

## The Amicus from ten Nobel Prizes filed with the US Supreme Court in favor of the Cuban Five

Dear Friends:

Today, from the Institute of Friendship with the Peoples we send you an extract from the **amicus** where ten Nobel prizes subscribe to the petition filed by the defense, as well as the Reasons to grant the petition, under the signature of the representing lawyer Michael Ratner, hoping it can be spread to your friends, posted in the electronic pages of the solidarity movement and if it is possible, received by important personalities as well as the mainstream media of your countries. Also, we ask you to report to this address any action you might carry out in such sense. For more information we suggest you to visit our website [www.icap.cu](http://www.icap.cu) and [www.antiterroristas.cu](http://www.antiterroristas.cu)

### INTERESTS OF AMICI

The *Amici Curiae* are ten Nobel Prize winners of diverse political ideologies who have spent much of their lives concerned with issues of justice. All are from countries where the existence of fair and impartial tribunals has been an issue of grave concern during their lifetimes. They and their countrymen have looked for leadership to the United States legal system, its Constitution, and its legal protections guaranteeing fair and impartial trials. They are alarmed by the convictions in this case and believe, if left standing, they will set a negative example in countries where the rule of law is not firmly established and denigrate the esteem in which the United States justice system is held.

As members of the international community, *Amici* wish to underscore violations of international legal norms that mandate a fair and impartial trial, norms modeled on U.S. standards. International treaties ratified by the United States as well as customary international law reflect the U.S. constitutional requirement of a fair trial. The International Covenant on Civil and Political Rights provides that “everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.” International Covenant on Civil and Political Rights, art. 14, Dec. 19, 1966, 999 U.N.T.S. 171. Numerous other international treaties and declarations do likewise.

For a number of years *Amici* have been attentive to this case. For example, in 2003, Amicus Nadine Gordimer wrote to the *The New York Times* stating, “the trial was held in Miami where the charges could not be heard by anything other than a biased jury, since the area has a dominant presence of avowed enemies of Cuba.”

In 2005 *Amici* signed a letter to Attorney General Alberto Gonzales protesting Petitioners’ continued incarceration after the Eleventh Circuit had reversed their convictions because of the inability to obtain a fair and impartial trial in Miami, Florida.

In that letter, which was subsequently signed by thousands of prominent international personalities, the *Amici* addressed the 2005 opinion of the Working Group on Arbitrary Detentions of the U.N. Human Rights Commission that the incarceration of Petitioners was arbitrary and in violation of Article 14 of the International Covenant on Civil and Political Rights.

This was the first time that the Working Group found a U.S. judicial proceeding violated the prohibition on arbitrary detentions. The Working Group found that the “climate of bias and prejudice against the accused” was so extreme that the proceedings failed to meet the “objectivity and impartiality that is required in order to conform to the standards of a fair trial” and “confer[red] an arbitrary character on the deprivation of liberty.” Dozens of organizations and individuals around the world—including, for example, national parliaments and parliamentary committees on human rights joined in the condemnation. No criminal trial in modern American history has received such international approbation.

*Amici* raise concerns about juror intimidation, selective enforcement of the law, and the biased community atmosphere in which the trial occurred. *Amici* have been aware of acts of violence and harassment against the Cuban government and of efforts to silence individuals, especially those living in Miami who are labeled “friendly” or even open to dialog with Cuba. They are also aware that at times the U.S was unwilling to prevent or punish unlawful actions against Cuba or against persons who expressed an interest in the normalization of relations with Cuba, and failed to enforce laws prohibiting and regulating the possession of weapons and explosives by those supporting the overthrow of the Cuban government.

*Amici* believe that, in these circumstances, Petitioners could not have received a fair and impartial trial and that their convictions and sentences were wrongful.

## REASONS FOR GRANTING THE WRIT

1. Petitioners did not receive a fair and impartial trial because jurors could not decide this case free from fear of retaliation by the anti-Castro community.
2. Petitioners did not receive a fair and impartial trial because jurors could not decide this case free from pervasive community prejudice against anyone associated with the Cuban Government.
3. The conviction of Gerardo Hernandez for conspiracy to commit murder demonstrates that impaneling a jury free from anti-Castro prejudices, and free from the fear of intimidation was necessary for a fair and impartial trial.
4. The failure of the Courts of The United States to reject a jury verdict infected by intimidation and the Fear of violence encourages a disregard for the right to a fair trial.

