

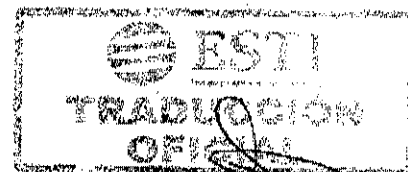
**TO THE COURT OF CRIMES AGAINST STATE SECURITY IN
THE POPULAR PROVINCIAL COURT OF LA HABANA**

THE PROSECUTOR STATES: Under the protection of article 278 of the Law on Criminal Procedure, and considering the investigations completed for the Preparatory File number 59 of 2009 by the Investigation Division of the State Security Department in Havana, I submit said file and request that it be resolved in compliance with the following petitions:

- A) To have as defendant **Alan Phillip Gross**, held in preventive detention by virtue of a precautionary measure related to this dossier; that his address is 10812 Pebble Brook LN, Potomac M, 20854 Maryland, United States of America, and his passport number 208021249.
- B) To start this trial, and to that end I explain that:

PROVISIONAL CONCLUSIONS:

- FIRST:** That the defendant, **Alan Phillip Gross**, a US citizen, held in preventive detention by virtue of a precautionary measure, and owner of
1. the company "Joint Business Development Center" (JBDC), sited in 5530 Wisconsin Ave, Suite 1115, Chevy Chase, Maryland, United States of America, in an undetermined date prior to the month of June 2004, was contacted by **Marc Wachtenheim** --a person with the same nationality,
 2. who he knew was the director of the project known as "Cuba Development Initiative" of the Pan American Development Foundation (PADF), an entity receiving funds from the United States government through the United States Agency for International Development (USAID), a part of which funds are used to implement programs against the Cuban State, including among its goals to impinge on the national independence of the country and to destroy the Revolution-- to bring to Cuba a package containing, among other things, a video camera and to deliver it to Cuban citizen **José Manuel Collera Vento**, a member of the Cuban Freemason Lodge. The request was accepted by the defendant **Alan Phillip Gross**, who arrived in Cuba on June 26, 2004 and did as he was told, receiving in exchange approximately four hundred US dollars provided by the Pan American Development Foundation (PADF) from its own funds.

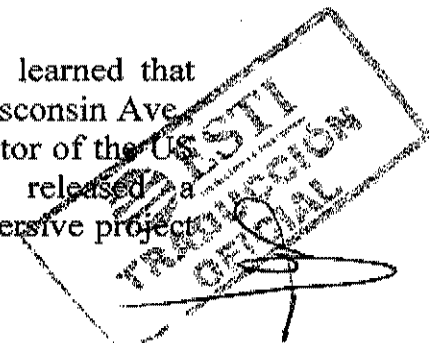


3. During this stay in Cuba, until June 30 of the same year, the defendant **Alan Phillip Gross** also made phone calls to the United States of America through a cell phone.

4. In the first months of the year 2007, on an undetermined date, the defendant **Alan Phillip Gross** was again contacted in the United States by **Marc Wachtenheim**, who still held the same position with the Pan American Development Foundation (PADF) and that this time instructed him to purchase state-of-the-art communication technology for its introduction in Cuba, a request readily accepted by the defendant **Alan Phillip Gross**, who, as an expert in the matter and in order to accomplish his task, purchased a "Smart" cell phone with a "T-Mobile" card and service, a "DELL" laptop, and a 9201 Model BGAN satellite connection equipment, which that year was just beginning to have coverage in our geographical area and that allows Internet access through satellites of the Inmarsat operator, provides solutions to mobile services worldwide and is appropriate to easily and swiftly establish small- and middle-size wireless networks to exchange emails, data files and video, while remaining practically undetectable; for this action, the defendant received from **Marc Wachtenheim** the amount of fifty-five hundred US dollars (\$5500.00) provided by the Pan American Development Foundation (PADF) from its own funds.

6. In the same year 2007, the defendant **Alan Phillip Gross** prepared for the Pan American Development Foundation (PADF) a project he called "Information and Communications Technology for Cuba: A Pilot Project" where, in addition to the technical aspects, he introduced a program with a fully political content, aimed at providing Internet access to those he called "*pro democracy groups*" using such satellite communications means as the BGAN system that he planned to bring into Cuba through multiple channels like tourism, humanitarian missions and diplomatic pouches and that, according to his plan, with these means he would break the "*blockade on the access to information*" and the "*blockade and close surveillance on communications among the pro democracy groups*" in Cuba. This project he submitted to **Marc Wachtenheim**, who did not accept it; then, the defendant stored the information contained in the Project in a Kingston thumb drive of his property.

7. In the year 2008, when the defendant **Alan Phillip Gross** learned that Development Alternative Inc. (DAI), with headquarters in Wisconsin Ave, Chevy Chase, Maryland, United States of America, a contractor of the US Agency for International Development (USAID), had released a notification for the elaboration and implementation of a subversive project

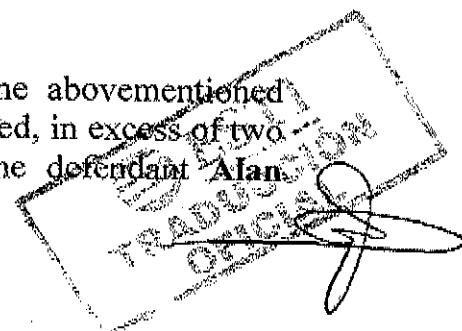


8. against Cuba known as the "*Cuba Democracy Program*" --aimed at assaulting national independence and promoting the destruction of the Cuban Revolution—and that it had been allocated a large amount of money, he contacted American citizen **John McCarthy**, a senior development expert working with the Development Alternatives Incorporated, Inc. (DAI) in order to get involved in the Project with the purpose of receiving the fees paid for its implementation if he was retained.

9. This program of the Development Alternative Inc. (DAI) was sponsored by the US Agency for International Development (USAID), an institution whose actions correspond to the interests of the US government special services albeit under the appearance of development aid, and that includes among its goals the overthrowing of the Cuban Revolution; to this end it finances a set of programs and subsidizes a wide range of organizations and centers operating against Cuba which that same year 2008, through the Office of the Assistant Manager for Latin America and the Caribbean issued a call to those interested in the elaboration of projects aimed at supporting "*the programs that may enhance the scope and impact of an independent civil society in Cuba and, subsequently, accelerate a peaceful transition to democracy*" on the legal basis of section 109 and section 202 of the Cuban Freedom and Democratic Solidarity Act of 1996 (The Helms-Burton Act) and subsection g) of section 1705 of the Cuban Democracy Act of 1992 (The Torricelli Act), thus showing the aggressive and intrusive nature of these programs to which large sums of money have been allocated, that from the year 1996 to 2008 were in the excess of sixty-five million dollars granted to over 25 US organizations with the purpose of supporting what they describe as a "*transition to democracy in Cuba*", meant to impinge on the independence of the Cuban nation and to destroy the Revolution.

