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CIA-trained 'terrorist' in US court

Accused of killing 73 in an airline bombing, Luis Posada Carriles charged with immigration violations, not terrorism.

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Posada, 82, a Cuban-born Venezuelan citizen, was considered the mastermind of the Cubana airline bombing, and a CIA-trained explosives expert who would stop at nothing in his personal vendetta against Fidel Castro [Reuters]

El Paso, Texas - Margarita Morales Fernandez couldn't be in court to see the former CIA agent who allegedly killed her father and 72 others aboard a Cuban airplane in one of the world's worst airline attacks before September 11, 2001.

Fernandez and hundreds other victims are carefully watching the trial of former CIA operative Luis Posada Carriles in US federal court.

His 11 charges include perjury for lying to US immigration officials, but terror-related offences are not on the docket.

"It will be 34 years since the terrorist attack that killed my father, but I remember it like it was yesterday," Fernandez told Al Jazeera in a phone interview from Havana, Cuba. "I don't think this trial takes us closer to justice."

Victims of terrorism

On October 6, 1976 a bomb exploded on Cubana Airlines flight 455, blowing it out of the sky and into the waters off Barbados, killing everyone on board, including Fernandez's father, the captain of Cuba's national fencing team.

Posada, 82, a Cuban-born Venezuelan-citizen, was considered the mastermind— a CIA-trained explosives expert who would stop at nothing in his personal vendetta against Cuban president Fidel Castro. Planned in Venezuela, the attack killed mostly Cuban nationals.

"The terrorist activities of Posada Carriles are part of the [current US court] indictment, but they are not what he is being prosecuted for," said José Pertierra, a Cuban-born Washington lawyer who is representing Venezuela's interests at the trial. "He is only being prosecuted for lying about them [attacks]... to an immigration judge in a naturalisation hearing."

Venezuela jailed Posada for the bombing, but the wily operative escaped from prison disguised as a priest and eventually fled to the US, stopping in other Latin American countries along the way where he continued his anti-Castro activities. Venezuela has repeatedly called for his extradition.

"For many years, the truth has been hidden," Fernandez said. "But I want people to learn that there are a lot of victims of terrorism in Cuba as well as in the US and other countries."

Fury and personal vendetta

To examine the life of Luis Posada Carriles is to re-live the worst periods of the Cold War - and beyond. Angry about Cuba's 1959 revolution, he joined CIA Brigade 2506 in February 1961 to invade the island as part of the ill-fated attack known as the Bay of Pigs, declassified documents [reveal](#).

While Posada himself did not fight at the Bay of Pigs, CIA officials thought he was promising and he joined US army in 1963 at their behest, training at Ft. Benning, Georgia. By 1965, he was a paid CIA operative stationed in Miami.

"The CIA taught us everything," he told *The New York Times* in 1998. "They taught us explosives, how to kill, bomb trained us in acts of sabotage."

He stayed with the agency in Miami until 1967, and later became a "paid asset" in Venezuela from 1968 to 1976, according to declassified documents.

CIA- trained and well- connected

After the Cuban attack, and his escape from prison, Posada returned to the CIA's payroll in the 1980s, supervising arms shipments to the Contras in Nicaragua as part of what became known as the Iran-Contra affair, a murky scandal where the US government funneled money from arms sales to Iran—its official enemy- to right-wing militias in Nicaragua.

His history with the CIA and other clandestine operations means that Posada "has a lot of secrets to tell and friends in high places in Washington," Pertierra, Venezuela's lawyer, said in an interview with Al Jazeera outside the court-house.

Cold War history and imagery loomed large during the trial. At one point, a middle-aged man wearing all black clothing, a beret, combat boots and dark glasses, who said he was a member of the Black Panther Party, the iconic 1960s black-rights militant group, walked into the court room. He left soon after, looking bored with the proceedings.

But Posada's crimes are not just a matter for historians, as Fernandez quickly points out. "Since our father died, our family has been so sad," she said.

His attacks continued long after the fall of the Berlin Wall. In 2000, a Panamanian court convicted him of attempting to kill Cuban president Fidel Castro with 200 pounds of dynamite. He was pardoned by the country's outgoing president four years later and set free.

Confession

During an interview with *The New York Times* in 1998, Posada admitted to organising a series of hotel bombings in Cuba a year earlier, injuring 11 people and killing Italian businessman Fabio diCelmo. "We just wanted to make a big scandal so that the tourists don't come anymore," Posada told the newspaper. "The Italian was in the wrong place at the wrong time, but I sleep like a baby."

Understandably after comments like this, Posada's attorneys wouldn't let him speak to media during the trial. The author of the New York Times piece will be called as a witness during the case. Posada has since stated that he mis-spoke in the interview because he is not fluent in English.

Posada, 82, turned up in Miami in 2005 and gave a public news conference, angering some US officials. He claims to have arrived in Miami on a bus, after sneaking into the US by crossing the Rio Grande River from Mexico. He was indicted by a Grand Jury in Texas for unlawfully entering the US in 2005, although the charges were later dismissed.

That year, Venezuela again asked for his extradition. But officials denied extradition to Venezuela or Cuba, stating that Posada could be tortured in those countries.

"The only evidence I have seen of torture in Cuba comes from the US military base at Guantanamo Bay," Pertierra said.

Pertierra, along with officials from the Department of Homeland Security, think the claim that Posada crossed into the US through Texas is preposterous, as the illegal journey across the border is too arduous for a man in his eighties facing health problems.

"I have to ask myself, did he really cross the desert?" Gina Garrett-Jackson, a lawyer for the Department of Homeland Security, said while being questioned in the witness stand during court testimony on Tuesday.

Jackson faced cross-examination by Posada's attorneys, who argued that she involved the Department of Justice and other branches of government in Posada's initial immigration case in order to lay the groundwork for criminal charges related his to terrorist activity.

Mastermind of terrorist plots and attacks

Posada had initially presented a claim for political asylum in the US, before his legal team unilaterally withdrew that plan.

Jackson said Posada failed the requirements for political asylum in the US in 2005 due to his conviction for plotting the bombing in Panama and other mis-deeds.

In court, lawyers played audio recordings of the 2005 asylum hearing, when Jackson, who was working for the Department of Homeland Security, questioned Posada.

"This Cuba bombing campaign in 1997 was a very big event, would you agree?" Jackson asked.

"I don't know, I have no opinion," Posada responded.

A 2006 [statement](#) from the US Department of Justice states: "Luis Posada-Carriles is an admitted mastermind of terrorist plots and attacks ... a flight risk ... [and] a danger to the community."

But the Justice Department's view does not seem to be shared by other branches of the US government. The incriminating secrets Posada likely possesses, tense relations between the US, Cuba and Venezuela and domestic political concerns—the anti-Castro Cuban population in

Miami holds national electoral clout far beyond its numbers – mean that extradition or terrorism charges seem unlikely.

"This case illustrates the double face of the US war on terrorism," Pertierra, who represents Venezuelan interests, said as court adjourned for lunch. "You can't pick and choose which terrorists you prosecute and which ones you protect. You can't have first class victims and second class victims; all victims must be mourned equally."