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"Rummaging in the government's attic"

Description of document: Department of State Records Concerning Lease Payments

to the Government of Cuba for use of Guantanamo Naval

Base, 2006, 2011-2013

Request date: 02-April-2013

Released date: 18-September-2014

Posted date: 06-October-2014

Source of document: Freedom of Information Act Request

Office of Information Programs and Services

A/GIS/IPS/RL

US Department of State

Washington, DC 20522-8100

Fax: (202) 261-8579

Online Electronic FOIA Request Submission

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United States Department of State

Washington, D.C. 20520

SEP 1 8 2014

Case No. F-2013-05728 Segments: CGFS, MPD, WHA

In response to your request dated April 02, 2013 under the Freedom of Information Act (Title 5 USC Section 552), we initiated searches of the following Department of State record systems: the Central Foreign Policy Records (MPD; the principal record system of the Department of State), the Bureau of Comptroller & Global Financial Services (CGFS), the Bureau of Western Hemisphere Affairs (WHA) and the American Interest Section in Havana.

Some of these searches have been completed. No relevant documents were found in the Central Foreign Policy Records and in the files of CGFS. The search of the WHA files resulted in the retrieval of eight documents responsive to your request. After reviewing these documents, we have determined that seven may be released in full and one must be withheld in full. The information in the document withheld in full is exempt from release under subsection (b)(5) because it consists of pre-decisional deliberative process material.

You have the right to appeal the Department's determination by writing, within 60 days, to the Chairman, Appeals Review Panel, c/o Appeals Officer, A/GIS/IPS/PP/LA, U.S. Department of State, SA-2, Room 8100, Washington, D.C. 20522-8100. The appeal letter should refer to the case number shown above, clearly identify the decision being appealed, and provide supporting arguments when possible. For further information, see the Code of Federal Regulations, 22 CFR 171.52.

We will keep you informed as your case progresses. If you have any questions, you may write to the Office of Information Programs and Services, SA-2, Department of State, Washington, DC 20522-8100, or telephone us at (202) 261-8484. Please be sure to refer to the case number shown above in all correspondence about this case.

Sincerely,

anta L. Boone for John F. Hackett, Acting Director

Office of Information Programs and Services

Enclosures: As stated.

C05522973 FIED U.S. Department of State 16 ace No 5 1 20 1 3 1 4 PAR NO C05522973 Date: 08/15/2014

Gerth, Thomas H

From:

Zuniga-Brown, Timothy P

Sent: To: Wednesday, April 26, 2006 2:18 PM

Gerth, Thomas H

Subject:

FW: lease over Guantánamo

RELEASED IN FULL

Tom – I've been asked the question below... Surely we have something off the shelf I can go back with – some of the wording here sounds a little loose. Txs, Tim

Tim -- Can you please confirm the following details (or provide your own) regarding the status of the lease over Guantánamo? Many thanks.

Cuba's constitution, which was adopted in 1901, included what is called the Platt Amendment, legislation that established conditions for American intervention in Cuba and gave the United States the **right to maintain a military base on the island in perpetuity**. The lease contains several critical provisions relevant to whether U.S. courts have jurisdiction over the base.

- First, the lease gives the **United States** "complete jurisdiction and control" of that territory, saying merely that it "recognizes the continuance of the ultimate sovereignty of the Republic of Cuba."
- Secondly, the lease can only be terminated on the mutual consent of both parties. Even though Cuba has wanted
 to terminate the lease since the revolution in 1959, it is unable to do so without the consent of the United States. The
 lease actually provides for a minuscule rent, some two thousand dollars in gold (equivalent to about \$4,085 a year in
 current U.S. dollars), although the Cuban government has refused to accept any payment since 1959. The United
 States is technically in default, and has been for many years, because the lease provides that the base is to be
 used only for a coaling station.

REVIEW AUTHORITY: Barbara Nielsen, Senior Reviewer



EMBASSY OF SWITZERLAND United States of America Interests Section

RELEASED IN FULL

No. 149

The United States of America Interests Section of the Embassy of Switzerland presents its compliments to the Ministry of Foreign Relations of the Republic of Cuba and transmits herewith United States Treasury Check number 8769-00361657 in the amount of 4,085 dollars which represents the annual rent payment due July 2, 2011, under the Agreement signed July 2, 1903, covering lease to the United States by Cuba of land and water for the Naval and Coaling Station at Guantánamo Bay. The amount is tendered as the amount owed under Article 1 of the Agreement, and has been computed in the manner of which the Government of Cuba has been advised in connection with previous rental payments.

The United States of America Interests Section of the Embassy of Switzerland avails itself of this opportunity to renew to the Ministry of Foreign Relations of the Republic of Cuba the assurances of its consideration.

