



Komitee-Austria „FREE THE FIVE“

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Eric Holder

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Vienna, 1.4.2009

Dear Mr. Holder,

since having been informed by our medias that Mr. Barack Obama had chosen you for being the designated attorney general for the United States and additionally about your family background, and your career, we are appreciating his choice. As we do on his prospective presidency we are pinning our hopes on you, as well now, and are trying to reach you.

Our grave concern is the case of the "Cuban Five" having been unjustly held in U.S. prisons since more than 10 years:

Gerardo Hernández Nordelo, double life term, plus 15 years;

René González Sehwerert, 15 years;

As well as for

Ramón Labañino Salazar, aka: Luis Medina, life term, plus 18 years,

Antonio Guerrero Rodríguez, life term, plus 10 years and

Fernando González Llort, aka Ruben Campa, 19 years, according to the last opinion by the 11th Circuit Court of Appeals in Atlanta they are waiting for a new hearing to be held in Miami.

When demanding their immediate release from prison we are joining different petitions and open letters supporters of the Cuban Five from all over the world had sent to the Bush administration, especially to the one after the panel of three judges of the Court of Appeals had issued its 93-page opinion on August 9 in 2005, saying the sentences of the Five must be annulled because of the pervasive biased atmosphere during the trial in Miami-Dade and a new trial should be granted at a new venue outside of Miami. This letter for instance was signed by

Bishop Desmond Tutu, Nelson Mandela, Nadine Gordimer, Rigoberta Menchú, Adolfo Pérez Esquivel, José Saramago, Noam Chomsky, James Petras, Alice Walker, judge i.r. Claudia Morcom, Harold Pinter and Günter Grass etc. For having the complete list of thousands of signatures, please, visit:
<http://www.liberenlos5.cult.cu/Index.php?lang=2>

Moreover, we are corresponding especially to the following opinions:

1st The opinion of UN Working Group on Arbitrary Detention of the UN Committee of Human Rights in Geneva published on May 27, 2005, after having analyzed the case for two years, its "Opinion No. 19/2005" addressed to the Government of the United States. Their conclusion on page 6: "The deprivation of liberty" of the Cuban Five "is arbitrary, being in contravention of article 14 of the International Covenant on Civil and Political Rights and corresponds to category III of the applicable categories examined in the cases before the Working Group.", s.
http://www.freethefive.org/updates/Solidarity/SLUNJudgement_052705.htm ;

2nd the opinion of judge J. Birch expressed in his last opinion on the case: "I remain convinced, for all reasons and facts set out in my prior dissent that the change of venue should have been granted. See *United States v. Campa*, 459 F.3d 1121, 1155 (11th Cir. 2006)(en banc). The defendants were subjected to such a degree of harm based upon demonstrated pervasive community prejudice that their convictions should have been reversed. [...]" Please, see "In the United States Court of Appeals for the Eleventh Circuit, No. 01-17176, D.C. Docket No. 98-00721-CR-JAL, *United States of America versus Ruben Campa et al.*, filed on June 4, 2008, Thomas K. Kahn, Clerk, page 83, and please, see the following dissent of judge Phyllis Kravitch, page 84 and following)
<http://www.freethefive.org/legalFront/LFAppealsDecision060408.pdf>

From our point of view, not only the torture in Abu Ghraib, Guantánamo and elsewhere are putting the credibility of U.S. jurisdiction at stake, but also the case of the "Cuban Five".

Therefore, we urge you - after such a long time of injustice - for using your prospective influence to release the Cuban Five from prison.

In addition, as long as they are in prison, we urge you to use your prospective influence for granting visiting rights for all relatives of the Cuban Five according to the respective letters of Amnesty International and the International Commission of Visiting Rights for their families having been sent to the outgoing administration, inclusively for the respective wives of Gerardo Hernández and René González, Adriana Pérez and Olga Salanueva. Both of them were not allowed to see their husbands since more than 10, respectively 8 years.

Yours sincerely

Brigitte Oftner (Koordinator)