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The Honorable
Eric Holder
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
WASHINGTON, DC 20530 – 0001
U.S.A.

- Via Courier Service, Federal Foreign Office
To the German Embassy, Washington -

Berlin, 11.05.2012

Dear Mr Attorney General,

We write in the matter of the five Cubans

Fernando González Llort, René González Schwerert, Antonio Guerrero Rodríguez,
Gerardo Hernández Nordelo and Ramón Labañino Salazar.

We have been monitoring the progress and outcomes of the legal proceedings against these five men critically and with grave concern for some time.

These men were arrested on 12 September 1998 and were sentenced to long terms of imprisonment by a U.S. federal court in Miami (Florida) in December 2001. On 1 July 2004 and 16 June 2006, Members of the German Bundestag sent letters to their parliamentary colleagues in the U.S. Congress drawing attention to the problematical issues arising in this case and requesting them to work for the swift release of these five prisoners, unfortunately without success.

We are aware that the direct appeals process is exhausted, but that lawyers acting for the men have filed a motion seeking habeas corpus relief and that a ruling on this motion is still pending. We have learned that the U.S. Government has taken a position on the matter and has asked the Court to reject the petitions for habeas corpus relief. It remains for the judge to make her decision, for which no specific time limit has been set.

At this stage in the proceedings, we call on you to provide remedy and relief in order to effect the release of the five men and allow them to return home to Cuba. In particular, we respectfully request you no longer to oppose this course of action. We would also ask you to look benevolently at ways of granting a reprieve or pardon to the five men so that they may be released and allowed to return to Cuba. The President of the United States has the power to grant such a reprieve or pardon under the U.S. Constitution (Article II, Section 2). This solution is proposed by Amnesty International in its very detailed and, in our view, apposite report of October 2010 (AI index. AMR 51/093/2010), which has been sent to you.

We concur with the UN Working Group on Arbitrary Detention (Opinion No. 19/2005 (United States of America) E/CN 4/2006/7 Add.1) and Amnesty International (see above-mentioned report) that the five men did not receive a fair trial in Miami. This criticism is reiterated in the latest Amnesty International report (2011).

As already mentioned, the five men have been detained since September 1998 – in other words, for more than 13 and a half years. There is no doubt in our minds that they violated US law, as they were operating as agents of a foreign state, some of them using a false identify. Leaving aside the issue of whether this may have been justified on the grounds that they were seeking to prevent harmful acts from being perpetrated against other Cubans and, indeed, against US citizens, we believe that after spending so many years in detention, the five men have more than paid the penalty for these offenses. We reach this conclusion in light of the fact that other members of the group of Cuban agents, who cooperated with the U.S. federal authorities, received much more lenient sentences and all were subsequently released.

We also appeal to you, Mr Attorney General, to bring your influence to bear so that while the men are required to remain in the United States, members of their families are granted visas to enable them to visit the prisoners within the usual parameters. This applies particularly to Olga Salanueva, the wife of René González, and Adriana Pérez, the wife of Gerardo Hernández, whose applications for an entry visa have repeatedly been denied. Here too, Amnesty International has frequently criticised the conduct of the relevant U.S. authorities.

We would ask you to consider the case of Adriana Pérez and Gerardo Hernández on compassionate grounds as well, as their situation is highly unsatisfactory. Mrs Pérez is now 42 years of age, and the couple's marriage has so far remained childless. The couple would like to have a family – a desire which is entirely natural, but time is running out. They cannot possibly do so under the present circumstances. We respectfully and urgently request you to remove the obstacles standing in their way.

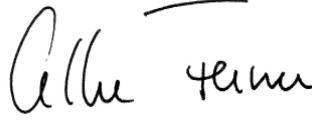
We would not wish to end this letter without expressing our gratification, and indeed our gratitude, that René González, who **was released from prison but is required to remain** in the U.S. on probation under supervised freedom in Florida, was granted permission to travel to Cuba for two weeks to visit his brother, who is gravely ill. We see this as a hopeful sign.

We would be most grateful, Mr Attorney General, if you would regard this letter as an opportunity to rethink your position on the case of the five Cubans and to take the appropriate remedial action. Thank you for your kind attention to this matter.

Yours sincerely,



Florian Pronold, MdB



Elke Ferner, MdB



Klaus Barthel, MdB

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