

without the establishment of strict controls to verify the seriousness of its return to the normal and right track.

The four countries also reiterate the continuation of their current procedures until the Qatari authorities are committed to the implementation of the just and full demands that will ensure that terrorism is addressed and stability and security are established in the region.<sup>18</sup>

The next day, the Saudi-led group issued a list of thirteen demands to Qatar, including, among others, that it must shut down Al Jazeera and its affiliates, close its diplomatic outposts in Iran, and pay an undisclosed amount of money for “loss of life and other financial losses caused by [their] policies . . . .”<sup>19</sup> The list included demands that Qatar cut ties with groups such as the Muslim Brotherhood and ISIL, cut funding to individual terrorists and terrorist groups, and deliver terrorist fugitives to their countries of origin.<sup>20</sup> The group gave Qatar ten days to comply, leaving the consequences unspecified.<sup>21</sup> Qatar denied any involvement in either the funding of terrorism or the publication of the inflammatory statements, insisting that the “many false allegations directed at the State of Qatar [were] made for political gains and to tarnish the public opinion’s image of the State of Qatar.”<sup>22</sup>

The Gulf State standoff continues. “Right now,” said Tillerson, “the parties are not even talking to one another at any level.”<sup>23</sup>

#### GENERAL INTERNATIONAL AND U.S. FOREIGN RELATIONS LAW

##### *Trump Reverses Certain Steps Toward Normalizing Relations with Cuba*

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In June 2017, President Donald Trump announced a plan to roll back various steps taken by his predecessor toward normalizing relations between the United States and Cuba. A senior official for the administration announced the plan in a White House press briefing:

The President vowed to reverse the Obama administration policies toward Cuba that have enriched the Cuban military regime and increased the repression on the island.

<sup>18</sup> Royal Embassy of Saudi Arabia Press Release, Joint Statement by Saudi Arabia, Egypt, The United Arab Emirates, and Bahrain Regarding MOU to Combat Terrorism Between the U.S. and Qatar (July 11, 2017), at <https://saudiembassy.net/statements/joint-statement-saudi-arabia-egypt-united-arab-emirates-and-bahrain-regarding-mou-combat>.

<sup>19</sup> *Arab States Issue 13 Demands to End Qatar-Gulf Crisis*, AL JAZEERA (July 12, 2017), at <http://www.aljazeera.com/news/2017/06/Arab-states-issue-list-demands-qatar-crisis-170623022133024.html>.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> Qatar Ministry of Foreign Affairs Press Release, Qatar Denounces Statement Made by Saudi Arabia, Egypt, Bahrain, and UAE (June 9, 2017), at <https://www.mofa.gov.qa/en/all-mofa-news/details/2017/06/09/qatar-denounces-statement-made-by-saudi-arabia-egypt-bahrain-and-uae>.

<sup>23</sup> Gardiner Harris, *Tillerson Comes Up Short in Effort to Resolve Qatar Dispute*, N.Y. TIMES (July 13, 2017), at <https://www.nytimes.com/2017/07/13/world/middleeast/qatar-saudi-arabia-rex-tillerson.html>.

It is a promise that President Trump made, and it's a promise that President Trump is keeping.

With this is a readjustment of the United States policy towards Cuba. And you will see that, going forward, the new policy under the Trump administration, will empower the Cuban people. To reiterate, the new policy going forward does not target the Cuban people, but it does target the repressive members of the Cuban military government.<sup>1</sup>

Relations between the United States and Cuba had been rife with conflict for more than half a century when, in 2014, President Obama initiated a major shift in U.S. policy and announced a plan to “reestablish diplomatic relations . . . , review Cuba’s designation as a State Sponsor of Terrorism . . . [, and] take[] steps to increase travel, commerce, and the flow of information to and from Cuba.”<sup>2</sup> The U.S. Treasury and Commerce Departments subsequently revised various regulations to “facilitate travel to Cuba for authorized purposes, . . . and allow a number of . . . activities related to, among other areas, telecommunications, financial services, trade, and shipping.”<sup>3</sup> In the months and years that followed, the United States and Cuba took further steps to normalize ties.<sup>4</sup> The final weeks of the Obama administration yielded bilateral agreements with the Cuban government on a range of issues, including: a memorandum of understanding relating to plant and animal health to facilitate trade in agricultural goods;<sup>5</sup> a treaty to delimit the maritime boundary between the two countries in the eastern Gulf of Mexico;<sup>6</sup> an agreement to improve the environmental management of protected areas in Cuba and Florida;<sup>7</sup> an “agreement to strengthen cooperation in the field of maritime and aeronautical search and rescue”;<sup>8</sup> a “Memorandum of Understanding to

