

# Breaking the Silence

## ***Justice for the Cuban Five***



**Peoples' Tribunal & Assembly**  
**September 21-23, 2012**  
**Toronto, Canada**

– a summary report –

**A**lmost 14 years ago, the Cuban Five – René González, Gerardo Hernández, Antonio Guerrero, Ramon Labañino and Fernando González – were falsely charged and wrongly convicted in a Miami courtroom of “conspiracy to commit espionage” against the U.S. on behalf of the Cuban government. Ever since the unjust conviction, the five Cubans have been held in separate U.S. prisons, often in solitary confinement.

In fact, the politically-motivated trial and conviction of the Cuban Five had nothing to do with threats to U.S. security. The Cuban Five never conspired to commit espionage. They were on a mission to monitor and report on violent groups in Miami that are well known by the U.S. government to be responsible for terrorist acts against the Cuban people.

For more than 50 years, hundreds of attacks have been launched against Cuba by these extreme right-wing groups, whose aim is the violent overthrow of the Cuban government. Their campaign of bombings, assassinations and other attacks has let 3,478 Cubans dead and 2,099 seriously injured.

The Cuban Five were peacefully trying to do what U.S. law enforcement authorities have refused to do – prevent terrorism.

This horrific injustice against the Five has provoked an unprecedented campaign in the U.S., Canada and around the world to demand that their convictions be overturned and that they be granted immediate release.

As part of this international effort to achieve the freedom of the Cuban Five, a number of trade unions and solidarity groups from across Canada, in coordination with the Canadian Network on Cuba and La Table de concertation de solidarité Québec-Cuba, convoked a Peoples’ Tribunal & Assembly on September 21-23, 2012 in Toronto, to shed new light on this egregious injustice and to build a broad public campaign to demand their freedom.

The Peoples’ Tribunal & Assembly aimed to:

- act as a forum for education and for launching an appeal to get justice for the Cuban Five;



- break the silence of the mainstream media about this case; and
- map out the next steps of a broad and united campaign on the Cuban Five in Québec and across the rest of Canada.

**T**he Peoples’ Tribunal composed of prominent Canadian and international panellists, heard from expert witnesses before rendering its ruling. Although the Tribunal’s ruling is not legally or judicially binding, it carries moral force and suasion of the outrage of concerned people across Canada and internationally.

Witnesses testified to the suffering caused to the Cuban people and to others as a result of all the terrorist attacks against Cuba and Cuban interests. They exposed the unjust trial in Miami, the U.S. government’s covert payments to journalists covering the trial, the horrendous sentences given to the Cuban Five and the violation of international law by the United States government regarding the inhumane treatment they have endured, the denial of visitation rights to family members and the U.S. government’s harbouring and protection of self-confessed anti-Cuban terrorists.

The Peoples’ Assembly strove to develop and adopt an extensive plan of action to pressure the Canadian government to join the international demand urging U.S. President Obama to use his authority to immediately release the Cuban Five and allow them to return to their homeland.

# Opening Press Conference



Saul Landau, Cindy Sheehan, Elizabeth Palmeiro and Adriana Pérez (L to R)

Also participating but not shown were Raymundo Navarro and Abelardo Paisán Reyes



Linda Meissenheimer (moderator), Miguel Barnet, Joe Mihevc (Toronto City Councillor), Arnold August, Saul Landau, Cindy Sheehan (L to R)

# Inaugural Session Steelworkers Hall



- Welcoming Remarks  
– Heide Trampus
- Greetings from Cuban  
Ambassador to Canada  
Teresita Vicente Sotolongo

- Introductory remarks and greetings  
from the Cuban Five – Adriana Perez  
and Elizabeth Palmeiro

- In Memory of Roberto Gonzalez and  
Leonard Weinglass – presented by  
Richard Klugh and Gloria La Riva



Keynote addresses from:

- Tony Woodley, Unite – UK
- Cindy Sheehan, peace activist –  
U.S.A.
- Father Hernán Astudillo – Canada

# Peoples' Tribunal Toronto City Council Chambers

## The Magistrates of Conscience

### Juan Carranza – Chief Magistrate

- lawyer; governor of Centennial College (Toronto);  
current president of the Hispanic Development Council.

