

# CHRONICLE OF AN INJUSTICE

## BRIEF SUMMARY OF THE CASE OF THE CUBAN FIVE

In September 1998, five Cuban men were arrested in Miami by FBI agents and kept in isolation cells for 17 months before their case was even brought before a court. Their mission in the United States was monitoring the activities of the groups and organizations responsible of terrorist activities against Cuba.

Gerardo Hernandez, Ramón Labañino, Fernando Gonzalez, Antonio Guerrero and René Gonzalez were accused of the vague crime of conspiracy to commit espionage. The US government never accused them of actual espionage, nor did it affirm that real acts of espionage had been carried out, as no classified document had been confiscated from them.

In spite of the vigorous objections raised by the Five's defense, the case was tried in Miami, Florida, a community with a long history of hostility toward the Cuban government, that prevented the holding of a fair trial.

The trial, which lasted over six months, became the longest trial that the United States had known until then. More than 119 volumes of testimony and over 20,000 pages of documents were compiled, including the testimonies of three retired Army generals and a retired admiral, who agreed that, did not existed evidence of espionage.

Near the trial's conclusion, when the case was about to be presented to the jury for its consideration, the US government recognized in written that it had failed to prove the main charge of conspiracy to commit murder against Gerardo Hernandez, alleging that it was facing an "insurmountable obstacle" in connection with winning the case. The jury nonetheless found the Five guilty of all charges, under intense pressure brought to bear on them by the local media.

Found guilty, the Five were given in sum 4 life sentences and 77 years and were imprisoned in five completely separate maximum security prisons without communication between them.

<b>Gerardo Hernández Nordelo</b>	<b>2 life terms plus 15 years</b>
<b>Ramón Labañino Salazar</b>	<b>1 life term plus 18 years</b>
<b>Antonio Guerrero Rodríguez</b>	<b>1 life term plus 10 years</b>
<b>Fernando González Llort</b>	<b>19 years</b>
<b>René González Sehwerert</b>	<b>15 years</b>

Additionally they were imposed a clause according to which “*as a further special condition of supervised release the defendant is prohibited from associating with or visiting specific places where individuals or groups such as terrorists, members of organizations advocating violence, and organized crime figures are known to be or frequent.*”

The charges of conspiracy to commit espionage and conspiracy to commit murder represented for three of them life sentences, being the first people ever to be sentenced to life imprisonment for espionage in the United States in a case where no secret document was ever handled.

The appeal process has lasted 9 years. On August 2005 a three-judge panel of the court of appeals revoked all of the convictions on the grounds that the five accused had not received a fair trial in Miami. In an unexpected move, the government asked the twelve judges of the Court of Appeals of the Eleventh Circuit to review the panel's decision through a so-called *en banc* procedure. Exactly one year later, on August 2006, in spite of the strong disagreement voiced by two of the three judges who made up the panel, the Court revoked, by majority, the decision of the three judges

All the while, on May 27, 2005, the UN Working Group on Arbitrary Detention, after reviewing the arguments advanced by the family of the Cuban Five and the US government, concluded that their imprisonment was arbitrary and urged the US government to take the measures needed to rectify the situation.

The Working Group stated that, based on the facts and the circumstances in which the trial was held, the nature of the charges and the severity of the convictions, the imprisonment of the Five violates Article 14 of the International Convention on Civil and Political Liberties, to which the United States is a signatory.

Never before, the UN Working Group on Arbitrary Detention has denounced as arbitrary the privation of liberty in a case judged in the United States due to violations committed during the legal process.

The lack of evidence needed to substantiate the two main charges –conspiracy to commit espionage and conspiracy to commit first-degree murder–and the imposition of completely irrational and unjustifiable life sentences, has been in the course of all the appeal process another key argument advanced by the defense in its efforts to reveal the arbitrary nature of the process.

On September 2, 2008, the Court of Appeals ratified the guilty verdicts of the Five; ratified the sentences of Gerardo Hernandez and René Gonzalez; considered wrongful the sentences of Antonio Guerrero, Fernando Gonzalez and Ramón Labañino and revoked them, referring the cases once again to the Miami District Court so they could be re-sentenced (a process yet in course).

In that occasion the full Court of Appeals recognized that not secret or national defense information was obtained or transmitted in the case of the defendants in the charge of conspiracy to commit espionage.

