

**Ms. Berta Soler**  
Leader of the Ladies in White  
Sakharov Prize 2005

**D. Guillermo Fariñas**  
General Coordinator of the United Anti-Totalitarian Forum (FANTU)  
Sakharov Prize 2010.

Cuba, 8 December 2021

**H.E. Mr David Maria Sassoli, President of the European Parliament,  
Members of the Bureau of the European Parliament,  
Members of the European Parliament,**

Dear friends,

Receive all of you fraternal greetings with gratitude for all that you have been doing for the People of Cuba from your institution, and for giving us your kind attention to read this letter.

The European Parliament is an institution that, for decades, has tirelessly defended human rights in Cuba. Their impetus to help has made you all look for options and alternatives to bring about democratic change in Cuba. The attitude of support for the Sakharov Prize winners and civil society has been fraternal and close, and **we have only words of gratitude for the institution, the European Parliament, which you represent.**

That institution gave its approval on 5 July 2017 to the Political Dialogue and Cooperation Agreement with Cuba by emphasising another simultaneous Resolution, also of 5 July 2017, on the draft Council Decision on the conclusion, on behalf of the Union, of the Political Dialogue and Cooperation Agreement with Cuba,<sup>1</sup> which expressed, among other human rights conditions, the following prerogative:

*"Calls on the Union to support Parliament's vision of democracy, universal human rights and fundamental freedoms, such as freedom of expression, assembly and political association, freedom of information in all its forms, and its "comprehensive policy in support of human rights defenders" throughout this dialogue; encourages both sides to put in place guarantees for the work of human rights defenders and the active participation of all civil society actors and dissidents in this dialogue;"*.

Similarly, the Agreement itself contains a series of binding articles in the field of human rights (Arts. 1.5, 2.c, 5, 22 and 43.2) as well as with regard to the **prominent role of civil society** (preamble and Arts. 2.g, 19.e, 36, 42.1, 47.6.e and 59.2). Article 36 reads:

*"The Parties recognise the potential contribution of civil society, including academia, research centres and the media, to the fulfilment of the objectives of this Agreement. They agree to promote actions to support the increased participation of civil society in the formulation and implementation of relevant development and sectoral cooperation activities, including through capacity building".*

After five years, we can make some statements that we have also conveyed to Mr. Josep Borrell in the attached letter, which we enclose with the appropriate references and evidence:

- A) **Since the ratification of the Political Dialogue and Cooperation Agreement (PDCA), the EU Embassy in Cuba has never met publicly with Cuban civil society or with the Sakharov Prize winners.** Democratic leaders from other countries have done so.
- B) **The EU embassy in Cuba frequently meets publicly with Cuban companies and state bodies, and in these meetings it reports having met with Cuban "civil society".** Even when they are told that those are State organizations, the European External Action Service (EEAS) has gone so far as to call them "*dependent civil society*", which is an oxymoron.
- C) **The EEAS, since the ratification of the PDCA, has never cooperated, facilitated or brokered European funds or aid for Cuban civil society or for the Sakharov Prizes or their organisations and activities.**
- D) **The EEAS has only implemented investment projects with Cuban companies and State bodies,** either directly or indirectly through European NGOs, **but in its yearbooks it reports that these are funds given to Cuban "civil society".**

<sup>1</sup> OJ C 334, 19.9.2018, p. 99 and p.235: [https://eur-lex.europa.eu/legal-content/ES/TXT/HTML/?uri=OJ:C:2018:334:FULL&from=FI#C\\_2018334ES.01009901.doc](https://eur-lex.europa.eu/legal-content/ES/TXT/HTML/?uri=OJ:C:2018:334:FULL&from=FI#C_2018334ES.01009901.doc)

The evidence for all of the above can be found in the letter sent today to Mr. Josep Borrell.

This is the result of the implementation of well-intentioned terms of the Dialogue Agreement which, at the moment and as far as human rights and civil society are concerned, **is being flagrantly violated by both parties, the Cuban regime in terms of human rights, and the EEAS in terms of the treatment of civil society**. This laxity has tragic effects, with the most notable being the high level of diplomatic impunity in the most barbaric exercise of repression which, with exponential growth, is being exercised against the Cuban People and its civil society, without any diplomatic public response to the repression that is taking place. This laxity coexists with state crimes being committed in Cuba that far exceed the threshold for crimes against humanity in many of the headings of article 7 of the Rome Statute.

We, Sakharov Prize winners in Cuba are in an abnormal situation. We are not even allowed to meet in person with the Embassy of the European Union, as we have not had any face-to-face meetings for years, so as not to "*bother*" the same regime that commits crimes against humanity against our people. To such an extent that, in December 2020, hours before an appearance at a *Hearing of the Delegation* for Central America of the European Parliament (DCAM), an official act of an institution of the European Union, Berta Soler was denied the use of the facilities of the Embassy when previously the EEAS itself had confirmed the invitations at the request of the Parliament. This was communicated to Berta Soler with a brief text message revoking the invitation without further explanation but that the decision had been taken at a high level in the EEAS, only a few hours before the intervention was to take place, with no capacity for any reaction whatsoever. The Ladies in White suffered the blocking of the entire Internet during the hours of the event and Berta Soler was unable to be live.

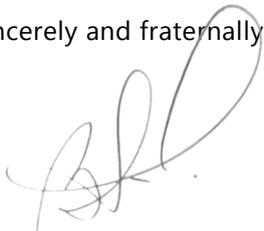
The result of all this is that we Sakharov Prize winners, and civil society as a whole, feel abandoned and undervalued by the EEAS, not though by the European Parliament and, while State violence is becoming more and more virulent against us all, we still do not find the public support and help from the EEAS that for years should have been expected from the articles of the PDCA, even to the point of flagrantly violating the articles and their spirit.

In the case of Sakharov Prize winner **Aung San Suu Kyi**, the European Parliament withdrew the Sakharov Prize from her for her "*inaction*" in the face of crimes against the Rohingya community in Burma. The concept of legal reciprocity gives us further evidence that the **Sakharov Prize should be a commitment by all parties to never use diplomatic silence in the face of human rights violations, and even less so in the face of crimes against humanity**.

We have expressed to the EEAS the urgent need to address the reality that prevails in Cuba because, given the divergence between the objectives demanded by the European Parliament, and the violation of the clauses of the PDCA in its implementation by the EEAS, **if this situation continues, the Cuban Sakharov Prize winners** who have not yet had their lives taken away by the regime **will propose to the Ladies in White collective, and myself Guillermo Fariñas as well, that the withdrawal of our Sakharov Prizes be considered, even with immense pain**. These prizes are awarded to individuals and Peoples who fight, from the most impoverished conditions, for what is most sacred to humanity, the most fundamental human rights such as freedom of expression and, in the case of Cuba, the right not to be the permanent object of crimes against humanity. In this struggle, the victims need to be supported by giving them voice and a real support, and our Sakharov Prize must live in this context, and not the opposite.

Attached to this letter you will find the letter sent to Mr. Josep Borrell and Mr. Eamon Gilmore, where we expand and demonstrate in detail what we have stated here.

Yours sincerely and fraternally,

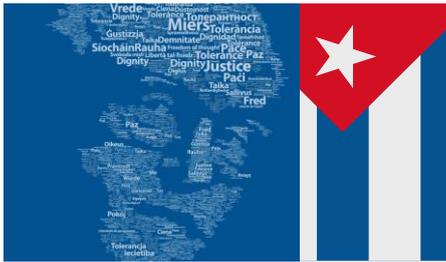


Berta Soler, leader of the Ladies in White  
Sakharov Prize 2005



Guillermo Fariñas, Coordinator of the United Anti-Totalitarian Forum  
(FANTU)  
Sakharov Prize 2010

## ANNEX I - LETTER TO MR JOSEP BORRELL AND MR EAMON GILMORE



**Ms. Berta Soler**

Leader of the Ladies in White  
Sakharov Prize 2005

**D. Guillermo Fariñas**

Leader and General Coordinator of the United Anti-Totalitarian Forum (FANTU)  
Sakharov Prize 2010.

Cuba, 8 December 2021

**Dear Mr. Josep Borrell,**

**Dear Mr. Eamon Gilmore,**

**Dear friends of the European Commission, the External Action Service and the EU Embassy in Cuba,**

We would like to greet you warmly and thank you for your kind attention in reading this letter.

The EU's relationship with the Republic of Cuba was defined with: a) the intention of benefiting the welfare of the Cuban people; b) fostering close interaction and support for civil society, and; c) increasing economic exchanges in parallel to the establishment of greater freedoms and economic guarantees on the island. This is deduced from the different legislative mandates in the Union.

The Union has been trying for decades, with different strategies, to take steps to bring about democracy in Cuba. The underlying intention of its foreign policy towards our nation has been marked to a large extent by solidarity. We understand this and are grateful for it.

For years, the Union's actions were partially firm in the defence of human rights with a Common Position that, while censuring human rights violations and conditioning diplomatic relations according to the evolution of human rights, allowed for the growth of interests and economic ties in Cuba. This "mixed" strategy did not produce the expected results.

Recently, a strategy of relations has been established based on the three axes mentioned above as drivers of subtle and gradual changes: the well-being of the people, the strengthening of civil society, and openness, internal economic reforms and progressive institutional economic exchange. Today, after years of such a strategy of relations, human rights violations, increasingly cruel, more massive and more fully classifiable as crimes against humanity, are exposing a reality of Cuba that some analysts have failed to see for years.

We believe that the European Union is aware that **the people of Cuba are deprived of any exercise of their sovereignty**. This is an obvious fact. When its society massively demands changes, the regime, instead of reflecting and at least showing signs of national dialogue with the demanding social forces, has done the opposite, resorting to active and generalised violence. Cuba is a country that is subjected to a regime where the people have no means of control or change, not even the ability to be heard, and where, therefore, the regime is not an expression of the sovereignty of the people, but rather the architect of its denial.

