scheduled for multiple sailings to the island with tickets ranging from \$289-\$999 a person.

Many of the cruise companies sail U.S.-Cuba itineraries from South Florida, which has some of the busiest ports in the world for cruise passengers. PortMiami annually hosts the most cruise passengers in the world, followed by Port Everglades in Fort Lauderdale.

Carnival and Royal Caribbean did not immediately respond to a request for comment. But the Cruise Lines International Association, an authority on the global industry, said its working to "better assess the scale and timing" of how the new restrictions will affect U.S.-Cuba sailings.

"For now, currently scheduled cruises are continuing," said a spokesperson for CLIA in a statement to the *Business Journal*.

American Airlines (Nasdaq: AAL), which has a hub at Miami International Airport and hosts 10 regularly scheduled commercial flights to Cuba from Miami, said in a statement to the *Business Journal* that it will comply with federal law and work with the Trump administration to update its policies and procedures for travel to the country.

The Trump administrations announced restrictions against U.S. travel to Cuba followed news that the U.S. would allow exiles to sue for property seized by the Castro government.

AFP

Paris, France

17 April 2019

US Squeezes Cuba on Confiscated Property After 23 Years

Agence France-Presse

Ever since Congress passed the Helms-Burton Act in 1996, US presidents starting with Bill Clinton have used their power to suspend the key provision every six months, mindful of the international consequences. Those once-routine waivers are now over. A senior administration official said national security advisor John Bolton will formally unveil the shift Wednesday in a speech in Miami to expatriates from Cuba as well as Venezuela and Nicaragua, two other countries in Latin America with leftist governments opposed by Trump.

Bolton "will announce the enforcement of Title III of the Helms-Burton Act," the official said. Under the 1996 law, Cuban exiles will be allowed to head to US courts to sue both private companies and the Havana government for profiting from properties nationalized after Fidel Castro's 1959 communist revolution.

While US courts cannot directly enforce decisions inside Cuba, the Helms-Burton Act is meant to send a chilling message to foreign investors — including Americans — who may increasingly decide to exit or steer clear of the island. When it was initially passed, the law had been strongly opposed by the European Union, which worries about legal repercussions for its businesses in the United States.

We are going to keep applying pressure not only to ensure Cuba's regime doesn't get paid with oil for its continued military support of Maduro, but to impose a high cost on Cuba for its subversion of democracy in Venezuela. <https://t.co/hLha5RAUcG> — John Bolton (@AmbJohnBolton) [April 12, 2019](#)

A related provision restricts entry into the United States of anyone who is connected to an unresolved claim in Cuba over confiscated property.

Republican lawmakers who have long pushed for tough action on Cuba have rejoiced at the Trump administration's signals since January that it was moving to fully enforce the Helms-Burton Act.

"Years of consecutive extensions may have lulled some into a false sense of impunity," said Representative Mario Diaz-Balart, a Florida Republican of Cuban descent.

"Yet now companies which willingly entangle themselves in partnerships with the anti-American, illegitimate and oppressive regime in Cuba are on notice that they will be held responsible for their part in callously benefiting from the extensive losses suffered by victims of the regime," he said in a recent statement.



Photo: Getty Images

The US-Cuba Trade and Economic Council, a New York-based group that supports commercial ties between the longtime adversaries, said that companies with combined revenues of \$678 billion could be targeted in Helms-Burton lawsuits.

According to the group, companies that have been mentioned for potential lawsuits include major international airlines, including US-based American, Delta and United, hotels chains such as Marriott and Accor and companies as diverse of French liquor maker Pernod Ricard and Chinese telecom giant Huawei. Trump's move marks a drastic shift from his predecessor Barack Obama, who had normalized relations with Cuba, saying that a half-century of US efforts to topple the regime had failed.

Obama eased travel restrictions for Americans and himself visited Cuba, signaling to many US businesses that the time had come to return to the island.

Trump has also been pushing for the ouster of Venezuelan President Nicolas Maduro, a leftist firebrand who presides over a crumbling economy that has sparked a massive exodus.

It is the latest time that Trump has moved ahead with a policy long seen as too disruptive. In 2017, he moved the US embassy in Israel to bitterly divided Jerusalem, similarly ending years of waivers of a US law.

The Helms-Burton Law is named for far-right Republican senator Jesse Helms and Congressman Dan Burton. They drafted the law passed by Congress after Cuba shot down two aircraft flown by exiled activists, putting an end to tentative efforts by Clinton to try to repair relations.

CNN

Atlanta, Georgia

16 April 2019

Trump expected to become first President to target Cuba with this controversial policy

By Zachary Cohen and Jennifer Hansler, CNN

Washington (CNN) The Trump administration is expected to announce its plan to enforce a controversial provision of the decades-old trade embargo on Cuba Wednesday, a senior administration official tells CNN -- a decision that will break with the precedent set by every President since Bill Clinton.

US National Security Adviser John Bolton is set to outline President Donald Trump's plan to fully implement Title III of the Helms-Burton Act, a previously suspended section of the US trade embargo on the Communist-run country during a speech in Miami, the official said.

It is a move that is widely considered to be part of the administration's efforts to ramp up pressure on Havana over its support for Venezuelan President Nicolas Maduro -- who Trump criticized as a "Cuban puppet" in February. Cuban officials have decried the increased sanctions on the communist-run island and offered to enter into negotiations to repay US companies for seized property.

During a speech in Miami last year, Bolton promised the crowd a tough US approach to the "troika of tyranny," his term for Cuba, Venezuela and Nicaragua, saying they represented "the perils of poisonous ideologies left unchecked."



While the decision will likely impact Cubas ability to attract foreign investment, it could also render US, European and Canadian companies vulnerable to legal action.

Specifically, Title III of the Helms-Burton Act, also known as the Libertad Act, will permit Cuban Americans and other US citizens to file lawsuits in US federal court against businesses that operate on property the Cuban government appropriated after the 1959 revolution.

Title III has never been fully enforced since the law was passed in 1996 as every President since Bill Clinton has waived the provision to avoid trapping companies from US-allied countries in years of complicated litigation, and, in turn, bringing on a wave of trade-related legal claims against the US.

Reuters was first to report Boltions planned announcement.

In early March, Secretary of State Mike Pompeo chose to partially suspend Title III, allowing US nationals "the right to bring action against Cuban entities and Cuban sub-entities on the Cuba Restricted List" for 30 days, a senior State Department official said. Pompeo extended the suspension, with an exception, for two weeks in early April.



Pompeo slams Cuba and Russia over Venezuela crisis

Ahead of Pompeos March decision, the US -Cuba Trade and Economic Council noted that some of the potential targets could include US companies like Delta, Jet Blue, and Marriott. It remains unclear whether the administration has a plan to mitigate the impact on American businesses.

The potential implementation of Title III has previously been met with international opposition, particularly from the European Union, which has several member countries with investments in Cuba. While the decision has not yet been announced, it is already making waves with European allies.

Last week, the European Unions Federica Mogherini and Cecilia Malmstrom sent a letter to Pompeo, copying Bolton and trade representative Robert Lighthizer, stating their opposition to the move.

