



Plenary sitting

B9-0213/2019

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 Renew Group

B9-0213/2019

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, of 5 July 2017 on the consent and accompanying resolution to the Political Dialogue and Cooperation Agreement (PDCA) between the EU and Cuba, and of 15 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 the second EU- Cuba Joint Council on 9 September 2019 in Havana;
 - having regard to the second formal EU-Cuba Human Rights Dialogue, 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 Amnesty International call for urgent action on the case of opposition leader at risk of torture Jose Daniel Ferrer Garcia on 12 November 2019;
 - having regard to the international Convention for the protection of all persons against enforced disappearances, the International Covenant on Civil and Political Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

 - 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 the Rule 144 of its Rules of Procedure,
- A. whereas opposition leader of the Patriotic Union of Cuba (UNPACU) and former Amnesty International prisoner of conscience Jose Daniel Ferrer was arbitrarily detained on 1 October 2019 without any charges brought against him and was held incommunicado initially from 1 October to 4 October (72 hours), and secondly since 4 October to 7 November (34 days);
- B. whereas Cuban authorities have imprisoned, harassed and intimidated José Daniel Ferrer for more than a decade due to his peaceful political activism, taking into account dozens of arbitrary detentions without charges only since his latest prison release in 2011 to date; whereas in 2018, he was held in solitary confinement for 10 days; whereas the imprisonment of Cuban dissidents for their ideals and their peaceful political activity is contrary to the Universal Declaration of Human Rights and the commitment to uphold these in the EU-Cuba PDCA;

- C. whereas under international human rights standards, anyone who is arrested or detained must be informed of the reasons why they are being deprived of their liberty at the time of their arrest; whereas international standards also require that individuals be brought before a judge promptly after arrest or detention; Whereas José Daniel Ferrer's family presented a Habeas Corpus procedure on October 17, 2019 and this was resolved by the Popular Provincial Court of Santiago de Cuba on October 18, 2019, proving this alone that the detainee is in the hands of the authorities; whereas not only was his freedom denied, but no information was given on his indictment or any information on his whereabouts and physical situation;
- D. whereas complaints have been presented to the UN Human Rights Council and the UN Committee on Enforced Disappearances; whereas the prosecutor indictment dated on 7th October was only released and communicated on 15th November; whereas there are concerns over the veracity of the accusations and relevant breaches on legal procedures;
- E. whereas on 2nd November Mr. Ferrer managed to smuggle out a letter stating that his life was in danger due to his being tortured and ill-treated, while in detention and having been denied proper medical attention; whereas according to information provided by his family on 15th November 2019, he is being held in Aguadores prison in Santiago de Cuba, where he was taken to a punishment cell; whereas his wife saw him for 5 minutes on the 7 November 2019, confirming that his health is in a delicate state, also due to a hunger strike he began following his capture and mistreatment, in order to avoid consuming rotten food and unsuitable water he was being given;
- F. whereas this is only one case among at least 127 known political prisoners in Cuba, , from which 12 new ones were enlisted only in the last two months of September and October; whereas many other political prisoners in Cuba independent journalists, peaceful dissidents and human rights defenders documenting human rights abuses, who are mostly members of the democratic opposition, are being persecuted, arbitrarily detained or held in jail in Cuba; whereas 15 opponents currently imprisoned or condemned in Cuba have already been named Prisoners of Conscience by Amnesty International;
- G. whereas these actions are contrary to the provisions of Articles 1 (5) and 22 of the Agreement on Political Dialogue and Cooperation between the European Union and the Republic of Cuba, signed in 2016, agreement in which the Cuban government committed to upholding and improving human rights;
- H. Whereas according to Article 85, 3, b, violating Article 1 (5) can consist in a material breach of the Agreement, that can constitute a "special urgency" that states that "If a Party has recourse to a measure in a case of special urgency, the other Party may request that an urgent meeting be called to convene the Parties within 15 days."; whereas not releasing Ferrer and other political prisoners is reason enough to convene an urgent meeting;
- I. whereas on 5 July 2017 Parliament granted its consent to the EU-Cuba Political Dialogue and Cooperation Agreement (PDCA); whereas the PDCA clearly articulates its great concerns about the human rights situation in Cuba, and includes a suspension clause in the event of a violation of human rights provisions;
- J. whereas all prisoners in Cuba must be guaranteed humane treatment; whereas the Cuban Government denies independent human rights groups access to prisons; whereas Cuban citizens do not benefit from due process guarantees, such as the right to fair and public hearings by a competent and impartial tribunal; whereas prisoners on conditional release are often subject to continued harassment by the authorities;
- K. whereas in the margin of the second EU- Cuba Joint Council meeting on 9th September in Havana more than 188 activists were arbitrarily arrested in three days, and more than 481

accounted in that month; whereas the EU has remained silent over this actions as it is also the case with Mr. Ferrer;