The complete disconnection between the rulers and popular sovereignty has already been demonstrated in many different ways and on many occasions, as well as being evident on a daily basis. In 2001, people of culture, independent journalism and human rights activism through the Varela Project demanded, in accordance with the law, a simple debate in the National Assembly of People's Power on a plebiscite backed by more than the required 10,000 signatures. Twenty years later, tens of thousands of Cubans took to the streets this 2021 to demand the same changes. The island's regime has given the same response in both scenarios. We also see that **the greater the number of people calling for change, the greater the regime's violent response**. In 2003 there were hundreds arrested, and 75 arbitrarily imprisoned. Now there are more than 5,000 detainees, and more than 1,500 arbitrarily prosecuted.

To make matters worse, according to the European Parliament's own resolutions, in Cuba there are **11,000 people convicted without having committed a crime** (art. 76.1 of the Penal Code), for "*behaving in a manner manifestly contradictory to socialist morality*" (art. 72 of the Penal Code) with average sentences of 2 years and 10 months. This is what is euphemistically called in formal Cuban penal language "Pre-criminal Social Dangerousness". Amongst those convicted, all have in common that they are disaffected with the system, and there are many young people (especially blacks, the result of a deeply rooted racism in power), free thinkers and also a large number of current and historical political prisoners.

The European Parliament has also confirmed that Cuban workers on foreign missions of all professions, more than 50,000 a year, suffer the most barbaric human rights violations, a fact that has also been corroborated by the United Nations,<sup>2</sup> the IACHR,<sup>3</sup> Human Rights Watch,<sup>4</sup> Prisoners Defenders, the<sup>5</sup> Human Rights Foundation<sup>6</sup> and numerous NGOs around the world. It is enough to read the legislation that regulates these missions: article 135 of the Penal Code,<sup>7</sup> Resolution 168 of 2010 of the Mincex,<sup>8</sup> and the current Resolution 368 of 2020 of the Mincex.<sup>9</sup>

If in 2016 there were around 100 political prisoners, added to the thousands of prisoners for the aforementioned pre-criminal convictions, there are currently 591 political prisoners and more than 11,000 convicted for "pre-criminal security measures". Among the 591 registered, and the hundreds that remain to be registered, there are also many cases of children, adolescents, mothers of small children, entire families and, as you know, the threats against all of them and their families are terrifying so that they keep silent about what they are suffering.

Despite the threats, dozens of allegations of torture in prison continue to be reported on a permanent basis throughout the country. They are constantly recounted by lesser-known political prisoners, but also by democratic leaders nominated by NGOs, the European Union or international bodies such as the United Nations and the IACHR. Such is the case of **José Daniel Ferrer** (General Coordinator of UNPACU), **Félix Navarro** (president of the Pedro Luis Boitel Party for Democracy), **Maykel Osorbo** (founder of Patria y Vida), **Luis Manuel Otero Alcántara** (founder of the San Isidro Movement) or **Aymara Nieto Muñoz** (Dama de Blanco), to name but a few.

If the dictatorship in Nicaragua imprisoned all its opponents in order to control power through fraudulent elections, the regime in Cuba has thousands of opponents, disaffected citizens without crimes and innocent civilians who demonstrated on 11 June in prison, holding an entire people hostage to prevent any minimal change towards respect for human rights.

**The violation of human rights has increased exponentially since the signing of the Political Dialogue and Cooperation Agreement between Cuba and the European Union (PDCA).** Political prisoners have multiplied many times over, repression has increased and the people are now massively affected by the cruelest politically motivated repression and violence. The current PDCA with Cuba has produced more negative results than any previous European policy.

Just as the conservative wing has years ago shed its greatest demons (Hitler, Franco and Pinochet are three of them), European politics in general must understand that the situation of the Cuban people does not reflect the choice of a sovereign people in a "different" model - still poorly managed or hindered by external forces - but rather the maintenance in power of a monarchical, filial and feudal caste that practices the most horrendous crimes against humanity on a massive scale to prevent any space for freedom for its people. Persecution, forced

<sup>2</sup> UN OHCHR - AL CUB 6/2019, from 6/11/2019:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24868>

<sup>3</sup> Excerpt CIDH Report Cuba 2020 - Medical Missions EN:

[https://drive.google.com/open?id=14LhMp7DxPynMhvaN0Bd0H\\_Lst6SE3krw](https://drive.google.com/open?id=14LhMp7DxPynMhvaN0Bd0H_Lst6SE3krw)

<sup>4</sup> Human Rights Watch - Cuba: Repressive rules against doctors on mission:

<https://www.hrw.org/es/news/2020/07/23/cuba-normas-represivas-contra-medicos-en-mision>

<sup>5</sup> Prisoners Defenders - EN - Briefing of the Case 622 Cuban doctors vs. Cuban Government - ICC&UN:

[https://drive.google.com/open?id=1EgbD9WnsJvAWOFyvNN1pwwRC2\\_kpKHD](https://drive.google.com/open?id=1EgbD9WnsJvAWOFyvNN1pwwRC2_kpKHD)

<sup>6</sup> HRF - Cuba: 60 Years of Revolution, 60 Years of Oppression: <https://hrf.org/cuba-60-years-of-revolution-60-years-of-oppression/>

