



# CUBAN AMERICAN BAR ASSOCIATION

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## An Open Letter Regarding the Recent Cuban Constitutional Referendum

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On February 24, 2019, eligible voters were asked to cast a “yes” or “no” vote in Cuba’s National Referendum for a new constitution. The newly proposed constitution consisted of 229 articles and sought to supersede Cuba’s 1976 Constitution as well as the 1978, 1992, and 2002 amendments to the Cuban Constitution. The newly proposed constitution also retained the Communist Party as the sole political party, prohibited oppositional parties, continued state control of the economy, provided for certain term limits on the presidency, and provided no definition for “marriage,” among other changes.

On February 25, the Cuban government announced that approximately 7.5 million eligible Cuban Citizens “voted” in favor of the National Referendum. However, the Cuban government’s increase in the repression and intimidation of the nation’s civil society during the voting process served to underscore its heavy hand in the process. Indeed, the Cuban government continued its decades-old practice of flagrantly disregarding Cuban citizens’ civil rights and intimidating the island’s populace to achieve its desired results—maintaining regime power over the people of Cuba.

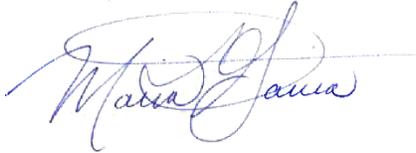
While the government itself ran a campaign in favor of passing the provisions of the newly drafted constitution, it also detained and intimidated opposition activists, specifically those persons who led campaigns against passing the Referendum (i.e., the “No Campaigns”). There were reports that the government seized computers, USB drives, and other work materials from persons leading the No Campaigns. These deplorable tactics were aimed at instilling fear and deterring Cubans from voting against the Referendum.

Many Cuban activists have denounced the process of constitutional revision and referendum as “illegitimate” from its inception. For example, Rosa María Payá, a Cuban activist who heads Cuba Decide, has criticized the Referendum as “not transparent or free.” Towards this point, the newly proposed constitutional provisions are the direct product of a commission formed by the Cuban Communist Party itself and by members of the same single-party National Assembly. While citizen input was allegedly sought in reviewing the newly drafted provisions, neither the initial drafting process, its final approval, nor the process of referendum included pluralistic input from either Cuba’s citizens or from any democratically elected representation thereof. Moreover, while some Cubans living abroad (diplomats, workers on international missions, and students studying abroad) were allegedly given the opportunity to vote in

numerous countries, a broader range of Cuban citizens living abroad remained unable to vote. Notwithstanding, seven million plus people allegedly voted to decide on a *new* Constitution for the Cuban nation that lamentably does nothing to change the present political system or to enhance the majority of rights and freedoms that should otherwise belong to the Cuban citizenry.

The CABA Board of Directors, on behalf of its members, denounces this so-called election as illegitimate and no more than a farce. The Cuban people deserve to have a meaningful say in their future and in their Country's future. CABA continues to stand with the Cuban people and supports the peaceful call of democratic reform for the Cuban nation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Maria Garcia", written in a cursive style.

Maria D. Garcia  
President