

Luis Posada Carriles Denied Bond

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Luis Posada Carriles, notorious figure in Latin American terrorist history and former CIA operative, is denied bond today in El Paso Texas by immigration judge.

Luis Posada Carriles sat hunched in a chair, a man curved with age and wracked with disease. Bandages over his right eye and on his right lower jaw covered mutilations from skin cancer surgery from earlier in the week. His face bruised from the procedure, he spoke only to his attorneys and never addressed the judge or the court. With a gravelly voice and a clipped and odd enunciation, a consequence of being shot in the face by unknown gunmen in Guatemala in 1990, Posada quietly rasped questions to his attorneys. The purpose of the hearing today in an El Paso immigration courtroom was to determine whether or not this man should be set free on bond. But the simplicity of the goal of the hearing disguised the symbolic importance of what was taking place in the courtroom.

Posada, termed by Fidel Castro the “worst terrorist in the hemisphere,” is nevertheless revered by Cuban Americans for his relentless efforts to assassinate Castro and cripple Cuban relations with other Latin American nations. Posada is the living tissue of a clash of ideology and culture that spread violence and death throughout a dozen countries and took the specific goal of perverting and destroying democratic institutions throughout the hemisphere. Dedicated to the elimination of Castro, and ever fearful of expanding leftist influence from Cuba to Central and South America, Posada is the matrix of U.S. policy of a bygone era. It is difficult to know where the U.S. government ends and Luis Posada begins, but today in a court room they were both symbolically on trial. In a foolishness that is normally only found in movies and bad novels, the benefactor, protector, and employer of Posada, the U.S. government, finds itself in the unenviable position of calling him to account for acts that the government helped him to commit. It seems trite to say, but is also true, that whatever is charged against Posada in support of his detention and deportability is also chargeable against the United States.

Dressed in orange prison shirt and pants, and wearing a none-too-hidden bullet-proof vest beneath his garb, Posada stood swiftly as Judge William Abbot entered the courtroom. The judge, an affable man who seemed intent on putting everyone at ease, never addressed Posada directly during the 90 minute hearing and referred to him only as “client” or “defendant.” It was all but a foregone conclusion that Posada would continue to be detained without bond. And indeed this is how the judge ruled, but not without taking a few interesting turns. The two attorneys representing Posada expressed frustration that their client had not been charged with the crimes the government kept referring to by inference and implication. Matthew Archambeault claimed that the government was making reference to his client as a terrorist without having to answer for such characterizations or provide evidence of [Posada’s terrorism](#). But this seemed an improvident point to press, as Posada was undeniably involved in a multitude of terrorist operations and attacks spanning five

decades, including the infamous [Operation Condor](#), [Iran-Contra](#), [a series of bombings in Cuba in 1997](#), and numerous attempts to assassinate Castro. But what weighed heavy in the courtroom is simply how to define the term terrorism. One would hope that such a term would prove not to be so malleable and manipulable as to be taken over by cynics; it is to stand for something clearly wrong, something clearly against humanity. Posada, though, makes the United States uncomfortable in the use of that term, for it is clear that much of what he did in Latin America was either at the behest of the United States or with its approval. And in recent months, more information has come to light to show clear U.S. involvement in [violence and terrorism in Chile and elsewhere in Latin America](#) over an extended period of time. For example, it now appears that Operation Condor, a cooperative venture by Argentina, Uruguay, Chile, Brazil, and Bolivia to gather intelligence and hunt down and kill leftists and political opponents, was [coordinated through an intelligence collection site operated by the U.S. in Panama](#). It also appears that U.S. encipherment systems were used to provide secure communications to the Condor group. The Condor killings, and killings of leftists generally, termed “justice actions” by Posada and his colleagues, numbered in the thousands and reached even to U.S. soil and Washington, D.C., with the assassination of Orlando Letelier and Ronni Moffit less than a month before the Cubana Flight 455 bombing arranged by Posada and Orlando Bosch.

Once, when asked when his work for the CIA had ceased, Posada claimed he could not remember when he left the Agency, but then responded that “all Cubans work for the CIA.”

But the man sitting in front of us today worked for no one, and Judge Abbott, noting Posada’s extensive terrorist background and a formal request for his extradition to Venezuela to stand trial for the Cubana Airlines bombing, was clearly unwilling to pay serious attention to any argument for bond. The court found at least two compelling reasons to deny Posada bond. First, Posada’s illegal entry into the U.S. coupled with the formal request for extradition from Venezuela prevented judicial discretion to set bond.

Second, and more to the point of Posada’s background, Judge Abbott found that the case of [In re Mohammad J.A. Khalifah](#) deprived him of the discretion to do anything but retain Posada in custody, and that policy forced him to refuse a change of venue to Miami.

Khalifah held that, “An alien subject to criminal proceedings for alleged terrorist activities in the country to which the Immigration and Naturalization Service seeks to deport him is appropriately ordered detained without bond as a poor bail risk.” As Judge Abbot said, it is “better to be safe than sorry,” but then immediately added “not that I really want to keep this case, it’s driving my docket crazy.”

But as the hearing wound down, the judge dropped a bombshell in the courtroom. He informed both the attorneys for Posada and for the U.S. Government that he would issue a pretrial order in late July or early August requiring counsel to brief the court as to whether or not Posada’s actions in support of the Bay of Pigs invasion could be construed as terrorist actions under U.S. statutes governing detention and deportability of aliens. Abbot then pointedly noted that he looked especially forward to the government’s brief on that matter.

The court was silent. An immigration judge had just ordered a brief as to whether or not an action 43 years ago supported and funded by the U.S. government in accordance with policy taken at the highest levels, including presidential decisions, could be construed as a terrorist act under current U.S. law. As Javier Montaña, Posada’s second-chair counsel, translated the judge’s statement to Posada, a hint of a smile came over the old man’s face.

No doubt the irony was not lost on Posada, and one wonders if he will take the stand and testify at his August 29th hearing on his asylum application. For their part, Posada’s attorneys are not saying whether or not he will take the stand, but it was made clear that

both sides, the government and Posada, will be ready to litigate the matter to it's end beginning in late August. If Posada does testify, the definition of terrorism will not be the main legal issue, but it will certainly be the most salient issue in the courtroom. And we wait with anticipation to see how Judge Abbott rules with respect to whether or not Posada's participation in the Bay of Pigs action qualifies as a terrorist act under present U.S. law.

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