



A report of the
**International
Commission of
Inquiry into the
Case of the
Cuban Five**

**The Law Society
London, UK
7-8 March 2014**



Background

This document is a report of the International Commission of Inquiry into the case of the Cuban Five which took place in London in March 2014.

It provides an overview of the three momentous days of the Commission, including witness testimonies and associated events such as the concert 'Voices for Cuba', a parliamentary meeting, panel discussions, art exhibition and other activities.

Most importantly, it contains the Commissioners' concluding statement and recommendations following two days of compelling evidence on the work of the Five, their arrest, trial and unjust imprisonment.

All events were coordinated by Voices for the Five, an international coalition of campaigners and high profile endorsers calling for freedom and justice for the Cuban Five.

We hope that this report will be helpful to all those interested in finding out the truth about this case and will inspire you to join the campaign for truth, justice and freedom.

Who are the Cuban Five?

The Cuban Five, or Miami Five as they are known in Britain, are Gerardo Hernández, Ramón Labañino, Fernando González, Antonio Guerrero and René González – five Cuban men arrested in Miami in 1998 while attempting to stop terrorist attacks against the Cuban people.

Since 1959, nearly 3,500 Cubans have died in attacks carried out by Miami based terrorist groups, including the 1976 bombing of a Cuban airliner which killed 73 people, and a series of hotel bombings in the 1990s. To save lives, Cuba sent these men to Miami to infiltrate and monitor the groups. The information they gathered was passed to the FBI in 1998. No action was taken against the terrorists, but the Five were arrested and illegally held in solitary confinement for 17 months before their trial.

An unfair trial and harsh prison sentences resulted in terms of between 15 years to double life. As extra punishment, visitation rights for the wives of two of them were denied and visa requests for other family members severely restricted.

Human rights organisations have condemned the unfairness of the trial and the treatment of the families. Amnesty International has described the treatment of the Five as "contrary both to the standards for the humane treatment of prisoners and to a state's obligation to protect family life."

The international campaign for freedom and justice for the Five is supported by world leaders, Nobel Prize winners, religious and human rights groups, lawyers, parliamentarians, trade unions, writers, academics, and thousands of people across the globe.

Although René González and Fernando González, who had the shortest sentences, were released after serving their terms in October 2011 and February 2014, they did not receive justice. And the others still remain in US jails.

**Further information can be found
at www.voicesforthefive.com**



Foreword by René González

I welcome this report from the International Commission of Inquiry into the case of the Cuban Five which was held in London in March 2014.

It will help to impress upon the US authorities that legal opinion amongst some of the world's most distinguished judges considers that the only just resolution of our case is for 'a complete pardon' of the Five and 'the immediate and unconditional release' of our three brothers remaining in prison. The success of the Commission will also play an important role in advancing the international campaign for justice, creating 'the jury of millions' who will ultimately decide our fate.

I myself was refused permission to attend the Commission as the British Government denied me a visa. However, I was there in spirit alongside my wife Olga, my daughter Irma and other members of the families of the Five and in one session was able to testify via Skype, with the onerous limitations that involved. I know from all the reports just how far reaching those investigations were, how detailed were the testimonies from the witnesses and just how closely every aspect of the case was examined by the Commissioners.

