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Panama Will Not Extradite Posada

by LADB Staff

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The Panamanian government has rejected Cuba's request for the extradition of terrorist Luis Posada Carriles and three others whom Cuba accuses of conspiring to assassinate President Fidel Castro. On Nov. 17, 2000, during the tenth Ibero-American Summit, held in Panama, Castro publicly announced that he had evidence of an assassination plot directed by Cuban-born terrorist Posada. Hours later, Panamanian police arrested Posada and three other Cuban exiles and found several pounds of plastic explosives in a briefcase near the Tocumen International Airport.

Police surmised that the plan was to detonate the explosives on the road as Castro's motorcade passed or at an event Castro planned to attend at the University of Panama. Police later arrested three others believed to have been involved in the plot. Although Cuban authorities immediately said they would ask for the extradition of the suspects, Panamanian President Mireya Moscoso said on Nov. 24 that they would be tried in Panama (see NotiCen, 2000-11-30). Nevertheless, on Nov. 30, Cuba said it had officially presented its extradition request for Posada and the three other Cuban exiles Pedro Ramon Rodriguez, Guillermo Novo Sampoll, and Gaspar Jimenez Escobedo.

Castro announced in December that, if found guilty by a Cuban court, none of the suspects would be put to death but would instead face 20-year prison sentences. Posada is 72. The others are in their late fifties and sixties. Moscoso repeated on March 14 that the Cuban extradition request would be denied. She said that Panamanian law prohibits extradition to a country with penalties more severe than Panama's. "We cannot extradite him [Posada] because Cuba is a country with the death penalty," said Moscoso. The decision aroused some suspicion in Cuba and Panama that Moscoso had been pressured.

Simeon Gonzalez, a Panamanian constitutional expert at the University of Panama who serves on a university commission investigating the Posada affair, said the government's fear of pressure from the right accounted for its lack of action in the case. Gonzalez said that, despite a mass of evidence, Panamanian officials had not investigated the assassination charges. No DNA examination of hairs found on the explosives discovered by police had been undertaken. Prosecutor Argentina Barrera asked for a DNA test of the hairs, but defense lawyer Rogelio Cruz opposed DNA testing, arguing that the defendants were not obligated to submit to it.

Cruz made other motions, including one to have the court throw out any evidence acquired through interrogation. As of mid-March, Panamanian prosecutors were holding the suspects on charges of illegal possession of weapons and related charges. If extradited to Cuba, the suspects could face more serious charges. Besides the alleged assassination plot, Cuba would like to try Posada for the 1976 bombing of a Cuban airliner, the 1997 bombings of tourist sites in Havana that killed an Italian tourist (see EcoCentral, 1997-06-12, 1997-10-02), and many other terrorist acts that resulted in the deaths of Cuban citizens.

The Cuban Foreign Ministry said it was disappointed by Moscoso's rejection of the extradition request but did not take her comments as the final word. Havana is waiting to hear the official decision announced by Panama's Foreign Ministry. Cuban authorities blamed pressure from the Miami exile organization Cuban American National Foundation (CANF) for the decision not to extradite. The CANF hired the first lawyers, Daniel Henderson Mora and Geronimo Mejia, to represent the suspects. Later, Cruz took over as defense counsel along with Rosa Mancilla de Cruz. They did not say who hired them.

In Miami, Cuban-exile radio state Radio Mambi ran a telethon to raise US\$200,000 for the legal expenses of the suspects. Defense versions of events Cruz told The Miami Herald that the Cubans had gone to Panama to help a defector whom they identified as Castro's security chief Eduardo Delgado. But instead, Delgado set a trap that resulted in their arrest, Cruz said.

Through the official government newspaper Granma, the Cuban government denied Cruz's allegations and said they were part of the pressure exerted on Panama by the CANF to block extradition. Another story told by the arrested men was that they were in Panama to protest Castro's presence at the summit. A third explanation emerged in late November, when a Panamanian newspaper reported that Posada had told Panamanian investigators that he entered the country to assassinate Castro.

In mid-December, Posada's attorney said Castro was trying to frame his clients. Cruz said Cuban agents had planted evidence in the car Posada was using in Panama. Shifting the burden of proof from Panamanian prosecutors to the Cuban president, Cruz said, "Fidel Castro will have to prove that he did not order the explosives to be placed in the red car."

