

A CLOSER LOOK AT CUBA AND ITS RECENT HISTORY OF PROLIFERATION

HEARING BEFORE THE SUBCOMMITTEE ON THE WESTERN HEMISPHERE OF THE COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES ONE HUNDRED THIRTEENTH CONGRESS

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A CLOSER LOOK AT CUBA AND ITS RECENT HISTORY OF PROLIFERATION

THURSDAY, SEPTEMBER 26, 2013

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE WESTERN HEMISPHERE,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2 o'clock p.m., in room 2172 Rayburn House Office Building, Hon. Matt Salmon (chairman of the subcommittee) presiding.

Mr. SALMON. A quorum being present, the subcommittee will come to order.

I'll start by recognizing myself and ranking member to present our opening statements, and without objection the members of the subcommittee will be recognized to present their opening remarks. I ask that they do so in a timely manner to allocate time for all present members.

Now I yield myself time to present my opening statement. Earlier this summer on July 16th the Panamanian Government discovered and detained the North Korean flagged Chong Chon Gang cargo vessel travelling from Cuba.

Found on board were 25 cargo containers of Cuban weapons and other U.N.-sanctioned items bound for the rogue regime in North Korea.

In anticipation of the U.N. Security Council Sanctions Committee, its impending report on the incident, I've convened this subcommittee today to investigate further Cuba's recent history of military proliferation and noncompliance with U.N. sanctions, and to review the options available to the subcommittee to attempt to hold Cuba accountable for their violations.

The facts in this case are not in dispute. At the time of their discovery, the Cuban foreign ministry said that the tanker was carrying 10,000 pounds of sugar—excuse me, 10,000 tons of sugar and 240 metric tons of "obsolete defensive weapons" including disassembled missiles, two MiG-21 jet fighters and two disassembled anti-aircraft missile complexes "to be repaired and returned to Cuba."

But here is what the Panamanian officials actually found hidden among the bags of Cuban sugar: Night vision equipment, small arms and light weapons ammunition, rocket-propelled grenades and artillery ammunition for anti-tank guns.

This cargo is a clear violation of the U.N. sanctions imposed on North Korea after its series of nuclear bomb tests.

This is a potentially groundbreaking case where a country in the Western Hemisphere is likely to be found in violation of the U.N. Security Council sanctions on weapons proliferation.

Many experts believe, and the Castro regime itself has actually admitted, to the violation of international sanctions in this case. I am convinced that this case should and would be getting a lot more international attention if not for the daily and deadly news coming out of Syria and now the heinous Al Shabaab acts of terrorism at the mall in Nairobi, Kenya.

The narrative that defenders of the Castro regime would like us to believe is that much of the weaponry was to be repaired and/or modernized and returned to Cuba, and that it is no longer involved in such illicit activities.

But at least in this instance, it is undeniable that they got caught red handed in direct violation of the sanctions and they must be held accountable.

This subcommittee has been told that knowing it is in violation of international sanctions the Castro regime has begun a full “charm offensive” at the U.N. to convince the Sanctions Committee that it should in fact be applauded for its compliance and cooperation in this case rather than punished and sanctioned for its international and intentional breach of the sanctions regime.

Failure to hold the Cuban Government fully responsible will also be a slap in the face to our allies. If Cuba is allowed to get away with this, this time, it would send a terrible message to Panama, which put its resources and its reputation on the line to intercept this vessel.

Even worse, other countries in the future might decide it simply isn’t worth the cost and energy of pursuing similar violations to the benefit of rogue regimes in North Korea and Iran.

Of further concern is that it appears that the Cuban military’s rogue business activities are growing increasingly dangerous, yet current U.S. travel policy continues to feed the Cuban military’s business interests.

For example, U.S. travellers to Cuba stay almost exclusively at the Cuban military’s five-star hotels. I believe that this policy should be halted and that remittances from the U.S. should not be allowed to further fuel the moribund Castro regime.

If Cuba is not properly reprimanded in the strongest terms available, then it could very well embolden Venezuela and other ALBA states to find ways to help other rogue regimes.

We know Venezuela has already been helping Iran skirt U.S. financial sanctions. Allowing Cuba to get away with violating international weapons sanctions would send a very dangerous message to the international community at large.

I very much look forward to hearing from our expert witnesses today as we delve further into these questions and how this subcommittee can most effectively work to ensure international sanctions are upheld with meaningful consequences for any violations.

I yield time to the gentleman from New Jersey, Mr. Sires.

Mr. Sires. Thank you, Mr. Chairman.

Good afternoon. Thank you to our witnesses for being here today. The last time advanced weapons were shipped to and from Cuba

the world had come close to the brink of nuclear war than in any other time.

It was October 1962 at the height of the Cuban Missile Crisis when the United States discovered that the Soviet Union was installing ballistic and tactical nuclear missiles in Cuba just 90 miles south of the United States' coast.

Today, we know that Cuba has the capability to launch without Russian codes or consent and have even pleaded Moscow to launch weapons already on the island even after the withdrawal was initiated.

President Kennedy thwarted a dangerous game of nuclear chess played by the Soviet and Cuban regimes. Now, nearly 51 years later, we find Cuba has taken in a different partner in North Korea to partake in the illicit transfer of contraband, arms and weaponry.

Staunch anti-Americanism, anti-democratic values and defiance of world order have isolated and strengthened a historically distant relationship between the two communist nations.

On July 10th earlier this year Panamanian authorities seized a North Korean freighter declared to be carrying 10,000 tons of sugar from Cuba, only to discover a hidden cargo of Soviet-made anti-missile system components, fighter jet parts and engines.

In doing so, inspectors encountered a defiant 35-member North Korean crew and a captain who even attempted to take his own life to prevent inspection.

Days later, the Cuban Government acknowledged the contents of the cargo as mere obsolete defensive weapons to be repaired and returned to Cuba, adding that the sugar was a humanitarian gift to North Korea.

This was not the first transshipment of its kind and neither Cuba nor North Korea had any intent of disclosing their transgressions or contents of the illicit cargo.

Further inspection has in fact revealed the cargo to include over 25 hidden containers, military vehicles and like-new ammunitions and hardware in original cases.

However, North Korea's involvement and the Cubans' declaration has only raised more questions than it has answered. If only for repairs then why did Cuba not ask other nations instead of breaking various U.N. Security Council's resolutions banning arms transfers especially to North Korea? With North Korea doing its best to refurbish its military hardware, it is more likely that the fighter jets were intended to stay in North Korea.

At the same time a barter arrangement may have been reached to transfer some equipment to North Korea for repairs with sugar serving as payment.

Without a doubt, the nature and contents of the seizure itself and the existence of a barter agreement reflect the dire economic conditions and level of desperation in both states.

Nonetheless, irrespective of the purpose or intent, obsolete weaponry or not, the transfer of these items is a clear violation of the U.N. Council's resolutions—Security Council resolutions.

Meanwhile, Panamanian authorities have recently declared that the preliminary U.N. Security Council report has determined Cuba's North Korea-bound arms cargo to be in violation of U.N. sanctions.

However, that Cuba has by its own admission acknowledged its concealment and is presumably cooperating with the U.N. inspectors should be seen with great doubt. Cuba and North Korea starve their people of common dignity, freedom of speech and human rights.

They have not abided by world norms and are unlikely to do so. The U.S., together with the U.N. Security Council, should enforce present sanctions against North Korea and be undeterred in punishing Cuba for violating them.

Laws are not to be—that are not enforced and defended with lose value and respect. The U.S. and the U.N. should demonstrate that there are consequences to defying international laws.

I look forward to hearing the panelists' comments.

Mr. SALMON. Thank you.

The Chair yields to the gentlewoman from Florida, Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman.

This weapons proliferation violation in our own hemisphere poses a direct threat to our national security interest.

Allowing the Castros to go unaccountable sends a terrible message to allies like Panama, who risked their time and resources to stop this vessel, and also to Venezuela and other rogue regimes who seek to cooperate further with North Korea or Iran.

We must not allow U.S. People to People travellers to stay at Cuba luxury resorts which are owned by the Cuban military, as you pointed out.

Additionally, this administration must reinforce the already existing ban on visas for regime officials and their family members.

Allowing Castro family members and regime officials to be issued travel visas to come here sends a message of impunity. It eliminates the dissuasive effect for repressors.

This is a time for the administration to hold the Castro regime accountable for its actions, not a time to engage in normalization efforts with the regime.

A U.S. citizen languishes in a Cuban jail. This international violation now comes to light and yet the U.S. sits across the table from the Cuban regime on postal service issues. Incredible.

Both North Korea and Cuba were in clear violation of U.N. sanctions yet neither nation has suffered any consequences from this act.

Thank you, Mr. Chairman, for the time.

Mr. SALMON. Thank you.

The Chair recognizes the gentleman from American Samoa, Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

I want to thank you and our ranking member for calling this hearing. With Panama's recent interdiction of North Korea's ship, the Chong Chon Gang, many of the issues that have traditionally taken center stage in the Western Hemisphere suddenly become somewhat trivial.

We are no longer just concerned with drug interdictions or trafficking, government corruption or democracy. We have now added, out of nowhere it seems, arms and proliferation the ongoing agenda.

But did this exchange between Cuba and North Korea really come out of nowhere? Were there any warning signs? Was this an isolated incident?

What about the intelligence that Panama received? The Panamanian authorities seized the vessel under suspicion of drugs aboard the ship.

While the intelligence was wrong, it nonetheless led to the discovery of a very alarming situation here in the Western Hemisphere. I am concerned that there is much speculation and supposition surrounding this event.

The truth is we just do not have the information we need to take a next step or even appreciate the implications that the situation will have on the United States, on our neighboring countries and on our government-to-government relationship within the region.

I look forward to hearing from our witnesses and I want to personally offer my welcome to Ms. Nikitin and Ms. Werlau for their testimony.

Thank you, Mr. Chairman.

Mr. SALMON. Thank you.

Does the gentleman from California, Mr. Rohrabacher, choose to make an opening statement?

Mr. ROHRABACHER. Just to thank you, Mr. Chairman, on holding this hearing. I think it's vitally important that the United States, while confronting serious challenges throughout the world, not lose sight of the fact that we have one of the world's longest lasting tin pot dictatorships right along—right near our coast line.

This regime is a disgrace and has held the people of Cuba back for so long. We need to again reaffirm that we are on the side of the people of Cuba and against their dictatorship.

Thank you, Mr. Chairman.

Mr. SALMON. Thank you.

Pursuant to committee rule seven the members of the subcommittee will be permitted to submit written statements to be included in the official hearing record.

Without objection, the hearing record will remain open for 7 days to allow statements, questions and extraneous materials for the record subject to the length limitation in the rules.

Now I'd like to introduce the panel. First of all, we have on Skype Mr. Hugh Griffiths. He's the senior researcher and head of the Countering Illicit Drug Trafficking-Mechanism Assessment Projects at the Stockholm International Peace Research Institute.