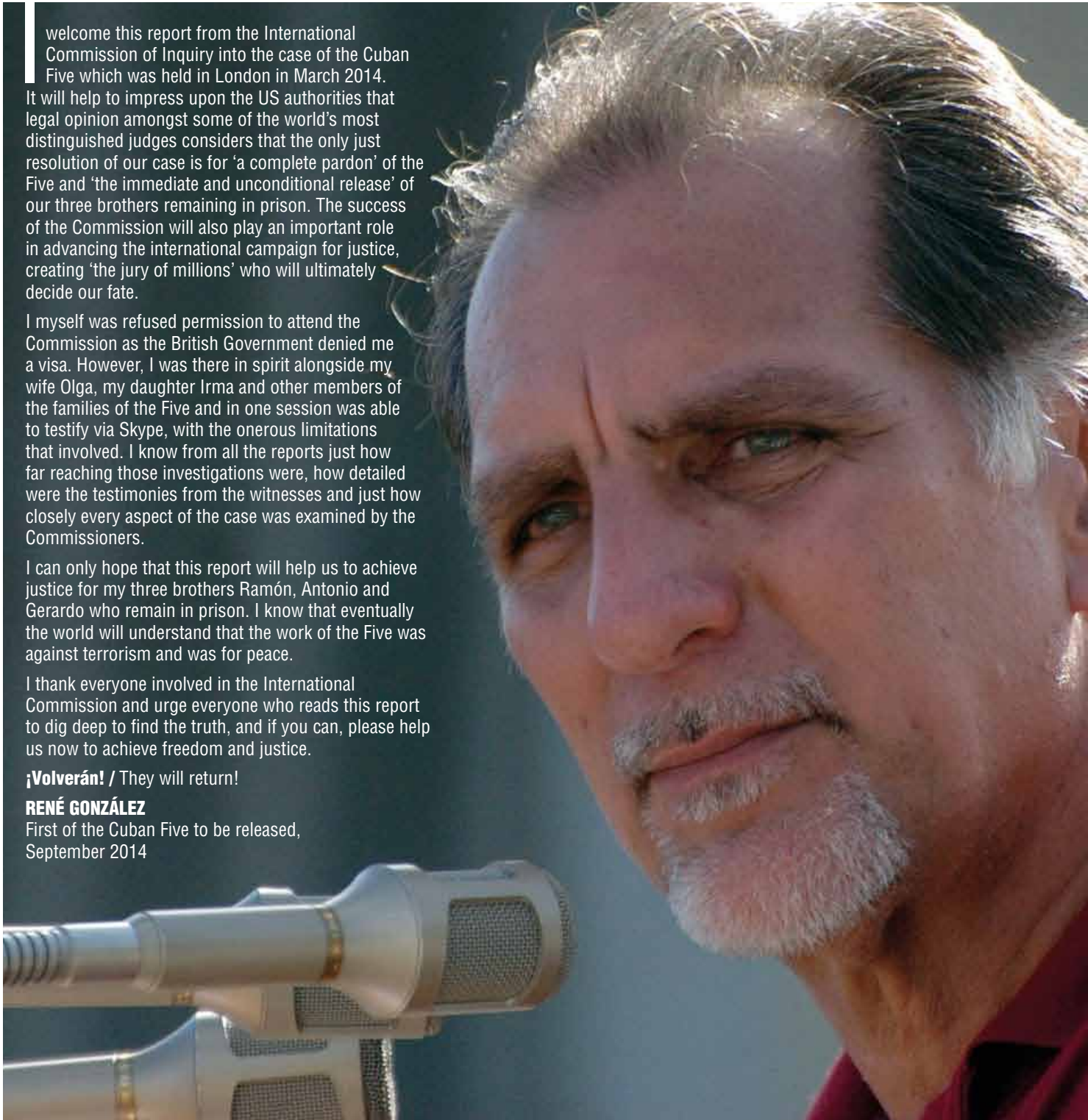
I can only hope that this report will help us to achieve justice for my three brothers Ramón, Antonio and Gerardo who remain in prison. I know that eventually the world will understand that the work of the Five was against terrorism and was for peace.

I thank everyone involved in the International Commission and urge everyone who reads this report to dig deep to find the truth, and if you can, please help us now to achieve freedom and justice.

¡Volverán! / They will return!

RENÉ GONZÁLEZ

First of the Cuban Five to be released,
September 2014

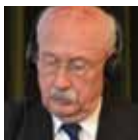


Participants in the International Commission of Inquiry and Associated Events

Commissioners



YOGESH KUMAR SABHARWAL is the former Chief Justice of India. Amongst the many positions he has held throughout his career, he was President of the International Law Association (Indian Chapter), Chief Justice of Bombay High Court, and Judge of the Supreme Court.



PHILIPPE TEXIER is a former judge of the Cour de Cassation in France. He is a member of the National Consultative Commission on Human Rights. He was President of the Economic, Social and Cultural Rights Committee of the United Nations where he served as an expert member for many years.



ZAKERIA MOHAMMED YACOOB is a former Justice on the Constitutional Court of South Africa. He was an executive member of the United Democratic Federation in Natal, served on the Independent Electoral Commission and was a member of the Panel of independent experts of the Constitutional Assembly. He is the president of the KwaZulu-Natal Blind and Deaf Society.

Coordinators

Professor Sara Chandler is President of the Human Rights Commission of the Federation of European Bar Associations and Chair of the Law Society Human Rights Committee.

Elizabeth Woodcraft is a leading UK barrister and author.

Witnesses

Martin Garbus, US legal team of the Cuban Five

Lt. Col. Roberto Hernandez Caballero, Investigator, Cuban Ministry of Interior

Betina Palenzuela Corcho, daughter of victim killed in a terrorist attack against Cuba

Margarita Morales, daughter of victim of a terrorist attack against Cuba

Giustino di Celmo, father of victim of terrorist attack

Lorenzo Gonzalo, Deputy Director, Radio Miami

Norman Paech, Emeritus Professor, Hamburg University

René González, first of the Cuban Five to be released

Philip Horowitz, defence lawyer of René González

Peter Schey, Center for Human Rights and Constitutional Law

Angela Wright, senior researcher, Amnesty International

Adriana Pérez, wife of Cuban Five prisoner Gerardo Hernández

Elizabeth Palmeiro, wife of Cuban Five prisoner Ramón Labañino

Olga Salaneuva, wife of René González of Cuban Five

Panel Participants

Baroness Angela Smith, House of Lords

Ricardo Alarcón, former President of Cuban National Assembly of People's Power

Ramsey Clark, former US Attorney General

Miguel Ángel Martínez, Vice Chair, European Parliament

Diana Holland, Assistant General Secretary, Unite the Union

Alice Walker, Pulitzer prize-winning author

Mirta Rodríguez, mother of prisoner Antonio Guerrero

Irma González, daughter of René González

Kenia Serrano, President, Cuban Institute for Friendship with the Peoples (ICAP)

