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Cuba Breaks with Panama

by LADB Staff

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On Aug. 26, outgoing Panamanian President Mireya Moscoso pardoned four known terrorists jailed in 2000 on charges related to an alleged assassination plot against Cuban President Fidel Castro. Cuba immediately broke diplomatic relations with Panama, calling Moscoso an accomplice to terrorism. Martin Torrijos, Moscoso's successor, condemned the pardons and promised to work for an early return to normal diplomatic relations.

During the November 2000 Ibero-American Summit held in Panama City, Castro announced that he had evidence that confessed terrorist Luis Posada Carriles would attempt to assassinate him during the summit. The plan was apparently to set off explosives at a packed Universidad de Panama auditorium where Castro was to give an address. Castro said that the Miami-based Cuban American National Foundation (CANF) was behind the conspiracy (NotiCen, 2000-11-30). Posada, Gaspar Jimenez Escobedo, Pedro Crispin Remon, and Guillermo Novo Sampoll all of Cuban origin have long histories as anti-Castro activists, and all have been imprisoned at one time or another on terrorism or terrorism-related charges.

Posada, the most notorious of the four, was convicted in absentia by a Venezuelan court for his role in the 1976 bombing of a Cuban airliner that killed 73 passengers. In a 1998 series of interviews with The New York Times, Posada said he directed various terrorist attacks against Cuba including the 1997 bombings of Havana tourist hotels and restaurants (see EcoCentral, 1998-08-13).

Panama refuses to extradite

In March 2001, Moscoso refused Cuba's extradition request for the four accused terrorists, arguing that Panamanian law prohibits extradition to any country that has the death penalty. Cuba has a long-dormant death penalty but said it would limit sentences in this case to a maximum of 20 years imprisonment. At the time, Posada was 72. Venezuela also asked for Posada's extradition because he was still wanted there for the 1976 airliner attack. Moscoso's concern about the death penalty would not apply to Venezuela as that country has no death penalty. During the nearly four years since the arrests, Miami exiles actively supported the four men and worked for their release. Miami developer and anti-Castro activist Santiago Alvarez Fernandez led a fund-raising drive, collecting US\$400,000 for a legal defense. Cuba has accused Alvarez of playing a part in the Panama assassination conspiracy.

In 2001, Cuban authorities arrested three Cuban exiles on an island off the Cuban mainland and charged them with planning an attack on the Tropicana nightclub in Havana. One of the men told investigators that Alvarez had financed the expedition. In a recorded telephone conversation, a Miami man identified as Alvarez authorized one of the suspects to bomb the Tropicana (see NotiCen, 2001-07-05).

The attitude among the Miami-exile hard-liners toward the Posada band can be illustrated by a letter sent to Moscoso in 2002 by Agustin Roman, auxiliary bishop of Miami, Alberto Cutio, a priest, and several evangelical clerics. "We request a pardon for these four fighters. They have suffered enough having lived practically all of their lives without a country," said the letter. "These four men embody the desperate efforts and persistence of Cubans in diaspora to liberate themselves of a despotic tyranny."

Assassination charges dropped

Panamanian prosecutors decided not to try the four on the charge of attempted assassination but to reduce the charges to possession of explosives and conspiracy to endanger public security. The logic of this was that, although police found plastic explosives in a car linked to the Posada group, they found no detonators. From this, they concluded that there was no evidence the suspects planned to use the explosives to kill Castro. A member of the Panamanian university commission investigating the case said the government had not looked at DNA and other evidence pointing to an assassination attempt. The accused gave differing versions of why they were in Panama. Posada early on confessed that he had come to kill Castro but said that he had later decided against it. The confession was not admitted in court.

Another explanation was that they wanted to protest Castro's presence at the summit. They settled finally on the explanation that they were victims of a Cuban sting operation. Castro, they said, had lured them to Panama with a false story that a high-ranking Cuban official would defect while at the summit. Perhaps the boldest defense move was to demand that Castro prove he did not order the explosives placed in the car to frame Posada (see NotiCen, 2001-03-22).

In April 2004, with the charges reduced again, this time to endangering public safety and falsifying public documents, Posada and Gaspar Jimenez were sentenced to eight years in prison and Pedro Remon and Guillermo Novo to seven years. All were credited with the nearly four years of time already served. Two others, Cesar Matamoros, a Cuban, and Jose Hurtado Viveros, a Panamanian, received lighter sentences for playing minor roles.

Cuba warns of plan to release terrorists

Cuba complained regularly about Panama's handling of the case: the long delays, a change of judges, the relative luxury in which the four were living in prison, and the pressure from Miami for dismissal of the charges (see NotiCen, 2003-07-17). Cuba also complained that defense efforts to have the prisoners released while awaiting the outcome of their appeal was an obvious attempt to rig an escape from the country and, further, that another known terrorist from the US had traveled to Central America to prepare a safe haven for the four. Soon after the sentencing, the Cuban government began warning that Moscoso might issue a pardon before leaving office Aug. 31.

