

RELEASE IN PART
B6

From: H <hrod17@clintonemail.com>
Sent: Thursday, December 24, 2009 9:07 AM
To: 'abedinh@state.gov'
Subject: Re: WHEELS UP on GOLDMAN

Yes.

----- Original Message -----

From: Abedin, Huma <AbedinH@state.gov>
To: H
Sent: Thu Dec 24 08:56:10 2009
Subject: Fw: WHEELS UP on GOLDMAN

Assume you are getting these updates as well.

B6

From: Kelly, Craig A
To: Valenzuela, Arturo A; [redacted] Mills, Cheryl D;
Abedin, Huma; Hormats, Robert D; McMullen, Christopher J
Sent: Thu Dec 24 08:53:55 2009
Subject: Fw: WHEELS UP on GOLDMAN

It's 8 hours 45 minutes to Orlando.

From: Damour, Marie C
To: Bond, Michele T; Pacheco, Martha A; 'gustafson_karen@[redacted]' <gustafson_karen@[redacted]> Cardiel, Daisy;
Jacobs, Janice L; Hickey, Mary E; Regan, Michael B; Simpson, Mordica M; Posivak, Stephen; Drucker, Milton K; SES-O;
Blum, Orna T; Ruppe, Adele E
Cc: Culver, Chris D; Arola, Heidi R; Kubiske, Lisa; Loh, Anthony X; Kelly, Craig A; McMullen, Christopher J;
CAPRESSREQUESTS; WHA-Press; Johnson, James R; 'RAMSAY, JAIME T' [redacted] Brassanini, David G;
Garrard, Steven D; Gonzalez, Juan S; Olson, Michael J (RIO DE JANEIRO); MacWatters, Michael E; Gonzalez, Juan S;
White, Thomas J; Popp, William W; Meron, David M; Codispoti, Aaron M; Bischoff, James L
Sent: Thu Dec 24 08:50:54 2009
Subject: WHEELS UP on GOLDMAN

WHEELS UP for the Goldman plane.

This email is UNCLASSIFIED.

From: Damour, Marie C
Sent: Thursday, December 24, 2009 9:56 AM
To: Bond, Michele T; Pacheco, Martha A; 'gustafson_karen@[redacted]' Cardiel, Daisy; Jacobs, Janice L; Hickey, Mary E; Regan, Michael B; Simpson, Mordica M; Posivak, Stephen; Drucker, Milton K; SES-O; Blum, Orna T; Ruppe, Adele E
Cc: Culver, Chris D; Arola, Heidi R; Kubiske, Lisa; Loh, Anthony X; Kelly, Craig A; McMullen, Christopher J; CAPRESSREQUESTS; WHA-Press; Johnson, James R; 'RAMSAY, JAIME T'; Brassanini, David G; Garrard, Steven D; Gonzalez, Juan S; Olson, Michael J (RIO DE JANEIRO); MacWatters, Michael E; Gonzalez, Juan S; White, Thomas J; Popp, William W; Meron, David M; Codispoti, Aaron M; Bischoff, James L
Subject: RE: Goldman Decision - 12/24/2009 update as of 10:00 local time
Importance: High

B6

Sean and David Goldman have left the consulate for the airport. Wheels up likely in one hour or less.

SBU

This email is UNCLASSIFIED.

From: Damour, Marie C
Sent: Thursday, December 24, 2009 8:29 AM
To: Bond, Michele T; Pacheco, Martha A; 'gustafson_karen@[redacted]' Cardiel, Daisy; Jacobs, Janice L; Hickey, Mary E; Regan, Michael B; Simpson, Mordica M; Posivak, Stephen; Drucker, Milton K; SES-O; Blum, Orna T; Ruppe, Adele E
Cc: Culver, Chris D; Arola, Heidi R; Kubiske, Lisa; Loh, Anthony X; Kelly, Craig A; McMullen, Christopher J; CAPRESSREQUESTS; WHA-Press; Johnson, James R; 'RAMSAY, JAIME T'; Brassanini, David G; Garrard, Steven D; Gonzalez, Juan S; Olson, Michael J (RIO DE JANEIRO); MacWatters, Michael E; Gonzalez, Juan S; White, Thomas J; Popp, William W; Meron, David M; Codispoti, Aaron M; Bischoff, James L
Subject: RE: Goldman Decision - 12/24/2009 update as of 8:15 local time

Sean has not yet arrived at the consulate.

David Goldman, Rep Smith, David's attorneys and Mission personnel all safe at Consulate. Still set for 9am handover.

