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Special Report

Injustice is justice

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September 10, 2005—In George Orwell's prophetic novel "1984," the Rulers of Oceania, by their language of newthink and process of doublethink, convinced the masses that statements formerly considered irrational were rational. In other words, virtual reality became actual reality. The Party's slogans, accepted by the ruled, were WAR IS PEACE, FREEDOM IS SLAVERY, and IGNORANCE IS STRENGTH.

Our US Rulers seem to have us well along these same paths, with new realities surfacing each year. Another one, INJUSTICE IS JUSTICE, became apparent to some of us in the press who were permitted to attend the Luis Posada Carriles asylum hearing before Homeland Security immigration judge William Abbott last week in El Paso, Texas.

By way of background, what is known publicly about Posada is that as a young man he worked in Havana in enforcement for the Batista regime, and came to the US in 1960. In the CIA directed Bay of Pigs invasion, he and his partner Orlando Bosch joined CIA Operation 40, made up of sharpshooters whose job was to murder the leaders of Cuba's government. When the invasion failed, the CIA sent him to Ft. Benning, Ga. ("School of the Americas"), where he was trained in explosives and interrogation by torture.

Allegedly, Posada and Bosch were seen in Dealey Plaza, Dallas, on November 22, 1963, the place and day Lee Harvey Oswald is alleged to have killed John F. Kennedy. During the 1960s Posada was involved in the CIA's Operation Mongoose (murderous incursions into Cuba). He also ran the CIA's demolition school in Florida, and made some deadly forays into other countries, such as blowing up the Soviet Library in Mexico City. In 1972, the CIA sent him to Caracas with substantial bomb making materials and equipment to work with the Venezuelan intelligence agency, DISIP. The secretary general of DISIP, one Joachim Chaffardet, made Posada the head of his "special services," which involved teaching demolitions and interrogating people by torture.

In 1975, Posada left DISIP and opened a detective agency in Caracas (in reality a CIA cover) with DISIP chief Chaffardet as his silent partner. On October 6, the two employees of the agency, former DISIP agents Lugar and Ricardo, placed a bomb in the restroom of a civilian Cubana airliner which blew up in midair after leaving Barbados for Havana, killing all 73 civilians aboard. After apprehension, Lugar and Ricardo confessed that Posada and Bosch had directed the operation, and this participation is confirmed by recently declassified CIA, FBI and State Department records. All four were charged in Venezuela, the other three were eventually convicted, but Posada escaped in 1985 shortly before his verdict was to be handed down. The CIA allegedly bribed the guards. Venezuelan law prevented the court from proceeding with Posada's case in his absence.

Posada went directly to work in El Salvador in the Iran-Contra supply operation being run out of El Salvador by CIA agent Felix Rodriguez (who had killed Che Guevara in Bolivia in 1967) and by Col. Oliver North out of the White House. Subsequently Posada helped in Operation Condor (involving CIA, DISIP and DISP, the Chilean intelligence service) which exterminated many South American progressives. He also worked as security agent for the Guatemalan dictatorship in the late 1980s. From El Salvador he masterminded and directed the 1997 Havana tourist hotel bombings. He was finally

caught in 2000 in Panama City with 30 pounds of explosives in his car, intending to kill Castro at a speech to be given at a local university. Last year the US friendly president of Panama pardoned Posada and his three Miami cohorts, and he returned to US this March. After a Miami press conference in May, Homeland Security took him into custody and charged him with failure to report to them on entry.

In reviewing Posada's known career, the Bush family name appears on several occasions. In 1960, Bush Senior was running his oil company, Zapata Drilling, out of Houston. He was also recruiting for the CIA's planned Bay of Pigs invasion, and some CIA meetings allegedly were held in Zapata offices. After the Bay of Pigs failure, Bush Senior was critical of the Kennedy administration's effort therein, and he urged a new invasion of Cuba. Bush Senior was also in Dallas on November 22, 1963, and a memo by FBI Director J. Edgar Hoover dated November 28, 1963, refers to him as "George Bush of the CIA."

In 1976, when Bush Senior was made CIA director, he put in charge of CIA special operations the head of the Miami CIA station, who had been and continued to be Posada's direct supervisor. In 1976, the CIA urged the various violent anti-Castro groups in Florida and New Jersey, such as Omega 7 and Alpha 66, to merge under one authority, which was called CORU and was headed by Bosch. At that time Zapata had drilling contracts in Venezuela, and Jeb Bush, the current governor of Florida, was working for a Texas bank in Caracas. According to the recently declassified reports, the CIA, which had offices, operatives and assets in Caracas (besides Posada), was at least aware of the two failed attempts to bomb Cubana civilian airliners in the summer of 1976, and about a week before the successful bombing on October 6 it received a report saying, "We're going to hit the Cuban airliner," from an "informant," obviously Posada.