He's conducted a wide variety of investigation into arms trafficking via sea and air in Africa, the Middle East and Korean Peninsula working on behalf of a variety of United Nations, European Union and North American organizations, agencies and member states.

He holds a Ph.D. research certificate and a Master's of philosophy in international political economy as well as a post-graduate degree in international relations and law from the University of Amsterdam.

We also have Ms. Werlau. She is the executive director of Cuba Archive. This initiative seeks to advance human rights through research and scholarship.

For years she has tracked Cuba's relationship with North Korea and other rogue states. Ms. Werlau holds a Bachelor's degree of science in foreign service from Georgetown University and a Master's degree in international affairs from Universidad de Chile.

Ms. Nikitin—did I say that right? What is it, Nikitin? Nikitin. Is a specialist in nonproliferation in the Foreign Affairs Defense and Trade Division at the Congressional Research Service.

Ms. Nikitin's research covers nuclear, biological and chemical weapons nonproliferation issues including nuclear security, non-proliferation, threat reduction assistance and nuclear energy cooperation.

She earned a B.A. with majors in government and French at Dartmouth College and a Master's in international policy studies and a certificate in nonproliferation studies from Monterey Institute of International Studies.

Let's begin. Mr. Griffiths, you're recognized.

STATEMENT OF MR. HUGH GRIFFITHS, HEAD, COUNTERING ILLICIT TRAFFICKING—MECHANISM ASSESSMENT PROJECTS, STOCKHOLM INTERNATIONAL PEACE RESEARCH INSTITUTE (APPEARING VIA VIDEOCONFERENCE)

Mr. GRIFFITHS. Thank you very much.

Mr. Chairman, ranking member and members of the committee, thanks for this invitation to testify today.

I've been asked to present on SIPRI's investigation and analysis of the attempted illicit transfer associated with the North Korean vessel, the Chong Chon Gang, that was interdicted by the Panamanian authorities transporting arms from Cuba in July 2013.

Given your geographic focus on the Western Hemisphere, I will today mainly address Cuba's role in this violation of United Nations sanctions as well as Cuba's links with North Korea and in particular earlier voyages by North Korean vessels to Cuba in the period 2006 to 2013 that I believe merit further investigation.

The focus here will thus be on maritime trafficking. Before addressing these matters, I would like to say a few words regarding the work of U.S. Government-related entities in the fields of counter proliferation, export control, as well as maritime and airborne-related trafficking.

The SIPRI research publications for which I have been responsible acknowledge the cutting edge science, unique expertise and resources of a wide variety of U.S. Government departments, agencies and related entities charged with counter proliferation and export control as well as maritime trafficking of military equipment, dual use goods for weapons of mass destruction purposes and narcotics.

Over the years, during the course of field investigations and research around the world, I've had the privilege of interacting with dedicated officials and experts from the U.S. Departments of State, Defense, Justice, Treasury as well as members of the U.S. intelligence community.

The breadth and depth of their expertise and resources are unparalleled as are their abilities to build capacity amongst U.S. allies and partner states in the fields of counter proliferation, export control and counter trafficking.

As Federal lawmakers and budget approvers, I'd like to say to you today that U.S. engagement at the international level on these issues is really critical in terms of mitigating the associated risks.

Both the dedicated individuals and programs that I've had the opportunity to interact with over the past 10 years deserve your continuing support because they do a good job on these critical issues of national and international security concern.

Put simply, no other country has the expertise and resources to undertake this work in the same way. I should make full disclosure and note that in 2013 the projects at SIPRI that I am responsible for received a grant from the Department of State's Export Control and Related Border Security Program, EXBS, whose mandate covers some of the areas I've mentioned above.

But to sum up and introduce the rest of this testimony, I believe the Chong Chon Gang case serves as the most recent open source example to highlight the critical role played in counter proliferation and export control by U.S. Government departments, agencies and programs funded from the Federal budget.

As Members of Congress may be aware, following the Chong Chon Gang seizure in July of this year, open source media reports quoted unnamed U.S. officials as saying that the Panamanian authorities were tipped off by their U.S. counterparts as to the illicit nature of the vessel's cargo.

In other words, it was a U.S. tip off that prompted the interdiction by Panama. It should also be noted that Panama is a U.S. partner thanks to longstanding bilateral counter trafficking activities as well as through multilateral export control and customs initiatives such as the United Nations Office of Drugs and Crime (UNODC) Container Control Program (CCP) which is also supported by the U.S. Department of State.

Set against this background of U.S. expertise, partnership and information sharing that you in Congress can be rightly proud of authorizing the budgets for, I'd now turn to some of the specifics of the Chong Chon Gang and the Cuban role.

It's already been covered by Members of Congress so I won't go there again except to say that the evidence and testimony provided today make clear that contrary to both the North Korean shipping declaration, which I provided you a copy of, and Cuban Government statements, which were highlighted earlier by Members of Congress, the shipment was without doubt a violation of U.N. sanctions on North Korea.

The statements issued by the Cuban authorities following the seizure are misleading to say the least because of the other cargo of miliary equipment that the ship was transporting which they failed to mention.

Within the context of Cuba-related North Korean vessel movements, I think it is important to note that prior to the seizure of the Chong Chon Gang there were a number of other North Korean vessels calling at Cuban ports.

Some of these voyages may be assessed as carrying a high risk of proliferation concern on the basis of the vessels' flag, age, past registration, ownership patents, its safety record and, most importantly, various voyage routing anomalies.

A number of these vessels were bulk carriers that may have contained the same hidden compartments or hold space that the SIPRI investigation highlighted were found aboard the Chong Chon Gang.

A number of these other vessels also switch off their automatic—their AIS radar transponders and this is a common risk indicator for various forms of maritime trafficking.

A number of these vessels were ultimately owned by shell companies behind which stand the same company that owned the Chong Chon Gang. Given the illicit cargo and the concealed hold space found aboard the Chong Chon Gang, it is my opinion that these earlier North Korean voyages to Cuba would be worthy of investigation.

But what Congress is asking is what has to happen now and what has to happen now is really full disclosure and access to Cuba for the United Nations Panel of Experts attached to the Sanctions Committee responsible for DPRK sanctions.

As a first step, the Cuban authorities will need to invite the United Nations Panel of Experts charged with investigating violations of U.N. sanctions on North Korea to Cuba. The Cuban authorities would have to provide the U.N. Panel of Experts with full disclosure on all aspects of the agreements, contracts, background, loading and transfer of the illicit Cuban-origin military equipment that was seized aboard the Chong Chon Gang.

Once the Panel of Experts were satisfied that the terms of full disclosure for this voyage had been met, they would have a clearer understanding of the Cuban personalities, ministries and agencies involved in that illicit transfer.

Secondly, for the purposes of full disclosure relating to the other North Korean vessel voyages to Cuba, the Cuban authorities would have to grant the United Nations Panel of Experts access to all port authority documentation and all documentation relating to the voyages themselves, any port-state control safety inspections that may have been partially carried out but not filed with the respective port-state control memorandum of understanding, the MOU.

The Cuban authorities would have to provide access to the relevant customs officials and dock workers for interview purposes as well.

If the Cuban authorities are unwilling to make this kind of full disclosure and provide the invitation to visit Cuba and to interview officials, then the earlier misleading statements made on 16th July by the Cuban Ministry of Foreign Affairs will appear to be more than a one-off.

It will appear as if they have something to hide on a systematic basis. In concluding this testimony, I should say that on the basis of our research we believe that the Chong Chon Gang incident is unusual not because the vessel was transporting concealed illicit commodities.

The Chong Chon Gang incident was unusual because it involved an actual seizure and confiscation of illicit commodities. It may seem strange to Members of Congress that a North Korean vessel with a very large North Korean flag painted on the ship's funnel could expect to sail in and out of the Caribbean Sea, which is effectively America's back yard, the most intensely surveilled waters in

terms of counter narcotics trafficking anywhere in the world and take delivery of an illicit arms shipment from Cuba.

Such a gamble certainly appears foolhardy with the benefit of hindsight but it may not have been seen as a great risk if such shipments were undertaken in the past without problems.

There were certainly less obtrusive options open to the North Koreans. They could have used a variety of other North Korean controlled ships that are registered under other flags of convenience formally owned by offshore entities registered in east or southeast Asia.

And compared with the Chong Chon Gang these high-risk proliferation vessels are much more difficult to identify and the majority of them do not sail under the flags of states that have signed boarding agreements with the U.S. as part of the Proliferation Security Initiative, PSI.

So to summarize, I believe that the Chong Chon Gang seizure highlights a number of points. The first is the need for full disclosure by the Cuban authorities to the U.N. Panel of Experts on North Korea on both this shipment and other North Korean-related voyages of concern to Cuba in recent years.

The second point is that the Chong Chon Gang seizure demonstrates the continuing utility of building the capacities of choke point ports and nations such as Panama as well as other partner states and open registries that occupy strategic positions along potential proliferation supply chains.

In these activities the United States is well placed to assist partners and allies around the world to counter such acts of proliferation.

Thank you very much.

[The prepared statement of Mr. Griffiths follows:]

Written Statement

Hugh S.W Griffiths
 Senior Researcher

Head of the Countering Illicit Trafficking Mechanism Assessment Projects (CIT-MAP)
 Stockholm International Peace Research Institute (SIPRI)

Testimony
 House Committee on Foreign Affairs
 Subcommittee on Western Hemisphere
 14.00, 26 September 2013

Mr. Chairman, Ranking Member, and Members of the Committee: Thank you for the invitation to testify today. I've been asked to present on SIPRI's investigation and analysis of the attempted illicit transfer associated with the North Korean vessel, the *Chong Chon Gang* that was interdicted by the Panamanian authorities transporting arms from Cuba in July of 2013.¹

Given your geographic focus on the Western Hemisphere, I will today mainly address Cuba's role in this violation of United Nations sanctions, as well as Cuba's links with North Korea and in particular earlier voyages by North Korean vessels to Cuba for the period 2008 - 2013 that I believe merit further investigation. The focus here will thus be on maritime trafficking.

Critical U.S. government information sharing, capacity-building and expertise

Before addressing these matters, I would like to say a few words regarding the work of U.S. government-related entities in the fields of counter-proliferation, export control, as well as maritime and airborne-related trafficking.

The SIPRI research publications – dating back to 2009 – for which I have been responsible acknowledge the cutting edge science, unique expertise and resources of a wide variety of U.S. government departments, agencies and related entities charged with counter-proliferation and export control as well as maritime trafficking as it relates to military equipment, dual use goods for weapons of mass destruction (WMD) purposes and narcotics.

Over the years, during the course of field investigations and research around the world, I've had the privilege of interacting with dedicated officials and experts from the U.S. Department of State, the U.S. Department of Defense, the U.S. Department of Justice, the

¹ Parts of this written testimony are reproduced by the author from an article published by 38 North, a website maintained by the U.S. Korea Institute at the Johns Hopkins School for Advanced International Studies (SAIS). <http://38north.org/2013/08/hgriffiths082713/>

U.S. Department of the Treasury, the U.S. Department of Homeland Security as well as members of the U.S. intelligence community.