On the other hand, one of the three judges, the Hon. Phyllis Kravitch, affirmed in a 16-page dissident opinion that the government did not present sufficient evidence to find Gerardo guilty of the charge of conspiracy to commit murder.

On June 15, 2009 the U.S. Supreme Court announced, without explanation, its decision not to review the case of the Five, in spite of the solid arguments made by the defense attorneys from the obvious and multiple legal violations committed during the whole trial.

The US Supreme Court ignored also the universal backing to the petition and to the Five, expressed by 12 *amicus curiae* briefs, an unprecedented fact since it is the largest number of *amicus* briefs ever to have urged US Supreme Court to review a criminal conviction.

Ten Nobel laureates, among them Timor Leste President Jose Ramos Horta, Adolfo Perez Esquivel, Rigoberta Menchu, Jose Saramago, Wole Soyinka, Zhores Alferov, Nadine Gordimer, Gunter Grass, Dario Fo and Mairead Maguire, as well as the Mexican Senate, the National Assembly of Panama, and Mary Robinson, the former President of Ireland (1992-97) and former UN High Commissioner for Human Rights (1997-2002), and UNESCO General Director Federico Mayor, among others, signed the *amicus* briefs.

They were joined by hundreds of parliamentarians around the world, among them 75 members of the European Parliament, including two ex presidents and three current vice presidents of this Legislature; as well as numerous legal and human rights associations of different countries of Europe, Asia and Latin America, international personalities and legal and academic organizations in the United States.

With this US Supreme Court decision, legal resources to appeal the Atlanta Court's ruling that ratified their convictions practically ran out.

On October 13, 2009, in the US District Court for the Southern District of Florida took place the sentencing hearing of Antonio Guerrero, during which, the same Judge that in December 2001 condemned him to a life sentence plus 10 years, was obliged to admit that in Antonio's case does not exist evidence of gathering nor transmitting secret information. However, she imposed him an unfair sentence of 21 years and 10 months of imprisonment plus 5 years of supervised release.

The sentencing hearings for Fernando González and Ramón Labañino took place on December 8, 2009. The original sentence of Fernando González (19 years) was changed to 17 years and 9 months of imprisonment, while the Ramon Labañino's sentence (life plus 18 years) was reduced to 30 years of imprisonment.

During these years of unjust imprisonment, the delay in the granting of visas to the relatives of the Cuban Five, imprisoned in the United States since September 12, 1998, has, in most cases, prevented these relatives from visiting the Five more than once a year on average, despite the regulations of the different prisons allowing monthly visits.

Two of them, Gerardo Hernandez and René Gonzalez, have been prevented from receiving visits of their respective spouses, Adriana Pérez and Olga Salanueva, to whom repeatedly and systematically have been denied the entry permit in US territory to accomplish these visits. As a result, Adriana and Olga have been prevented from visiting their imprisoned husbands for more than 11 and 9 years, respectively.

<b>Gerardo Hernández</b>	<b>Court of Appeals ratified his sentence 2 life terms plus 15 years</b>
<b>Ramón Labañino</b>	<b>Court of Appeals vacated his sentence Re-sentenced on December 8, 2009 to 30 years</b>
<b>Antonio Guerrero</b>	<b>Court of Appeals vacated his sentence Re-sentenced on October 13, 2009 to 21 years and 10 months</b>
<b>Fernando González</b>	<b>Court of Appeals vacated his sentence Re-sentenced on December 8, 2009 to 17 years and 9 months</b>
<b>René González</b>	<b>Court of Appeals ratified his sentence 15 years</b>

**OTHER CASES TRIED IN THE LAST YEARS BY UNITED STATES COURTS. COMPARE WITH THE TREATMENT RECEIVED BY THE CUBAN FIVE**

**Khaled Abdel-Latif Dumeisi**, Jordanian citizen residing in Chicago, was arrested in that city in January 2004, accused of being an agent of the Iraqi Government of Saddam Hussein and not having registered as such with the U.S. authorities.

The basis of the accusations was that Dumeisi supplied information to Baghdad intelligence services about activities of Iraqi exile groups conspiring against the government of his country.

The prosecutor, Patrick J. Fitzgerald, declared that Dumeisi was not accused of espionage despite supplying information to a hostile government.

In April 2004, in the middle of the war unleashed by the United States in Iraq, Dumeisi was sentenced on the charges of conspiracy and as an unregistered foreign agent to **3 years and 10 months in prison.**

René González, one of The Five, was sentenced to 15 years for the same charges.

