

PROPOSED RESCISSION OF CUBA'S DESIGNATION AS
A STATE SPONSOR OF TERRORISM

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REPORT ON THE PROPOSED RESCISSION OF CUBA'S
DESIGNATION AS A STATE SPONSOR OF TERRORISM



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Committee on Foreign Affairs and ordered to be printed

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To the Congress of the United States:

I transmit herewith a report to the Congress with respect to the proposed rescission of Cuba's designation as a state sponsor of terrorism.

BARACK OBAMA.

THE WHITE HOUSE, *April 14, 2015.*

CERTIFICATION OF RESCISSION OF CUBA'S DESIGNATION AS
A STATE SPONSOR OF TERRORISM

Pursuant to the Constitution and the laws of the United States, and consistent with section 6(j)(4)(B) of the Export Administration Act of 1979, Public Law 96-72, as amended (50 U.S.C. App. 2405(j)), and as continued in effect by Executive Order 13222 of August 17, 2001, I hereby certify, with respect to the rescission of the determination of March 1, 1982, regarding Cuba that:

(i) the Government of Cuba has not provided any support for international terrorism during the preceding 6-month period; and

(ii) the Government of Cuba has provided assurances that it will not support acts of international terrorism in the future.

This certification shall also satisfy the provisions of section 620A(c)(2) of the Foreign Assistance Act of 1961, Public Law 87-195, as amended (22 U.S.C. 2371(c)), and section 40(f)(1)(B) of the Arms Export Control Act, Public Law 90-629, as amended (22 U.S.C. 2780(f)).

A handwritten signature in black ink, consisting of a large, stylized 'B' followed by a smaller 't' and a horizontal line extending to the right.

THE WHITE HOUSE,
April 14, 2015.

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MEMORANDUM OF JUSTIFICATION FOR RESCISSION
OF CUBA'S STATE SPONSOR OF TERRORISM DESIGNATION

Cuba was designated as a state sponsor of terrorism March 1, 1982, due to its efforts to promote armed revolution by organizations in Latin America that used terrorism to undermine existing regimes. In cooperation with the Soviet Union, Cuba facilitated the movement of people and weapons into Central and South America and directly provided funding, training, arms, safe haven, and advice to a wide variety of guerrilla groups and individual terrorists. After careful review and as described herein, the President has determined that the record supports the statutorily required certification that the Government of Cuba has not provided any support for international terrorism during the preceding six-month period and has provided assurances that it will not provide support for acts of international terrorism in the future.

The President's certification to permit rescission of Cuba's designation as a state sponsor of terrorism represents the culmination of years of concerted diplomatic effort and monitoring of Cuba's behavior by the United States.

In recent years, Cuba has taken a number of steps to fully distance itself from international terrorism, and has taken steps to strengthen its counterterrorism laws. In 2013, Cuba made a commitment to work with the Financial Action Task Force to address its anti-money laundering/counterterrorism finance (AML/CTF) deficiencies. Since that time, Cuba has made significant progress in establishing the framework necessary to meet international AML/CTF standards by, for example, adequately criminalizing money laundering and terrorist finance and establishing procedures to identify and freeze terrorist assets, among other legal and regulatory actions.

According to the United Nation's Office of Drugs and Crime database, Cuba is a state party to 15 international instruments related to countering terrorism and has deposited its instrument of ratification or accession, as appropriate, to three additional instruments that have not yet entered into force.

In addition to strengthening its counterterrorism laws to meet international standards and obligations, Cuba has condemned numerous terrorist attacks around the world. In January 2015, Cuban President Raul Castro sent a message to French President Hollande condemning the terrorist attack in Paris against the satirical newspaper Charlie Hebdo.

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In April 2013, following the bombing at the finish line of the Boston Marathon, Cuba expressed its condolences through a diplomatic note delivered to the U.S. Interests Section in Havana, and noted that it “unequivocally rejects and condemns all acts of terrorism in any place and under any circumstance, regardless of the purported justification for such acts.”

In July 2011, the Cuban ministry of foreign affairs released a statement offering condolences and condemning the attacks by Anders Breivik in Oslo and the island of Utoya in Norway, which killed 77 people, most of them youth.

After the attacks on September 11, 2001, Cuba expressed solidarity with the United States and offered airspace and airports to American planes.

Cuban officials have also directly condemned terrorism in a number of speeches and statements. In December 2014, Cuban President Raul Castro delivered a speech in which he noted that no terrorist action against any U.S. citizen, interest, or territory has been organized, financed, or perpetrated from Cuba; nor would they ever be. In the same speech, President Castro also noted that Cuba has relayed to the U.S. government any information about terrorist plans against the United States that it had received.

In October 2014, the Cuban foreign minister gave a speech at the United Nations in which he noted Cuba has shared terrorist threat information with the United States, assured Cuba was not a threat to the national security of the United States, and detailed the expansion of cooperation with the United States on many fronts related to national security, including transnational crime and aviation safety.