"We are writing to respectfully call on the US to adhere to the terms of our agreement and to maintain a full waiver of Title III for EU companies and citizens," the letter, dated April 10 and obtained by CNN, says. "Failing this, the EU will be obliged to use all means at its disposal, including in cooperation with other international partners, to protect its interests."



Bolton praises Brazil's far-right leader, slams Latin America's troika of tyranny

"The EU is considering a possible launch of the WTO {World Trade Organization} case," the letter states. "We believe that the issue of outstanding US claims should not be conflated with the cause of furthering democracy and human rights in Cuba, or by our shared desire urgently to find a peaceful and democratic solution to the crisis in Venezuela," the two EU officials write. "We are fully invested to promote both of these objectives, and are convinced that the emergence of protracted judicial proceedings between US claimants and bona fide EU companies will not further them."

Miami Herald

13 April 2019

Miami, Florida

Bolton coming to Miami to discuss U.S. action on Cuba, Venezuela and Nicaragua

By Nora Gámez Torres

"[I am] Pleased to announce that I will be joining the Bay of Pigs Veterans Association on April 17 in Miami to deliver remarks on the important steps being taken by the Administration to confront security threats related to Cuba, Venezuela, and the democratic crisis in Nicaragua," Bolton tweeted on Friday.

Also on Friday, the Treasury Department announced more sanctions against nine vessels that have carried oil from Venezuela to Cuba. Bolton is expected to announce more sanctions related to Cuba during the speech, a source familiar with details of the trip told the Miami Herald.

According to John Kavulich, president of the U.S. Cuba Trade and Economic Council, the Trump administration has a wide range of options to increase pressure on the Cuban government, which the U.S. has accused of giving intelligence support to Venezuela's Nicolás Maduro.

Among the policy options being floated are returning Cuba to the list of countries that sponsor terrorism, reinstating *per diem* spending rates for travelers to Cuba, sanctioning Cuban government officials who are supporting Maduro in Venezuela and requiring American companies with businesses on the island to pay salaries directly to their Cuban workers.

This last measure would have an immediate impact on the operations of airlines, cruise ships and companies like Marriott and Starwood that manage hotels on the island.

The State Department said Friday that the U.S. "will continue to do all we can to stand up against Cuba's support for the former Maduro regime and its hostility to the Venezuelan people's aspiration to a peaceful, prosperous, democratic future." The Trump administration and more than 50 other nations no longer recognize Maduro as the legitimate president of Venezuela, recognizing instead interim President Juan Guaidó.

As it relates to Cuba, the administration must decide by next week whether to fully implement Title III of the Helms-Burton Act, which would allow Americans to file lawsuits to seek compensation for properties that were confiscated after Fidel Castro seized power in Cuba in 1959. The administration has already allowed lawsuits against Cuban companies that control some of these confiscated properties. But a full implementation would also pave the way for lawsuits against foreign and American companies that have businesses in Cuba on those same properties. The date chosen for Bolton's speech in Miami carries a special symbolism for Cuban exiles, who mostly supported President Donald Trump in the 2016 elections. April 17 marks another anniversary of the 1961 failed Bay of Pigs invasion, an attempt by Cuban exiles — trained by the U.S. government — to defeat Castro and regain power on the island.

El Nuevo Herald

Miami, Florida

12 April 2019

Bolton viajará a Miami la semana que viene para discurso sobre Cuba y Venezuela

por Nora Gámez Torres

El asesor presidencial John Bolton anunció el viernes que viajará a Miami la semana que viene para ofrecer un discurso sobre las acciones que está tomando Estados Unidos en relación a la situación en Venezuela, Cuba y Nicaragua.

“Me complace anunciar que me uniré a la Asociación de Veteranos de Bahía de Cochinos el 17 de abril en Miami para hacer comentarios sobre los importantes pasos que está tomando la Administración para enfrentar las amenazas de seguridad relacionadas con Cuba, Venezuela y la crisis democrática en Nicaragua”, escribió Bolton en Twitter.

El Departamento del Tesoro anunció el viernes más sanciones a nueve buques que llevan petróleo de Venezuela a Cuba. Se espera que Bolton anuncie más sanciones relacionadas con Cuba durante el discurso, según dijo una fuente a el Nuevo Herald familiarizada con las discusiones.

Según John Kavulich, presidente del U.S. Cuba Trade and Economic Council, la administración tiene una amplia gama de opciones para aumentar la presión al gobierno cubano, al que EEUU ha culpado de dar apoyo de inteligencia al régimen de Nicolás Maduro. Entre las opciones se encuentran reincorporar a Cuba a la lista de países que patrocinan el terrorismo, disminuir los límites de gastos que pueden hacer los viajeros estadounidenses a la isla, sancionar a funcionarios del gobierno cubano que se encuentren dando apoyo a Maduro en Venezuela y establecer que las compañías estadounidenses que tienen negocios en la isla paguen directamente a sus trabajadores cubanas.

Es última medida, tendría un impacto inmediato en las operaciones de aerolíneas, cruceros y compañías como Marriot y Starwood que administran hoteles en la isla.

En un comunicado enviado el viernes, el Departamento de Estado declaró que EEUU “continuará haciendo todo lo posible para oponernos al apoyo de Cuba al antiguo régimen de Maduro y a su hostilidad hacia la aspiración del pueblo venezolano a un futuro pacífico, próspero y democrático”.

El miércoles 17 de abril, o en una fecha cercana, la administración también deberá decidir si permite la implementación completa del Título III de la Ley Helms-Burton, lo que permitiría que estadounidenses interpongan demandas para buscar compensación por propiedades que fueron confiscadas tras el triunfo de la revolución comandada por el ya fallecido Fidel Castro en 1959. La administración ya permitió demandas a compañías cubanas asociadas a los militares que controlan algunas de estas propiedades confiscadas. Pero una implementación total permitiría demandar también a compañías extranjeras y estadounidenses que tienen negocios en Cuba en esas propiedades.

La fecha del discurso de Bolton en Miami tiene un significado especial para los exiliados cubanos, quienes en su mayoría dieron su apoyo al presidente Donald Trump en las elecciones del 2016. El 17 de abril se conmemora otro aniversario del inicio de un intento de invasión de exiliados cubanos entrenados por el gobierno estadounidense para derrotar a Fidel Castro y recuperar el poder en la isla en 1961. El intento fue derrotado por las fuerzas de Castro.

Tampa Bay Times

St. Petersburg, Florida

5 March 2019

Go ahead and sue Cuba, Trump administration tells owners of some nationalized property

It is a decision people could take advantage of in the Tampa Bay area, home to the nation's third largest Cuban American population and to a number of people who had business interests on the island.



Burke Hedges and his mother Maritza Hedges Smith are part of a family with more than 20 properties valued at \$50 million that were nationalized in Cuba. Now, they hope to sue the Cuban government for compensation. [Times (2016)]

By Paul Guzzo

Six decades after the Cuban government nationalized U.S.-owned properties on the island, the Trump administration has taken steps that enable some Americans who incurred losses to seek compensation.