Performers at Barbican Concert 'Voices for Cuba'

Omar Puente and his jazz quartet

Eliades Ochoa, star of Cuba's Buena Vista Social Club, and his band

Omara Portunondo, star of Cuba's Buena Vista Social Club

Andy de la Tour, actor

Adjoa Andoh, actor

Charlotte Cornwell, actor

Simon Darwen, actor

Frances de la Tour, actor

Victoria Gee, actor

John Gillett, actor

Jonathan Pryce, actor

Samuel West, actor

Susan Wooldridge, actor

Participants in associated events

HE Esther Armenteros, Cuban Ambassador to the UK

Frances O'Grady, General Secretary, Trade Union Congress

Len McCluskey, General Secretary, Union in Unite the Union

Tony Woodley, former General Secretary, Union in Unite the Union

Cathy Jamieson, Member of Parliament

Rob Miller, Director, Cuba Solidarity Campaign

Katrien Demuynck, Iniciativa Cuba Socialista, Belgium

Jan Fermon, International Association of Democratic Lawyers

Alicia Jrapko, International Committee for the Freedom of the Cuban Five

Dodie Weppler, Coordinator, Voices for the Five

Commission Highlights

Over 300 people from 27 countries filled the grand hall at the Law Society in London for the International Commission of Inquiry. The Commission was the focal point of three intense days of activities in London, including parliamentary meetings, receptions, panel discussions, the 'Voices for Cuba' concert attended by 2,000 people, an art exhibition and a closing dinner. The Commission heard from more than 20 expert witnesses, lawyers and family members giving compelling testimony about the circumstances surrounding the arrests, the trial, and the imprisonment of the Five.

The Commission had two main objectives. Firstly, to examine Cuba's need to rely on efforts like those undertaken by the Cuban Five to defend itself against terrorist attacks, and secondly, to examine whether the Five received a fair trial and fair post-trial treatment. The conclusions of the commissioners would be presented to the US government.

The hearings were presided over by three internationally recognised legal figures: Yogesh Kumar Sabharwal, former Chief Justice of India; Philippe Texier, former Judge of the French Cour de Cassation; and Zakeria Mohammed Yacoob, former Justice of the Constitutional Court of South Africa. The proceedings were coordinated by Professor Sara Chandler, Chair of the Human Rights Committee of the Law Society of England and Wales and leading UK barrister Elizabeth Woodcraft.

The primary witness was due to be René González, the first of the Five to be released. At the final hour González received the news that the British Government had denied him a visa to travel to the UK. He was therefore only able to present partial testimony by Skype.



Parliamentarians meet

On the eve of the Commission an historic meeting was held at the British parliament hosted by Baroness Angela Smith and Cathy Jamieson, Member of Parliament. Parliamentarians from Cuba, Britain and six other European countries addressed the meeting which expressed its opposition to the denial of a visa for René González.

Commission Proceedings – Day One

The first day of the Commission concentrated on accounts of the scale of bombings, assaults and provocations directed against Cuba, carried out over decades by armed groups based in the US. It heard a detailed report about the efforts by the Cuban Five to prevent further attacks. Cuba's Lt. Col. **Roberto Hernández Caballero** described the surge of bombings in Cuban tourist areas in the 1990s, including 12 actual and planned attacks, showing photos of defused bombs and the destruction caused by explosions. **Lorenzo Gonzalo**, of Radio Miami, detailed how the US government trained mercenaries for the failed invasion at the Bay of Pigs and subsequently backed rightist paramilitary groups.

Margarita Morales and **Betina Palenzuela Corcho** both spoke of the suffering of the families of victims of these criminal attacks. In just two years, from 1974 to 1976, 165 terrorist acts took place against Cuban property and employees in 24 countries. **Giustino di Celmo**, the father of Fabio, an Italian-Canadian tourist to Cuba who was killed by a bomb placed in his hotel in 1996, testified by video message.

The Commission heard legal opinion from Professor **Norman Paech**, who presented the legal grounds, based on international law, for the right of the Cuban nation to defend itself against aggression.

The highlight of the first day's proceedings was the skyped testimony of **René González**. His appearance on three large



Giustino di Celmo testified by video message

screens located in the Hall was greeted with a tumultuous standing ovation. He detailed many attacks of terrorism carried out by criminal groups based in the US that he experienced as he was growing up. "After all that experience, when I was asked to go to Miami to infiltrate those groups I didn't hesitate and consented to the mission of protecting my fellow Cubans from terrorism."

González outlined the 'special treatment' meted out to the Five prior to the trial – solitary confinement, being placed in 'the hole', restricted access to lawyers, refusal of family visits, harassment of family members (including the arrest and deportation of his wife when he refused to plea bargain) – as well as the legal battle to have the venue of the trial changed. His testimony recorded the legal proceedings at each step of the case following an unfair trial including the recent discovery that journalists were paid by the US government to write inflammatory and untrue articles about the Five and that jurors were intimidated in order to ensure a guilty verdict.

René González's full 13 page testimony is available at www.voicesforthefive.com





A vigil in Havana remembers the victims of terrorist attacks against Cuba. Since 1959 3,478 have died and 2,099 have been injured and maimed as a result of violent actions by groups based in the United States

On 6 October 1976, a Cubana de Aviación airplane exploded in mid-air. In that plane were 73 people, 57 of them Cubans. In that cruel terrorist attack my father died, Luis Alfredo Morales Viego, technical director of the Cuban youth fencing team. The average age of the members of the team did not exceed 27 years, including the coaches. Most of the young people who died there were between 17 and 20 years.

MARGARITA MORALES,
who lost her father
in a terrorist attack

On 22 April 1976, my mother, Adriana Corcho Calleja, aged 35 years, and Efrén Monteagudo Rodríguez, aged 32 years, died as a result of a vile act of terrorism against the Cuban Embassy in Lisbon, Portugal. Five Cuban children became orphans. Choosing the Cuban Embassy in the capital of Portugal to place a bomb was not accidental. It was another step taken within the so-called war against Cuba ‘around the world’.

BETINA PALENZUELA CORCHO,
who lost her mother in
a terrorist attack

Britain denies visa to René González

On Monday 3 March, just a few hours before he was due to fly to London to testify, René González, the first of the Five to be released, was refused a visa to enter the UK. He was to have been the principal witness of the Inquiry.

In its letter of refusal, the UK Immigration and Visa Office stated that UK immigration law specifies that entry can be denied to a person who has been sentenced to more than four years in prison. Although dispensation can be granted “in exceptional circumstances,” the Government stated that it did not consider Mr González’s attendance at the International Commission to be a compelling enough reason to justify this; nor was it “outweighed by the public interest in maintaining a refusal.”

In an attempt to overturn the ruling, an appeal through the courts was rapidly prepared. The case was initially heard in an urgent overnight hearing where it was refused. Two days later it was again contested, this time in a Judicial Review before Judge Hanson.

Leading US attorney Martin Garbus, in London to give evidence at the International Commission, argued that there was a compelling need for René González to attend the Commission in London in person rather than giving evidence via other means, such as telephone or Skype. Nevertheless, Judge Hanson upheld the visa denial, citing that “The Immigration Rules also reflect the will of Parliament in relation to those who should be granted entry.”

While the appeal was going on, a lobbying campaign saw more than 20 British parliamentarians take swift action. They wrote, emailed and telephoned representatives of the Foreign Office, Home Office, UK Borders Agency as well as the British Ambassador in Havana. Trade union leaders and others made statements and sent urgent messages to senior politicians, including Home Secretary Theresa May and Foreign Secretary William Hague, calling on them to allow René González into the country.

In the letter from the British Trades Union Congress, its General Secretary, Frances O’Grady, wrote: **“I am extremely disappointed to hear that René has been denied entry to the UK. That the International Inquiry was considering the legality or otherwise of his own conviction surely represents ‘exceptional circumstances’. To dismiss his contribution to a commission examining what remains a deeply controversial conviction criticised by many, including Amnesty International, suggests a limited examination of the issues by those responsible for the decision and compounds what many see as a miscarriage of justice.”**

When René González applied for his UK visa he also had to apply for a visa to visit France, as his flight passed through Paris. He was received by the French Government in a courteous and friendly way. Today the campaign to overturn this

UK ban continues and it is hoped that these strenuous efforts will result in Rene González being warmly welcomed to the UK in the near future.



René González was forced to testify by Skype after being denied a visa by the British Government

“The decision to refuse René González a visa to enter the UK is deeply unsettling. I can’t see the public interest in refusing René entry into the UK. On the contrary, it is in the public interest to lay bare the circumstances surrounding the arrest and imprisonment of the Miami Five. For the sake of openness and transparency we hope the UK Government thinks again and allows René González to attend the commission.”

TONY WOODLEY,
former General Secretary, Unite

Discussion Panels

During breaks in the Commission proceedings, discussion panels of experts took place to discuss the background to the case and the international campaign for justice for the Five.

The panel on day one heard from former President of the Cuban National Assembly **Ricardo Alarcón**, former US Attorney General **Ramsey Clark**, and Vice-President of the European parliament **Miguel Ángel Martínez**. They spoke of the history of the turbulent relationship between Cuba and the US that ultimately led to the work of the Five and their subsequent arrest and imprisonment.



