

WARRANT FOR ARREST

CO-188 (Rev. 3/93)

UNITED STATES DISTRICT COURT		FOR THE DISTRICT OF COLUMBIA	
UNITED STATES OF AMERICA v. MARTA RITA VELAZQUEZ also known as "Marta Rita Kviele" also known as "Barbara"		DOCKET NO: 04 CR 044 JR MAGIS. NO:	
DOB: [REDACTED] PDID:		NAME & ADDRESS OF INDIVIDUAL TO BE ARRESTED MARTA RITA VELAZQUEZ Guatemala City, Guatemala	
WARRANT ISSUED ON THE BASIS OF: Indictment		DISTRICT OF ARREST	
TO: ANY UNITED STATES MARSHAL OR OTHER AUTHORIZED OFFICER		CITY	
YOU ARE HEREBY COMMANDED to arrest the above-named person and bring that person before the nearest available Magistrate Judge to answer to the charge(s) listed below.			
DESCRIPTION OF CHARGES			
Conspiracy to Commit Espionage			
United States District Court For the District of Columbia A TRUE COPY NANCY MAYER WHITTINGTON, Clerk By <u><i>[Signature]</i></u> Deputy Clerk			
IN VIOLATION OF:		UNITED STATES CODE TITLE & SECTION: 18 U.S.C. § 794(a) and (c)	
BAIL FIXED BY COURT: HWOB		OTHER CONDITIONS OF RELEASE:	
ORDERED BY: U.S. MAGISTRATE KAY		SIGNATURE (JUDGE/MAGISTRATE JUDGE) ALAN KAY U.S. MAGISTRATE JUDGE	DATE ISSUED: February 6, 2004
CLERK OF COURT: Nancy Mayer-Whittington		BY DEPUTY CLERK: <u><i>[Signature]</i></u>	DATE: February 6, 2004
RETURN			
This warrant was received and executed with the arrest of the above-named person.			
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER		SIGNATURE OF ARRESTING OFFICER
DATE EXECUTED			

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SEALED

Holding a Criminal Term

Grand Jury Sworn in on March 3, 2003

UNITED STATES OF AMERICA

v.

MARTA RITA VELÁZQUEZ,
also known as Marta Rita Kviele,
also known as "Barbara",

Defendant.

ROBERTSON, J.

:
: CRIMINAL No. 04 - 044
:
: Grand Jury Original
:
: VIOLATIONS:
:
: 18 U.S.C. § 794(a) and (c)
: (Conspiracy to Commit Espionage)

INDICTMENT

FILED IN OPEN COURT

The Grand Jury charges that:

FEB - 5 2004

COUNT ONE

CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

INTRODUCTORY ALLEGATIONS

At all times material to this indictment:

1. The defendant, MARTA RITA VELÁZQUEZ (VELÁZQUEZ), a United States citizen, was born on [REDACTED] in Ponce, Puerto Rico. She graduated from Princeton University in 1979 with a bachelor's degree in Political Science and Latin American Studies. She received a law degree from Georgetown University in Washington, D.C., in 1982, and a master's degree from the Johns Hopkins University School of Advanced International Studies (SAIS) in 1984. From approximately 1979 until 1990, her United States residence was in Washington, D.C.

United States District Court
For the District of Columbia

TRUE COPY

NANCY MAYER WHITTINGTON, Clerk

By

[Signature]
Deputy Clerk

2. From 1982 to 1983, while a student at SAIS, defendant **VELÁZQUEZ** was employed as a legal intern with the United States Department of State's Agency for International Development (USAID) in Washington, D.C. From 1984 to March 1989, defendant **VELÁZQUEZ** was employed by the United States Department of Transportation in Washington, D.C., as an Attorney Adviser. In March 1989, defendant **VELÁZQUEZ** became employed by USAID, in Washington, D.C., as an Attorney Adviser, with responsibilities encompassing Central America. From June 1990 until September 1994, defendant **VELÁZQUEZ** was posted to the United States Embassy in Managua, Nicaragua, as a regional legal adviser for USAID. From September 1994 until May 1998, defendant **VELÁZQUEZ** worked for USAID in Washington, D.C. From May 1998 until June 2000, she was on leave without pay and resided with her husband in Sweden. In June 2000, defendant **VELÁZQUEZ** returned to work for USAID at the United States Embassy in Guatemala City, Guatemala, as Director of USAID's Regional Office of Trade and Economic Analysis there. In June 2002, she resigned from USAID but remained in Guatemala.