10. Through the materialization of these plans, the US Agency for International Development (USAID) intended to create the necessary conditions to massively disseminate distorted information, undetected by the Cuban State, that would primarily target certain segments of society such as young and black people, women and what they consider marginal segments, in order to promote actions of civil disobedience, social disturbances and riots which would enable them to portray an image of social and political chaos in our country, thus facilitating the actions of their government against our homeland.

11. To achieve his objective of active involvement in the abovementioned "*Cuba Democracy Program*" and receive the fees offered, in excess of two hundred and fifty thousand dollars (\$250,000.00), the defendant **Alan**

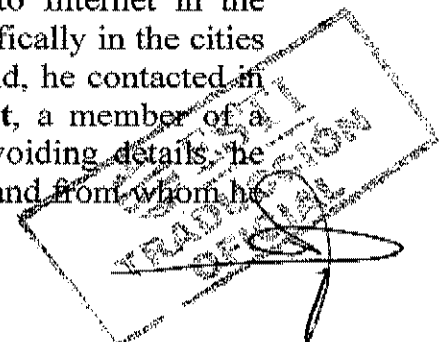


Phillip Gross submitted to the Development Alternative Inc. (DAI) references on his personal performance and a curriculum vitae describing his personal experience and that of his company in the use of modern communications technology in a number of countries, leading to his approval. Later, on October 30, 2008, given the clandestine nature of the project to be implemented in Cuba, he signed a confidentiality and non-disclosure contract with **Samuel L. Williams**, manager of the Development Alternative Inc. (DAI), providing the obligation of both men to avoid disclosure of its content.

12. The Project, elaborated by the abovementioned **Phillip Gross** and named by him "*For the Island*," basically consisted in using high fidelity and satellite transmission cell phones, wireless and portable devices to facilitate the transmission of "*non restricted*" information and communications among those he called "*democratic activists*" and "*others involved*" since in this way "*these communications could not be monitored*," with the aim of "*contributing to the promotion of a just and democratic government*" in Cuba through the implementation of the ideas previously presented to **Marc Wachtenheim** that coincided with the requirements of the ongoing "Program" of the Development Alternative Inc. (DAI).

- In the documents he elaborated for said Project, the defendant **Alan Phillip Gross** repeatedly expressed his intentions and those of his retainers to contribute to a "*peaceful transition in Cuba*," tantamount to the destruction of the Cuban government and its social project and to an assault on the independence and sovereignty of Cuba, for which he created a Website in Internet that he designed and hosted in Google, to operate for one year and expire on February 12, 2010, named "*For the Island.Net*" which he configured with an encyclopedia, emails and video among other possibilities, and in whose opening page he added to the name the phrase "*if not now, when*" a clear incitement to subversion against the political, economic and social order in Cuba.

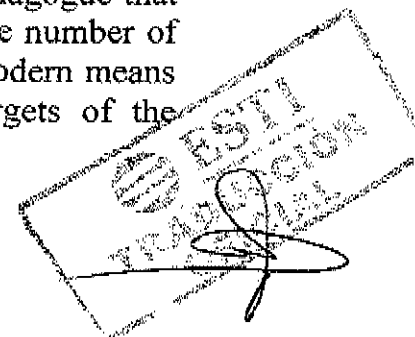
14. Subsequently, the defendant **Alan Phillip Gross**, using the funds provided by the Development Alternative Inc. (DAI) in excess of sixty thousand US dollars, bought 63 equipment and their state-of-the-art technology accessories to introduce them in Cuba little by little and use them in the configuration of three networks with satellite access to Internet in the western, central and eastern regions of the country, specifically in the cities of Havana, Camagüey and Santiago de Cuba. To that end, he contacted in New York, United States, US citizen **Williams Recant**, a member of a Jewish organization based in that country, to whom, avoiding details, he related his participation in a project named "*For Cuba*" and from whom he



received the recommendation to contact Cuban citizen **William Miller Espinosa**, a member of the Jewish community in Cuba. It was also from this person that the defendant learned of Jewish groups traveling to Cuba often, which suggested to him the idea of introducing the equipment in the country whenever possible through the visitors from the Jewish community. For this purpose, the defendant appealed to the US Treasury Department's Office of Foreign Assets Control (OFAC) to apply for a travel license and to the US Department of Commerce to apply for an equipment export license in which he declared the great discretion of his contracts for Cuba and that he would be extremely cautious to avoid any risk as well as the fact that he would carry out all of his work with "*non governmental*" groups, thus receiving the corresponding licenses to travel to our country.

15. So the defendant **Alan Phillip Gross**, in order to materialize the plans of the United States government to control the destiny of Cuba to the detriment of its national independence, made his first trip to the Island nation on March 30, 2009, bringing with him all the equipment and the necessary means of information and communication to configure a network, that he managed to introduce in the country undetected, and then contacted the abovementioned **William Miller Espinosa** at the synagogue of the Hebrew Community in Havana, based in calle I No. 263 esquina a 13, Plaza de la Revolución municipality, where he took the equipment and connected it using a BGAN, which enabled him to configure a satellite communication network, telling **Miller Espinosa** that his only intention was "*to improve communications among the Jewish communities,*" thus covering up the true objectives of the Development Alternatives Inc.'s program sponsored by the US Agency for International Development (USAID), and establishing communications through the installed system with various people, including **John Herzog**, subcontracting manager with the Development Alternatives Inc.

16. During this stay in Cuba, the defendant **Alan Phillip Gross** used his time to train **Jeiro Montaigne Babani** and **Fernando Cheong Cisnar**, members of the Jewish community in Havana, in the use of the equipment, but without explaining his objectives to them, and tested the range of the connection in the surroundings of the institution, adding to the network various points of wireless access in different places of the synagogue that would allow the connection to Internet of the highest possible number of people visiting the community, members or not, so that the modern means of satellite communications could be used by the real targets of the "program", that is, the members of the local counterrevolution.



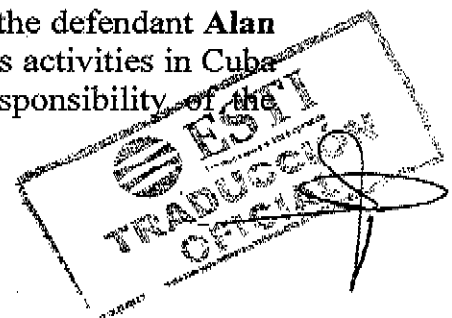
17. As it was planned, on his return to the United States on April 6, 2009, the defendant **Alan Phillip Gross** made a report of the results of his actions in Cuba to **John Herzog**, the person in charge of receiving his reports after every trip he made to Cuba, that also served as written evidence for him to collect his payment for the implementation of the "Project".