The breadth and depth of their expertise and resources are unparalleled as are their abilities to build capacity amongst U.S. allies and partner States in the fields of counter-proliferation, export control and counter-trafficking.

As Federal law-makers and budget approvers, I'd like to say to you today that U.S. engagement at the international level on these issues is really critical in terms of mitigating the associated risks.

Both the dedicated individuals and programs that I've had the opportunity to interact with over the past 10 years deserve your continuing support because they do a good job on these critical issues of national and international security concern. Put simply, no other country has the expertise and resources to undertake this work in the same way.

I should make full disclosure and note that in 2013 the projects at SIPRI that I am responsible for received a grant from the Department of State's Export Control and related Border Security Program, EXBS who's mandate covers some of the areas I've mentioned above.

To sum up, and to introduce the rest of this testimony, I believe that the *Chong Chon Gang* case serves as the most recent open source example to highlight the critical role played in counter proliferation, export control and related border security by U.S. government departments, agencies and programs funded from the Federal budget.

As Members of Congress may be aware, following the *Chong Chon Gang* seizure in July 2013, open source media reports quoted un-named U.S. officials as saying that the Panamanian authorities were tipped off by their U.S. counterparts as to the illicit nature of the vessel's cargo.

In other words, it was this U.S. tip off that prompted the interdiction by Panama.

It should also be noted that Panama is a U.S. partner thanks to long-standing bilateral counter-trafficking activities, as well as through multilateral export control and customs initiatives such as the United Nations Office of Drugs and Crime (UNODC) Container Control Program (CCP), which is also supported by the U.S. Department of State.

Set against this background of U.S. expertise, partnership and information sharing that you in Congress can be rightly proud of authorizing the budgets for, I'd now like to turn to the specifics of the *Chong Chon Gang*, and the Cuban role.

The *Chong Chon Gang*

A total of 25 shipping containers have now been recovered from the hold of the *Chong Chon Gang*, as well as six military vehicles.

All the military equipment aboard the vessel prior to shipment was Cuban in terms of ownership or origin. The shipping containers were camouflaged at the bottom of five of

the ship's holds beneath about 200,000 bags of sugar, weighing approximately one hundred pounds each. This amount of sugar together with "two thousand empty polyethylene bags" were the only declared items listed in the cargo manifest signed by North Korean Captain Ri Yong Il.

The evidence and testimony provided today make clear that contrary to both the North Korean shipping declaration and Cuban government statements the shipment was without a doubt a violation of United Nations sanctions on North Korea.

Following the seizure, Cuban authorities released a statement claiming that the ship was transporting "two anti-aircraft missile complexes...nine missiles in parts and spares, two Mig-21 jet aircraft and 15 motors for this type of airplane...to be repaired and returned to Cuba."²

The statement was misleading to say the least; the ship was also transporting a variety of small arms and light weapons (SALW) ammunition and conventional artillery ammunition for anti-tank guns and howitzer artillery as well as generators, batteries and night vision equipment, among other items.

The various rocket-propelled grenades (RPGs) and conventional artillery ammunition, many in mint condition, were unused and much of it was in original packing cases. They clearly were not "to be repaired and returned to Cuba." Rather, these items were intended simply for delivery to North Korea for its own use.

The most obvious discrepancy between the Cuban government statement and North Korea's illicit procurement practices has to do with the MiG-21 jet aircraft engines found on the ship. Here North Korea has a track record of attempted illicit or clandestine procurement of these engines as well as of the MiG-21 aircraft in general, having attempted to procure jet spare parts and engines on at least three separate occasions. The Associated Press reported recently that in 2011, North Korea attempted to buy 20 MiG-21 aircraft from Mongolia for "engines and scrap."³ In a 2012 report, the United Nations Panel of Experts which monitors international sanctions noted that a Member State had stopped the sale of 32 retired fighter aircraft three years earlier because of suspicions that they would be transferred to North Korea. In 1999, Kazakhstan reportedly sold 40 MiG-21 aircraft to North Korea. In short, this documented history, suggests that the MiGs and the 15 jet engines were another item on the *Chong Chon Gang* that were not "to be repaired and returned to Cuba," as claimed by Havana.

The historical record is supported by documentary evidence—photos included as part of this testimony which highlight the way the aircraft fuselages and engines were packed.

They show that the MIG fuselages were rather carelessly packed with no protective padding covering the more sensitive extremities of the fuselage that could have been damaged should the ship have encountered rough seas on its voyage across the Pacific. In contrast, the engines were stored in shipping containers separate from the aircraft

² "Statement by the Ministry of Foreign Affairs: Statement about the North Korean ship *Chong Chon Gang* seized in Panama Canal," Ministry of Foreign Affairs of Cuba, July 16, 2013.

³ Ganbat Namjilsangarav, "Mongolian General Probed for North Korean Jet Deal," *Associated Press*, April 12, 2013

fuselages. More securely attached and adequately spaced, they were also covered in layers of protective plastic sheeting and brown packing paper.

According to a former Finnish Air Force technician familiar with his country's old fleet of MiG-21s, the engines aboard the *Chong Chon Gang* appear to have been raised half a metre above the container floor in a manner that would be consistent with a dedicated or improvised transport frame to protect the underside of the engine while in transit. The more careful packing of the engines suggests their end use as replacement engines while the sloppy packing of the fuselages indicates their intended use as spare parts. In any event, the method of packing does not suggest that the aircraft themselves were to be "repaired" and "returned" to Cuba, but rather for end use in North Korea.

Reinforcing this conclusion, North Korean Air Force Chief Yi Pyong Chol is frequently sighted boarding North Korean Air Koryo aircraft⁴ for visits to foreign countries, such as Russia, that are the principal manufacturers or suppliers of spare parts for military aircraft found in Pyongyang's inventory. In 2011 he was photographed in Russia together with Kim Jong Il and then Russian President Dimitri Medvedev on a visit that South Korean media reported likely involved an attempt to acquire aircraft. Interestingly, Yi was also a member of the North Korean delegation filmed in Havana in a 2 July 2013 meeting with Raúl Castro.

You will note that the cargo manifest of the *Chong Chon Gang* is dated 4 July 2013 – such documents are generally signed after loading is complete. This means that the loading of the illicit military equipment aboard the North Korean vessel occurred when the North Korean military delegation were in Cuba. My personal assessment is that it is highly likely that members of the North Korean delegation witnessed the loading of the arms together with their Cuban hosts.

North Korean Maritime Concealment Methods: Containers and Bulk Carriers

The *Chong Chon Gang* episode combines two of North Korea's maritime smuggling *modus operandi*: the use of shipping containers and bulk carrier vessels owned by North Korean companies. The United Nations Panel of Experts has documented the use of shipping containers for North Korea-related consignments of embargoed dual use or military goods that may be used for missile production or weapons of mass destruction (WMD) programs. In recent years such seizures have generally centered around cargoes destined for Syria, most likely related to the research facility in the Deir ez-Zor region that was bombed by Israel in 2007. These consignments, falsely declared and transported anonymously for much of their journey aboard container vessels owned by some of the world's biggest shipping lines, blend into the huge volumes of container traffic that depart East Asia for Middle Eastern, European and African markets on a daily basis.

⁴ The aircraft generally used by North Korean military officials for such State flights are the Air Koryo Ilyushin 62 aircraft. On 11 July 2012 a Cuban Ilyushin 62 was flown to North Korea via West and Central Africa and South East Asia with a number of North Korean and Cuban technicians on board. This Cuban aircraft was subsequently broken up for spare parts for the North Korean fleet of Ilyushin 62 aircraft. The aircraft registration number was P-886. The construction number was 3749648.

Trying to identify consignments of trafficked goods from the vast majority of licit shipments is extremely difficult. The United Nations Office on Drugs and Crime (UNODC) Container Control Program (CCP) is the only dedicated international initiative working at a practical level to tackle this problem.⁵ This widely recognized UN flagship project established one of its first pilot programs in Panama, including the port of Manzanillo, which was the port the *Chong Chon Gang* was brought to for a detailed search. A forensic analysis and database search of the containers found aboard the *Chong Chon Gang* shows that they had not been registered as in use for cargo movements involving legitimate shipping companies for many years. It is believed that the containers were taken out of storage for the express purpose of transporting the sanctioned military goods to North Korea.

In contrast to the normal *modus operandi* for shipping containers, the embargo-busting voyage did not involve a dedicated container ship but rather a bulk carrier. A bulk carrier is a ship designed to transport dry cargo—such as sugar, cement or coal—in large quantities. In the case of the *Chong Chon Gang*, the ship's holds, designed for transporting commodities such as sugar or grains, had been deliberately modified so that shipping containers could be moved into position underneath the legitimate sugar cargo to facilitate a clandestine transfer.

One question that may confront the United Nations Panel of Experts who have investigated the case is whether this concealment device was created specifically for this voyage or is simply evidence of a long-standing practice employed by North Korean-owned vessels transporting illicit materials in a clandestine fashion.

Pyongyang certainly has a track record of employing bulk carriers for clandestine missile movements in the past and documented cases, such as the *So San* shipment, another North Korean-owned vessel stopped while transporting 15 Scud missiles to Yemen in 2002 are likely an indication of much wider, undetected transfers.

Other North Korean voyages to and from Cuba of possible concern

Within the context of Cuba-related North Korean vessel movements I think it is important to note that prior to the seizure of the *Chong Chon Gang*, there were a number of other North Korean vessels calling at Cuban ports.

Some of these voyages may be assessed as carrying a high risk of proliferation concern on the basis of the vessel's flag, age, past registration and ownership patterns, as well as its safety record and most importantly, various voyage routing anomalies.

A number of these vessels were bulk carriers that may have contained hidden compartments or hold space similar to that found aboard the *Chong Chon Gang*. A number of these vessels switched off their AIS radar transponders – this is a common risk indicator for maritime trafficking. A number of these vessels were ultimately owned by the same company that owned the *Chong Chon Gang*. Given the illicit cargo and concealed hold space found aboard the *Chong Chon Gang*, it is my opinion that these earlier North Korean vessel voyages to Cuba would be worthy of investigation.

⁵ The UNODC CCP is supported by the U.S. Department of State Export Control and related Border Security Program (EXBS) as well as other North American and EU member States.

Full disclosure and access to Cuba for the United Nations Panel of Experts is required

In order to investigate these past cases of North Korean vessels calling at Cuban ports, the Cuban authorities will need to invite the United Nations Panel of Experts charged with investigating violations of the UN sanctions on North Korea to Cuba.

As a first step, the Cuban authorities would have to provide the United Nations Panel of Experts with full disclosure on all aspects of the agreements, contracts, background, loading and transfer of the illicit Cuban military equipment seized aboard the *Chong Chon Gang*.