“We owe so much to the Five. We owe them for being a symbol of courage, for going out to prevent violence, risking their own security and sacrificing their relationship with their own families. It’s imperative that international pressure be put on the United States and on President Obama to end this injustice by freeing the remaining men and apologising for what has been done. Send them home!”

RAMSEY CLARK,
former US Attorney General



“When I think about Cuba and the Five, these incredible men whose only crime was to protect what they love: their family, their children, their country, I know what they are trying to protect them from. I have seen it. I know exactly what my country is capable of.”

ALICE WALKER, author

A second panel featured Pulitzer prize winning author **Alice Walker**; **Irma González**, daughter of René González; **Diana Holland**, Assistant General Secretary of UNITE the union; **Mirta Rodríguez**, mother of Antonio Guerrero of the Five and **Kenia Serrano**, President of the Cuban Institute of Friendship with the Peoples (ICAP). The campaigning role of women internationally was discussed and the campaign for the Five was presented as one amongst the rich history of women’s struggles for justice.



“When Tony gets out of jail he must complete another five years of supervised release in the United States, and we already know how cruel this was in René’s case. René was only allowed home during his probation when his brother was dying and after his father’s death. So I wonder whether they will keep Tony there on probation for five years, and if the judge is going to wait until I die to let him come to Cuba. That’s hard, really very hard.”

MIRTA RODRÍGUEZ,
mother of Antonio Guerrero

Voices for the Five Concert

On the first evening of the Commission, a spectacular concert, 'Voices for Cuba', saw an audience of 2,000 at London's prestigious Barbican Centre welcome stars of Cuba's famous Buena Vista Social Club, **Eliades Ochoa and Omara Portuondo**. As well as the wonderful music, the audience appreciated a special performance, drawn from amongst the most respected and celebrated actors in the UK, who read from letters and poems written between the Five and their families. The readings opened with words from internationally acclaimed US writer **Alice Walker** and ended with an emotional speech from **Irma González**, daughter of René, who moved many to tears with her words.

The evening ended with a rousing and impromptu rendition of the Cuban anthem 'Guantanamera' with the full house standing, dancing and singing along with Omara Portuondo who sang the words "Volverán" and "They will return" as she left the stage. It was a truly memorable evening.





My only comfort comes with the hope, that perhaps, very soon, because of the effort from the people and organisations that have made this concert and commission possible, and others sitting here who will join them after tonight, that my father will be able to thank you as he asked me to do on his behalf, but personally and most importantly side by side with his four brothers, Ramón, Gerardo, Fernando and Tony.

IRMA GONZÁLEZ,
daughter of René González

Commission Proceedings – Day Two

The second day focused on the treatment of the Five in terms of their arrest, the conduct of the trial, detention conditions and visiting rights and ended with a concluding report by the Commissioners.

Philip Horowitz and Martin Garbus, two of the Five's lawyers gave details of the denial of the rights to a fair trial by the US government. They described the anti-Cuban hysteria whipped up in Miami, making a fair trial impossible. Garbus presented a 558-page document to the Commissioners outlining the US government's illegal and secret payments to prominent Miami reporters who worked to condemn the Five through their highly prejudicial coverage.

Attorney **Peter Schey** spoke of the US government's refusal to provide vital satellite images of the Brothers to the Rescue planes shot down after numerous warnings on 24 February 1996. The shooting down was falsely pinned on Gerardo Hernández and is the reason he is serving a draconian double-life sentence.



“The sentencing, the composition of the jury, the delayed charging and arresting of these people, are all unparalleled and unique in American legal history, and given the politics of the time, not surprising. To say that this is one of the worst trials in American history is not an exaggeration!”

MARTIN GARBUS,
attorney for the Five



Amnesty International testimony

Important evidence was given by **Angela Wright**, senior researcher at the Americas desk of the International Secretariat at Amnesty International (AI). She was principal author of the 2010 AI report 'US: The case of the Cuban Five'. Wright explained the position of Amnesty International and the clear case of injustice perpetrated against the Five through an unfair trial and their subsequent treatment.



AMNESTY INTERNATIONAL

“The UN Human Rights Committee (the treaty monitoring body) has emphasised that the requirements of competency, independence and impartiality of a tribunal – which includes all its components, including the jury where there is one – is an absolute right that is not subject to any exception. It is also a fundamental principle under international law that a trial must not only be fair but must be seen to be fair... (T)here remains in Amnesty’s view grave doubts about the impartiality of the tribunal before which the defendants were tried and convicted.”

“New evidence has emerged that casts even more doubt about the fairness of the trial, with information suggesting that the US systematically paid journalists hostile to Cuba to cover the trial and provide prejudicial articles in the local media asserting the guilt of the accused.”

“We are aware of the urgency of this case after so many years without a remedy, and will continue to appeal for justice to be expedited through all appropriate means.”

