

U.S. Response to Injuries of U.S. Embassy Personnel in Havana, Cuba

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On September 29, the U.S. Department of State [ordered](#) the departure of nonemergency personnel assigned to the U.S. Embassy in Havana, Cuba, as well as their families, in order to minimize the risk of their exposure to harm because of a series of unexplained injuries suffered by embassy personnel since November 2016. According to the State Department, [22 persons](#) suffered from "attacks of unknown nature," [most recently in late August 2017](#), at U.S. diplomatic residences and hotels where temporary duty staff were staying, with symptoms including "ear complaints, hearing loss, dizziness, headache, fatigue, cognitive issues, and difficulty sleeping." Since the incidents were first [made public by the State Department in August 2017](#), numerous press reports have referred to the attacks as being caused by some type of [sonic device](#). State Department officials maintain, however, that the U.S. investigation [has not reached a definitive conclusion](#) regarding the cause, source, or any kind of technologies that might have been used.

On October 3, the State Department [ordered the departure of 15 Cuban diplomats](#) from the Cuban Embassy in Washington, DC. According to Secretary of State Rex Tillerson, the decision was made because of Cuba's failure to protect U.S. diplomats in Havana and to ensure equity in the impact on respective diplomatic operations. Previously in May 2017, the State Department had asked [two Cuban diplomats to depart](#) the United States because some U.S. diplomats in Cuba had returned to the United States for medical reasons. State Department officials maintain that the United States would need [full assurances from the Cuban government](#) that the attacks will not continue before contemplating the return of diplomatic personnel.

Although the cause of the injuries to U.S. personnel in Cuba is unknown, speculation by some observers has focused on such possibilities as a [rogue faction of Cuban security or a third country](#), such as Russia or North Korea, with the apparent motivation of wanting to disrupt U.S.-Cuban relations. Some maintain that Cuba's strong security apparatus makes it unlikely that a third country would be involved without Cuba's acquiescence. Questions also revolve around [what type of device](#) might cause such a variety of symptoms and whether a faulty surveillance device might be responsible for some of the incidents.

Vienna Convention

Under the [1961 Vienna Convention on Diplomatic Relations](#) and the [1963 Vienna Convention on Consular Relations](#), nearly all countries worldwide participate in reciprocal obligations regarding the diplomatic facilities of other countries in their territory. The United States and Cuba are both states parties to these conventions. U.S. officials have [repeatedly noted](#) the Cuban government's obligations under the Vienna Convention to protect U.S. diplomats in Cuba.

Under the 1961 convention, the safety of diplomatic agents ([Article 29](#)), the private residences of diplomatic agents ([Article 30](#)), and the premises of diplomatic missions ([Article 22](#)) are protected, with the receiving State under special duty to guarantee such protection. Similarly, under the 1963 convention ([Article 40](#)), the receiving State is responsible for treating consular officers with due respect and taking "all appropriate steps to prevent any attack on their person, freedom or dignity."

Cuba's Response

The [Cuban government](#) denies responsibility for the injuries of U.S. personnel, maintaining that it would never allow its territory to be used for any action against accredited diplomats or their families. In the aftermath of the recent order expelling its diplomats, Cuba's Ministry of Foreign Affairs issued a [statement](#) strongly protesting the U.S. action, asserting that it was motivated by politics, and arguing that ongoing investigations have reached no conclusion regarding the incidents or the causes of the health problems. The statement noted that Cuba had permitted U.S. investigators to visit Cuba three times, most recently in September 2017, and reiterated the government's willingness to continue cooperating on the issue.

Implications for U.S.-Cuba Relations

The U.S. decision to downsize personnel at both the U.S. and Cuban embassies has potential implications for bilateral relations. Because of the diplomatic downsizing, the U.S. embassy reports that [most of its visa processing is suspended](#), and that Cubans applying for nonimmigrant visas may apply at another U.S. embassy or consulate overseas. Some [press reports](#) have raised questions on the potential effect of the staff cutback on family-based and other legal immigration from Cuba.

The State Department issued a [travel warning](#) on September 29 stating that due to the drawdown in staff, the U.S. embassy in Havana has limited ability to assist U.S. citizens. The warning advised U.S. citizens to avoid travel to Cuba because of the risk of being subject to attacks since some of the incidents occurred at hotels frequented by U.S. citizens. In June 2017, President Trump had announced a [partial rollback](#) of the Obama Administration's policy of engagement with Cuba; the rollback included tighter restrictions on people-to-people travel and restrictions on transactions with the Cuban military (which is heavily involved in the tourist sector), although the regulations implementing those policy changes have not yet been issued. The new travel warning, along with the forthcoming regulatory changes, could reduce the level of American travel to Cuba, which has grown significantly in recent years to [over 600,000 arrivals in 2016](#). Reduced U.S. travel also could negatively affect private-sector development in Cuba associated with tourism.

More broadly, the reduction of diplomatic staff in both countries could negatively affect the [normalization process](#) that began under the Obama Administration. Although the Trump Administration announced a partial rollback of some aspects of engagement, it has left most Obama-era changes in place. The diplomatic drawdown could freeze the normalization process because of diminished government-to-government engagement and potentially affect existing areas of cooperation, such as on law enforcement and migration issues. Bilateral cooperation to continue investigating the injuries to U.S. personnel also could be jeopardized.

In Congress, Members largely support efforts to protect U.S. diplomatic personnel and their families in Cuba, but appear divided on the expulsion of Cuban diplomats from the United States. Some who have been critical of normalizing relations have expressed support for the expulsion. Others who have been supportive of normalization believe the expulsion could undermine bilateral relations and play into the hands of a potential rogue actor seeking to disrupt relations.

For more on U.S. policy toward Cuba, see CRS In Focus IF10045, [Cuba: U.S. Policy Overview](#); and CRS Report

R44822, [*Cuba: U.S. Policy in the 115th Congress.*](#)