

RESOLUTION NO. 24-09

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, SUPPORTING THE CUBAN FIVE, THEIR RIGHTS TO FAIR TRIAL AND VISITATION RIGHTS FOR THEIR FAMILIES

WHEREAS, Ramon Labanino, Rene Gonzalez, Fernando Gonzalez, Antonio Guerrero and Gerardo Hernandez known as the “Cuban Five” were arrested in Miami, Florida in September of 1998 and charged with 26 counts of violating federal laws of the United States, 24 of those charges were technical and minor offenses, none of the charges reflected violence against the United States, use of weapons, property damage, nor threatened or killed any person or transferred U.S. Government documents or classified material; they are serving four life time sentences and 77 years in U.S. prisons collectively;

WHEREAS, the “Cuban Five” had a mission to infiltrate and monitor the activities of terrorist and criminal groups operating in Miami and report planned threats against the Cuban people and government of Cuba. More than 3,000 Cuban citizens have lost their lives due to this terrorism over decades including the explosion of a bomb mid air killing 73 passengers of Cubana Airlines on October 6, 1976, which Orlando Bosch and Luis Posada Carriles of Miami have been suspects. In 1990, President Bush Senior pardoned Orlando Bosch and the United States government continues to protect Luis Posada Carriles from extradition for trial as required by international covenant;

WHEREAS, the arrest of the “Cuban Five” took place shortly after the Cuban government shared information with the United States government authorities concerning terrorist actions against Cuba being planned from Miami;

WHEREAS, upon arrest in 1998, the “Cuban Five” spent 17 months in solitary confinement and in 2003 one month in the “hole” under isolated and terrible conditions.

WHEREAS, in August 2005, the 11th Circuit three-judge panel unanimously overturned all the “Cuban Five’s” convictions and ordered a new trial citing it was impossible for the Cuban Five to receive a fair trial in Miami due to various Cuban exile groups and paramilitary camps that operate in the Miami area.

WHEREAS, three retired Generals and a retired Admiral of the United States army testified at the trial that the “Cuban Five” were not a threat to the United States National Security.

WHEREAS, Alberto Gonzales, directly intervened on the U.S. governments behalf to set aside the 11th Circuit three judge panel opinions.

WHEREAS, in June 2008, the 11th Circuit Court of Appeals upheld the guilty verdict and the panel ratified the sentences of Rene Gonzalez and Gerardo Hernandez. In the cases of Ramon Labanino, Antonio Guerrero, and Fernando Gonzalez, they were sent back for re-sentencing in the same court that convicted them in Miami.

WHEREAS, on May 27, 2005, the United Nations Working Group on Arbitrary Detentions found the detention of the “Cuban Five” to be in “contravention of article 14 of the International Covenant on Civil and Political Rights”, and requested that the United States Government adopt the necessary steps to remedy the situation, in conformity with the principles stated in the International Covenant on Civil and Political Rights;

WHEREAS, Amnesty International has condemned the inhuman treatment of the “Cuban Five”, by the United States refusal and/or severe limitation of visas for family visitations since 1998;

THEREFORE BE IT RESOLVED that the City of Richmond calls for President Obama and Secretary of State Hillary Clinton to consider the violation of International

Covenant and due process for fair trial associated with the conviction and imprisonment of the Cuban Five; seek diplomatic improvement in the relationship between the United States and Cuba; and calls for pardon and release of the Cuban Five to their homeland, in respect for information provided to the United States Government to protect us and others from acts of terrorism and consideration of time served in prison since 1998 for violations of United States federal law;

BE IT FURTHER RESOLVED, as long as these men remain in prison, the government of the United States allow the right of regular visits, as per international law, for all of the prisoners' relatives, including the immediate granting of humanitarian visas to Olga Salanueva and Adriana Perez to visit their husbands in prison;

BE IT FINALLY RESOLVED that this resolution shall be sent to President Obama of the United States, United States Secretary of State, Hillary Clinton, the Attorney General, United States Senators Boxer and Feinstien, Congressional members Miller and Tauscher, State Senate members Hancock and De Sauliner and Assembly members Torlakson and Skinner.

I certify that the foregoing Resolution was passed and adopted by the Richmond City Council at a regular meeting held on April 7, 2009, by the following vote:

AYES: Councilmembers Bates, Butt, Rogers, Ritterman, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }