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Cuban Account Vindicated as Posada Carriles is Indicted For Fraud, but Not Terrorism

by Mike Leffert

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A federal grand jury in the Western District of Texas has returned a seven-count indictment that may have dashed the hopes of Luis Posada Carriles for eventual freedom. The indictment may also have dashed Cuban and Venezuelan hopes that the self-acknowledged terrorist would ever face extradition on terrorism charges. Venezuela has sought Posada's extradition to face trial for the October 1976 bombing of a Cuban airliner that resulted in the deaths of 73 persons (see NotiCen, 2006-10-12).

He has been detained at the US Immigration and Customs Enforcement (ICE) facility in El Paso. Posada is now charged with one count of naturalization fraud and six counts of making false statements in a naturalization proceeding, the Department of Justice (DOJ) announced on Jan. 11. The indictment alleges that Posada knowingly attempted to obtain naturalization as a US citizen unlawfully by making false statements on his application on Sept. 10, 2005, and that, under oath, he made false statements during his naturalization interview with Department of Homeland Security (DHS) officials on April 25-26, 2006.

Posada had told the officials that he entered the US in March 2005 from Honduras through Belize, entering overland near Matamoros, Mexico, and Brownsville, Texas. The indictment alleges, however, that he had entered by sea aboard the motor vessel Santrina, a shrimp boat, accompanied by four individuals. Posada also told the officials that he never had any documentation, passport, or identification from Guatemala, whereas, said the indictment, he had a fraudulent passport issued by Guatemala, with his photo, in the name of Manuel Enrique Castillo Lopez. If convicted, according to the DOJ, he could get 10 years on the naturalization-fraud count and five years each for the false-statement counts.

The information in the indictment coincides with a report from Cuban authorities in 2005. Mexican news agencies also carried the story saying that Posada entered the US from Isla Mujeres on the Santrina, but Posada denied the reports at the time, and US officials did not appear interested.

Also enmeshed in legal difficulties stemming from the indictment are Santiago Alvarez and an employee of his, Osvaldo Mitat. Both are anti-Castro militants currently in jail in Miami on charges of possession of an arsenal of weapons, allegedly for use in some planned attempt on Cuba. The two refused to testify against Posada in the current action and are now accused of having arranged Posada's passage on the Santrina, which Alvarez owns. Before the indictment, Posada entertained some prospect of walking free. Recently a court ruled that he could not be interned indefinitely on immigration charges and ordered him released.

A second court gave the government until Feb. 1 to justify the detention, after the government alleged serious foreign-policy consequences if he were to be let go. Not a terrorist by US standards

Jose Pertierra, a lawyer representing Venezuela in the extradition process, reacted to the indictment by demanding that Posada be indicted for terrorism, pointing out that Posada had admitted to crimes of terrorism. "We recognize," Pertierra said, "that the law establishes that, upon formal presentation of a federal indictment, they cannot extradite him to Venezuela, but this new situation does not preclude indictment in the US for terrorism, as international treaties require." Pertierra did not dispute or disparage the fraud and perjury indictments. "We are happy that they are indicting him for perjury," he said, "but Posada is a murderer, responsible for the death of 73 people traveling on a civilian Cubana de Aviacion plane that crashed off the coast of Barbados on Oct. 6, 1976."

In Cuba, the story is being reported as an attempt to keep a man who knows too much under control, while avoiding a terrorism charge that could result in Posada's defending himself by admitting the role played by several US administrations in his actions. Granma and other news organizations on the island have made much of the fact that the new charges have nothing to do with terrorism or murder. Cuba is interested not only in the downing of its aircraft but also in the 1997 bombing of a tourist hotel in Havana that killed Italian businessman Fabio Di Celmo and injured several Cubans (see NotiCen, 1997-10-02). Posada's lawyer, Eduardo Soto, agrees with some of Cuba's analysis. He told reporters the US government's indictment was a "desperate" attempt to keep his client locked up.

The defense has maintained that whatever Posada has done, he did it as an agent of the CIA or as a member of the US military. Such a defense, were it to play out in court, would necessitate telling much of the story of US clandestine actions against Cuba. These would include, according to Soto, tales of sabotage, invasions, armed landings on Cuban soil, attempts on the life of Cuban President Fidel Castro and other Cuban officials.

Fidel had it right, Bush and Fox wrong

Other reporting on the island notes how Fidel first revealed the truth of Posada's travels, just days after he landed in the US. On April 11, 2005, Castro challenged US President George W. Bush to respond to charges that Posada was being harbored in the US, using Bush's own words of Aug. 26, 2003, "If someone protects a terrorist, if someone feeds a terrorist, then that person is just as guilty as the terrorists." At the time Castro issued the challenge to Bush, Posada had not yet been caught and was in Miami, leading Fidel to ask, "What security can the North American people have with a president like that? What good are the security services, all the machinery that cost billions of dollars, if they didn't even know that Posada Carriles was there?" The Bush administration never responded, but Secretary of State Condoleezza Rice denied having any evidence that Posada was in the country and said that the whole matter was an invention of Cuban Intelligence.

Castro also inveighed on Mexican President Vicente Fox for being equally obtuse about Posada's travels, even when his voyage aboard the Santrina was being carried in Mexican papers. On Jan. 17, Posada appeared in shackles in an El Paso court. He was ordered held without bail pending a further bond hearing. He did not enter a plea. His lawyer Felipe D.J. Milan said the prisoner would be transferred to the Otero County Jail in New Mexico. Also in court, shackled and denied bail, were Alvarez and Mitat.

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