It is a decision people could take advantage of in the Tampa Bay area, home to the nations third largest Cuban American population and to a number of people who before the Cuban revolution had business interests on the island.

To proceed, those interested need to find who owns their lost property — and quickly.

Under the Helms-Burton Act of 1996, which codified the 1960s-era Cuba embargo, a clause known as Title III allows Americans to file civil lawsuits in American courts against companies using their expropriated properties for profit.

But every president since then has suspended Title III. Until Monday. That's when the Trump administration announced that some lawsuits will be allowed to proceed as long as they're filed during a 30-day window from March 19 through April 17.

"If anybody was going to do this, we knew that Trump would," said Gary Rapoport, whose Mafioso grandfather Meyer Lansky lost his \$8 million Habana Riviera hotel and casino to nationalization.

Still, in enacting Title III, the administration left off foreign companies for now. That means Spains Iberostar, owner of the former Lansky hotel, cannot be sued. But the State Department will revisit the provisions once the 30 days are up.

Currently, civil suits can only be brought against state-run entities with whom Americans already are forbidden from doing business — those with ties to the Cuban military.

Around 200 of these entities are on the Trump administration's list. Some observers want to see more, but John Kavulich, president of the U.S.-Cuba Trade and Economic Council, suggested they take a deeper look.

"Looking at the decision quickly and simply, one would view that little was done, that the Trump administration was weak," Kavulich said. "That could be a dangerous assumption."

The list is made up mostly of hotels, but it also includes two government ministries and five state-run holding companies that together control a large chunk of the Cuban economy.

One holding company alone, CIMEX, owns more than 80 companies and they may have a number of offices, warehouses or storefronts throughout the island, said Robert Muse, a Washington attorney who deals with Cuba issues. "This could create a logjam in the courts," Muse said.

What's more, Muse said, plaintiffs might argue that even if their nationalized property is not owned by an entity such as CIMEX, they can still sue provided the business on that land supports the holding company.

Much about this partial implementation of Title III remains unclear, said Jason Poblete, a Virginia-based attorney representing clients who had property nationalized. "I am trying to find out how far the web extends," Poblete said.

Still, he said, Americans will find it difficult learning whether they qualify for a lawsuit before the window to file one is shut.

Cuba is not going to share a list of properties linked to the holding companies and Poblete does not suggest that anyone "flies to Cuba to investigate. They are an adverse party and foreigners do not have access to property registries."

St. Petersburg's Burke Hedges will ask contacts in Cuba to do the research for him. His family has more than 20 properties valued at \$50 million, he said. "If I learn anyone from that list is there," Hedges said, "we'll get moving."

Another Tampa benefactor could be the Cuesta family, whose nationalized Havana cigar factory is used by England's Imperial Cigars.

Jim Davis, the Cuestas' attorney, said he has not yet discussed the matter with them but plans to, and "will be following this."

Still, even if an American wins a lawsuit, it will likely be a symbolic victory only. Cuba is already defaulting on nearly \$4 billion in civil judgments awarded to U.S. citizens whom courts have declared were victims of Cuban terror attacks.

Los Angeles Times

Los Angeles, California

4 March 2010

U.S. to allow first lawsuits against Cuba over seized property

By Tracy Wilkinson



This hotel, like many others, is controlled by the Cuban government. The Trump administration will allow lawsuits against some companies using properties confiscated after the 1959 revolution. (Associated Press)

To turn up pressure on Cuba's communist government, the Trump administration is reversing longstanding practice and allowing U.S. citizens to sue certain Cuban companies over property expropriated decades ago, officials said Monday.

U.S. officials said they intend to hold government and military leaders in Cuba accountable for homes, businesses and land seized after the late Fidel Castro rose to power in a 1959 revolution.

The administration, however, stopped short of including among the potential targets for legal action European, Canadian or other foreign-owned companies that have invested on the island.

The decision to shield them from lawsuits may have been a gesture to allies who have joined the United States in a campaign to oust the autocratic leader of Venezuela, Nicolas Maduro. Punishing companies from other countries would erode the international support that Trump's advisors have been keen to develop and maintain in the Venezuela campaign.

Even without the foreign companies, Monday's reversal of practice could badly disrupt U.S. trade with Cuba and have other consequences. The decision effectively tightens an economic embargo that Washington slapped on Havana nearly 60 years ago.

It addresses a long-dormant provision of the 1996 Libertad Act (also known as the Helms-Burton Act), a law that imposed numerous restrictions on Cuba and U.S. dealings with the island. The provision allowed American citizens to sue to regain expropriated property or to be compensated for it, but it was immediately waived out of fear of flooding U.S. courts with extremely complicated cases.

Each administration since has renewed the waiver every six months, as required by law, until now.

Secretary of State Michael R. Pompeo, in a statement, announced that the waiver was being partially lifted to allow limited lawsuits. He set a 30-day period to examine the impact and determine additional actions.

Despite more than half a century of Cold War-era tensions, restrictions on Cuba were relaxed under President Obama, who normalized diplomatic relations between Washington and Havana and allowed more travel to and from the island. But Trump, whose government calls Cuba part of a Troika of Terror, with Venezuela and Nicaragua, has slowly rolled back some of the changes.

Hundreds of thousands of Cubans fled the island after Castro took over, many forced to leave behind vast holdings of farmland, villas and businesses. The majority settled in southern Florida and continue to represent a conservative anti-Castro political base within the Republican Party.

Sen. Marco Rubio (R-Fla.), the son of Cuban exiles, welcomed the loosening of legal recourse and said Cuba should also be punished for its life-sustaining support of Maduro's Venezuela. "Justice is coming — and it is just getting started," Rubio said in a statement after the administration's announcement.

The companies that can be sued are on a list of entities controlled by the Cuban military, intelligence and security services.

A senior State Department official, briefing reporters on the condition of anonymity, called the decision "historic," and said: "It's finally giving claimants a measure of recourse and the opportunity to bring suits against these entities."

Future lawsuits could open the door to confiscation of Cuban products exported to the United States and elsewhere, including cigars and cement. Two of the biggest conglomerates that are likely to face legal actions are Cimex (Cuban Export-Import Corporation) and Gaesa (Armed Forces Business Enterprises Group), which is controlled by the military and represents hundreds of businesses and tens of thousands of jobs. Gaesa is said to control more than 50% of the Cuban economy, touching nearly every sector.

As complex as the legal process would be, thousands of people who fled Cuba may well take advantage of the opening.

Exiles “will no longer just be telling folk stories about what we once had in Cuba,” but will be armed with a federal court judgment and award, said Robert Muse, a Washington attorney who tracks Cuban property cases. “This could be very disruptive for future trade,” he added.

Trade between Cuba and the United States has expanded in recent years, enough that the change could be disruptive for producers in farm states, including Arkansas, which now export chicken and other food products to the island nation.

Analysts who follow Cuba policy expect that the decision is a forerunner to a complete ending of the waivers, which would open the floodgates to suits targeting any business in Cuba.