3. On October 6, 1982, upon entering service as a legal intern with USAID, and again on August 6, 1984, upon entering service with the United States Department of Transportation, and again on March 13, 1989, upon re-entering service with USAID, defendant **VELÁZQUEZ** signed Oaths of Office in which she swore that:

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

4. Defendant **VELÁZQUEZ** received her initial **SECRET** security clearance in September 1984, and maintained that clearance throughout her term of service with the Department of Transportation. After entering service with USAID in 1989, she received a **TOP SECRET** security clearance, which she maintained until leaving USAID employment in June 2002.

5. Classified information is defined by Executive Order 12958, as amended by E.O. 13292, ("Order") and its predecessor order, E.O. 12356, as information in any form that (1) is owned by, produced by or for, or under the control of the United States Government; (2) falls within one or more of the categories set forth in Section 1.4 of the Order, and (3) is classified by an original classification authority who determines that its unauthorized disclosure reasonably could be expected to result in damage to the national security. Where such unauthorized release could reasonably result in "serious" damage, the information may be classified as SECRET. Where such damage could be "exceptionally grave" the information may be classified TOP SECRET.

6. On September 14, 1984, and again on March 20, 1989, defendant **VELÁZQUEZ** signed a **Classified Information Nondisclosure Agreement** in which she stated, in part:

1. Intending to be legally bound, I hereby accept the obligations contained in this Agreement in consideration of my being granted access to classified information. . . .

2. I hereby acknowledge that I have received a security indoctrination concerning the nature and protection of classified information

3. I have been advised that the unauthorized disclosure, unauthorized retention, or negligent handling of classified information by me could cause damage or irreparable injury to the United States or could be used to advantage by a foreign nation. I hereby agree that I will never divulge classified information to

anyone unless: (a) I have officially verified that the recipient has been properly authorized by the United States Government to receive it, or (b) I have been given prior written notice of authorization from the United States Government Department or Agency . . . responsible for the classification of the information or last granting me a security clearance that such disclosure is permitted. . . . I further understand that I am obligated to comply with laws and regulations that prohibit the unauthorized disclosure of classified information.

4. . . . I have been advised that any unauthorized disclosure of classified information by me may constitute a violation, or violations, of United States criminal laws, including the provisions of Sections 641, 793, 794, 798, and 952, Title 18, United States Code, the provisions of Section 783(b), Title 50, United States Code, and the provisions of the Intelligence Identities Protection Act of 1982. I recognize that nothing in this Agreement constitutes a waiver by the United States of the right to prosecute me for any statutory violation. . . .

10. I have read this Agreement carefully and my questions, if any, have been answered. I acknowledge that the briefing officer has made available to me Sections 641, 793, 794, 798, and 952, Title 18, United States Code, Section 783(b), Title 50, United States Code, the Intelligence Identities Protection Act of 1982, Executive Order 12356 or its successor, . . . so that I may read them at this time, if I so choose.

7. At no time during her employment with the United States Department of Transportation or with USAID was defendant VELÁZQUEZ ever authorized, directly or indirectly, to deliver, communicate, or transmit classified information or documents to agents, officers, or employees of the Cuban Intelligence Service or any other hostile foreign intelligence service.