18. In said report, the defendant **Alan Phillip Gross** related to **John Herzog** how he had created the Website *For the Island.Net* in order to access Internet and how he had recommended the use of this website instead of the Gmail, Yahoo and Hotmail accounts, that would basically allow him to trace their use, and had warned against the utilization of the users' last names in the addresses they created for the electronic transmissions.

19. To continue with the introduction in Cuba of the satellite means of communication and to prevent the Customs authorities from suspecting, discovering and frustrating his ongoing plans, the defendant **Alan Phillip Gross** proceeded to contact, in the United States, **Suzanne Andisman**, a member of the US Jewish community traveling to Cuba with a religious group and asked her to bring in her luggage some communication equipment, a request that she accepted unaware of the defendant's plans. He then traveled to Havana on April 25, 2009, bringing with him a BGAN satellite terminal and a laptop while **Suzanne Andisman** traveled on April 26, 2009 with the rest of the equipment required to set up a network. Both entered the country by the José Martí International Airport in Havana and agreed to meet at the Parque Central Hotel in Havana where the defendant **Alan Phillip Gross** collected the equipment she had brought.

20. The defendant **Alan Phillip Gross** then traveled with the equipment to Santiago de Cuba where he made contact with **Eugenia Farín Levy**, a leader of the Hebrew Congregation, to whom he delivered the means, pretending they were "a donation to improve communications among the Jewish communities," while avoiding to declare his true intentions, and proceeded to install them in the premises of the Hebrew community in that city, at calle Corona No. 253, e/ Habana y Maceo, where he unsuccessfully tried to establish communications since the BGAN connectivity failed. He then decided to leave the equipment there and return to the capital of the country from where he would travel back to the United States of America on May 4, 2009.

At the end of this trip, the same as on the previous one, the defendant **Alan Phillip Gross** sent to his sponsors a detailed report of his activities in Cuba emphasizing, among other things, the positions of responsibility of the

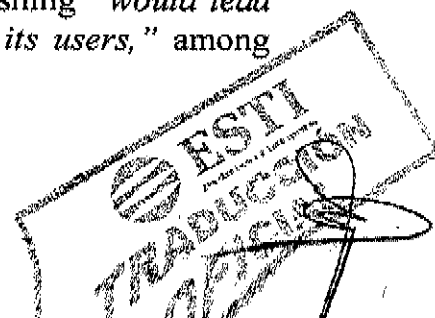


person he met in Santiago de Cuba in her job, the population of the province and its distribution.

For his third trip to Cuba, intended to introduce information and communication equipment and means, the defendant **Alan Phillip Gross** contacted from his United States offices US citizen **Richard Klein**, also a member of a Jewish community that would be traveling to Cuba with other members of his congregation, and asked him to bring in his luggage some means of communication, a request **Richard Klein** accepted, unaware of the defendant's intentions, thus traveling to Cuba with the abovementioned equipment on June 4, 2009, while the defendant **Alan Phillip Gross** traveled on the same date but in a different flight, thus avoiding to draw attention from the Customs authorities for repeatedly bringing equipment into the country through the José Martí International Airport in Havana.

Once in the national territory, the defendant **Alan Phillip Gross** collected the information and communications means brought by **Richard Klein**, which would enable him to configure another communications network similar to the other two, with satellite connection, since it also included in its components a BGAN terminal, and with this equipment he drove to Camagüey where he contacted **David Pernas Levy**, president of the Hebrew Community in the province, whom he told that this equipment was a donation of the US Jewish community for the improvement of communications among the Jewish communities in Cuba, once again concealing his true intentions and proceeding to install the equipment at the headquarters of said organization in calle Andrés López Sánchez No. 365, entre Joaquín de Agüero and Capdevila, Camagüey, which made it possible for him to configure a wireless network of satellite communication through Internet and to conduct some connection tests until he was able to establish communication outside the country. Then, he returned to the capital and from there to the United States on June 18, 2009.

21. As previously accorded, in order to be paid for his work, the defendant **Alan Phillip Gross** proceeded to elaborate for his sponsors of the Development Alternative Inc. (DAI) a detailed report describing the measures taken to transfer all of the equipment to the cities of Santiago de Cuba and Camagüey undetected by the Cuban authorities, characterizing his work as very risky and warning them that the detection by Cuban officials of the communications network he was establishing "*would lead to the confiscation of the equipment and the arrest of its users,*" among other things.

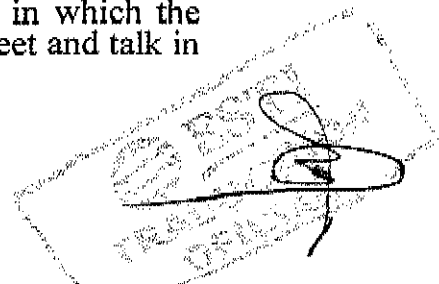


22.
At that time, in an undetermined date, and insisting on his objective to create clandestine conditions to operate freely in Cuba, the defendant **Alan Phillip Gross** drafted a document, which he stored in his Kingston thumb drive, dated in June 2009 and coded together with others like "Joint9," and named it "*How to communicate safely in repressive environments*" explaining that "*it was addressed to political activists operating in non permissive environments and to those supporting their work,*" where he explained a methodology to apply for transmission, communication or reception of subversive materials using such modern means of information and communications as mobile phones, digital cameras, computers, thumb drives, email, Websites, IP Volumes, blogs and Internet cafes, describing both the personal measures to be taken by the users and the most reliable software or technical means, and concluding that he had done this work based on the collection of materials on the subject and on his "*personal experience and that of other colleagues.*"

23. That extensive material produced by the defendant **Alan Phillip Gross** corresponds to the technology he purchased for the implementation of his project as well as to the measures he applied to set up the means introduced in Cuba.

Subsequently, the defendant **Alan Phillip Gross** traveled to Cuba on two other occasions --from July 22 to 31 and from November 24, 2009 to the day he was taken into custody-- and visited the capital of the country and the cities of Camaguey and Santiago de Cuba, where he had put in the equipment required to accomplish his objectives, with the intent of choosing and training the people that would operate such means, who would also be in charge of their adequate preservation in compliance with the indications set forth in his contract with the Development Alternative Inc. (DAI) and produced at the end of every trip the corresponding report in order to ensure his payment, which at the end would amount to two-hundred and fifty eight thousand two-hundred and seventy-four US dollars (258,274.00).

24. While **Alan Phillip Gross** was in the United States of America, in the month of November 2009, he received a phone call from US citizen **Akran Elias**, a former Grand Master of the Masonic Lodge in Washington characterized by his notorious conduct against the political system in Cuba, who was contacting him following a recommendation of **John McCarthy**, since he was interested in the "Cuba Democracy Program" in which the defendant **Alan Phillip Gross** was involved, and agreed to meet and talk in a café near their offices.



