

But that's another chapter in the long saga of the Cuban Five. Elián González now is about to finish high school and continues to attract the attention of foreign media and visitors who keep going to Cardenas, the beautiful town where he lives. When traveling towards Elian's home they will be surprised by billboards demanding freedom for five youngsters they never heard off before.

In Leonard Weinglass's words:

"The trial was kept secret by the American media. It is inconceivable that the longest trial in the United States at the time it was taking place was only covered by the local Miami press, particularly where generals and an admiral as well as a White House advisor were all called to testify for the defense. Where was the American media for six months? Not only was this the longest trial, but it was the one case involving mayor issues of foreign policy and international terrorism. The question should be directed to the American media, with continues to refuse to cover a case with such gross violations of fundamental rights, and even violations of human rights of prisoner". (Response by Leonard Weinglass in the forum organized by www.antiterroristas.cu on September 12, 2003).

Elian was saved because Americans knew about his case and got involved and made justice prevail. The Five are still incarcerated – it will be 11 years next September – victims of a terrible injustice, because Americans are not permitted to know.

The Five are being cruelly punished because they fought against terrorism. They are heroes. But forbidden heroes. •

<http://www.granma.cu/ingles/2009/septiembre/mar8/Cuban-Five.html>

Provided by the Philadelphia
Committee to Free the Five

The Untold Story of the Cuban Five (Part 1)

Forbidden Heroes

By Ricardo Alarcón de Quesada



"It takes all the running you can do,
to keep in the same place"

Through the Looking Glass, Lewis Carroll

- **REMEMBER Elian?** The case of Elian González, a six year-old boy forcefully retained by his unknown great-uncles against the will of his father and in clear defiance of U.S. law and decency was widely reported by media around the world. Miami, the place of the kidnapping, became a kind of secessionist city in North America when the Mayor, the chief of police, the politicians, every newspaper and local radio and TV broadcasters, together with religious and business institutions, joined with some of the most notorious terrorist and violent

groups in opposing the courts' and government's orders to free the boy.

It was necessary for a Special Forces team sent from Washington DC to launch a surreptitious and swift operation to occupy several houses, disarm the heavily armed individuals hidden there and in the neighborhood to save the child and restore law.

Everybody followed that story. Day in and day out.

But practically nobody knew that, at the very same time, in exactly the same place--Miami--five other young Cubans were arbitrarily deprived of their freedom and subjected to a gross miscarriage of justice.

Gerardo Hernández, Ramón Labañino, Antonio Guerrero, Fernando González and René González were detained in the early hours of Saturday September 12th, 1998, and locked for the next 17 months in punishment cells, in solitary confinement. The main accusation against them--as recognized by the prosecutors and the judge from their indictment to the last day of the trial--was that they had peacefully, with no weapons, penetrated ant-Cuban terrorist groups with a view of reporting back to Cuba about their criminal plans.

Was it conceivable to have a fair trial in Miami for any Cuban revolutionary facing such an accusation? Could that happen while the kidnapping of Elian was going on with its surrounding atmosphere of violence, hatred and fear?

According to the prosecution it was perfectly possible. In their words Miami was "a very large, diverse, heterogeneous community" capable of handling any sensitive issue, even those involving the Cuban Revolution. The prosecutors repeated that line when rejecting the more than ten motions presented by the defense lawyers requesting a change of venue before the start of the trial.

The same government that was obligated to deal with Miami as a sort of rebel city and to secretly send there its forces to restore legality, lied repeatedly about the venue issue, denying the defendants a right so cherished by Americans, and refused to move the proceedings to the neighboring city of Fort Lauderdale, half an hour away from Miami.

Ironically, a few years later, in 2002, when the government was the object of a civilian complaint of an administrative nature, of far lesser significance--later resolved by an out of Court settlement--and only indirectly related to the Elian case, they asked for a change of venue to Fort Lauderdale, affirming that "anything related to Cuba" was impossible to get a fair trial in Miami. (Ramírez vs. Ashcroft, 01-4835 Civ-Huck, June 25, 2002)

Such a flagrant contradiction, a clear proof of prosecutorial misconduct, of real prevarication, was one of the main factors leading to the unanimous decision of the Court of Appeals panel, in 2005, to vacate the convictions of the Five and order a new trial. (Court of Appeals for the Eleventh Circuit, No. 01-17176, 03-11087).

That historic decision was later reversed by the majority of the entire Court under pressure from Attorney General Alberto González in an action that went contrary to the normal US legal practice. Mr. González's successful move, a manifestation of his peculiar legal philosophy, foreclosed the possibility of a just resolution of this case in a manner that would have honored the United States.

The panel decision, an exceptionally sound and solid 93 pages document, including irrefutable facts about the half century old terrorist war against Cuba, remains an outstanding moment in the best American tradition and will continue to be a text to be analyzed with respect by scholars and law school students.