Once the Panel of Experts were satisfied that the terms of full disclosure for that voyage had been met, they would have a clearer understanding of the Cuban personalities, ministries and agencies involved in that illicit transfer.

Secondly, for the purposes of full disclosure relating to the other North Korean vessel voyages to Cuba, the Cuban authorities would have to grant the United Nations Panel of Experts access to all port authority documentation, all documentation relating to the voyages themselves, any port-state control safety inspections that may have been partially carried out but not filed with the respective Port-State Control Memoranda of Understanding (MoU).

The Cuban authorities would have to provide access to the relevant dockworkers and customs officials for interview purposes.

If the Cuban authorities are unwilling to make a full disclosure, given the earlier misleading statements made on 16 July, it may appear as if they may have something to hide.

In concluding this testimony I should say that on the basis of our research, we believe that the Chong Chon Gang incident is unusual not because the vessel was transporting concealed illicit commodities.

The Chong Chon Gang incident was unusual because it involved an actual seizure and confiscation of illicit commodities.

It may seem strange to members of Congress that a North Korean vessel, with a very large North Korean flag painted on the ship's funnel could expect to sail into and out of the Caribbean Sea – which is effectively America's backyard – the most intensively surveilled waters in terms of counter-narcotics trafficking anywhere in the world – and take delivery of an illicit arms shipment from Cuba. Such a gamble certainly appears foolhardy with the benefit of hindsight, but it may not have been seen as a great risk if such shipments were undertaken in the past without problems.

There were certainly less obtrusive options open to the North Koreans, they could have used a variety of other North Korean-controlled ships that are registered under other flags of convenience formally owned by offshore entities registered in East or South East Asia. Compared with the Chong Chon Gang, these high risk vessels are difficult to

identify and the majority of them do not sail under the flags of States that have signed boarding agreements with the U.S. as part of the Proliferation Security Initiative (PSI).

To summarize, I believe that the Chong Chon Gang seizure highlights a number of points.

The first is the need for full disclosure by the Cuban authorities to the UN Panel of Experts on North Korea on both this shipment and other North Korean-related voyages of concern to Cuba in recent years

The second point is that the Chong Chon Gang seizure demonstrates the continuing utility to building the capacities of chokepoint ports and nations such as Panama, as well as other partner states and open registries that occupy strategic positions along potential proliferation supply chain.

In these activities the United States is well-placed to assist partners and allies around the world to counter such acts of proliferation.

Thank you very much.



Mr. SALMON. Thank you.
The Chair now recognizes Ms. Werlau.

**STATEMENT OF MS. MARIA C. WERLAU, EXECUTIVE
DIRECTOR, CUBA ARCHIVE**

Ms. WERLAU. Good afternoon. Can you hear me? Good afternoon, Mr. Chairman, ranking member and members of the subcommittee.

Thank you for the opportunity to offer you this testimony. My written statement is much more extensive and I respectfully ask that it be considered for the record.

As we have been discussing, on July 15th Panama discovered the North Korean flagship with concealed weapons from Cuba. To those familiar with the history and true nature of the Cuban regime, the only surprise is that it got caught and that it was widely reported by news organizations.

In 2003, David Kay, special advisor on Iraqi WMD search, said on national TV that remarkable evidence had been found in Iraq of North Korean missiles going to Cuba. Nobody seemed to take notice, at least publicly.

North Korea and Cuba, it turns out, have much in common. Both regimes have been ruled for decades by military dictatorships under the helm of respective families controlling a vast repressive apparatus.

Both pay homage to orthodox communism, at least in theory and when convenient. Both have terrified their people into submission, flaunted basic rules and standards of civilized nations and committed crimes against humanity.

Both work actively against our interest and threaten our security. Their command economies are both technically bankrupt, spreading misery amongst the people yet allowing privileges to the ruling elite.

Both have perfected the art of milking the international community for concessions, massive aid and subsidies, favorable terms of trade and investment and loans they never pay.

Their allies are fellow rogue regimes and together they have formed what in their own words is a joint front against the common enemy, the United States.

My written testimony offers considerable detail of evident ties between the two. Since 2001, official visits, especially of a military nature, mutual praise and reiterations of the strong fraternal ties have visibly multiplied. Two visits stand out.

In November 2004, several North Korean senior generals arrived in Cuba and met with then-President Fidel Castro and Defense Minister Raul Castro.

They spent several days evaluating Cuba's military infrastructure and touring manufacturing and assembly facilities of its defense industry conglomerate. Cuba confirmed a strengthening military cooperation and pledged to fight shoulder to shoulder with the Korean army and people.

Another unusual visit concluded around 10 days—less actually—than before the ship was seized by Panama. The general's staff of North Korea's army, who had already been to Cuba, led a high-ranking military delegation to, as he proclaimed, meet colleagues in the same trench.

They stayed several days, met with top military brass including President General Raul Castro, toured military installations and inspected military equipment.

According to Cuba's state media, the highly fraternal exchange included detailed information on combat readiness, staff training and the use of the technology and weaponry.

On August 25th, 38 days after the ship was stopped in Panama, the head of Cuba's air force, a division general said to have been in charge of the shipment, was reported by state media killed in a car accident. It was a Sunday morning and details such as location, circumstances or witnesses were not provided.

He was immediately cremated and buried 2 days later. Five days later, reports surfaced that the four-star North Korean general who had just returned from Cuba had been removed, his fate unknown. Two timely and convenient coincidences.

What explains the arms trafficking? In my view, these visits and others in between point to deliberate and concerted efforts.

As for North Korea, our Government confirmed last May that it defies sanctions through established channels to supply its missile and nuclear programs. Regarding Cuba, it is entirely feasible that the Castro regime would risk getting caught.

First, it is in desperate need of hard currency to keep the dictatorship in power and rescuing its faltering economy. The Venezuelan economy is in dire straits, facing a huge liquidity crisis and its massive subsidies to Cuba are probably declining.

Second, the Cuban regime is emboldened by the impunity the international system has afforded even its worse crimes. For Cuba and North Korea, nothing is too outrageous.

There's a saying in Spanish (foreign language spoken)—God creates them and they find each other.

Thank you.

[The prepared statement of Ms. Werlau follows:]

**HEARING BEFORE THE
COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEE ON THE WESTERN HEMISPHERE
U.S. HOUSE OF REPRESENTATIVES**

"A Closer Look at Cuba and its Recent History of Proliferation"
September 26, 2013

**Maria C. Werlau
President, Free Society Project**

Good afternoon, Mr. Chairman and members of the Subcommittee. Thank you for the opportunity to offer you this testimony.

On July 15, 2013, the North Korean-flagged ship Chong Chon Gang was seized by Panama for smuggling “undeclared military cargo” through the Panama Canal. Panama reported that the captain had attempted suicide and that the vessel’s 35 crewmembers had been detained after violently resisting efforts to take the ship to port for inspection. Furthermore, it said that the ship’s declaration indicated it was only carrying 10,000 tons of sugar plus two thousand empty polyethylene bags. However, hidden behind over 200,000 bags of sugar were two containers full of weapons and military equipment. Because this presumably violates United Nations’ sanctions on North Korea, the matter is under review by a U.N. panel of experts.

Panamanian news sources reported that Cuban officials had initially said the ship was loaded with donated sugar “for the people of North Korea” and quickly requested it be released, pledging there were no drugs on board. Two days later, facing the inevitable, Cuba’s Ministry of Foreign Affairs issued a statement saying the ship had left Cuba with a cargo of primarily 10,000 tons of sugar and “240 metric tons of obsolete defensive weapons” bound for North Korea, “to be repaired and returned to Cuba.” It said the containers held “two anti-aircraft missile complexes Volga and Pechora, nine missiles in parts and spares, two Mig-21 Bis, and 15 motors for this type of airplane,” all manufactured midway through the past century. Further, it stated: “The agreements are subscribed by Cuba based on the need to maintain our defensive capacity to preserve national sovereignty. The Republic of Cuba reiterates its firm and unwavering commitment with peace, disarmament, including nuclear disarmament, and respect for international law.” Soon North Korea’s news agency quoted its Foreign Ministry: “This cargo is nothing but aging weapons to be sent back to Cuba after overhauling them according to a legitimate contract.” A verbal note from North Korea’s embassy in Havana said that the ship did not seek to endanger the security of the Panama Canal and that North Korea hoped for “amiable cooperation” to resolve the case “diplomatically.”

When the long and effortful process of unloading the ship had been completed, Panama’s government issued a statement reporting the weaponry already acknowledged by Cuba as well as a variety of small arms and light weapons, different types of ammunition and

artillery as well as generators, batteries, night vision equipment, and more. Analysts took special note of two reported missile radar systems and of photos posted online by Panamanian President Ricardo Martinelli showing equipment that may be used to acquire or track targets for interception by surface to air missiles.

Experts reported that the ship had crossed the Panama Canal on June 1, 2013 and had again been spotted in Panamanian waters near the Canal on July 13, 2013, anchoring in Cuba during the interval. It was probably no coincidence that a delegation from North Korea led by the General Staff of its Army had left for Cuba on June 26th for a visit of several days to boost “the friendly relations between the two armies and peoples” and “stand together in the anti-imperialist joint front.”

To those of us familiar with the nature of the Cuban regime, the only surprise in finding Cuba secretly trading weapons with North Korea and probably flaunting UN sanctions is that it was caught. North Korea and Cuba, it turns out, have much in common. Both have been ruled for over half a century by ruthless family dynasties at the helm of military dictatorships. Both have imposed totalitarian rule that controls all aspects of the lives of their people —this thanks to the vast repressive apparatus they command. Both of their so-called “socialist” command economies allow profit-making capitalist networks exclusively for the enrichment of the ruler and select loyal associates. Both have managed to bring their countries to near economic collapse, yet maintain privileges for the ruling elite as misery is spread amongst the people.

Until recently, both were the last two nations entrenched in orthodox communism, at least in theory. Cuba has, as of late, shed its usual Marxist-Leninist rhetoric to craft “an updated model,” yet its Constitution still has the Communist Party as “the highest leading force of society and of the state” while its goal remains “the construction of socialism and the progress toward a communist society.” Both preach Third World solidarity and are shrouded in small nation defiance against the United States. Importantly, they share what Cuba’s Vice-Minister of Foreign Affairs explained in 2003 is a joint struggle against U.S. imperialism, the “common enemy.”

Cuba and North Korea have both perfected the art of milking the international community for massive aid and subsidies, favorable terms of trade, enormous loans they default on, and, at least in the case of Cuba, investment partnerships which they have mostly ended gobbling up. Both have repeatedly flaunted basic rules and standards of civilized nations, are guilty of multiple crimes against humanity, have longstanding relationship with fellow rogue states, have promoted subversion and terrorism, and have a very long history of actively working against U.S. interests worldwide. Also, they share the bad habit of taking hostages as bargaining chips to use against the U.S. government. The most recent victims are Alan Gross, held in Cuba since 2009, and Kenneth Bae, held in North Korea since 2012. Both had traveled to help minority communities and were sentenced to 15 years of prison for violating the respective Stalinist laws.

