

United States Senate

WASHINGTON, DC 20510

June 1, 2015

COMMITTEES:
COMMERCE, SCIENCE, AND
TRANSPORTATION
FOREIGN RELATIONS
SELECT COMMITTEE ON INTELLIGENCE
SMALL BUSINESS AND
ENTREPRENEURSHIP

The Honorable John Kerry
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20220

Dear Secretary Kerry,

As the Obama Administration officially removes the Castro regime from the State Sponsors of Terrorism List and you continue high-level negotiations with Cuba in regards to the possible re-opening of the United States Embassy in Havana, there are several issues that I urge you to resolve prior to any agreement being reached. Despite more than five months of discussions with the Cuban government, I am very concerned about the lack of political reforms, and progress on human rights; the continued harboring of known terrorists and other fugitives from U.S. justice; the outstanding American property claims and judgments against the Cuban government; and the limitations that continue to be placed on American diplomats working in Havana. By conditioning any normalization of relations with Cuba on these topics and other areas, the U.S. can leverage the prospect of improved bilateral relations to obtain tangible benefits for both the American and Cuban peoples.

I intend to oppose the confirmation of any potential U.S. Ambassador until the following issues are satisfactorily addressed.

The first relates to political reforms and human rights. President Obama himself stated that "Proudly, the United States has supported democracy and human rights in Cuba through these five decades." It is extremely important that this support continues as political arrests and repression against peaceful dissidents has spiked since the negotiations. Establishing diplomatic relations with the Castro regime without verified improvements in the situation faced by the Cuban people would not be consistent with our values as a nation and the intent of the U.S. Congress, as codified in law. It is also important that pro-democracy activities not be sacrificed in the name of "diplomacy" just so that we can change the name of a building from "Interest Section" to "Embassy".

Secondly, I urge you to make central to the current talks the repatriation of known terrorists and other fugitives from U.S. justice. The FBI believes there are more than 70 fugitives from justice that are being provided safe-harbor by the Castro regime. These include Joanne Chesimard, a cop-killer on the FBI's Top Ten Most Wanted Terrorists list, Frank Terpil, a renegade CIA agent who became an assassin-for-hire and arms smuggler for Libyan dictator Muammar Gaddafi, and William Morales, a convicted FALN (Fuerzas Armadas de Liberación Nacional) bomb maker who conducted a terror bombing

campaign in New York. Assistant Secretary Roberta Jacobson testified that “Our future discussions... will expand the avenues available to seek the return of American fugitives from justice”. The victims of these violent individuals, who are being openly harbored by Cuba's dictatorship, deserve justice now, prior to the establishment of diplomatic relations.

Third, there are billions of dollars of outstanding American property claims against the Cuban government. In the past, as in the case of Libya, the United States has not normalized relations with countries subject to outstanding American claims until they have been resolved or a process for their resolution has been established. There are thousands of verified American claimants who have been waiting for decades to be compensated for the Castro regime's illegal expropriation of their property and assets. There are also billions of dollars in outstanding judgments from U.S. federal courts against the Cuban government for acts of terrorism. Prior to the establishing of diplomatic relations, the Cuban government should be forced to compensate all of the verified claimants.

Finally, there are currently many limitations placed on U.S. diplomats stationed in the U.S. Interest Section in Havana. U.S. diplomats are typically not allowed outside Havana except for special requests. If we expect our diplomats to be the emissaries of democracy, they must have the freedom to travel the island and meet with pro-democracy groups. The ability to move freely around the island is paramount to observing the human rights abuses that the Castro regime continues to perpetrate against its own people. Also, the ability to securely supply and upgrade any U.S. facility at our sole discretion should not be impeded. Our diplomatic personnel deserve to feel that they are safe and secure in our embassy, and that our diplomatically sensitive shipments are free from Cuban intelligence services interception. We must also demand complete control over which Cuban nationals are hired to work at any U.S. facility.

I hope to see a free and democratic Cuba, but that means we must confront the authoritarian Castro regime that suppresses its own people, not acquiesce to their demands. It is important for the United States to continue being a beacon of freedom for the Cuban people. I intend to work with my colleagues to block the Administration's efforts to pursue diplomatic relations with Cuba and name an Ambassador to Havana until substantive progress is made on these important issues.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MR', with a long horizontal flourish extending to the right.

Marco Rubio
United States Senator