<sup>7</sup> Art. 135 of the Penal Code: <https://drive.google.com/open?id=184YAmXvhY5YKahuK9kUihhG5A7PJgay1>

<sup>8</sup> Resolution 168 of 2010 of the Ministry of Foreign Trade and Investment of Cuba:

[https://drive.google.com/open?id=1KVGLA62ex\\_81LaYhFMZxnsY7LKIGjD-I](https://drive.google.com/open?id=1KVGLA62ex_81LaYhFMZxnsY7LKIGjD-I)

<sup>9</sup> Resolution 368 of 2020 of the Cuban Ministry of Foreign Trade and Investment: [https://drive.google.com/open?id=19laZrP-hc6b1redl\\_7IB-sSiM5hal4hs](https://drive.google.com/open?id=19laZrP-hc6b1redl_7IB-sSiM5hal4hs)

disappearances - in which Cuba in the last four years is already the fifth country in the world for the number of urgent actions of the United Nations Committee against Enforced Disappearances -, <sup>10</sup>arbitrary imprisonment, torture, murder consented to and sponsored by the State both inside prison and outside (as in the recent case of Diubis Laurencio Tejeda), the widespread forced deportations that the United Nations has denounced, <sup>11</sup>the slavery exercised over workers abroad and at home, and the violence and sexual harassment of women working abroad, which 40% of the 622 testimonies presented to the United Nations and the International Criminal Court denounce, <sup>12</sup>and the commission of other inhumane acts such as the forced separation of parents and minor children in tens of thousands of cases, are all <sup>13</sup>**crimes against humanity as defined by the Rome Statute which are perpetrated in Cuba and which the European Union is not unaware of.**

These widespread crimes create an exodus among the civilian population and also among activists. When an activist is forced to expatriate from Cuba, this is used by the regime and its agents of intelligence and national and international opinion generation to silence and discourage any expression of social, economic or political discontent. Forced expatriation from Cuba is doubly painful, as it is used on national television and in the media in Cuba to insult and discredit those who suffer from these situations.

Mass emigration in the face of the lack of hope and human rights, for its part, is used as a source of economic resources, once the emigrants are regularised and begin to support their families abroad, with foreign currency that is delivered to Cubans in national currency under extremely high remittance commissions that fall under international regulations on financial usury, prohibited and outlawed in many countries, and, in addition, deliveries to Cuban citizens are made at an exchange rate of 24 pesos to the dollar, when the value of the dollar on the free market is more than 65 pesos. This means a real commission of more than 60% of the value of the money that enters Cuba through the regime's channels. All of this is a giant revenue machine for the regime that exploits families inside, but also outside the island, if we take into account that remittances sent to Cuba represent a greater inflow of foreign currency into the island than tourism itself.

We are living in a desolate situation and we strongly condemn the systematic, massive and abhorrent violation of human rights perpetrated by the Cuban regime against our people, especially inside the island, but also outside it.

There is no difference in the nature of the crimes committed in the various dictatorships, whether in the name of the wealthy and elite classes or in the name of the proletariat. All of them, using different arguments and different audiences, end up having exactly the same effect.

When the different strategies employed to achieve a transition to democracy are confronted with the reality of **a country held hostage by a regime that commits crimes against humanity** solely for the purpose of maintaining political power and thus denying any change to the system, in a monolithic system without any interaction with civil society that is also persecuted, **it becomes necessary to employ more effective** and applicable **approaches** to this type of regime. It is a sad reality for the people of Cuba, and for the European Union, that the PDCA has failed to improve human rights on the island.

It was with immense honour and gratitude that we, the undersigned, received the outpouring of European solidarity that led to our being awarded the Sakharov Prizes. Since then we have received many expressions of solidarity from the European Parliament. The situation, however, has turned in the opposite direction on the part of the European Union's executive.

As you know, we Sakharov Prize winners in Cuba suffer unspeakable and constant repression. Two examples of how the European Parliament documents and knows about this repression can be read in resolutions P9\_TA(2021) 0292 of 10 June 2021 and P9\_TA(2021)0389 of 16 September 2021.

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<sup>10</sup> Report of the Committee on Enforced Disappearances 2020 (CED\_C\_19\_2\_32030\_E):

<https://drive.google.com/open?id=1sJ5SoUeUDsGvLpG5F6yeGf5EGS5rQRrm>

<sup>11</sup> 2019 - 72 cases of forced expatriation from Cuba - UN OHCHR - JAL CUB 5/2019:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24788>

<sup>12</sup> Prisoners Defenders - EN - Briefing of the Case 622 Cuban doctors vs. Cuban Government - ICC&UN:

[https://drive.google.com/open?id=1EgbD9WnsJvJAWOFyvNN1pwgRC2\\_kpKHD](https://drive.google.com/open?id=1EgbD9WnsJvJAWOFyvNN1pwgRC2_kpKHD)

<sup>13</sup> Prisoners Defenders - Forced separation of Cuban doctors and their children for 8 years causes severe disabilities in the children: [https://drive.google.com/open?id=1S77U\\_Gf8gXKVU2B-vxn7p7uB2J2ojs3](https://drive.google.com/open?id=1S77U_Gf8gXKVU2B-vxn7p7uB2J2ojs3)