<sup>1</sup> White House Press Release, Background Briefing on the President’s Cuba Policy (June 15, 2017), at <https://www.whitehouse.gov/the-press-office/2017/06/15/background-briefing-presidents-cuba-policy>, [hereinafter Background Briefing on the President’s Cuba Policy].

<sup>2</sup> White House Press Release, Statement by the President on Cuba Policy Changes (Dec. 17, 2014), at <https://www.whitehouse.gov/the-press-office/2014/12/17/statement-president-cuba-policy-changes>; see also Kristina Daugirdas & Julian Davis Mortenson, Contemporary Practice of the United States, 109 AJIL 407, 415 (2015).

<sup>3</sup> U.S. Dep’t of Treasury Press Release, Fact Sheet: Treasury and Commerce Announce Regulatory Amendments to the Cuba Sanctions (Jan. 15, 2015), at <http://www.treasury.gov/press-center/press-releases/Pages/jl9740.aspx>. The Treasury regulations can be found at 31 C.F.R. §515 (2015); the Commerce regulations can be found at 15 C.F.R. §§730–74 (2015).

<sup>4</sup> Kristina Daugirdas & Julian Davis Mortenson, Contemporary Practice of the United States, 109 AJIL 663, 666–67 (2015); Kristina Daugirdas & Julian Davis Mortenson, Contemporary Practice of the United States, 109 AJIL 407, 415–19 (2015).

<sup>5</sup> Ministry of Foreign Affairs of Cuba Press Release, Cuba and the United States Sign Memorandum of Understanding in the Field of Plant and Animal Health (Jan. 20, 2017), at <http://www.minrex.gob.cu/en/cuba-and-united-states-sign-memorandum-understanding-field-animal-and-plant-health> (“This new Memorandum is mainly intended to contribute to prevent the introduction and spread of quarantine pests, animal and plant disease agents and vectors in the United States and Cuba . . .”).

<sup>6</sup> U.S. Dep’t of State Press Release, United States and Cuba Sign Maritime Treaty Boundary (Jan. 18, 2017), at <https://2009-2017.state.gov/r/pa/prs/ps/2017/01/267117.htm> (noting the treaty will be submitted to the Senate for its advice and consent).

<sup>7</sup> Ministry of Foreign Affairs of Cuba Press Release, Cuba and the United States Signed Twinning Agreement Between Ciénaga de Zapata and Everglades National Parks (Jan. 18, 2017), at <http://www.minrex.gob.cu/en/cuba-and-united-states-signed-twinning-agreement-between-cienaga-de-zapata-and-everglades-national>.

<sup>8</sup> U.S. Dep’t of State Press Release, United States and Cuba Sign Search and Rescue Agreement (Jan. 18, 2017), at <https://2009-2017.state.gov/r/pa/prs/ps/2017/01/267107.htm>.

deepen law enforcement cooperation and information sharing”;<sup>9</sup> and an “agreement to prepare for and respond to oil spills and hazardous substance pollution in the Gulf of Mexico and the Straits of Florida.”<sup>10</sup>

In addition, on January 12, 2017, President Obama ended the “wet foot/dry foot” policy on Cuban immigration to the United States.<sup>11</sup> That policy had been adopted by the Clinton Administration in 1995 and, as explained by the *New York Times*, “owes its name to its unusual rules, which require Cubans caught trying to reach the United States by sea to return home, yet allow those who make it onto American soil to stay and eventually apply for legal, permanent residency.”<sup>12</sup> Obama explained the policy change:

Today, the United States is taking important steps forward to normalize relations with Cuba and to bring greater consistency to our immigration policy. The Department of Homeland Security is ending the so-called “wet-foot/dry foot” policy, which was put in place more than twenty years ago and was designed for a different era. Effective immediately, Cuban nationals who attempt to enter the United States illegally and do not qualify for humanitarian relief will be subject to removal, consistent with U.S. law and enforcement priorities. By taking this step, we are treating Cuban migrants the same way we treat migrants from other countries. The Cuban government has agreed to accept the return of Cuban nationals who have been ordered removed, just as it has been accepting the return of migrants interdicted at sea.<sup>13</sup>

The Cuban government had condemned the “dry feet-wet feet” policy as “a stimulus for irregular migration, trafficking of migrants and irregular entry into the United States” and as “an incitement to illegal exits” that led to

migratory crises, hijacking of ships and aircraft and the commission of crimes, such as trafficking in migrants, trafficking in persons, immigration fraud and the use of violence with a destabilizing extraterritorial impact on other countries of the region, used as transit to arrive in US territory.<sup>14</sup>

As a candidate, President Trump criticized his predecessor’s policies with respect to Cuba, and articulated his intention to reverse them.<sup>15</sup> In February 2017, shortly after President

<sup>9</sup> U.S. Dep’t of State Press Release, United States and Cuba To Sign Law Enforcement Memorandum of Understanding (Jan. 16, 2017), at <https://2009-2017.state.gov/r/pa/prs/ps/2017/01/267007.htm>.

<sup>10</sup> U.S. Dep’t of State Press Release, United States and Cuba Sign Bilateral Oil Spill Preparedness and Response Agreement (Jan. 9, 2017), at <https://2009-2017.state.gov/r/pa/prs/ps/2017/01/266726.htm>.

<sup>11</sup> White House Press Release, Statement by the President on Cuban Immigration Policy (Jan. 12, 2017), at <https://obamawhitehouse.archives.gov/the-press-office/2017/01/12/statement-president-cuban-immigration-policy> [hereinafter Obama on Cuban Immigration Policy].

<sup>12</sup> Julie Hirschfeld Davis & Frances Robles, *Obama Ends Exemption for Cubans Who Arrive Without Visas*, N.Y. TIMES (Jan. 12, 2017), at <https://www.nytimes.com/2017/01/12/world/americas/cuba-obama-wet-foot-dry-foot-policy.html>.

<sup>13</sup> Obama on Cuban Immigration Policy, *supra* note 11.

<sup>14</sup> Ministry of Foreign Affairs of Cuba Press Release, Declaration by the Revolutionary Government (Jan. 16, 2017), at <http://www.minrex.gob.cu/en/declaration-revolutionary-government-0>.

<sup>15</sup> Patricia Mazzei & Amy Sherman, *Trump Learns to Play Miami’s Ethnic Politics*, MIAMI HERALD (Sept. 16, 2016), at <http://www.miamiherald.com/news/politics-government/election/donald-trump/article102378397.html> (quoting Donald Trump as saying the following at a campaign rally: “All of the concessions Barack Obama has granted the Castro regime were done through executive order—which means the next president

Trump was sworn into office, he ordered a full review of U.S. policy toward Cuba.<sup>16</sup> Two months later, anonymous sources within the Trump administration informed journalists that the administration was working on plans to roll back the renewal of diplomatic ties.<sup>17</sup> The president's plan was officially announced one month later, on June 15.<sup>18</sup> A senior administration official previewed some elements during a White House press briefing the evening before the plan was announced:

There's a few components of it. One part is . . . measures designed to restrict the flow of money to the oppressive elements of the Cuban regime—the military, intelligence, and security services.

There are also measures to ensure that the statutory ban on tourism is strictly enforced, which will include ending the individual people-to-people travel.<sup>19</sup> There are 12 categories of travel that are permitted still, but the one of the individual people-to-people travel was one that was at the highest risk of potential abuse of the statutory ban on tourism. And then there are several other components of the policy that you'll see tomorrow that relate to the supporting requirements ensuring that these regulations are enforced.<sup>20</sup>

The policy itself is reflected in a National Security Presidential Memorandum on Strengthening the Policy of the United States Toward Cuba. That Memorandum provides, in part, that:

It shall be the policy of the executive branch to:

- (a) End economic practices that disproportionately benefit the Cuban government or its military, intelligence, or security agencies or personnel at the expense of the Cuban people.
- (b) Ensure adherence to the statutory ban on tourism to Cuba.
- (c) Support the economic embargo of Cuba described in section 4(7) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (the embargo), including by opposing measures that call for an end to the embargo at the United Nations

can reverse them. And that I will do unless the Castro regime meets our demands. Not my demands—our demands. . . . Those demands will include religious and political freedom for the Cuban people, and the freeing of political prisoners.”)