**Leandro Aragoncillo**, U.S. citizen of Filipino origin, was found guilty by the New Jersey Federal Court in July 2007 of illegally obtaining and transmitting secret national defense information of the United States.

Some 800 classified documents were brought by Aragoncillo from his office in the White House, where he worked as military assistant to Vice Presidents Al Gore and Dick Cheney, before passing them to the Federal Bureau of Investigations for intelligence analysis.

Aragoncillo, who admitted his guilt, was sentenced to **10 years in prison.**

**Michael Ray Aquino**, Filipino citizen residing in the United States, was arrested with Aragoncillo in the same espionage case and accused of conspiring to commit espionage.

Aquino, who admitted possessing secret documents with information about U.S. intelligence sources and about threats of terrorist actions against US military personnel in the Philippines, was sentenced to **6 years and 4 months in prison.**

**Gregg W. Bergersen**, Defense Department analyst, was found guilty in July 2008 by a Virginia Federal Court of conspiring to provide national defense information to unauthorized persons.

Bergersen, who admitted in Court that he had given information about U.S. military sales to Taiwan in exchange for money and gifts, was sentenced to **4 years and 9 months in prison.**

**Lawrence Anthony Franklyn**, U.S. Air Force Reserves colonel, was charged in a Virginia Federal Court in May 2005 with giving classified information and national defense information to a representative of a foreign government without authorization.

The colonel conducted his espionage activity while working in the Defense Department where he occupied positions in the Office of International Security Affairs and the Secretary of State where he gained the highest approval to access sensitive secret information.

Franklyn, who admitted handing over military secrets to an Israeli diplomat and to two Israeli lobbyists, was sentenced to **12 years and 7 months in prison** and a 10,000 dollar fine.

Judge T.S. Ellis III imposed the lowest sentence possible under federal guidelines alleging that he considered Franklyn was motivated by the desire to help the United States and not to harm it.

**José Padilla**, U.S. citizen was arrested in May 2002 and accused of conspiracy to commit terrorist acts against the United States and conspiracy to commit murder, kidnapping and mutilation, and was found guilty of all charges in August 2007.

He was sentenced by the same Federal District Court of Southern Florida to **17 years and 4 months in prison.**

**John Lindh Walker**, U.S. citizen captured in Afghanistan at the beginning of the U.S. war against that country, was sentenced by a Virginia Federal Court to 20 years in prison for fighting with the Taliban Army against U.S. troops and being responsible for the death of several soldiers and a CIA official.

After the sentence was reached through a negotiation of the charges, the Court added a clause that Walker would serve his sentence in a California prison, where his family lived, to facilitate familial visits.

**Zacarias Moussaoui**, born in Florida of Moroccan origin, and residing in the United Kingdom, was arrested, charged and convicted in the United States for direct implication in the September 11, 2001 attacks and for his ties to Al Qaeda.

Moussaoui is serving his sentence in a super-maximum security prison in Florence, Colorado. His mother, a French resident, sought a visa from the U.S. government to enter U.S. territory and visit him in prison and this was granted without entrance limitations for humanitarian reasons

**James W. Fondren Jr.**, an American citizen, was convicted of giving classified Defense Department documents to a Chinese government agent, including a report on Chinese military power. Fondren worked at the Pentagon and until February 2008 was deputy director for the Washington Liaison Office of the U.S. Pacific Command.

On January 2010 was sentenced to **3 years of prison.**

## ***DIFFICULTIES SURROUNDING FAMILY VISITS TO THE CUBAN FIVE IMPRISONED IN THE UNITED STATES***

During these years of unjust imprisonment, the delay in the granting of visas to the relatives of the Cuban Five, imprisoned in the United States since September 12, 1998, has, in most cases, prevented these relatives from visiting the Five more than once a year on average, despite the regulations of the different prisons allowing monthly visits.

### **VISA'S DENIALS TO OLGA SALANUEVA AND ADRIANA PEREZ**

Olga Salanueva's family has been divided since 2000. For all these years she has been seeking a visa to enter U.S. territory for the sole purpose of visiting her husband, Rene Gonzalez, who is presently serving a 15 year sentence at the U.S. Penitentiary in Mariana, Florida, since September 12, 1998.