25.
During the abovementioned meeting, Akran Elias inquired on the possibility to expand the actions in which the defendant was involved to the Cuban Freemason Lodges and agreed to meet in Havana in the month of December 2009, when Akran Elias would visit Cuba to continue dealing with this issue.

26. On December 2, 2009, while the defendant Alan Phillip Gross and Akran Elias were in Havana, they agreed to meet, as previously arranged, at the Hotel Nacional de Cuba, in Havana, where they took up again the idea discussed in Washington to expand the Project, but using this time institutions of the Cuban Freemasonry. Then, they agreed to meet again to finalize the details but could not do so because on the night of December 3, 2009 the defendant Alan Phillip Gross was taken into custody by the Cuban authorities who confiscated to him two thumb drives, one Kingston and the other a Micro Center, where he had stored a good part of the materials that he used against the Cuban State.

27. Every time the defendant Alan Phillip Gross traveled to Cuba to introduce information and communications equipment, to configure networks, to choose or train people and to check the situation of the equipment, he did so with a tourist visa and at the end of every trip he made reports to his sponsors that allowed him to collect twenty-five thousand US dollars for each trip (\$25,000.00). This proves the conspiratorial nature of his covert actions aimed at establishing an infrastructure that, through this almost undetectable satellite communications system, would permit him to work towards the achievement of the United States government objective of undermining and eventually destroying Cuba's economic, political and social order and consequently the independence of the State.

* After the defendant Alan Phillip Gross was taken into custody, a search was conducted of the three facilities where he had set up the equipment introduced in Cuba. There, the officials in charge of the investigation seized three BGAN satellite communications terminals --Hughes make, Model 9201-- with their cards, connection cables and batteries; three laptops --one Mac Book and two Apple--with their feeding cables and transformers; three Routers --one Workgroup Switch Linksys, one Model Linksys Cisco with its feeding cable and transformer, Model LS120V-15ALE, and one Ruckus wireless, Model Zone Director 1000 with its cable and transformer; 13 Blackberry phones, Model 8320, with their corresponding hand-free cables, earphones and battery chargers, their SIM cards and SD micro, in addition to their battery chargers; 6 Western Digital external hard drives with their connection cables; 2 Polycom multi-conference internal communicators; 2 Logitech Web Cameras; one Radio

Saack Frequency Modulator; 14 wireless transmitters or Ruckus access points, all with their respective network, feeding and transformer cables; 10 Apple Ipods; a Clarisys Internet protocol telephone with its USB connection cable; one Kingston thumb drive of two Gb capacity; one Magic Jack Modem with USB connection; one pair of Logitech earphones with integrated microphone; one Clarisys phone and the telephone line 202-280-7647; one Cisco router with its cable and transformer; one Linksys wireless Switch with its cable and transformer; a Cisco Linksys router with its cable and transformer; a mobile phone charger with its connection cable; one Linksys Switch with its cable and transformer; one Logitech mouse; one Eddier bauer green compass; one pair of Logitech earphones with integrated microphone and connectors; one Coming Data CP 0520 transformer with a Belkin F5U 404-BLK connection device and four USB ports; one Clarisys Ip telephone with its connecting cable; 6 current adaptors; 4 Wonpro current adaptors; 2 Kingston thumb drives; one Router with its cable and transformer; and, one adapting cable with two USB ports in white color.

28. The defendant in custody Alan Phillip Gross was born in New York, United States of America. He is the son of Fred and Evelyn. He is a 61 years old university graduate, married, and his address is 10812 Pebble Brook LN, Potomac M, Maryland (MD) 20854. His passport number is 208021249. He graduated with a BS in Sociology and Health from the University of Maryland. Later, he obtained a Master's degree in Social Work from the Virginia Commonwealth University School of Social Work, where he has also worked as an adjunct professor. He was a member of the Bethesda Jewish Federation in Maryland and of the BBYO. He was a senior partner of the Robert R. Nathan Associates, Inc. in Washington, DC, from 1987 to 1991; an executive director of the APGross & Company, Inc., in Potomac, Maryland, from 1991 to 2001; and a provisional vice president and chief of operations of the International Division for Development of the MWH Americas, Inc., in Washington, 2008. At the time of the events described, he was an executive director and senior partner of the Joint Business Development Center in 5530 Wisconsin Ave., Suite 1115, Chevy Chase, Maryland, United States of America. He has worked in over 50 countries of Africa, Europe, Asia and Latin America. In the 1990s, after the demise of socialism in East Europe, he was hired by various firms, companies and Non Governmental Organizations to conduct feasibility and trade studies as well as projects aimed at exporting to and setting up in these countries the capitalist way of life.

The defendant has set up the VSAT communications system for the US government under contract for various institutions that receive funds from

the US Agency for International Development (USAID) such as "Creative Relief" in countries like Iraq, Afghanistan, and Pakistan, and sold these communications systems to military units of the US Army National Guard some of which have been involved in missions in the abovementioned countries. He has also been subcontracted in numerous occasions by companies that receive funds directly from the US Agency for International Development and on one occasion he was directly hired by said agency to conduct a commercial feasibility study on the Israeli-Palestinian border.

29. During the investigation process, the defendant's position was one of justification and evasion concerning the developments investigated while on the other hand he showed repentance for his actions arguing that he became involved in such activities out of need for money and recognized that he was used by the executives of the company that hired him, since had he been aware of the difficulties he might face he would not have accepted to come to Cuba. There is no record of the defendant being sentenced before by any Court in the Republic of Cuba.

SECOND: These activities constitute a crime of **Actions against the Independence or the Territorial Integrity of the State** as stipulated in and punishable according to article 91 of the Penal Code.

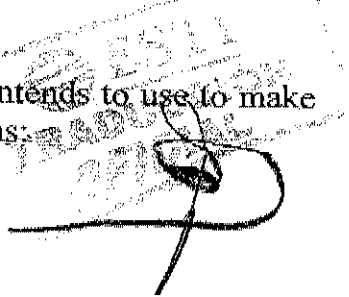
30. **THIRD:** According to the provision in article 18.1.2. a) of the Penal Code, the defendant **Alan Phillip Gross** is liable to punishment as the **AUTHOR** of the crime of **Actions against the Independence or the Territorial Integrity of the State** that he committed by himself.

31. **FOURTH:** An aggravating circumstance concurs and should be noticed concerning the criminal responsibility provided for in article 53, subsection b), since the defendant acted with a profit motive, and article 17.2.2, both of them reflected in the Penal Code.

32. **FIFTH:** The penalty that should be imposed to the defendant **Alan Phillip Gross** is a 20-year prison sentence, and additionally those sentences provided for in the Penal Code articles 37.1.2 consisting in the suspension of his rights and 43.1.2 related to the forfeiture of the goods seized and that are relevant to the criminal activities he developed.