8. Since 1959, the Republic of Cuba has been ruled by Fidel Castro and his regime. The Cuban Intelligence Service (CuIS) is a general term encompassing numerous Cuban intelligence and counterintelligence entities that answer to Fidel Castro. A primary such entity is the Directorate of Intelligence (DI), formerly known as the Directorate of General Intelligence (DGI), which is charged with the gathering worldwide of intelligence information of interest to

Cuba and its allies. The principal target for such intelligence gathering was, and continues to be, the United States of America. An intelligence officer is a person employed by an intelligence service, who may be present in a foreign country in the capacity of a diplomatic official.

9. The Cuban Intelligence Service has long had an aggressive program aimed at spotting and assessing persons within the United States academic community who may be suitable for recruitment to serve a variety of roles on behalf of Cuba's interests. The most important of these roles is that of agent -- that is, a person who is not an employee of a hostile intelligence service (such as the Cuban Intelligence Service) but who is aware that he or she is working for that service and who is willing to engage in clandestine operational activity, including intelligence gathering, for that service. An agent-in-place is a recruited agent who occupies a position in which he or she has authorized access to current intelligence information, and who acts under the direction of a hostile intelligence service so as to obtain such information for that intelligence service. In order to protect recruited agents, and maintain operational security, intelligence services often limit discernible contact between agents; this practice is called compartmentation.

10. The Cuban Mission to the United Nations (CMUN) in New York City, and the Cuban Interests Section in Washington, D.C., are the principal establishments to which Cuban government officials having diplomatic immunity -- including Cuban Intelligence Service officers -- are assigned in the United States.

11. On September 1, 1983, Mexican authorities arrested, and detained and interrogated for several days, two Cuban officials who had been attempting to meet with certain Cuban exiles from Miami; the incident, and the subsequent expulsion of the Cuban officials, was

reported in the news media.

12. The Cuban Intelligence Service often communicates clandestinely with its officers and agents operating outside Cuba by broadcasting encrypted radio messages at certain high frequencies; such clandestine communications were used by Ana Belén Montes and by some of the defendants convicted in June 2001 in the Southern District of Florida, in the case of United States of America v. Gerardo Hernandez, et al., 98-721-CR-Lenard, of committing espionage on behalf of Cuba and acting as unregistered agents of Cuba.

13. Ana Belén Montes is a United States citizen who was employed by the United States Defense Intelligence Agency (DIA) in Washington, D.C., as an intelligence analyst from September 1985 until September 2001; beginning in 1992, she specialized in Cuban matters. Between 1982 and 1984, Montes had been a part-time graduate student at the Johns Hopkins University School of Advanced International Studies (SAIS) in Washington, D.C., together with defendant VELÁZQUEZ. On September 21, 2001, Montes was arrested in the District of Columbia on charges of committing espionage against the United States on behalf of Cuba, in United States v. Ana Belén Montes, Criminal No. 02-131 (RMU). In a public proceeding on March 19, 2002, she pled guilty to conspiracy to commit espionage and stated that she agreed to cooperate with the United States government in its continuing investigation into Cuban espionage activities against the United States.

THE CONSPIRACY

14. From at least in or about 1983 and continuing until the present, within the District of Columbia and elsewhere, the defendant, MARTA RITA VELÁZQUEZ, also known as Marta Rita Kviele, also known as "Barbara", unlawfully combined, conspired, confederated, and

agreed together with persons known and unknown to the Grand Jury, to communicate, deliver, and transmit, directly and indirectly, to the government of the Republic of Cuba and to representatives, officers, agents, and employees thereof, documents, writings, and information relating to the national defense, with the intent and reason to believe that they would be used to the injury of the United States and to the advantage of the Republic of Cuba, in violation of Title 18, United States Code, Section 794(a).

WAYS, MANNER, AND MEANS OF THE CONSPIRACY

15. It was a part of the conspiracy that defendant **VELÁZQUEZ** would and did support the Republic of Cuba in its clandestine intelligence-gathering mission against the United States by serving as an agent of the Cuban Intelligence Service.