ANGELA WRIGHT,
senior researcher at Amnesty
International

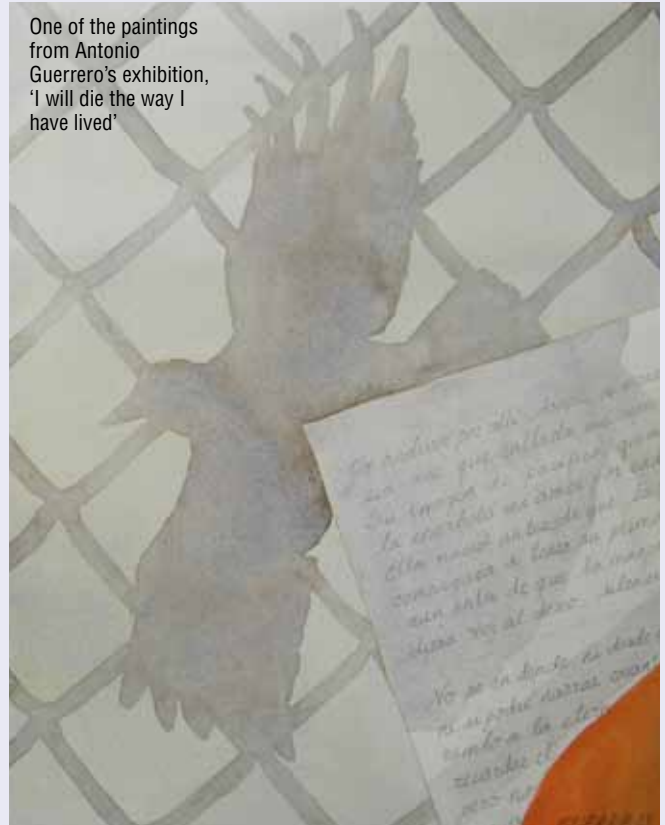
Commission Proceedings – Final Session

The final session of the Commission heard from family members **Adriana Pérez**, wife of Gerardo Hernández, and **Elizabeth Palmeiro**, wife of Ramón Labañino. **Olga Salanueva**, the wife of René González, also gave evidence following a standing ovation when she entered the Law Society's grand hall after her delayed arrival due to the visa denial for her husband.

It is to be noted that the United States Ambassador to the United Kingdom of Great Britain and Northern Ireland was invited to attend and testify or submit responses. The Commission received his apologies. The proceedings closed with the Commissioners presenting their report which was received as everyone in the Hall rose to their feet and applauded.

Exhibition and Closing Dinner

The two days ended with 270 guests attending a closing dinner held at the headquarters of the British Trades Union Congress (TUC) which represents six million affiliated trade unionists. An exhibition of 15 paintings by Antonio Guerrero, entitled 'I will die the way I have lived', was opened by the Cuban Ambassador, Her Excellency Esther Armenteros, and Mirta Rodríguez.



One of the paintings from Antonio Guerrero's exhibition, 'I will die the way I have lived'



René González sends a video message to the Closing Dinner

“My legal case is now officially closed, but the uphill battle to afford justice to my brothers is still on. We can't allow ourselves to pay the price of Gerardo dying in prison for a crime even the prosecutors know he didn't commit. We count on you to put an end to this tragedy, derived from the most sordid and immoral instincts some human beings can harbour. Humanity should be more than that.”

RENÉ GONZÁLEZ



“ I don’t pretend that there aren’t moments of sadness, nostalgia, and homesickness, but Gerardo has assured me that everything we’ve experienced will be reversed for a better future, in the form of a permanent union with my husband, partner and friend, which we will enjoy as though the time was never chopped down. Every morning when I wake up I shake myself and say, Today I have no time to spend on nostalgia or sadness. I only have time to fight for his final return. ”

ADRIANA PÉREZ,
wife of Gerardo Hernández

“ Ramón and his four brothers stayed in isolation cells for 17 months and we were more than 27 months without communication: no letters, no phone calls, and no visits at all. During this time, I tried to continue my life as normally as possible. I took care of my daughters, keeping in mind that some day Ramón would contact us. I had to stand strong for us and for him. ”

ELIZABETH PALMEIRO,
wife of Ramón Labañino



Full transcripts of all of the testimonies can be accessed at www.voicesforthefive.com

Commissioners' Report

Key findings

- We would urge President Barack Obama to pardon completely all these five persons and to release immediately and unconditionally the three persons who continue to languish in prison in the United States.
- No conduct of any of these persons was aimed at the United States of America or its Government.
- The granting of unconditional Presidential pardons has the real potential to achieve effective justice for the Five and to contribute substantially to the normalisation of relations between the United States and Cuba and represent a meaningful stride towards world justice and world peace.