CIVIL RESPONSIBILITY: It can not be demanded in this case because it does not stem from the penal responsibility.

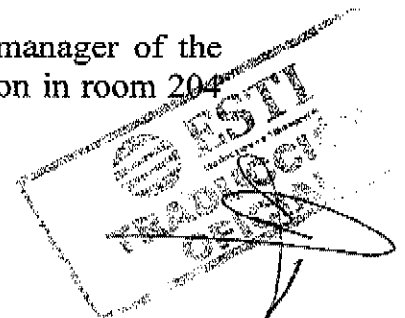
IN ADDITION: The evidence that the Prosecution intends to use to make its case at the trial is indicated in the following sections:



- A) The defendant's statement if he agreed to make it.
B) Documentary evidence consisting of:

VOLUME I To Be Reviewed with NWRIS

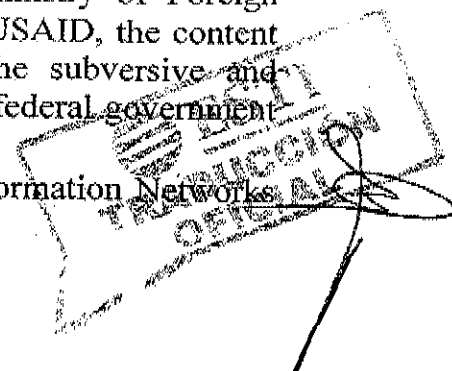
- Pages 05 to 07. Minutes on the seizure from William Miller Espinosa, at the Council of the Hebrew Community of Cuba in Havana, of part of the means of communications introduced in Cuba by the defendant.
- Pages 08. Minutes on the arrest of the defendant registering the date, time, place and motive of arrest.
- Pages 010 to 014. Minutes on the seizure of goods obtained during a personal search of the defendant Alan Phillip Gross in the night of December 3, 2009, the date of his arrest, consisting of, among others, two thumb drives—one Kingston and one Micro Center—which were later submitted to analysis as well as other documents of interest.
- Pages 024 to 025. Minutes on the seizure from Eugenia Farín Levy, at the Council of the Hebrew community of Cuba in Santiago de Cuba of part of the means of communications introduced in Cuba by the defendant.
- Pages 026 to 028. Minutes on the seizure from the witness David Pernas Levy of part of the equipment introduced by the defendant and set up in the Council of the Hebrew Community in the city of Camagüey.
- Pages 049 to 052. Document resulting from the reading of passport 208021249 owned by the defendant Alan Phillip Gross, registering his entries to and exits from our country and other countries as well.
- Page 053. Accusation Minutes of the defendant Alan Phillip Gross where he was initially charged for the introduction of certain means in our country in violation of the legal provisions in force.
- Page 066. Certification issued by the senior desk clerk of the Hotel Presidente listing every time the defendant registered in that hotel during the year 2009.
- Page 113. Certification of the defendant Alan Phillip Gross's Criminal Records proving that he has never been sentenced in a Cuban court.
- Page 142. Certification issued by lawyer Cristina G. Martínez, Legal Adviser of the car rent agency Cubacar in Havana stating the occasion when the defendant rented a car from that agency at the Hotel Presidente and returned it in Santiago de Cuba.
- Page 144. Certification issued by the accommodation manager of the Hotel Raquel testifying to the defendant's accommodation in room 204 of that hotel from June 26 to 30, 2004.



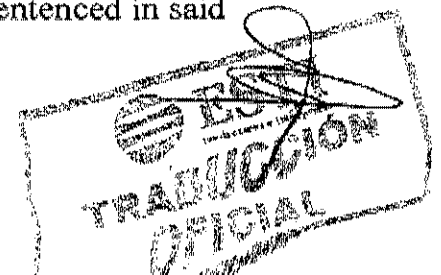
- Pages 144 to 147. Certification issued by the chief clerk of the Hotel Meliá Cohiba testifying to the defendant's accommodation in room 1301 of the hotel from March 30 to April 3, 2009.
- Page 153. Certification issued by the Assistant Director General of the Hotel Meliá Santiago testifying to the defendant's accommodation in that hotel from April 30 to May 3, 2009.
- Pages 161 to 165. Response from the offices of the Council of Ministers Legal Department certifying the Decree 269 of 2009 as a legal instrument regulating "the Special Radio Communications Services."
- Page 167. Certification issued by Carlos Martínez Albuorne, Director of the Control and Supervision Agency of the Ministry of Information and Communications, certifying that this entity never received any request from the defendant Alan Phillip Gross to establish satellite communications stations in Cuba.
- Page 182. Minutes on the seizure from William Miller Espinosa of other means delivered by the defendant Alan Phillip Gross to the synagogue in Havana.
- Pages 187 to 254. Five documents obtained from the Kingston thumb drive confiscated to the defendant the day of his arrest, and their certified translation by the ESTI. (Center for Translation and Interpreting)

VOLUME II

- Pages 258 to 267. Minutes on the inspection of the Kingston thumb drive confiscated to the defendant revealing documents relevant to the process that were shown to the defendant Alan Phillip Gross.
- Pages 278 to 280. Certification issued by Gerardo Gómez Parets, Director of Investigations at the Office of Information Networks Control, describing the finding in Internet of the JBDC company owned by the defendant Alan Phillip Gross.
- Pages 282 to 287. Document from the Division of Information and Propaganda of the Ministry of Foreign Affairs locating a speech with an intrusive content produced by USAID official Adolfo A. Franco and published in Internet, as well as its full text.
- Pages 289 to 297. Certification issued by the Ministry of Foreign Affairs locating the Internet websites of DAI and USAID, the content of the programs fostered by both entities and the subversive and intrusive nature of that agency of the United States federal government against Cuba.
- Pages 299 to 302. Response from the Office of Information Networks Security in the same terms as the previous document.