### Saul Landau

- scholar, author, commentator and filmmaker; Professor  
Emeritus at California State University in Poma

### Marie Clarke Walker

- Trade union leader and executive member of the Coalition  
of Black Trade Unionists

### Tony Woodley

- Executive Officer for Unite the Union, Britain and  
Ireland's largest trade union

### Rev. Chris Levan

- college professor and university president; United Church  
minister

### Denis Lemelin

- National President of the Canadian Union of Postal  
Workers



Cuban trade union leader Raymundo Navarro testifying before the Tribunal

### Wes Elliott

- Tuscarora from Six Nations of the Grand River (Ont.)

### Cindy Sheehan

- prominent U.S. anti-war advocate and critic of US  
foreign policy

### Ken Neumann

- National Director for Canada for the United Steelwork-  
ers union (USW)

### Miguel Barnet

- prominent Cuban writer and poet; winner of the Cuban  
Distinction for National Culture award

### William Sloan

- Montreal lawyer specializing in Refugee and Immigration  
Law

### Naveen Mehta

- Director of Human Rights, Equity and Diversity, United  
Food and Commercial Workers (UFCW)

### Nchamah Miller, Chief Clerk of Tribunal

- Visiting professor at the Institute of Philosophy in Havana,  
and also President of Latin@s Canada

## The Witnesses

### Keith Bolender

- author, freelance journalist and lecturer at the School of Continuing Studies - University of Toronto.

### Raymundo Navarro

- family doctor, trade union leader and Deputy in the Cuban National Assembly

### Abelardo Paisán Reyes

- representative of Cuba's National Union of Education Workers (SNTECD)

### Livio Di Celmo

- brother of Fabio, killed in a Havana hotel bombing by anti-Cuban terrorists in September 1997



*Livio Di Celmo*



*Richard Klugh*

### Arnold August

- author, journalist, lecturer and specialist in Cuba based in Montreal

### Richard Klugh

- members of the Cuban Five legal defense team since their arrest in September 1998

### Stephen Kimber

- journalist, broadcaster and author; professor at University of King's College, Halifax

### Gloria La Riva

- coordinator of the U.S. National Committee to Free the Cuban Five

### Adriana Perez

- wife of Gerardo Hernández, one of the Cuban Five

### Elizabeth Palmeiro

- wife of Ramón Labañino, one of the Cuban Five

### Alicia Jrapko

- International Committee for the Freedom of the Cuban 5; co-chair of the U.S. National Network on Cuba

### José Pertierra

- lawyer representing Venezuela in the effort to extradite the terrorist Luis Posada Carriles



*José Pertierra*

## Statement by Adriana Perez and Elizabeth Palmeiro on the Case of the Cuban Five

On behalf of the Cuban Five, their families and the Cuban people, we would like to thank the organizations and personalities for the efforts of organizing this important event, “Breaking the Silence: Justice for the Five”, and also the personalities who have decided to speak with one voice to demand the release of our husbands.

September 12th was the 14th anniversary of unjust imprisonment for René González, Ramón Labañino, Antonio Guerrero, Fernando Gonzalez and Gerardo Hernandez, and although justice and reason are on our side, their most basic human rights continue to be violated, year after year, without a U.S. government decision to end this legal aberration.

The case of the Cuban Five remains an ignored issue, silenced by the mainstream media, and unknown to the international public. That is why events like this one become critical, because this is where the Press can hear the arguments firsthand, and where friends have the opportunity to clear up mysteries about this case, so extremely manipulated by the big media power.

Right now, the decision of a Judge on the Habeas Corpus appeal to dismiss the convictions brought against Gerardo, Antonio, Ramón, Fernando and René, is the last legal recourse that we have to defend the five heroes. It invokes the payments by the U.S. government to various journalists in order to contaminate the venue where the trial took place, making it impossible for the accused Cubans to receive a fair and impartial trial in Miami. This fact is most unusual and unacceptable in that many of these same journalists had been imprisoned in Cuba and in the United States for terrorism.