Concluding Report of the Commissioners from the two day International Commission of Inquiry into the case of the Cuban Five

It is appropriate that these preliminary thoughts on this hearing, a hearing that could make some contribution to the realisation of the human rights in general and the fair trial rights in particular, of five Cuban human beings be placed in the public domain now. All these persons are Cuban nationals. Mr Gerardo Hernández Nordelo, Mr Ramón Labañino Salazar, Mr Antonio Guerrero Rodríguez, Mr Fernando González Llort, and Mr René González were all convicted in the United States of America during 2001 of certain state security related offences. Mr Hernández was, in addition, convicted of a conspiracy to commit murder.



We plead fervently that the course of action suggested by us above be adopted for the reasons that follow:

1. There are serious concerns about whether any of these people have had the full benefit of the fundamental human right to a fair and speedy trial before an independent and impartial tribunal or Court, recognized universally in the International Covenant on Civil and Political Rights as ratified by the United States of America.
 These material concerns emerge in the light of facts like:
 - a. all five Cuban Nationals were placed in solitary confinement for about seventeen months before the trial began;
 - b. none of them have had sufficient access to documents relevant to the trial and necessary for the adequate preparation of a defence;
 - c. the opportunity to consult with their legal representatives was, in all the circumstances, less than sufficient;
 - d. the trial was held in a part of Miami, Florida where, according to three respected judges of the Eleventh Circuit of the United States Court of Appeals, a fair trial could not be guaranteed;
 - e. serious allegations have been made that the United States Government paid the media to ensure prejudicial publicity against these persons both before and during the trial;
 - f. these five human beings were certain of their fate only eight years after the trial in the District Court had been concluded.
2. According to all the judgements not one of these persons either committed or intended to commit any act of violence.
3. No conduct of any of these persons was aimed at the United States of America or its Government. The Cuban Five gathered information aimed at preventing privately-inspired violence and other anti-Cuban action emanating from United States soil.
4. The perception of the Cuban Five, indeed their firm belief, that the United States Government was not doing enough to stem violent anti-Cuban action from United States soil.
5. There is no doubt at all that hundreds of compatriots and countrymen who were ordinary citizens of Cuba have died in unacceptably horrendous circumstances as a result of the actions of Cubans opposed to the Castro government in Cuba from United States soil. The families of the deceased would have suffered immeasurably.
6. Two of the members of this group of persons have already served their full sentences, and there can be no prejudice in pardoning them now.
7. The other three persons have, in any event, already served inordinately long periods of imprisonment in all the relevant

circumstances summarised in this statement.

8. The families of these people have undergone tremendous suffering and hardship in consequence of the internment of their loved ones, and it can be said without any fear of contradiction that enough is enough.
9. None of these persons acted out of malice or any kind of ill-will towards the United States or its Government, people, or policies: each of them was carrying out the instructions of their government.
10. Private anti-Cuban aggression from American soil is quite impossible to be justified from any viewpoint.
11. It is urged that the normalisation of relations between Cuba and the United States is a laudable and achievable goal, in the interests of both the United States of America and the Republic of Cuba, and that the generous grant of pardons by the President of the United States of America to the people who have been described as the Cuban Five will contribute immeasurably to the achievement of this vitally important purpose.
12. The President of the United States is also respectfully informed of the prevailing reasonable view that it is important to signal that the achievement of fairness and justice is not the preserve of the judiciary alone of any country, but, ultimately, a vital political responsibility that must be embraced when the moment comes.
13. It is suggested, with the greatest respect, that the granting of these pardons will have a significant impact on world justice and world peace. In summary, the granting of unconditional Presidential pardons to the members of the Cuban Five has the real potential to achieve effective justice for the five human beings who have been the concern of this enquiry, to demonstrate the adherence of the President of the United States of America and its Government today to universally accepted norms of morality, fairness and justice, contribute substantially to the normalization of relations between the United States and Cuba and to represent a meaningful stride towards world justice and world peace. Having heard two full days of compelling evidence, we would urge the President of the United States of America, President Barack Obama, to pardon completely all these five persons and to release immediately and unconditionally the three persons who continue to languish in prison in the United States.

Signed by Commissioners

Yogesh Kumar Sabharwal, India, former Chief Justice

Philippe Texier, France, former Judge Cour de Cassation

Zakeria Mohammed Yacoob, South Africa, former Justice of the Constitutional Court

The case of the Five

In September 1998, five Cuban men were arrested in Miami and charged with conspiracy to commit espionage. No charge of actual espionage was ever brought against them. Seven months after their arrest and before their trial, a new charge of conspiracy to commit murder was added against Gerardo Hernández.

Their actual mission in the US was to monitor the activities of Florida-based groups responsible for terrorist attacks against Cuba which had killed 3,478 and injured 2,099 people since 1959.

Following their arrest they were placed in solitary confinement for the entire 17 months of their pre-trial custody.

In spite of the vigorous objections raised by their defence, the case was tried in Miami, Florida, a community with a long history of hostility toward the Cuban government and where, it was argued, it would prevent them from receiving a fair trial.