Similarly, European Parliament Resolution P9\_TA(2021)0389 of 16 September 2021 reads: '*whereas the Sakharov Prize laureates continue to suffer systematic repressive measures, such as arbitrary arrests, raids and sieges of their homes, assaults and arbitrary fines, which have been documented by both the OCDH and the Cuban Centre for Human Rights; whereas the Damas de Blanco have suffered at least 318 repressive measures in the last three months: 60 in June, 142 in July and 116 in August; that Sakharov Prize laureate Guillermo Fariñas Hernández has stated that, in line with the above information provided by human rights organisations, he too has suffered systematic repression on a monthly basis for years, that his phone calls are monitored and that when he leaves his house he is systematically detained only a few hundred metres away, as well as that, in September alone, he has been arbitrarily detained on three occasions, most recently on 8 September 2021;*'

Resolution P9\_TA(2021)0292 of 10 June 2021 reads: '*K. whereas Parliament has awarded its Sakharov Prize for Freedom of Thought three times to Cuban activists, namely Oswaldo Payá in 2002, the Damas de Blanco (Berta Soler) in 2005 and Guillermo Fariñas in 2010; whereas the Cuban authorities have systematically prevented Sakharov Prize winners and their families from leaving the country and participating in international events, including those organised by the European Parliament, despite numerous invitations, most recently on 11 December 2020; that their tactics have included the harassment, intimidation and arbitrary detention of Berta Soler and Reinaldo Escobar, as well as restricting the internet connection of other participants; that the Chair of the Delegation for relations with the countries of Central America, the Chair of the Committee on Foreign Affairs and a Vice-President of the Parliament signed a joint statement denouncing the harassment of activists; that their defence and support by the EU Delegation in Havana raises concerns; that neither the European External Action Service (EEAS) nor the EU Delegation in Cuba has made a statement in their defence or shown any kind of public or private support; "...that the European Parliament has not made a statement in their defence or shown any kind of public or private support;"*.

The repression of the Sakharov Prize winners in Cuba is, as their Parliament states, extremely serious. In addition to all this constant repression, there are particularly tragic cases, such as the imprisonment since 2018 of Aymara Nieto Muñoz, initially sentenced to 4 years, a sentence that the regime is seeking to extend in prison for a new crime fabricated in the prison, which would add 5 more years to her sentence. Aymara suffers all kinds of physical and psychological torture, and is serving her sentence in the women's prison El Manatí, in Las Tunas, more than 600 kilometres from where she and her family live. In the case of Aymara Nieto Muñoz, it is also true that '*neither the European External Action Service (EEAS) nor the EU Delegation in Cuba have made a statement in her defence or shown any kind of public or private support*', as the European Parliament itself indicated with regard to the Sakharov Prizes, despite her having been declared arbitrarily imprisoned by the UN's WGAD and having obtained precautionary measures for international protection from the Inter-American Commission on Human Rights.

This lack of support in the face of the repression that we Sakharov Prize winners suffer every month is particularly worrying. Neither the European External Action Service (EEAS) nor the EU Delegation in Cuba maintain constant communication in the face of the acts of repression, except on very few occasions a year and via text messages, while every month the repression against us is brutal and increasingly excessive and frequent. We have not had a face-to-face meeting in years, but in addition, none of the communications or meetings can be made public, as instructed by the EEAS.

Although the Dialogue Agreement ratified in 2016 establishes exchanges and the strengthening of civil society as fundamental, the reality is that the European Commission made a subsequent commitment to the Cuban regime, without the consent of Parliament, which established that "*the selection of civil society organisations that will participate in the event **must be agreed by both parties***".<sup>14</sup> The Cuban regime thus allows or prohibits who the EEAS meets with publicly in the framework of the PDCA human rights dialogue, something that contradicts the very agreement approved by Parliament. To date, after almost five years, **not a single civil society organisation has had a single public meeting in the framework of the Dialogue Agreement with the EU Embassy in Cuba.** Likewise, **civil society organisations have never been beneficiaries of the cooperation funds earmarked for civil society.**

<sup>14</sup> Reply by Mr Javier Niño EEAS 9.43am 10.5.2021 - 2105 Reply JN to CRD et al\_ re HRD CSS:  
[https://drive.google.com/open?id=1UD9vJXTNoHxL\\_PRHZNHzfp8jJ8p6\\_UBK](https://drive.google.com/open?id=1UD9vJXTNoHxL_PRHZNHzfp8jJ8p6_UBK)

On the contrary, **the organisations that have benefited from these meetings and these funds are state organisations dependent on and managed by the regime**, as demonstrated in an incontrovertible report that could never be denied to any degree by the EEAS.<sup>15</sup> However, these state organisations, the final beneficiaries of EU funds destined for civil society, have been publicly presented by the EEAS and the Cuban Embassy as "*civil society*" on numerous occasions,<sup>1617181920</sup> when they are organisations linked to the Communist Party, which is, according to the 2019 Constitution, "*the highest political force in society and the State*". The official statutes of these organisations, which the EEAS presents as "*civil society*", are obedient to the defence of the regime and the "*revolution*", and their main leaders are members of the national leadership of the CCP, the National Assembly and the Council of State. These organisations presented by the EEAS as "*civil society*" in Cuba are financed by the regime and, moreover, are trained in paramilitary techniques, participating in political and social repression.

