

Dear friends

let me first thank you for the invitation to this important week in Washington. I would like to convey to you the solidarity felt by so many people in Germany, for the plight of these five Cubans who have suffered such long imprisonment here. The petition demanding their release which we have organized has, to date, 5000 signatures and we are working every day to gather more signatures.

I would like to put to you our view of this issue. These five Cubans, all with very different backgrounds, are committed to building and defending the Cuban revolution. The defeat of the previous Regime was only a beginning until the enemies of the Revolution can be convinced to accept the will of the Cuban people to live independently, free of foreign domination. The incessant economic sabotage, and terrorist attacks must be ended.

The five patriots were sent to the USA to defend Cuba from such terrorist attacks. Their mission was to infiltrate the Cuban exile groups which were organizing illegal activities openly on US soil. They were there only to gather information and pass it back to their own government. Because of the secret nature of this work they did not inform the US authorities, they clearly broke the law. The question which must be put, is whether such a crime can warrant such draconian punishment. They were indicted for the crime of espionage against the USA. Such an indictment could only be construed if the American authorities were actively supporting terrorist networks on US soil. Indeed, this case can be argued- if the US government was aware of activities which were clearly in contravention of International Law, yet made no attempt whatsoever to prevent them, then clearly they were culpable for such terrorists acts.

In 2007 the US Department of Justice found Luis Posada Carilles not guilty of entering the US illegally. This man has been a long time CIA agent and is wanted in numerous countries on charges of terrorism. Among other crimes, he is accused of the destruction of an aircraft of "Cubana de Aviacion", which resulted in the deaths of 73 innocent passengers. He is also sought in connection with a series of bombings of Cuban tourist resorts. He escaped from a prison in Venezuela where he was being held on terrorist charges. His activities were not limited to anti Cuban operations, he was also intimately involved with the infamous Col. Oliver North in EL Salvador. This was the base, from which the CIA engaged in a long, and bloody campaign of destabilization against the Sandinasta Government. The Contras were recruited, trained, equipped and infiltrated across the border into Nicaragua. Luis Posada Carilles was deeply involved in the scandal which later became known as the Iran Contra affair. He coordinated the finances to procure weapons for terrorist acts in Nicaragua. Also on his criminal record was an attempt to assassinate Fidel Castro at the Ibero American Conference in Panama. He planned to kill the Cuban leader with a bomb during his speech, which would have also led to further deaths and injuries. The plot was prevented, he and his accomplices were imprisoned for the crime. However, four years into his sentence he was pardoned.

In 2005 he resurfaced in the USA at a press conference, where he was promptly arrested- he miscalculated his impunity from the law. Carilles was freed 2 years later in 2007 by the US authorities- this casts into stark light the integrity of America's War on Terror. This man, who has openly advocated terror, and with a long string of terror related crimes behind him, can spend his last years without fear of retribution, in the USA. Contrast this with the merciless persecution of men who were in fact working to prevent terrorism. Countries, including the USA, are obliged to prevent infringements of International Law from being perpetrated from their territory. The victimization of these men illustrates the full extent of American hypocrisy- protection of a terrorist versus prosecution of those attempting to prevent terrorism.

Something which gets practically no media attention in Europe, is the fact that up to 1999, approximately 3500 Cubans have been killed, and 2100 have been seriously injured in terrorist

attacks. The vast majority of these attacks have been carried out by exile Cubans trained by the CIA. Together with the crippling embargo on Cuba these terrorist attacks have had a devastating effect on the economic life of the island. In 1998 the Cuban government provided the US authorities with comprehensive documentation on the illegal activities of Cuban exiles on US soil. Among the material provided, were forensic samples of explosives used in the bombings of an hotel and tourist bus. There were also the transcripts of intercepted telephone conversations where Luis Posada Carriles discussed the planning of terrorist attacks. The FBI initially professed interest and indicated that they would act on the evidence. What actually happened was the opposite- the providers of the incriminating evidence became the targets of the prosecution, rather than the perpetrators of terrorism. On the 12th of September 1998 the FBI conducted a spectacular series of raids in which 10 Cubans were arrested. The US Attorney General made the dramatic announcement " that the 10 were part of an espionage ring infiltrated by the Cuban government to undermine our National Security and strike at the heart of our legal system".

It is hard to imagine a more cynical abuse of the democratic concept, or due process, to link proven terrorist groups to US National Security. It is a fact that the Cubans were committing an offence by engaging in intelligence work on US soil. Yet, to indict and convict them on charges of conspiracy to commit espionage and murder can only be construed by turning due process on its head. The accused were solely engaged in preventing terrorist activities in Cuba. These grave violations of International law were being committed by private groupings on a regular basis from within US jurisdiction. The five did not, in any way, target US National Security. They transmitted absolutely no material which might in any way have compromised it. The abuse of criminal law to prosecute perceived enemies is an unfortunate indicator of a politically tainted justice system.

Another blatant violation of the right to a fair trial was the fact that it was held in Miami. This was in itself a miscarriage of justice. This state is renowned as a stronghold of anti Cuban sentiment, and was sure to produce the tainted verdict the authorities sought. This was confirmed when an appeals court threw out the verdict as unsound. The judge declared the convictions unfair and stipulated that a retrial must be held, and that it must be held in a neutral State. The previous March the UN Human Rights Commission on unfair detention had criticized the unfair nature of the trial and the harshness of the prison conditions. The first 17 months of their confinement were spent in solitary confinement. They were denied access to their legal teams, and thus prevented from testing the evidence against them - itself a gross violation of their Habeas Corpus rights. The court ruled that the material gathered by the five should be treated as secret, and handled under the provisions of the Classified Information Provisions Act (CIPA). This prevented their legal teams accessing and testing it.

During the trial there was an atmosphere of prejudice against the five- the media treated them as guilty both before and during the trial. It is now openly acknowledged that most of the press covering the trial were on the government payroll. The right to a fair trial as stipulated in Article 14 of the International Pact on Civil and Political Rights was clearly denied. The appeal court in Atlanta even went so far as to name the groups which were openly engaged in acts of terror against Cuba. These included (among many others): Alpha66; Brigade2506; Brothers to the Rescue; Independent and Democratic Cuba; Commandos L and the Cuban American National Front. It is an entirely reasonable presumption, that the members of a trial jury would be subjected to intimidation, that would render a fair trial next to impossible. The relief and hope that this appeal judgement gave did not last long. Hardly a year later, this judgement was itself quashed, by the next higher appeals court. This was the last chance of reversing the widely discredited Miami trial verdict.

Let me point out one aspect of this case- among very many- which has caused particular dismay in legal circles in Germany. Gerald Hernandez was convicted of two counts of conspiracy to murder. He was sentenced to two life terms. The severity of this sentence was based on the dubious rationale that because he knew when a particular flight incursion was planned, then he must have been party to the decision to shoot it down. The flight in question, by the Brothers to the Rescue group, consisted of three light aircraft. The Cuban government had warned, on numerous occasions, that it

could not tolerate these illegal incursions into its national airspace. Eventually Cuba reacted to the provocations and took action. Two of the three planes were downed with the loss of four lives. The third aircraft, piloted by the initiator, and Bay of Pigs veteran Basulto had turned back earlier and landed safely in Miami. Geraldo Hernandez was convicted of conspiracy to down the two light aircraft. It is not disputed that he was aware of the planned incursion. For a plausible conspiracy indictment, he would at a minimum, have had to be aware of the decision to shoot down the aircraft. Indeed, the prosecution itself admitted that this could not be proved- even at the first 2004 trial the lack of firm evidence was criticized. The court did not consider the right of Cuba as a sovereign nation to protect its borders. The only grounds to question the action of the Cuban government, would have been, that the response was disproportionate to the provocation. In this case there are no indications to justify the charge of conspiracy, much less to convict the five on such a trumped up charge.

US Foreign Policy has for the last 10 years been based around the War on Terror. The invasion of Afghanistan was justified as part of this campaign and the invasion of Iraq was also indirectly linked to the same war aims. The strategy of US global military intervention has become a major factor in International relations. America ignored the UN Charter and International Law in its military adventures in Somalia and Sudan. Whatever Foreign Policy initiative America chooses to follow, the constraints of International Law must be respected. When America fights a War on Terror, then there must also be a clear definition of what is meant by terror. The US Department of Justice has labelled the five Cubans as terrorists. It has at no time been claimed, that the five had access to weapons, or that they were in contact with anyone who could have been an international terrorist. What they did was to infiltrate a group which was actively engaged in planning terrorist outrages in Cuba. Perversely a group of men who worked to fight terror have been convicted of terrorism. Assassinations, bombings and illegal air incursions can all be seen as terrorist or terror related acts. These activities were clearly tolerated by the US authorities, and to an extent, actively supported by the CIA. The anti-Cuban activities being orchestrated from America's south coast, are a blatant infringement of International Law- no action has been taken to end these attacks on Cuba. The convictions of these men has undermined the neutrality of the US court system and created a precedent for politicized justice in America.

Considering the punishment these men have received to date, the least we can demand, is their immediate release. Yet, when we see how these men have been persecuted, we should not ignore how their families and loved ones have also suffered. In particular the wives of the five men, they have stood by their husbands, up to the present moment. The five men are incarcerated separately, in high security prisons, which are situated far apart. This would seem to be a policy decision, to complicate the work of their defence teams, and to hinder access of family and loved ones- when it is allowed at all. The 17 months of solitary confinement injured by the men, was equally, a gross punishment for their families. Needless to say, the nature of the mission these men were engaged in, meant that few of the families could have had knowledge about it. Yet from the beginning the wives and families have been discriminated against by the US Authorities. Visas have been denied or delayed by US Immigration. Adriana Perez and Olga Gonzales have, to date, not been granted visas to visit their husbands. In clear violation of International Law, they have been denied visas for the last 13 years. Olga Salanueva was herself jailed for 3 months, and subjected to a campaign of public vilification by the media. The solidarity and support the men have had from family and loved ones has been central to their continued loyalty to Cuba.

Before I finish, I would like to say a few words about an extraordinary man, Leonard Weinglass. He was a formidable defence lawyer and a close personal friend. I first met, and came to admire Leonard, as he was defending Mumia Abu Jamal. In the case of these five men, I doubt if even he could have altered the outcome. His respect for the Rule of Law was unflinching, his judgement, though critical, was always fair and above all his personality and humanity shone through. When the five were eventually released from their 14 months in solitary he played down his own role and responded “ There are many, many who should be congratulated. It was the solidarity movement

which freed the five from solitary confinement”. This is just the way we see it in Germany. The only chance of getting these men released is to keep up the momentum we have gained, broaden the base of the movement and keep on fighting. Thank you.