



THE FLORIDA BAR INTERNATIONAL LAW SECTION

www.internationallawsection.org

July 24, 2018

Via Email: jpiedra@piedralaw.com
Mr. Jorge L. Piedra, Esq.
Cuban American Bar Association
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Dear Mr. Piedra,

With reference to your letter to the immediate past Chair of The Florida Bar International Law Section ("ILS"), Arnoldo Lacayo, dated July 2018, concerning the ILS' planned visit to Cuba on October 19, 2018, as the current Chair of the ILS, I would like to offer you my personal assurances that any ILS program in Cuba would not only be sensitive to the obvious human rights issues which concern Cuba, but just as during the two prior ILS visits, we would continue to take all reasonable and appropriate measures to support those in Cuba who have engaged in the struggle to demand the full recognition of human rights. All ILS programs in Cuba, as well as the trip that had been planned for October 2018, were fully discussed in the ILS Executive Council meetings, voted upon, and approved.

Although I was not in attendance at either of the ILS's prior visits, I am informed that our group went to great lengths to ensure that meetings were held with prominent dissidents in Cuba, including most prominently, René Gómez Manzano, who, as you know, was one of the Group of Four who published the historic declaration called the "La Patria es de Todos" (The Homeland Belongs to All). After spending many years in Cuba as a political prisoner, Mr. Gómez Manzano decided to use his efforts and skills as a lawyer to defend others facing political prosecution including one of the best known dissidents on the island today, Yoani Sánchez. The ILS's meeting in Cuba with Mr. Gómez Manzano was not an isolated incident. In fact, the ILS went to great lengths to arrange for him to travel from Cuba to The Florida Bar's Annual Convention in Boca Raton to receive a human rights award from the ILS recognizing his selfless and courageous efforts to preserve the rights of lawyers defending other dissidents on the island.

This was because some of our leaders had asked Mr. Gómez Manzano how the ILS could best help and support his causes. Mr. Gómez Manzano replied that the best way support human rights in Cuba would be to continue visiting the island and meet with as many dissidents as possible and spread the word about those meetings, and that is precisely what the Section did. Mr. Gómez Manzano had previously received a human rights award from the American Bar Association but he was not able to attend the presentation of the award because he was in prison at that time. The ILS felt it would be fitting for us to present him with our award at a venue which he could attend and see our strong international appreciation for his extreme sacrifices. You will see from the attached Florida Bar News article that

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our event was very well received and gave Mr. Gómez Manzano a receptive audience for his important message.

This human rights award was not only given in the public forum of The Florida Bar Convention, we also ensured that it received media coverage by a variety of news outlets, including TV Martí, who came to our annual meeting and interviewed several ILS leaders, and published and broadcast those interviews on its network. TV Martí also broadcasted several interviews with George Harper and Jim Meyer, our ILS Cuba Committee Chair, following our visits to Cuba. Those frank and unedited interviews, which were largely critical of the Cuban legal system, together with interviews on Telemundo and Univision, resulted in both George Harper and Jim Meyer reportedly being placed on a blacklist by the Cuban government.

Moreover, all of our substantive and plenary sessions, which comprise of our full day agendas while we are in Cuba, without including any kind of tourism activities, always include a heavy dose of discussions regarding human right issues in Cuba, as well as a discussion of Cuba's past and present and discussions about hopes for democratic reform and rule of law in the future. In fact, those discussions have been so frank that when Julie Kay, a former reporter with the Daily Business Review, reported that one of the speakers in our program in Cuba had been critical of the Cuban criminal justice system, the ILS took action to help remove Mr. Miranda from Cuba and facilitate a full scholarship for and placement into the LLM program at the School of Law at Duke University. The ILS also engaged in a number of fundraising efforts to ensure that Mr. Miranda would be able to pay his room and board while he was at Duke as well. Mr. Miranda is now a very successful lawyer working at Greenberg Traurig here in Miami.

