



## General Assembly

Distr.  
GENERAL

A/HRC/5/G/1  
4 May 2007

ENGLISH  
Original: ENGLISH and SPANISH

HUMAN RIGHTS COUNCIL  
Fifth session  
Item 2 of the provisional agenda

### **IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

#### **Letter dated 24 April 2007 from the Permanent Mission of Cuba to the United Nations Office at Geneva addressed to the President of the Human Rights Council**

I have the honour to write to you regarding the recent shameful and surprising decision by the authorities of the United States of America to release on bail the notorious murderer and self-confessed international terrorist Luis Posada Carriles, a decision that constitutes an immoral and irresponsible act, especially at a time when the international community is making enormous efforts to prevent and combat international terrorism and to promote peace and the enjoyment of all human rights for all.

With a long record of criminal acts directed against Cuba and other nations, and widely known as the most dangerous terrorist in the Western hemisphere, Posada Carriles, along with the terrorist Orlando Bosch Ávila, who is also being protected in the United States, is responsible for the mid-air explosion of a civilian Cubana de Aviación aircraft off the coast of Barbados in 1976, an act that cost the lives of 73 innocent persons.

Luis Posada Carriles is no stranger to Washington. He was trained by the Central Intelligence Agency (CIA) and used by that agency to carry out terrorist acts against Cuba for over 40 years. During the 1960s, 1970s and 1980s, Posada Carriles led terrorist organizations that, under the guidance of United States intelligence agencies carried out numerous acts against Cuba and other countries that maintained relations with it. Luis Posada Carriles was also known as a torturer in the Venezuelan Directorate-General of Intelligence and Protection Services (DISIP) during the 1970s, when he held senior posts in that repressive body and participated in the assassination of the former Chilean Minister for Foreign Affairs, Orlando Letelier, an incident in which his assistant, a United States national also lost her life.

He also participated in the sadly famous Operation Condor carried out by Latin American military dictatorships and the CIA in Latin America to persecute, kidnap, torture, murder or cause to disappear thousands of persons, solely and exclusively for holding nationalist or leftist ideas in the exercise of their rights to freedom of thought and conscience, as proclaimed in the Universal Declaration of Human Rights. Many of the files of those who disappeared in the “operations” in which Posada Carriles participated remain unclarified in the archives of the Working Group on Enforced or Involuntary Disappearances.

In 1985, after escaping from a Venezuelan prison while on trial for his involvement in the explosion and downing of the Cuban aircraft in Barbados, Posada Carriles reappeared in Central America at the notorious Ilopango airbase, where he worked with the equally notorious Lieutenant Colonel Oliver North, who, on orders from the President of the United States, was supplying arms to the Nicaraguan “contras” as part of the dirty war being waged against the Sandinist Government.

In 1997, Posada Carriles, again acting from Central America, headed a network of terrorists who placed explosive devices in hotels and tourist resorts in Cuba that caused material and human losses, including the death of the Italian tourist Fabio di Celmo. In an interview he gave to *The New York Times*, published on 12 and 13 July 1998, Posada admitted to having headed such a terrorist network and said that the young Italian died because he was “in the wrong place at the wrong time”.

Posada Carriles has planned numerous attempts to assassinate President Fidel Castro and other leaders of the Cuban Revolution. In November 2000, he was arrested in Panama, along with three of his accomplices, as he was planning an attack against the President of the Republic of Cuba on the occasion of the Tenth Ibero-American Summit of Heads of State and Government, which was being held in Panama. Posada and his accomplices planned to place a potent C-4 explosive charge in the auditorium of the University of Panama at a time when President Castro was scheduled to meet with hundreds of Panamanian students and professors. It was in Panama, too, that he was fraudulently pardoned on 26 August 2004 by then President Mireya Moscoso; after travelling incognito through several Central American countries, he entered United States territory in 2005.

This person is not a political activist; he is a self-confessed terrorist without scruples who has said that he regrets nothing and that were he to be born again, he would do exactly the same thing. This individual’s long terrorist and criminal record and the complicity of the United States Government in his actions are abundantly reflected in official documents of the former Commission on Human Rights, the Security Council and the General Assembly.

The decision to allow Posada Carriles to go free, disregarding the international obligation of the United States Government to prosecute or extradite him for his terrorist acts, is a clear-cut demonstration of the double standards applied by the United States Government and surely gives the lie to its alleged “war on terrorism”.

Washington protects and frees a notorious terrorist while unjustly condemning five young Cuban men, anti-terrorist fighters who are being held as political prisoners in the United States, to long sentences and cruelly keeping them incarcerated for nearly nine years. The detention of Gerardo Hernández, Rene González, Ramón Labañino, Antonio Guerrero and

Fernando González, who helped to prevent many of the terrorist acts organized by Posada Carriles and other individuals who enjoy complete impunity and the support of the United States Government, has been declared arbitrary by the Working Group on Arbitrary Detention.

On 19 April 2007, the Revolutionary Government of Cuba issued a statement condemning the decision to release Posada Carriles and singled out the United States Government as bearing sole responsibility for this immoral and irresponsible act, which is intended to buy the terrorist's silence concerning his crimes in the service of the CIA, particularly when George Bush Sr. was its Director.

Thousands of intellectuals from all over the world have signed an important appeal to do away with the impunity granted to the terrorist by his mentors. Several Governments and eminent persons around the world have raised their voices to demand justice for the terrorist. On 20 April 2007 the 118 members of the Movement of Non-Aligned Countries adopted a forceful statement in which they expressed their concern at the release of the terrorist and reiterated their support for the extradition request submitted by the Bolivarian Republic of Venezuela, which has yet to be honoured by the United States Government.

This individual's release is an act of great irresponsibility and a gross affront to the victims of terrorism and to those who are fighting for a world of peace and justice, where the enjoyment of all human rights by everyone prevails. The United Nations human rights machinery cannot remain impassive in the face of an event of such serious magnitude.

Taking into consideration this individual's record, as well as his direct involvement in acts which constitute clear and flagrant violations of human rights in several countries, we hope that the Office of the United Nations High Commissioner for Human Rights, as well as the Human Rights Council and its system of special procedures, will devote appropriate attention to this issue and will express publicly and clearly their firm and unequivocal condemnation of this outrageous decision by the United States authorities.

I have the honour to enclose herewith the statement issued by the Revolutionary Government of Cuba on 19 April 2007 and to request that you circulate this letter and its annex\* as a document of the Human Rights Council.

(Signed): Juan Antonio FERNÁNDEZ PALACIOS  
Ambassador  
Permanent Representative

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\* This annex is reproduced as received, in Spanish and English only.

## **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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