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FEATURED Q&A

What Is Cuba Gaining, or Losing, By Holding Alan Gross?

Q The wife of U.S. government subcontractor Alan Gross, who has been imprisoned in Cuba since his arrest three years ago on espionage charges, said recently that she is suing the U.S. government and her husband's company, Maryland-based DAI, for $60 million as part of her efforts to win his release. 'It's this country that sent Alan on this mission, and Alan is rotting in a jail cell, and I'm asking President Obama to do something about it,' Judy Gross told CBS News. Is the United States likely to push harder for Gross' release during Obama's second term? What is Cuba gaining, or losing, by holding him? How does the case affect U.S.-Cuban relations?

A Peter Kornbluh, director of the Cuba Documentation Project at The National Security Archive: "The conventional wisdom is that Cuba needs to free Alan Gross before any thought of improved relations with the United States can occur. But Gross himself suggested an alternative scenario to me on Nov. 28 during a four-hour conversation in the military hospital where he is incarcerated. 'It is not my case that is an obstacle to improved U.S.-Cuban relations,' he insisted. 'It is the lack of improved U.S.-Cuban relations that is an obstacle to a resolution of my case.' President Obama has a rare opportunity to address, and redress, a grave injustice in the history of inter-American relations—the perpetual hostility in U.S. policy toward Cuba. He is the first second-term Democrat in recent memory who owes nothing to the state of Florida and the hardline anti-Castro lobby. He can fulfill his pledge to write 'a new chapter' in U.S.-Cuban relations. The place to begin is at the negotiating table, with an agenda on U.S. and Cuban mutual interests that includes Gross' release. Cuban government officials who I spoke to in Havana reiterated that they are willing to talk to the United States about his case, and about other interests they have, 'whenever and wherever' the Obama administration

Continued on page 3

Chávez Recovering After Six-Hour Cancer Surgery: Maduro

Venezuelan Vice President Nicolás Maduro (L) led a vigil Tuesday night in Caracas for President Hugo Chávez, who Maduro said was recovering after a six-hour cancer surgery in Havana. See story on page 2.

Photo: Agencia Venezolana de Noticias.

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NEWS BRIEFS

Uruguay's Lower House Approves Gay Marriage Measure

The lower house of Uruguay's congress voted Tuesday night to legalize gay marriage, sending the measure to the Senate, which is also expected to approve it, the Associated Press reported. President José Mujica supports the measure and is expected to sign it into law early next year. Uruguay would become the second country in Latin America, after Argentina, and the 12th in the world to legalize gay marriage.

Cayman Islands Premier Arrested as Part of Corruption Investigation

The premier of the Cayman Islands, an important offshore finance center, has been arrested as part of a corruption investigation, BBC News reported Tuesday. Local police say that the charges against McKeeva Bush, 57, include misuse of a government credit card and importing explosive materials without a permit. A self-employed businessman and the leader and founding member of the United Democratic Party, Bush has been the target of previous investigations, *The New York Times* reported.

BBVA Contributes $4.7 Million to Puerto Rican Small Businesses

Spain's **BBVA** has contributed some $4.7 million through its Microfinance Foundation over the past two years to fund 1,200 small businesses in Puerto Rico, EFE reported Tuesday. The foundation has been working with the Government Development Bank of Puerto Rico on the project. BBVA says the foundation serves 1.2 million people in Latin America with no access to conventional banking services, 60 percent of whom are women and 43 percent of whom have daily income of less than $8.

Political News

Chávez Said to Be Recovering After Six-Hour Cancer Surgery

Ailing Venezuelan President Hugo Chávez was recovering Tuesday in Havana after a six-hour cancer surgery, Vice President Nicolás Maduro said in a televised statement, the Associated Press reported. "It's been a complex operation," said Maduro, adding that it had been performed "correctly and successfully." Chávez, 58, stunned Venezuelans Saturday night when he announced that his cancer had returned and that he needed to undergo surgery right away. He said Maduro was his chosen successor and urged Venezuelans to support him if his health forced him from office. After announcing Tuesday that the president's surgery was successful, Maduro led an outdoor vigil with Chávez supporters, holding hands and joining in with a recording of Chávez singing the country's national anthem. "We've lived through complex moments of tension," said Maduro. This week's surgery was Chávez's fourth since June 2011. Chávez has said the cancer is centered in his pelvic region, but he has never disclosed what form of cancer he is fighting. "We're waiting for you here," Maduro added in his televised remarks, addressing Chávez, the AP reported. "You have to return, and we're waiting for you here, your children, we who've sworn to be loyal to you even beyond this life. If there were another life, we'd be loyal and we'd be your soldiers forever." Chávez won another six-year term in October after telling supporters that he was cured. He is scheduled to be sworn in on Jan. 10. If he dies, however, the constitution calls for a new election within 30 days.