For all of the above, it is obvious why ties between North Korea and Cuba are longstanding and tight. In the 1960s, North Korea reportedly opposed Cuba’s efforts to

have the Non-Aligned Movement (NAM) side with the Soviet Union. Nonetheless, semi-retired dictator-in-chief Fidel Castro, who now shares his "reflections" on world events in Cuban official media, wrote that apparently in the early 1980s "Compañero Kim Il Sung, a veteran and impeccable combatant, sent us 100,000 AK rifles and their corresponding park without charging a cent." Not that what Fidel Castro says can be believed; he is a chronic prevaricator. Just this past July 28th he wrote about the Panama seizure: "In recent days there was an attempt to slander our Revolution, trying to portray (President Raul Castro) as tricking the United Nations and other heads of state."

All indicates that North Korea-Cuba relations improved after the fall of the Soviet Communist empire and the end of its gigantic subsidies to Cuba. Subsequent news reports, especially from the official media of both countries, provide plenty of evidence of a growing friendship. This is particularly evident since July 2001, when a Cuban military delegation led by the Chief of Staff of Cuba's Armed Forces traveled to Pyongyang to "strengthen relations between their armed forces." His host was the Chief of Staff of the Korean People's Army. The Cuban spoke of the "unbreakable friendship between the two countries" and the importance of his visit for "further consolidating and developing the friendship and solidarity ... advancing under the uplifted banner of socialism." The North Korean Vice-Marshal Kim Yong Chun stated that his country would always "stand by the people and army of Cuba," noting that "friendly relations have been put on a higher plane under the profound care of Kim Jong Il and Fidel Castro Ruz."

On February 7, 2002, North Korea's official news agency reported that Fidel Castro had sent a congratulatory message for the "Beloved Leader" Kim Jong Il on his 60th birthday praising his devoted efforts to foil "the hostile acts of the imperialist powers" ... "that earned Cuba's admiration and respect." Castro reiterated the "strong will to steadily expand and strengthen fraternal ties and cooperation between the peoples, parties, and governments of the two countries."

In the U.S., in February 2003, the directors of the Defense Intelligence Agency and the CIA told Congress that North Korea had a ballistic missile, apparently yet untested, capable of hitting the western United States and possibly targets farther inland. North Korea had expelled U.N. inspectors and was reportedly taking steps to restart plutonium-production plus pursuing a uranium-enrichment program. In Vienna, the 35-nation board of governors of the U.N. International Atomic Energy Agency issued a resolution reporting to the Security Council North Korea's violations under the Nuclear Nonproliferation Treaty and other accords. Cuba and Russia refused to endorse it.

A few months later, on October 5, 2003, David Kay, Special Advisor on Iraqi Weapons of Mass Destruction Search, appeared on ABC News with George Stephanopoulos ("This Week" program) and offered an example of the United States' "remarkable" findings in Iraq: evidence "of North Korean missiles going to Cuba."

This didn't stop the allies from moving forward, after all, nobody seemed to take much notice or care. North Korea's Vice Minister of Foreign Affairs, Choi Su Hon, traveled to Havana in June 2004 "to strengthen" relations" with instructions from Kim Jong Il to

"develop mutual ties in various spheres." That November (2004), Vice-Marshals Kim Yong Chun, Chief of Staff of North Korea's Army, led a delegation of senior generals that spent five days evaluating Cuba's military infrastructure—including an aerial defense unit—and touring manufacturing and assembly facilities of the "Unión de Industrias Militares," the island's defense industry conglomerate. They met with President Fidel Castro, Defense Minister Raúl Castro, and the heads of all branches of Cuba's military establishment. Cuba's state-run media described "the friendly atmosphere characteristic of relations between the armed forces of both countries" and reported "consensus on all issues" plus a "strengthening military cooperation." Cuba awarded medals to the North Koreans for the "Order of Solidarity" and "Fraternal Combat" and a statement was made that "the Cuban army and people will fight shoulder to shoulder with the Korean army and people in [an] anti-U.S. joint front."

The visit to Cuba coincided with that of China's president Hu Jintao. Hu extended an economic lifeline to the Castro regime, committing as much as US\$1.5 billion in Chinese government-backed investments reportedly to exploit Cuba's strategic nickel and cobalt ores. Any link to the North Koreans and their interest in the Cuban military infrastructure are unknown, but not unthinkable.

In May 2009, North Korean Foreign Minister Pak Ui-Chun paid an official visit to Cuba and signed a bilateral agreement with his Cuban counterpart, Bruno Rodriguez, to increase cooperation and enhance ties. He declared that they shared "the same goals in the fight against the imperialist Yankees" and in the construction of socialism." The two ministers then met in Pyongyang on September 4, 2009 to discuss ways to enhance the bilateral relationship.

The above sets the backdrop for the July 15, 2013 seizure of the North Korean vessel carrying concealed weapons from Cuba. Early that same month, a military delegation of the highest level had paid an official visit to Cuba. The visit lasted several days, it is unclear how many, and was led by North Korea's four-star general and Army Chief of Staff Kim Kyok Sik. He highlighted the friendship between the two countries and said he was there "to find colleagues in the same trench." The visit included meetings with Cuban President General Raúl Castro and the highest-ranking Cuban military officers plus armored vehicle inspections and tours of military facilities. Cuba's state media reported the military-to-military exchange as strongly fraternal and including "detailed information on combat readiness, staff training, and use of the technology and weaponry."

Four weeks after the ship was seized, North Korea celebrated "Cuba solidarity" month, with Cuba's ambassador to Pyongyang reportedly announcing: "The friendly relations between the two countries have grown strong in the protracted and rigorous struggle against the U.S. imperialists, the common enemy, and become a model for the world people."

But, behind the scenes, extreme damage control seems to have been put in place. Forty-one days after the seizure of the Chong Chon Gang, Division General Pedro Mendiondo Gómez, head of Aerial Defense and of the Air Force was reportedly killed in a car accident

with his wife and parents-in-law on Sunday morning, August 25th. The General was apparently the man charged with the weapons seized in Panama. Cuban media reported the accident, but offered no details of the location, circumstances, or anything else. It is impossible to tell if this was just a convenient coincidence or something more sinister. But, in Cuba, these timely "accidents" are not rare; Brian Latell, university professor and Latin America specialist with 35 years of service in the CIA and the National Intelligence Council, describes several such killings in compelling detail in his book, *Castro's Secrets: The CIA and Cuba's Intelligence Machine* (Palgrave Macmillan, 2012). In July 2012 the Cuba Archive project, which I head, published a report detailing many such cases among not just regime opponents, but also of high-ranking officials who've come under suspicion or fallen in disgrace. Meanwhile, in late August, Kim Kyok Sik, the North Korean General Staff of the Army who had just returned from Cuba, was quietly removed from his post, his fate unknown.

What explains the arms trafficking? The military-to-military visits described above point to deliberate and concerted efforts. We know North Korea's motives. Rogue states such as Syria Burma, and Iran have helped it violate the sanctions regime. In May of this year, the U.S. Assistant Secretary of State for International Security and Nonproliferation said Iran and North Korea, with their missile and nuclear programs, were continuing to violate United Nations sanctions through established channels that allow them to both export weapons and import "items they need for their weapons industry."

Regarding Cuba's motives, it is entirely feasible to imagine the Castro regime would risk getting caught. First, it is in desperate need of any hard currency it can get to feed its faltering economy and keep the Castro dictatorship in power; this would be true whether the shipment was for North Korea or ultimately for another such ally. The Venezuelan economy is in dire straits and its massive subsidies for Cuba probably in decline. Second, the regime is emboldened by the impunity the international system has afforded even its worst crimes against humanity.

North Korea's bad behavior is widely known. Cuba's, however, is clouded by very effective propaganda and disinformation. But the facts are there for those who look, starting with Fidel Castro's request to Khrushchev to launch a missile strike against the United States during the October Missile Crisis of 1962 was well documented by the Soviets. Cuba's support of rogue states is also legendary and well documented. In May 2000, Fidel Castro visited Iran, Libya, and Syria —who, like Cuba, are designated by the U.S. government as state sponsors of terrorism. In Iran, he gloated that the United States was weak and would soon be brought to its knees. Just last August 28th the Cuban Foreign Ministry issued a warning against an attack on Syria with a "vehement rejection of any attempt to undermine the independence, sovereignty, and territorial integrity of Syria and the self-determination of its people."

Cuba under the Castro brothers has trained thousands of guerillas and terrorists from all over the world and sponsored subversion and terrorism in most nations of this hemisphere, including the United States, as well as in the Middle East and Africa. It has ties to terrorist groups responsible for countless deaths worldwide. It harbors dozens of fugitives from

U.S. justice, including terrorists who killed Americans, and members of ETA (Basque Fatherland and Liberty) guilty of crimes in Spain.

Cuba is successful in confusing people thanks to its powerful and effective public relations' empire, designed to mold world opinion. It has dedicated huge resources and diligent efforts to building and maintaining a large and competent diplomatic corps, intelligence network, and gigantic state-run worldwide propaganda machine operating in many languages —radio stations, publications, websites, blogs— and through many cultural, artistic, academic, and sports organizations, etc. This is all directed at the media, multilateral agencies, academia, governments, international organizations, agencies, community groups and influential individuals, especially in key countries. A 1984 CIA report declassified in 2003 provides ample detail of its reach by then.

Required resources are available for the ruler's priorities. The Cuban economy is almost entirely controlled by the military, under Raúl Castro. The GAESA and CIMEX corporate conglomerates operate through capitalist-style corporations and control all hard currency operations. Plus, the Castro brothers divert money to global safe havens and operate a worldwide corporate network that assures ready access to vast funds for priority projects. It also serves as a safety net in case they must leave. I described this in my paper published in 2005, "Fidel Castro Inc.: A Global Conglomerate." Finally, all tactics are fair game —lies, manipulation, deception, disinformation, blackmail, espionage, coercion, even assassination, are used to further the regime's objectives.

For Cuba and North Korea, partners in crime, nothing is too outrageous. There's a saying in Spanish, "Dios los cria, ellos se juntan." ("God creates them, they find each other.")

Mr. SALMON. Thank you.
Ms. Nikitin.

**STATEMENT OF MS. MARY BETH NIKITIN, SPECIALIST IN
NONPROLIFERATION, CONGRESSIONAL RESEARCH SERVICE**

Ms. NIKITIN. Chairman Salmon, Ranking Member Sires, and distinguished members of this subcommittee, I want to thank you for the opportunity to testify before you today on the recent incident of proliferation from Cuba and the U.N. Sanctions Committee's possible response.

Chairman Salmon, with your permission I'd like to submit my statement for the record and summarize it here in a few brief remarks.

Interdiction of banned goods to and from North Korea is a binding obligation on all U.N. member states but implementation has been uneven. Overall, the risk of interdiction has likely raised the cost of illicit transfers for the North Korean regime and limited the number of its trading partners, most of them outlier states like Cuba.

