



CUBAN AMERICAN BAR ASSOCIATION

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July 20, 2021

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VIA USPS

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

With copy to:

U.S. Department of State
Bureau of Western Hemisphere Affairs
Attn: Mr. Juan Sebastian Gonzalez
2201 C Street, NW
Washington, D.C. 20520

U.S. Department of State
Bureau of Western Hemisphere Affairs
Attn: Ms. Emily Mendrala
2201 C Street, NW
Washington, D.C. 20520

Dear President Biden:

We, the undersigned Cuban American Bar Association ("CABA"), a voluntary bar association of lawyers across the United States, write to you today with urgency in relation to the deteriorating human rights situation taking place in Cuba. We appeal to you, as President of the United States, to review this correspondence in your analysis of the events taking place in Cuba, and to take swift and meaningful action in relation herewith.

The recent uprisings in Cuba that began on July 11, 2021, present a historic opportunity to assist the Cuban people in their quest for freedom from the authoritarian regime that has oppressed and brought wide-spread misery to its citizens since 1959. As you well know, Cuba is a totalitarian state, where basic principles of rule of law, like self-determination, free and fair multiparty elections, freedom of speech, the right to freely associate, and the right to freely travel are lacking. Cuba is a failed state, whose leadership condemns the island's inhabitants to a dismal existence, where many of its citizens routinely go hungry and need basic medications and medical supplies. Naturally, such a failed system has only been able to stay in power for 62 years by implementing a police state that quickly and mercilessly suppresses any dissent. The Cuban regime engages in systemic human rights violations, which have been documented and denounced for decades by leading international human rights organizations. Moreover, it muzzles dissent by imposing absolute control over all forms of communications, both among Cuban citizens and with the outside world. In place of free expression, the Cuban regime consistently espouses the



false narrative that it enjoys near total support from the Cuban people. Over the course of the last week, the world has borne witness to this falsehood repeatedly, and via video recordings.

Last Sunday, July 11, 2021, the Cuban people spontaneously fomented a national movement of protest against their government, using technology (including WhatsApp and social media) to communicate with one another and with the international community. Knowing full well that the likely repercussions of openly manifesting disagreement with the Cuban regime would lead to repressive and punitive action, thousands of Cubans nonetheless joined the multi-city movement of peaceful demonstrators and, for the first time in over 60 years, were organized and mounted a coordinated peaceful protest that spread across Cuba from coast to coast within hours. The world watched as these brave men, women, and youth marched in the streets throughout Cuba and risked their lives to call for freedom and an end to their repressive government, as so many other nations have done.

You have rightly recognized that the Cuban people have put forth a “clarion call for freedom and relief from the tragic grip of the pandemic and the decades of repression and economic suffering to which they have been subject by Cuba’s authoritarian regime.” The Cuban regime likewise heard that call and responded with violence. The regime-sanctioned savage beatings of peaceful demonstrators and its subsequent arbitrary arrests of citizens of all ages (including youth) have been captured, recorded, broadcast, and shared repeatedly. Over the last week, the United States and the international community as a whole have finally seen Cuba’s narrative through the eyes of its people. It is a jarring narrative indeed.

As President of the United States of America, we believe that you now have a historic opportunity to help the Cuban people rid themselves of their oppressive government. These have been tumultuous times, and you have told our allies in Europe that “America is back[.]” What has perdured, however, is that the United States is seen as the best and sometimes last hope for democracy, freedom, and the rule of law. Consistent with these ideals, we ask that you seize this opportunity in statement and action. The Cuban people’s clarion call demands a response that is not brutal repression. Time is of the essence and lives are at stake.

As members of the Cuban American Bar Association, and attorneys sworn in our own legal practices here in the United States of America to the rule of law, inclusive of freedom of expression, movement, association, and notions of due process and self-determination, our organization has been and will continue to be a fierce advocate of these basic tenets for the Cuban people. With that in mind, we urge you to take the following constructive and strategic measures to provide crucial support to the cause of freedom in Cuba:

Empower and support the Cuban people by restoring internet access. First and foremost, we urge you to use any and all available technical means to counter efforts by the Cuban dictatorship to shut down or limit internet access in Cuba. As noted above, the island-wide demonstrations in Cuba were possible only because of the relative ease with which Cubans were able to rapidly communicate and coordinate peaceful demonstrations against the regime. The vital importance of this tool to the Cuban people is evident in the speed with which the Cuban government has shut down and limited internet access in Cuba.

COVID vaccines and food and medical supplies. Additionally, we urge you to follow through with your commitment announced last week for the United States to alleviate the suffering of the Cuban people by immediately sending COVID vaccines and humanitarian aid, including food and medical supplies, to Cuba—*provided that the United States can be assured that recognized international organizations will distribute the same directly to the Cuban people, without interference from the Cuban regime.* In the event that the Cuban regime refuses such aid, it is critical for the United States to let the world (and the Cuban people) know that the regime has once again placed its historical animosity of the United States over the welfare of its own people.

