

Günter Belchus

Ministerialrat a.D.

Varste

Auf den Birken 1
57399 Kirchhundem

Tel.: 02764-70 38

Fax: 02764-21 51 42

E-Mail: G.Belchus@t-online.de

An das
Mitglied des Europäischen Parlaments
Frau Sylvia-Yvonne Kaufmann

Kirchhundem, den 23. Januar 2007

**Schriftliche Erklärung vom 11. Dezember 2006 (0089/2006) betr. Weigerung von amerikanischen Behörden, den Familien von Gefangenen Visa zu erteilen
Anlg.: - 2**

Sehr geehrte Frau Abgeordnete,

Sie haben zusammen mit Ihren Kollegen Ignasi Guardans Cambó, Panayiotis Demetriou, Ana María Gomes und Gérard Onesta dankenswerterweise die oben angegebene Schriftliche Erklärung eingebracht, mit der Sie erreichen wollen, daß Olga Salanueva und Adriana Pérez endlich die für den Besuch ihrer in den USA inhaftierten Ehemänner erforderlichen Visa erhalten.

Inzwischen ist auch das Internationale Sekretariat von Amnesty International (ai) wieder einmal aktiv geworden. Wie Sie aus der anliegenden Mitteilung vom 11. Januar 2007 (Anlage 1) ersehen können, ersucht ai die US-Behörden erneut dringend, ihre Entscheidung zu überprüfen, den beiden Frauen die nötigen Visa zu verweigern, und fordert sie auf, falls keine Hinderungsgründe vorliegen, die Visa zu erteilen. Mitglieder von ai sind gesondert aufgefordert worden, Briefe an den für kubanische Angelegenheiten im State Department zuständigen Direktor Stephen G. McFarland zu schreiben und zu fordern, daß den Frauen unverzüglich Visa erteilt werden, damit sie ihre Ehemänner besuchen können, sofern nicht vernünftige und schlüssige Hinderungsgründe bestehen. Ich bin ai-Mitglied und habe inzwischen einen entsprechenden Brief abgesandt, den ich zu Ihrer Kenntnisnahme beifüge (Anlage 2). Eine Reihe von Bundestagsabgeordneten, die auch Mitglieder von ai sind, habe ich gebeten, ebenfalls Briefe an Herrn McFarland zu schreiben.

Zu berücksichtigen bitte ich, daß die in der ai-Mitteilung genannte Tochter Ivette von Olga Salanueva und René González, wie ich inzwischen aus Havanna erfahren habe, vor kurzem ihren Vater hat besuchen dürfen, zwar nicht in Begleitung ihrer Mutter, aber zusammen mit ihrer Schwester Irma.

Für die Gefangenen und ihre Familien wünsche ich mir sehr, daß es gelingt, die nötige Anzahl von Unterschriften zusammenzubekommen. Ihre Parteifreundin Sahra Wagenknecht habe ich neulich auf diese Initiative aufmerksam gemacht. Und aus dem Büro meines Parteifreundes Helmut Kuhne ist mir signalisiert worden, daß er unterschreiben wird.

Ahnliche Briefe haben Ihre Kollegen Ignasi Guardans Cambó, Panayiotis Demetriou, Ana María Gomes und Gérard Onesta von mir erhalten.

Mit freundlichen Grüßen
Ihr Günter Belchus

ANLAGE 1

AMNESTY INTERNATIONAL

Public Statement

AI Index: AMR 51/013/2007 (Public)
News Service No: 010=20
17 January 2007=20

Unnecessarily punitive -- Amnesty International calls for temporary visas to be granted to two wives of the 'Cuban Five'

Amnesty International is once again urging the US authorities to stringently review its decision to deny temporary visas to the wives of two Cuban nationals serving long federal prison sentences in the USA, and, in the absence of reasonable and conclusive evidence for continuing for them to be withheld, to grant them temporary visitation visas so that they may visit their husbands in the US.

The men, Gerardo Hernández and René González were convicted in 2001 of acting as unregistered agents of the Cuban government. Adriana Perez has not been permitted to visit her husband Gerardo Hernández since his arrest in 1998, while Olga Salanueva, wife of René González, and their eight-year-old daughter, have not seen him since the eve of his trial in 2000.

Since 2002 the US government has denied the wives' applications for temporary visas for different reasons relating to terrorism, espionage and issues of national security. Yet, neither woman has faced charges in connection with such claims, nor have their husbands been charged with, or convicted of terrorism.

Adriana Perez and Olga Salanueva have made representations to Amnesty International in which they deny being a security risk to the US, while their husbands are currently held in 'general population' within prison which suggests that they are not considered to present a security risk to the country.