However, multiple reported cases of arms interdictions over the past 5 years show that North Korea continues to work to evade U.N. sanctions.

Each time there is an interdiction of a banned shipment the international community learns more about North Korea's evasion techniques.

Panama's seizure of the North Korean freighter, the Chong Chon Gang, and its cache of hidden weapons will provide insights into North Korean sanctions evasion. If the U.N. confirms the ship was carrying banned weapons, then the seizure would be the first case of a North Korean arms shipment to or from Cuba being reported to the U.N. Security Council and the first time such a case would be reported in the Western Hemisphere.

There is not yet any official confirmation of the exact content or the reasons behind the shipment. But even if the shipment was sent to North Korea for repair, as the Cuban Government claims, it would still be an arms transfer and therefore prohibited.

This shipment raises questions about whether there have been other undetected shipments of weapons between Cuba and North Korea, as my fellow witnesses have raised.

All U.N. member states are authorized to interdict suspicious shipments to or from North Korea but these measures are not always followed.

Panama did follow these procedures. They stopped a suspicious ship for inspection and when it discovered the weapons they seized them and promptly invited the U.N. Panel of Experts to go there to inspect.

The Panel of Experts is a group of technical experts as part of the U.N. Secretariat that reports to the Security Council's Sanctions Committee.

The U.N. investigation of this case is still ongoing and the results of the inspection in Panama have not been made public. That visit would have focused on identifying the cargo and interviewing the crew.

Most likely the experts will next seek to identify the specific actors that were involved in the transaction including seeking information from the Cuban Government, as Mr. Griffiths pointed out.

One possible—excuse me, the Sanctions Committee, which is actually the same as the members of the Security Council, will then examine the information from the experts and determine whether there was a violation and decide what to do.

One possible response would be to add the names of the parties involved to a designation list. This list identifies individuals, companies or government entities involved in illicit transfers.

Member states are then expected to deny transactions with those on the list. In the past, adding names to this list has been highly political and has only been done as part of a new Security Council resolution after major breaches such as a North Korean nuclear missile test.

However, the Security Council could decide to amend this list at any time. Separately, individual countries may choose to add these entities or individuals to their own watch lists.

Outside the U.N. context, the U.S. has worked to improve other countries' interdiction capabilities through the Proliferation Security Initiative, or PSI. Panama is a strong PSI partner and U.S. and partner countries hold annual training exercises under Panamax to prepare for interdiction scenarios in the Panama Canal.

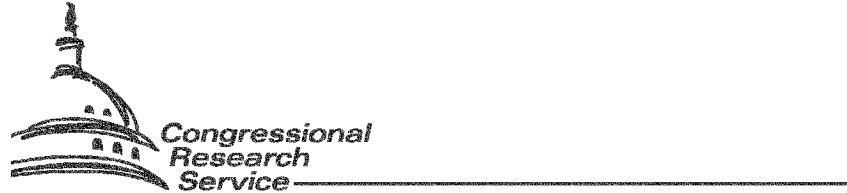
The Government of Panama's successful seizure of the Chong Chon Gang's shipment may encourage additional states in Latin America and the Caribbean to take similar action.

Congress may wish to consider whether adequate resources are being provided to support PSI and other programs that help countries strengthen their export controls, train custom officials and improve detection of illicit shipments. This may be particularly important for Latin American and Caribbean countries who may be transshipment points.

Congress may also wish to examine whether the Security Council should revise the designations list on a more routine basis and could also show support for continuing to make publicly available the Panel of Experts' findings on these illicit transfers.

Mr. Chairman, this concludes my statement. Thank you again for the opportunity to testify and I look forward to the subcommittee's questions.

[The prepared statement of Ms. Nikitin follows:]



NOT FOR PUBLICATION
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HOUSE FOREIGN AFFAIRS COMMITTEE

STATEMENT OF
MARY BETH NIKITIN
SPECIALIST IN NONPROLIFERATION
CONGRESSIONAL RESEARCH SERVICE
BEFORE THE
HOUSE COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEE ON THE WESTERN HEMISPHERE
HEARING ON
“A CLOSER LOOK AT CUBA AND ITS RECENT HISTORY OF PROLIFERATION”
SEPTEMBER 26, 2013

Chairman Salmon, Ranking Member Sires, distinguished members of the subcommittee, thank you for the opportunity to appear before you today to discuss the recent incident of proliferation from Cuba and the U.N. Sanctions Committee's response.

The interdiction by Panama on July 10 of the North Korean freighter *Chong Chon Gang* revealed a hidden shipment of military goods, ranging from fighter planes to ammunition that was on its way to North Korea, according to press reports and the Cuban government. While we await official reports of what investigators found on the ship, the Cuban government issued a statement on July 16 saying that the weapons being transported on the ship were "two anti-aircraft missile complexes Volga and Pechora, nine missiles in parts and spares, two MiG21bis and 15 motors for this type of airplane." According to other reports, the ship was also carrying far more material, including artillery ammunition, light weapons ammunition such as rocket-propelled grenades, and other military items. The ship's two previous stops were Puerto Padre and Havana, Cuba. It is not yet clear whether Cuba had sent the latest weapons shipment to North Korea as a sale, for repair as it claims, or a combination of the two. The sugar which hid the weapons on the *Chong Chon Gang* may have been part of a barter arrangement, but it is also possible that payment was made in some other way.

Weapons trade with North Korea is restricted under United Nations Security Council resolutions. If the UN confirms the ship was carrying banned weapons, the seizure of the *Chong Chon Gang* would be the first case of a shipment to or from Cuba being reported to the U.N. Security Council, and the first reported seizure of a banned North Korean shipment in the Western Hemisphere.

Since 2006, a series of increasingly stringent U.N. sanctions have been placed on North Korea following its successive nuclear and missile tests. U.N. Security Council resolutions (UNSCR) ban all arms transfers from North Korea and all arms transfers to North Korea except small arms or light weapons. All of the goods the Cuban government identifies as on the ship are considered advanced conventional weapons and therefore would be prohibited transfers under paragraph 8 of UNSCR 1718 (2006) even if they were being sent to North Korea for repair, as the Cubans claim.

All UN member states are authorized to stop and seize suspicious shipments to or from North Korea and report them to the U.N. Security Council for inspection, but these measures are not always followed. The Panamanian government, however, did follow these procedures and this case may be considered a model for other interdictions. First, it stopped a suspicious shipment for inspection, and when it discovered items in violation of the Security Council resolutions, it seized the goods and invited the U.N. Panel of Experts for North Korea to go to Panama to inspect the shipment immediately. The Panel of Experts is to report their findings on whether the shipment was a violation to the Security Council's North Korea Sanctions Committee. Once the parties to a prohibited shipment are identified, the U.N. Security Council Sanctions Committee may approve the addition of those entities or individuals to the "designation list" under Security Council resolution 2094 (2013), paragraph 27. The designation list identifies individuals or companies, or government entities involved in illicit transfers. Member states are expected to prevent transfers involving those entities.

The United States has emphasized coordination and training exercises to improve interdiction capacity, especially through the Proliferation Security Initiative (PSI). PSI was formed in 2003 to increase international cooperation in interdicting shipments of weapons of mass destruction (WMD), their delivery systems, and related materials. It now has over 100 participants. PSI was originally launched by the United States partially in response to legal gaps revealed in an incomplete interdiction of the *So San*, a North Korean-flagged ship that was carrying Scud missile parts to Yemen in December 2002.

Panama is a strong PSI partner. In 2012, the United States and partner countries held a training exercise called PANAMAX to prepare for interdiction scenarios in the Panama Canal. With the *Chong Chon Gang* interdiction, the government of Panama's actions may encourage additional states in Latin America and elsewhere to take similar actions to implement Security Council resolutions. The United States has also worked with countries around the world, including Latin America, to bolster export controls and train customs officials to recognize banned items.

The *Chong Chon Gang* shipment raises questions about whether previous shipments of weapons from Cuba to North Korea have gone undetected, and more broadly about the nature of Cuban-North Korean relations. According to press reports, North Korean ships have made several other trips to Cuba since 2009. There is still not enough publicly available information to determine motivations for the shipment. Cuba has reportedly been seeking upgrades to its Soviet-era military planes, but North Korea also has been seeking MIGs as noted in the U.N. Panel of Experts June 2013 report. In addition, the recent visit of a high-level North Korean military delegation to Cuba in early July 2013, less than 10 days before the detention of the *Chong Chon Gang*, might provide some insight into the bilateral military relationship between the two countries, but no details from the meeting have been publicized. The North Korean delegation, led by General Kim Kyok Sik, Chief of the Korean People's Army General Staff, met with Cuban President Raúl Castro, who stressed the historic ties between the two countries and efforts to boost cooperative relations.

Interdiction of banned goods to and from North Korea is a binding obligation on U.N. member states, but implementation has been uneven. Overall, the risk of interdiction has likely raised the cost of illicit transfers, and forced the North Korean regime to engage in more illicit trade with its limited number of trading partners, most of them already outlier states such as Cuba. However, multiple reported cases of conventional arms interdictions over the past five years show that North Korea continues to work to evade the sanctions.

Congress has a variety of ways to strengthen implementation of sanctions on North Korea through interdictions, and bolster nonproliferation in the Western Hemisphere more broadly:

- Congress could encourage the U.S. government and the international community to improve North Korea sanctions implementation in all countries, through improved implementation of broader nonproliferation requirements under international law such as UNSCR 1540, which requires states to implement adequate export controls on WMD-related materials in their country. Congress could fund nonproliferation programs and assistance to this end.
- Congress could encourage the administration to include the issue of U.N. sanctions implementation in its engagement with countries of the Caribbean and Latin America, many of which may be used as transshipment points.
- Congress could choose to examine the role of the Proliferation Security Initiative in interdictions and whether PSI has adequate resources and sufficient inter-agency and international coordination. It could encourage broader participation by states in Latin America and the Caribbean.
- Congress could encourage the United States and other countries to revise U.N. Security Council designations of sanctioned entities and individuals in a more routine manner. This could help countries better prevent or interdict suspicious shipments.

Mr. SALMON. Thank you.

I'd really like to thank our three distinguished witnesses for sharing these very thoughtful and provocative ideas.

The big reason that we convened this hearing is because this was a very, very significant incident here in the Western Hemisphere and because I don't believe that there's been adequate scrutiny with the international media on this subject, this issue.

I've also had conversations with people that are close to the process of what's happening with the Sanctions Committee at the United Nations and, quite frankly, I'm very sceptical that given the fact that the Cuban representatives have been putting on what I'd call a charm offensive and acting—I don't know, kind of reminds me of "Leave it to Beaver," you know, Eddie Haskell. Good morning, Mrs. Cleaver, you know, turning on all the—turning on all the charm looking like you're actually cooperating when the effort is actually a public relations effort to try to deep six everything.