Shortly before the jury was due to discuss their verdict, the government prosecution admitted that it had failed to prove the conspiracy to commit murder charge against Gerardo. However, the five were still found guilty of all charges and received unprecedented maximum sentences. They were 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 produced.

Appeals

After appeal, their sentences were overturned in 2005 on the grounds that they could not have received a fair trial in Miami. However, a further prosecution appeal on behalf of the US government saw this decision revoked.

In the same year, the United Nations Working Group on Arbitrary Detention concluded that the Five's imprisonment was arbitrary and urged the US government to rectify the situation.

A later appeal saw the sentences of Antonio Guerrero, Fernando González and Ramón Labañino reduced from life and a further recognition by the Court of Appeals that no secret or national defence information had been obtained or transmitted by the Five.

In 2009, despite receiving international support and the largest number of amicus briefs ever to have urged for a review of a criminal conviction, the US Supreme Court decided, without explanation, not to review the case of the Five.

In October 2011, René González became the first of the Cuban Five to be released, after serving 13 years of imprisonment. In May 2013, after having been forced to remain in the US for 18 months under supervised release, the judge gave him permission to return to Cuba. In February 2014 Fernando González was released from prison and returned home to Cuba after serving his entire sentence.

As of March 28, 2012, Gerardo Hernández, Antonio Guerrero and Ramón Labañino have all filed Habeas Corpus appeals now that the process of direct appeal has been exhausted. In addition to contesting the 'murder conspiracy' charge in the case of Gerardo Hernández, the appeals include new evidence of US government misconduct in its extensive operation of payments to Miami journalists while they covered the prosecution of the Five in a harmful and biased manner. They are still waiting to hear the judge's decision.

Gerardo Hernández Two life terms plus 15 years

Ramón Labañino 30 years

Antonio Guerrero 21 years and 10 months

Fernando González 17 years and 9 months

René González 15 years

**Full details of their case
can be found at
www.voicesforthefive.com**

“On 24 February 1996, after many months of warnings, after dozens of armed and terror provocations, the Cuban Air Force interrupted the flight of three small planes; two were shot down over Cuban territory. Gerardo had nothing to do with that incident. He was not a pilot in the Cuban Air Force, he was not a military leader, and he was not an air traffic controller. Besides, Cuba didn't need him to do that. Because our authorities get that information many times every day directly from the Federal Aviation Administration or the air traffic control in Miami. Every day, day and night.”

RICARDO ALARCÓN, former President of the Cuban National Assembly

Voices for the Five

Voices for the Five is an international coalition of campaigners, solidarity groups, legal professionals, human rights organisations, politicians, trade unions and international personalities, fighting for freedom and justice for the Cuban Five (or Miami Five as they are known in Britain).

Working to raise international awareness and indignation at the injustice of this case, these voices came together in March 2014 for the International Commission of Inquiry into the case of the Cuban Five.

www.voicesforthefive.com is the international online campaigning hub for justice and freedom for the Five until all are free and returned to their families in Cuba.

“In the courts we know we will never find justice. This is a political case. But we trust in the power of solidarity. Only a jury of one million people, people like you, can bring justice to these men.”

ELIZABETH PALMEIRO,
wife of Ramón Labañino



**Please help us by joining
the campaign for justice for
the Five today.**



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Full details of their case can be found at www.voicesforthefive.com

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The Commission of Inquiry gratefully received the support of over 200 highly respected personalities from all sectors of society and from many countries throughout the world.

La Comisión de Investigación agradece el apoyo obtenido de más de 200 altamente distinguidas personalidades de todos los ámbitos de la sociedad, provenientes de muchos países del mundo.

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“ Our enemy has proven to do poorly in maths. He has tried for many years to divide, to divide and divide. And what he has accomplished is to multiply. He has tried to divide families; he has tried to divide a people. Today by denying a visa to René he is trying to separate him from you, but the result is the opposite. We’re no longer the single family that received bad news in 1990. We are five families united with all of you who are now beyond being our friends, the solidarity movement with Cuba, thus becoming our family. And since a family never leaves its children, we are confident that we are going to bring them all back home ”



OLGA SALANUEVA,
the wife of René González

“ Nuestro enemigo se ha comprobado que simplemente no sabe matemáticas. Se ha esforzado durante muchísimos años en dividir, en dividir y en dividir. Y lo que ha hecho es multiplicar. Ha tratado de dividir a las familias, ha tratado de dividir a un pueblo. Hoy le está negando la visa a René para tratar de dividirlo de ustedes, y lo que ha hecho es multiplicarnos. Ya no somos una familia que en 1990 recibió la noticia, somos cinco familias que se unen a todos ustedes que dejan de ser nuestros amigos, los solidarios de Cuba, para ser nuestra familia. Y como una familia nunca abandona sus hijos, estamos seguros que vamos a traerlos a todos ”



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