



CUBAN AMERICAN BAR ASSOCIATION

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March 14, 2016

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama,

I write you on behalf of the Cuban American Bar Association (CABA), a voluntary bar association representing the Cuban American legal community, regarding your upcoming visit to Cuba on March 21st.

When you first announced that the United States would begin normalizing relations with Cuba in December of 2014, you stated that this landmark shift in U.S. policy—from isolation to engagement—was rooted in a desire to support the Cuban people and promote liberty and democracy in Cuba. Though we certainly agree with the stated *objective* of this new policy, we have had reservations with the one-sidedness of this shift: while the United States has unilaterally lifted or eased important diplomatic, travel, and trade restrictions with Cuba—and in the process conferred upon Cuba significant political and economic benefits—the Cuban Government has not been required to enact any meaningful reforms to its political and economic systems, which brutally repress the Cuban people and impose on them abject poverty. Our concern with normalizing relations under these circumstances is that it enables the Cuban Government to use the benefits of renewed ties with the U.S. not to improve the condition of its long-suffering people, but, as it has been doing thus far, to further perpetuate its repressive apparatus, stifle Cuba's burgeoning dissident movement and civil society, and to disseminate propaganda in support of the regime's current human rights practices.

Similarly, we have serious concerns regarding the perceived nature of your upcoming visit to Cuba. When you first announced the new U.S. policy regarding Cuba, you stated that "we're not at a stage here where me visiting Cuba...is in the cards." Mike Dorning, *Obama Says Opening to Cuba Will Take Years to Pay Off*, BLOOMBERG POLITICS, Dec. 20, 2014. Your hesitation to commit to visiting Cuba appeared to be premised on the uncertainty that Cuba would, in response to its renewed relations with the U.S. and before the expiration of your term, take meaningful steps to curb its systemic human

rights abuses and provide the Cuban people with basic freedoms. In other words, you appeared unwilling to visit Cuba unless it made material, observable improvements in these areas. Indeed, in December of 2015, you went a step further, explicitly conditioning your visiting Cuba in the future with demonstrable improvements in Cuba's human rights practices, stating that you would only visit Cuba if "the conditions [are] right" and if "with confidence, [you] can say that we're seeing some progress in the liberty and freedom . . . of ordinary Cubans." Kristen Holmes, *Obama 'Very Much' Wants to Go to Cuba*, CNN POLITICS, Dec. 14, 2015. You said that under these circumstances a visit to Cuba would be "use[d] as a way of highlighting that [human rights] progress." *Id.*

There is, however, no dispute that Cuba has not made any such progress. Since December of 2014, things in Cuba have only gotten worse for the Cuban people, as the Cuban Government has escalated its efforts to violently suppress freedom of expression and repress political opposition. In 2015, the Cuban Government carried out more than 8,600 politically motivated detentions or arrests, almost 1,500 of which occurred in November 2015, the highest monthly total in several years. *Annual Report on Cuba 2015-2016*, AMNESTY INTERNATIONAL. The individuals who are detained are "often beaten, threatened, and held incommunicado for hours or days." *World Report 2016, Cuba: Events of 2016*, HUMAN RIGHTS WATCH. By comparison, there were approximately 4,100 such arrests or detentions in 2011, and 2,074 in 2010. Notably, the Cuban Government also re-arrested or detained a significant number of the 53 Cuban political prisoners who were released as part of Cuba's deal to restore relations with the U.S.; in fact, five of those individuals received new, politically-driven, long-term prison sentences. And none of these figures account for the other repressive measures employed by the Cuban Government, including threats of violence, termination of employment, and the countless beatings administered by the Cuban state police. *See, e.g.,* Fabiola Santiago, *U.S.-Cuba Relations Improve, But Castro Keeps Beating Dissidents*, MIAMI HERALD, July 7, 2015. Moreover, no other vital facet of Cuban life has recently improved. The Cuban people are still denied basic democratic rights, highly restricted in their ability to freely access information, and largely prohibited from engaging in commerce or entrepreneurial activities. Bottom line, there has been no human rights progress in Cuba; it's more of the same or even worse.

In light of all this, we ask you to reconsider your decision to travel to Cuba on March 21-22. This is not the right time. A visit at this moment runs contrary to the explicit human rights prerequisites you established and could be perceived as largely driven by a desire to make a historically significant diplomatic overture before the end of your term, no matter the conditions in Cuba and the Cuban Government's continued repression of the Cuban people. In fact, recently, in advance of your visit, the Cuban Government has been increasingly cracking down on Cuban dissidents and activists, with over 1,400 arbitrary detentions in January of 2016. Ezra Fisher, *Cuba's Dissident Crackdown Peaks Ahead of Obama's Historic Visit*, BLOOMBERG POLITICS, Feb. 18, 2016. We respectfully submit that this is simply not the moment to visit Cuba; you should wait until there is actually real progress in Cuba to commemorate. Until then, a visit will likely be viewed as an empty, unnecessary gesture.

Nonetheless, putting aside our views of the merits of your decision, we do believe that your upcoming visit to Cuba can promote liberty and freedom for the Cuban people if—and only if—you use the opportunity, the platform of this visit, to properly highlight the plight of the Cuban people and the need for change in Cuba. In our view, to do so, there are several

critical measures and steps that you *must* take during your visit—regardless of Cuban Government’s objections. These measures should be part of the moral imperative of your visit.