While the administration delayed a final decision for at least another month, “potentially everyone can sue,” said John Kavulich, president of the U.S.-Cuba Trade and Economic Council, a New York research group. “Its up to judges now ... which, I believe, is precisely the point.”

Kavulich said there are an estimated 200,000 potential plaintiffs but only 5,913 certified claims, valued at nearly \$2 billion

NBC News

Washington DC

4 March 2019

Trump admin to let Americans sue some foreign firms doing business in Cuba
The Trump admin has long sought ways to toughen the U.S. economic embargo on Cuba and has rolled back some measures enacted by the Obama administration.



The Habana Libre Hotel, formerly the Havana Hilton, in Cuba on Feb. 28, 2019. President Donald Trump could activate sanctions under Title III of the Helms-Burton Act in Cuba in March. Yamil Lage / AFP - Getty Images

By Josh Lederman, Abigail Williams and Mary Murray

WASHINGTON — The Trump administration is expected to act as early as Monday to allow unprecedented lawsuits in American courts against some foreign companies doing business in Cuba, U.S. officials and others familiar with the move tell NBC News.

The move threatens to discourage more of the foreign investment in Cuba that provides the islands economy with a key lifeline. It could also play into the Trump administrations efforts to ostracize Venezuelan leader Nicolas Maduro, who is closely aligned with Cuba and whose country has been labeled by national security adviser John Bolton as part of a "Troika of Tyranny," alongside Cuba and Nicaragua. Ever since 1996, when a law known as the Helms-Burton Act or Libertad Act went into effect, every U.S. president has waived a key portion of it called Title III that allows U.S. citizens, including Cuban-Americans, to sue people or companies that do business in Cuba using property seized in the 1959 revolution. Waiving that section prevented it from going into effect and averted lawsuits targeting major hotel chains, airlines and even mining companies that operate in Cuba, often in joint partnerships with government entities.

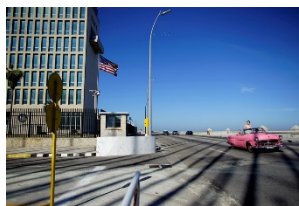
Trump administration officials have discussed several possibilities for whether to allow the law to go into effect fully or only partially, with the final decision being left to the very end. But the administration is likely to sign a "partial waiver" that protects U.S. businesses and those from allied nations from litigation, but allows lawsuits against businesses from "unfriendly" nations such as Russia and China, according to

U.S. officials, congressional aides from both parties and other individuals briefed on the Trump administrations deliberations.

According to research from the U.S. Cuba Trade & Economic Council, a nonprofit that promotes trade with Cuba, companies in 20 countries could face lawsuits from owners who have certified claims to confiscated property. The list includes numerous U.S. and European airlines and cruise lines, and major hotel chains such as Spains NH Hotel Group and Melia Hotels International. There are also concerns that both the major port in Havana and the international airport are built at least partially on land owned before the revolution by Cubans who later emigrated to the U.S.

Exempting companies in the U.S. and allied countries could help prevent a backlash from companies like Marriott International, which has started expanding into Cuba since the two countries restored relations under former President Obama. It could also avert a new tension point with Europe, where countries are still bristling from the Trump administrations threats to sanction companies that maintain business in Iran.

Ambassador David OSullivan, the European Unions envoy to the U.S., warned last month against violating what he said was an understanding between the U.S. and Europe that the Helms-Burton law wouldnt be used to harm European interests in Cuba.



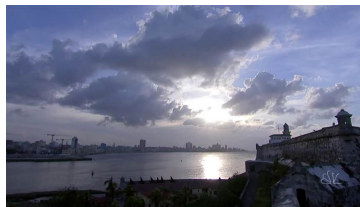
The U.S. Embassy in Havana, Cuba. Alexandre Meneghini / Reuters file

"We would find it deeply regrettable if this understanding were now to be breached and this will certainly be a new source of conflict between us we hope will not arise," OSullivan said.

Any move to allow even some lawsuits under Title III would unleash a torrent of litigation — not only lawsuits over confiscated property but also legal challenges over the validity of the Helms-Burton law itself and the way the Trump administration is applying it.

Angela Mariana Freyre, a former special adviser on Cuba in the White House National Security Council now at the law firm Squire Patton Boggs, said the statute on its face isnt clear about whether the administration can waive it for some countries but not others.

"Since Title III has been waived by every administration, both Republican and Democrat, since 1996, it has actually never been tested," said Freyre, who was born in Cuba. "We dont know what a court would do or how it would interpret a limited waiver or a partial waiver of the statute."



The Trump administration has long sought ways to toughen the U.S. economic embargo on Communist-run Cuba and has previously rolled back some of the measures enacted by the Obama administration to expand ties between the countries.

The first indication that the administration was considering Title III as the next step to pressure Cuba came in January when the waiver was last up for renewal. Rather than renewing it for the full six months, as had been done in the past, the administration waived it for only 45 days while announcing it would conduct a "careful review" of policy going forward. The administration cited U.S. national interests, human rights concerns in Cuba and efforts to "expedite a transition to democracy."

Sen. Marco Rubio, R-Fla., an advocate for harsher Cuba policies who has significant influence in the Trump administration, called the 45-day waiver "a strong indication of what comes next." He warned on Twitter at the time that "If you are trafficking in stolen property in #Cuba, now would be a good time to get out."

The 45-day waiver expires in mid-March. But Secretary of State Mike Pompeo is required to inform Congress of any intent to sign another waiver at least 15 days in advance.



A State Department spokesperson said no final decision has been made on whether to issue an additional waiver. Individuals briefed on the administrations deliberations said one possibility was that the U.S. would sign a partial waiver, exempting the U.S. and allies, but make it valid for only 45 days or another short-term period. The administration would then use that time to keep monitoring Cubas behavior and decide whether to make it permanent.

But international business attorneys said that even a brief window would allow enough time for plaintiffs to file lawsuits before the administration could change its mind.

The Cuban Embassy in Washington didnt respond to requests for comment. But after the administration announced the review in January, Cuban Foreign Minister Bruno Rodriguez called it "political blackmail and irresponsible hostility" that he said amounted to a brutal attack against international law.

Past presidents have suspended the law out of concern over the effects it would have on the international court system, the World Trade Organization and U.S. relations with European countries, said John Kavulich of the U.S. Cuba Trade & Economic Council.

Today's waiver of Title III of Helms-Burton for only 45 days instead of the customary 180 days & the accompanying warning, is a strong indication of what comes next.

If you are trafficking in stolen property in #Cuba, now would be a good time to get out.
— Marco Rubio (@marcorubio) January 17, 2019

Collin Laverty, who runs the group Cuba Educational Travel, which promotes U.S. visits to the island, said major companies that have already invested heavily in Cuba are unlikely to pull out even if they're sued. But he predicted that other companies that have been considering business in Cuba are likely to hold off while other legal cases play out.

"You could see the impact scaring off foreign investment, where companies take a wait-and-see approach," Laverty said.

Another company that could be affected is Airbnb, whose operations in Cuba have been praised by Rubio as helping average Cubans to benefit from tourism without sending revenue to the Cuban government. The law exempts residential property used solely for residential purposes from legal action, but its unclear how judges might apply that to those benefiting commercially from renting out their homes.



Venezuelas President Nicolas Maduro attends a military exercise in in Caracas, Venezuela on February 1, 2019. Miraflores Palace / Reuters

Ever since recognizing Venezuelan opposition leader Juan Guaido in January as the countrys legitimate leader, President Trump has been seeking further ways to pressure Maduro out of office, but is running out

of options. The administration has hit Venezuela with oil sanctions and has slapped sanctions on top Venezuelan officials, but so far Maduro is refusing to leave power.

Ramping up economic and diplomatic pressure on Cuba serves as one way for the Trump administration to try to deplete support for Maduro. Cubas government is one of the only remaining countries in Latin America still backing Maduro, and in recent days the Trump administration has increasingly taken aim at Cuba for allegedly propping him up.

"For years, Cuban security and intelligence thugs, invited into Venezuela by Maduro himself and those around him, have sustained this illegitimate rule," Pompeo told the U.N. Security Council in January. "Lets be crystal clear: The foreign power meddling in Venezuela today is Cuba."

Cuba has adamantly denied that claim, with Rodriguez, the foreign minister, challenging the United States to provide proof. He said the roughly 20,000 Cubans in Venezuela are all civilians.

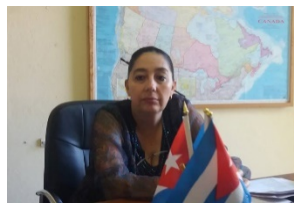
"Our government categorically and energetically rejects this slander," Rodriguez told reporters in Havana. He said the crisis in Venezuela was a "failed imperialist coup" that had been concocted by the U.S.

Prensa Latina

Havana, Republic of Cuba

27 February 2019

Cuba Facing Threat to Activate Chapter III of Helms-Burton



Havana, Feb 27 (Prensa Latina) The U.S. decision, made public in January, whether or not to activate Chapter III of the Helms-Burton Act in 45 days has affected Cuba since the actual announcement, researcher Olga Rosa Gonzalez said Wednesday.

In an interview with Prensa Latina, the deputy director of the Center for Hemispheric and U.S. Studies (CEHSEU) explained that it can influence what is called the perception of risk on Cuba in companies or people from other countries with an interest in investing.

According to Chapter III of the Helms-Burton Act, which can become effective in March, Washington authorizes any U.S. citizen or company to file lawsuits in the U.S. courts to claim compensation for properties nationalized after the triumph of the Revolution on January 1, 1959.

According to the specialist, only this measures announcement causes uncertainty and as a result those interested in investing in Cuba wait until Washingtons final decision.

The United States-Cuba Trade and Economic Council reported on its website that the federal claims agency certified 5,913 cases out of more than 8,000 filed so far.

His calculations suggest the value is about 9 billion dollars, taking into account interest earned over the years, she said.

The largest claim this commission has recognized is that of the Cuban electricity company and the second that of AT&T, the former International Telephone and Telegraph Company; and so there are others, related to hotels, etcetera she added.

Gonzalez assured the justification given is the losses they attribute as a result of the nationalization process occurred in Cuba in 1960.

The researcher pointed out that the Cuban authorities did it under international norms, but the White House did not have the political will to negotiate with the Cuba like other countries, including Canada and Spain, which received compensation.

For experts, triggering such a measure could slow the economic development of the Caribbean nation, already hit by the more than 55-year blockade imposed by the United States, as it would have a significant impact on the projected investment program until 2030.

She also recalled that since the entry into force of the Helms Burton Act in 1996, U.S. administrations did not dare to give light - suspending it for six months - to the application of Chapter III because of the damage its effectiveness could cause to other nations, including allies, and even to the U.S.

However, the current government headed by President Donald Trump decided to reduce the period of time for the analysis of its activation or not, which experts see as a measure to tighten the economic, commercial and financial blockade that Washington has imposed on Cuba for more than 55 years, she reiterated.

Cuban government has warned about the serious impact of the application of Chapter III on already damaged bilateral relations.

In that sense, Foreign Minister Bruno Rodriguez rejected the decision to reduce to 45 days - the U.S. presidents had been doing it for six months - describing it as irresponsible political blackmail and hostility to tighten the blockade on Cuba.

He also denounced the White House policy expressed in the law as an attack on international law and third countries.

National Journal

Washington DC

26 February 2019

White House Weighs Major U.S.-Cuba Policy Shift

The Trump administration is nearing a decision on allowing U.S. citizens to sue over properties nationalized in Cuba. It could increase tensions with key trading partners.

By Casey Wooten



In this May 2, 2016 photo, people waving Cuban flags greet passengers on Carnivals Adonia cruise ship as they arrive from Miami in Havana, Cuba.

The Trump administration is close to deciding whether U.S. citizens can sue over property confiscated during the Cuban revolution, a move allowed by a 1996 law but suspended by every president since.

At risk is the bottom line for a host of U.S. and foreign companies operating in the island nation, including airlines such as KLM and Delta, cruise lines Carnival and MSC Cruises, and manufacturers like Huawei Technologies. The White Houses decision could also upend already

tense relationships with allies like Canada and the European Union, strained by the administration's skepticism of multilateral trade agreements.

Title III of the 1996 Helms-Burton Act (<https://www.congress.gov/bill/104th-congress/housebill/927/actions>) would allow Cuban Americans to sue foreign companies that now profit from property seized by the Cuban government during the 1959 revolution. Amid uproar from U.S. trading partners, every president has suspended the provision, but in mid-January the Trump administration said (<https://www.state.gov/r/pa/prs/ps/2019/01/288482.htm>) it would suspend the statute for only 45 days to conduct a review. Analysts say it's likely the administration will allow some lawsuits to proceed.

"As of today, I would expect that the announcement would be that the United States is implementing Title III, with some restrictions," said John Kavulich, president of the U.S.-Cuba Trade and Economic Council.

Though the 45-day suspension would create a mid-March deadline, it's likely that an announcement will come sooner. Under the 1996 law, the White House must notify Congress of its decision 15 days before the effective date, meaning a decision could come as soon as this week.

When Congress passed the 1996 legislation, U.S. trading partners balked. The EU filed a complaint with the World Trade Organization, which led to the Clinton White House suspending the provision in 1998. The U.K., Mexico, and Canada have passed laws forbidding any company based in their jurisdictions from complying with a U.S. judgment.

"The European Union is already working on countermeasures; they're already planning on what they are going to do," said William LeoGrande, a professor at American University and a Cuba expert. "It wouldn't surprise me if they refiled their complaint in the World Trade Organization."

Analysts said the White House may issue a partial suspension of the statute, in which only some claimants are allowed to file a lawsuit, or a decision exempting U.S. companies profiting from Cuba assets from liability. But that could invite legal action against the administration from claimants who don't get to sue, LeoGrande said.