<sup>16</sup> Background Briefing on the President's Cuba Policy, *supra* note 1.

<sup>17</sup> Julie Hirschfeld Davis, *Trump Considers Rolling Back Obama's Opening with Cuba*, N.Y. TIMES (May 31, 2017), at <https://www.nytimes.com/2017/05/31/world/americas/cuba-trump.html>.

<sup>18</sup> Background Briefing on the President's Cuba Policy, *supra* note 1.

<sup>19</sup> *Id.* [Editors' note: "Individual people-to-people travel is educational travel that: (i) does not involve academic study pursuant to a degree program; and (ii) does not take place under the auspices of an organization that is subject to U.S. jurisdiction that sponsors such exchanges to promote people-to-people contact." See U.S. Dep't of the Treasury Office of Foreign Assets Control, Frequently Asked Questions on President Trump's Cuba Announcement (June 16, 2017), available at [https://www.treasury.gov/resource-center/sanctions/Programs/Documents/cuba\\_faqs\\_20170616.pdf](https://www.treasury.gov/resource-center/sanctions/Programs/Documents/cuba_faqs_20170616.pdf).]

<sup>20</sup> Background Briefing on the President's Cuba Policy, *supra* note 1; see also White House Press Release, Fact Sheet on Cuba Policy (June 16, 2017), at <https://www.whitehouse.gov/the-press-office/2017/06/16/fact-sheet-cuba-policy>.

and other international forums and through regular reporting on whether the conditions of a transition government exist in Cuba.

- (d) Amplify efforts to support the Cuban people through the expansion of internet services, free press, free enterprise, free association, and lawful travel.
- (e) Not reinstate the “Wet Foot, Dry Foot” policy, which encouraged untold thousands of Cuban nationals to risk their lives to travel unlawfully to the United States.
- (f) Ensure that engagement between the United States and Cuba advances the interests of the United States and the Cuban people. These interests include: advancing Cuban human rights; encouraging the growth of a Cuban private sector independent of government control; enforcing final orders of removal against Cuban nationals in the United States; protecting the national security and public health and safety of the United States, including through proper engagement on criminal cases and working to ensure the return of fugitives from American justice living in Cuba or being harbored by the Cuban government; supporting United States agriculture and protecting plant and animal health; advancing the understanding of the United States regarding scientific and environmental challenges; and facilitating safe civil aviation.<sup>21</sup>

The memorandum thus reflects both change and continuity. As explained during the White House press briefing, the changes would be implemented by regulations that would be subsequently adopted by the secretaries of Treasury and Commerce.<sup>22</sup> The decision not to reinstate the “wet foot, dry foot” policy reflects continuity with the Obama administration’s abandonment of that policy; in addition, some of the shared “interests” of the United States and the Cuban people track the subjects of the bilateral agreements that the United States had reached with Cuba at the end of the Obama administration.<sup>23</sup>

In addition to rolling out this policy, the Trump Administration has also contended with a bizarre series of medical issues plaguing U.S. diplomats in the country. A press report indicated that at least six diplomats had been flown to the University of Miami’s hospital since the beginning of the year, suffering from symptoms including headaches, dizziness, and hearing loss that, according to one source, appeared to have been caused by some kind of sonic wave machine.<sup>24</sup>

A State Department spokesperson first acknowledged the problem during a press conference on August 9, 2017, saying:

[S]ome U.S. Government personnel who were working at our embassy in Havana, Cuba on official duties—so they were there working on behalf of the U.S. embassy there—they’ve reported some incidents which have caused a variety of physical symptoms.

<sup>21</sup> White House Press Release, National Security Presidential Memorandum on Strengthening the Policy of the United States Toward Cuba (June 16, 2017), at <https://www.whitehouse.gov/the-press-office/2017/06/16/national-security-presidential-memorandum-strengthening-policy-united>.