The couple has two daughters born of the marriage: Irma, born in 1984, and Ivette, born 1998 in the U.S. The family resided together in the U.S. until 2000, when their youngest daughter was an infant, and they have not seen each other as a family unit since that time.

Rene Gonzalez' conviction was upheld by the U.S. Court of Appeals for the Eleventh Circuit on September 2, 2008 and the petition for *certiorari* was denied by the U.S. Supreme Court on June 15, 2009. Upon finishing his 15 year sentence, Mr. Gonzalez will be required to complete 3 more years of supervised release.

On August 16, 2000, two years after her husband was arrested and was awaiting trial, Olga, who was a lawful permanent resident, was taken into custody by U.S. Immigration, imprisoned during 3 months and deported to Cuba in November of that year. Although she had ample legal grounds to appeal this decision, she didn't because her two young daughters, one of them being an infant, had been left without both their parents while she was detained.

These tragic events have caused serious psychological damage to Ivette, who was just a baby when her family was torn apart.

In an effort to reunite her family, Olga unsuccessfully attempted 9 times to apply for visa. Every time her visa was denied. The U.S. Government has alleged she is a threat to the national security of that country.

On her last attempt on July 16, 2008, Olga was advised that she was *permanently* inadmissible to the United States.

On December 18, 2009, US Department of Homeland Security denied Olga Salanueva her humanitarian parole request to enter in the territory of the United States with the only purpose of visiting her husband. Olga's request, submitted on October 23, 2009, was endorsed by letters from important religious and human rights organizations, among them the World Council of Churches, the National Council of the Churches of Christ in the

USA and the Cuban Council of Churches, as well as Amnesty International. The denial failed to mention the reasons for such decision.

Olga has never been charged or convicted of any crime in the U.S. nor anywhere else in the world. Needless to say her family visit will in no way implicate the national security or foreign policy interests of the United States.

Adriana Pérez has not seen her husband, Gerardo Hernández, for more than 11 years. They have been married since 1988.

During all these years Adriana has been trying once and again to get an authorization by the U.S. Government to visit him, who is serving a sentence of two life terms plus 15 years in California, U.S. She has submitted multiple requests for visas -10 in total- and all these applications have been denied for a wide range of reasons without any justification whatsoever.

The U.S. Government alleges she is a threat to the national security of that country.

The single time she was granted a visa, in 2002, she was denied entry to the United States after arriving in Houston, Texas, and returned to Cuba without seeing her husband.

The United States Immigration authorities arbitrarily held Adriana for 11 hours at the airport and revoked her visa without offering any explanation to justify the decision to deny her entry into the United States.

Adriana's last two visa applications were denied on January 23, 2009 and July 14, 2009, pursuant to Section 306 of the Enhanced Border Security and Visa Reform Act of 2002, which permits the denial of non-immigrant visas to nationals of countries considered terrorists by U.S. government unless the Secretary of State judges that they do not pose a risk to the national security of the United States.

This is a humanitarian question. She asks only that she be allowed to visit her husband and be able to communicate with him face to face.

Adriana has never lived in or visited the United States and has never been charged or convicted of any crime in the U.S. nor anywhere else in the world. Needless to say her visit will in no way implicate the national security or foreign policy interests of the United States.

Numerous clergy and religious organizations have come forward to offer their support and assistance, including accompanying Olga and Adriana in visiting their husbands in case permissions to enter US territory were granted.

The National Council of the Churches of Christ in the USA; The World Council of Churches; The World Alliance of Reformed Churches and the Cuban Council of Churches have all expressed such strong support for Olga and Adriana that they have volunteered

to accompany them in their visits. The Archbishop of Athens and Primate of the Orthodox Church of Greece, conveys their support of Olga and Adriana's plea for visas to visit their husbands.

Organizations around the world have pledged their compelling support to Olga's and Adriana's claim to visit their husbands, citing their and their husbands' rights.

Amnesty International has issued numerous letters, public statements and reports, calling for Olga and Adriana to be issued a travel document to visit their husbands. In a letter addressed to U.S authorities on January 11, 2006 Amnesty International said:

"We are concerned that the long-term, permanent denial of visits from their immediate families has caused substantial hardship to René Gonzáles and Gerardo Hernández beyond the penalties imposed. The denial of visits has also reportedly had a detrimental impact on family members. We believe that, in the absence of a clear and immediate threat posed by such visits, this measure is unnecessarily punitive and contrary both to standards for the humane treatment of prisoners and to states' obligation to protect family life."