16. It was a further part of the conspiracy that defendant **VELÁZQUEZ** would and did clandestinely meet with Cuban Intelligence Service officers and agents in the United States and elsewhere.

17. It was a further part of the conspiracy that defendant **VELÁZQUEZ** would and did assist the Cuban Intelligence Service in spotting, assessing, and recruiting United States citizens who occupied sensitive national security positions or who had the potential of occupying such positions in the future -- including Ana Belén Montes -- to serve as agents of the Cuban Intelligence Service.

18. It was a further part of the conspiracy that defendant **VELÁZQUEZ** would and did foster and maintain a close personal friendship with Ana Belén Montes in order to facilitate the recruitment of Montes to serve as an agent of the Cuban Intelligence Service.

19. It was a further part of the conspiracy that defendant **VELÁZQUEZ** would and

did introduce Ana Belén Montes to an officer of the Cuban Intelligence Service in order that Montes could be recruited to serve as an agent of the Cuban Intelligence Service.

20. It was a further part of the conspiracy that defendant **VELÁZQUEZ** would and did personally escort Ana Belén Montes on a clandestine trip to Cuba for operational training.

21. It was a further part of the conspiracy that defendant **VELÁZQUEZ** would and did help Ana Belén Montes obtain employment with the United States Defense Intelligence Agency (DIA), where Montes would have access to classified United States national defense information of potential interest to the Cuban Intelligence Service.

22. It was a further part of the conspiracy that, after Ana Belén Montes had been successfully recruited to the service of the Cuban Intelligence Service, defendant **VELÁZQUEZ** would and did break off relations with Montes to effect compartmentation between herself and Montes.

23. It was a further part of the conspiracy that from in or about December 1984 and continuing until on or about September 21, 2001, coconspirator Ana Belén Montes – having been recruited to the conspiracy by defendant **VELÁZQUEZ** and having, with the assistance of defendant **VELÁZQUEZ**, gained access to classified national defense information of the United States – did communicate, deliver, and transmit, directly and indirectly, to the government of the Republic of Cuba and to representatives, officers, agents, and employees thereof, documents, writings, and information relating to the national defense, with the intent and reason to believe that they would be used to the injury of the United States and to the advantage of the Republic of Cuba.

24. It was a further part of the conspiracy that defendant **VELÁZQUEZ** herself

would and did obtain and maintain employment where she would have access to classified United States national defense information of potential interest to the Cuban Intelligence Service.

25. It was a further part of the conspiracy that defendant **VELÁZQUEZ** would and did maintain clandestine contacts with Cuban Intelligence Service officers and agents for the purpose of receiving instructions regarding her operational activities in support of the Cuban Intelligence Service's activities against the United States.

26. It was a further part of the conspiracy that defendant **VELÁZQUEZ** and her coconspirators would and did use code names in their clandestine communications and operational contacts.

27. It was a further part of the conspiracy that during April 1992, the Cuban Intelligence Service, and its officers and agents assigned to handle defendant **VELÁZQUEZ**, would and did exchange encrypted messages regarding operational contact with defendant **VELÁZQUEZ** while she was posted in Nicaragua.

28. It was a further part of the conspiracy that during April 1992, the Cuban Intelligence Service, and its officers and agents assigned to handle defendant **VELÁZQUEZ**, would and did exchange encrypted messages regarding defendant **VELÁZQUEZ**'s travel to Panama for an operational meeting.

29. It was a further part of the conspiracy that during June 1996, the Cuban Intelligence Service, and its officers and agents assigned to handle defendant **VELÁZQUEZ**, would and did exchange encrypted messages regarding providing defendant **VELÁZQUEZ** and her handlers with encryption/decryption software so that they could continue to exchange clandestine communications.

30. It was a further part of the conspiracy that during July 1996, the Cuban Intelligence Service, and its officers and agents assigned to handle defendant **VELÁZQUEZ**, would and did exchange messages regarding defendant **VELÁZQUEZ**'s pregnancy.

