



August 10, 2005

NEW YORK COMMITTEE STATEMENT ON RECENT DEVELOPMENTS ON THE CASE OF THE CUBAN 5

On Tuesday, August 9 the 11th Circuit Court of Appeals issued a groundbreaking 93-page decision on the case of the Cuban Five. The Judges of the 11th Circuit Court ruled that the five Cubans could now receive a new trial and that it could take place outside of southern Florida.

Leonard Weinglass, one of the attorneys for the Five, stated that the decision was historic and would have ramifications in cases nationwide.

The ruling is a tremendous development that the Committee greets with immense joy. René González, Fernando González, Antonio Guerrero, Gerardo Hernández and Ramon Labañino are freedom fighters that never committed any crime. They are **anti**-terrorists who sacrificed a great deal for their country as well as for peace for all people. It is a tragedy that the Five were incarcerated while those who actually do carry out terrorist actions—such as Luis Posada Carriles—are free to walk the streets of Miami. Despite the fact that Posada Carriles crimes against Cuba and Latin America are well documented, he is currently being held in custody in the U.S. solely on immigration issues.

Specifically, the August 9 ruling on the case of the Cuban 5 means that:

- ❑ All of the Five's **convictions and sentences** have been **overturned**.
- ❑ The court determined the **trial was not fair** because of "community prejudice, extensive publicity and prosecutors inflammatory remarks" in Miami. The judges demonstrated over a 100 incidents that showed Miami as a hostile environment against Cuban government. One example the court wrote "The perception that the exile groups could harm jurors that rendered a verdict unfavorable to their views was palpable."
- ❑ The judges unanimously ordered a **new trial**.
- ❑ They will remain detained in the current prisons they are in for at least 20 more days but shortly afterwards will be sent to Miami.
- ❑ The issue of bail for the Five is unresolved but the attorneys remain hopeful.
- ❑ Unless the U.S. Attorney Generals office appeals the decision, they will be in Miami. For the first time in a long time, the Five will have the opportunity to be together to discuss their case together as well as meet with their lawyers.

The struggle is still not over! Despite this tremendous development, the Five brothers are still not home! Their families have still not been granted visas to visit the prisoners. The pressure must still be made to make sure that the U.S. Attorneys Office does not make an unreasonable attempt to overturn their decision or stall the outcome.

You can help! If you are not signed on to the NY Free the Five list, sign on now. Stay in touch by email or visit the website for New York actions to keep the pressure on. Contact the NY committee at www.freethefiveny.org or freethefiveny@action-mail.org.