But Panama's Foreign Minister Harmodio Arias assured Cuba that no such pardon was under consideration. "They must serve their sentences in Panama," he said. On Aug. 22, Cuba said that it would consider relations with Panama automatically broken should a pardon be granted. Taking offense at the warning, Moscoso denied that she was contemplating a pardon but said she was

recalling Panama's ambassador from Havana because of "repeated and unacceptable interference by the government of Cuba." Foreign Minister Arias now said that because Cuba had accused Moscoso of considering the pardon, "The president is considering the possibility of the pardon."

Three days later, Moscoso pardoned the four men. She explained that it was justified on humanitarian grounds and because the four were convicted on the lesser charges. She also said she wanted to prevent her successor from extraditing them to Cuba or Venezuela where they would be killed. The diplomatic break went into effect. Venezuela recalled its ambassador, Flavio Granados, from Panama, not so much because of the pardons but to protest Moscoso's statement that the men would be killed in Venezuela.

In Venezuela, Granados said, "life is respected." The pardons and their aftermath leave unanswered questions. Former Panamanian President Manuel Solis Palma (1988-1989) said he was at a loss to explain Moscoso's actions. He said that he could not understand why the pardons came at a time of global terrorism and in view of Moscoso's efforts to legislate tougher sentences for youthful offenders. Some Panamanian jurists questioned the legality of the move, arguing that a pardon cannot be granted while a conviction is under appeal.

Another question is the role of the US. State Department spokesman Adam Ereli said on Aug. 26, "This was a decision made by the government of Panama. We never lobbied the Panamanian government to pardon anyone involved in this case." Nevertheless, Secretary of State Colin Powell visited Panama just before the pardons were announced. Citing articles in the Panamanian press, the Cuban Foreign Ministry (MINREX) said that Powell had pressured Moscoso. MINREX and other Cuban sources said the White House encouraged the pardons to gain electoral credit in Miami for President George W. Bush's re-election campaign and to avoid a trial in Cuba or Venezuela, where Posada might have brought out his long association with the US military, the CIA, and various US administrations involved in countless plots against the Cuban government.

Moscoso also added to the suspicions by calling former US ambassador to Panama Simon Ferro in Miami just after announcing the pardon. She left the following message on Ferro's answering machine: "Good morning, ambassador. This is the president informing you that the four Cubans were pardoned last night and have already left the country. Three of them are on their way to Miami and the other to an unknown destination. Goodbye. A hug."

The Cuban daily *Juventud Rebelde* said the phone call "clearly showed the involvement of the US in the pardon of the terrorists," and the World Data Service (WDS) in Cuba described Ferro as an extremist who personally directed the campaign to release the four men. Moscoso said the message was a simple courtesy to Ferro, who had earlier expressed an interest in the matter. But the message raised questions because Ferro, of Cuban origin, has ties to the hard-core exile leadership in Miami, as does Moscoso. She spent several years in Miami with her husband, former President Arnulfo Arias, who was overthrown in 1968 by her successor's father, Gen. Omar Torrijos (see *NotiCen*, 1999-05-06).

The release and transportation of the four men were obviously well-planned and well-financed. Alvarez hired two Lear jets owned by Miami-based Catalina Aerospace to fly the four out of

Panama. The Honduran daily La Prensa reported that the four were taken from prison in a caravan of vehicles to the Tocumen International Airport in Panama City. Already on board were the wives of the four and the representative of a Cuban-exile organization. They were first flown to San Pedro Sula, Honduras, where the four men passed through immigration with false US passports. A man identified as Rafael Hernandez Nodarse, a local businessman of Cuban origin, escorted the four out of the airport. La Prensa identified Nodarse as an anti-Castro associate of Posada. Novo, Jimenez, and Remon later returned to the airport and flew on to Miami. Alvarez was deliberately vague about Posada's itinerary, saying that the conflicting rumors of his whereabouts were a good thing, making it harder to find him.

At the Opa-Locka airport north of Miami, where the three men were received as heroes, Novo said, "This is a triumph for the Cuban exile....It was the Cuban exile community that did this." The three were interviewed by the FBI upon arrival but not detained despite their terrorist backgrounds. There are no reports that Alvarez has been questioned on how the four men got hold of US passports, on how they made illegal entry into Honduras, and what role he might have played in introducing terrorists into the US contrary to US law and Homeland Security policies.

Meanwhile, with the possibility that Posada is hiding somewhere in Central America, leaders there rushed to disassociate themselves from any suspicion that they were aiding the fugitive. In El Salvador, where Posada had previously resided and held a passport, officials said he would be banned from entering the country. Honduran President Ricardo Maduro said he would demand that the US explain how the four acquired US passports, and he ordered an investigation into whether immigration officials in San Pedro Sula had aided the illegal entry.

Avowals from Central American countries that they would deport Posada if he were found did not satisfy Havana. Ricardo Alarcon, president of the Cuban National Assembly, called such statements "pathetic." Under international law and a US-sponsored UN resolution that requires states to detain anyone linked to terrorism, their duty is to arrest Posada, he said.

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