



CUBAN AMERICAN BAR ASSOCIATION

c/o 701 Brickell Avenue, Suite 3300, Miami, Florida 33131

Email: info@cabaonline.com

www.CABAonline.com

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Via Email: klein@bakerdonelson.com

Linda Klein, President
American Bar Association
Office of the President
321 North Clark Street
Chicago, IL 60654

Re: Cuba: People, Culture, Art – 8 Day Trip starting on 03/19/17

Dear Mrs. Klein:

The Cuban American Bar Association (“CABA”) is aware of the excursion to Cuba in March of 2017, organized on behalf of the American Bar Association (ABA) by AHI International Corp., a self-described “premier operator of deluxe travel programs for alumni associations and other discriminating institutions.” After reviewing the itinerary for the trip, many of our members have expressed concerns about the nature of the travel being supported by a venerable institution such as the ABA, which has previously exalted and defended the basic American principal of equality for all under the rule of law. It behooves the ABA to be aware that it is sanctioning an excursion to Cuba at a time when the Castro regime is still one of the worst violators of human rights in the world. While we respectfully reserve judgment on the wisdom of engaging ‘travel experts’ and entrusting them to educate your excursion participants about Cuba when they list Cuba as a South American destination on their website, we will point out the glaring absence in the scheduled excursion of any “educational” opportunities concerning the country’s legal system which one would think would hold a natural appeal to presumably intellectually curious attorneys to whom this trip is being marketed. Additionally, we cannot help but wonder what amount of, if any, due diligence was done by or for the ABA concerning the “local experts” selected to educate the excursion participants. To that end, I would like to bring to your attention a summary of some of the human rights abuses that occur daily under that regime that should be taken into consideration by the ABA leadership and its members when contemplating this excursion:

- **Arbitrary Detentions.** The regime continues to rely on arbitrary detention to silence dissenters. Detentions are also used pre-emptively to prevent persons from participating in events viewed as critical of the government. In the eight-month period between January 2013 and September 2013, the Cuban Commission for Human Rights and National Reconciliation received more than 3,600 reports of arbitrary detentions. That is an increase of 2,100 detentions in all of 2010.¹ They received over 7,188 reports of arbitrary detentions between January and August 2014.² More recently, Tania Bruguera was arrested for planning to set up an open microphone in Havana’s Revolution Square to allow Cubans to speak their minds for a minute. She was arrested three times over the span of two days in late December and early January³, and arrested again on May 24, 2015.⁴ 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, in advance of President Obama’s visit this past Spring, the Cuban Government cracked 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.

- **Imprisonment and Political Prisoners.** Persons who criticize the regime are charged with crimes, denied due process, and imprisoned. Judicial independence does not exist as the courts are subordinated to the government.⁵ For instance, Luis Enrique Labrador

¹ Human Rights Watch, World Report 2014, Cuba <http://www.hrw.org/world-report/2014/country-chapters/cuba?page=1> (accessed May 28, 2015).

² Human Rights Watch, World Report 2015, Cuba http://www.hrw.org/sites/default/files/reports/wr2015_web.pdf (accessed May 28, 2015).

³ Randal C. Archibold, “Cuban Again Arrests Artist Seeking Dissidents’ Release,” *New York Times* (Jan. 1, 2015) <http://www.nytimes.com/2015/01/02/world/americas/cuba-again-arrests-artist-seeking-dissidents-release.html> (accessed May 28, 2015).

⁴ Carolina A. Miranda, “Cuba Detains Tania Bruguera with Havana Biennial in Full Swing. How Will the Art World React,” *Los Angeles Times* (May 27, 2015) <http://www.latimes.com/entertainment/arts/miranda/la-et-cam-tania-bruguera-detention-cuba-havana-biennial-20150526-column.html> (accessed May 28, 2015).

⁵ Human Rights Watch, World Report 2014, Cuba <http://www.hrw.org/world-report/2014/country-chapters/cuba?page=1> (accessed May 28, 2015).

Díaz was arrested in January 2011 and convicted four months later for distributing leaflets in Havana that read, “Down with the Castros.”⁶ He was released in January and re-arrested even after his name had appeared on a list of political prisoners the regime would release as part of an agreement with the United States.⁷ Similarly, on June 22, 2014, Yilenni Aguilera Santos, a member of the *Las Damas de Blanco* movement in Holguín, was beaten severely by security agents and, as a result, suffered a miscarriage.⁸ Human rights groups estimate that the number of political prisoners is in the dozens, though it is difficult to determine the real number as the regime considers human rights groups illegal and, thus, they cannot operate openly.⁹

- **Severely Restricted Internet Access.** The Castro government restricts access by Cuban citizens to outside information. In May 2013, the government instituted a decree “expanding Internet access,” so long as it was not used to undermine the “public security, the integrity, the economy, independence, and national security” of Cuba,¹⁰ blanket language that would be void for vagueness in a democracy.

