

# Case of the Cuban Five – Fact Sheet

***Terrorism:*** Cuba has had to endure terrorist attacks organized in the United States since 1960. Cubans say sabotage and violent attacks have killed thousands on and off the island. Terrorists have bombed hotels and night clubs, subjected the Cuban President to multiple assassination plots, and in 1976 brought down a fully loaded Cuban airliner. All 73 aboard died. U.S. refusal to prosecute or extradite two men responsible for the airliner bombing epitomizes U.S. tolerance – some say fostering – of murderous assaults. Orlando Bosch and Luis Posada live undisturbed in Florida. Cuba accuses the U.S. government of turning a blind eye to attacks even though its government provided U.S. authorities with intelligence information on terrorists' plans.

***Fighting terror:*** In the 1990's Cuba took action. Under Cuban government auspices, volunteers moved to southern Florida in order to monitor and report on private paramilitary groups waging war against Cuba. Five of them, Gerardo Hernández, Ramón Labañino, Antonio Guerrero, Fernando González, and René González, were arrested on September 12, 1998 in Miami. (Others arrested entered plea bargains and received short sentences.)

***Prosecution and trial:*** The five Cuban Prisoners spent 17 months in pre-trial solitary confinement. Defense lawyers complained of difficulties interviewing their clients and of reduced access to evidence accumulated by federal investigators. Jurors at their trial in 2001 experienced hostile monitoring by reporters. Journalists paid by the U.S. government allegedly contributed to an anti-defendant media storm. High ranking U.S. defense and security officers testified that the Cuban Five caused no harm to U.S. security interests, an opinion corroborated by lead Miami FBI investigator Héctor Pesquera in a post - trial radio interview. At the end of the longest trial in U.S. history, jurors deliberated only four hours.

***Charges and sentencing:*** Convictions on charges of failing to register as a foreign agent and using false identities led collectively to sentences totaling 77 years. Three defendants convicted for conspiracy to commit espionage received one life sentence each. One of them, Gerardo Hernandez, was convicted of conspiracy to commit murder in the shoot-down deaths of Brothers to the Rescue pilots in 1996. He received a second life sentence. The defendants were not charged with actual espionage, or in the case of Hernandez, with murder. Sentences imposed on those convicted of real spying for foreign governments against the U.S. government seldom exceed 15 years. The Cuban Five monitored private groups.

***Imprisonment:*** As prisoners, the five Cuban men are held in widely separated prisons. They are subjected to frequent periods of solitary confinement despite unblemished prison disciplinary records. Two prisoners are denied visits from their wives. U.S. regulations make consular visits difficult.

**Appeals process:** In August, 2005, a three judge appeals panel focusing on the issue of venue ruled unanimously that the defendants' trial was biased, thus invalidating their convictions. In August 2006, the full appeals court overruled the panel decision by a 10-2 majority. (Experts say the U.S. Justice Department rarely calls for full appeals court review of a unanimous panel decision.) On June 4, 2008, a three judge panel, ruling on other defense questions, reaffirmed the convictions. The panel did require the original trial judge to reduce three prisoners' sentences. On October 13, 2009 she reduced one life sentence to 21 years and 10 months; on December 8, 2009, another life sentence to 30 years and a 19 year sentence to 17 years and nine months. On June 15, 2009, the U.S. Supreme Court announced its refusal to review the case of the Five. In June, 2010, a habeas corpus appeal was filed on behalf of Gerardo Hernandez based on new evidence which includes alleged U.S. payments to Florida journalists prejudicing the trial atmosphere. Hernandez' two life sentences remain in force.

**World reaction:** Amnesty International on October 4, 2010 appealed to the U.S. government to implement a clemency process. In 2006, AI urged that government to allow visiting rights for two prisoner wives. In 2005 the UN Working Group on Arbitrary Detentions characterized U.S. judicial processes in the case as "arbitrary" and called for remediation. Ten Nobel Prize winners and thousands of politicians, intellectuals, and concerned citizens worldwide have called for the prisoners' release. Hundreds of delegates from at least 20 national parliaments, from the European Parliament and other regional parliaments have joined in. International support has mounted for the right of two prisoners to receive visits from their wives, typified by a letter sent in 2007 by 13 California mayors to the U.S. attorney general.

- To see the Amnesty International report of Oct. 2010, go to:  
[www.tinyurl.com/cuban5case](http://www.tinyurl.com/cuban5case)
- For general information on the case of the Five, go to:  
[www.antiterroristas.cu](http://www.antiterroristas.cu)  
[www.freethefive.org](http://www.freethefive.org)  
[www.thecuban5.org](http://www.thecuban5.org)

*This Cuban Five fact sheet was prepared by the Pardon for the Five Group, which can be reached at 102 Twitchell Road, South Paris, Maine, 04281 and at (207) 743-2183.*