Parliamentarians all over the world have also been claiming for visas to Olga and Adriana to visit their husbands. 187 members of the European Parliament signed a written declaration in 2007 (0089/2006) calling on the U.S. Government to grant the necessary visas to both wives. Other MEPs have issued letters in 2007, 2008 and 2009 with the same claim for what they call a clear humanitarian question.

Members of the U.K. House of Commons, of the German Bundestag, of Congress of the United States, House of Representatives and other Parliaments of the world have also written in support of Olga and Adriana's request to visit their husbands.

The Mayors of these 13 cities in California (Albany, Berkeley, Canyon Lake, Fairfax, Huntington Park, Maywood, Pasadena, Port Hueneme, Richmond, Salinas, Santa Cruz, Sebastopol and Winters) support the request for Olga and Adriana to be allowed to visit their husbands, stating: "The two women should be able to visit their husbands on humanitarian grounds. People in California and in the United States, as well as around the world, are aware of their situation. Their case is under appeal, and there is no justifiable reason to deny these families the right to visitation."

The leaders of three of the most notorious trade unions in the United States: the Service Employees International Union (SEIU), the United Steel Workers and the International Brotherhood of Teamsters, have addressed letters to the U.S. Government asking to grant visas to Olga and Adriana.

On March 8, 2009, the International Commission for the Right of Family visits issued a letter to the U.S. Attorney General, urging that Olga Salanueva be issued humanitarian parole in order to visit her husband. This letter was signed on by 108 prominent members of the international community, including Danielle Miterrand and Nobel Peace

Prize recipients Rigoberta Menchu and Adolfo Perez Esquivel, as well as other celebrities, government officials, academics, and human rights activists.

## ADRIANA PEREZ

- On 25 July 2002 the United States Government prevented her from entering the United States, after granting her a visa, without offering any explanation to justify the decision to deny her entry into the United States.
- On April 2003 the US Government denied her a visa invoking section 212 (f), according to which the President could suspend the admission to US territory to any foreign person, if he considers that it is against the national security interests.
- On October 2003 the US Government denied her a visa, invoking section 212 (a)(3)(A) of the 1996 Immigration and Nationality Act that prevent the entry to that country to someone who might aim at the overthrow of the United States Government by force, violence or other unlawful means.
- On April 2004 the US Government denied again the visa, invoking section 212 (a)(3)(A) of the 1996 Immigration and Nationality Act.
- On January 2005 the US Government denied her a visa invoking section 212 (f), according to which the President could suspend the admission to US territory to any foreign person, if he considers that it is against the national security interests.
- On October 2005, the United States Government denied an entry visa to Adriana Pérez, invoking on that occasion section 214 (b) of the Immigration and Nationality Act. The United States authorities alleged that Ms. Adriana Pérez might try to become an immigrant.
- On October 2006, for the seventh time in the past six years, the United States Government refused Adriana Pérez permission to enter its territory, by virtue of section 212 (f) of the Immigration and Nationality Act. On that occasion, the concern that Adriana Pérez might become an illegal immigrant was not mentioned; instead the United States authorities invoked the clause that they use to deny entry visas to officials of the Government of Cuba, namely, that their visits might be detrimental to the interests of the United States.
- On September 12, 2007 the US authorities denied her the visa arguing that Adriana was linked to supposed espionage activities under section 212(a)(3)(i) of the Immigration and Nationality Act.
- On January 23, 2009 the US Government denied again the entry visa (a response that was pending since July 16, 2008), alleging this time Section 306 of the Enhanced Border Security and Visa Entry Reform Act of 2002, establishing that no non-immigrant visa shall be issued to any alien from a country that is a state sponsor of international terrorism unless the Secretary of State determines, in consultation with the Attorney General and the heads of other appropriate United States agencies, that such alien does not pose a threat to the safety or national security of the United States. In making a determination under this subsection, the Secretary of State shall apply standards developed by the Secretary of State, in consultation with the Attorney General and the heads of other appropriate United States agencies, which are applicable to the nationals of such states.

- On July 15, 2009 the US authorities denied again the visa by virtue of section 306 of the Enhanced Border Security and Visa Entry Reform Act of 2002. In this occasion, they expressed that the information in possession of the State Department does not indicate that Adriana overcomes the presumption of inadmissibility.
- On August 2009 Adriana Pérez asked again for visa permission. That request has not been answered yet.