Since the early 1960s, the Justice Department's Foreign Claims Settlement Commission has accepted more than 5,000 claims filed by property owners, originally totaling (<https://www.justice.gov/fcsc/claims-against-cuba>) about \$1.9 billion. With inflation and a 6 percent interest rate allowed by Congress, that value is now closer to \$9 billion.

The expropriated Cuban property covers (<https://www.justice.gov/sites/default/files/fcsc/docs/final-report-cuba-1972.pdf>) a wide range: ranches, sugar mills, mines, bank deposits, and personal property owned by U.S. citizens or companies before the revolution.

Cruise-ship companies could be sued for using the Port of Santiago in southeastern Cuba. The *Miami Herald* reported (<https://www.miamiherald.com/news/nation-world/world/americas/cuba/article213916384.html>) in 2018 that the Parreño family of Florida claims majority ownership of the port despite the Castro government confiscating it in 1960. Cruise companies docking in Havana Harbor may see a lawsuit from Mickael Behn, a U.S. citizen residing in England who says his family owned the property before the revolution, the *Tampa Bay Times* reported last year.

Out of the 5,000 certified claims, only a few make up the total dollar amount. The largest, valued at \$267 million, is controlled by Boca Raton, Florida-based Office Depot, which, through decades of mergers and acquisitions, controls a claim from the expropriation of the Cuban Electric Company.

Another large claim is controlled by Bethesda, Maryland-based hotelier Marriott International. Again, through a series of acquisitions, Marriott controls a \$50 million claim for the seized Cuban assets of the International Telephone and Telegraph Corporation.

But not all 5,000-plus claimants may get a chance to sue, because the 1996 law restricts suits to claims over \$50,000. That limits the number of potential lawsuits to around 913, the U.S.-Cuba Trade and Economic Council said (<https://www.cubatrade.org/blog/2019/2/7/there-are-5913-certified-claims-but-only-913-of-15-may-be-eligible-to-file-a-lawsuit>).

The Trump administration has sought to reverse the Obama administration's economic and political détente with Cuba. In 2017, Trump spoke (<https://www.whitehouse.gov/briefings-statements/remarks-president-trump-policy-united-statestowards-cuba/>) in Miami's Little Havana, announcing that he would reimpose some travel restrictions and clamp down on businesses tied to Cuban military and intelligence services.

The decision to revisit Title III comes as hard-line foreign policy advisers occupy a greater role in the White House and amid a broader effort by the administration to make its mark on Latin America. President Trump's appointment of John Bolton to national security adviser was key in the administration's move to increase pressure on Cuba, especially as tensions with Nicolás Maduro's Venezuela—a top ally to Cuba—ramp up, analysts said. Last November, Bolton called Cuba, Venezuela, and Nicaragua the “Troika of Tyranny,” a play on the Bush administration's “Axis of Evil” label used to describe North Korea, Iran, and Saddam Hussein's Iraq.

Mauricio Claver-Carone, a D.C. attorney who served as executive director of the anti-Castro U.S.-Cuba Democracy PAC, became senior director of the National Security Councils Western Hemisphere division in late 2018. Claver-Carone was a member of Trump's transition team for the Treasury Department and has pushed for sanctions against Venezuelan officials.

So far, there has been little activity in Congress over the Trump administration's proposed move. In 2002, lawmakers introduced legislation (<https://www.congress.gov/bill/107th-congress/house-bill/5616/actions>) to sunset Title III of the 1996 bill, but it did not advance.

A key bipartisan group of lawmakers has backed previous Trump administration policy changes toward the Cuba, including Sen. Marco Rubio of Florida and Senate Foreign Relations Committee ranking member Bob Menendez, as well as Rep. Mario Diaz-Balart of Florida, who called the decision to review Title III “a firm step in the right direction.” In the House Foreign Affairs Committee, newly installed Western Hemisphere subcommittee chairman Albio Sires opposed (<https://sires.house.gov/media-center/pressreleases/congressman-sires-statement-on-the-change-of-cuba-policy>) Obama's relaxation of restriction on Cuba.

“So you have much different dynamic that now, politically, they're able to make these decisions where they weren't before,” Kavulich said.

Kavulich said that in December his group and others submitted a proposal to the White House and to Cubans to “lay out a script” for reopening negotiations over the certified claims, but geopolitics intervened.

“It was getting some traction in Congress and the White House and the Cubans —people looking at it, claimants—and then January moved along and, of course, Venezuela blew up,” Kavulich said.

New York, New York

22 January 2019

U.S. companies could get caught in cross-fire if administration revives dormant statute Many unanswered questions remain after State Department announcement

By Rossella Brevetti

The business community is on edge after the Trump administration signaled it may activate a dormant statute to allow lawsuits in U.S. courts over property **Cuba** confiscated in the early days of the Castro government.

“Depending on who comes out of the woodwork to file a claim it, could significantly affect U.S. industry,” James Williams, president of Engage **Cuba**, told Bloomberg Law. Engage **Cuba**, which represents companies working to end restrictions against **Cuba**, strongly opposes the move that would tighten the embargo by making it harder to conduct business in **Cuba**.

U.S. companies doing legitimate business in **Cuba** would get caught in the cross-fire, Jake Colvin, vice president of global trade and innovation at the National Foreign Trade Council, said. Affected companies could include major U.S. hotel operators with a connection to Cuban property, he said. Reviving the statute could unleash 200,000 new claims, potentially causing gridlock in the U.S. court system, according to the NFTC.

The move could allow lawsuits against persons and corporations doing business in **Cuba** that had no connection to the original expropriation of property, Williams said. Such lawsuits would likely revive a World Trade Organization dispute with the European Union, both industry insiders said. The EU set aside an early WTO complaint against the statute but, in doing so, it said that it reserves the right to resume the case or start new proceedings if action is taken against EU companies under the law.

“It’s not a done deal. Hopefully cooler heads will prevail,” Williams said. Any U.S. or foreign company that controls, manages, uses, or otherwise holds an interest in or benefits from confiscated property could be subject to a claim, according to the NFTC. Companies with a business foothold in **Cuba** include Marriott International.

“Anybody who has any business interest in **Cuba** is right now burning up the phone lines with their elected representatives,” Miami lawyer Pedro Freyre, chair of Akerman’s International Practice, told Bloomberg Law Jan. 18.

Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 allows U.S. nationals to sue foreign corporations that made profits with property confiscated by the Castro government. The right of action established by the law has been suspended by Republican and Democratic administrations for six month stretches ever since its enactment in 1996.

But, in an unprecedented move, the State Department Jan. 16 **announced** a 45 day suspension of the law to “permit us to conduct a careful review of the right” to bring lawsuits on confiscated property. Secretary of State Mike Pompeo cited U.S. national interests and efforts to expedite a transition to democracy in **Cuba**.

The State Department estimates that Title III creates the potential for between 75,000 to 200,000 new claims worth tens of billions of dollars against American and foreign companies, according to the NFTC.