<sup>22</sup> Background Briefing on the President’s Cuba Policy, *supra* note 1.

<sup>23</sup> See *supra* notes 5–10.

<sup>24</sup> Frances Robles & Kirk Semple, ‘Health Attacks’ on U.S. Diplomats in Cuba Baffle Both Countries, N.Y. TIMES (Aug. 11, 2017), at <https://www.nytimes.com/2017/08/11/world/americas/cuba-united-states-embassy-diplomats-illness.html>.

I'm not going to be able to give you a ton of information about this today, but I'll tell you what we do have that we can provide so far.

We don't have any definitive answers about the source or the cause of what we consider to be incidents. We can tell you that on May 23rd, the State Department took further action. We asked two officials who were accredited at the Embassy of Cuba in the United States to depart the United States. Those two individuals have departed the United States. We take this situation very seriously. One of the things we talk about here often is that the safety and security of American citizens at home and abroad is our top priority. We're taking that situation seriously and it's under investigation right now.<sup>25</sup>

In response to journalists' questions, the spokesperson said that "we first heard about these incidents back in late 2016," and they have caused some State Department employees to seek medical attention: "What this requires is providing medical examinations to these people. Initially when they started reporting what I will just call symptoms, it took time to figure out what this was, and this is still ongoing. So we're monitoring it."<sup>26</sup> The spokesperson also noted Cuba's international obligations:

The Cuban Government has a responsibility and an obligation under the [Vienna] Convention to protect our diplomats, so that is part of the reason why this is such a major concern of ours, why we take this so seriously, and in addition to the protection and security of Americans.<sup>27</sup>

Under the Vienna Convention on Diplomatic Relations, the state hosting a diplomatic mission "is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity."<sup>28</sup>

Cuba has repeatedly denied any role in the incidents. On September 19, the Cuban embassy in Washington DC issued the following statement:

Cuba strictly observes its obligations to protect foreign diplomats on its soil. Cuba has never perpetrated nor will it ever perpetrate actions of this nature, and has never permitted nor will it ever permit any third-party use of its territory for this purpose.<sup>29</sup>

On September 26, U.S. Secretary of State Rex Tillerson met with Bruno Rodríguez Parrilla, the Cuban Minister of Foreign Affairs. According to a press release from the Cuban ministry of foreign affairs:

<sup>25</sup> U.S. Dep't of State Press Release, Press Briefing (Aug. 9, 2017), at <https://www.state.gov/r/pa/prs/dpb/2017/08/273288.htm>.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* (reflecting a corrected version of the transcript, which initially referred to the "Geneva Convention").

<sup>28</sup> Vienna Convention on Diplomatic Relations, Art. 22(2), Apr. 18, 1961, 500 UNTS 95 [hereinafter VCDR].

<sup>29</sup> Matthew Lee, *Cuba Denies Role in 'Sonic Attacks' that Left U.S. Diplomats with Brain Damage*, TIME (Sept. 19, 2017), at <http://time.com/4949115/cuba-sonic-attack-brain-damage-deaf>.

The Cuban Foreign Minister reiterated the seriousness, celerity and professionalism with which the Cuban authorities have taken on this issue. Following instructions from the top level of the Cuban government, a priority investigation was opened as from the moment these incidents were first reported and additional measures were adopted to protect the US diplomats and their relatives. This has been recognized by the representatives of the US specialized agencies who have travelled to Cuba as from June, whose visits have been considered as positive by the Cuban counterparts.

Minister Bruno reiterated to Secretary Tillerson how important it was for the US authorities to cooperate, in an effective way, with the Cuban authorities in order to clarify these incidents, which are unprecedented in Cuba.

He likewise reaffirmed Secretary Tillerson that the decision and the argument claimed by the US Government to withdraw two Cuban diplomats from Washington were unwarranted and emphasized that Cuba strictly abides by its obligations under the Vienna Convention on the protection and integrity of diplomats, an area in which it keeps an impeccable record.