- Pages 337 to 341. Certification issued by Maribel Simón Lauzán, Legal Director of the General Customs of the Republic, on the procedure required to import BGAN satellite communications equipment.
- Page 343. Certification issued by the Director of the Gran Hotel in Santiago de Cuba, where the defendant accommodated in room 315 from June 7 to 11, 2009 and in room 317 from July 26 to 28 of the same year.
- Page 345. Certification issued by the Director of Casa Granda Hotel in Santiago de Cuba, where the defendant accommodated in room 215 from June 11 to 15, 2009 and in room 309 from July 24 to 26 of the same year.
- Page 355. Certification from the Chief of the Legal Division in the Department of Immigration, testifying to the entries to and exits from the country of citizen Akran Elias between the years 2001 and 2009.
- Page 357. Certification from the Chief of the Legal Division in the Department of Immigration, testifying to the entries to and exits from the country of citizen Curtis Winsor between the years 2000 and 2009, a former Grand Master who expected to carry out a similar activity in Cuban Masonic institutions.
- Page 359. Certification from the Chief of the Legal Division of the Department of Immigration, testifying to the entry to and exit from the country, on April 26 and 30 of 2009, respectively, of citizen Suzanne Andisman who introduced in the country the means provided by the defendant.
- Page 361. Certification from the Chief of the Legal Division of the Department of Immigration, testifying to the entries to and exits from the country, of the citizen Marc Wachtenheim, Director of the PADF program and opposed to the Cuban Revolution, between the years 2002 and 2009.
- Page 363. Certification from the Chief of the Legal Division of the Department of Immigration, testifying to the entries to and exits from the country, of the citizen Richard Klein, who upon request of the defendant Alan Phillip Gross introduced means to the country between the years 2000 and 2009.
- Pages 370 to 434. Breakdown of the documents of Investigation File 351 of 2003 from the Investigation Division of the State Security Department in Havana City that were detected and confiscated to US citizen Curtis Wilson on March 28, 2001, as he tried to take them out of the country and to the United States. These documents, elaborated by the citizen Héctor Maceda Gutiérrez, tried in court and sentenced in said trial, have a marked counterrevolutionary content.



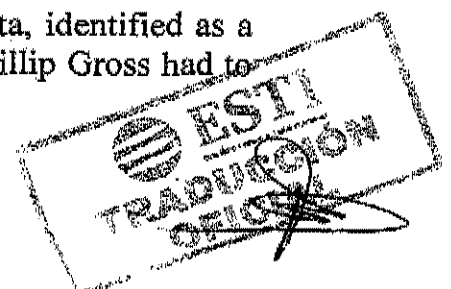
- Pages 668 to 751. Documents obtained from the hardware and their certified translations into Spanish by the ESTI.
- Pages 752 to 759. License issued by the US government Treasury Department to the defendant Alan Phillip Gross and its certified translation into Spanish by the ESTI.

VOLUME IV

- Pages 767 to 768. Minutes on the return to the defendant Alan Phillip Gross of personal belongings irrelevant to the ongoing criminal process.

VOLUME V

- Pages 1132 to 1313. Contains the US Agency for International Development Cuba Program for the year 2008 in English and its certified translation into Spanish by the ESTI. This document exposes the entire Program of this federal agency aimed at the removal of the Cuban Socialist State as reflected in the Constitution.
- Page 1346. Personal record of the citizen John McCarthy, identified as Director of the Cuba Program in DAI, the company contracted by the USAID to implement a subversive project against Cuba.
- Pages 1347 to 1348. Personal record of the citizen Marc Wachtenheim, identified as Director of the Cuba Program in the Pan American Development Foundation (PADF) and closely linked to the defendant Alan Phillip Gross who did some services to him.
- Pages 1349 to 1350. Personal record of the citizen Curtis Winsor, identified as a person linked to the defendant Alan Phillip Gross. He made many trips to Cuba and maintained a position markedly opposed to the Cuban Socialist State.
- Pages 1351 to 1352. Personal record of the citizen Akran Elias, identified as a person linked to the defendant Alan Phillip Gross. He made numerous trips to Cuba and maintained a position markedly opposed to the Cuban Socialist State. The defendant met with him at the Hotel Nacional one day before his arrest with the intention to expand the subversive project to the Cuban Freemason institutions.
- Page 1353. Personal record of the citizen John Herzog, identified as the manager of contracts in the DAI and a person with whom the defendant Alan Phillip Gross kept in touch.
- Page 1354. Résumé of the citizen Crista Jones Baptista, identified as a DAI expert and the person that the defendant Alan Phillip Gross had to address the reports to on his activities in Cuba.



- Page 1355. Résumé of Debra Gish, identified by the defendant Alan Phillip Gross as the person appointed by the DAI to check on his work in Cuba.
- Pages 1368 to 1438. A photo and chart showing the means illegally introduced in Cuba by the defendant Alan Phillip Gross.

C) **Testimonial**, according to the list included to testify on authors, events or circumstances, requesting a subpoena to be served to these persons.

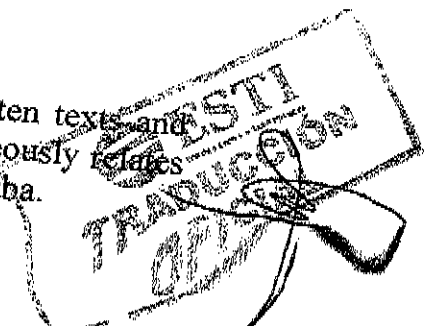
D) **Expertise**, requesting a subpoena to be served to the experts whose names are called in the enclosed list for them to ratify, amend or expand the reports contained in Volumes I, II, IV and V of the file consisting in:

VOLUME I

- Page 106. **Criminalistics Analysis in documentology** on the graphological examination performed in documents handwritten by the defendant Alan Phillip Gross showing characteristics of his personality and the documentological analysis practiced on US passport 208021249, owned by the defendant, establishing its authenticity.
- Pages 117 to 130. **Compendium of legal rules** from the Ministry of Information and Communications regulating the use of communications equipment in the national territory, produced by lawyer Zenaida Marrero Ponce de León, a Legal Adviser with that ministry.
- Pages 132 to 140. **Certification and compendium of legal rules** from the General Customs of the Republic produced by MSc Carmen María de los Reyes Ramos on the regulations concerning the importation to the country of the means relevant to the process.
- Pages 184 to 185. **Criminalistics Information Analysis** on the recovery of data from the Kingston thumb drive confiscated to the defendant at the moment of his arrest, where 5 files were found in the .doc format, showing the authors to be the defendant Alan Phillip Gross and E. Kelly Hard, and the organizations JBDC, APGross & Company, Inc. and BAE SYSTEM, where it can be read John Herzog, Mr. Antonio Cabral, USAID and DAI.

VOLUME II


- Pages 305 to 314. **Documentology Analysis** of handwritten texts and signatures originated with the defendant where he spontaneously relates some of the activities he was involved in associated with Cuba.



