

United States Senate

WASHINGTON, DC 20510

January 21, 2015

The Honorable John F. Kerry
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Mr. Secretary:

As Assistant Secretary Roberta Jacobson travels to Havana, I ask that you recall that the hardships faced by the Cuban people do not stem from failures in U.S. policy or actions taken by our government.

In Cuba, the tragic absence of basic personal freedoms, democratic elections, a free press, and a market economy based on respect for private property is the sole result of five cruel decades of authoritarian rule by Fidel and Raul Castro. For over half a century, the Castros have forsaken their citizens and the development of a modern, open society in pursuit of a police state designed to suppress the aspirations of the Cuban people. This indisputable truth should serve as the foundation for discussions with the Castro regime.

While I believe that there should be conditions precedent on democratic principles, human rights, and political prisoners before agreeing to meet, the following issues should be raised by our government this week.

Political Prisoners: I am deeply concerned that several of the political prisoners who were released by the Castro regime have been granted only provisional freedom and continue to live under significant restrictions. I am also troubled that three of the 53 political prisoners already have been rearrested, including Marcelino Abreu Bonora, who was brutally beaten and jailed on December 26 for a period of two weeks.

Furthermore, the release of 53 political prisoners disregards the fact that prior to President Obama's December 17 speech, human rights organizations recognized over 100 political prisoners in Cuba and documented over 8,899 political detentions in just 2014. To that end, days after the President's announcement, the Castro regime arrested and detained more than 50 Cubans that sought to test this historic moment and publicly share their vision for the future of the country. This event underscores the absolute intolerance of a government that jails its citizens for simply seeking to express their hopes and expectations.

It is imperative that Assistant Secretary Jacobson uses this week's meetings to demand the unconditional freedom of the 53 political prisoners and demand an end to the politically motivated arrests of peaceful democracy and human rights activists. Assistant Secretary Jacobson should also hold Cuba to its commitment to permit visits by the United Nations and International Committee of the Red Cross, visits that must include full access to Cuban prisons and prisoners,

not just to regime officials.

Normalization: As a result of eighteen months of secret talks, the Administration has announced that it will normalize diplomatic relations with Cuba. However, the Administration has not provided details about how it will hold the Castro regime to account for the more than \$6 billion in outstanding claims by American citizens and businesses for properties confiscated by the Castros or the more than \$2 billion in unpaid civil and criminal judgments rendered against the Castro regime by U.S. courts.

In her discussions this week, Assistant Secretary Jacobson must prioritize the interests of American citizens and businesses that have suffered at the hands of the Castro regime before providing additional economic and political concessions to a government that remains hostile to U.S. interests. These issues clearly must be addressed before the United States moves to establish diplomatic relations or further normalizes relations with Cuba.

U.S. Fugitives: Given that the Department of State is reviewing Cuba's designation as a State Sponsor of Terrorism, I am concerned there has been no mention as to whether the Castro regime will return the dozens of U.S fugitives that receive sanctuary in Cuba, including Joanne Chesimard, who is on the Federal Bureau of Investigation's list of Most Wanted Terrorists. Ms. Chesimard is wanted for the 1971 murder of New Jersey State Trooper Werner Foerster and her case is of particular concern to Trooper Foerster's family, the men and women of the New Jersey State Police, and the citizens of my home state.

State Department and FBI reporting indicates that, as of 2007, the Castro regime is harboring more than 70 American fugitives wanted for their involvement in the murder of U.S. law enforcement personnel, arms trafficking, and the hijacking of airplanes. It is of the utmost importance that Assistant Secretary Jacobson insists that these fugitives be immediately returned to the United States to face justice for their deplorable crimes.

Mr. Secretary, after five decades of authoritarian, one-party rule, we must recognize that the Castros will never relax their iron-fisted control over Cuba unless compelled to do so. As the Administration pursues further engagement with Cuba, I urge you to link the pace of changes in U.S. policy to reciprocal action from the Castro regime. The Cuban people, in their continued struggle for democracy and fundamental freedoms, deserve nothing less than our unwavering support.

Sincerely,



Robert Menendez
United States Senator