Similarly, we continue to ask the U.S. government to disclose information related to its radar data and satellite photographs, since the harshest and most cruel charge against Gerardo is that he conspired to commit murder.

However, there is evidence showing that he had nothing to do with the fate of the small airplanes.

The Attorney General of the United States has the power to ask Judge Joan Lenard in Miami, to dismiss the charges against the Cuban Five convicted in 1998 in that city, however, this has not happened to date.

In these 14 years of unjust imprisonment, us relatives of the Five have also been victims of the irrational hate of a small segment of the Cuban community in Florida and of the north American authorities. The extended separation, has prevented us from enjoying the marvelous special family moments or to embrace each other and cry together for the loss of a loved one.

Their children have grown up without their fathers and their mothers have aged without seeing their children,

some of them are more than 80 years old and they worry that they won't see their return. Gerardo couldn't attend his mother's funeral and she went through the last 4 years of her life without seeing her son. Rene recently lost his brother to cancer, he was only able to see him in the last moments of his life and now he is prevented from witnessing the



*Adriana Perez (left) and Elizabeth Palmeiro*

pregnancy of his older daughter.

The continued visa denials to Adriana Perez and Olga Salanueva, wives of Gerardo Hernandez and Rene Gonzalez respectively, constitute a flagrant violation of human rights. Meanwhile, the US government insists in forcing René to remain in this North American territory, where his life is in danger and his supervised freedom, has become house arrest.

All this, has been the price we had to pay for so many years of cruelty, this is why we ask for the international community to unite its efforts and actions in order to influence president Obama's decision, so that he will use his authority and end this injustice.

## The Ruling

This People's Tribunal was convened in Toronto fourteen years after the arrest and detention of Gerardo Hernández, Ramón Labañino, Antonio Guerrero, Fernando González Llort and René González in the United States. After considering all the evidence before this Peoples' Tribunal, we find:

1. There is overwhelming and compelling evidence as to the activity of terrorist groups in Southern Florida, groups which have planned and executed terrorist actions against the people of Cuba for decades in contravention of U. S. and international law.

2. Every country has the right to defend itself and in that context, the Cuban Five acted in the least adversarial and nonviolent manner to prevent acts of terrorism without engaging in actions against the national security of the United States.

3. The U.S. failed to take any action to prosecute the actual terrorists in Southern Florida.

4. We find that men that are peacefully trying to prevent terrorism should not be in prison.

5. This Peoples' Tribunal condemns the cruel and unwarranted treatment of the Cuban Five during their incarceration.

6. We find the Trial was a political trial against the Five.

7. We find there was no credible evidence to support a conviction of conspiracy to commit espionage against the Five.

8. We find there was no credible evidence to support a conviction of conspiracy to commit murder against Gerardo Hernandez.

9. We find the U. S. Government interfered in the trial by spending considerable sums of money to pay reporters to write over one thousand printed articles

and other television and radio coverage amounting to propaganda which had the unequivocal effect of influencing the outcome of the trial.

10. We find the court's decision to deny the motion for change of venue was patently unreasonable in light of jury intimidation and a pervasive environment of hostility against the Five.

11. Therefore this Peoples' Tribunal concludes that the Cuban Five were unjustly detained, unjustly prosecuted, and unjustly sentenced, all contrary to international and U.S. domestic law including the U.S. Constitution. This Peoples' Tribunal proposes the convictions be quashed, and that Gerardo Hernández, Ramón Labañino, Antonio Guerrero, Fernando González Llort and René González be set free immediately, without any restrictions on their liberty.

In the alternative, and in the interest of justice and healing, this Peoples' Tribunal proposes that the President of the United States should exercise his prerogative of a Presidential Clemency and allow the Five to return home.