## IDENTIFICATION OF *AMICI CURIAE*

Ten Nobel Prize winners are *Amici Curiae*:



### **Jose Ramos-Horta**

He was awarded the Nobel Peace Prize in 1996. He is the President of East Timor. Prior to being elected President, he was elected as the country's first Foreign Minister in 2002 and appointed Prime Minister in 2006. Ramos-Horta studied International Law at The Hague Academy of International Law and is a Senior Associate Member of the University of Oxford's St. Antony's College.



### **Wole Soyinka**

He was awarded the Nobel Prize in Literature in 1986. A Nigerian author, Soyinka is considered Africa's most distinguished playwright. He was the first African to win the Nobel Prize in Literature. An outspoken critic of authoritarian Nigerian regimes, Soyinka was imprisoned for nearly two years during the Nigerian Civil War for his attempts to broker a peace accord. During the dictatorship of General Sani Abacha (1993-1998), Soyinka lived in exile in the United States. He is a Professor at the University of Nevada-Las Vegas, as well as a Professor in Residence at Loyola Marymount University.



### **Adolfo Pérez Esquivel**

He was awarded the Nobel Peace Prize in 1980. Born in Argentina, he is the cofounder of the Christian peace organization, Servicio Paz y Justicia, which promotes human rights throughout Latin America. Pérez Esquivel was imprisoned and tortured in Ecuador and Argentina in the late 1970's as a

result of his peace and human rights work, which included the creation of an international campaign that urged the United Nations to create a Human Rights Commission. He has been awarded the Pope John Paul XXIII Peace Memorial.



**Nadine Gordimer**

She was awarded the Nobel Prize in Literature in 1991. Gordimer was born in South Africa and has spent her life there. Her literary work confronts moral and racial issues, and in particular apartheid. Some of her works were banned by the South African apartheid government. She was active in South Africa's anti-apartheid movement and joined the African National Congress. She has continued her political work most notably in anti-censorship

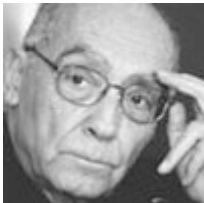
campaigns, as well as HIV/AIDS causes.



**Rigoberta Menchú**

She was awarded the Nobel Peace Prize in 1992. A Quiche Indian from Guatemala, Menchú was active in reform efforts in Guatemala, particularly concerning women's and Indian peasants' rights. Her family, including her brother, mother, and father, was arrested, tortured and killed by the Guatemalan government. Menchú was forced into exile in Mexico in 1981, where she authored the internationally renowned book, *I, Rigoberta Menchú*.

She is currently a UNESCO Goodwill Ambassador and continues her work on behalf of Guatemala's Indian peasant communities.



**José Saramago**

He was awarded the Nobel Prize in Literature in 1998. Born in Lisbon, Portugal, Saramago co-founded the National Front for the Defense of Culture in 1992. Saramago is a novelist, playwright and journalist. His writing is known for its empathy for the human condition. He continues to write about human rights issues.



**Zhores Alferov**

He was awarded the Nobel Prize in Physics in 2000. He is a Russian physicist and invented the heterotransistor, a technological breakthrough that helped advanced electronic computer technology, including cellular phones, barcode readers and music players. Alferov has been active in Russian political affairs and has been a member of the Russian Parliament since 1995.



**Dario Fo** was awarded the Nobel Prize in Literature in 1997. Fo is an Italian playwright, director, stage and costume designer and music composer. His work was often found to be controversial in Italy and resulted in his receiving death threats. His work has been performed throughout the world.



**Günter Grass**

He was awarded the Nobel Prize in Literature in 1999. A prolific author, Grass won a number of literary awards and an archival museum was founded in his honor in Bremen, Germany. Grass has been active in German political life, including the peace movement and electoral politics. He is currently working to create a German-Polish museum for artworks lost during World War II.



**Máiread Corrigan Maguire**

She was awarded the Nobel Peace Prize in 1996 in recognition of her work pursuing peace and resolution in armed conflicts. She is the co-founder of the Community of Peace People, an organization that urged a non-violent resolution to the Troubles in Northern Ireland. She continues this work and

has traveled to over 25 countries. In 1992 she was awarded the "Pacem in Terris" Peace and Freedom Award, named after Pope John XXIII.