First, and most important, on your visit, you should spend considerable time meeting with members of the Cuban dissident movement, human rights activists, and others fighting for freedom in Cuba. You should meet with the Damas en Blanco (The Ladies in White), a dissident group comprised of the wives and mothers of Cuban political prisoners who march through Havana in protest every Sunday after attending Catholic mass, resulting in their arrest and detention on an almost weekly basis. You should meet with Antonio Rodiles, head of Estado de SATS, who organized and submitted a petition to Cuba’s National Assembly demanding that the Cuban Government ratify international covenants on human, civil, and economic rights, and who was savagely beaten by Cuban agents in July of 2015, a few days before the opening of the U.S. embassy in Cuba. You should meet with Dr. Oscar Elias Biscet, who received a U.S. Presidential Medal of Freedom for his efforts promoting human rights in Cuba. And you should meet with Jorge Garcia Perez Antunez, a former Amnesty International prisoner of conscience and human rights activist, and with Ivan Hernandez Carrillo, a former Amnesty International prisoner of conscience and labor leader. These are just a few of the individuals with whom you should meet who have bravely fought for years to highlight Cuba’s human rights abuses and to bring the Cuban people basic, inalienable freedoms. By meeting with these individuals, by recognizing them before the Cuban people and the world, you can make an immense contribution to the struggle for freedom in Cuba, showing the Cuban people that the voices of the Cuban dissident movement are not unheard by the United States, that you fully embrace their fight for liberty. Conversely, failing to devote considerable time to meeting with Cuban dissidents, or providing them only cursory acknowledgement, would be a devastating setback for their cause and the freedom of the Cuban people.

Recently, on the issue of your meeting Cuban dissidents, it has been reported in the news that the Cuban Government seeks to handpick the individuals with whom you can meet. Julie Hirschfeld Davis, *White House and Cuba Maneuver Over Obama’s Visit*, NEW YORK TIMES, Mar. 6, 2015. We implore you to reject outright any such restrictions or terms imposed on your visit. The U.S. President should not assent to being used by the Cuban Government as a stage prop in the regime’s propaganda machine. Your access to Cuban dissidents, and to the Cuban people in general, should be unlimited. Anything short of that will eviscerate the notion that this visit is truly intended to support the Cuban people.

Second, during your visit, you must be able to speak directly to the Cuban people. When you speak to them, and to the world at large, you should expressly and unequivocally address the plight of the Cuban people. You should point out that they are ruled by a one-party Communist government; that they are denied fundamental freedoms of expression, assembly, self-governance, due process, and economic self-determination; that the Cuban Government continues to brutally repress those who seek to voice opposition to it or to highlight its human rights abuses. And, you should express your vehement disapproval of those practices and policies because they violate international and fundamental human rights conventions and norms, and because they violate and strip the Cuban people of their dignity. You should also explicitly and completely disabuse the Cuban people of the false narrative, pushed by the Cuban Government, that they are mired in devastating poverty due to the U.S. embargo, making very clear that the Cuban people suffer economically because the Cuban Government imposes on them a failed, repressive economic system, which history has shown inflicts

tremendous pain and suffering, and which is intended to prevent the Cuban people from becoming self-empowered and independent. Failure to fully address and highlight these issues would be an immoral omission, as there is no dispute that the Cuban Government, which freely engages in commerce and trades with rest of the world, is solely responsible for the devastatingly poor conditions and suffering of the Cuban people.

Third, during your visit you should acknowledge the over 2 million Cuban Americans who yearn for freedom and prosperity for the Cuban people and who have endured tremendous hardship at the hands of the Castro regime. During the visit, we ask that you recognize, and be especially cognizant of, the havoc wreaked by Fidel and Raul Castro's regime on the Cuban exile community in the United States—they assassinated and imprisoned for political reasons members of our family and friends, broke apart and dislocated countless of our families, and confiscated our homes, our businesses, and our livelihood. The Cuban people should hear from you about how our community was ravaged by the Cuban Government. They also deserve to hear from you the truth about our hopes and desires for Cuba; that contrary to the falsehoods propagated by the Cuban Government, we do not seek to hurt or oppress the Cuban people but rather, with great passion, want to help them attain that which we have been granted in the U.S.: freedom, democracy, and the opportunity for prosperity. Acknowledging these facts before the Cuban people will preclude the Cuban Government from continuing to perpetuate the myth that the Cuban American community is working against the Cuban people, when in fact we do all in our power to support them. This would destroy yet another one of the falsehoods used by the Cuban Government as a crutch for its massive failures and ensure that your visit will not be used as a means of propaganda against the Cuban exile community.

In sum, we believe that this is not the appropriate time for the President of the United States to visit Cuba. The Cuban Government, which has only increased its repressive measures since the you announced your intentions to normalize relations with Cuba, should not receive the recognition—and concomitant stamp of legitimacy—provided by your visit. At this point in time, it has not earned that type of recognition or affirmation. Nonetheless, as outlined above, your visit can benefit the Cuban people if you take the appropriate measures.

On behalf of CABA, I would be glad to meet with members of your Administration to discuss in person our concerns and thoughts regarding your upcoming visit.

Respectfully,



Anna Marie Hernandez

AMH/map

cc: CABA Board of Directors