

URGENT ACTION

OPPOSITION LEADER AT RISK OF TORTURE

José Daniel Ferrer García, Cuban opposition leader and former Amnesty International prisoner of conscience, has been in detention for 40 days, since Oct 1, for reasons still unknown. As far as we can ascertain, he has not been informed of the charges against him or brought before a judge. In addition, recent alarming reports suggest he may have been tortured or ill-treated while in detention, something Amnesty International has not been able to independently verify in a context where lawyers and the judiciary are largely controlled by the Executive. Mass mobilization is needed to ensure that the Cuban government presents charges against him or release him, and refrains from potentially taking actions that may amount to ill-treatment against him.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Miguel Díaz-Canel
President of the Republic of Cuba
Hidalgo Esq. 6, Plaza de La Revolución,
CP 10400, La Habana,
Cuba
Email: despacho@presidencia.gob.cu

Dear President Díaz-Canel,

I write to you to condemn the detention of Mr. José Daniel Ferrer García, leader of the unofficial political opposition group "Patriotic Union of Cuba" (Unión Patriótica de Cuba - UNPACU), detained without charges and with limited access to the outside world and his family since 1 October 2019.

I also express my deep concern regarding recent alarming reports that suggest he may have been ill-treated while in detention. According to international law standards, Cuba not only has a duty to prevent torture and ill-treatment but must also ensure that a prompt and impartial investigation is conducted in light of reports or allegations such as this.

I therefore demand that your administration:

1. **Immediately informs José Daniel Ferrer García of the reasons for his detention or otherwise release him;**
2. **Ensures he has immediate access to a lawyer of his choosing and can communicate with his family;**
3. **Ensures he has immediate access to a medical examination, by an independent doctor or medical service of his choosing, consistent with the Istanbul Protocol.**
4. **Ensures that a prompt and impartial investigation is conducted regarding allegations of torture and ill-treatment against José Daniel Ferrer García.**
5. **Ensure that José Daniel Ferrer García and his family are free of reprisals or harassment.**

Yours sincerely,

ADDITIONAL INFORMATION

According to information available to Amnesty International, José Daniel Ferrer García, leader of the unofficial political opposition group “Patriotic Union of Cuba” (Unión Patriótica de Cuba - UNPACU), was detained by authorities on 1 October, for reasons not yet known, and held incommunicado for at least 72 hours. José Daniel Ferrer García is one of the most critical voices in the Caribbean state.

According to his wife, on the morning of 1 October, law enforcement officials detained José Daniel Ferrer García in his house in Santiago de Cuba.

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. International standards also require that individuals are brought before a judge promptly after arrest or detention. However, based on the information available to Amnesty International, as of 11 November the authorities had not formally informed José Daniel Ferrer García of the grounds for his detention nor had they brought him before a court. As such, his detention may be arbitrary.

Furthermore, according to his wife, authorities did not provide José Daniel Ferrer García with access to his family or a phone call until 72 hours after his detention. People held in custody are entitled to notify a third person that they have been arrested or detained and where they are held. Detention without access to the outside world – incommunicado detention – facilitates torture or other ill-treatment and enforced disappearance.

In addition to this, in early November 2019, Amnesty International received reports from Cuban Prisoners Defenders that he may have been ill-treated while in detention. Although we are not able to verify these allegations - as no independent human rights organizations have access to Cuban prisons, and the judiciary and lawyers are tightly controlled by the Executive in Cuba - the reports are alarming.

Under international law standards, the prohibition of torture is binding to all States, whether they are Parties to treaties that expressly include this prohibition. Therefore, States are obliged to prevent torture and ill-treatment, to promptly investigate any allegations of torture and ill-treatment with impartiality, and to bring charges against those suspected of being responsible.

Relevant links:

- Our statement on José Daniel Ferrer García's previous [detention in 2018](#), when he was held incommunicado for 10 days.
- Amnesty's latest 6 prisoners of conscience in Cuba, [including activists of the Patriotic Union of Cuba \(Unión Patriótica de Cuba – UNPACU\)](#), the organization José Daniel Ferrer García leads, as well as independent journalist [Roberto Quiñones Haces](#), named in late Aug-early Sept 2019.
- Brief analysis of the [current state of human rights in Cuba](#).

PREFERRED LANGUAGE TO ADDRESS TARGET: Spanish

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 20 December 2019

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: José Daniel Ferrer García (he, him, his)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/amr25/1163/2019/en/>