

Thursday 28 November 2019

P9_TA(2019)0073

Cuba, the case of José Daniel Ferrer**European Parliament resolution of 28 November 2019 on Cuba, the case of José Daniel Ferrer (2019/2929(RSP))**

(2021/C 232/03)

The European Parliament,

- having regard to its previous resolutions on Cuba, in particular those of 17 November 2004 on Cuba ⁽¹⁾, of 2 February 2006 on the EU's policy towards the Cuban Government ⁽²⁾, of 21 June 2007 on Cuba ⁽³⁾, of 11 March 2010 on prisoners of conscience in Cuba ⁽⁴⁾, of 5 July 2017 on the draft Council decision on the conclusion, on behalf of the European Union, of 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 ⁽⁵⁾ and of 15 November 2018 ⁽⁶⁾,
 - having regard to the 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 Joint Council held 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 of May 2018,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR) 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 Rules 144(5) and 132(4) of its Rules of Procedure,
- A. whereas on 1 October 2019 the opposition leader of the Patriotic Union of Cuba (UNPACU) José Daniel Ferrer was arbitrarily detained without any charges and was denied any outside contact for at least 72 hours;
- B. whereas the Cuban authorities have imprisoned, harassed and intimidated him for over a decade because of his peaceful political activism; whereas in 2018, he was held in solitary confinement for 10 days;

⁽¹⁾ OJ C 201 E, 18.8.2005, p. 83.

⁽²⁾ OJ C 288 E, 24.11.2006, p. 81.

⁽³⁾ OJ C 146 E, 12.6.2008, p. 377.

⁽⁴⁾ OJ C 349 E, 22.12.2010, p. 82.

⁽⁵⁾ OJ C 334, 19.9.2018, p. 99.

⁽⁶⁾ Texts adopted, P8_TA(2018)0460.

Thursday 28 November 2019

- C. whereas on 2 November 2019, Mr Ferrer smuggled out a letter stating he had been tortured and ill-treated, had his life put in danger while in detention, and had been denied proper medical attention; whereas according to information provided by his family on 15 November 2019, he is being held in Aguadores prison in Santiago de Cuba, where he was taken to a punishment cell; whereas on 7 November 2019, his wife saw him for a few minutes and confirmed that his health was in a critical state given that he had lost half of his body weight, which was also a result of a hunger strike that he had begun;
 - D. whereas according to several NGOs, he is only one of some 120 political prisoners in Cuba; whereas many independent journalists, peaceful dissidents and human rights defenders, who are mostly members of the democratic opposition, are being persecuted, arbitrarily detained or held in jail in Cuba, in particular José Guía Piloto, Silverio Portal Contreras, Mitzael Díaz Paseiro, Orlando Zapata Tamayo, Eliecer Bandera Barrera, Edilberto Ronal Azuaga and Roberto de Jesús Quiñones Haces;
 - E. whereas on 28 October 2019, Armando Sosa Fortuny — the longest detained Cuban political prisoner, who had spent 43 years in prison, died; whereas the Cuban authorities had not agreed to release him despite his declining health;
 - F. whereas under international human rights standards, anyone who is arrested or detained must be informed of the reasons at the time of their arrest, and be brought before a judge without delay;
 - G. whereas the Cuban Government's actions are in breach of the provisions of Articles 1(5) and 22 of the PDCA between the European Union and Cuba signed in 2016, in which the Cuban Government undertakes to uphold and improve human rights;
 - H. whereas on 5 July 2017, Parliament granted its consent to the PDCA; whereas Parliament's consent clearly articulated its serious concerns about the human rights situation in Cuba, and includes a suspension clause in the event of a violation of human rights provisions;
 - I. whereas the human rights dialogue between the EU and Cuba, led by the EU Special Representative for Human Rights, began in 2015, with the fifth round taking place on 9 October 2018; whereas on 3 October 2019, the EU and Cuba held their second formal Human Rights Dialogue; whereas it has not yielded any tangible results despite Cuba's re-election to the UN Human Rights Council for the 2017-2019 period; whereas any political dialogue must include direct intensive dialogue with civil society and all opposition political actors with no restrictions;
 - J. whereas at the time of the second EU- Cuba Joint Council meeting on 9 September 2019 in Havana, more than 100 activists were arbitrarily arrested; whereas the EU has remained silent over these actions, and it has also been silent with regard to Mr Ferrer's case;
 - K. 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 and their relatives are still regularly harassed and intimidated and prevented from leaving the country and participating in international events;
 - L. whereas human rights, freedom, and the dignity and interest of people are best represented and defended in a democracy;
1. Condemns the arbitrary detention of José Daniel Ferrer and urgently calls on the Cuban authorities for his immediate release; requests that he be granted access to the lawyer of his choice, have contact with his family and have access to all documentation relating to his detention and the alleged grounds therefor;
 2. Denounces the torture and ill-treatment that Mr Ferrer has reported to have suffered in his letter; recalls that the Cuban authorities have a duty of preventing torture and ill-treatment and of ensuring a prompt and impartial investigation; urges the Cuban authorities to grant Mr Ferrer immediate access to the medical care of his choosing and to guarantee the provision of proper sanitary food and water;