In January, The Miami Herald said Panamanian investigators confirmed Posada's admission of a plan to kill Castro. However, Posada also said that he decided against carrying out the plan because of the danger that innocent people might be killed. Since he made the admission during an informal conversation with investigators, it is not considered a confession.

The Herald report quotes the officials as saying that Castro's public announcement of the plot during the summit would have alerted the conspirators if they had been watching television. "That's why I'm inclined to believe Posada Carriles when he says the plot had been called off," said the official. "Instead of watching TV, trying to figure out Castro's plans, he was sleeping. That doesn't sound like an active assassination plot to me."

Salvadoran officials counterattack Castro Castro's dramatic announcement of an assassination plot during the Ibero-American summit brought an unusually harsh response from Salvadoran President Francisco Flores, who was sitting at the same table with the Cuban president. Denying Castro's charges that El Salvador was harboring Posada, Flores launched into a tirade accusing Cuba of causing the deaths of thousands of Salvadorans during that country's armed conflict in the 1980s.

In November, Salvadoran Interior Minister Mario Acosta justified President Flores' refusal to attend a previously planned meeting with Castro in Mexico by accusing the Cuban government of

harboring criminals. Acosta alleged that Cuba gave refuge to Basque ETA separatists and Ejercito Zapatista de Liberacion Nacional (EZLN) guerrillas in the Mexican state of Chiapas, among others. As for the Posada case, Acosta said, "That is a dispute among Cubans, Salvadorans have nothing to do with it." Acosta was also interior minister in the administration of former President Armando Calderon Sol (1994-1999). Calderon Sol has acknowledged that Castro asked him to investigate Posada in 1999.

Despite various official Salvadoran denials that Posada had operated with impunity from El Salvador, the case has prompted an investigation into how Posada got Salvadoran passports under two aliases and into his activities while in the country. A search of official records showed that Posada registered as a Salvadoran national under an alias using documents he acquired in the town of Tecapan, department of Usulután, in 1992. He arrived in Panama in November 2000 from El Salvador on the passport obtained under the name of Franco Rodriguez Mena.

Ammunition illegally imported

In early March, the San Salvador daily Prensa Grafica reported that the attorney general was investigating a possible link between Posada and an auto-repair shop, Tallers Moldtrok, which had illegally imported munitions from Spain through Guatemala for the police academy (Academia de Seguridad Nacional, ASN). Ramon Sanfeliu, whom Cuba has claimed belongs to a terrorist ring operating in El Salvador, runs the company. Salvadoran investigators say that, in his application for a drivers license, Posada/Rodriguez used Taller Moldtrok as his residence address. Convicted Salvadoran terrorist Ernesto Cruz Leon said during his trial in Havana for the bombing of tourists sites that Posada was often seen at Moldtrok. Cuban intelligence filmed Posada entering the shop. Investigators want to know how the company won a contract from ASN despite not having a license to import arms and despite not being registered as an importer.

In December, customs agents seized 600 boxes of 12-gauge shotgun shells imported from Spain by Moldtrok. Customs officials said the shipment was consigned to Moldtrok, the ASN, and a company called Outdoors Vetament Tropical. To some observers, especially in the opposition Farabundo Marti para la Liberacion Nacional (FMLN), the shipment seemed to confirm that the Defense Ministry, the Ministry of Public Security, and perhaps other government agencies were involved in a terrorist network using illegally imported arms and ammunition.

Government ministries have given contradictory responses regarding the shipment. Minister of Security and Justice Francisco Bertrand Galindo said errors were committed in the case but no crime since the ammunition was duly declared in customs documents. Only the Spanish wines and hams included in the shipment could be considered contraband, he said. He said importing munitions without a permit is not a crime. However, Defense Ministry officials said it was illegal to import ammunition without a license.

Flores has now ordered a full investigation to include officials who might have aided Posada in getting false identity documents. The investigation could implicate Rodrigo Avila, former director of the Policia Nacional Civil (PNC) and currently a member of the Legislative Assembly for the governing Alianza Republicana Nacionalista (ARENA). Sanfeliu is also under investigation. Beside

managing Moldtrok, Sanfeliu owns a private security company that failed to meet 15 of the 24 requirements to be legally registered.

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