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人权理事会

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第 60/251 号决议的执行情况古巴常驻联合国日内瓦办事处代表团2007 年 4 月 24 日致人权理事会主席的信函

我谨致函于你，事关美利坚合众国当局最近作出的令人羞耻和震惊的决定，对臭名昭著的谋杀犯和自认的国际恐怖主义分子 Luis Posada Carriles 予以保释，这一决定是不道德和不负责任的行为，特别是在国际社会作出巨大努力，防止和打击国际恐怖主义，促进和平和增进所有人享受所有人权之时这样做。

Posada Carriles 长期从事各种针对古巴和其他国家的刑事犯罪活动，被广泛认为是西半球最危险的恐怖主义分子。他同受美国保护的恐怖主义分子 Orlando Bosch Avila 一起，于 1976 年在巴巴多斯沿海半空炸毁了一架古巴民航客机，造成 73 名无辜者死亡。

华盛顿对 Luis Posada Carriles 并不陌生。他接受过美国中央情报局的培训，过去 40 年受该局派遣从事对古巴的各种恐怖主义行为。在 1960 年代、1970 年代和 1980 年代，Posada Carriles 领导过多个恐怖主义组织，在美国情报机构的指导下，

对古巴和与古巴保持关系的其他国家采取了各种行动。在 1970 年代，他担任委内瑞拉情报和保护部门负责人，当时便以酷刑闻名。他在这一镇压性机构中担任高级职位，参与谋杀前智利外交部长 **Orlando Letelier**，其助手美国人也在这一事件中丧生。

他还参加了拉丁美洲军事独裁政权和美国中央情报局在拉丁美洲的著名“秃鹰”行动计划，行动的目的在于迫害、绑架、拷打、谋杀或致使失踪那些行使《世界人权宣言》所载思想和良心自由权利、坚持民族主义或左派思想的人。在 **Posada Carriles** 所参与的行动中失踪者的许多档案仍保留在强迫或非自愿失踪工作组有待澄清。

1985 年，**Posada Carriles** 在因参与在巴巴多斯炸毁古巴客机而接受审判之时，从委内瑞拉监狱逃跑。之后，他重新出现在中美洲恶名远扬的 **Ilopango** 空军基地，在那里与同样恶名远扬陆军中校 **Oliver North** 合作，按美国总统的命令，向尼加拉瓜反政府武装提供武器，与桑地诺政府进行一场肮脏的战争。

1997 年，**Posada Carriles** 再次从中美洲开展活动，领导着一个恐怖主义网络，在古巴的饭店和旅游胜地放置爆炸装置，造成物质和人员伤亡，包括一名意大利游客 **Fabio di Celmo** 的死亡。在 1998 年 7 月 12 日和 13 日发表在《纽约时报》的访谈中，**Posada** 承认他是恐怖主义网络的领导人，说这名意大利年轻人是因为“在错误的时间在错误的地点”才死亡的。

**Posada** 还多次策划暗杀菲德尔·卡斯特罗总统和古巴革命的其他领导人。2000 年 11 月，他与其他三名同谋在巴拿马被捕，因为计划在古巴总统参加在巴拿马举行的第十次伊比利亚—美洲国家和政府首脑会议时对其进行暗杀。他与同谋打算在卡斯特罗总统会见几百名巴拿马学生和教师的巴拿马大学大礼堂中放置高效 C-4 爆炸物。2004 年 8 月 26 日，他在巴拿马被当时的米雷娅·莫斯科索总统赦免。在几个中美洲国家旅行后，于 2005 年进入美国国土。

这个人不是政治活动者，他自己承认是肆无忌惮的恐怖主义者。他说，他不后悔，如果再次出生，他会同样这样做。他长期以来从事恐怖主义行动并得到美国政府包庇的大量事实已反映在人权委员会、安全理事会和大会的正式文件中。

美国政府无视起诉或引渡恐怖主义分子的国际义务，决定释放 **Posada Carriles**，是明显地实行双重标准，完全背离了所称的“反恐战争”。

华盛顿保护和释放一名臭名昭著的恐怖主义分子，同时不公正地对作为政治犯被关押在美国的 Gerardo Hernández、Rene González、Ramón Labañino、Antonio Guerrero 和 Fernando González 等五名古巴年轻反恐战士判处长期徒刑，残酷地关押他们近 9 年，任意拘留问题工作组已宣布对他们进行关押是任意性的。

2007 年 4 月 19 日，古巴革命政府发表声明，谴责释放 Posada Carriles 的决定，并要求美国政府对这一不道德和不负责任的行为负完全责任。它这样做的目的是使该恐怖主义分子不说出他在中央情报局服务期间所犯下的罪行，特别因为时任局长是老布什总统。