As CIA director, Bush Senior did not warn potential passengers of any of the pending attacks on Cubana airliners, nor did he advise President Ford of these projects. The CIA tried to get Posada and Bosch out of Venezuela before they could be charged and was involved in the successful efforts to delay the court proceedings.

Bush Senior was vice president in 1985 when Posada was helped to escape Venezuelan custody. In 1985-87 Bush Senior's assistant was getting direct reports from Posada's partner Felix Rodriguez (a Bush Senior personal friend) in the Contra supply operation.

Bush Senior was president in 1990 when he deferred Bosch's deportation, thereby allowing him to live freely in Miami. This overruled the strong recommendation of his own Justice Department, which had implicated Bosch in over 50 terrorist crimes both within and without the US.

Bush Junior was president last fall when the outgoing president of Panama pardoned Posada. She now lives on Key Biscayne, Florida.

When it became apparent this spring that Posada was living in Miami, Venezuela requested that he be extradited to Caracas to complete his trial there, and it asked that he be taken and held in custody until the extradition court determined the matter (which request was denied). In May, Secretary of State Condoleezza Rice, who must make the decision on filing the extradition case, indicated vaguely that she was going to wait for the immigration matter before deciding. On June 15, Venezuela filed with her its formal extradition demand, with 500 pages of overwhelming evidence that Posada committed the 1976 Cubana murders in Venezuela, in addition to interrogating people by torture there. Although US law is clear that extradition takes precedence over deportation, the State Department has neither done nor said anything about extradition, except to indicate its opinion that the law is being followed.

At the deportation hearing last week, Posada agreed his entry was illegal, and during cross-examination he eventually withdrew his claim for asylum, stating through his lawyer that his further testimony on this issue might "embarrass" the US, or endanger its security, which he didn't want to do. (In fact, asylum can't be granted to someone with a criminal past.) However, Posada continues to seek CAT protection, which has been his only real claim all along.

CAT, the Convention Against Torture, provides that deportation or extradition will be deferred where the deportee or accused shows "by a clear probability" that the deportee or accused will be tortured by the receiving country. By illegally refusing to file the extradition case, Secretary Rice has assured that this issue will first be decided by an in-house lawyer, employed at will by the Justice Department to hear Homeland immigration cases, rather than a federal judge who is independent because he/she is appointed for life.

The only torture evidence offered by Posada last week was the testimony of his old friend, lawyer, partner and supervisor in DISIP, Joachim Chaffardet, who opined that Posada likely would be tortured by Venezuela. His evidence was equivocal, often using words like "subjected to humiliation or torture." His opinion was not based on knowledge of the Venezuelan system, but on one case. He said that when he was in court once last year the three men accused of murdering Venezuelan prosecutor Denilo Anderson were brought in three days after their arrest and they had black eyes and lips swollen by tapes. (At the time of his death, Anderson was investigating US funding through the National Endowment for Democracy and the CIA of the previous Chavez recall and coup.) Chaffardet also testified that he "agreed with" a US State Department report which said the three men's "lawyers alleged" they had received electric shocks, and the judge called for an investigation, which had not been completed.

The Homeland lawyers did not cross-examine Chaffardet. He came across as a respected, reputable lawyer. If they had brought out his relationship to the 1976 Cubana airliner bombing, his credibility would have been destroyed. Obviously he doesn't want Posada to face a trial, because his own participation in the bombing, as well as the CIA's, would be exposed. Lawyers' allegations are not evidence, and one incident, even if true, does not condemn an entire system, especially where it is being investigated. Judge Abbott, however, said this was sufficient to make a "prima facie" case and he will defer Posada's deportation unless the prosecution convinces him otherwise.

The normal way to establish "country conditions" is to call an expert, such as a judge, professor, or other official who knows how the system treats those in custody. Last week the Homeland attorney was not prepared to do this, so Abbott reset the matter for September 26, to allow her to rebut if she desires. Whether she will seems doubtful. At the close of the hearing, she said Homeland, Justice and State all had "serious and grave concerns" about the Venezuelan system. This although there is no evidence whatsoever condemning the system.

Our justice system can function only as an adversarial process. There must be two or more parties with different goals. Normally this is the only reason parties use courts. In this case, however, Posada and the US government have only the same goals (1) to protect Posada from facing justice for his crimes; (2) to hide the evidence implicating the US and Venezuelan intelligence agencies in his crimes; (3) to make it appear to the public that Posada is receiving justice.

It doesn't seem rational or just to protect a CIA mass murderer and torturer from facing justice out of fear he'll be tortured when there's no real evidence that he will be tortured. Especially when the CIA is using mental torture to interrogate people in US military prisons in Cuba, Iraq and Afghanistan, and when it thinks physical torture is necessary, it kidnaps people and physically tortures them in countries like Egypt and Jordan. If there is no rational explanation, the only thesis must be the Orwellian one: in the US today, injustice is justice.

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