



Plenary sitting

B9-0207/2019

26.11.2019

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

on Cuba, the case of José Daniel Ferrer
(2019/2929(RSP))

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on behalf of the GUE/NGL Group

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**European Parliament resolution on Cuba, the case of José Daniel Ferrer
(2019/2929(RSP))**

The European Parliament,

- having regard to the UN Charter;
 - having regard to the Universal Declaration of Human Rights and other international human rights treaties and instruments;
 - having regard to Chapter 1, Article 1(2) of the UN Charter of 1945, with its stated purpose ‘to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace’;
 - having regard to Article 1 of the International Covenant on Civil and Political Rights and Article 1 of the International Covenant on Economic, Social and Cultural Rights;
 - having regard to the principle of non-intervention laid down in the UN Charter;
 - having regard to the Universal Declaration of Human Rights of 1948;
 - having regard to the UN Resolutions approved by the its General Assembly on the Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba, namely the last one A/74/7
 - having regard to the Political Dialogue and Cooperation Agreement (PDCA) between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part (12504/2016);
 - having regard to the "Proclamation of Latin America and the Caribbean as a Zone of Peace", signed in Havana by the Heads of States and Government on the occasion of the 2nd Summit of the Community of Latin American and Caribbean States, in 2014;
 - having regard to Rule 135 of its Rules of Procedure;
- A. Whereas José Daniel Ferrer was arrested on the past 1st of October after a criminal charge presented by a Cuban citizen, Sergio García González, on the account of kidnapping and assault, which was perpetuated on the 20th September with the help of three other accomplices: Roilán Zarraga Ferrer, Fernando González Vaillant and José Pupo Chaveco; whereas the victim was admitted to the Mayarí Abajo municipality Hospital with severe injuries;
- B. Whereas all four suspects have prior criminal record on assault and have incurred in court sentences, with José Daniel Ferrer having criminal record that dates back to 1993; whereas the criminal record include public disorder and physical violence and aggression towards other citizens, including women;

- C. Whereas the suspect is waiting trial in prison, within the framework of Cuban law, and has had the possibility of visits from his wife and children; whereas he has been granted full medical attention, access to regular exercise and religious practice;
- D. Whereas this case has been used by the USA administration to push for a new political campaign against Cuba, based on lies, trying to turn an arrest based on civil criminal charges into a political arrest; whereas the call for a debate on this case in the European Parliament by the Right-wing on the account of “violations in human rights”, is a distortion of the reality with political goals of subservience and alignment with the US foreign policy, seeking to provide arguments to undermine the ongoing PDCA and legitimise and support the illegal blockade against Cuba;
- E. Whereas the Cuban authorities have denounced that the United States Embassy in Cuba has been providing guidance and financing the activity of José Daniel Ferrer in a clear manifestation of interference in the internal affairs of the country, in gross violation of the international law and the principles enshrined in the Charter of the United Nations and with the purpose of subvert the rule of law in the country.
- F. Whereas the climate of hostility in bilateral relations has been strongly marked by the increasingly aggressive rhetoric of the US government against Cuba, for the continuity and reinforcement of their genocidal policy, resorting to false allegations in the matter of human rights.
- G. Whereas the blockade constitutes a massive, flagrant and systematic violation of the human rights of all Cuban people and qualifies as an act of genocide according to the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, and as an act of economic warfare according to the Naval Conference of London of 1909.
- H. Whereas the Helms-Burton Act violates the norms and principles of International Law; the purposes and principles of the United Nations Charter, as well as the rules of the multilateral trade and commerce system.
- I. Whereas the implementation of Title III and IV of the Helms burton Act constitutes a violation of the commitments made in the EU and US agreements of 1997 and 1998 and undermines the confidence of the transatlantic partnership and affects natural and legal persons of the European Union.
- J. Whereas the US economic, commercial and financial blockade against Cuba, which has almost 60 years, continues to be the fundamental obstacle for implementation of both the Economic and Social Development Plan until 2030 and the Agenda 2030 and its Sustainable Development Goals.
- K. whereas the accumulated economic losses suffered by the Cuban people as a result of the US economic, trade and financial blockade against Cuba during almost 60 years amount to 922,630 million USD taking into account the depreciation of the dollar against the value of gold. Calculated at current prices, the blockade has caused damages for more than 138,843.4 million USD according to estimates of the Cuban Government. Only in the last year, it caused to Cuba losses in the order of 4,343. 6 million USD;
- L. Whereas the strengthening of the blockade is a rollback on the agreement made by the

previous US Administration and Cuba;