Support for Cuban dissidents. We urge you to increase all forms of support for Cuban dissidents who are risking their lives to fight the communist regime in Cuba. Today's dissidents are not only political dissidents, but they are also artists, musicians, and writers, who have helped maintain a culture of self-expression and self-determination in Cuba, and whose music lyric, "Patria y Vida" (Homeland and Life), has been a rallying cry at the national protests. As further stated below, the Cuban exile community is a resource at your disposal for more information on the work that individual dissidents and their groups have and continue to undertake on the island.

Meet with and address Cuban exiles in Miami. We urge you to come to Miami and meet with Cuban exiles to learn first-hand of the plight of the Cuban community. Several organizations are keeping track of those peaceful demonstrators who have been disappeared, detained, or otherwise forcibly removed by the Cuban regime and held without charges. We believe that it is vital that you take into account the will of the Cuban people. The exile community within the United States provides a strong link to our Cuban counterparts for you to do so. We also urge you to address the Cuban exile community and, by extension, the Cuban people on the island. Directly communicating your commitment to helping the Cuban people reestablish freedom in Cuba is paramount to supporting their sustained effort. As the international community works to amplify the voices of the Cuban people, no singular voice could amplify their calls for freedom louder or more resounding than yours.

International diplomacy. As the leader of the free world, the United States has extensive influence around the globe. We ask that you press our allies in Europe, Latin America, and around the world to work together towards the establishment of a free Cuba. Many of these allies have close relationships with the Cuban government and can be of critical assistance in reaching out to Cuban officials and/or members of the military that recognize the need for and are open to a change of government in Cuba. This will, of course, need to be a sustained effort and it must be made clear to our allies that this is and, most importantly, will remain a top priority of your administration.

Accountability. We urge the United States to work with international actors and organizations to hold the Cuban regime accountable for its actions. Apart from inciting, sanctioning, and rewarding violence against Cuba's thousands of peaceful demonstrators, the Cuban regime is also arbitrarily detaining its citizens (including minor children) without formal pending charges, in direct contravention to all recognized forms of due process in international law. The Cuban regime is forcibly removing citizens of all ages from their homes and public streets without informing their families or next of kin of their intended relocation. It is requiring counter-demonstration efforts under penalty of loss of livelihood, economic benefit, and/or

imprisonment. These efforts, and so many others, are in direct contravention to international law. Documenting and holding the Cuban regime accountable for their actions is paramount to supporting the Cuban people's cause for freedom.

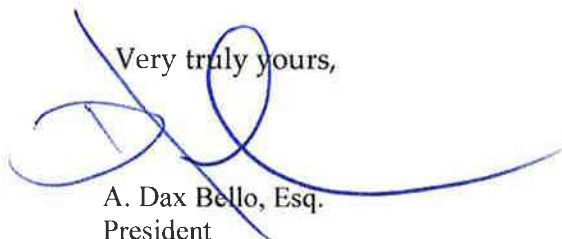
Transitional Law for the Republic of Cuba. It is important that the Cuban people know that their right to self-determination and freedom will ultimately be their own; the assistance and support of the United States and its Cuban exile community should and will empower the Cuban people's right to govern themselves through free and fair multiparty elections.

As part of its efforts to help reestablish the rule of law in Cuba, CABA worked several years ago with other groups of exiled Cuban lawyers and dissident lawyers in Cuba to prepare a draft Transitional Law for the Republic of Cuba ("Transitional Law"). The Transitional Law was developed after studying other transitional laws used to guide a society transitioning from dictatorship to democracy and adapting those principles to Cuba's legal system and circumstances. It provides for the protection of basic freedoms during the period of transition, seeks to promote stability and prevents chaos, and contains a roadmap for conducting a census, establishing political parties, conducting a free and fair election, and subsequently holding a constitutional convention.

The Transitional Law was collaboratively and cooperatively developed for Cubans by Cubans, both in exile and in Cuba, as part of an ongoing exchange with dissident Cuban lawyers. The purpose of the Transitional Law is not to impose upon the people of Cuba, rather it is a tool at their disposal, to use in its entirety or in part, as they transition from a dictatorship to a democracy. Enclosed is a copy of the draft Transitional Law in its original Spanish language form, along with an English translation for your review. We would appreciate any opportunity to speak further with your administration or the international community with reference to this Transitional Law, so that it can be widely shared as a basis for the Cuban people to build upon.

There is a viable path for the Cuban people towards freedom, self-determination, free and fair multiparty elections and due process, but there is only so much that Cuba's citizens can do under the heavy hand of their armed and repressive regime. Their efforts over the last week have been exceptional. The United States and the international community must come together to support those efforts.

We look forward to the opportunity to discuss the substance of this letter soon.

Very truly yours,

A. Dax Bello, Esq.
President
Cuban American Bar Association

ADB:vs

Enclosures as stated

cc: Senator Robert Menendez
Senator Marco Rubio
Congressman Carlos Gimenez
Congresswoman Maria Elvira Salazar
Congressman Mario Diaz-Balart
Juan Sebastian Gonzalez
Emily Mendrala
Manuel Diaz,