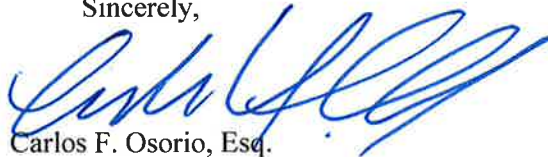
Mr. Miranda's experience highlights another issue, which is a possible cause for your concerns regarding the ILS's planned visit. That is, traveling to Cuba and making the kinds of potentially controversial contacts referenced above, requires a great deal of discretion and sensitivity on our part with respect to the tour company, which has been fully licensed by the Office of Foreign Assets Control of the US Treasury Department, but also requires permission from the Cuban government in order to engage in many of the activities which are required for it to conduct its business. The tour company has made it clear to us that they cannot highlight our interest in human rights issues in their brochures without risking losing their livelihood. They have asked us to be respectful of their concerns in our internal communications as well. Nevertheless, in the cover note of the email from James Meyer to members of the ILS attaching the brochure, you will note that he specifically mentioned that human rights would be one of the primary topics discussed during the events described in the agenda. Certainly, reasonable minds can differ as to whether or not trips to Cuba should be promoted at all. However, given some of the very positive results that we have been able to accomplish during the ILS's prior visits to Cuba, we would respectfully submit that respecting the tour company's request to be careful in the wording of the brochure is a very small price to pay for the gains that we have made.

Finally, with regard to your concerns relating to the Cuban government's additional visa requirements for Cuban-born travelers, please be advised that none of the participants who were registered for the trip were Cuban-born US citizens. Rest assured, however, if any Cuban-born citizens had applied to join the tour, the ILS would have been ready, willing and able to support them in the process to the fullest extent permitted under US law.

However, as a result of your open letter and the assertions which you made therein, we have been recently informed that our tour company, Cuban Cultural Travel, has withdrawn its offer to conduct the tour for the ILS. As you know, under current law, without an OFAC licensed tour operator, the ILS cannot conduct its visit as planned. Therefore, we are very disappointed to inform you that, at least for the time being, our plans of honoring the requests of Mr. Gómez Manzano and supporting the advancement of human rights in Cuba will have to be put on hold. We would hope that you will not see this as victory but rather as a missed opportunity to communicate with likeminded colleagues to advance our common interests for the benefit of the Cuban people. Indeed, I believe that this unfortunate result could have been easily avoided if you had simply made a phone call to ILS leadership (your fellow Bar members) instead of airing your concerns in the most public manner possible.

On a personal note, I should mention that I too have great concerns regarding the human rights or lack thereof, not just in Cuba but in other parts of Latin America, including the country where I was born, Nicaragua, which I recently visited. In that regard, I would invite and strongly encourage you and your organization to join with me to support those brave individuals in Nicaragua risking their lives on a daily basis to fight for the same human rights of which you speak in your letter. In fact, perhaps we could explore the ways our respective organizations might cooperate for that very purpose.

Sincerely,



Carlos F. Osorio, Esq.

Chair International Law Section of The Florida Bar, 2018-2019

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JENNIFER OLMEDO-RODRIGUEZ stands in the kitchen of what was once her father's and uncle's childhood home in Havana, until they fled Cuba 45 years ago. The International Law Section's trip to Cuba was an "emotional roller-coaster ride" for this Miami attorney who was born in New Jersey, the daughter of Cuban-born parents and the wife of a Cuban.

International Law Section visits Cuba

We listened to those who gave us the straight scoop'

By Jan Pudlow

Senior Editor

The last time Steve Zack saw his family home in Havana was in 1961, when riot smoke and gunfire filled the air and he boarded a plane to flee Castro's regime. He was only 14 years old when he was taken off that plane, strip-searched, and held incommunicado under house arrest.



"Bittersweet" is the word Zack, a former president of both The Florida Bar and ABA, used to describe the moment he again stood in front of his family home during an **International Law Section** trip to Cuba on May 27-30.

"It was wonderful seeing Havana again, but everything is in very bad shape and very dilapidated. Our family home is now a bank,"

Zack said.

This was no tourists' pleasure trip, but an educational opportunity for the 37-member group to meet dissidents, government officials, and Cuban lawyers, and engage them in honest conversations. Out of those conversations, prominent Cuban dissident René de Jesús Gómez Manzano has accepted an invitation to attend the Bar's Annual Convention and address the section at the executive council meeting from 10 a.m. to noon on Friday, June 26, at the Boca Raton Resort & Club.

Gómez Manzano will talk about the present status of the human rights movement in Cuba.

"I am a proponent of going there and meeting with people who are not controlled by the government," said Zack. "We listened to those who gave us the straight scoop."

Here's the main thing Zack learned: "Nothing is going to happen over there very quickly. Fifty years of Castro is not going to change overnight. Investors have to be cautious. The legal system is not there to protect their rights, by and large. I tell my clients, 'Be cautious. Let's keep our fingers crossed.'"

