

4-26-2007

Luis Posada Carriles Free On Bail, International Furor Ensues

Mike Leffert

Follow this and additional works at: <https://digitalrepository.unm.edu/noticen>

Recommended Citation

Leffert, Mike. "Luis Posada Carriles Free On Bail, International Furor Ensues." (2007). <https://digitalrepository.unm.edu/noticen/9504>

This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in NotiCen by an authorized administrator of UNM Digital Repository. For more information, please contact amywinter@unm.edu.

Luis Posada Carriles Free On Bail, International Furor Ensues

by Mike Leffert

Category/Department: Cuba

Published: 2007-04-26

Admitted terrorist Luis Posada Carriles walked free from a New Mexico jail April 19 after US District Judge Kathleen Cardone ordered him released on US\$350,000 bail. Posada is to remain free until May 11, when he must appear in an El Paso, Texas, courtroom to answer charges of lying at a naturalization hearing and of making false statements on an application for US citizenship about how he managed to sneak into the US after being released from a Panama prison. Panama was holding him on charges related to a planned attempt on the life of Cuba's President Fidel Castro (see NotiCen, 2004-09-16).

In ordering his release, the court made clear that it was limiting its decision to the immigration charges and not considering Posada's terrorist activities which, by his own admission, include bombing a Cubana de Aviacion airliner resulting in the deaths of 73 persons and bombing a Havana hotel, also resulting in death. "While Defendant has had a controversial past and escaped from a foreign prison decades ago," said the court order, "he is now older [79] and more frail than he was when those events allegedly occurred. He has ample ties to the community, as evidenced by the thousands of supporters who have signed petitions on his behalf and volunteered their personal resources to aid in his defense. Aside from the financial resources offered to him by supporters, Defendant appears to be a man lacking the financial resources that would make him a flight risk. In sum, though his controversial past, alleged criminal history, and record concerning past appearances at administrative proceedings may indicate that he poses some risk of flight, it is outweighed by other considerations and may be diminished by conditions of pretrial release imposed by this Court."

With that, on April 6, Judge Cardone signed the order that would set Posada free. US Justice Department lawyers made some moves to get Cardone to reconsider and to hold a hearing on the collateral pledged by supporters to get bail. They argued that the value of the collateral was greatly in excess of the bond, so "the court's order thus waters down the bond conditions and presents no real disincentive to flee." Posada's lawyers called the government's argument "desperate," but they did not need to maintain the posture of outrage for long. The government effort failed, and the frail terrorist was Miami bound.

More genuine expressions of outrage were reserved for Cuba and Venezuela, which both want him extradited to Venezuela to resume his long-delayed trial for the murders of the 73 crash victims. Cuba's National Assembly president Ricardo Alarcon explained, "According to international law, according to antiterrorism agreements, when there is an attack on a civil plane, the country that has a suspect in its custody and is asked for him to be extradited to another place so that he can be investigated and tried, that country that has him has only two options: to extradite him or, without exception, to try him itself. Posada is not a suspect. Posada was being tried, formally accused over

twenty years ago by another Venezuelan government, by other Venezuelan courts that have been demanding him ever since then."

The Venezuelan position on the case is that the immigration charges amount to little more than a ruse on the part of the administration of US President George W. Bush. Speaking to Democracy Now on public radio in the US, Venezuela's attorney Jose Pertierra said, "We contend that the White House has manipulated the US judicial system in such a way as to get exactly the kind of decision that it wanted in the immigration case and also the case that's presently pending in El Paso. Rather than charge him with murder, the US has charged him only with lying on an immigration form."

Political influence on the justice system

Pertierra recalled that the US has refused to bring the more serious charges against Posada. He linked the proceeding to the current scandal in which US attorneys have been summarily dismissed for failing to toe the administration's political agenda. "It's a manipulation of the judicial system that has delegitimized the US judicial system.... This is a case where prosecutors didn't obey their conscience; they obeyed the White House, and, in so doing, they have released this international terrorist onto the streets of Miami."

While the Democrat majority in the US Senate may be eager to bring an end to the Republican-led politicization of justice in the US, it is notable that recent Senate hearings on political influence in the Justice Department never brought up the specifics of this long-standing, very high-profile case in questioning Attorney General Alberto Gonzalez. The lawyer's charges echoed statements made earlier by the now-recovered Fidel Castro, who has recently returned to public life on the island through the editorial pages of the national papers. Castro wrote, "The instructions for the decision dictated by Kathleen Cardone could only come from the White House...."

The concern in Cuba is that, according to the media there, in letting Posada go free without prohibiting him from associating with those who financed his crimes in the past, the Bush administration is giving tacit approval to "a dangerous coordination of criminal elements that consider themselves authorized to conspire with impunity." In fact, Posada has already been reported to have received a visit from Ernestino Abreu, a "notorious terrorist" and father of Ernesto Abreu, alleged owner of the shrimp boat Santrina, which smuggled Posada into the US. The long and short of the Cuban analysis is that Posada is a rallying point for renewing the flagging vehemence in Miami against Cuba, bringing together the diehards of the Bay of Pigs era.

