



INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

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IADL Urges President Biden to Remove Cuba from Terrorism List and Suspend Titles III and IV of Helms Burton

The International Association of Democratic Lawyers (IADL) is a non-governmental organization with consultative status in ECOSOC and UNESCO. Founded in 1946 to promote the goals of the United Nations Charter, IADL and its affiliated organizations throughout the world have consistently fought to uphold international law, promote human rights and address threats to international peace and security. From its inception, IADL members have protested racism, colonialism, and economic and political injustice wherever they occur.

IADL urges President Joe Biden to remove Cuba from the list of state sponsors of terrorism. IADL also appeals to President Biden to once again suspend the operation of Title III and Title IV of the 1996 Helms Burton Act.

IADL supported Barack Obama's steps toward normalization of relations between the United States and Cuba, including the removal of Cuba from the U.S. list of state sponsors of terrorism in 2015. But in an attempt to undo Obama's progress toward normalization, Donald Trump imposed restrictions on travel to Cuba and encouraged lawsuits against the Cuban government to depress tourism and investment in Cuba.

As Trump was leaving office, his administration took one final step in its economic and political warfare against Cuba. Trump's Secretary of State Mike Pompeo re-designated Cuba a "state sponsor of terrorism." Pompeo did not consult with the U.S. Congress and reportedly side-stepped the U.S. State Department's Bureau of Counter-Terrorism because there is no evidence to justify the relisting of Cuba. Nothing significant has changed since Obama removed Cuba from the list five years ago.

This was a cynical attempt by the Trump administration to tie the hands of President Biden, who has indicated he will continue Obama's efforts at normalization between the U.S. and Cuba. But it will only hurt the Cuban people by severely limiting foreign investment in Cuba and imposing economic sanctions.

President Biden can reverse many of Trump's repressive policies by executive order. But removing Cuba from the terrorism sponsor list requires several time-consuming steps. These include a formal review by the State Department, a presidential certification to Congress, and a 45-day waiting period during which Congress could object.

In fact, it is Cuba that has long been the victim of terrorism by Miami-based expatriated Cubans, including the 1976 bombing of a Cuban airplane killing all 73 passengers. The Trump administration perpetuated the myth that Cuba is a threat to the United States while hypocritically minimizing the real threat posed by far-right extremists at home.

Every U.S. president before Trump had suspended Title III and Title IV of Helms Burton. In 2019, Trump broke with decades of precedent by activating those two provisions, to the detriment of both U.S. companies and the Cuban people.

Title III gives current U.S. citizens standing to sue in U.S. courts even if they were Cuban citizens when the Cuban government nationalized their property after the 1959 Revolution. No U.S. president before Trump had authorized thousands of private suits to be brought against U.S. and foreign entities for allegedly “trafficking” in property confiscated in Cuba since 1959.

Since Trump activated Title III, lawsuits have been filed against U.S. and international companies in many sectors, including tourism, banking and finance, oil and gas, and property development.

Title IV allows the denial of U.S. visas to officers of targeted companies. It permits the exclusion of entry into the U.S. by foreign nationals (and their spouses and minor children) who have converted confiscated property for personal gain, or who “traffic” or have “trafficked” in confiscated property in Cuba.

Consistent with President Biden’s pledge to pursue normalization of relations between the United States and Cuba, IADL strongly encourages him to take immediate steps to once again remove Cuba from the list of state sponsors of terrorism, and suspend Title III and Title IV of the Helms Burton Act.

***Adopted by the IADL Council
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