And I'm really sceptical as to whether the Sanctions Committee is going to have the wool pulled over their eyes in this instance and the Cuban companies involved are going to get just a mere slap on the hands and try to sweep everything under the rug. That's why we called this hearing.

I think we need to call world attention to a very, very serious issue. And given that the sanctions contained in Iran—I'm going to ask my question of Mr. Griffiths—given that the sanctions contained in Iran, North Korea, Syria Nonproliferation Act already ostensibly apply to Cuba what beyond the current range of sanctions that we have in place against the Cuban regime could we do and what additional legislative measures do you think we should take? Please elaborate.

Mr. GRIFFITHS. Well, thank you, Mr. Chairman.

I'm not an expert on U.S. legislation but if your end goal is to find out more and you fear the wool may be pulled over people's eyes, for me the first one very concrete thing would be to get full congressional support for making sure that the Cuban authorities really extend an invitation to the U.N. panel of experts to Cuba and provide the full disclosure I mentioned earlier.

And if they don't, that will prove that they have quite a lot to hide, especially regarding the command and control of this illicit transfer—who was responsible—because if they don't provide full disclosure it will indicate that this perhaps went to the very top and, as I said before, to—for Congress to really push to make sure that the—that other—that the U.S. Government or other U.N. member states really ensure that the Cubans cooperate over these earlier voyages as well.

Right now, the U.N. Panel of Experts has not been invited to Cuba and has not been offered full disclosure and this is the litmus test, if you will, and if they, you know, they don't go down that road of cooperation and share information then I would suggest, you know, further investigation is merited to determine the extent of these shipments and this trade.

Mr. SALMON. Thank you.

I also—I believe it was you, Ms. Werlau, that mentioned that the two principal negotiators of this deal—one from Cuba and one from

Korea—are both—well, one's dead and one's missing, and so it's going to be very, very difficult to get at the truth.

Given the fact that these two principals are gone, how confident are you that the Sanctions Committee is going to be able to get to the bottom of this?

Ms. WERLAU. I'm very confident that Cuba's going to manage it and they can. They own the economy. They own the country—the regime.

They're going to clean up their act, and I've worked in—at the U.N. I've had the opportunity to work in Geneva and New York to do advocacy activities.

The power of the Cuban delegations there, the size, the influence is impressive and they have their allies. So I don't think we're going to get to the bottom of this, not through that channel.

Mr. SALMON. You think they're pretty good at public relations campaigns?

Ms. WERLAU. Cuba has a vast propaganda apparatus that is supported not just by a huge public relations empire—media, radio stations, publications, news agencies, cultural centers—they have a very effective, well trained and large intelligence service.

Most of their diplomats are trained intelligence officers. Yes, it's very effective and they convince a lot of people who are not well informed, who are well meaning, who think that they're changing, that don't understand the criminal nature of this regime.

Mr. SALMON. Thank you. I yield back.

I recognize the ranking member.

Mr. SIRES. You know, I find it very difficult to think that the Cuban Government is going to cooperate on any kind of committee going to Cuba and trying to investigate whatever company because the company is the state, and so is North Korea.

So I just find it very difficult to think that the Cuban Government is going to open its doors and say oh, here's what happened and tell the world what happened. I just don't see that happening.

I worry about the U.N. because, quite frankly, in the past they have disappointed me many times when it comes to issues of human rights in Cuba.

I mean, at one time they had the vice president of the Human Rights Commission being from Cuba. I mean, that is the—that is the most absurd situation you could have when human rights in Cuba they are nonexistent and yet at the U.N. you had somebody from Cuba being part of the Human Rights Commission.

That just—you know, I guess the military apparatus of these two countries has to be pretty in dire condition to have this exchange.

I just wonder what you think about that. Why at this time have such a shipment? I'm curious. If anybody can take a shot at that. I know that North Korea has been rattling the saber down on South Korea.

So I was just wondering if it's all related and I'm, quite frankly, concerned with the relationships between Cuba, Iran and the Western Hemisphere, you know, and the people travelling back and forth from Cuba to Iran.

So can you—can you comment on that? We'll start with you.

Ms. NIKITIN. Thank you very much.

I don't have an independent source of information, you know, that confirms what the motivations were. But in doing a survey of the experts' views on this shipment I think we can narrow it down to a few other options besides this idea of Cuba sending the equipment for repairs, that—you know, that was their story.

They apparently said that they thought that would not contradict the U.N. Security Council resolutions. But the most recent versions of those resolutions have been strengthened to also prohibit that kind of activity.

So North Korea is also strapped for hard currency and it's possible that they—if they were not going to use those systems in their own military that they would have a capability to refurbish and sell to third parties.

We just don't know. So that's another possibility that's being discussed.

Mr. Sires. Ms. Werlau.

Ms. WERLAU. Well, as I said in my testimony it doesn't surprise me that they would attempt this. There certainly is a need in Cuba and they are using the most outrageous schemes to get hard currency. Exploiting their own people, sending people off to—as migrants to send money back to the regime, exporting doctors as temporary workers in schemes of modern slavery—anything can be expected of Cuba to make a buck.

There's a report in Uruguay I believe in late July that Uruguay imported \$1 million in blood from Cuba. Now, I looked into this. We're going to publish a report. Turns out Cuba massively collects blood from their citizens, telling citizens that it's to save lives and they're actually turning people into donors, regular donors, saying that they're going to get sick if they don't donate blood, and this is to sell it.

This is a regime that drained the blood of political prisoners on their way to execution in the 1960s and sold it to Vietnam, for example, including, by the way, an American citizen, Robert Fuller.

His blood was drained on the way to execution just for trying to form a resistant movement in Cuba very much like the Castro brothers had against the Batista dictatorship. Anything is possible from this regime to make a buck.

Mr. Sires. Thank you.

Mr. Griffiths, I was just wondering if you really think that Cuba is going to cooperate in any way, shape or form with this.

Mr. GRIFFITHS. Well, on a point made by yourself and a colleague, I mean, I don't think anyone would deny the fact that the U.N. has some limitations, given its membership and its mandate.

But I have to say that the U.N. Panel of Experts on North Korea and those members of the Secretariat associated with the panel have done a very good job. They're one of the best panels.

You read the latest report by that panel published earlier this summer, 2013, and it's really an outstanding piece of investigative research.

They've dug up some very interesting shipments and they've identified suspected parties in places as far away as Kazakhstan relating to North Korean shipments to Iran. So if that team are invited into Cuba and are given access to the officials and the documents both on the Chong Chon Gang and these earlier ship voy-

ages—North Korean ship voyages, I'm quite confident that they would get to the bottom of it.

The question is will they be invited, and you Members of Congress are sceptical that they will be invited. But that decision, I guess, hasn't been made yet.

So in some way maybe this hearing will contribute to an understanding at the U.N. and amongst Cubans who are open to listening that full access and full disclosure is absolutely necessary and if it's not granted that's going to confirm many people's worst fears.

So that's what I can say on that subject. On the other issue, the nature of maritime trafficking is such that if the arms or drugs are not being shipped directly to a country like the United States or France or Spain or Britain but to two third countries such as Cuba and North Korea then, you know, there are very few open source reports on maritime trafficking and there are very few seizures.

So much goes underneath the radar, so many vessel movements that are suspect that are never investigated because the International Law of the Sea gives sovereignty of the vessel to the flag state which in this case is either North Korea or some open registries, flags of convenience that can't exercise their sovereignty or are unwilling to exercise their sovereignty, who don't have the intelligence or the law enforcement capacities to do so.

So the Chong Chon Gang is probably not an isolated case, in my opinion. When you say why now, given general patterns it's quite possible there have been other earlier ones. But as we make clear in our investigation and has been documented by the U.N. Panel of Experts and others, the North Koreans are on the lookout for jet fighter spare parts to maintain their fleets. So they're always on the lookout for those.

Mr. Sires. Thank you.

Mr. GRIFFITHS. So they're in the market.

Mr. SALMON. Thank you. We are probably going to be called for a vote on the floor for two amendments anytime now but we have about 10 minutes at least that we can go. I recognize——

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman.

As we know, the Castro regime is and always has been a supporter, a facilitator of terrorism. It has a long history of proliferation activities, has actively sought to undermine the U.S. and our interests by any means possible.

For decades the Castros have harbored fugitives from U.S. justice including convicted cop killer Joanne Chesimard, as Congressman Sires always reminds us, and he has a vast and sophisticated intelligence network operating against the United States.

And the Castro brothers also have a well documented deep-rooted connection to rogue regimes like Iran and North Korea, united in a mutual hatred for the United States. As we have been talking about, days after the seizure of this North Korean flag ship the Cuban authorities released a statement claiming that they were obsolete defensive weapons sent to North Korea for repair, only to be returned to Cuba.

But as you've pointed out, it's obvious they were lying to the international community to hide the fact that the final destination was North Africa in violation of U.N. sanctions.

The Castro regime is desperate to keep its propaganda machine running and its hold on power, and Kim Jong-un and the North Korean regime will stop at nothing to continue its illicit activities.

So I ask you what should the U.S. Government be doing to support allies in the region like Panama for their security and their law enforcement efforts? Also, what penalties do you think the international community should impose on Cuba for these activities in addition to the bans we have in place?

And despite these blatant violations of U.N. sanctions this administration continues efforts to normalize relations with Cuba, moving forward with talks regarding migration and direct mail services in the middle of what has been going on.

What message do you think it sends to our commitment to regional security to move ahead with talks with the regime despite this blatant violation of international law like the one involving the North Korean ship?

Anyone who'd like to take a stab. Thank you, Ms. Werlau.

Ms. WERLAU. Well, thank you, Congresswoman.

I'm really not prepared to answer such a big question. All I can say is that the people who understand the criminal nature of this regime should inform others and it's the responsibility of our Government.

There's more than 50 years—55 years of history there including the murder of American citizens, citizens of other countries, subversion, terrorism—I think thousands of deaths worldwide caused by this regime. And it's important that we don't get confused by the message. The Cubans are extremely able—

Ms. ROS-LEHTINEN. And I will interrupt you there because you bring out an important fact, and then I yield back. We let the Castro regime get away with the murder of four innocent pilots of Brothers to the Rescue in the shoot down of their two aircraft over international air space—three American citizens, one U.S. resident.

And what price did the Castro brothers pay for their crime? They signed a bill into law—the administration at the time—that they have yet to put into action. That was it. That was the penalty that they paid.

So we let that problem go unanswered and now we have another horrible example of a violation of international law and we're about to let them off the hook yet again. No wonder they continue to do their espionage and dangerous activities against the U.S. We are willing to look the other way because it's just—to act would be inconvenient.

Ms. WERLAU. Yes. May I add, Mr. Chairman, to that? It's very frustrating when you're doing human rights documentation and getting the reports from Cuba, where they're using surgical repression to exterminate the opposition, assaulting women, children. I mean, this is a regime that has massacred children and—

Ms. ROS-LEHTINEN. The Tugboat—13th of March where they put high-pressure water cannons—

Ms. WERLAU. Exactly.

