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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

March 1, 2019

The Honorable Kimberly Breier
Assistant Secretary of State
Bureau of Western Hemisphere Affairs
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Assistant Secretary Breier,

On Sunday, February 24, the Cuban regime held a nationwide referendum that ostensibly offered the Cuban people an opportunity to accept or reject a new constitution. Although the regime promoted the document as a vehicle for reform aimed at securing a brighter future the Cuban people, in truth it offers only the most minimal changes to the Cuban state apparatus while maintaining a one-party communist system and reinforcing the dictatorship's hold on power. Further, the vote that took place on Sunday failed to meet any credible standard for a free and fair democratic election.

This new Cuban constitution reaffirms the Communist Party's central role in Cuban society. Under the banner of "advancing toward communism," this new document makes it abundantly clear that this exercise represents a further entrenchment of the Castro ideology and offers little in terms of real reform. The regime points to changes such as term limits for the president of the republic, the newly-created post of prime minister, and a more streamlined structure for local and provincial governments. However, the document offers no guarantees of basic human and democratic rights and does nothing to create space for political opposition or legal dissent.

Moreover, the new Cuban constitution ignores citizens' demands for greater reforms. After unveiling a first draft of the document in July, the government staged three months of nationwide community meetings under the pretense of seeking citizen input. However, despite popular calls for the Cuban people to directly elect the president and other officials, Cuba's Constitutional Commission—headed by none other than Raul Castro himself—rejected the idea and offered a final draft with few changes.

As one would expect from an authoritarian government, the referendum vote was neither free, fair, nor transparent. In addition to staging an extensive nationwide propaganda campaign to vote in favor of the new constitution, the regime harassed and detained Cuban citizens who promoted a campaign to oppose the referendum. Cuban authorities also seized computers, USB

drives and other work materials from activists' homes and detained dozens of activists from the Patriotic Union of Cuba (UNPACU), including José Daniel Ferrer, in the run-up to the vote.

The United States cannot stand idly by while the Cuban regime attempts to rebrand itself as a government promoting democratic reforms even as it enshrines principles in a constitution to maintain the Communist Party of Cuba's hold on power for years and decades to come.

I urge the Trump Administration to move beyond speeches and tweets, and take concrete actions to hold the Cuban regime accountable for its continued abuses of political and human rights, including through the use of Magnitsky sanctions. It is doubly important that we hold Havana accountable as events unfold in Venezuela, a client state that seeks to emulate Cuba's governing model. The United States must stand firmly with the Cuban people and the defense of democratic principles.

Sincerely,

A handwritten signature in blue ink that reads "Robert Menendez". The signature is written in a cursive, flowing style with a prominent initial "R" and a long, sweeping underline.

Robert Menendez
Ranking Member