

FOIA MARKER

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Original OA/ID Number: 1114				
Document ID: 9605121				
Stack: V	Row: 45	Section: 1	Shelf: 7	Position: 2

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NSC/RMO PROFILE

RECORD ID: 9605121
RECEIVED: 24 JUL 96 12

TO: PANETTA, L

FROM: BERGER

DOC DATE: 27 JUL 96
SOURCE REF:

KEYWORDS: CUBA

IMMIGRATION

PERSONS:

SUBJECT: CUBAN MIGRANTS AT GUANTANAMO

ACTION: BERGER SGD MEMO

DUE DATE: 27 JUL 96 STATUS: C

STAFF OFFICER: MALLEY

LOGREF:

FILES: PA

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO
ARMSTRONG
DANVERS
MALLEY
NSC CHRON V
SCHWARTZ

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSTSM

CLOSED BY: NSTMH

DOC 2 OF 2

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DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By NS NARA, Date 4/11/16
2016 1034-F

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ACTION DATA SUMMARY REPORT

RECORD ID: 9605121

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 BERGER
002

Z 96072518 FOR SIGNATURE
X 96080118 BERGER SGD MEMO

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

002 960727 PANETTA, L

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**National Security Council
The White House**

Rec'd 7/26
11:15a

PROOFED BY: _____ LOG # 574
 URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT ARS
 BYPASSED WW DESK: _____ DOCLOG 7/25 A/O _____

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Berger	<u>2</u>	<u>NR</u>	<u>Done</u> <u>7/26 KJ</u>
Lake			
Situation Room			
West Wing Desk	<u>3</u>	<u>7/27</u>	<u>D</u>
Records Mgt.	<u>4</u>		<u>✓</u>
_____	_____	_____	_____
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A = Action	I = Information	D = Dispatch	R = Retain	N = No Further Action
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cc:

COMMENTS:

Exec Sec Office has diskette YB

THE WHITE HOUSE

WASHINGTON

July 27, 1996

MEMORANDUM FOR LEON PANETTA

FROM: SAMUEL R. BERGER 

SUBJECT: Cuban Migrants at Guantanamo

In our meeting with Representative Torricelli et al., he raised the issue of six Cubans who arrived at Guantanamo after allegedly evading arrest by the Cuban police.

Background: Our migration accords with Cuba provide that Cuba will take no action against returned migrants on the basis of their "illegal exit" from the island. We have construed this provision to require Cuba not to take any action against returnees on the basis of any prior attempts to leave as well. As a result, we decided to maintain at Guantanamo seventeen Cubans with pending illegal-exit charges until Cuba gave us assurances that these charges would be dropped and no action taken against the migrants. We received these assurances and the seventeen migrants were returned on April 24, 1996. The six migrants mentioned by Representative Torricelli were among this group.

Developments in Cuba since return: Despite these assurances, at least one of the seventeen migrants (not one of the six) was arrested in Cuba subsequent to his return. There also are reports, mentioned by Representative Torricelli, that another three returnees have been detained. The State Department has requested information from the Cuban government; our Interest Section in Havana also is looking into these allegations and will visit the families of those purportedly being detained early next week. If confirmed, these arrests would constitute unusual violations of the accords to which Cuba generally has adhered.

The six back at Guantanamo: The six migrants have fled Cuba once again, claiming they were about to be arrested. After interviewing them, the Immigration and Naturalization Service concluded that their story of evading arrest lacks credibility and that Cuban authorities had taken no retaliatory action against them. However, in light of the detention of one and possibly four similarly situated returnees, we have decided not to return the six until all these cases have been resolved to our satisfaction.

In the event Cuba neither releases the current detainees nor provides a legitimate justification for their arrest (e.g., criminal conduct, unrelated to their efforts to leave Cuba), we would not repatriate the six currently at Guantanamo. Instead, we would seek to resettle them in third countries.

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Reason: 1.5(d)

Declassify On: 7/24/06

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E.O. 13526

White House Guidelines, September 11, 2006

By  NARA, Date  4/11/16

2011-1024-F

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5121

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

July 24, 1996

ACTION

MEMORANDUM FOR SANDY BERGER

THROUGH: ERIC SCHWARTZ ^{WJ} ^{JK}
FROM: ROB MALLEY ^{WJ}
SUBJECT: Cuban Migrants at Guantanamo

Per your request, attached is a memorandum from you to Leon Panetta concerning the six Cuban migrants mentioned by Representative Torricelli.

Concurrence by: Bill Danvers; Fulton Armstrong ^{JK}

RECOMMENDATION

That you sign the attached memorandum to Leon Panetta at Tab I.

Attachment
Tab I Memorandum to Leon Panetta

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Reason: 1.5(d)
Declassify On: 7/24/06

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E.O. 13526
White House Guidelines, September 11, 2006
By ^{WJ} NARA, Date ^{4/11/16}
2011-1034-F

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR LEON PANETTA

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By M. SARA, Date 4/11/16

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