

In The News

# Pedro Freyre, Lolita Sosa Analyze Cuba Policy in *Chambers and Partners'* Litigation 2019 Second Edition

December 5, 2019

Pedro Freyre, chair of Akerman's International Practice, and Lolita Sosa contributed to *Chambers and Partners' Litigation 2019 Second Edition* with an article analyzing Cuba policy, focusing on the U.S. government's suspension of the Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996, commonly known as Title III. Title III, introduced in 1995, solidified the U.S. embargo on Cuba into law. Its sudden activation in 2019 "means that certain individuals whose property was confiscated by the Cuban government may bring an action in a U.S. federal court against anyone who 'traffics' in that property," according to Freyre and Sosa.

"Even though only six months have passed, 21 lawsuits have already been filed. Because Title III was essentially dormant for 23 years, a great deal of uncertainty exists regarding how and when the statute applies. And, because the US president could re-suspend Title III at any time, it is unclear how long these lawsuits will continue to be brought."

"Title III is complicated, and the scope of its applicability can only be determined on a case-by-case analysis. Section 6082 of Title III is the key section that creates the right of action for damages. Specifically, the section allows 'United States nationals' owning a claim to 'property confiscated by the Cuban Government on or after January 1, 1959'

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the right to sue any ‘person’ that ‘traffics’ in such property, 22 USC § 6082. The cause of action is arguably defined in very broad strokes.”

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