- **Unsanitary and Inhumane Prison Conditions.** More than 57,000 Cubans are held in overcrowded prisons or work camps. Prisoners who protest conditions are placed in solitary confinement.¹¹

CABA realizes that there has been a significant change in United States policy toward Cuba, despite established facts confirming that the regime is just as totalitarian, just as intolerant, and just as brutal against those who criticize them as ever. Therefore, we urge the ABA leadership as well as its members who choose to visit the island to do so not because they are, in reality, being offered a fun-filled island vacation with rides through the crumbling remains of a once world-class city in vintage American ‘50’s convertibles, but because they want to make a meaningful contribution to the establishment of a freely-elected government that not

⁶Human Rights Watch, World Report 2014, Cuba <http://www.hrw.org/world-report/2014/country-chapters/cuba?page=1> (accessed May 28, 2015).

⁷Human Rights Watch, World Report 2014, Cuba <http://www.hrw.org/world-report/2014/country-chapters/cuba?page=1> (accessed May 28, 2015) and Andrea Torres, “Cuba Re-Arresting Dissidents is Sign of Lack of Progress, Republican Lawmaker Says,” Local10.com <http://www.local10.com/news/cuba-rearresting-dissidents-is-sign-of-lack-of-progress-republican-lawmaker-says/30759670> (accessed May 28, 2015).

⁸Human Rights Watch, World Report 2015, Cuba http://www.hrw.org/sites/default/files/reports/wr2015_web.pdf (accessed May 28, 2015).

⁹Human Rights Watch, World Report 2014, Cuba <http://www.hrw.org/world-report/2014/country-chapters/cuba?page=1> (accessed May 28, 2015).

¹⁰Voice of America, “Cuba to Increase Unrestricted Internet Access” <http://www.voanews.com/content/cuba-to-increase-unrestricted-internet-access/1670043.html> (accessed May 28, 2015) and Human Rights Watch, World Report 2014, Cuba <http://www.hrw.org/world-report/2014/country-chapters/cuba?page=1> (accessed May 28, 2015).

¹¹Human Rights Watch, World Report 2014, Cuba <http://www.hrw.org/world-report/2014/country-chapters/cuba?page=1> (accessed May 28, 2015).

only respects the rights of its citizens, but is held accountable to them. We ask our colleagues to keep in mind, as they exercise their freedom and right to embark on this journey, that Cuba continues to be a repressive dictatorship and its people are not free, and more particularly, is a country where our brothers and sisters in the law are routinely muzzled and unable to freely practice our beloved profession.

Given the rather aspirational statement on the front page of the travel brochure, which tells its audience that while marveling at Cuba's colonial architecture, the excursionist will "learn first-hand the hopes, dreams and aspirations of Cuban people working to improve their lives and enhance their society," I have taken the liberty of enclosing herewith a draft of the Fundamental Transitional Law of the Republic of Cuba (in both Spanish and English), which is the product of many years of hard work and deliberations by an international team of attorneys, including members of our CABA on Cuba Committee. These legal scholars have concerned themselves with drafting a framework that can be used as a model for a peaceful and orderly transition to a democratic society and rule of law. We believe this to be a document worthy of discussion in a manner of equal dignity to all discussions concerning the people of Cuba, their society and the free exchange of ideas upon which this excursion is ostensibly based.

Additionally, in order to promote liberty and freedom for the Cuban people, we suggest that the travelers take time to meet with members of the Cuban dissident movement, human rights activists, and others fighting for freedom in Cuba. To that end, we suggest meetings with, among others: 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; 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; Dr. Oscar Elias Biscet, who received a U.S. Presidential Medal of Freedom for his efforts promoting human rights in Cuba; Jorge Garcia Perez Antunez, a former Amnesty International prisoner of conscience and human rights activist; and, Ivan Hernandez Carrillo, a former Amnesty International prisoner of conscience and labor leader.

On behalf of CABA, thank you for your consideration in this matter. Should you wish to discuss any of this in greater detail, please feel free to contact me.

Sincerely,



Anna Marie Hernandez
President

Encl. as noted above

cc: Hilarie Bass, ABA President-Elect
bassh@gtlaw.com

AHI International
International Tower
8550 W. Bryn Mawr Avenue, Suite 600
Chicago, IL 60631

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