Repression in Cuba of the human rights of its citizens is exercised by the regime's "*mass organisations*" and other governmental organisations, as well as by police and armed forces, intelligence and counter-intelligence forces. Most of the repressive actions are produced by all these entities, including by employing civilians and state workers, constituting a contingent of para-military and para-police forces that try to hide the official origin of the repression. Acts of repudiation, surveillance and fabrication of crimes and false witnesses, all organised by the regime, are some of the permanent repressive components suffered by Sakharov Prize winners, human rights activists, artists, independent journalists and the civilian population as a whole in Cuba. Police and military violence, also very frequent, is supported by violent actions perpetrated by these governmental organisations to a greater or lesser extent.

Allowing Cuba to designate the organisations that the EU may or may not make visible is extremely serious and goes against any attempt to strengthen civil society in a repressive environment where crimes against humanity are committed. Funding and meeting with state society and communicating that this is "*civil society*" in Cuba is an even more serious act by the EEAS and causes alarm among human rights defenders in Cuba since, according to the Glossary of Summaries of European Union Legislation (EUR-Lex): "civil society refers to all forms of social action carried out by individuals or groups who are neither connected to, nor managed by, the State".<sup>21</sup>

It is clear from the evidence that **funds intended for civil society and also the pro-democratic spirit of the Dialogue Agreement are being misappropriated and any possibility of strengthening civil society is being buried.**

**The Sakharov Prize winners, like the rest of civil society, have never had a single public meeting with the EU Embassy since the entry into force of the PDCA**, and we have always been told, secretly, that discretion was necessary in order "*not to alter*" relations with the Cuban regime. **No civil society organisation in Cuba has been a direct beneficiary of any civil society cooperation fund.**

It has been very hard to live this reality month after month, year after year, in self-sacrifice and in the hope that the deployment of their strategies would bear fruit. Meanwhile, year after year since the signing of the agreement, the repression has grown in intensity, breadth and coverage, affecting more and more varied people: artists, independent journalists, freethinkers, social media influencers, and thousands of civilians from all spheres and all provinces of Cuba.

<sup>15</sup> The EU Delegation delivers foreign currency to the Cuban Government, reporting it as contributed to the Cuban "Civil Society": <https://www.prisonersdefenders.org/2021/05/10/la-delegacion-de-la-ue-entrega-divisas-al-gobierno-de-cuba-comunicandolas-como-aportadas-a-la-sociedad-civil-cubana/>

<sup>16</sup> "*representatives of Cuban and European civil society exchanged views on issues such as the fight against gender-based violence and the protection of families*": [https://eeas.europa.eu/delegations/cuba/68675/la-ue-y-cuba-mantienen-undi%C3%A1logo-sobre-los-derechos-humanos\\_es](https://eeas.europa.eu/delegations/cuba/68675/la-ue-y-cuba-mantienen-undi%C3%A1logo-sobre-los-derechos-humanos_es)

<sup>17</sup> [https://eeas.europa.eu/delegations/cuba/82485/uni%C3%B3n-europea-apoya-cuba-en-su-respuesta-frente-la-covid-19\\_es](https://eeas.europa.eu/delegations/cuba/82485/uni%C3%B3n-europea-apoya-cuba-en-su-respuesta-frente-la-covid-19_es)

<sup>18</sup> [https://eeas.europa.eu/headquarters/headquarters-homepage/71261/la-uni%C3%B3n-europea-y-cuba-mantienen-undi%C3%A1logo-sobre-medidas-coercitivas-unilaterales\\_es](https://eeas.europa.eu/headquarters/headquarters-homepage/71261/la-uni%C3%B3n-europea-y-cuba-mantienen-undi%C3%A1logo-sobre-medidas-coercitivas-unilaterales_es)

<sup>19</sup> [https://eeas.europa.eu/delegations/cuba/95772/uni%C3%B3n-europea-y-cuba-sostienen-tercer-di%C3%A1logo-sobre-medidas-coercitivas-unilaterales\\_es](https://eeas.europa.eu/delegations/cuba/95772/uni%C3%B3n-europea-y-cuba-sostienen-tercer-di%C3%A1logo-sobre-medidas-coercitivas-unilaterales_es)

<sup>20</sup> [https://eeas.europa.eu/delegations/cuba/57200/fortalecimiento-de-la-sociedad-civil\\_es](https://eeas.europa.eu/delegations/cuba/57200/fortalecimiento-de-la-sociedad-civil_es)

<sup>21</sup> EUR-Lex, Glossary - [EUR-Lex\(europa.eu\)](https://eur-lex.europa.eu/)

Expecting behaviour in this environment similar to that of European transitions such as Spain's is highly erratic. It implies an immense ignorance of the notable differences between the two scenarios. The dictator Franco, for example, consciously created an empowered middle class that, with its economic progress, largely sustained the dictatorship. As this segment of the population grew in numbers and empowerment, it diversified and evolved in a different direction from the regime. When the middle class was empowered, it was the middle class that drove and sustained support for regime change in Spain.