Enclosure (as stated)

REVIEW AUTHORITY: Barbara Nielsen, Senior Reviewer

Ministry of Foreign Relations Havana, April 4, 2011



(TRADUCCION NO OFICIAL)

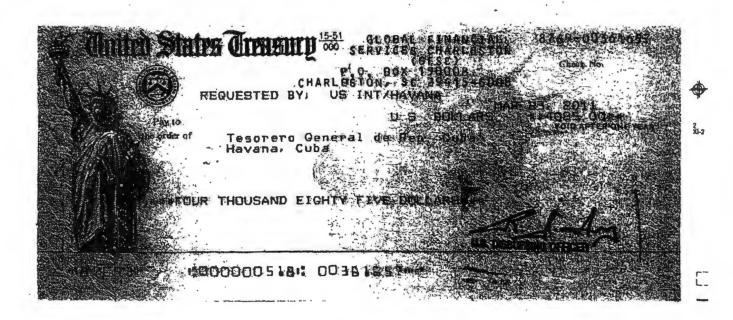
No. 149

La Sección de Intereses de los Estados Unidos de América de la Embajada de Suiza saluda muy atentamente al Honorable Ministerio de Relaciones Exteriores de la República de Cuba y tiene a bien acompañar el cheque número 8769-00361657 de la Tesoreria de los Estados Unidos por la suma de 4,085 dólares que representa el pago anual de la renta que se vence el 2 de julio de 2011, en conformidad con el Acuerdo firmado el 2 de julio de 1903, que cubre el arrendamiento a los Estados Unidos por parte de Cuba de tierra y agua para la Estación Naval Carbonera en la Bahía de Guantánamo. La suma se ofrece en pago de la cantidad que se adeuda en conformidad con el Artículo 1 del Acuerdo, y ha sido calculada en la forma que se le ha anunciado al Gobierno de Cuba en relación con pagos anteriores de dicha renta.

La Sección de Intereses de los Estados Unidos de América de la Embajada de Suiza aprovecha la oportunidad para reiterar al Honorable Ministerio de Relaciones Exteriores de la República de Cuba el testimonio de su consideración.

Anexo (citado)

Honorable Ministerio de Relaciones Exteriores La Habana, 4 de abril de 2011



RELEASED IN FULL

REVIEW AUTHORITY: Barbara Nielsen, Senior Reviewer

GFSC

ADVICE OF PAYMENT
BY U.S. DISBURSING OFFICE
POST CODE:
TRANSMITTAL #: FSCO
PYMT ID; 1141103004614
BANK ACCT CODE; OO1 DUC #; 1141YQP0307

Tesorero General de Rep. Cuba
Havana, Cuba

ADVICE OF PAYMENT
BY U.S. DISBURSING OFFICE
CK#: 361657
MAR 23, 2011
MAIL CODE; P
4085.00*

Annual Rental of lands Guantanamo Base 2011 000150 000150



EMBASSY OF SWITZERLAND United States of America Interests Section

RELEASED IN FULL

No. 209

REVIEW AUTHORITY: Barbara Nielsen, Senior Reviewer

The United States of America Interests Section of the Embassy of Switzerland presents its compliments to the Ministry of Foreign Relations of the Republic of Cuba and transmits herewith United States Treasury Check number 8769-00389949 in the amount of 4,085 dollars which represents the annual rent payment due July 2, 2012, under the Agreement signed July 2, 1903, covering lease to the United States by Cuba of land and water for the Naval and Coaling Station at Guantánamo Bay. The amount is tendered as the amount owed under Article 1 of the Agreement, and has been computed in the manner of which the Government of Cuba has been advised in connection with previous rental payments.

The United States of America Interests Section of the Embassy of Switzerland avails itself of this opportunity to renew to the Ministry of Foreign Relations of the Republic of Cuba the assurances of its consideration.

Enclosure (as stated)

Ministry of Foreign Relations Havana, April 16, 2012



(TRADUCCION NO OFICIAL)

No. 209

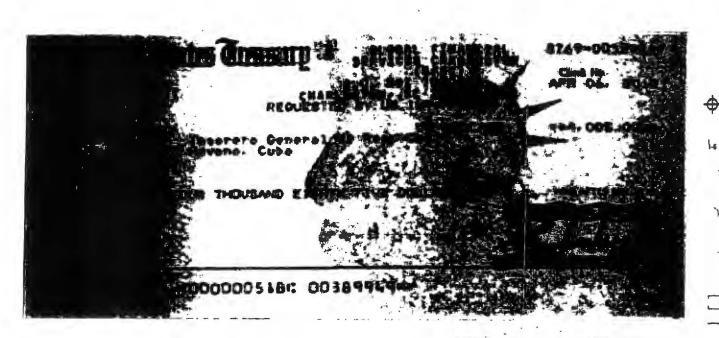
La Sección de Intereses de los Estados Unidos de América de la Embajada de Suiza saluda muy atentamente al Ministerio de Relaciones Exteriores de la República de Cuba y tiene a bien acompañar el cheque número 8769-00389949 de la Tesorería de los Estados Unidos por la suma de 4,085 dólares que representa el pago anual de la renta que se vence el 2 de julio de 2012, en conformidad con el Acuerdo firmado el 2 de julio de 1903, que cubre el arrendamiento a los Estados Unidos por parte de Cuba de tierra y agua para la Estación Naval Carbonera en la Bahía de Guantánamo. La suma se ofrece en pago de la cantidad que se adeuda en conformidad con el Artículo 1 del Acuerdo, y ha sido calculada en la forma que se le ha anunciado al Gobierno de Cuba en relación con pagos anteriores de dicha renta.