## **OLGA SALANUEVA**

- On 23 April 2002, the United States Government refused to grant a visa to Ms. Salanueva and declared her application inadmissible under section 212 (a) (3) (B) of the Immigration and Nationality Act, thus implying that she was a terrorist.
- On 25 September 2002, the United States Government again refused to grant a visa to Ms. Salanueva without providing any explanation whatsoever.
- In April 2003, Ms. Salanueva was again denied a visa, this time on the grounds of section 212 (f), whereby the President may suspend the entry into United States territory of any alien if he finds that such entry would be detrimental to the interests of national security.
- In October 2003 and April 2004, the United States Government again denied Ms. Salanueva a visa, and on these two occasions cited different grounds for denying the visa. Ms. Salanueva was no longer inadmissible because she was a “terrorist” but because she was now presumed to be an intelligence agent, saboteur, or someone who might aim at the overthrow of the United States Government by force, violence or other unlawful means, as can be inferred from the wording of section 212 (a) (3) (A), which was invoked to justify the refusal to grant a visa.
- In February 2005, Ms. Salanueva was again denied a visa.
- In November 2005 the United States Government denied an entry visa to Olga Salanueva, invoking section 212 (a) (9) (A) (ii) relating to persons who have been deported. On that occasion the authorities at the American Interests Section in Cuba told Ms. Salanueva that she should not request a visa again since it would not be granted.
- On September 12, 2007 the US authorities denied her the visa again using the argument that Olga was linked to supposed espionage activities under section 212(a)(3)(i) of the Immigration and Nationality Act and also and also they referred to Section 212(a)(9)(A)(I) about deportation.
- In the last denial- July 16, 2008 - Olga was specified in writing that her “ineligibility has a permanent character.”
- On December 18, 2009, US Department of Homeland Security denied Olga Salanueva her humanitarian parole request to enter in the territory of the United States with the only purpose of visiting her husband. Olga’s request, submitted on October 23, 2009, was endorsed by letters from important religious and human rights organizations, among them the World Council of Churches, the National Council of the Churches of Christ in the USA and the Cuban Council of Churches, as well as Amnesty International.

# WORLD ACTION ON THE CAUSE OF THE CUBAN FIVE

“The worst thing that can happen to anyone in the American system of justice is to be alone. Solidarity is necessary, not to intimidate the Court. But to indicate that the world is watching and the law should be followed.”

**Leonard Weinglass, US civil rights lawyer**

The **NOBEL LAUREATES** *Wole Soyinka, Nadine Gordimer, Desmond Tutu, Rigoberta Menchú, Adolfo Pérez Esquivel, José Saramago, Harold Pinter, Zhores Alfiorov, and Günter Grass*, and more than **6000 intellectuals and artists of all the world**, among them: Noam Chomsky, Oscar Niemeyer, Mario Benedetti, Harry Belafonte, Pablo González Casanova, Ernesto Cardenal, Thiago de Mello, Danny Glover, Walter Salles, Eduardo Galeano, Alice Walker, Manu Chao, Atilio Borón, Francois Houtart, Ignacio Ramonet, Luis Sepúlveda, Tariq Ali, Ramsey Clark, Gianni Miná, Frei Betto, Miguel Bonasso, Howard Zinn, Jorge Sanjinés, Russell Banks and Alfonso Sastre, demanded in an open letter to the US General Attorney the immediate liberation of the Cuban Five.

“The thing with the Cuban Five is such a scandal, its hard to talk about it.” **Noam Chomsky**

“The five Cubans who have been imprisoned in the United States is something that is a secret from the people of the United States. So we have a very important job to do in the United States for people in the progressive movement. And that is to make the situation known to people because I believe the American people have a basic sense of decency. When they learn that something inhuman has happened, they react against it...”

**Howard Zinn**

“A general boicot is being applied by European media: this story is not mentioned neither in newspapers, TV or radio. We are dealing with a completely censored issue.”