- L. whereas Parliament has awarded its Sakharov Prize for Freedom of Thought to Cuban activists on three occasions: Oswaldo Payá in 2002, the Ladies in White in 2005 and Guillermo Fariñas in 2010; whereas Sakharov laureates are still regularly harassed and intimidated and prevented from leaving the country and participating in international events;
- M. whereas the Permanent Mission of the Government of Cuba in Geneva in its official response to the Committee on Enforced Disappearances dated 12 November has stated that José Daniel Ferrer García suffers from ulcers, chronic gastritis and hypertension;

1. Condemns the arbitrary detention of Jose Daniel Ferrer and calls on Cuban authorities to immediately release him; urges in any case the Cuban authorities to guarantee immediate access to a lawyer of his choice and be able to communicate with his family as well as access to all documentation concerning his detention and alleged cause, such as records, reports and conclusions issued by all parties, and in particular the police authority, the criminal investigation officer, the prosecution and the court that issued provisional detention against José Daniel Ferrer;
2. Denounces the torture and ill treatment that Mr. Ferrer has suffered; reminds Cuban authorities of their duty to prevent torture and ill-treatment and to ensure a prompt and impartial investigation into reports of these; urges the Cuban authorities to give Mr. Ferrer immediate access to medical care of his choosing and guarantee the provision of proper and sanitary food and water;
3. Reiterates its great concern over the continuous persecution and harassment of, and attacks against, peaceful dissidents, independent journalists, human rights defenders and political opposition in Cuba; calls for an immediate end to these actions and the immediate release of all political prisoners, and those arbitrarily detained solely for exercising their freedom of expression and assembly;
4. Is dismayed about the lack of EU public condemnation on the arbitrary arrest of Mr. Ferrer and the aforementioned individuals; urges again the EU Member States, the EEAS and its delegation in Cuba to firmly and publicly condemn these actions and respect their basic principles and policies in relation to Cuba and to take all necessary action to seek their release, to ensure that the harassment of political opponents and human rights defenders ends immediately, and to assist and protect the latter;
5. Regrets that, despite the adopted PDCA, the situation regarding human rights and democracy in Cuba has not improved; calls for the fulfilment of the binding obligations established in the PDCA between the EU and Cuba, in particular on human rights, and for clear benchmarks to be established for these improvements to happen in the short and long term;
6. Recalls that the PDCA includes a provision for the suspension of the agreement that should be applied in the event of a violation of the provisions on human rights; insists therefore that the European Union closely follow and monitor respect for human rights and

fundamental freedoms in Cuba when implementing the PDCA and that there are regular reports back to Parliament; Considers the imprisonment and treatment of José Daniel Ferrer and other political prisoners a “case of special urgency”, as laid out in Article 85, 3, b of the Agreement, and in this regard calls on the EU to call for an urgent meeting to take place;

7. Supports the EU statement following the last EU Cuba Human rights dialogue underlining the importance that all citizens can freely associate, express their views and participate in public life as guaranteed under international human rights law; in this sense urges the Cuban Government to redefine its policy on human rights by aligning it with international human rights law and to allow active participation in political and social life by all civil society and opposition political actors, without imposing any restrictions;
8. Regrets that multiple European and Cuban civil society organisations were denied the possibility to participate in the civil society dialogue, within the broader Human Rights Dialogue of the EU-Cuba PDCA, that took place on 2 October 2019 due to the refusal of the Cuban government to approve these; Regrets that only 3 Cuban organisations were allowed to participate, all of which are allies of the Cuban Communist Party (PCC); Calls on VP/HR Federica Mogherini to recognise the existence of a political opposition to the Cuban Government and to support its inclusion in the political dialogue between the EU and Cuba; in this sense, calls on all EU and Member State representatives to raise human rights concerns during visits with the Cuban authorities and to meet with the Sakharov Prize laureates and other activists when visiting Cuba in order to ensure the internal and external coherence of EU human rights policy; Further calls for an institutionalised, formal, open and public dialogue with truly independent civil society to be established with the EU-Cuba, as is in place with other countries with which the EU has cooperation agreements;
9. Deeply regrets the Cuban authorities’ refusal to allow European Parliament committees, delegations and some political groups to visit Cuba despite Parliament granting its consent to the PDCA; calls on the authorities to immediately allow entry to the country,;
10. Expresses its concern at the interference of Cuba in Venezuela, in particular regarding military and surveillance support to suppress dissent and contribute to repression in the country;
11. 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 Commission, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the United Nations High Commissioner for Human Rights and the governments of the Member States of the CELAC countries.