

URGENT ACTION

CUBAN OPPOSITION LEADER AT RISK OF UNFAIR TRIAL

José Daniel Ferrer García, Cuban opposition leader and former Amnesty International prisoner of conscience, has been in detention since October 1, 2019. According to his family, his trial is scheduled for February 26, 2020, however, his family was only informed of this on February 20, 2020. His family also reports that two defense witnesses were allegedly harassed by security agents, days before the trial. Amnesty International has documented for decades government control over the judiciary. Mass mobilization is needed to ensure that the Cuban authorities allow independent monitoring of his trial to ensure that it is fair.

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 express my deep concern regarding the forthcoming trial 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.

Recent reports suggest he is scheduled for trial on February 26, 2020. According to sources, defense witnesses have allegedly been harassed by the authorities, days before the start of the trial.

Since organizations as Amnesty International have documented for decades how the judiciary and lawyers are tightly controlled by the Executive in Cuba and considering that José Daniel Ferrer García is one of the most critical voices in the country, I am concerned that he is at risk of an unfair trial.

I therefore demand that your administration:

1. Ensures José Daniel Ferrer García has a fair and public trial at which he has all the guarantees necessary for his defense.
2. Allows Amnesty International, as well as international mechanisms, to monitor in situ the trial of José Daniel Ferrer García.
3. Ensure that José Daniel Ferrer García, his family and members of UNPACU are free of reprisals or harassment for peacefully exercising their human rights.

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 2019 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 2019, 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, at the time of his detention, the authorities had not formally informed José Daniel Ferrer García of the grounds for his detention nor had they brought him before a court. According to his family, it was not until November 2019, more than 30 days after his detention, that they received a document, apparently issued by the Provincial Prosecutor of Santiago de Cuba, dated 7 October 2019, stating that José Daniel Ferrer García has been charged with the offence of “injuries” (*lesiones*) and placed in preventive detention as a precautionary measure. 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.

After receiving reports that José Daniel Ferrer García was pending of trial, on 22 November 2019, Amnesty International sent an open letter to the president of Cuba, Miguel Díaz-Canel, reiterating our request to visit Cuba and monitor *in situ* his forthcoming trial. The Cuban government has not replied to our request yet.

According to his family, José Daniel Ferrer García is scheduled for trial on February 26, 2020 in the morning. In addition, according to family members of José Daniel Ferrer García and Cuban Prisoners Defenders, two defense witnesses have been harassed by the authorities a few days before the start of the trial, allegedly being threatened with criminal charges if they testify in favour of José Daniel Ferrer García.

Relevant links:

- Open letter to president Miguel Díaz-Canel of Cuba, asking for access to the country to monitor the trial of José Daniel Ferrer García: <https://www.amnesty.org/es/documents/amr25/1451/2019/es/>

- Our statement on José Daniel Ferrer García's previous [detention in 2018](#), when he was held incommunicado for 10 days.

- Amnesty's 2019 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, English

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 7 April 2020

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)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/amr25/1389/2019/en/>