31. It was a further part of the conspiracy that defendant **VELÁZQUEZ** and her coconspirators would and did misrepresent, conceal, and hide, and cause to be misrepresented, concealed, and hidden, the existence of the conspiracy and the acts done in furtherance of the conspiracy, and would take other steps to avoid detection and apprehension.

OVERT ACTS

32. In furtherance of the conspiracy, and to effect the objects thereof, the defendant **MARTA RITA VELÁZQUEZ** and other unindicted coconspirators did commit overt acts in the District of Columbia and elsewhere, including but not limited to the following:

(1) In or about September 1983, defendant **VELÁZQUEZ** traveled from the District of Columbia to Mexico City, Mexico, to clandestinely meet with Cuban Intelligence Service officers and/or agents.

(2) In or about the Spring of 1984, in the District of Columbia, defendant **VELÁZQUEZ** took Ana Belén Montes to dinner and told Montes that she, **VELÁZQUEZ**, had friends who could help Montes in Montes' expressed wish to assist the people of Nicaragua.

(3) On or about July 31, 1984, after completing her degree studies at SAIS, defendant **VELÁZQUEZ** mailed a letter from the District of Columbia to Montes stating, in Spanish: "It has been a great satisfaction for me to have had you as a friend and comrade [*compañera*] during this time we've spent as students. I hope our relationship continues outside the academic sphere."

(4) In or about the Fall of 1984, when Montes was employed at the United States Department of Justice and looking for a job with international aid organizations, defendant **VELÁZQUEZ** invited Montes to travel with her from the District of Columbia to New York City ostensibly to meet a friend who could provide Montes with an opportunity to assist the Nicaraguan people.

(5) On or about December 16, 1984, defendant **VELÁZQUEZ** traveled by train with Montes from the District of Columbia to New York City, where they went to a particular restaurant and met with a Cuban intelligence officer, referred to herein as "M", who identified himself as an official of the Cuban Mission to the United Nations.

(6) On or about December 16, 1984, defendant **VELÁZQUEZ** told Montes that "M" had told **VELÁZQUEZ** that Montes "would be one of the best."

(7) In or about early 1985, defendant **VELÁZQUEZ** instructed Montes to write a detailed autobiography, including a description of Montes' then-current job at the United States Department of Justice.

(8) In or about early 1985, in the District of Columbia, defendant **VELÁZQUEZ** gave Montes the use of a typewriter in order for Montes to type the autobiography.

(9) In or about early 1985, defendant **VELÁZQUEZ** traveled by train with Montes from the District of Columbia to New York City and again met with "M".

(10) In or about early 1985, defendant **VELÁZQUEZ** agreed to travel clandestinely to Cuba with Montes, via Spain.

(11) On or about March 29, 1985, defendant **VELÁZQUEZ** traveled from the District of Columbia to Spain with Montes, as directed by the Cuban Intelligence Service.

(12) Upon arriving in Madrid, Spain, in or about late March 1985, defendant **VELÁZQUEZ**, with Montes, met with a Cuban man and obtained false passports.

(13) In or about March 1985, defendant **VELÁZQUEZ** traveled clandestinely with Montes from Madrid to Prague, Czechoslovakia, using the false passports they had obtained in Madrid, and as directed by the Cuban Intelligence Service.

(14) In or about late March 1985, in Prague, defendant **VELÁZQUEZ**, with Montes, met with two Cuban men, one of whom was a Cuban intelligence officer referred to herein as "F".

(15) In or about late March 1985, in Prague, defendant **VELÁZQUEZ** went with Montes to an apartment, where they obtained false passports and clothing to wear during their clandestine trip to Cuba.

(16) In or about late March 1985, using the clothing and false passports obtained in Prague, defendant **VELÁZQUEZ** – with Montes and accompanied by "F" – traveled clandestinely to Cuba.