Consulate will allow Sergio Tostes, attorney for the Brazilian family, into the building along with Sean and his grandmother, Silvana. We have arranged for the party to enter directly into the building via the garage. The grandmother announced to the press her intention to "park 3 blocks away, as the consulate would not allow her in" but press are quoting the Embassy spokesperson Orna Blum flatly contradicting that statement, emphasizing that for Sean's emotional well-being, and in sensitivity to Silvana and David, the reunion be safe, private, and calm.

Court officials and the attorney for the GOB, Daniel Levy Alvarenga will also be at the consulate to assist in the turnover.

SBU

This email is UNCLASSIFIED.

From: Damour, Marie C

Sent: Wednesday, December 23, 2009 6:27 PM

To: Bond, Michele T; Pacheco, Martha A; 'gustafson_karen@[redacted]'; Cardiel, Daisy; Jacobs, Janice L; Hickey, Mary E; Regan, Michael B; Simpson, Mordica M; Posivak, Stephen; Drucker, Milton K; SES-O; Blum, Orna T; Ruppe, Adele E
 Cc: Culver, Chris D; Arola, Heidi R; Kubiske, Lisa; Loh, Anthony X; Kelly, Craig A; McMullen, Christopher J; CAPRESSREQUESTS; WHA-Press; Johnson, James R; 'RAMSAY, JAIME T'; Brassanini, David G; Garrard, Steven D; Gonzalez, Juan S; Olson, Michael J (RIO DE JANEIRO); MacWatters, Michael E; Gonzalez, Juan S; White, Thomas J; Popp, William W; Meron, David M; Codispoti, Aaron M; Bischoff, James L
 Subject: RE: Goldman Decision - update as of 18:15 local time
 Importance: High

B6

It appears there will be no handover tonight. According to David's Brazilian attorney, the negotiators have broken up, having not been able to agree on the issue of the Grandmother accompanying Sean to the U.S. on the plane (clearly, the other side remains unaware of the source/nature of the charter flight that is pending a handover). We have rebuffed attempts by the Brazilian family's attorney to "get clarification from the Americans" as an obvious last-ditch ploy to once again present this as a U.S. vs Brazil issue. We have been clear to all parties that we the Mission have absolutely no role in any negotiation between the parties and will not/not undertake any contact with the family or their representatives.

Deadline for handover established by the President of the 2nd Regional Federal Court in Rio remains 9am Thursday morning at the U.S. Consulate. Brazilian Central Authority confirms that the warrant authorizing enforcement of the order has been issued and should be in the possession of law enforcement should the family not comply. BCA has confirmed they will be in early tomorrow morning, ready to arrange enforcement should that be necessary. However, David's attorney believes they will comply with the order and appear at the Consulate. We stand ready for multiple scenarios.

In good news, the Brazilian Central Authority reported that the judge assigned to hear the two motions filed by attorneys for the Brazilian family in the Superior Tribunal de Justica (STJ) has denied both motions on the merits, not just refused to consider the motions. Links to the decisions for those who wish to read legal Portuguese are provided below.

The frequently-announced press conference by the Brazilian family/their attorney never materialized. We await word on their next public relations foray.

We will stand down support staff in Rio at an appropriate hour so they can get some well-earned rest, and be prepared to start again early tomorrow morning.

<http://www.stj.jus.br/webstj/Processo/Justica/detalhe.asp?numreg=200902473093&pv=010000000000&tp=51>

<http://www.stj.jus.br/webstj/Processo/Justica/detalhe.asp?numreg=200902473108&pv=010000000000&tp=51>

This email is UNCLASSIFIED.

From: Damour, Marie C

Sent: Wednesday, December 23, 2009 1:10 PM

To: Bond, Michele T; Pacheco, Martha A; 'gustafson_karen@[redacted]'; Cardiel, Daisy; Jacobs, Janice L; Hickey, Mary E; Regan, Michael B; Simpson, Mordica M; Posivak, Stephen; Drucker, Milton K; SES-O; Blum, Orna T; Ruppe, Adele E
Cc: Culver, Chris D; Arola, Heidi R; Kubiske, Lisa; Loh, Anthony X; Kelly, Craig A; McMullen, Christopher J; CAPRESSREQUESTS; WHA-Press; Johnson, James R; 'RAMSAY, JAIME T'; Brassanini, David G; Garrard, Steven D; Gonzalez, Juan S; Olson, Michael J (RIO DE JANEIRO); MacWatters, Michael E; Gonzalez, Juan S; White, Thomas J; Popp, William W; Meron, David M; Codispoti, Aaron M; Bischoff, James L