- Pages 322 to 335. **Experts Ruling** on the deployment and unchecked use of BGAN terminals, WiFi wireless access networks and accessories, and their integration into private unauthorized networks in the national territory by engineers Moisés Cortés Escobar and Wilfredo López Rodríguez, Senior expert and Director of Rules and Regulations from the Ministry of Information and Communications.
- Pages 435 of VOLUME II to page 666 of VOLUME III **Criminalistics Information Analysis of the technical condition, capability for use and data recovery** practiced on the Kingston and Micro Center thumb drives confiscated to the defendant the day of his arrest from which data files were recovered that can be found in Annexes I to VII and that offer clear evidence of the defendant's activities related to the USAID Cuba Program such as the "*For the Island*" Project, designed by the defendant, as well as the document he labeled "*How to communicate safely in repressive environments.*"

VOLUME IV

- Pages 771 to 783. **Criminalistics Information Analysis on the technical condition, suitable for use, identification and examination of devices** practiced on 5 access points, 2 routers, 1 radio frequency modulator, 2 CLARISYS phones, 1 webcam and 1 switch all of which were introduced in the country by the defendant and set up by him in the Council of the Hebrew Community in Havana.
- Pages 784 to 796. **Criminalistics Information Analysis on the technical condition, suitable for use, disclosure and recovery of data** practiced on 3 Ipods, 1 thumb drive, 2 external hard drives and 1 photo camera set up or delivered by the defendant in the Council of the Hebrew Community in Havana.
- Pages 797 to 806. **Criminalistics Information Analysis on the technical condition, suitable for use, disclosure and recovery of data** practiced on 3 BGAN terminals confiscated to witness William Miller Espinosa in the Council of the Hebrew Community in Havana that the defendant had installed both there and in the cities of Santiago de Cuba and Camaguey. It was confirmed that two of them had been in operation while another one, classified as E5 during the experts analysis, was in poor technical condition and non operational.
- Pages 807 to 892. **Criminalistics Information Analysis on the technical condition, suitable for use, disclosure and recovery of data** practiced on the portable microcomputer trademark Apple, confiscated to witness William Miller Espinosa at the Council of the Hebrew Community in Havana, where it had been installed by the defendant as part of his program, and which revealed 75 pages of data included in



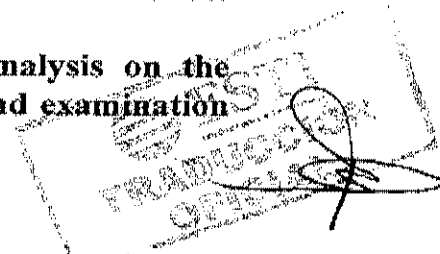
Annexes I and II. The analysis showed that it was ready for use and that it contained numerous files with documents, both in Spanish and English, describing the operations and correct use of the state-of-the-art means of communication introduced in the country by the defendant and protected by passwords, files that expose the existence of the program created by the defendant and named by him "For the Island."

- Pages 893 to 936. **Criminalistics Information Analysis on the technical condition, capability for use, identification and examination of devices, disclosure and recovery of data** practiced on 3 Smart Blackberry phones confiscated to witness William Miller Espinosa at the Council of the Hebrew Community in Havana, delivered by the defendant as part of his program, that expose the data included in Annexes I, II, III and VI showing that the equipment was fit for use, and that it offered multiple possibilities such as global positioning services, photo camera, data transmission and reception, emails and Internet navigation.
- Pages 937 to 988 **Criminalistics Information Analysis on the technical condition, suitable for use, identification and examination of devices, disclosure and recovery of data** practiced on 2 Smart Blackberry phones confiscated to witness William Miller Espinosa at the Council of the Hebrew Community in Havana delivered by the defendant as part of his program that expose pages of data included in Annexes I, II and III showing that the equipment was fit for use, and that it offered multiple possibilities such as global positioning services, photo camera, data transmission and reception, emails and Internet navigation. It could be established the presence in them of text formats referring to the USAID, as well as photos proving the implementation of the communications networks, a form with the Curriculum Vitae of the defendant Alan Phillip Gross and a list of the countries where he has worked.
- Pages 989 to 1003 **Criminalistics Information Analysis on the technical condition, suitable for use, disclosure and recovery of data** practiced on 3 Ipods, 2 thumb drives and 2 external hard drives confiscated at the Council of the Hebrew Community in Camaguey, where it had been delivered by the defendant Alan Phillip Gross. The 2 thumb drives identified for the experts analysis as E11 and E12 exposed a PDF document entitled "For the Island Training Guide.pdf."
- Pages 1004 to 1013 **Criminalistics Information Analysis on the technical condition, suitable for use, disclosure and recovery of data** practiced on an Apple microcomputer confiscated at the Hebrew Community in Camaguey, where it was delivered by the defendant Alan Phillip Gross, showed among others a PDF document entitled "For the Island Training Guide.pdf." handbooks on the operation of the

information and communications equipment and images of the people who used the devices installed.

VOLUME V

- Pages 1015 to 1026. **Criminalistics Information Analysis on the technical condition, suitable for use, disclosure and recovery of data** practiced on 6 wireless points of access, 2 wireless routers, 1 mouse, 1 webcam, 1 telephone with USB connection and 1 switch delivered by the defendant Alan Phillip Gross and confiscated to witness David Pernas Levy at the Hebrew Community in Camaguey. This analysis permitted to establish that the wireless router has numerous possibilities such as sharing an exclusive connection to Internet. Likewise, the switch has great possibilities such as advanced commutation and the forwarding of packages that maximize data transfer. All of the equipment makes possible the configuration of a highly reliable network.
- Pages 1027 to 1043. **Criminalistics Information Analysis on the technical condition, suitable for use, identification and examination of devices, disclosure and recovery of data** practiced on 4 Blackberry smart phones and three chargers delivered by the defendant Alan Phillip Gross and confiscated to witness David Pernas Levy at the Hebrew Community in Camaguey that show they were fit for use and multiple functions such as global positioning services, photo camera, data transmission and reception, emails and Internet navigation.
- Pages 1044 to 1052. **Criminalistics Information Analysis on the technical condition, suitable for use, disclosure and recovery of data** practiced on 2 Ipods and two external hard drives delivered by the defendant Alan Phillip Gross and confiscated to witness Eugenia Farín Levy at the Hebrew Community in Santiago de Cuba, that showed they were fit for use.
- Pages 1053 to 1080. **Criminalistics Information Analysis on the technical condition, suitable for use, disclosure and recovery of data** practiced on an Apple computer delivered by the defendant Alan Phillip Gross and confiscated to witness Eugenia Farín Levy at the Hebrew Community in Santiago de Cuba, showing that it was fit for use. The computer registers as user JBDC PLIMB2 and exposes phone numbers registered to OFAC as well as records of chats between the users agross and john.Hersog97, in addition to numerous files with jpg extension of images showing the equipment and the defendant with the recipients as well as the installation of a BGAN.
- Pages 1081 to 1089. **Criminalistics Information Analysis on the technical condition, suitable for use, identification and examination**

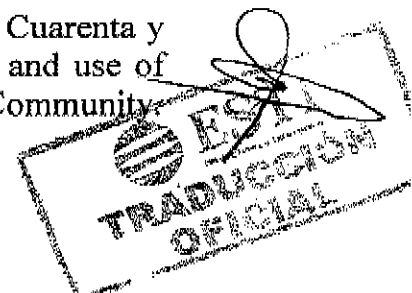


of devices practiced on one wireless router and switch, 3 wireless access points, hands-free devices and one wireless network adaptor delivered by the defendant Alan Phillip Gross and confiscated to witness Eugenia Farín Levy at the Hebrew Community center in Santiago de Cuba, showing they were fit for use and demonstrating their multiple possibilities such as shared access to Internet, voice, video and data traffic that avoid unwanted interference and allow encryption of the information forwarded.