(17) In or about early April 1985, while clandestinely in Cuba, defendant **VELÁZQUEZ** discussed with a Cuban intelligence officer, referred to herein as "A", the fact that the reason nobody had met **VELÁZQUEZ** in Mexico was because of the then-recent arrest of two Cuban officials by Mexican authorities.

(18) In or about early April 1985, while clandestinely in Cuba, defendant **VELÁZQUEZ**, with Montes, received Cuban Intelligence Service training, including instruction in receiving encrypted High Frequency radio broadcast messages of the Cuban Intelligence Service, and in operational security.

(19) In or about early April 1985, while clandestinely in Cuba, defendant **VELÁZQUEZ**, with Montes, asked the Cuban Intelligence Service to give them "practice" polygraphs so that they would be able to pass polygraphs they might have to take in connection with future United States government employment.

(20) In or about early April 1985, while clandestinely in Cuba, defendant **VELÁZQUEZ** obtained from the Cuban Intelligence Service the code name "Barbara".

(21) In or about April 1985, defendant **VELÁZQUEZ** clandestinely traveled with Montes back from Cuba to Madrid via Prague.

(22) In or about mid-April 1985, defendant **VELÁZQUEZ** posed for a photograph taken by Montes on a Madrid boulevard in order to have evidence of their purported vacation in Spain, as directed by the Cuban Intelligence Service.

(23) On or about April 13, 1985, defendant **VELÁZQUEZ** flew from Spain to the United States, with Montes, using their true passports to make it appear that they had traveled innocuously to Spain on vacation.

(24) Between June 1985 – when, in anticipation of Montes' employment at DIA, Montes completed a Department of Defense Personnel Security Questionnaire listing defendant **VELÁZQUEZ** as a character reference – and December 1985, defendant **VELÁZQUEZ** concealed from a Defense Investigative Service investigator the fact that Montes

had been recruited to serve as an agent of the Cuban Intelligence Service and had clandestinely traveled to Cuba earlier that year.

(25) In or about 1988, defendant VELÁZQUEZ provoked a dispute with Montes and publicly broke off their relationship.

(26) In or about June 15, 1992, defendant VELÁZQUEZ traveled to Panama to clandestinely meet with Cuban Intelligence Service officers and/or agents.

(27) On or about August 8, 1992, in the District of Columbia, Montes composed a message to the Cuban Intelligence Service that contained information relating to the national defense, classified SECRET.

(28) In or about May 1994, Montes disclosed to the Cuban Intelligence Service the identity of a covert United States intelligence officer and the planning and goals of the United States Intelligence Community with respect to Cuba.

(29) In or about mid-1996, defendant VELÁZQUEZ received encryption/decryption software from the Cuban Intelligence Service, and used it for her clandestine communications with the Cuban Intelligence Service.

(30) In or about mid-1996, officers and/or agents of the Cuban Intelligence Service discussed congratulating defendant VELÁZQUEZ on her pregnancy.

(31) On or about May 15, 1997, in the District of Columbia, Montes composed a message to the Cuban Intelligence Service that contained information relating to the national defense, classified TOP SECRET.

(32) On or about May 21, 1997, Montes composed a message to the Cuban Intelligence Service that disclosed the identities of two United States intelligence officers, as well

as information relating to the national defense, some classified SECRET and some classified TOP SECRET.

(33) In or about 1998, a Cuban Intelligence Service officer informed Montes that defendant VELÁZQUEZ had given birth to a boy.

(34) In or about June 2002, after press reports announced that Montes had pled guilty to conspiring to commit espionage on behalf of the Cuban Intelligence Service, and had agreed to cooperate with the United States government, defendant VELÁZQUEZ resigned from her United States government employment and since then has remained continuously outside of the United States.

(Conspiracy to Commit Espionage, in violation of Title 18, United States Code, Sections 794(a) and (c).)

Russell C. Howard, Jr. / jh
Attorney of the United States in
and for the District of Columbia