

Press Release by the lawyers of the Cuban Five
August 21, 2007

Oral argument in the appeal of Gerardo Hernández, René González, Antonio Guerrero, Ramón Labañino and Fernando González, five Cubans unjustly held in United States' prisons since 1998

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ATLANTA, Agosto 20_. Oral argument in the appeal of Gerardo Hernández, René González, Antonio Guerrero, Ramón Labañino and Fernando González, five Cubans unjustly held in United States' prisons since 1998, took place before the three judge panel of the 11th Circuit Court of Appeals on August 20, 2007.

At the hearing, as at the two prior hearings held in March 2004 and February 2006, both parties, the Government and the Defense, asserted their arguments and responded to questions from the judges.

This hearing is one more step in the long appeal process of these five men since they were sentenced in 2001. As in the past, the Government of the United States was once again unable to refute the arguments of the Defense and sustain the accusations against the five.

For its part, the Defense, demonstrated irrefutably that the improper conduct of the Government during the entire legal process against the five constituted a flagrant violation of due process that influenced the entire proceeding, primarily by the way in which the Prosecutor invented the charges, promoted a hostile environment and manipulated the evidence and the jury.

Other key arguments of the Defense that demonstrate the arbitrariness of the process is lack of evidence to sustain the two main accusations “conspiracy to commit espionage and conspiracy to commit murder in the first degree” and the imposition of completely irrational and unjustifiable life sentences. The Government itself admitted during trial that it could not present a single secret document to prove espionage and that it faced an “insurmountable obstacle” to prove the charge of murder.

Throughout the tainted process the Government admitted that its real concern was to protect the anti-Cuban terrorist groups that operate with total immunity in Miami and to punish those who fight against them.

Next September 12, these five men, accused of crimes they did not commit, will begin their tenth year in prison only because they attempted to protect Cuba from terrorist acts. Cuba like the United States and any other country of the World has a legitimate right to defend itself against the scourge of terrorism that has harmed so many victims.

We trust in the professionalism of the panel of judges and that soon or later justice will prevail for Gerardo, René, Antonio, Ramón and Fernando.