In 2010, the Government of Cuba provided the United States with a non-paper detailing Cuba’s actions against terrorism, including outlining its anti-terrorism laws, reiterating its commitment to its international obligations regarding both counterterrorism and non-proliferation, noting instances of information sharing with the United States regarding planned terrorist attacks, and providing assurances that Cuban territory would not be used to organize, finance, or carry out terrorist acts.

Direct engagement with Cuba has also permitted the United States to secure additional assurances, delivered April 3, 2015, of Cuba’s commitment to renounce international terrorism. In the assurances, Cuba reiterated its commitment to cooperate in combating terrorism, rejected and condemned all terrorist acts,

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methods, and practices in all their forms and manifestations, and condemned any action intended to encourage, support, finance, or cover up any terrorist acts. The Government of Cuba further committed to never supporting any act of international terrorism, and never allowing its territory to be used to organize, finance, or execute terrorist acts against any other country, including the United States. That paper stated, in part:

“Cuba rejects and condemns all terrorist acts, methods and practices in all its forms and manifestations. It likewise condemns any action intended to encourage, support, finance or cover up any terrorist act, method or practice.”

“The Government of Cuba has never supported, nor will it ever support any act of international terrorism.”

“The Cuban territory has never been used, nor will it ever be used to organize, finance or execute terrorist acts against any country, including the United States.”

Following a review of all available information, there is no credible evidence at this time of ongoing support by Cuba for international terrorism, and there is a sufficient basis for certification by the President to Congress that Cuba has not provided any support for international terrorism during the preceding six-month period.

There is no credible evidence that the Government of Cuba has, within the preceding six months, provided specific material support, services, or resources, to members of the Revolutionary Armed Forces of Colombia (FARC) or the members of the National Liberation Army (ELN) outside of facilitating the internationally recognized peace process between those organizations and the Government of Colombia.

In fact, the Government of Cuba has been particularly helpful in facilitating the peace negotiations between the Colombian government and the FARC and, in addition, the ELN. Throughout 2014, Cuba supported and hosted internationally recognized negotiations between the FARC and the Government of Colombia aimed at garnering a peace agreement. Safe passage of FARC members provided in the context of these talks has been coordinated with representatives of the governments of Colombia, Venezuela, Chile, and Norway, as well as the International Committee of the Red Cross. There is no available evidence the

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Government of Cuba is using these peace talks as a pretext to provide support to the FARC or ELN. In its April 2015 assurances, the Government of Cuba addressed its support to FARC during the peace process and provided assurances that it would never permit FARC and ELN members present in Cuba to use Cuban territory to engage in activities against Colombia or any other country.

The Government of Colombia formally noted to the United States that it believes the Cuban government has played a constructive role in the peace negotiations. The Colombian government has no evidence that Cuba has provided any political or military support in recent years to the FARC or ELN that has facilitated, supported, or promoted the planning or execution of terrorist activity in Colombia. Colombia further noted the Cuban government has been helpful in reiterating to the FARC that armed struggle has no justification.

The Government of Cuba does continue to allow approximately two dozen members of the Basque Fatherland and Liberty organization (ETA) to remain in the country. Cuba addressed the presence of these ETA members in both its 2010 antiterrorism non-paper, and the April 2015 assurances, noting that most of the individuals entered Cuba following a 1984 agreement with the Government of Spain. The Cuban government provided assurances that it would never permit the ETA members living in Cuba to use Cuban territory for that organization's activities against Spain or any other country. There is no available information that, within the preceding six months, the Government of Cuba has allowed any of these ETA members to plan, finance, lead, or commit acts of international terrorism while residing in Cuba.

The Government of Spain has requested the extradition of two ETA members from Cuba. The Government of Cuba has recently responded to the requests, and a bilateral process is now underway for Spain and Cuba to resolve the matter. The Government of Spain has assured the United States that it is satisfied with this process and that it has no objection to the rescission of Cuba's designation as a state sponsor of terrorism.

The Government of Cuba does continue to harbor fugitives wanted to stand trial or to serve sentences in the United States for committing serious violations of U.S. criminal laws, and provides some of these individuals limited support such as housing, food ration books, and medical care. Although Cuba continues to refuse to return certain individuals that fled to Cuba in the past, it has been far more cooperative with the United States in more recent cases. For example, in 2011, Cuba returned two fugitives to the United States who had previously fled to Cuba,

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and returned two additional individuals in 2013. The United States continues to seek the return from Cuba of fugitives from U.S. justice. Cuba has agreed to enter into a law enforcement dialogue with the United States that will include discussions with the aim of resolving outstanding fugitive cases. We believe that the strong U.S. interest in the return of these fugitives will be best served by entering into this dialogue with Cuba.

Should we obtain credible evidence of current Cuban support for acts of international terrorism at any time in the future, the Secretary of State could again designate Cuba as a state sponsor of terrorism

The President's report to Congress certifying that Cuba has not provided any support for international terrorism during the preceding six-month period and has provided assurances that it will not provide support for acts of international terrorism in the future will permit the Secretary of State to rescind Cuba's designation following the 45-day Congressional review period. Rescission in this case will strongly support the objectives of the state sponsor legislation, and will demonstrate to Cuba the benefits of cooperation with the international community, including the United States, to counter international terrorism.

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