> "It's been a complex operation."
>
> — *Nicolás Maduro*

Colombia's Congress Approves Military Court Reform

Despite forceful objections from human rights groups, Colombia's Congress on Tuesday overwhelmingly passed a constitutional amendment to widen the jurisdiction of military courts in cases of crimes committed by members of the armed forces, the Associated Press reported. The measure, which won Senate approval in a vote of 57-7, now goes to President Juan Manuel Santos who is expected to sign it this week. The Constitutional Court may then review the law, a process which could take months. The reform is seen as a gesture by Santos to military leaders on whose support he is relying in the government's current peace talks with the Revolutionary Armed Forces of Colombia, or FARC, rebels. Colombia's military at times has had a poor record on human rights that has previously led the U.S. Congress to withhold some military aid to the South American country. The amendment is "an unnecessary and premeditated blow to human rights," said José Miguel Vivanco, the director of Human Rights Watch. "It creates a serious risk of 'false positives' and other military atrocities remaining unpunished." In the past decade, there are hundreds of cases of "false positives," in which soldiers are accused of killing civilians and passing them off as rebels in order to increase their body counts. "'False positives' are going to end up outside the civil justice system and there's no way around it," Sen. Parmenio Cuellar, a member of the leftist Polo Democrático party and a former justice minister, told the AP. Vivanco successfully persuaded lawmakers to include provisions in the legislation stating that military courts cannot hear cases involving violations of international humanitarian law or crimes against humanity. However, human rights groups were unsuccessful in their attempts to convince lawmakers to replace the term "extra-judicial executions" with the

Santos

File Photo: Colombian Government.

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names of crimes including murder. Because the term "extra-judicial execution" is not defined in Colombia's legal code, rights groups are concerned that hundreds of cases could be transferred to military courts from civilian courts. The sponsors of the legislation say that will not happen. "This is not an instrument of impunity," said Sen. Juan Manuel Galán, the AP reported. "If cases have no relation with [military] service they should immediately go to civilian courts."

Company News

Hotels Planning as Much as $1.8 Billion of Investment in Peru

Hotels, led by **Hilton Worldwide** and **Marriott International**, are planning to invest as much as $1.8 billion over the next four years in Peru as tourism surges in the South American country, Bloomberg News reported Tuesday. "Any new hotel capacity is immediately absorbed by growing demand, like the Lima Westin last year," José Koechlin, president of the country's Hotel Association, told the news service. "This is in line with President Ollanta Humala's goal of making tourism Peru's second-biggest revenue earner." The country's $3.5 billion tourism industry is the fourth largest sector after minerals, oil and agriculture.

> "Any new hotel capacity is immediately absorbed by growing demand ..."
>
> — *José Koechlin*

Trinidad Names BHP Billiton Winner of Deepwater Blocks

Trinidad and Tobago's energy ministry has announced that **BHP Billiton** and its partners have been awarded all four of the deepwater oil and gas exploration blocks approved in its 2012 bid round, *Oil & Gas Journal* reported Tuesday. The winning consortium beat out companies including **BG**, **Centrica**, **Elenilto**, **Cairn Energy**, each of the United Kingdom, Spain's **Repsol**, **State Oil Co. of Azerbaijan Republic** and **Caspian Drilling**, according to the report. The deep waters around Trinidad and Tobago have never been explored. In the last year, the twin-island nation has awarded six blocks for exploration in the deep water, four to BHP Billiton and its partners and two to BP.

Featured Q&A

Continued from page 1

wants. Cuba has repeatedly implied that they will release Gross as a humanitarian gesture if the United States makes a reciprocal humanitarian gesture, understood to be the release of the Cuban Five. Simply entering into a respectful dialogue on U.S.-Cuban relations will go a long way toward satisfying Cuba's interest in being treated like any other government that Washington deals with normally. Taking basic steps to improve relations, such as removing Cuba from the State Department list of nations that support terrorism where it doesn't belong, would set the stage for a resolution of the Gross case. 'I have a message for President Obama,' Gross told me. 'Congratulations on your re-election. I'm sorry I wasn't available to work on your campaign as I did four years ago. But I'm fired up and ready to go.' "