Ms. ROS-LEHTINEN [continuing]. Against people, killing dozens of them for the crime of trying to leave the hell hole that is the Castro regime's Cuba.

Ms. WERLAU. And that is just one, and what we're getting in our news reports are reports about old cars, Mojitos—

Ms. ROS-LEHTINEN. Oh, yes.

Ms. WERLAU [continuing]. And Raul Castro's reforms.

Ms. ROS-LEHTINEN. It's an interesting place.

Ms. WERLAU. Yes. I mean, it's very frustrating—

Ms. ROS-LEHTINEN. And if you're a media outlet and you report on the human rights violations instead of reporting on the cute 1950s cars then you get your license taken away.

Thank you, Mr. Chairman.

Mr. SALMON. Thank you.

We have about 7 minutes left on the clock to get back for our vote on the floor. But Mr. Rohrabacher is the only one that's expressed that he does have a question and so I'm going to go ahead and yield to Mr. Rohrabacher.

Mr. ROHRABACHER. One minute. One minute. Thank you very much.

Let me just note that Castro's regime has been a disgraceful example of corruption and repression since day one.

One of the first things he did was, of course, send off aid to insurgents in Venezuela to overthrow their elected government. He then made his country into a haven for Robert Vesco and other major drug dealers.

He murdered his own people by the hundreds, and I will tell you it is a disgrace that the liberals in this country gave him such leeway over the years, never calling Castro to task for all of this violation of human rights on a mass scale in his own country.

Let me just say that it's a miracle—it's a miracle to me that he has lived as long as he has with as number of people who have been praying that he was going to die soon over all these years.

But I'm sure that he will be leaving this planet soon and there will be a warm place waiting for him right next to Che Guevara and none too soon.

Again, the American people need to see that all along he's been conducting himself and involved with illicit activities, drug dealing, arms dealing throughout the world and it shouldn't surprise us now.

One last thought, Mr. Chairman, and that is we should be insisting that all of the money that he has stored up in foreign banks be found out and be given to the people of Cuba once this dictator is dead.

Thank you very much.

Mr. SALMON. Thank you. I recognize the gentleman from American Samoa.

Mr. FALEOMAVAEGA. That's all right, Mr. Chairman. Thank you, and as a follow up on my good friend from California's line of question I just want to pose this to Dr. Griffiths and our two witnesses here.

I said I'm very concerned of the fact that a noninspection, at least the way the Chong Chon Gang was being inspected. I believe, Dr. Griffiths, you mentioned that there have been three other occasions or three other Korean vessels that have gone between Cuba and North Korea.

Here's the—based on a hypothetical but the fact that the non-inspection—that these vessels could well have contained nuclear weapons, missiles that are capable, they come in right in the back yard of the United States, putting an obvious risk on the security of this country is what concerns me.

So we can talk about drugs. We can talk about—but in fact that if it was possible for North Korea to do this and three other occasions that we have no idea what was being transferred on those three earlier vessels, I am just curious.

Is the threat serious or is it just another one of those bypass that we're not really concerned or should be concerned about? Dr. Griffiths.

Mr. GRIFFITHS. There have been at least 12 and possibly 13 instances of North Korean ships calling at Cuban ports since 2006 that we are aware of. So the figure is actually considerably higher than reported in the media.

It's quite possible there could have been more because these ships are turning off their radar—the AIS, the signal that allows us to—our commercial databases to locate ships, and signals can also be faked. I mean, it's between 12 and 13. We're uncertain about the thirteenth 100 percent.

We don't know the content of what those ships were carrying but some of them really do have what we call voyage anomalies where the ship has sailed in a manner which makes no economic or commercial sense and it's the typical risk indicator when it comes to arms trafficking or indeed narcotics trafficking.

Mr. FALEOMAVAEGA. Thank you, Dr. Griffiths.

I've got one more quick question to Ms. Werlau. You mentioned that you published a paper in 2005 giving some estimates of the corporate wealth of the Castro family.

Can you just give us a one liner? How much is the Castro family worth right now in Cuba?

Ms. WERLAU. I think nobody knows that, not even the people who manage it. It is so well done the way that it's concealed through safe havens, using other people as they present as the owners of the bank accounts and corporations. It's impossible to tell.

Mr. FALEOMAVAEGA. Thank you, Mr. Chair.

Mr. SALMON. Thank you.

All testimony concluded and questions concluded, I'd like to adjourn this meeting. But before I do, I just want to say that maybe it would be a good idea for the members of this subcommittee to pen a letter to Mr. Ban Ki-Moon—Secretary Ban Ki-Moon to voice our concerns over this process within the U.N.

Would that be something we could entertain? All right. Well, thank you very much. This subcommittee hearing is now adjourned.

[Whereupon, at 3:12 p.m., the subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

**SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128**

**Subcommittee on the Western Hemisphere
Matt Salmon (R-AZ), Chairman**

September 24, 2013

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs to be held by the Subcommittee on the Western Hemisphere in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at www.foreignaffairs.house.gov):

DATE: Thursday, September 26, 2013

TIME: 2:00 p.m.

SUBJECT: A Closer Look at Cuba and its Recent History of Proliferation

WITNESSES: Mr. Hugh Griffiths
Head
Countering Illicit Trafficking – Mechanism Assessment Projects
Stockholm International Peace Research Institute
(Appearing via videoconference)

Ms. Maria C. Werlau
Executive Director
Cuba Archive

Ms. Mary Beth Nikitin
Specialist in Nonproliferation
Congressional Research Service

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON the Western Hemisphere HEARING

Day Thursday Date 09-26-2013 Room 2172 RHOB

Starting Time 2:08 p.m. Ending Time 3:12 p.m.

Recesses (to) (to) (to) (to) (to)

Presiding Member(s)

Chairman Matt Salmon

Check all of the following that apply:

Open Session Executive (closed) Session
Televised

Electronically Recorded (taped) Stenographic Record

TITLE OF HEARING:

"A Closer Look at Cuba and its Recent History of Proliferation"

SUBCOMMITTEE MEMBERS PRESENT:

Chairman Matt Salmon, Rep. Ileana Ros-Lehtinen, Rep. Trey Radel, Ranking Member Albio Sires and Rep. Eni Faleomavaega.

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an * if they are not members of full committee.)

Rep. Dana Rohrabacher

HEARING WITNESSES: Same as meeting notice attached? Yes No
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

N/A

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED 3:12 p.m.



Subcommittee Staff Director

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE MATT SALMON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA, AND CHAIRMAN, SUB-COMMITTEE ON THE WESTERN HEMISPHERE

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One Hundred Thirteenth Congress
U.S. House of Representatives
Subcommittee on the Western Hemisphere
Committee on Foreign Affairs
256 Ford House Office Building
Washington, DC 20515
www.foreignaffairs.house.gov

October 28, 2013

His Excellency Ban Ki-moon
Secretary-General
The United Nations
760 United Nations Plaza
New York, NY 10017

Dear Mr. Secretary-General,

Earlier this summer, on July 16th, the Panamanian government discovered and detained the North Korean-flagged Chong Chon Gang cargo vessel traveling from Cuba. Multiple press reports have confirmed that Panamanian officials discovered on board up to 25 cargo containers of Cuban weapons and other U.N.-sanctioned items bound for the rogue regime in North Korea.

On September 26th, we convened a hearing of our House Foreign Affairs Subcommittee on the Western Hemisphere to investigate this incident further, and to explore Cuba's alleged history of military proliferation and non-compliance with U.N. sanctions.

The facts in this case are not in dispute. At the time of their discovery, Cuba's foreign ministry said that the tanker was carrying 10,000 tons of sugar and 240 metric tons of "obsolete defensive weapons" including disassembled missiles, two MiG-21 jet fighters, and two disassembled antiaircraft missile complexes, "to be repaired and returned to Cuba." But here is what the Panamanian officials actually found hidden among the bags of Cuban sugar: night vision equipment, small arms and light-weapons ammunition, rocket-propelled grenades, and artillery ammunition for anti-tank guns. This cargo is a clear violation of the U.N. sanctions imposed on North Korea after its series of nuclear-bomb tests.

We write to strongly suggest that you use all of the resources at your disposal as Secretary-General to ensure that concrete action in the form of full disclosure and full access to Cuba be pursued and granted to the U.N. Panel of Experts in order to investigate the Chong Chon Gang case, and the other 12 North Korean vessels that have called at Cuban ports since 2006.

We believe this is a potentially groundbreaking case where a country in the Western Hemisphere is likely to be found in violation of U.N. Security Council sanctions on weapons proliferation.

The Honorable Ban Ki-moon
October 28, 2013
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Many experts believe there has been – and the Castro regime itself has admitted to – a violation of international sanctions in this case.

This Subcommittee has learned that while admitting to blatantly violating the international sanctions on North Korea, the Castro regime has begun a full “charm offensive” at the U.N. to convince the Sanctions Committee that it should in fact be applauded for its compliance and cooperation in this case, rather than punished and sanctioned for its intentional breach of the sanctions regime.

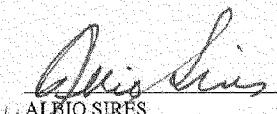
We strongly believe that if Cuba is not held accountable and instead is only given a slap on the wrist, the international ramifications would be substantial. Countries, like Panama, would be less likely to put their resources and reputations on the line in order to intercept suspicious vessels and activities. Even more concerning, other countries may be more inclined to violate international sanctions on behalf of rogue regimes like North Korea or Iran for either profit or ideological reasons if they perceive the consequences will be insignificant.

Please give this important matter your personal and immediate attention, and we look forward to a thorough report on this incident from your U.N. Panel of Experts.

Sincerely,



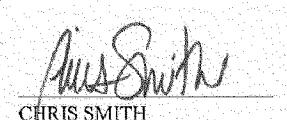
MATT SALMON
Chairman
Subcommittee on the Western Hemisphere



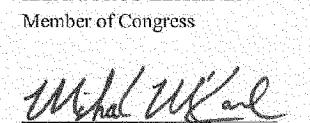
ALBIO SIRES
Ranking Member
Subcommittee on the Western Hemisphere



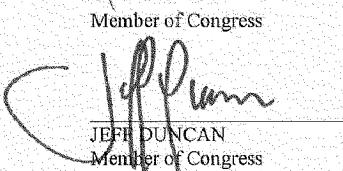
ILEANA ROS-LEHTINEN
Member of Congress



CHRIS SMITH
Member of Congress



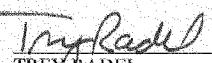
MIKE McCAUL
Member of Congress



JEFF DUNCAN
Member of Congress

The Honorable Ban Ki-moon
October 28, 2013
Page 3


RON DESANTIS
Member of Congress


TREY RADEL
Member of Congress

cc: The Honorable John F. Kerry, Secretary of State, U.S. Department of State.
The Honorable Samantha Power, Ambassador, U.S. Permanent Representative to the
United Nations.