“We encourage any person doing business in **Cuba** to reconsider whether they are trafficking in confiscated property and abetting this dictatorship,” the State Department said. The extension runs to March 17, which is 45 days from Feb. 1 when the last six-month suspension will expire.

Cuba Reacts

Cuba’s Ministry of Foreign Affairs responded in a Jan. 17 statement that foreign individuals and entities with legitimate businesses in **Cuba** could face unfounded claims in U.S. courts. The action would

dangerously tighten the blockade against **Cuba** and would be a direct attack on the sovereignty and interests of third countries, **Cuba**'s Ministry of Foreign Affairs said.

If the administration follows through, lawyers and their clients will be converging on federal district courts in areas with large Cuban American populations, including Miami, Florida, Newark, New Jersey, and Tampa, Fla., U.S.-**Cuba** Trade and Economic Council President John Kavulich said.

Kavulich said there are many unanswered questions about the action, including whether the administration would only allow lawsuits on claims certified by the United States Foreign Claims Settlement Commission. Mediation would be a much better way to resolve the certified claims, he said.

Opening up this topic again will do nothing to compensate U.S. persons for confiscated property since there is no enforcement mechanism, Peter **Quinter**, head of international law at GrayRobinson in Miami, told Bloomberg Law in an email. He said the proposal was a negative distraction from building positive relations with a country only 90 miles from Florida.

The Trump administration action shortening the duration of the suspension should serve as a sign for those who continue to violate U.S. law by trafficking in confiscated property, Rep. Mario Diaz-Balart (R-Fla.) tweeted.

According to Kavulich, there are 8,821 claims for confiscated property. Of these, 5,913 awards were certified by the United States Foreign Claims Settlement Commission.

The total amount of claims certified by the commission is \$1.8 billion. But this only represents the principal amount of private property at the time it was seized.

Thomson Reuters

London, United Kingdom

16 January 2019

United States signals it may toughen stance on Cuban lawsuits provision

WASHINGTON/HAVANA (Reuters) - The Trump administration on Wednesday shortened the U.S. government's customary waiver of legislation that would allow Cuban Americans to sue foreign companies in Cuba, indicating it could allow the 23-year-old law to take effect for the first time.

The legislation, which allows Cuban Americans to sue foreign companies in Cuba using properties seized from them by the Cuban government after the 1959 revolution, was suspended for just 45 days, instead of the customary six months.

The so-called Title III rule forms part of the Helms-Burton Act, which codified all U.S. sanctions against Cuba into law in 1996. It has been waived by various presidents ever since due to opposition from the international community and fears it could create chaos in the U.S. court system, analysts say.

If Title III went into effect, it could seriously dampen foreign investment that Cuba has been seeking to drum up to support its beleaguered state-dominated economy.

"This extension will permit us to conduct a careful review of the right to bring action under Title III in light of the national interests of the United States and efforts to expedite a transition to democracy in Cuba," the State Department said in a statement.

"We encourage any person doing business in Cuba to reconsider whether they are trafficking in confiscated property and abetting this dictatorship."

John Kavulich, president of the U.S.-Cuba Trade and Economic Council, said the decision presented "a likelihood of an ominous commercial, economic and political landscape for the Republic of Cuba, European Union-member countries, and members of the World Trade Organization."

“Once again, the Trump Administration has used weaponized potentiality to create uncertainty and, thus anxiety,” he said.

El Nuevo Herald

Miami, Florida

16 January 2019

Decisión sobre permitir demandas por propiedades confiscadas en Cuba queda en suspenso

por Nora Gámez Torres

A la izquierda, una foto de 1941 de la terminal y almacenes del Puerto de Santiago de Cuba, operados por La Marítima Parreño. La propiedad fue confiscada por el gobierno cubano en 1960. A la derecha, una vista parcial de las mismas instalaciones en el 2016. Mimi Whitefield Cortesía de Javier García-Bengochea

En un gesto que indica que está considerando cambios significativos en la política hacia Cuba, el gobierno de Donald Trump aplazó la decisión de permitir o no demandas en cortes de Estados Unidos contra compañías que ahora se benefician de propiedades que fueron confiscadas por el gobierno cubano.

El Secretario de Estado, Mike Pompeo, aplazó por 45 días a partir del 1 de febrero la decisión de suspender o no el Título III de la ley Helms-Burton o Ley Libertad de 1996, una provisión que permite a estadounidenses y ciudadanos naturalizados que nacieron en Cuba demandar en cortes de EEUU a personas o compañías que se encuentren “traficando” con una propiedad confiscada por el gobierno cubano después de 1959.

“Esta extensión nos permitirá llevar a cabo una revisión cuidadosa del derecho a actuar en virtud del Título III a la luz de los intereses nacionales de los Estados Unidos y los esfuerzos para acelerar la transición a la democracia en Cuba e incluye factores como la brutal opresión por parte del gobierno cubano de los derechos humanos y las libertades fundamentales, y su apoyo indefendible a los regímenes cada vez más autoritarios y corruptos en Venezuela y Nicaragua”, escribió Pompeo en una notificación enviada al Congreso el miércoles.

“Pedimos a la comunidad internacional que intensifique los esfuerzos para responsabilizar al gobierno cubano por los 60 años de represión de su pueblo. Alentamos a cualquier persona que haga negocios en Cuba a que reconsidere si está traficando con propiedades confiscadas e incitando a esa dictadura”, añadió Pompeo.

La decisión llega después de una intensa deliberación en la que por primera vez desde que se aprobó la ley en 1996, se evaluó no suspenderla.

“Por primera vez, el Título III de la Ley de Libertad ha sido suspendido por menos de seis meses. El uso de cuarenta y cinco días presenta la posibilidad de un siniestro panorama comercial, económico y político para la República de Cuba, los países miembros de la Unión Europea y los miembros de la Organización Mundial del Comercio” opinó John Kavulich, presidente del U.S Cuba Trade and Economic Council.

Según Kavulich, la administración de Trump ha jugado políticamente con la incertidumbre para crear ansiedad. “Precisamente la intención”, añadió.

El Título III de la ley Helms-Burton o Ley Libertad de 1996 permite a estadounidenses y ciudadanos naturalizados que nacieron en Cuba demandar a personas o compañías que se encuentren “traficando”, con una propiedad confiscada por el gobierno cubano después de 1959. La definición de “traficar” es amplia e incluye desde tener acciones hasta administrar o beneficiarse comercialmente de actividades relacionadas con esa propiedad confiscada.

El Departamento de Justicia certificó 5,913 reclamaciones de ciudadanos y compañías estadounidenses pero un número indeterminado de cubanoamericanos que perdieron sus propiedades en Cuba podrían también presentar demandas en cortes de EEUU si se implementa el Título III.

El valor de las reclamaciones certificadas, con un seis por ciento de interés anual, es de alrededor de \$9 mil millones.

Hasta ahora, el Título III ha sido suspendido cada seis meses por todos los presidentes desde 1996, incluido Trump, en parte para evitar conflictos legales con aliados estratégicos, como Europa y Canadá, quienes criticaron el carácter “extraterritorial” de la ley.