Subject: RE: Goldman Decision - update as of 13:00 local time

Importance: High

B6

I have just spoken with the Brazilian Central Authority regarding the orders imminently coming out of the office of the President of the 2nd Regional Federal Court. He is evidently interpreting the lifting of the stay imposed at STF to mean that the 48 hour period provided in the appellate court decision to the Brazilian family to turn over Sean to the Consulate has started ticking again – not restarted at the beginning, but resumed ticking. According to the Court, the deadline for turnover at the Consulate falls at 6am local time on Thursday morning, December 24. Because of the early hour, he will evidently order the family to turn over Sean at the consulate NO LATER than 9am on Thursday, December 24. However, he will also recommend, not order, that the family turn over Sean at the Consulate today/tonight in order to permit him to travel to the U.S. on an overnight flight and spend Christmas with the family in the U.S.

There is current debate ongoing regarding the timing of the turnover. Daniel Levy of the AGU office in Rio will evidently take the lead in negotiating that turnover, in conjunction with David's legal team.

Press contacts are stating that Sergio Tostes, the attorney for the Brazilian family, has called a press conference at 2pm local time (11am DC time) to announce voluntary turnover. No further details on that yet.

Will pass more information as soon as we have it. Planning for all contingencies.

SBU

This email is UNCLASSIFIED.

From: Damour, Marie C

Sent: Wednesday, December 23, 2009 10:56 AM

To: Bond, Michele T; Pacheco, Martha A; 'gustafson_karen@[REDACTED]' Cardiel, Daisy; Jacobs, Janice L; Hickey, Mary E; Regan, Michael B; Simpson, Mordica M; Posivak, Stephen; Drucker, Milton K; SES-O; Blum, Orna T; Ruppe, Adele E
 Cc: Culver, Chris D; Arola, Heidi R; Kubiske, Lisa; Loh, Anthony X; Kelly, Craig A; McMullen, Christopher J; CAPRESSREQUESTS; WHA-Press; Johnson, James R; 'RAMSAY, JAIME T'; Brassanini, David G; Garrard, Steven D; Gonzalez, Juan S; Olson, Michael J (RIO DE JANEIRO); MacWatters, Michael E; Gonzalez, Juan S
 Subject: Goldman Decision - update as of 10:30 local time

Importance: High

Good news this morning:

- Brazilian Central Authority reports that at 1am local time today, the attorney for the Brazilian family contacted Daniel Levy, the AGU attorney representing the Brazilian Govt in this case, to inform him that the Brazilian family is willing to arrange for voluntary turnover of Sean at the Consulate General in Rio. Daniel Levy reportedly replied that he would only facilitate these discussions on the condition that there were no further legal machinations to delay implementation of the court order, and that the turnover happened today. We do not/not know what if any conditions the family will try to place on a voluntary handover, so planning for police execution of the court order continues.
- Interpol office in Brasilia has assured BCA and the Embassy LEGAT that they are fully aware of the status of the case and are ready to provide support if Sean is not turned over. They will have action if the family attempts to hide Sean.
- We have contacted WHA Press and CA Press separately to discuss timing to release statements if/when we are successful with wheels up.
- We have discussed detailed contingency plans should the police be called upon to go to the family residence to enforce the order if voluntary handover does not occur. Also have plans in place to supplement personnel in Rio should this extend past today.
- We have a general sense of the timing of potential events: We expect to have more clarity from the attorneys as to whether or not voluntary handover will occur around noon/1pm local time, which is 9/10 DC time. Should police enforcement be required, that will likely mean mid/late afternoon local time. We will advise asap if this timeline shifts (as it is likely to do, this being Brazil.)

B6

We will try to send updates every 2 hours or so, even if nothing of note has occurred. As always, please advise if there are any specific questions or concerns.

SBU

This email is UNCLASSIFIED.

From: Damour, Marie C

Sent: Wednesday, December 23, 2009 1:39 AM

To: Bond, Michele T; Pacheco, Martha A; 'gustafson_karen@[redacted]'; Cardiel, Daisy; Jacobs, Janice L; Hickey, Mary E; Regan, Michael B; Simpson, Mordica M; Posivak, Stephen; Drucker, Milton K; SES-O; Blum, Orna T

Cc: Culver, Chris D; Arola, Heidi R; Kubiske, Lisa; Loh, Anthony X; Kelly, Craig A; McMullen, Christopher J; CAPRESSREQUESTS; WHA-Press; Johnson, James R; 'RAMSAY, JAIME T'; Brassanini, David G; Garrard, Steven D; Gonzalez, Juan S

Subject: RE: Goldman Decision - update as of 01:30 local time - NO RETURN TONIGHT

Importance: High

B6

I have just heard from the team in Rio that there will be no return enforcement this evening:

- Tomorrow morning between 8-9, David Goldman's Brazilian attorney will go to the court to obtain the warrant enforcing the return of Sean Goldman to the U.S. He will wait there pending coordination with relevant police and judicial authorities to ensure that everything is ready, and they will depart for the family compound to take custody of Sean.

