

Chronology in the Case of the “Cuban Five”

During 1990^s, the Cuban Five infiltrated terrorist Cuban exile groups in South Florida, in order to inform Cuban authorities about planned attacks against Cuba. (In 2001 Cuba complained and could prove in front of the United Nations 3,478 deaths and 2,099 disabled Cuban people until 1999, caused by terrorist attacks carried out by exile Cubans mainly based in Miami.)

June 16 and 17, 1998: The Cuban government gave voluminous documents to the FBI as evidence concerning terrorist activities in South Florida.

September 12, 1998: The FBI arrests 10 members of the „Wasp Network“. Five of them “cooperate” (they receive just common penalties for their illegal activities as foreign agents). The other five disappear in solitary confinement for 17 months and are charged with espionage conspiracy, and as for Gerardo Hernández, for murder conspiracy, as well, concerning a shoot down of 2 planes of the “Brothers to the Rescue” by Cuban MIGs after having repeatedly penetrated Cuban airspace despite of warnings even from U.S. authorities before. During the following trial the prosecution had no evidences that Gerardo was linked to that shoot down.

June, 2001: After a trial of over 6 months, an intimidated jury finds the five guilty of all charges, in spite of the lack of evidence and in contradiction to the testimonies of high-ranking militaries. In **December 2001**, they are sentenced to prison terms from 15 years up to two life terms + 15 years, and then transferred to different high security prisons widely spread across the USA. s. Leonard Weinglass, 2003, <http://www.miami5.de/informationen/overview.pdf>

April – May 2003: Offset of their appeals scheduled by the 11th Circuit Court of Appeals in Atlanta on April 7, 2003. (From the end of February 2003, solitary confinement in isolation units was again imposed on the five, amounting to torture. This was originally to last for one year and could have been prolonged arbitrarily. Because of the international protests, among them that of Amnesty International, they were released from solitary confinement after one month.)

March 10, 2004: Oral arguments hearing by three 11th-circuit judges from Atlanta in Miami (with the observance of international lawyers, incl. attorney Eberhard Schultz, Germany).

May, 27, 2005: The UN Working Group on Arbitrary Detention of the UN Committee of Human Rights in Geneva publishes its “Opinion No. 19/2005” addressed to the Government of the United States, April 8, 2004. Their conclusion on page 6: “The deprivation of liberty” of the Cuban Five “is arbitrary, being in contravention of article 14 of the International Covenant on Civil and Political Rights and corresponds to category III of the applicable categories examined in the cases before the Working Group.”
S.: http://www.freethefive.org/updates/Solidarity/SLUNJudgement_052705.htm

August 9, 2005: The panel of three judges of the Court of Appeals in Atlanta issues its opinion, saying the sentences of the Five must be annulled because of the pervasive biased atmosphere during the trial in Miami-Dade and a new trial is granted in a new venue outside of Miami. s.: <http://www.freethefive.org/legalFront/LF11thCirOpinion08-09-05.pdf>

October 31, 2005: The appeal of the federal prosecution is accepted.

August 20, 2007: The third oral arguments hearing before 3 judges takes place in Atlanta, - meanwhile judge Pryor joined the two judges Birch and Kravitch, members of the former three-judge panel. Among the 50 attending international observers are human rights attorney Eberhard Schultz and Professor Norman Paech, expert on international law and member of the German Parliament, then.

June 4, 2008: The opinion of the three-judge panel is released by a voting 2:1. Compare to the dissent of judge Phyllis Kravitch, s.: <http://www.freethefive.org/legalFront/LFAppealsDecision060408.pdf>

September 2, 2008: The three judges dismiss a petition of the defence for a review of their decision and confirm it instead.

January 30, 2009: Lawyers of the Cuban Five file a petition with the Supreme Court saying their trial in Miami was unfairly prejudiced by the larger community.

March 6, 2009: *Twelve* separate “amicus briefs” are filed.

S.: <http://www.freethefive.org/legalFront/LFAmicusPR30609.htm>, amicus briefs, <http://www.freethefive.org/resourceslegal.htm> .

March 8, 2009: International Commission for the Right of Family Visits sends a letter to Secretary of State Hillary Clinton urging her for granting Humanitarian VISAS to the Cuban citizens Olga Salanueva and Adriana Pérez, wives of federal prisoners René González and Gerardo Hernández respectively, having been prevented from visiting their husbands until now, S.: <http://www.thecuban5.org/IntCommFV.html> .

June 15, 2009: US-Supreme Court denies the revision of the case.

S.: www.freethefive.org , www.antiterroristas.cu , www.thecuban5.org , in German www.miami5.de .

October 13, 2009: The Federal Court of Miami reduces Antonio Guerrero’s sentence from life term, plus 10 years, to 21 years + 10 months,

s.: <http://www.freethefive.org/legalFront/LFTonyResentenceTranscript101309.htm>

December 8, 2009: The Federal Court of Miami reduces Ramón Labañino’s life term, plus 18 years, to 30 years and Fernando González’ sentence from 19 years to 17 years, plus 9 months.

June 14, 2010: The post conviction legal filings: The legal team argues that the convictions are entirely invalid, especially “the conviction of Gerardo [Hernández] for conspiracy to commit murder.” New evidence will be shown. S.: <http://www.rhc.cu/viejo/ingles/especiales/Julio09/especiales14julio.htm>

October 13, 2010: Amnesty International’s press release urging to free the Cuban Five, s. <http://www.amnestyusa.org/document.php?id=ENGUSA20101013001&lang=e> and its statement: <http://www.amnesty.org/en/library/asset/AMR51/093/2010/en/9911673a-a171-49db-b757-581f2fbdfe11/amr510932010en.pdf>.

December 10, 2011 – March 16, 2011, attorneys file their **habeas corpus motion** for proving the “**actual innocence**” of their clients **Gerardo Hernández and Antonio Guerrero** showing new evidence, among others concerning the shoot down in 1996 and proof for payments by the US administration to journalists for manipulating public opinion since the arrest of the Cuban Five and during their trial, by this having prevented a fair trial in Miami. These arguments apply to all the five of them.

25. April 2011: Caroline Heck-Miller, leading federal prosecutor in the case of the Cuban Five, asks to deny Gerardo Hernández’ habeas corpus motion.

August 16, 2011: Defense files its appeals including additional evidence in favour of their clients. They announce that respective motions on behalf of Ramón Labañino and Fernando González will soon be filed too. September 13: Attorney of René asks the court for letting his client go home instead of spending his probation time within the USA.

September 16, 2011: Judge Joan Lenard rules that René González has to spend his probation time of three years supervised in the USA, respectively in the Miami hotbed of terrorism. Therefore, after his release from prison on October 7, he should not be allowed to go home to Cuba and his beloved family, compare to: José Pertierra, <http://www.freethefive.org/legalFront/LFReneReleasePertierra91711.htm> . Since October 7, 2011, we have to fear for René González’ life more than ever!

¡Basta ya! Komitee zur Befreiung der fünf Kubaner c/o Netzwerk Cuba - Informationsbüro - e.V. e-mail: info@miami5.de Spendenkonto: 32 33 31 00 bei der Postbank Berlin, blz: 100 100 10, Stichwort: "miami5"