He reaffirmed that the Cuban government has never perpetrated nor will it ever perpetrate attacks of any kind against diplomats. The Cuban government has never permitted nor will it ever permit the use of its territory by third parties for this purpose.<sup>30</sup>

Despite the Cuban government's assurances, at the end of September, the U.S. State Department ordered the withdrawal of all non-emergency employees from the Cuban embassy. Tillerson announced:

Over the past several months, 21 U.S. Embassy employees have suffered a variety of injuries from attacks of an unknown nature. The affected individuals have exhibited a range of physical symptoms, including ear complaints, hearing loss, dizziness, headache, fatigue, cognitive issues, and difficulty sleeping. Investigators have been unable to determine who is responsible or what is causing these attacks.

On September 29, the Department ordered the departure of non-emergency personnel assigned to the U.S. Embassy in Havana, as well as all family members. Until the Government of Cuba can ensure the safety of our diplomats in Cuba, our Embassy will be reduced to emergency personnel in order to minimize the number of diplomats at risk of exposure to harm.

In conjunction with the ordered departure of our diplomatic personnel, the Department has issued a Travel Warning advising U.S. citizens to avoid travel to Cuba and informing them of our decision to draw down our diplomatic staff. We have no reports that private U.S. citizens have been affected, but the attacks are known to have occurred in U.S. diplomatic residences and hotels frequented by U.S. citizens. The Department does not have

<sup>30</sup> Cuba's Representative Office Abroad Press Release, Cuban Foreign Minister Meets with US Secretary of State (Sept. 26, 2017), at <http://misiones.minrex.gob.cu/en/articulo/press-release-cuban-foreign-minister-meets-us-secretary-state>.

definitive answers on the cause or source of the attacks and is unable to recommend a means to mitigate exposure.

The decision to reduce our diplomatic presence in Havana was made to ensure the safety of our personnel. We maintain diplomatic relations with Cuba, and our work in Cuba continues to be guided by the national security and foreign policy interests of the United States. Cuba has told us it will continue to investigate these attacks and we will continue to cooperate with them in this effort.

The health, safety, and well-being of our Embassy community is our greatest concern. We will continue to aggressively investigate these attacks until the matter is resolved.<sup>31</sup>

The travel advisory Tillerson referenced warns U.S. citizens not to travel to Cuba, explaining: "Because our personnel's safety is at risk, and we are unable to identify the source of the attacks, we believe U.S. citizens may also be at risk and warn them not to travel to Cuba."<sup>32</sup> A notice issued the same day by the U.S. embassy in Havana informed travelers: "Due to the drawdown in staff, the U.S. Embassy in Havana has limited ability to assist U.S. citizens. The Embassy will provide only emergency services to U.S. citizens."<sup>33</sup> In addition, the U.S. embassy informed visa applicants that, as of September 29, "the U.S. Department of State suspended almost all visa processing in Havana," and that the U.S. Embassy in Havana has cancelled "[a]ll previously-scheduled nonimmigrant and immigrant visa interview appointments."<sup>34</sup>

In response, Josefina Vidal, a senior Cuban diplomat, said:

We consider that the decision announced by the Department of State is hasty and that it will affect the bilateral relations, specifically, the cooperation in matters of mutual interest and the exchanges on different fields between both countries.

I wish to reaffirm Cuba's willingness to continue an active cooperation between the authorities of both countries, to fully clarify these incidents, for which purpose a more effective involvement by the United States will be essential.<sup>35</sup>

Notwithstanding these affirmations from the Cuban government, a few days later, the Department of State ordered the departure of fifteen officials from the Cuban Embassy in Washington DC. Announcing the decision, a State Department spokesperson said:

The decisions do not signal a change of policy or determination of responsibility for the attacks on U.S. Government personnel in Cuba. Investigations into those attacks are still

<sup>31</sup> U.S. Dep't of State Press Release, Actions Taken in Response to Attacks on U.S. Government Personnel in Cuba (Sept. 29, 2017), at <https://www.state.gov/secretary/remarks/2017/09/274514.htm>.

<sup>32</sup> U.S. Dep't of State Press Release, Cuba Travel Warning (Sept. 29, 2017), at <https://travel.state.gov/content/passports/en/alertswarnings/cuba-travel-warning.html>.

<sup>33</sup> U.S. Embassy in Cuba Press Release, Security Message for U.S. Citizens: Cuba Travel Warning (Sept. 29, 2017), at <https://cu.usembassy.gov/security-message-u-s-citizens-cuba-travel-warning>.