- Consulate General Rio will have cars ready at 9am for transport, and the team will be ready at the airport to facilitate departure.

- David's attorney has spoken to judicial authorities and believes that the motions filed at STJ will not be accepted by the court, so will not interfere with the return. This does not preclude some last minute legal maneuvers, but he seems confident that the decision by STF will effectively cut off other avenues. We will advise asap if this changes.

Blackberry service does appear to be down, so if there are any questions tonight, please contact me directly on my cell at [redacted] as I am getting offline in approximately five mins. We are 3 hours ahead of DC time at the moment, but please do not hesitate to call.

From: Damour, Marie C

Sent: Wednesday, December 23, 2009 1:03 AM

To: Bond, Michele T; Pacheco, Martha A; 'gustafson_karen@[redacted]'; Cardiel, Daisy; Jacobs, Janice L; Hickey, Mary E; Regan, Michael B; Simpson, Mordica M; Posivak, Stephen; Drucker, Milton K; SES-O; Blum, Orna T

Cc: Culver, Chris D; Arola, Heidi R; Kubiske, Lisa; Loh, Anthony X; Kelly, Craig A; McMullen, Christopher J; CAPRESSREQUESTS; WHA-Press; Johnson, James R; 'RAMSAY, JAIME T'; Brassanini, David G; Garrard, Steven D; Gonzalez, Juan S
Subject: RE: Goldman Decision - update as of 00:45 local time

Given the hour here, I am less optimistic that we will pull off a return tonight, but we are still working to that end.

· The Brazilian Central Authority confirms that the office of Regional Federal Court President Paulo Espirito Santo has received the decision of STF President Gilmar Mendes. It is Paulo E-S who will be responsible for enforcing the decision from Mendes, i.e. the return of Sean Goldman to the U.S.

· BCA has promised to reinforce for Interpol the urgent necessity of police in Rio monitoring the location of Sean Goldman. Embassy LEGAT office is double-tracking. We cannot, of course, ask them to enforce anything until the proper judicial authority has sent them instructions, but we strongly urge them to be prepared.

· BCA has turned over operational jurisdiction to Daniel Levy, from the AGU's office in Rio, to coordinate with David Goldman's attorney and with the court in Rio. I have asked David's attorney to try and get some understanding from Mr. Levy as to the timeline we can expect to see in this case.

What remains unclear:

· We do not know if the judge from the Regional Federal Court intends to issue an execution order from his home tonight at this late hour, or if he will wait until opening of business tomorrow morning. Note that OOB here generally means 10am for a court. This only underscores the need to ensure that there is sufficient monitoring of Sean's whereabouts.

· We do not know how Judge Paulo E-S will interpret an "immediate" return order – it could mean right this instant, or it could mean some brief period of time where the family is ordered/encouraged to turn Sean over at the Consulate or some other site.

· We are working to obtain some sense of whether this is likely to happen tonight, or if we are better served getting some rest now and starting first thing OOB which for us means 7-8am.

· We have not had confirmation regarding the resolution of the motions in STJ, but frankly, I don't foresee receiving an answer on that before mid-day Wednesday.

From: Damour, Marie C

Sent: Tuesday, December 22, 2009 11:05 PM

To: Bond, Michele T; Pacheco, Martha A; 'gustafson_karen@[redacted]'; Cardiel, Daisy; Jacobs, Janice L; Hickey, Mary E; Regan, Michael B; Simpson, Mordica M; Posivak, Stephen; Drucker, Milton K; SES-O

B6

Cc: Culver, Chris D; Blum, Orna T; Arola, Heidi R; Kubiske, Lisa; Loh, Anthony X; Kelly, Craig A; McMullen, Christopher J; CAPRESSREQUESTS; WHA-Press; Johnson, James R
Subject: Goldman Decision - update as of 22:50

PLEASE NOTE – I am aware of the intense interest back in DC about this case and will be passing information just as soon as I receive it. This means that in most cases, I will not be able to confirm the information. Will try to identify credible sources vice what rumor/press/others are saying.