"The real take-away is: Wait and see. The government is 51 percent owner of any business that is going to go on. Imagine the risk when the government is 51 percent owner and you have a dispute. The second thing is there is a lot of poverty there, and we are at the beginning of the process and far from the end."

International Law Section Chair Peter Quinter explained how the trip came about. In November, during a well-attended section-sponsored conference about doing business with Cuba, Quinter announced he'd like to make it an annual event and threw out three cities to consider: Miami, Tampa, or Havana, Cuba. Attendees were most excited about Havana.



A few weeks later, on December 17, President Obama ordered the restoration of full diplomatic relations with Cuba and the opening of an embassy in Havana for the first time in more than a half-century.

"That's when I said to myself, 'I will lead a delegation of Florida lawyers to Cuba,'" Quinter recalled. "I talked to our executive council and there was a favorable vote. One person did speak up that she did not think it was a good idea. And part of the agreement was we would meet with one or more dissidents."

The trip sold out immediately, Quinter said.

"The real problem was that people were angry they couldn't go," he said.

The thawing of one of the last vestiges of the Cold War continued in January, when, during his State of the Union address, President Obama asked Congress to begin to lift the embargo against Cuba.

Discourse With a Dissident

Traveling to Cuba is controversial to some.



On May 27, the day the International Law Section group flew to Cuba, Quinter received a letter from Cuban American Bar President Manny Crespo, Jr., that said: “Naturally, many of our members are concerned about the trip, coming at a time when the Castro regime is still one of the worst violators of human rights in the world.”

The CABA letter went on to say: “We urge all who choose to visit the island to do so not because they see a business opportunity, but because they want to make a meaningful contribution to the establishment of a freely elected government that not only respects the rights of its citizens, but is held accountable to them.

We ask our colleagues to keep in mind that Cuba continues to be a repressive dictatorship and its people are not free.”

Crespo wrote that he did “applaud” the fact that the International Law Section passed a resolution that the trip to Cuba address human rights issues in meetings with the Cuban bar and government officials.

Jim Meyer, of Miami, a member of the International Law Section Executive Council, expounded on that resolution.

“The Executive Council wanted to make sure the International Law Section, in its efforts to learn about potential future commercial opportunities, that we balance that with the understanding of the need to respect and protect human rights.”

A week after returning home, enthusiasm about what he learned on the trip filled Meyer’s voice: “I felt a little like Forrest Gump, like I was popping up in historic moments. We were participating in an historical moment.”

One highlight was talking to Gómez Manzano, one of the original “Group of Four” dissidents who wrote the protest paper, “The Homeland Belongs to Us All” (“*La Patria es de Todos*”).

The paper is a call for economic, social, and judicial reforms in Cuba. While in prison because of his human rights activities, Gómez Manzano received many awards, including an International Human Rights Award in 1997 from the ABA Section of Litigation.

He now acts as an “independent” lawyer for the new generation of dissidents.

“When they get thrown in jail, he comes to their rescue, but he can’t represent them in court. He has no license. He is not authorized by the Ministry of Justice to appear in court,” Meyer said. “He is a fascinating man, obviously very courageous. He met us at our hotel. It was very obvious we were being watched. A gentleman sat next to us and pointed a smartphone at us.

“The message he wanted to send to us is there needs to be major change from the outside current political and legal structure in order for the rule of law to become institutionalized in the Cuban legal world. We need pressure for change from outside. That’s when we said, ‘We need you to come to Florida and talk to a greater audience.’”

Agents of Change

Another educational conversation was held with Dr. Eusebio Leal, described by Meyer as “one of the most internationally recognized and important members of the Cuban government, as the official Havana City Historian, who is credited for the ongoing renovation of Old Havana. He is a UNESCO (United Nations Educational, Scientific and Cultural Organization) ambassador and in the public eye.”

“We came away very impressed with his demeanor and the way he communicated the goals of the Cuban people. We probably came away from that meeting feeling that there was hope that there would be dramatic improvement in the lives of Cuban people. That one meeting left us most optimistic about the prospect of U.S. and Cuban diplomatic and commercial engagement and exchange between our countries.”

While Gómez Manzano estimates true change will take the next generation another 25 years, Meyer said, after meeting with Dr. Leal and “seeing the exuberance of the people,” others predicted only 10 years.

"I am going to be very optimistic and say five years," Meyer said. "I think our job as lawyers is to be agents of change and to tell the Cuban government and the U.S. government what laws they need to change to make this happen. Of course, we have to protect the best interests of our clients and be agents of change."