- Pages 1090 to 1105. **Criminalistics Information Analysis on the technical condition, suitable for use, identification and examination of devices, disclosure and recovery of data** practiced on 3 smart Blackberry phones delivered by the defendant Alan Phillip Gross and confiscated to witness Eugenia Farín Levy at the Hebrew Community center in Santiago de Cuba, showing that they were fit for use and had multiple possibilities such as global positioning services, photo camera, data transmission and reception, emails and Internet navigation.
- Pages 1107 to 1130. **Expert's Report** elaborated by Dr. Manuel Hevia Frasier, a researcher and expert from the State Security Study Center, entitled "The USAID: A Key Weapon in the Dirty War," offering a detailed analysis of the missions of that US government agency against the Cuban State.

LIST OF WITNESES

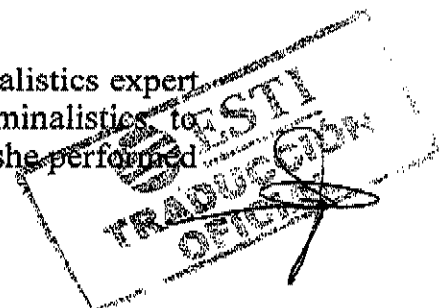
1. **William Miller Espinosa** living at Calle Fortuna número Doscientos Setenta entre Ronda Norte y Mayarí, Reparto Alturas del Rosario, municipio Arroyo Naranjo, La Habana. To declare on the way he met the defendant, who introduced them, the defendants' contacts, the equipment delivered, his visits to the synagogue, the installation of the equipment, and his visits to the provinces of Santiago de Cuba and Camaguey.
2. **Jeiro Montagne Babani** living at calle Neptuno número Seiscientos Veinticuatro, Segundo piso entre Gervasio y Escobar, municipio Centro Habana. To declare on the reasons for which he met the defendant, their relations, the information that the defendant requested from him and the equipment brought and its use.
3. **Fernando Cheong Cisnar**, whose identity card shows the address Calle Cincuenta y Siete número Diez Mil Trece entre Cien y Ciento Dos, but who currently lives in Noventa y Cuatro número Cuatro Mil Ciento Veinte, apartamento B entre Cuarenta y Uno B y Cuarenta y Tres, municipio Marianao. To testify on the installation and use of the equipment delivered by the defendant in the Hebrew Community.



4. **Eugenia Farín Levy** living in San Félix, número Doscientos Diez, entre Mateo y Maceo, Santiago de Cuba. To testify on the way the defendant made contact with her as well as the equipment he delivered and his activities.
5. **David Budegén Farín** living in San Félix, número Trescientos Doce, entre Habana y Trinidad, Santiago de Cuba. To testify on what he learned about the defendant's visits to Santiago de Cuba and the information and communications means he delivered.
6. **Enma Farín Levy** living in San Félix, número Trescientos Doce, entre Habana y Trinidad, Santiago de Cuba. To testify on the defendant's visits to the synagogue in Santiago de Cuba and the equipment he delivered to that center.
7. **David Pernas Levy** living in Calle Santa Rosa número Noventa y Uno esquina San José, municipio Camagüey, Ciudad de Camagüey. To testify on the way he met the defendant, the equipment he delivered and the use given to it.
8. **Diana María Marrero Basulto** living in Calle Pobre número Seiscientos Veintinueve entre San Esteban y San Martín, Reparto Centro de Ciudad, municipio Camagüey, Ciudad de Camagüey. To testify on the reasons for which she met the defendant and the equipment he brought.
9. **José Manuel Collera Vento** living at edificio 39, módulo D, apartamento 7, Villa Panamericana, Habana del Este, Ciudad de La Habana. To declare on the way he met the defendant Alan Phillip Gross, who introduced them and his connection with Marc Wachtenheim, director of PADF as well as the plans of this organization and other US government agencies against Cuba.
10. **Raúl Antonio Capote Fernández** living in calle 4, número 304, entre 13 y 15, Municipio Plaza, Ciudad de La Habana. To explain his relations with Marc Wachtenheim, the BGAN satellite communication equipment he received, how he received it, the use he gave it and the instructions he received for its use, as well as the concrete activities he conducted, their objectives and his motives.
11. **Lieutenant Colonel Carlos Remis Chong**, an investigation officer with the DCSE, who should declare on the investigations conducted for the file and to modify, ratify or expand on the conclusive report he issued of the Preparatory File.

LIST OF EXPERTS

1. **Lieutenant Colonel Marlene López Capote**, a criminalistics expert in documentology with the Central Laboratory of Criminalistics, to ratify, modify or expand on the graphological analysis she performed



of documents handwritten by the defendant and the documentology analysis of US passport 208021249 owned by the defendant. Pages 106 and from 108 to 110. And the documentology analysis of the handwritten texts and signatures showed in pages 305 to 314.

2. **Lieutenant Alexis Cruz Fleitas, Sub Lieutenant Rogelio Rodríguez Samper, Sub Lieutenant Javier Gutiérrez Eléjaga and Captain Ramses Dupuy Mercader**, experts with the Central Laboratory of Criminalistics who conducted the criminalistics Information analysis on the technical condition, capability for use, disclosure and recovery of data from the means introduced in the country by the defendant Alan Phillip Gross and confiscated both to him and to the Hebrew Communities in Havana, Santiago de Cuba and Camaguey, to ratify, modify or expand on their reports.
3. **Lawyer Zenaida Marrero Ponce de León**, Legal Director at the Ministry of Information and Communications, to explain the rules in force in Cuba concerning the use of satellite communications dictated by the Ministry of Information and Communications and enforced in the national territory, pages 117 to 130.
4. **MSc Carmen María de los Reyes Ramos**, Legal Affairs Director at the General Customs of the Republic, to explain the rules applied to the importation of satellite communication equipment in Cuba that she accredited in the file.
5. **Engineers Moisés Cortés Escobar and Wilfredo López Rodríguez**, Senior specialist and Director of Rules and Regulations at the Ministry of Information and Communications, to provide a knowledgeable explanation of the rules in force in our country that regulate satellite communication, just as they did in the ruling issued on the subject.
6. **Dr. Manuel Hevia Frasieri**, a researcher with the State Security Study Center, to present the ruling entitled "The USAID: A Key Weapon in the Dirty War," offering a detailed analysis of the missions of that US government agency against the Cuban State.

La Habana, Cuba, January 29, 2011
Humberto González Figueroa
Prosecutor

Official Translation

EQUIPO DE SERVICIOS DE TRADUCTORES E INTERPRETES

