

# CIA terrorist Posada Carriles acquitted in immigration trial

By Bill Van Auken  
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Luis Posada Carriles was acquitted on all charges last week in a federal trial that considered minor immigration-related offenses, while leaving untouched his murder of 73 civilians in the 1976 bombing of a Cubana de Aviacion airliner.

Posada Carriles, a veteran terrorist who worked for decades as a paid agent and valued “asset” of the US Central Intelligence Agency, had been charged in the trial only with lying to immigration agents. The lies cited included how he had illegally entered the US in 2005—he claimed he had sneaked across the Mexican border when he had in fact sailed into Miami harbor aboard a private fishing boat—and his denial that he had organized a 1997 terrorist bombing campaign in Havana, Cuba, that claimed the life of an Italian tourist and wounded a dozen others.

The bombings and the murder were not the offense, as far as the government is concerned; he had only failed to tell the truth when asked about them by US immigration officials during a hearing on his request for political asylum. The 11 charges against him were limited to perjury, obstruction of justice and immigration fraud.

The verdict issued April 8 by a jury in the federal court in El Paso, Texas, drew swift condemnation from the governments of Cuba and Venezuela, which described the trial as a “farce” and demanded that Posada Carriles be extradited to Venezuela, where he faces 73 homicide charges for the 1976 terrorist bombing of the Cuban passenger plane. The US-backed terrorist escaped from a Venezuelan prison in 1985 while awaiting trial in the airline bombing case.

The Venezuelan government announced that it had delivered a diplomatic note to the US embassy in Caracas demanding once again that Washington comply with international treaties and extradite Posada Carriles to face trial before a Venezuela court. It charged that the legal proceedings in El Paso represented little more than a continuation of Washington’s protection of the CIA terrorist, which, the Venezuelan Foreign Affairs Ministry said, has become an emblematic case of US double

standards in the international fight against terrorism.”

The Cuban government described the verdict as an “outrage” and an “insult,” charging that Washington continues to harbor and protect “the Osama bin Laden of Latin America.”

The acquittal of Posada Carriles, the Cuban Foreign Relations Ministry charged, “is in total contradiction to the anti-terrorist policy that the government of the United States claims to profess and which has led even to military invasions of other nations and cost thousands of lives.”

Relatives of Posada’s victims also spoke out against the verdict. “This is outrageous,” said Ileana Alfonso, whose father was a member of the Cuban fencing team that was wiped out in the 1976 airline bombing. “They say they are the upholders of human rights. On the contrary, they are the biggest terrorists of humanity, and they are proving it.”

Speaking outside the courthouse, the 83-year-old Posada defended his long and bloody record. “My path hasn’t finished yet,” he said. “The nature of the struggle has changed, but it is still the same.”

He continued, “I hope that what happened here serves as an example to the justice in my country, Cuba, that unfortunately is under the hands of a dictator.”

To claim that the trial in El Paso was a vindication of American “justice” is farcical. As any immigrant knows, charges against undocumented immigrants entering the country are almost invariably settled in cursory proceedings before drumhead immigration courts where defendants are marched in en masse, quickly disposed of and sent back across the border.

That Posada was given a 13-week trial in which his defense attorneys were allowed to repeatedly delay proceedings with frivolous motions for dismissal was a function of the government’s protection for one of its valued henchmen.

In an earlier ruling, an immigration judge decreed that Posada could not be deported to Cuba or Venezuela, the two countries that have requested his extradition on terror charges, on the grounds that he could face torture.

There is no more evidence of systemic torture in Venezuela prisons than there is in prisons in the US. As for Cuba, the most well-documented cases of torture of prisoners has taken place at the US Naval Base at Guantanamo, where people abducted from around the world have been held without charges as part of the “global war on terror.”

The irony of this ruling is further underscored by Posada’s own history in Venezuela, where, with the CIA’s backing, he became chief of the hated secret police, the DISIP, in the 1960s and 1970s, carrying out the torture and extra-judicial murder of suspected leftists.

The evidence presented against Posada by some 24 government witnesses was overwhelming in terms of proving the charges that he lied to US immigration authorities.

Among the witnesses was a man who accompanied him on the boat trip from Mexico’s Isla Mujeres to Miami. This was supported by photographs of Posada in Isla Mujeres. Cuban police and forensic experts were brought to Texas to testify as to the nature of the 1997 bombing campaign against tourist hotels and restaurants in Havana.

An associate of Posada’s from Guatemala testified to hearing him discuss with Cuban-American cohorts how to get explosives into Cuba and finding large amounts of C-4 explosives in the office they shared.

Testifying against her will and under subpoena was a freelance reporter for the *New York Times*, Ann Louise Bardach, who spent 13 hours interviewing Posada for an article published by the newspaper in 1998 in which the terrorist bragged of masterminding the Havana bombing campaign, in which he had told immigration officials he had taken no part.

Her testimony was corroborated by tapes, two hours of which were played to the jury, in which Posada could be heard boasting of the attacks, saying they were meant to sabotage Cuba’s tourist industry and admitting to signing a paper that linked him to the financing of the attacks.

Posada’s defense attorney, Arturo Hernandez, who openly identified himself with Posada’s right-wing anti-Castro politics, sought to counter this evidence with a line of cross-examination that amounted to character assassination against each of the witnesses, implying that Posada’s own associates were Cuban agents, crooks and liars, that Cuban police were torturers and that the *Times* reporter was a Castro sympathizer with a bias against Cuban Americans who doctored her tapes.

He was given extraordinary latitude to conduct these attacks by Judge Kathleen Cardone, an appointee of George W. Bush, who had thrown out a previous case against Posada on the grounds that immigration officials had

entrapped him into lying in order to construct a criminal case—a central tenet of the defense case. Her ruling in that trial was thrown out by an appeals court.

To bolster the attack on the prosecution witnesses, the defense called Otto Reich to the stand as a supposed expert on Cuba and Cuban Americans. Reich, an anti-Castro Cuban exile who rose within the State Department during the Reagan administration, was more closely connected to Posada than the jury was told.

As ambassador to Venezuela, Reich secured the release of Posada’s co-conspirator in the Cubana airline bombing, the notorious anti-Castro terrorist Orlando Bosch. During the 1980s, when the Reagan administration was carrying out the illegal CIA-orchestrated contra terrorist war against Nicaragua, Reich ran an Office of Public Diplomacy that carried out propaganda aimed at the American people—in violation of US law—to promote the contras.

At that time, Posada was organizing the shipment of arms and money to the contras through the US-run air base at Ilopongo, El Salvador. There is substantial evidence that the same planes used to run the guns down ran drugs back to the US to raise funds for the CIA-backed terrorists.

The prosecution raised none of this, while the defense portrayed Posada’s criminal exploits as heroic and patriotic service to the US government, which now was cynically abandoning him because he was no longer of use.

The federal prosecutors essentially agreed with this portrayal, but insisted unconvincingly that this was no excuse for lying to immigration agents. They had no interest in exposing Posada’s real crimes because all of them directly implicate the US government itself.

From the outset of the Posada case, the main objective of Washington has been to prevent the terrorist from being brought to trial in Cuba or Venezuela out of fear that any such proceedings would expose the long record of CIA terrorism throughout Latin America.

No doubt, a successful prosecution would have achieved this goal, sending Posada to jail on petty charges for the rest of his natural life. But his acquittal has accomplished the same end, while leaving some of the worst terrorist crimes in the history of the Americas unpunished.

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