全世界几千名知识分子已签署一份重要呼吁，要求他的“导师”取消对这位恐怖主义的豁免。几个政府和知名人士还大声疾呼对该恐怖主义分子绳之以法。2007 年 4 月 20 日，不结盟国家运动的 118 个成员通过了一项严正声明，对释放该恐怖主义分子表示关切，重申支持委内瑞拉玻利瓦尔共和国提出的引渡请求，要求美国政府履行承诺。

释放该人是不负责任的行为，是对恐怖主义受害者和为和平和正义世界所奋斗者的严重蔑视，在这个世界上，所有人应该享受所有人权。面对着这一严重事件，联合国人权机制不能无动于衷。

考虑到这个人的记录，以及他在几个国家直接参与了明显和严重侵犯人权的行动，我们希望联合国人权事务高级专员办事处和人权理事会及其特别程序机制适当注意这一问题，并公开和明确地表示坚决谴责美国当局的这一蛮横决定。

我谨附上古巴革命政府 2007 年 4 月 19 日的声明，并请您将此信及其附件件<sup>\*</sup>分发给人权理事会所有成员国。

大使兼常驻代表(签名)

Juan Antonio FERNÁNDEZ PALACIOS

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<sup>\*</sup> 附件不译，以西班牙文和英文印发。

## **Annex**

### **STATEMENT BY THE REVOLUTIONARY GOVERNMENT OF CUBA**

Cuba condemns the shameless decision to release terrorist Luis Posada Carriles and singles out the United States Government as bearing sole responsibility for this ruthless and infamous act aimed at buying the terrorist's silence concerning his crimes in the service of the CIA, particularly when Former President Bush was its Director.

With this decision, the United States Government has ignored the clamour that has arisen throughout the world, even within the United States, at the impunity and political manipulation this action entails.

This decision is an outrage to the Cuban people and to the nations that lost 73 of their sons and daughters in the heinous 1976 attack that blew up a civilian Cubana de Aviación aircraft off the coast of Barbados.

This decision is an outrage to the people of the United States and an emphatic denial of the alleged war on terror declared by the Government of President George W. Bush.

To prevent Posada's release it would have sufficed for the United States Government to certify that he was a terrorist and, in conformity with Section 412 of the USA Patriot Act, to acknowledge that "his release will threaten the national security of the United States or the safety of the community or any person".

The United States Government could also have enforced regulations allowing the Immigration and Naturalization Service to detain in United States territory a non-admissible alien who is subject to deportation. For that, it would have sufficed for the United States authorities to conclude that Posada Carriles was a risk to the community or that releasing him would entail risk of flight.

Why did the United States Government allow the terrorist to enter United States soil freely despite the warnings expressed by President Fidel Castro?

Why did the United States Government protect him during the months that he stayed in its territory illegally?

Why, if it had all the necessary elements, did it limit itself, on 11 January to charging him with misdemeanours and other strictly migration-oriented issues and not with what he is really all about: murder?

Why is he being released when Judge Kathleen Cardone herself, in her ruling of 6 April ordering the terrorist's release, acknowledged that he is accused of "being involved in or associated with some of the most infamous events of the twentieth century"? These acts include the Bay of Pigs invasion, the Iran-Contra scandal, the mid-air explosion of Cubana de Aviación flight 455, the bombs planted in tourist resorts in Havana in 1997 and, according to some conspiracy theorists, the assassination of President John F. Kennedy.

Why is the Immigration and Naturalization Service of the United States Homeland Security Department not using the mechanisms available to it to hold the terrorist in prison on the unquestionable grounds, already cited by the United States Attorney-General's Office as recently as 19 March that if he is released there is a risk of flight?

Why has the United States Government disregarded the request for extradition submitted, with all the necessary requirements, by the Government of the Bolivarian Republic of Venezuela?

How is it possible that the most notorious terrorist in this hemisphere is being released while five Cuban youths are still ruthlessly imprisoned for the sole crime of fighting terrorism?

For Cuba, the answer is clear. The terrorist's release has been arranged by the White House as a form of compensation to ensure that Posada Carriles does not divulge what he knows or reveal the countless secrets he keeps concerning his lengthy period as an agent of the United States special services, when he was involved in Operation Condor and in the dirty war against Cuba, Nicaragua and other peoples of the world.

Full responsibility for the release of the terrorist and its consequences lies directly with the United States Government and, in particular, with the President of that country.

Even now, after his release, the United States Government has all the information and the legal mechanisms it needs to apprehend him again. It just takes the political will to wage a serious fight against terror and recall that, according to President Bush, "... if you provide haven for a terrorist, if you support a terrorist, if you feed a terrorist, you will be as guilty as the terrorists".

Havana, 19 April 2007

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