

Posada closer to release on bond

The Miami Herald
Apr. 11, 2007

Cuban exile militant Luis Posada Carriles could be released as early as Wednesday from a jail in New Mexico near the Texas border if U.S. authorities don't take immediate action to appeal his bond or place him in immigration detention.

Posada took one step closer to moving to Miami on a \$350,000 bond as he awaits trial on immigration fraud charges in a Texas federal court.

Posada's release from jail could be imminent, thanks to yet another ruling by U.S. District Judge Kathleen Cardone. She rejected the U.S. government's request to reconsider her recent decision on Posada's bond and to hold another hearing to reassess the sufficiency of his bail.

Justice Department lawyers argued in vain that the former CIA operative could flee the country to evade his May 11 trial if his bond is not set higher.

A Justice Department spokesman declined to say what prosecutors might do. "We're weighing our options on whether to appeal," said Dean Boyd.

Posada's Miami lawyer, Arturo Hernandez, was poised to post his client's bond and seek his immediate release. "We're going to proceed in accordance with the court's order," Hernandez said.

Meanwhile, an advocacy group that has condemned the 79-year-old anti-Castro militant as a "terrorist" said he should not be released. Instead, Free the Cuban Five -- named after a group of Cuban men convicted of being spies for Fidel Castro -- said Posada should be charged with terrorism in U.S. courts or extradited to Venezuela.

In 1985, Posada escaped from prison in Venezuela after his arrest in connection with the 1976 bombing of a Cuban airliner that killed 73 people. He is wanted by Venezuelan authorities.

"We demand that the U.S. government cease protecting the terrorist Luis Posada Carriles," Odalys Perez Rodriguez, daughter of the Cuban airliner's captain, said in a telephone press conference held by Free the Cuban Five.

"We demand that the U.S. government indict [him] as a terrorist," she added. "We demand that if the U.S. government doesn't want to try [him] as a terrorist, then the U.S. government should extradite him to Venezuela."

In addition, Posada has been accused of -- but not charged with -- masterminding tourist site bombings in Havana that killed an Italian in 1997. A federal grand jury is investigating that case.

"Luis Posada Carriles is a terrorist, and the U.S. government has refused to define him as so," said Livio di Celmo of Montreal, whose brother, Fabio di Celmo, was killed in one bombing attack in Havana a decade ago. "This [release on bond] is an insult to my brother and the other victims of terrorism."

Posada's mere presence -- and possible release -- in the United States has stirred controversy for the federal government.

The latest legal maneuvering by the Justice Department's counterterrorism lawyers reveals their tough stand to keep the controversial exile figure behind bars -- though Free the Cuban Five advocates say it's "all show."

In Texas, Posada faces trial on charges of lying at his naturalization hearing and on an official application about how he entered the country illegally.

If the Justice Department fails to block Posada's bond, U.S. Immigration and Customs Enforcement could step in to detain him until trial because the Cuban-born Venezuelan citizen faces a deportation order.

However, an immigration judge has already ruled that he cannot be sent back to Cuba or Venezuela because he could be tortured in those countries.

Posada has claimed he came to America across the Mexico-Texas border in March 2005. Federal authorities, relying on an FBI informant, have accused Posada of arriving on a shrimp boat manned by a group of Miami exiles. The informant, Gilberto Abascal, has said he was on the vessel that brought Posada here. Posada's attorney obtained information from the U.S. government showing that Abascal had been in contact with Cuban intelligence officials.

If the judge's bond ruling stands, Posada can post the \$350,000 bail and live with his wife in Miami under 24-hour house confinement, leaving only for doctors' appointments or to meet with his attorney. Family members and supporters have pledged assets to secure his bond.

Posada, described as "frail" by Cardone, would be subject to electronic monitoring and not be allowed to contact codefendants or witnesses.

Cardone's ruling was the first major legal victory for Posada since immigration agents detained him in May 2005 in Miami-Dade County, accusing him of being in the country illegally.