In Cuba the situation is completely antagonistic to that in Spain, and particularly stony. The military company **GAESA**, run by Raúl Castro's son-in-law, Major General **Luis Alberto Rodríguez Lopez-Calleja**, who as a child grew up in Raúl Castro's mansion as one of his sons, controls each and every one of the state's economic apparatuses. **Nothing is beyond GAESA's control in the national economy.** All Cuban companies are either part of GAESA or operate under its umbrella of control. All relevant industries, imports and exports are controlled by GAESA, an agency of the armed forces. Even the shops where we Cubans buy our food are owned by GAESA. On the other hand, **Raul's son, Alejandro Castro Espin, controls the counter-intelligence and intelligence apparatus, which in turn controls the country's military.** The armed forces, for their part, pay full obedience to the Central Committee of the Communist Party, and especially to its Political Bureau, where Luis Alberto Rodríguez Lopez-Calleja himself and the Castro family's closest entourage control all decisions.

**Power, therefore, is monolithic in Cuba.** There is no possibility of change even from within the regime, since neither the people nor society is part of this monolith of power in the hands of the Castro family.

All attempts to create an empowered middle class in Cuba fail, because the regime is the one that prevents the creation of such a middle class. By restricting their economic freedom, preventing them from importing, exporting, or participating in a free internal market, restricting raw materials, materials and technology, controlling prices, demand and supply, the regime cuts off any hope of such a possibility. **There is no middle class in Cuba at the moment, nor will the regime ever allow there to be one,** because they know that the empowered middle class will want to end the regime as the Spanish middle class did in 1975. And this is a regime in which not even a specific leader reigns, it is already a family oligopoly.

Therefore, any attempt to liken the Spanish and other transitions to the Cuban one is not only a mistake. **While this mistake is being made, the pain and suffering caused by repression grows in Cuba.**

**The only hope for this people to achieve democracy is the strength and growth of civil society.** But the European Commission and the EEAS, but not the European Parliament, have long contributed, as we have indicated, to concealing civil society, not communicating and even hiding from the press and the public any contacts made, but meeting publicly and giving funds to state companies which it even calls "*civil society*" in Cuba. All of this with a strategy that is not only fundamentally flawed, but has also been shown at this point to have the opposite of the desired effects, leaving the thousands of victims completely unprotected.

In some forums with international NGOs, the EEAS has indicated that funds are not granted to civil society because they are not duly registered in Cuba. The EEAS is well aware that Cuban law prevents by legal definition the registration of associations that are not dependent on the state. This is why the EEAS, in a meeting with international NGOs, also went so far as to describe state-owned companies as "*civil society dependent*" on the regime,<sup>22</sup> which is an oxymoron, a complete contradiction to the definition of "civil society".

A brief legal look at the Law on Associations, Law 54, is enough to see why there are no independent organisations registered in Cuba. Article 13 of this law establishes the dependence of each of the associations to be registered on the state, and Article 8 makes the aforementioned Article 13 compulsory for registration to be possible. **It is therefore impossible to register an independent association in Cuba, and all organisations registered after 1959 are created by the state.**

**By legal definition, therefore, there is no legally registered civil society in Cuba; it is prevented by law,** and this has been the case since the regime came to power. When independent associations are prevented by law, how

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<sup>22</sup> Letter from Civil Rights Defenders, Prisoners Defenders, CADAL, Demo AMLAT, Cultura Democrática, Freedom House and Freemuse to Mr. Josep Borrell and Eamon Gilmore: [https://drive.google.com/open?id=1ucCxNrqtI1vk\\_BnGkzITl\\_q3LeIUldUF](https://drive.google.com/open?id=1ucCxNrqtI1vk_BnGkzITl_q3LeIUldUF)

is it that independent civil society associations in Cuba are denied access to European Union aid while funds are given directly and indirectly (including through European NGOs) to the regime's organisations, at the same time as the EU publicly communicates that the current beneficiaries in Cuba are "*civil society*" organisations?

This is as contradictory as the fact that the PDCA was signed in order to publicly dialogue with civil society, but this public dialogue is denied because it assumes "*permission to dialogue*" from the Cuban authorities.

All this describes the way in which the European Commission has been implementing the Dialogue and Cooperation Agreement with Cuba all these years.

**This dialogue agreement**, given the way it is being carried out, even if some of its promoters had positive motivations for defending it - which we do not doubt -, loses all initial value, all meaning and, without this being its purpose, it **has become an instrument that collaborates with the economic and propagandistic support of the regime**, All the more so when the highest representative of the EEAS himself justifies in the media the repression of 11 July as if it had a fundamental role in the US sanctions,<sup>23</sup> which is absurd, since the absence of fundamental rights of Cubans caused by the regime, such as freedom of expression, of the press, of demonstration, of association, the right to life, security or dignified treatment, has been caused by the regime since 1959, and has nothing to do with the embargo. This lack of rights was identical when the socialist camp fed the coffers of the Republic of Cuba and there was no famine on the island.