**Ignacio Ramonet**

“The Cuban Five's case proves that we have a crisis of law, a crisis of politics, and a constitutional crisis.” **Gore Vidal**

*“I am extremely disappointed in the Supreme Court's decision regarding the case of the Cuban Five. I hoped that they would review the facts and provide a fair decision that would free the Cuban Five. But now I find that, once again, some people do not get a genuine opportunity for justice. I intend to join with people and organizations all over the world to continue working for the release of the Cuban Five.”* **Bishop Thomas J. Gumbleton, Detroit, MI** On March 9th, the Catholic Bishop of the Archdiocese of Detroit, Thomas J. Gumbleton visited Fernando González Llort at Oxford prison in Wisconsin.

*On February 2007, 187 Parliamentarians of the most important groups of the European Parliament signed a Written Declaration calling on the US Government to grant the necessary visas to Olga Salanueva, Adriana Pérez and to other family members in the minimum legal delay and calling on the Council and the Commission to appeal the US Government to take the adequate measures to resolve this situation.*

*“The deprivation of liberty of Messrs. Antonio Guerrero Rodriguez, Mr. Fernando González Llort, Mr Gerardo Hernández Nordelo, Mr. Ramón Labañino Salazar and Mr. René González Sehweret is arbitrary, being in contravention of article 14 of the International Covenant on Civil and Political Rights”,* **Working Group on Arbitrary Detention of the UN Human Rights Commission, May 27, 2005**

*“We urge the US government in the meantime to take every step to ensure that the five are treated fairly and are not subjected to any undue deprivations while they continue to be incarcerated, including denial of family visits.”* **Amnesty International, January 11, 2006**

*“The humanitarian issue attached to this case has to do with visitation rights for the wives of two of the men convicted in this case. The National Council of Churches makes no judgment on the merits of the case against the two men (and the other three). We do, however, question the reasons for denying visas to these two women. We also believe that the current conditions in the case only highlight the humanitarian justification for allowing the wives to visit their husbands.”* **Letter of the National Council of Churches of Christ in the USA to US Secretary of State Condoleezza Rice, January 27, 2006**

“It is an outrage that these five men continue to be unjustly imprisoned for peacefully protecting their country against terrorist attacks, while our judicial system turns a blind eye. It is essential that the people of the United States become more aware of the profound disregard by our government for examining the facts of this case. It is essential for the freedom of the five, but also essential for the preservation of justice for all.”  
**Gayle McLaughlin, Mayor of Richmond, California**

This is a travesty. These men were unarmed, not intent on any physical damage to the United States, and were motivated to protect their fellow citizens from invasion and repeated attacks by Cuban-Americans living in Florida. And we have to ask also, just how is it that we have become a safe haven for alleged terrorists? How is it that we—the United States of America—may rate a place on our own list of states that sponsor terrorism? **Lawrence Wilkerson, former Secretary of State Colin Powell's Chief of Staff**

*“To re-establish relations with Cuba it is indispensable to end the embargo, to get out of Guantánamo and to release the Cuban Five Heroes”* **Bill Richardson, Governor of New México, United States.**

On March, 2009, 12 amicus curiae briefs were filed with the Supreme Court of the United States in support of the position for the Court to review the case that was presented by the Defense of the Cuban Five.

Ten Nobel laureates signed the amicus, among them Timor Leste President Jose Ramos Horta, Adolfo Perez Esquivel, Rigoberta Menchu, Jose Saramago, Wole Soyinka, Zhores Alferov, Nadine Gordimer, Gunter Grass, Dario Fo and Mairead Maguire, as well as Mary Robinson, the former UN High Commissioner for Human Rights and former President of Ireland (1992-97). Also the Mexican Senate, the National Assembly of Panama, 75 members of the European Parliament, including two ex presidents and three current vice presidents of this Legislature, and hundreds of legislators of all the world.

Other amici were presented in the name of numerous legal and human rights associations of different countries, international personalities and legal and academic organizations in the United States, among which are:

- The International Association of Democratic Lawyers and the American Lawyers Association
- The Ibero-American Ombudsman Federation
- The International Human Rights Federation
- The Order of Lawyers of Brazil
- The Center for International Policy, Council of Hemispheric Affairs, Civil Rights Clinic at Howard University School of Law, Cuban-American Scholars, National

Association of Criminal Defense Lawyers, Florida Association of Criminal Defense Lawyers, the National Jury Project, The National Lawyers Guild and the National Conference of Black Lawyers, the William C. Velasquez Institute and the Mexican-American Political Association