*Chief Magistrate Juan Carranza presenting the Tribunal's ruling*

# People's Assembly



*Sabrina Johnson and others from the Organizing Committee are recognized by its Chair Heide Trampus*



*Victor Carrozzino, United Food and Commercial Workers (CFCW)*



*Esperanza Luzbert gives report from ICAP, Havana, Cuba*

The Assembly included several reports from our Cuban guests, international activists, union leaders and from representatives of the Canadian Network on Cuba and La Table de concertation de solidarité Québec-Cuba about past and present campaigns to free the Cuban Five.

Delegates from local friendship and solidarity groups across the country also reported on their activities.

The Assembly then broke into smaller groups to exchange ideas and proposals for fresh initiatives around the issue of the Cuban Five.

The Assembly also agreed to ask the Tribunal & Assembly Organizing Committee to act as a 'continuation committee', involving activists from across the country, to synthesize these ideas into an ongoing campaign around the Cuban Five, in consultation with the CNC and La Table in Québec.



*Alicia Jrapko, International Ctte. for the Freedom of the Cuban 5*



*Cuban Ambassador to Canada Teresita Vicente Sotolongo*



*Gloria La Riva, US National Committee to Free the Cuban Five*



*Isaac Saney (CNC) and Sean O'Donoghue (La Table) are thanked by Adriana, Elizabeth and the Organizing Committee*



*Jorge Garcia, United Steelworkers (USW)*

## The Final Declaration

With this Declaration, we bring to a close the work of the Breaking the Silence: Justice for the Five Peoples' Tribunal & Assembly, held in the City of Toronto, Canada from the 21st to 23rd of September, 2012.

Over the past two and a half days, we have reviewed in detail the legal miscarriages and political intrigue which led to the detention and wrongful conviction of the Cuban Five – Antonio Guerrero, Fernando González, Gerardo Hernández, Ramón Labañino, and René González – patriots whose only “crime” was to investigate and expose the criminal, terrorist plots being hatched and executed against Cuba by hostile groups based in southern Florida – extremist right-wing groups aided and abetted by the U.S. government. The Cuban Five never spied upon or otherwise threatened U.S. national security; they acted only to protect their native country and the lives of their people.

Once again, we affirm that these five Cubans are not only the innocent victims of a grotesque miscarriage of justice, and not only prisoners of conscience. They are all that. But they are also, and foremost, ‘prisoners of war’, an undeclared and unrelenting war which has been conducted by U.S. imperialism against socialist Cuba and its people ever since the victory of the Revolution in 1959.

We express our deep appreciation for the tremendous legal work which has been and continues to be undertaken on behalf of the Five Cuban heroes. And we salute the tireless efforts of friendship and solidarity groups, trade union and labour organizations, the youth and student movement, First Nations organizations, progressive NGOs and other people’s organizations and concerned individuals in Québec and across the rest of Canada, as well as within the United States itself and indeed around the world, for speaking out in favour of winning justice for the Cuban Five and in demanding their immediate release, and for organizing campaigns

and other initiatives to spread awareness of their plight and build pressure on the U.S. government to win their freedom.

At the same time, we express our anger at the intransigence of the U.S. authorities in refusing to reverse this grievous wrong, and at the mainstream corporate-controlled press & media for maintaining a ‘wall of silence’ around the case of the Cuban Five. We are convinced that our collective effort to break the silence and bring to light the full, untold story of the Cuban Five remains a decisive factor in ultimately overturning their conviction, winning their release and allowing them to return to their families in Cuba.

Despite all of the obstacles prolonging this injustice, we are not discouraged. We remain steadfast in our knowledge of the rightness of this cause, convinced that truth and justice will ultimately triumph. We draw strength from the victories – large and small – which have been won along the way. We are renewed by every solidarity initiative which helps spread awareness and build support for this struggle.



*Miguel Figueroa presents the Final Declaration on behalf of the Tribunal & Assembly*

And most of all, we are inspired by the Cuban Five themselves, by the remarkable courage and grace they have maintained through all they have endured over the past fourteen years.