Brazilian Central Authority (BCA) coordinating with David's attorney and the Federal attorneys in Rio to ensure that the President of the Regional Federal Court in Rio has a copy of the STF order and is submitting the official request to federal police to enforce. BCA says they still believe they can effect the turnover tonight and are at their office working to that end. If/when the Federal Police enforce, their stated preference is to go to the airport and effect the handover there. This is a scenario we've planned for.

BCA has mentioned the STJ motions filed by the Brazilian family as a potential obstacle, but thru their contacts in Mendes' office at STF, have heard that Mendes intends to reach out to the reporting judge at STJ to resolve that issue. As mentioned in an earlier update today, we have not had any confirmation that the STJ judge has accepted to hear the motions filed by the Brazilian family, and has the option to decline to hear them.

From: Damour, Marie C
Sent: Tuesday, December 22, 2009 10:41 PM
To: Bond, Michele T; Pacheco, Martha A; 'gustafson_karen@[redacted] Cardiel, Daisy; Jacobs, Janice L; Hickey, Mary E; Regan, Michael B; Simpson, Mordica M; Posivak, Stephen; Drucker, Milton K; SES-O
Cc: Culver, Chris D; Blum, Orna T; Arola, Heidi R; Kubiske, Lisa; Loh, Anthony X; Kelly, Craig A; McMullen, Christopher J; CAPRESSREQUESTS; WHA-Press
Subject: RE: Goldman Decision

B6

If the family sees the writing on the wall (frankly unlikely at this point) and agrees to abide by the order of immediate return, then in theory the handover would happen at the consulate and there is a plan in place for that.

Plans in motion to prevent them slipping away and Patricia Lamego is working with the police as we speak. Federal Police repeatedly assured us they were prepped and ready to move but could take no action absent an order. They know now there is one, so BCA will get them moving.

If the handover occurred tonight, I'm told we need 3 hours to get the plane off the ground, so overnight in the hotel.

From: Bond, Michele T

Sent: Tuesday, December 22, 2009 10:30 PM

To: Damour, Marie C; Pacheco, Martha A; 'gustafson_karen@[redacted]'; Cardiel, Daisy; Jacobs, Janice L; Hickey, Mary E; Regan, Michael B; Simpson, Mordica M; Posivak, Stephen; Drucker, Milton K
Cc: SES-O_SWO; Culver, Chris D; Blum, Orna T; Arola, Heidi R; Kubiske, Lisa; Loh, Anthony X
Subject: RE: Goldman Decision

B6

Marie, if there is a handover tonight: that would be at the Consulate in Rio, right? Grandparents would bring Sean and he'd spend the night...in David's hotel or at the Consulate?

It seems very, very unlikely that will happen tonight.

But if handover is delayed until morning, the family may try to slip away tonight. Can we ask the police to prevent that?

From: Damour, Marie C

Sent: Tuesday, December 22, 2009 6:53 PM

To: Pacheco, Martha A; 'gustafson_karen@[redacted]'; Cardiel, Daisy; Bond, Michele T; Jacobs, Janice L; Hickey, Mary E; Regan, Michael B; Simpson, Mordica M; Posivak, Stephen; Drucker, Milton K
Cc: SES-O_SWO; Culver, Chris D; Blum, Orna T; Arola, Heidi R; Kubiske, Lisa; Loh, Anthony X
Subject: FW: Goldman Decision
Importance: High

Here is what we know:

- STF Pres. Gilmar Mendes upheld the motion by the AGU and David's attorney requesting he overturn the stay imposed by Justice Marco Aurelio, based upon a motion filed by the maternal grandmother.
- The order at first read appears to require immediate return of Sean.
- The BCA is calling the Interpol director responsible for enforcing such actions to see if they will get set to move. HOWEVER, BCA does not/not yet have a copy of the order, and it is the judge in the lower court in Rio that would generally receive the order from STF and then contact DPF to enforce.
- Sergio Brito, the prosecutor who has assisted David's attorney on the Hague case is attempting to contact the judge in the court of first instance in an effort to move as quickly as possible. Note that the court of first instance is on recess and the "duty court" judge will need to take action, but magistrates in Rio are keenly aware of the status of the case and may be prepared to move this evening.
- BCA is hoping to effect handover tonight, and will plan to send their psychologist to Rio if the handover must happen tomorrow morning.

What we don't know:

- No details yet on what else is contained in the order, which is likely to affect the next steps taken by the Brazilian family.
- No details as yet on what, if anything the Brazilian family has done in response to the news from STF.

Embassy staff are in the room with David's Brazilian attorney and will report just as soon as we have any details to offer. Please advise me if you have any specific questions we need to pose to the team.