A Fulton Armstrong, senior fellow at American University's Center for Latin America Studies and former U.S. National Intelligence Officer for Latin America: "Alan Gross violated laws that most countries have restricting secret political activities by foreign agents. The Cuban authorities charged him with violating a law that is as bombastic as the Helms-Burton Act under which his operations were funded. The fact is that few countries allow unregistered agents to go around giving away advanced communications gear, encryption technology and satellite time under programs explicitly intended to drive regime change. Rather than acknowledge that Havana caught us with our pants down, the Obama administration tack has been to attack Cuban law and jurisprudence and to kick the Helms-Burton programs up a notch by, for example, expanding them to target children, LGBT groups and others. Although Cuba has at times seemed to want a face-saving way to send Gross home, the Obama administration apparently sees advantage in prolonging the impasse. Except for a short period in 2010, it has shown no desire to clean up the programs or even bring them up to the standards of other 'democracy promotion' initiatives around the world. The operations have already cost taxpayers more than $200 million, with nothing to show for it except Gross's arrest. However, the political support of the handful in Congress who sponsor the programs has trumped all discussion. Moreover, the bureaucrats who run the operations have raised ever-higher walls of secrecy around them to avoid oversight. It's hard not to conclude that some in Washington see Gross' continued detention as convenient because it puts all other things Cuban on hold. There's no sign yet that the administration will challenge the status quo. The Cubans know this and, like any tough negotiator, have upped the ante to include a swap of Gross for the 'Cuban Five.' If the administration put up a serious interlocutor and cleaned up the programs, however, a deal would be likely if not certain."

> "Although Cuba has at times seemed to want a face-saving way to send Gross home, the Obama administration apparently sees advantage in prolonging the impasse."
>
> — *Fulton Armstrong*

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Featured Q&A

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Wayne S. Smith, senior fellow and director of the Cuba Project at the Center for International Policy: "We would of course all wish to see Alan Gross released. But *The Washington Post* was right in its Dec. 6 editorial that a simple trade of Gross for the Cuban Five isn't going to happen. Yet the Cubans will want some quid pro quo for his release. Gross did violate Cuban law. He was, among other things, distributing sophisticated communications equipment without a license. And some of his own statements indicate he understood that to be a serious matter. He was not, after all, being paid almost $600,000 to play tiddlywinks. But the position of the United States so far has been simply to demand that he be released, without any moves on our part. That won't work. But something could be worked out. For example, the Cuban Five have been held under harsh conditions. In return for Gross' release, they could be transferred to camps where they would have better conditions. Also, one of the five, René González, is already out on parole, but is barred from returning to Cuba until the expiration of his parole, and another is due out shortly under the same conditions. Couldn't something be worked out in these two cases so they could go home, in return for the release of Gross? It will take some imagination to work out these kinds of solutions, but it could be done. Can be done, that is, if the two sides will turn to constructive dialogue. So far, it seems, they have not."

> "He was not, after all, being paid almost $600,000 to play tiddlywinks."
>
> — *Wayne S. Smith*

Lino Gutierrez, CEO of Gutierrez Global, LLC and former U.S. ambassador to Argentina and Nicaragua: "The refusal of the Cuban regime to release Alan Gross has become a major impediment toward normalization of trade and diplomatic relations between the United States and Cuba. Although President Obama has thus far kept the embargo in place, he has made it clear to Raúl Castro that the United States would view favorably Cuban moves toward political and economic reform and would respond in kind. Despite Raúl's occasional pronouncements that he is willing to talk to the United States, his words have not been backed up by actions. Quite the contrary: Cuban dissidents are being arrested and beaten in record numbers, with a frequency not seen in years. Moreover, Cuba has spurned the efforts of the administration, human rights groups, Bill Richardson and Gross' family to secure his release. What does Cuba gain by keeping Gross in prison? Surely Cuban officials must know that no U.S. president would trade five convicted Cuban spies for a U.S. contractor who harmed no one. If Cuba were serious about getting the embargo lifted, releasing Gross might create enough momentum to spur the anti-embargo crowd into action. President Obama has just been re-elected, and he received a larger percentage of Cuban-American votes than any Democratic candidate since Bill Clinton. Many observers have predicted that the administration would attempt to lift the embargo during Obama's second term. But if the regime continues to hold Gross, it is difficult to see how any moves to lift the embargo could go forward. Maybe Raúl is not the 'pragmatic' brother many had thought him to be, but is more comfortable emulating big brother Fidel's motto that ideology always trumps pragmatism and common sense."

The Advisor *welcomes reactions to the Q&A above. Readers can write editor Gene Kuleta at gkuleta@thedialogue.org with comments.*

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