- The Human Rights Program at the Autonomous University of Mexico City
- The Committee for Human Rights of the Portuguese Bar Association of Portugal
- The Foundation for Human Rights in Asia and the Lawyers Social-Democracy Center of Japan
- Judge Juan Guzman Tapia of the Central University of Chile Human Rights Studies Center and the primary magistrate in the trial of Dictator Augusto Pinochet
- The Ecumenical Committee of Panama
- The Flemish Bar Association and the Bar Association for French and German Speakers of Belgium
- The Berlin Bar Association, the League of Human Rights and the Defense Bar Association, the Association of Republican Lawyers and the Working Group law students at the University of Humboldt in Germany

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*Born in the City of Havana on June 4, 1965. Graduated in 1989 on International Political Relations in the Higher Institute of International Relations of the Ministry of Foreign Affairs. Gerardo is married to Adriana Pérez.*

*From 1989 to 1990 he participated as internationalist combatant in the war of liberation of Angola and against apartheid.*

*Gerardo is a caricaturist and he has published his drawings in the Cuban press media and displayed them in exhibitions in various galleries. A book containing his works was published in Cuba in 2002.*

*In 2001 Gerardo was unfairly sentenced to **two life terms plus 15 years**. On September 2008 his sentence was ratified. The government of the United States prohibits his wife to visit him.*

**Charges: General Conspiracy, Conspiracy to commit espionage, Conspiracy to commit murder, False Identity and Conspiracy to act as a non-registered foreign agent**

**RAMÓN LABAÑINO SALAZAR (LUIS MEDINA)**  
**No. 58734-004**  
**USP McCreary**  
**PO BOX 3000**  
**Pine Knot, KY 42635**

*Born in the City of Havana on June 9, 1963. Graduated with a summa cum laude on Economy in the University of Havana in 1986. Ramón is married to Elizabeth Palmeiro and is the father of three daughters.*

*In 2001 he was unfairly sentenced to life imprisonment plus 18 years and re-sentenced on December 8, 2009 to 30 years*

*Charges: General Conspiracy, Conspiracy to commit espionage, False Identity and Conspiracy to act as a non- registered foreign agent*

**ANTONIO GUERRERO RODRÍGUEZ**  
**No. 58741-004**  
**USP FLORENCE**  
**PO BOX 7000**  
**South Florence, CO 81226**

*Born in the city of Miami on October 16, 1958. Graduated as airfield construction engineer from the Technical University of Kiev, in the former Soviet Union. The expansion of the Santiago de Cuba International Airport was the most important works in which he was involved.*

*Antonio is a poet. He has published three books of poems, "From my Altitude", "Confidential Poems" and "Poems for Antonio Maceo". Several of his poems have been put to music. He has two sons.*

*IN 2001 he was unfairly sentenced to life imprisonment plus 10 years and re-sentenced on October 13, 2009 to 21 years and 10 months*

*Charges: General Conspiracy, Conspiracy to commit espionage and Conspiracy to act as a non- registered foreign agent*

**RENÉ GONZÁLEZ SEHWERERT**  
**No. 58738-004**  
**FCI MARIANNA**  
**P.O. Box 7007**  
**Marianna, FL 32447**

*Born in Chicago, US, on August 13, 1956. He is a pilot and flight instructor. René is married to Olga Salanueva and they have two daughters.*

*From 1977 to 1979 he participated as internationalist combatant in the war of liberation of Angola and against apartheid.*

*In 2001 René was unfairly sentenced to 15 years of imprisonment. On September 2008 his sentence was ratified. The government of the United States prohibits his wife to visit him.*

***Charges: General Conspiracy and Conspiracy to act as a non- registered foreign agent***

**FERNANDO GONZÁLEZ LLORT (RUBEN CAMPA)**  
**No. 58733-004**  
**FCI TERRE HAUTE**  
**P.O. BOX 33**  
**TERRE HAUTE, IN 47808**

*Born in the City of Havana on August 18, 1963. Graduated with a summa cum laude on International Political Relations in the Higher Institute of International Relations of the Ministry of Foreign Affairs in 1987. Fernando is married to Rosa Aurora Freijanes.*

*From 1987 to 1989 he participated as internationalist combatant in the war of liberation of Angola and against apartheid.*

*In 2001 Fernando was unfairly sentenced to 19 years of imprisonment and re-sentenced on December 8, 2009 to 17 years and 9 months.*

***Charges: General Conspiracy, False Identity and Conspiracy to act as a non-registered foreign agent***