Thursday 28 November 2019

3. Reiterates its great concern over the continuous persecution, harassment, attacks against peaceful dissidents, independent journalists, human rights defenders and political opposition in Cuba; calls for the immediate end to these actions and for the release of all political prisoners and those arbitrarily detained solely on the grounds of exercising their freedom of expression and assembly; calls for better guarantees to the right to a fair trial and to the independence of the judiciary and to ensure that persons deprived of their liberty have access to an independent lawyer;

4. Reiterates its call for the Member States, the EEAS and its delegation in Cuba to firmly and publicly condemn the arbitrary arrest of Mr Ferrer and the above-mentioned individuals and to take all necessary action to defend democracy and human rights;

5. Expresses its regret that, despite the adopted PDCA, the situation of democracy and human rights has not improved; calls for the fulfilment of the binding obligations established under the PDCA between the EU and Cuba, and calls for clear benchmarks in this regard;

6. Reiterates 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 submit regular reports relating thereto to Parliament; considers the imprisonment and treatment of José Daniel Ferrer and other political prisoners a 'case of special urgency', as set out in Article 85(3)(b) of the Agreement, and in this regard calls for the EU to call for an urgent meeting;

7. Demands that the Cuban Government implement legal reforms in order to guarantee freedom of the press, association and demonstration, and launch the political reforms enabling free, fair and democratic elections that take account of the sovereign and freely expressed will of the Cuban people; 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 and to allow civil society and opposition political actors to actively participate in political and social life, with no restrictions; calls on the Government to allow independent domestic and international human rights monitors to have unhindered access to Cuba 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;

8. Recalls that Cuba has had a moratorium on capital punishment since 2003; 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 adhere to international standards;

9. Calls on the Cuban authorities to guarantee 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; calls on the Cuban Government to stop imposing online censorship and to stop blocking internet sites and restricting access to information;

10. Regrets the fact that several European and Cuban civil society organisations were denied the possibility of participating in civil society dialogue, within the broader Human Rights Dialogue of the EU-Cuba PDCA that took place on 2 October 2019 as a result of the Cuban Government's refusal to grant them approval; further calls for an institutionalised, formal, open and public dialogue with truly independent civil society to be established with the EU and Cuba, similar to those in place with other countries with which the EU has cooperation agreements;

11. Calls on the new VP/HR to recognise the existence of political opposition to the Cuban Government and to support its inclusion in the political dialogue between the EU and Cuba; in this regard, calls on all Member State representatives to raise human rights concerns during visits with the Cuban authorities and to meet with the Sakharov Prize laureates when visiting Cuba in order to ensure the internal and external consistent application of the EU's human rights policy, thereby strengthening the participation of independent civil society;

Thursday 28 November 2019

12. Calls on the EEAS and the Commission to actively support civil society groups and individuals defending human rights in Cuba, including through arranging prison visits, trial monitoring and public statements; calls on the new VP/HR to report back to Parliament on the actions undertaken so far by the EU Delegation;
 13. Calls on the new VP/HR to demand that the Cuban authorities, after years of inaction, launch reforms leading to a democratic transformation of the country in line with the PDCA; points out that the current situation in Cuba undermines the principles on human rights and democracy on which the Agreement is based;
 14. Deeply regrets the fact that the Cuban authorities refuse to allow Parliament, its 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;
 15. Denounces the Cuban Government's interventionist attitude and requests that it cease all interference activities in various Latin American countries;
 16. 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.
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