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Public Statement

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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.