Amnesty International is not in a position to judge the evidence on which the government has made the decision to deny the women temporary visas for visitation purposes. However the organization has repeatedly raised the issue with the US authorities since 2002 because it believes that denying the men visits from their wives (and in one case, also his child) is unnecessarily punitive and contrary to standards for humane treatment of prisoners and states' obligations to protect family life.

The organization believes that this deprivation is particularly harsh given the length of the men's sentences (René González has been sentenced to 15 years' imprisonment and Gerardo Hernández to life imprisonment) and the questions that have been raised about the fairness of the men's convictions.

Background Information on challenges to the convictions of the Cuban Five

In May 2005, the UN Working Group on Arbitrary Detention (WGAD) issued an opinion finding that the USA had failed to guarantee the Cuban Five a fair trial. The WGAD opinion was based on information provided by the prisoners' families, and included concerns about the trial venue, use of

classified evidence and the fact that the defendants were kept in solitary confinement for months before trial, making access to evidence and communication with their attorneys reportedly more difficult.

In August 2005, the convictions of all the Cuban Five were overturned by an appeals court and a retrial was ordered, on the ground that pervasive hostility toward pro-Castro Cubans in Miami (where the trial was held) was prejudicial to the accused. This decision was reversed on 9 August 2006 by the US Court of Appeals for the Eleventh Circuit on a finding that no such prejudice had been shown in the selection of the trial jury.

AI has not reached a conclusion on the fairness of the proceedings, many of which have still to be raised on direct appeal. However, it continues to seek further information on this issue.

ANLAGE 2

Günter Belchus
Ministerial Councillor (ret.)

Varste
Auf den Birken 1
D-57399 Kirchhundem
GERMANY

Tel.: +49-2764-7038
E-Mail: G.Belchus@t-online.de

Director Stephen G. McFarland
Office of Cuban Affairs
US Department of State
2201 C Street NW
Washington, DC 20520
USA

Kirchhundem, January 18, 2007

Dear Director,

Re: Denial of visas to *Adriana Pérez O'Connor* (wife of Gerardo Hernández Nordelo) and *Olga Salanueva Arango* (wife of René González Sehwerert); Hernández and González are two of the so-called „Cuban Five“.

I am a jurist, former public servant who worked for several decades in the German Federal Ministry of Justice and an active member of Amnesty International (ai). From a recent document of my organisation I have learnt that ai has started once again a campaign in favor of Adriana Pérez O'Connor and Olga Salanueva Arango and their imprisoned husbands. Beyond it, I am a pen-friend of the prisoners and I am, too, proud to have very close, very friendly relations with their families. Particularly, I know in detail all about the persistent and in my opinion incomprehensible denial of visas which should allow Adriana and Olga to visit their husbands in prison. Very often I have experienced how they suffer and I also know the pain of the today nine years old daughter Ivette of Olga and René who has not seen her father for over eight years.

This mentioned before, I urge you, providing that there is no reasonable and conclusive evidence for continuing for them to be withheld, to grant promptly visas to the two women so that they may visit their husbands - and Ivette may see her father.

Let me emphasise the following aspects:

- The importance of family visits to prisoners, not just in maintaining the men's morale but in lessening the impact of their imprisonment on their families. That is in this case particularly significant given the length of the men's sentences.
- The seemingly permanent denial of family visits is contrary both to standards for the humane treatment of prisoners and to states' obligation to protect family life.
- The denial of visits from their immediate families has caused and is still causing substantial hardship to Gerardo Hernández and René González, beyond the penalties imposed on them, and has had and is still having a detrimental impact on family members including little Ivette González.
- This deprivation is additionally harsh due to the serious questions that are being raised about the fairness of the men's convictions.
- The US authorities have been inconsistent in their reasons for denying visas to Olga and Adriana and have failed to provide evidence for their decisions. This affects the women in two ways, primarily, it has denied them the opportunity to rebut the grounds for denial, and secondly, it has made it harder for them to prepare subsequent applications.

In this context, I would like to draw your attention to Article 10 (1) of the International Covenant on Civil and Political Rights, which the USA has ratified, on the Human Rights Committee's General Comment 21 to Article 10, the UN Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment and the UN Standard Minimum Rules for the Treatment of Prisoners.

I would be pleased to hear from you urgently as to whether you are now ready to review your decisions, and in the absence of reasonable and conclusive evidence for continuing for them to be withheld (I am convinced that there is none), to grant Olga and Adriana temporary visitation visas so that they may visit their husbands in the US.

Yours respectfully and sincerely,

(Günter Belchus)