La Sección de Intereses de los Estados Unidos de América de la Embajada de Suiza aprovecha la oportunidad para reiterar al Ministerio de Relaciones Exteriores de la República de Cuba el testimonio de su consideración.

Anexo (citado)

Ministerio de Relaciones Exteriores
La Habana, 16 de abril de 2012.

RELEASED IN FULL



REVIEW AUTHORITY: Barbara Nielsen, Senior Reviewer_____

GFSC

ADVICE OF PAYMENT BY U.S. DISBURSING OFFICE

8769-00389949

P/C: 114

M/C:P T/L:FSCO VCHR: 1142TDL0313 CK: 389949 APR 06, 2012 **4,085.00**

Tesorero General de Rep. Cuba Havana, Cuba

Annual Rental Guantanamo Naval Base 04042012 04042012 INVCE: 04042012



EMBASSY OF SWITZERLAND

United States of America Interests Section

RELEASED IN FULL

No. 262

The United States of America Interests Section of the Embassy of Switzerland presents its compliments to the Ministry of Foreign Relations of the Republic of Cuba and transmits herewith United States Treasury Check number 8769 00413820 in the amount of 4,085 dollars which represents the annual rent payment due July 2, 2013, under the Agreement signed July 2, 1903, covering lease to the United States by Cuba of land and water for the Naval and Coaling Station at Guantanamo Bay. The amount is tendered as the amount owed under Article 1 of the Agreement, and has been computed in the manner of which the Government of Cuba has been advised in connection with previous rental payments.

The United States of America Interests Section of the Embassy of Switzerland avails itself of this opportunity to renew to the Ministry of Foreign Relations of the Republic of Cuba the assurances of its consideration.

Enclosure (as stated)

Ministry of Foreign Relations Havana, April 29, 2013

MGT:PoltM:yg





(TRADUCCION NO OFICIAL)

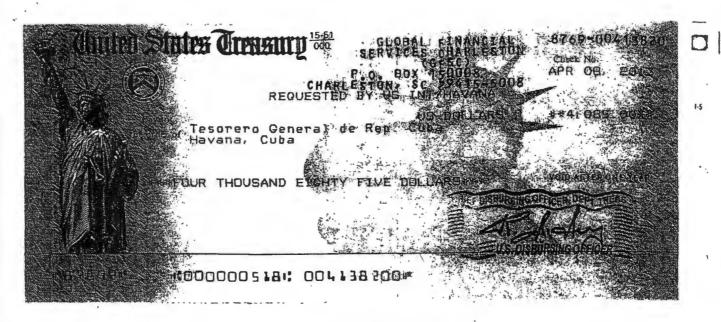
No. 262

La Sección de Intereses de los Estados Unidos de América de la Embajada de Suiza saluda muy atentamente al Relaciones Exteriores de la República de Ministerio de Cuba y tiene a bien acompañar el cheque numero 8769-00413820 de la Tesorería de los Estados Unidos por suma de 4,085 dólares que representa el pago anual de la renta que se vence el 2 de julio de 2013, en conformidad con el Acuerdo firmado el 2 de julio de 1903, que cubre el arrendamiento a los Estados Unidos par parte de Cuba de tierra y agua para la Estación Naval Carbonera en la Bahía de Guantánamo. La suma se ofrece en pago de la cantidad que se adeuda en conformidad con el Artículo 1 del Acuerdo, y ha sido calculada en la forma que se le ha anunciado al Gobierno de Cuba en relación con pagos anteriores de dicha renta.

La Sección de Intereses de los Estados Unidos de América de la Embajada de Suiza aprovecha la oportunidad para reiterar al Ministerio de Relaciones Exteriores de la República de Cuba el testimonio de su consideración.

Anexo (citado)

Ministerio de Relaciones Exteriores La Habana, 29 de abril de 2013.



RELEASED IN FULL

GFSC

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ADVICE OF PAYMENT BY U.S. DISBURSING OFFICE

8769-00413820

P/C: 114 B/C: 001

M/C:P T/L:FSCO VCHR: 1143TDL0241

CK: 413820 APR 08, 2013 **4,085.00**

Tesorero General de Rep. Cuba Havana, Cuba

Annual rental guantanamo naval base 04052013 04052013 INVCE: 04052013

REVIEW AUTHORITY: Barbara Nielsen, Senior Reviewer