John Bolton, el asesor del Consejo de Seguridad Nacional (NSC, por sus siglas en inglés), dijo a el Nuevo Herald en noviembre que la administración estaba “considerando seriamente” la propuesta de no suspender el Título III, realizada por varios miembros cubanoamericanos del Congreso.

Durante su más reciente intervención pública, a inicios de este mes, el exgobernante y actual primer secretario del Partido Comunista, Raúl Castro, criticó en su discurso por el 60 aniversario de la revolución cubana a “altos funcionarios de la actual administración” de EEUU, quienes “dicen estar dispuestos a desafiar el Derecho Internacional, contravenir las reglas del comercio y las relaciones económicas internacionales y aplicar más agresivamente medidas y leyes de carácter extraterritorial contra la soberanía de otros Estados”.

El representante republicano por la Florida Mario Díaz-Balart dijo que la decisión “sin precedentes” del gobierno de Trump debe servir como una señal para aquellos que continúan violando la ley de los Estados Unidos mediante el tráfico de propiedades confiscadas... La decisión de hoy es un paso firme en la dirección correcta”.

Le ley Helms-Burton, que contiene medidas para fortalecer las sanciones a Cuba así como excepciones adicionales al embargo, fue firmada por el presidente Bill Clinton tras el derribo de dos avionetas civiles de la organización de exiliados cubanos en Miami Hermanos al Rescate por aviones militares cubanos. El hecho, ocurrido en aguas internacionales, causó la muerte a tres ciudadanos y un residente de EEUU.

Duration 9:45

El asesor de seguridad nacional de EEUU, John Bolton, habla con la redactora de el Nuevo Herald Nora Gámez Torres sobre la política hacia América Latina en la Freedom Tower en Miami el 1 de noviembre de 2018.

En las últimas semanas, miembros de la administración debatieron cómo podría implementarse el Título III. Algunos expertos adujeron que su implementación parcial para discriminar quiénes pueden demandar —una de las opciones estudiadas—, iba en contra de protecciones constitucionales o no tenía un fundamento en el lenguaje empleado en la ley Helms-Burton. Funcionarios en el Departamento de Estado también mostraron preocupación por las posibles consecuencias de la decisión: quejas de países europeos y otros aliados ante las Organización Internacional del Comercio, tensiones en las Naciones Unidas y conflictos bilaterales, comentaron fuentes familiarizadas con las discusiones.

Tras la aprobación de la ley Helms-Burton en 1996, Canadá, uno de los principales inversionistas en la isla a través de compañías como Sherrit, aprobó sus propias leyes para desconocer cualquier sentencia escudada en la ley Helms-Burton y permitir a sus nacionales que respondan con demandas en los tribunales canadienses.

Esta semana, el secretario de Estado Mike Pompeo revisó el tema, a petición del NSC. El Departamento de Estado ha tenido la autoridad para hacer esta determinación y suspender el Título III de la ley desde enero del 2013, cuando el entonces presidente Barack Obama delegó este asunto al secretario de Estado.

La implementación del Título III implicaría otros precedentes legales “interesantes”, dijo el abogado Jason Poblete, entre ellas el hecho de permitir que personas que no eran ciudadanas de EEUU en el momento de perder sus propiedades puedan demandar en las cortes del país. El Título III también establece que las cortes no pueden rehusarse a considerar las demandas.

Es difícil estimar cuántos cubanoamericanos sin reclamaciones certificadas estarían dispuestos a presentar demandas, un proceso largo y costoso.

“Es probable que solo haya docenas de juicios, porque los reclamantes deben poder demostrar su propiedad, que la adquirieron antes de 1996 a través de una transferencia con licencia o exenta; que hay un extranjero traficando con su propiedad, el cual debe además tener presencia económica en los EEUU”, dijo Nick Gutiérrez, presidente de la Asociación Nacional de Hacendados de Cuba en el exilio. Los demandantes deben cumplir requisitos adicionales: sus propiedades no pueden ser residencias, deben valer más de \$50,000 y no puede estar siendo empleadas actualmente por misiones diplomáticas. También deben poder pagar la alta tarifa para presentar la demanda y contratar a abogados calificados, agregó Gutiérrez.

Poblete, un abogado en Washington que representa a varios clientes que tienen en su poder reclamaciones certificadas, cree que la posibilidad de demandar en las cortes, si bien o es la solución ideal, sería otra opción para sus clientes.

“Litigar no es el objetivo del programa de reclamaciones, pero en este momento los titulares de reclamaciones tienen muy pocos recursos para defender sus derechos de propiedad”, dijo Poblete. “Si tenemos la opción de defender los derechos de propiedad de nuestros clientes con el Título III, sería otra opción que les ofreceríamos”.

“Por supuesto que presentaré una demanda”, si se implementa el Título III, dijo Javier Bengochea, un neurocirujano de Jacksonville, cuyos primos, la familia Parreño, eran propietarios de las principales instalaciones y terminales portuarias de Santiago de Cuba a través de su compañía La Marítima Parreño. La compañía fue confiscada sin compensación por Castro en 1960.

Bengochea es ahora titular de una reclamación certificada en relación con el puerto de Santiago, un sitio principal de actividades de las compañías de cruceros de Estados Unidos.

El Título III, agregó en un correo electrónico, “refleja fielmente si no la intención, el lenguaje real del derecho internacional con respecto a la compensación por propiedades expropiadas. Estos casos no pueden ser escuchados en un país como Cuba donde el poder judicial no es independiente”.

Haber perdido propiedades en Cuba, confiscadas por el gobierno cubano, no ha frenado los negocios de algunas compañías estadounidenses en la isla, sobre todo a partir del restablecimiento de las relaciones. Compañías como Colgate, Delta y Western Union tienen negocios o están presentes en Cuba.

Marriot International, poseedor de la segunda reclamación certificada de más valor (cerca de \$182 millones) obtuvo autorización de los gobiernos de EEUU y de Cuba para administrar un hotel en La Habana en el 2016, el Four Points by Sheraton. En ese momento, el acuerdo generó especulación sobre qué peso habría tenido la reclamación en poder de la compañía para lograr que el gobierno cubano cediera la administración del hotel.

La administración de Obama se reunió tres veces con representantes del gobierno cubano para discutir sobre el tema de las reclamaciones pero no hubo progreso pues el gobierno cubano exigió ser compensado por los daños causados por el embargo. Tras la llegada de Trump a la Casa Blanca, las relaciones se han enfriado, sobre todo a partir de los extraños incidentes que enfermaron a 26 funcionarios de EEUU en La Habana. Como resultado, la embajada de EEUU en La Habana quedó reducida al personal mínimo. Aún no se han identificado a los responsables y el gobierno cubano ha negado su participación.

“Si el Título III pudiera llevar a Cuba a la mesa de negociaciones [para resolver las reclamaciones], podría ser una buena idea”, dijo Poblete, “pero dudo que temas bilaterales pendientes puedan avanzar a menos que los cubanos lidien con el problema de la embajada y tomen medidas para asegurar la seguridad de los diplomáticos estadounidenses”.