

# Lawyer: U.S. protecting Cuban militant

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CARACAS, Venezuela --

A lawyer representing the Venezuelan government on Monday accused the United States of shielding a Cuban militant from standing trial for allegedly planning the deadly 1976 bombing of a Cuban jetliner.

A federal judge in Texas last week ordered Luis Posada Carriles freed on bail pending trial on charges he lied in an attempt to become a U.S. citizen. Prosecutors on Monday asked the judge to reconsider.

"If the White House doesn't want them to free Posada, the U.S. government can easily prevent his release," lawyer Jose Pertierra claimed in a phone interview from his Washington office.

"Either extradite him to Venezuela or try him in the United States for the 73 counts of first-degree murder," Pertierra said.

Asked about the lawyer's claims, U.S. Embassy spokesman Brian Penn said: "The judge has made a decision. It's the responsibility of the Department of Justice to respond to that."

Posada, 79, is wanted in Cuba and Venezuela on charges that he was in Caracas when he plotted the 1976 bombing of a Cuban jetliner that killed 73 people.

Posada has been jailed since May 2005, when he was arrested on an immigration violation after telling authorities that he sneaked across the Mexican border into Texas.

An immigration judge later ordered that he be deported, but ruled that Posada could not be sent to Cuba or Venezuela because of fears that he could be tortured. U.S. authorities have been unable to find a country willing to accept him. His trial is set for May 11.

Pertierra, a Cuban-American, previously represented the father of Cuban castaway Elian Gonzalez in a high-profile custody battle that ended in 2000 when the boy was taken from his Miami relatives and sent to live with his father on the Caribbean island.