At this Tribunal & Assembly, we have exchanged ideas and proposals on how we can move this struggle forward. It has been a dynamic and creative process, and while much remains to be done to bring these fresh ideas and initiatives to life, we are committed to ensuring their realization. We leave this Tribunal & Assembly with renewed energy and commitment, as well as a renewed sense of urgency, to broaden and deepen the solidarity movement supporting the Cuban Five. We will not be deterred. We will never give up this just fight. Let us move forward with vigour and unity.

**Free the Cuban Five!**



The Public Rally



*The organizers of Breaking the Silence: Justice for the Five – Peoples' Tribunal & Assembly wish to acknowledge the following Organizations and Individuals for their contributions and support to the successs of this event:*

***Our Sponsors:***

*United Food and Commercial Workers • United Steelworkers, Canada • Canadian Union of Postal Workers • Canadian Network on Cuba • International Council of Latin American and Caribbean Women - LATIN@S • The Worker to Worker, Canada-Cuba Labour Solidarity Network • Carranza LLP • Canadian Cuban Friendship Association - Toronto • Latin American and Caribbean Solidarity Network • Canadian Union of Public Employees • Tim Louis, Tim Louis & Co, Vancouver Lawyer and Vancouver City Councillor 1999 - 2005 • Canadian Union of Public Employees, Local 4400 • Ontario Federation of Labour*

***Endorsing Organizations:***

*International Committee for the Freedom of the Cuban Five, USA • National Network on Cuba, U.S.A. • Toronto Forum on Cuba • Communist League/Ligue communiste • International Festival of Poetry of Resistance • Canadian-Cuban Friendship Association of Kingston • Dr. James Cockcroft, Montréal, Québec • Vancouver Communities in Solidarity with Cuba • Canadian Cuban Friendship Association - Vancouver • Free the Cuban 5 Committee Vancouver • La Asociación de Cubanos Juan Gualberto Gómez • Socialist Action • The United Jewish People's Order • Association United Ukranian Canadians Toronto Branch • Manitoba-Cuba Solidarity Committee • Don Currie, Chair of Canada for Peace and Socialism and associate member of the Canadian Peace Congress • Brian Gordon Sinclair, Hemingway On Stage • The North Simcoe and Muskoka Labour Council • NDP Socialist Caucus • Associazione Nazionale di Amicizia Italia-Cuba • Jim Neill, Deputy Mayor, City of Kingston, Ontario • Northstar Compass • Libby Davies, NDP-MP, Vancouver East • The Norwegian Union of Municipal and General Employees (NUMGE) • Toronto Haiti Action Committee • Toronto and York Region Labour Council • Barrio Nuevo • "DISCUSSION" Wednesday evening public affairs program, Vancouver Co-Op Radio, 102.7 FM (100.5 FM September 10th) • The Young Communist League of Canada • UNITE the UNION, United Kingdom (U.K.) • Latin American Trade Unionist Coalition (LATUC) • Communist Party of Canada • Walter Lippmann, Editor, CubaNews newsgroup • Chicago Committee to free the Cuban Five • Law Union of Ontario • Toronto Bolivia Solidarity • Krittibas Literary Group of Toronto • Solidarity with Iran - SI • House of Latin America (HOLA) • Common Frontiers • International Socialists • Hamilton Friendship Association with Cuba • Canadian Lawyers' Committee in Support of the Anti-Terrorist Cuban Five • Ryerson Students' Union Local 24 – Canadian Federation of Students • Sea of Red Open Collective [SoR(..)C]*

To Learn more about the Peoples' Tribunal & Assembly

[www.freethe5peoplestribunal.org](http://www.freethe5peoplestribunal.org) – basic information

<http://torontoforumoncuba.weebly.com/> – for stills, videos, etc.

For general information about the Cuban Five

<http://www.freethefive.org/> – U.S. National Committee to Free the Cuban Five

<http://www.thecuban5.org> – International Committee for the Freedom of the Cuban Five

<http://www.cuba.cu/inocentes/> – for information in Spanish

To contact our Committee – [tribunal.five@gmail.com](mailto:tribunal.five@gmail.com)