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*Plenary sitting*

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**B9-0205/2019**

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))

**Kati Piri, Nacho Sánchez Amor**  
on behalf of the S&D Group

**B9-0205/2019**

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

*The European Parliament,*

- having regard to its previous resolutions on Cuba, in particular the ones of 17 November 2004 on Cuba, of 2 February 2006 on the EU's policy towards the Cuban Government, of 21 June 2007 on Cuba, of 11 March 2010 on prisoners of conscience in Cuba, and of 5 July 2017 on the consent and accompanying resolution to the Political Dialogue and Cooperation Agreement (PDCA) between the EU and Cuba, and 14 November 2018 on the human rights situation in Cuba
  - having regard to PDCA between the European Union and Cuba signed in December 2016 and provisionally applied since 1 November 2017
  - having regard to the second EU-Cuba Human Rights Dialogue, formally held under the EU-Cuba PDCA on 3 October 2019 in Brussels.
  - having regard to the UN Human Rights Council Universal Periodic Review on Cuba in May 2018,
  - having regard to the International Covenant on Civil and Political Rights and other international human rights treaties and instruments,
  - having regard to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the UN General Assembly on 10 December 1984 and to which Cuba is a State Party,
  - having regard to the EU Guidelines on Human Rights Defenders,
  - having regard to the Universal Declaration of Human Rights, to which Cuba is a signatory,
  - having regard to Rule 135 of its Rules of Procedure,
- A. whereas the EU and Cuba started a new era of relations in December 2016 with the signature of the Political Dialogue and Cooperation Agreement, PDCA, the first ever agreement signed between the EU and Cuba, the only country in Latin America with which the EU had not signed any type of agreement; whereas the PDCA is being provisionally applied since 1 November 2017.
- B. whereas the human rights dialogue between the EU and Cuba, led by the EU Special Representative for Human Rights, was established in 2015; whereas the PDCA has led to an unprecedented level of institutionalization of the relations between the EU and Cuba; whereas the EU is the only organisation to have such a High Level Dialogue with Cuba; whereas on 3 October 2019, the EU and Cuba held their second High Level Dialogue on Human Rights;

- C. whereas on three separate occasions Parliament has awarded the Sakharov Prize for Freedom of Thought to Cuban activists, Oswaldo Payá in 2002, the Ladies in White in 2005 and Guillermo Fariñas in 2010;
  - D. whereas José Daniel Ferrer García is the founder and General Coordinator of the Patriotic Union of Cuba (UNPACU), a human rights organization in Cuba; whereas he was recognized as a prisoner of conscience by Amnesty International, along with 74 others who were imprisoned in 2003 and conditionally released in 2011; whereas in 2018 Jose Daniel Ferrer was held incommunicado for 10 days; whereas Cuban authorities have imprisoned, harassed and intimidated him for over a decade.
  - E. whereas on 1 October 2019, Jose Daniel Ferrer was detained together with Fernando González Vaillan ,Jose Pupo Chaveco and Sandy Ramírez, all members of UNPACU, by the Cuban authorities in Santiago de Cuba; whereas this detentions can be considered as arbitrary as the authorities have not followed international human rights standards such as the notification of the charges against them nor have they been brought to justice promptly after arrest or detention.
  - F. whereas Jose Daniel Ferrer was held incommunicado for 72 hours; whereas he remains in detention without charges and practically incommunicado since; whereas he was denied access to a lawyer of his choice; whereas the Prosecutor informed his family of the charges on 15th November on a document dated 7th October, but unknown until then and without the perceptive signatures to validate it; whereas the right to due process has been denied.
  - G. whereas Jose Daniel Ferrer was also denied access to his family or a phone call until 72 hours after the detention; whereas detention without access to the outside world facilitates torture or other ill treatment and enforced disappearance.
  - H. whereas on November 7, 2019 his wife visited him and denounced that his state of health is delicate and that he presents signs of torture and corporal punishment; whereas Jose Daniel Ferrer went a hunger strike for 25 days; whereas Ferrer has lost more than a half of his body weight as a consequence; whereas he has been being denied to a proper medical treatment.
  - I. whereas, despite improvement in the Cuban human rights situation and a decrease in the arbitrary detention of journalists and human rights defenders since 2017, the position of activists in the country remains fragile; whereas thousands remain in arbitrary detention, short-term arbitrary detention is frequently used as a deterrent, and critics continue to be subjected to physical violence, harassment, travel restrictions and termination of employment; whereas at least 70 political prisoners remain in detention on vague charges that include ‘public disorder’, ‘contempt’, and ‘dangerousness’ and the whereabouts of many of them remain unknown;
1. Calls on the Cuban authorities to immediately and unconditionally release Jose Daniel Ferrer, Fernando González Vaillan, Jose Pupo Chaveco and all other political prisoners;

2. Call on the Cuban authorities to ensure Jose Daniel Ferrer has immediate access to a lawyer of his choosing, proper medical care and be able to regularly communicate with his family; urges the authorities, if not released, to inform Ferrer of the charges against him and ensure he has access to a due, transparent process in accordance with international standards; emphasises that any form of torture or maltreatment of detainees and prisoners is in violation of international humanitarian law and demands that all detainees and prisoners are treated with dignity;
3. Calls on the Cuban authorities to safeguard each citizen's right to freely associate, express their views, and participate in public life;
4. Urges the Cuban Government to align its human rights policy with the international standards defined in the charters, declarations and international instruments to which Cuba is a signatory; calls on the government to allow independent domestic and international human rights monitors access to Cuba without hindrance and to extend invitations to the UN Special Rapporteurs on the promotion and protection of the right to freedom of peaceful assembly, of expression and on the situation of human rights defenders.
5. Recalls the need to establish a national human rights institution in accordance with the Paris Principles, to strengthen the right to a fair trial and guarantee the independence of the judiciary and to ensure that persons deprived of their liberty have access to an independent lawyer;
6. Recalls the need to create access to allow for meaningful participation of independent civil society, human rights defenders and alternative trade unions; points out the need to establish a regime of simple notification for the registration of associations;
7. Calls on the Cuban authorities to abolish the death penalty for all crimes; calls for a review of all death sentences to ensure that these trials adhered to international standards;
8. Urges the Cuban authorities to end censorship of the internet and other limitations on the right to access to information; welcomes the announcement, in September 2017, of a gradual extension of home internet services; calls on the Cuban authorities to guarantee the freedom of the media and freedom of expression, including by rescinding Decree 349 which limits the freedom of artistic expression, and to cease the harassment and detainment of independent journalists;
9. Calls on the EEAS and the Commission to support in an active manner civil society groups and individuals defending human rights in Cuba, including through arranging prison visits, trial monitoring and public statements; calls on VP/HR to report to the European Parliament on the actions undertaken so far by the EU Delegation;
10. Instructs its President to forward this resolution to the Government and National Assembly of People's Power of Cuba, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the European Commission, the EU Special Representative for Human Rights, the parliaments and governments of the Member States and the EUROLAT Parliamentary Assembly.