<sup>34</sup> U.S. Embassy in Cuba, Visas, at <https://cu.usembassy.gov/visas>; see also Ernesto Londoño, *U.S. Halt in Visa Services Leaves Cuban Families in Limbo*, N.Y. TIMES (Oct. 5, 2017), at <https://www.nytimes.com/2017/10/05/world/americas/cuba-us-visas.html>.

<sup>35</sup> Cuba's Representative Office Abroad Press Release, Statement to the Press by General Director for US Affairs, Josefina Vidal Ferreiro (Sept. 29, 2017), at <http://misiones.minrex.gob.cu/en/articulo/statement-press-general-director-us-affairs-josefina-vidal-ferreiro>.



ongoing. Regarding the attacks, there are now 22 people who have been medically confirmed to have experienced health effects due to the attacks on diplomatic personnel in Havana. The Cuban Government has told us it will continue the investigation into the attacks, and we will continue to cooperate with them in this effort. We will also continue our own investigation into the attacks.<sup>36</sup>

The spokesperson explained that the decision to expel the Cuban diplomats was made “due to Cuba’s inability to protect our diplomats in Havana, as well as to ensure equity in the impact of our respective operations.”<sup>37</sup> In response to a question from a journalist about how the individuals were chosen, she said:

The people serving here in their embassy did what we believe some of the similar jobs as our folks down in the embassy in Cuba. We have a reduced ability to do our work in Cuba because of the attacks on our Americans, okay? They now will have a reduced ability to do their jobs as well.<sup>38</sup>

Opponents of normalizing relations with Cuba cheered this development and urged the Trump administration to go still further and declare all Cuban diplomats in the United States “*persona non grata*.”<sup>39</sup> The Cuban foreign minister, however, described the expulsion of Cuban diplomats as “eminently political” as well as “unwarranted and unjustifiable.”<sup>40</sup>

To date, it appears that neither the Trump administration’s June 16 policy announcement nor the dispute over the medical problems suffered by U.S. diplomatic staff has precluded continued implementation of the bilateral agreements reached between Cuba and the United States. The United States has not publicly repudiated any of the agreements. For its part, Cuba affirmed its continued “readiness to actively implement the bilateral accords that have been formalized over the past two years” in September.<sup>41</sup>

<sup>36</sup> U.S. Dep’t of State Press Release, Press Briefing (Oct. 3, 2017), at <https://www.state.gov/r/pa/prs/dpb/2017/10/274592.htm> [hereinafter Oct. 3 Press Briefing]; see also U.S. Dep’t of State Press Release, Press Statement, Rex W. Tillerson, Washington, DC (Oct. 3, 2017), at <https://www.state.gov/secretary/remarks/2017/10/274570.htm>.

<sup>37</sup> Oct. 3 Press Briefing, *supra* note 36.

<sup>38</sup> *Id.*

<sup>39</sup> Gardiner Harris, Julie Hirschfeld Davis & Ernesto Londoño, *U.S. Expels 15 Cuban Diplomats, in Latest Sign Détente May Be Ending*, N.Y. TIMES (Oct. 3, 2017), at <https://www.nytimes.com/2017/10/03/world/americas/us-cuba-diplomats.html>; see also VCDR, *supra* note 27, Art. 9.

<sup>40</sup> Harris, Hirschfeld Davis & Londoño, *supra* note 39.

<sup>41</sup> Ministry of Foreign Affairs of Cuba Press Release, Sixth Cuba-US Bilateral Commission Meeting Held in Washington DC (Sept. 19, 2017), at <http://www.minrex.gob.cu/en/sixth-cuba-us-bilateral-commission-meeting-held-washington-dc>. The media note from the U.S. Department of State did not directly address these agreements, saying instead: “The delegations also reviewed the Administration’s priorities and areas for engagement in the interests of the United States and the Cuban people, including human rights; implementation of the Migration Accords; and protecting the national security and public health and safety of the United States.” U.S. Dep’t of State Press Release, United States and Cuba Hold Sixth Bilateral Commission Meeting in Washington, DC (Sept. 20, 2017), at <https://www.state.gov/r/pa/prs/ps/2017/09/274281.htm>.