International reaction

But international indignation at Posada's release is not limited to Cuba and Venezuela. The 118 members of the Non-Aligned Movement have also been stirred. Seeing the release as evidence of deep hypocrisy in the Bush administration's view of terrorism, a statement issued after the court decision said, "The Movement reiterates its support for the extradition request that the Bolivarian Republic of Venezuela interposed to the government of the United States to bring Mr. Luis Posada Carriles to justice." The statement from most of the nations of the world places this case on the list

of administration foreign-policy missteps. Venezuela has signaled its intention to avail itself of the opportunity by taking the matter to international forums.

Caracas is going to submit the case for consideration to the Permanent Council of the Organization of American States (OAS), the OAS reported. The organization's agenda for its April 25 session includes, "Venezuela's statement in relation to anti-terrorist efforts release of Luis Posada Carriles." Venezuelan President Hugo Chavez has also called on the UN to intervene. Speaking to the Venezuelan people on radio and television, he called the Cardone decision disgraceful and evidence of US hypocrisy in relation to terrorism, and he demanded extradition. Attorney Pertierra said, "Venezuela is studying a petition to the Security Council Anti-Terrorism Committee for them to open an investigation into the conduct of the US government and its authorities on the liberation of the terrorist Posada Carriles."

That request was formally made on April 25. Pertierra said the US failed to fulfill its obligations under resolution 1373 of the UN, which was passed just after the attacks on the World Trade Center in September 2001. The resolution states, said Pertierra, "that all states must abstain from giving aid to persons who have participated in the commission of acts of terrorism." He continued, "If it is necessary to bring the case to the international courts, we will do so."

In Haiti, Minister of Foreign Relations and Culture Jean Renald Clerisme said Posada's release "seems to us like an insult to justice. That gentleman deserves to be brought to justice and the world is doubtless condemning it." In Turkey, the We Do Not Fear the United States Patriotic Front collected student signatures condemning the decision. In Russia, astronauts Vitali Sevasrianov and Svetlana Savitskaia joined members of parliament in demanding trial or extradition. In Bolivia, President Evo Morales added his signature to a demand already signed by more than 3,800 public figures from 80 countries. Even in Panama, where Posada was freed from jail by the unusual and questionable interference of outgoing President Mireya Moscoso (see NotiCen, 2004-09-16 and 2004-09-23), director of foreign policy of the Foreign Ministry Javier Bonagas expressed "much regret" at his liberation in the US.

Nevertheless, he said Panama would not reopen the case against Posada. Around the globe, more than 150 intellectuals, among them Argentine Nobel Peace Prize winner Adolfo Perez Esquivel and writers Eduardo Galeano and Mario Benedetti, demanded the US try Posada "for all his crimes, or respond to the request for extradition that Venezuela has made and has received no answer whatsoever." Others of the signers of the document published in Cuba's official Granma included Brazilians architect Oscar Niemeyer and Catholic priest Frei Betto and the Spanish playwright Alfonso Sastre. US actor Danny Glover and anti-war activist Cindy Sheehan signed, along with French-Spanish singer Manu Chao. French actor Gerard Depardieu and Bosnian filmmaker Emir Kusturica signed.

The luminaries' demand was a small part of the protests entering their fourth day in Cuba regarding the release. In several cities throughout the island thousands turned out in the streets. In Havana, family members of the victims of the Cubana de Aviacion crash held a 36-hour vigil in front of the US Interest Section. A spokesperson for the families said the intent was "to alert the world to the responsibility of the Bush administration for the liberation and protection of the terrorist Posada

Carriles, to demand the return of the criminal to prison to be tried for what he is: a known terrorist, or that the extradition request be complied with."

As the international indignation mounts, analysts in the US have begun to examine the damage to US standing in the world. Said Wayne Smith, chief of the US Interests Section in Cuba from 1979 to 1982, "Just as the government of Venezuela has said, and according to international law, either extradite him to that country or try him in the United States, but to accuse him of false testimony is pathetic." Smith, now a member of the Center for International Policy (CIP) in Washington, conceded that Posada "knows where the bodies are buried, who buried them, and who ordered the murders. So, if they act firmly, he will start to talk. It's an embarrassing situation, especially now with our war on terrorism."

Peter Kornbluh of the Washington-based National Security Archive (NSA) said of the US dilemma, "In the best of cases, they will accuse us of hypocrisy and double discourse. In the worst, the United States will be seen as a protector of an individual with a life dedicated to violence. The case is the test by fire of how committed Bush is in bringing terrorists to justice, and yesterday, the government failed the test."

-- End --