We would like to reflect on a number of facts and realities. If a dictatorial regime, by concession of the EU, is the one that approves the organisations with whom the EU Embassy meets; if no organisation or Sakharov Prize winner has had a single public meeting in Cuba with the EU Embassy on the island for years, all meetings being held in private, with the excuse of "not disturbing"; if the EU Embassy, on the contrary, meets publicly only with these organisations of the regime, and also calls them "civil society" before the media; if the EU Embassy, the EEAS and DevCo give economic funds, defined in the budget as civil society programmes, to Cuban governmental societies, but indicating to the Europeans and the press that these organisations are the civil society of Cuba... Where do civil society and the Sakharov Prizes stand in Cuba?

**What is now underway is the perfect method for the delegitimisation of Cuba's civil society**, but we know that this situation is not what EU MEPs want, and neither do EU politicians and leaders. We know that it has been the effect of having adopted positions of cession with a non-monolithic regime in mind. They were wrong, and a lot of damage is being caused by this situation.

They will understand, therefore, that they should seriously consider whether or not they are going to respect our Sakharov Prizes and civil society in Cuba, and not be ashamed to promote it with public dialogues from where they should be held, the Embassy of the European Union, also supporting it with cooperation funds destined for civil society, **or if the most congruent with the actions of the European Commission is to withdraw the Sakharov Prize from those of us who hold it**, because we have described very serious acts that violate the spirit of the Sakharov Prize, the treatment of Cuban civil society, the Dialogue Agreement approved by the European Parliament, the control of EU cooperation funds and the protection of human rights as a fundamental axis of the EU's relations with Cuba.

The defence of human rights must prevail in relations between Cuba and the European Union, and we are far from having achieved this with the implementation of the current PDCA.

Finally, to reaffirm that only through the empowerment of civil society with public visibility and cooperation funds, only through a firm defence of human rights, and only through the application of well-designed sanctions that affect the viability of the regime and harm the Cuban people as little as possible, The people of Cuba are already impatiently waiting for a change, because on June 11, the people of Cuba discovered that they did not have a state or a government, but a group of criminals against humanity who have detained, mistreated, tortured thousands of

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<sup>23</sup> El Diario.es, 14 July 2021: [\*Borrell: "We have to be honest, the situation in Cuba has worsened dramatically because of decisions taken by Mr Trump"\*](#)

detainees and are trying and sentencing to dozens of years in prison more than a thousand innocent people among the detainees who only wanted to ask for freedom.

We should also recall, on the one hand, the vital importance of Cuba ratifying the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and on the other hand, the utmost importance of the European Commission and the EEAS speaking out, not only exceptionally but on a regular basis, for the release of all political prisoners in Cuba.

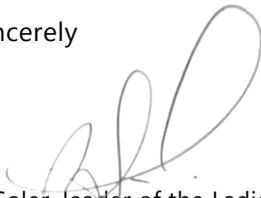
In Cuba, millions of people are subjected to terrifying and dramatic oppression. In the midst of this situation, both the Sakharov Prize winners and civil society as a whole feel abandoned and undervalued by the EEAS and, while state violence is becoming more and more radicalised against us all, we still do not find the signs of public support and help from the EEAS that we should have expected for years from the articles of the PDCA.

**In the case of Sakharov Prize winner Aung San Suu Kyi**, the European Parliament withdrew the Sakharov Prize from her for her "*inaction*" in the face of crimes against the Rohingya community in Burma. The concept of legal reciprocity gives us further evidence that the **Sakharov Prize should be a commitment by all parties to never use diplomatic silence in the face of human rights violations, and even less so in the face of crimes against humanity.**

We have expressed to the EEAS the urgent need to address the reality prevailing in Cuba because, given the divergence between the objectives legislated by the European Parliament and the violation of these objectives in their implementation, **if this situation continues, the Cuban Sakharov Prize winners**, whose lives have not yet been taken away by the regime, **will propose to the Ladies in White collective, and myself Guillermo Fariñas as well, the withdrawal, even with immense pain, of the Sakharov Prize.** These prizes are awarded to individuals and peoples who fight, from the most impoverished conditions, for what is most sacred to man, the most fundamental human rights such as freedom of expression and, in the case of Cuba, the right not to be the permanent object of crimes against humanity. In this struggle the victims need to be supported by giving them a voice and real support, and our Sakharov Prize must live in this context, and not the opposite.

Once again, we thank you for reading this letter and hope that you will understand the need for the European policy on crimes against humanity committed in Cuba not to use silence as the main diplomatic weapon, but that you will be the voice in defence of an unprotected people who have a **responsibility to protect** against the very serious and heinous crimes against humanity that are taking place in Cuba.

Yours sincerely



Berta Soler, leader of the Ladies in White  
Sakharov Prize 2005



Guillermo Fariñas, Coordinator of the United Anti-Totalitarian Forum  
(FANTU)  
Sakharov Prize 2010