- M. Whereas for 27 years the General Assembly of United Nations has voted almost unanimously to condemn the US blockade against Cuba; whereas this year one more time the US government voted against the Cuban resolution;
 - N. whereas the United States continues to occupy illegally the territory of Guantánamo;
 - O. whereas the PDCA between the European Union and its Member States, on the one part, and the Republic of Cuba, on the other part ended with the EU Common Position on Cuba and has contributed to the normalisation and to the development of beneficial ties between the parties;
 - P. whereas Cuba features amongst the 50 countries that have ratified the highest number of international human rights instruments: 44 out of the 61 human rights conventions;
 - Q. whereas on civil and political rights Cuba guarantees constitutionally: the right of life; the right to take part in the conduct of public affairs; the right to freedom of opinion and expression and freedom of association and peaceful assembly; the right to access to information through information and communication technologies (ICT); the right to equality and non-discrimination; the women's rights; the rights of the children; freedom of sexual orientation and gender identity; the rights of the elderly; the rights of persons with disabilities; among others;
 - R. whereas on economic, social and cultural rights Cuba guarantees constitutionally: the right to health with a public, universal and free health system; the right to education with a public, universal and free education system; the right to work and social security; the right to food; the right to adequate housing;
 - S. whereas Cuba is a champion in the promotion of international cooperation and solidarity by cooperating closely with many countries in the region and around the world through projects to promote and protect economic and social rights, especially the right to health and education;
 - T. whereas cooperation in the health sector has been especially significant, given its humanitarian nature and the large-scale training of human resources promoted by Cuba: since 1963 over 400 thousand health professionals have acted in 164 countries from all continents; whereas approximately 28,000 Cuban health workers are nowadays active in 64 countries; whereas these health workers are deployed in areas where the countries do not guarantee medical coverage to the local population; whereas since then more than 500 million patients were treated in medical centres, over 6.5 million lives were saved, over 2.9 million deliveries were attended and more than 10 million surgeries were performed; whereas Cuban specialists have saved or improved the vision of 2,780,467 persons in several countries in the Operation Miracle programme;
 - U. whereas all peoples have the right to self-determination, and by so have the virtue to freely determine their political status and freely pursue their economic, social and cultural development;
1. Denounces the spurious instrumental use of human rights and the intentional distortion of

facts for political ends by some political forces in the European Parliament, that seek to provide the framework for interference in internal affairs of the Republic of Cuba;

2. Considers that as far as can be acknowledged the case of Jose Daniel Ferrer is not a political case but a case of civil criminal law with which the Cuban authorities need to deal with within the constitutional and legal framework and free of foreign interference;
3. Firmly reaffirms that Cuba is an example to many countries in the world regarding the defence, development and promotion of all human rights for all people;
4. Reiterates the call to the end of the economic, commercial and financial blockade imposed by the United States of America against Cuba;
5. Firmly condemns the increasing US administration provocative and aggressive measures and policies against Cuba, which are reaching a point where one may consider this as genocidal policy towards the people of Cuba;
6. Denounces the interference in Cuba's internal affairs by the US Embassy in Havana, in gross violation of the international law and the principles enshrined in the Charter of the United Nations and strongly demands the end of such behaviour;
7. Calls for the development of measures and tools among countries to counter the extraterritorial effects and consequences of the US blockade that seriously damages the sovereignty and interests of all countries;
8. Reiterates the need to respect the inalienable principle of territorial integrity and calls on the United States to return the illegally occupied territory of Guantánamo;
9. Recalls the importance of deepening the relations between the European Union, its Member States and the Republic of Cuba, namely within the framework of the PDCA seeking the normalisation and development of mutually respectful and beneficial ties between the Cuba and the EU Member States; calls for those Member States that have not yet ratified the PCDA to do so;
10. Reiterates the inalienable right of the peoples to conduct their own constitutional process free of any external interference and conditioning;
11. Reaffirms at the same time the inalienable right of peoples to choose their economic, political and social system without interference of any kind;
12. Reaffirms the right to peace, self-determination and development of the peoples;
13. Reaffirms solidarity with the Cuban people and its struggle to defend its Revolution, its sovereignty as an independent nation and the social achievements conquered in the last 60 years;
14. Instructs its President to forward this resolution to the Council, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the government and parliament of Cuba, to the UN Secretary General, to the Office of the UN High Commissioner for Human

Rights, to the Parliamentary Assembly of the Council of Europe, the Euro-Latin American Parliamentary Assembly, and the Latin American regional bodies including, ALBA and CELAC;