The International Law Section group also met with officially recognized law firms, one a trademark law firm and one an international transaction law firm.

"They were all women! I think there was only one male lawyer and he was out of town," Meyer said. "There was speculation that men are more engaged in the government side and women gravitate towards the legal profession as a service profession. These two law firms report to the Ministry of Justice and even account to the Ministry of Justice, in terms of the fees they bring in.

"We also met with young lawyers, who are not part of government-sanctioned law firms. They can't appear in court and can't officially close a transaction. . . . They are almost like brokers. They are lawyers practicing law, but they are just not on the official grid."

'Cubans Love Americans'

From a legal standpoint, Quinter said, "The No. 1 thing that impressed me is the concept of the attorney-client privilege doesn't seem to exist. Even the attorney-client relationship does not seem to exist, because the government is always participating in the relationship.

"My understanding is if you have a legal problem, you either pay the government or you sign a contract with that agency, not with the law firm. They don't have the concept of a private attorney. They are virtually all government lawyers, like it would be in China.

"The lawyers don't make much money. They are all government people," Quinter said. "It's a socialist system. Equality is what they wanted and what they got."

An international trade lawyer who dealt with the embargo when he was general counsel for U.S. Customs from 1989-94, Quinter said he had assumed that the U.S. government would be "portrayed as evil."

“Wrong. Cubans love Americans and want the end of the embargo,” Quinter said. “They engage with you quickly in conversation, whether in Spanish or English. They had no problem talking about their government, and criticizing it. It seemed obvious to me, there was no hesitation to say what they thought, just like we would talk about the Obama administration. People are the same everywhere. That’s one of the lessons.”

When the educational tour was over and the plane landed at Miami International Airport, Quinter said, “Everyone clapped and said, ‘Peter, thank you very much.’ We all came away with ideas we had never considered.”

Cuban Blood

The trip was an “emotional roller-coaster ride” for Jennifer Olmedo-Rodriguez, who was born in New Jersey, the daughter of Cuban-born parents and the wife of a Cuban.

“I cried when I saw the outline of the island through the window of the plane.

“When the door opened and I walked out on the tarmac, it was just a surreal moment. I looked down and thought, ‘My God, the last time my mom was here was 45 years ago!’”

She found her grandmother’s house and took photos from the outside, but wasn’t allowed inside. Across the street, she found the house where her father and uncle had once lived.

“I was able to go inside, and I took pictures of the tiles and stained glass. It was particularly poignant when I got home and played the pictures for my dad and uncle. They got really emotional when they saw the kitchen. My grandfather built the kitchen and it looked the same.”

She understands how the trip is controversial among many Cuban-Americans.

“I had some controversial responses in my family when I announced I was going. My father said to me that he will not go; he will not visit until and unless there is a change in the existing regime.

“I respect that. His position is there is no one craving to go back more than he,

but he cannot allow his nostalgia to be stronger than his conviction,” Olmedo-Rodriguez said.

“I am very sensitive and respectful of that position. But at the end of the day, we all want the same thing. I think this trip was an opportunity to perhaps make some advances, just kind of push forward that ultimate goal.”

Going to Cuba with a group of lawyers from the International Law Section who went to learn about the judicial system and future trade with Cuba, she said, was important.

“I felt like I could somehow play a tiny role, in my grandfather’s, and father’s and uncle’s legacy, which is everyone wanting to have a Cuba that is free, and a place where people can enjoy human rights and liberties and all the things we have the ability to enjoy here,” Olmedo-Rodriguez said.

As she walked the streets of Havana, people would ask: “Where are you visiting from?”

“I would say, ‘From the United States,’ and they would instantly pick up on my accent and ask, ‘Are you Cuban?’

“I said, ‘I am Cuban-American from Miami.’ And they said, ‘If you’ve got Cuban blood running through your veins, you are one of us. No need to distinguish.’”

Olmedo-Rodriguez described it as a “warm feeling” to share Cuban roots, heritage, and culture.

The most striking part of the trip, she said, was “the hope I saw in people I bumped into on the street.

“I wasn’t really expecting the level of sheer hope and happiness and jubilation when you talked about the possibility of re-establishing a relationship with the United States.

“People are turning family homes into restaurants. They are taking classic American cars and turning them into mint condition.

“It’s budding; it’s bubbling up. You can see it. You can tell it’s at a rudimentary

level and in a very challenging environment.

“But it's there, and, to me, that is extremely hopeful and can only be a positive sign.”

News HOME

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