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## ***Cuba strongly rejects threat of activation of Title III of Helms-Burton Act***

*Declaration of the Ministry of Foreign Affairs of Cuba*



On January 16, 2019, the U.S. State Department announced the decision to suspend for only 45 days the application of Title III of the Helms-Burton Act, "in order to conduct a careful review ... in light of U.S. national interests and efforts to accelerate a transition to democracy in Cuba, and to include such elements as the regime's brutal oppression of human rights and fundamental freedoms and its inexcusable support for the increasingly authoritarian and corrupt regimes of Venezuela and Nicaragua".

The government of President Donald Trump threatens to take a new step that would dangerously reinforce the blockade against Cuba, flagrantly violate international law, and directly attack the sovereignty and interests of third countries.

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Cuba rejects that threat in the strongest, firmest and most categorical manner. It assumes it as a hostile act of extreme arrogance and irresponsibility, while repudiating the disrespectful and slanderous language of the State Department's public message.

The Helms-Burton Act went into effect in 1996. It was conceived to codify and harden the policy of economic, commercial and financial blockade officially imposed in 1962, with the objective of subverting and overthrowing the government of Cuba and imposing a regime to the liking of the government of the United States.

It consists of four titles and has been applied since its promulgation. It is characterized by its extreme extraterritorial scope, for violating the norms and principles of International Law, for contravening the rules of trade and international economic relations and for being harmful to the sovereignty of other States, mainly by the application of its provisions against companies and persons established in their territory.

It has been rejected by the international community almost unanimously in the United Nations, in specialized international organizations and in regional organizations such as the Community of Latin American and Caribbean States and the African Union. Several countries have national laws to deal with the extraterritorial effects of this law.

Among the central objectives of the Helms-Burton Act has been to hinder Cuba's economic, commercial and financial relations with third countries and to affect its ability to attract direct foreign capital investment for its development. Titles III and IV of the law are expressly devoted to this purpose.

Title III authorizes U.S. nationals to file lawsuits before U.S. courts against any foreigner who "traffics" in U.S. property that was nationalized in Cuba in the 1960s, in a legitimate process, as recognized by the U.S. Supreme Court, carried out by the Cuban government in full compliance with national law and international law.

Among the most significant aberrations, this title extends this authorization to owners who were not U.S. citizens at the time of the nationalizations and whose alleged properties no one has certified.

By virtue of the provisions of the Helms-Burton Act itself, all U.S. Presidents since 1996, including Trump in 2017 and 2018, have made consecutive use of the executive power to suspend the application of Title III every six months in order to recognize that it consists of the grossest and most unacceptable aspect of this against international law and the sovereignty of other states. Also because it understands that its application would cause insurmountable obstacles to any prospect of settlement of claims and compensation to legitimate U.S. owners.

For its part, the Provincial People's Court of Havana, on November 2, 1999, declared the Lawsuit against the Government of the United States of America for Human Damages Waived and sanctioned it to repair and compensate the Cuban people in the amount of \$181.1 billion dollars and, on May 5, 2000, also for Economic Damages caused to Cuba and sentenced it in the amount of \$121 billion dollars.

The Ministry of Foreign Affairs has reiterated Cuba's willingness to find a solution to mutual claims and compensation.

This decision, which the United States government threatens to adopt, would imply that, contrary to the provisions of international law and the practice of international relations, foreign individuals and entities with legitimate business in Cuba could be faced with the threat of facing unfounded and illegitimate claims before United States courts. The politically motivated and venal conduct of some Florida courts, frequently used as a weapon against Cuba, is well known.

For our people, it means facing once again, in a firm, conscious and forceful manner, the determination of U.S. imperialism to submit to its domination and tutelage the destinies of the Cuban Nation.

If Title III were to be applied as established by this law and the State Department's announcement threatened, any Cuban and every community in the country would see lawsuits filed before U.S. courts for the ownership of the housing they occupy, the workplace where they work, the school their children attend, the polyclinic where they receive medical attention, the land on which their neighborhoods are built; and they will be able to verify the pretension of usurping from the Cubans the wealth of the country, the infrastructure, the arable lands, the industries, the mining resources, the energy potential and the bases on which science and technology are developed and services are rendered to the population.

We should all remember the aberrant contents of the Bush Plan, which describes and implements in detail the way in which Cuban families and the country would be stripped of practically everything.

For more than twenty years, the Helms Burton Act has guided the interventionist efforts of anti-Cuban sectors in the United States to attack the Cuban nation and undermine its sovereignty. By virtue of its application, hundreds of millions of dollars have been approved to subvert the internal order in Cuba and countless measures have been put in place to try to bring about a change of regime. Its economic effect has implied a high cost for the country's development efforts and for the well-being of the population, with a

humanitarian impact that is not greater thanks to the social justice regime that prevails in Cuba.

The pretension to fully apply Title III is promoted against the criteria of important United States government agencies and as a consequence of the power and influence they have achieved in the government, people whose political career has been marked by impotent resentment against Cuba and has rested on the use of lies and blackmail.

The majority of U.S. public opinion consistently opposes the economic blockade, according to the most qualified polls.

History records with sufficient clarity that the policy of economic blockade and the bilateral problems between Cuba and the United States do not have their origin in the just nationalizations that, according to the law and with legitimate right, were carried out by the revolutionary government. The U.S. government's military, economic and terrorist aggressions began against Cuba before the fundamental acts of nationalization of U.S. property took place.

It is known that all the nationalizations of foreign properties, including those of the United States, contemplated in law a commitment of compensation, which the government of the United States refused even to discuss, while it was assumed by the governments of the claimants of other countries, all of which enjoyed due compensation.

The Ministry of Foreign Affairs reiterates the postulates of the Cuban Dignity and Sovereignty Reaffirmation Act (Act No. 80), and emphasizes that the Helms-Burton Act is unlawful, unenforceable, and without legal effect or value. Consequently, it will consider null and void any claim of a natural or legal person, whatever its citizenship or nationality.

The Government of Cuba reserves the right to respond in a timely manner to this new aggression.

Havana, January 17, 2019