

U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

Matter of

File A 12 419 708

LUIS CLEMENTE POSADA-CARRILLES,) IN REMOVAL PROCEEDINGS
Respondent.) Transcript of Hearing

Before LEE ABBOTT, Immigration Judge

Date: August 30, 2005

Place: El Paso, Texas

Transcribed by DEPOSITION SERVICES, INC. at Rockville, Maryland

Official Interpreter: Marylou Alarcone

Language: Spanish

Appearances:

For the Department of
Homeland Security:

Gina Garrett Jackson, Esq.

For the Respondent:

Matthew Archibald, Esq.

EXHIBIT "A"

JUDGE FOR THE RECORD

This is a continued removal proceeding in the matter of Luis Clemente Posada-Carriles, 12 419 708. Today's Immigration Judge, Lee Abbott in El Paso Detention Center, El Paso, Texas.

Today's date is the 30th of August 2005. The language is English and Spanish. The interpreter is Marylou Alarcone. The Government is represented by Gina Garrett-Jackson is the lead counsel, assisted by Steven Julia, Esquire, Robert Henry, Esquire and Renata Orales, Esquire. The respondent is represented by Matthew Archibald, Esquire and assisted by Renee Soto, Esquire.

JUDGE TO MR. POSADA

Q. Mr. Posada, would you please raise your right hand be sworn. Do you swear or affirm under penalty of perjury the testimony you give will be the truth?

A. Yes, sir.

Q. Thank you, sir. Please be seated and make yourself comfortable. No clarifications or questions are to be directed to your counsel, Mr. Posada. You need to ask any questions you have to (indiscernible). During the course of the hearing while you're testifying, if you don't understand the question please ask me and then we'll try to clarify that question.

A. I agree.

JUDGE TO MR. ARCHIBALD

Q. And, of course, counsel that does not necessarily

So, so far the Government's exhibits that have been admitted are Exhibits 10, 24, 25 and 26.

A. Thank you, Your Honor.

~~MS. JACKSON TO JUDGE~~

Q. May I proceed, Your Honor?

A. Yes, you may.

MS. JACKSON TO MR. POSADA

Q. Sir, I want to direct your attention now to 1997.

Isn't it true that there were a series of restaurant and hotel bombings in Cuba in 1997?

A. I believe so.

Q. Isn't it true that there was, at least, one bomb that went off in Cuba in 1997 that resulted in the death of an Italian tourist?

A. I read that in the newspapers.

Q. Isn't it true that in July of 1998, you gave a series of interviews to a reporter by the name of Anne Bardock for the New York Times?

A. Yes.

Q. And, isn't it true that during the series of interviews with Ms. Bardock that you admitted that you were involved in the planning and preparation of those bombing attacks in Cuba that occurred in 1997?

A. I cannot answer with a yes or no. I will need to clarify that. The interview was made in a language that I do not

know. And some illegal recording was made during that interview.

INTERPRETER TO JUDGE

Q. Your Honor, the interpreter is going to ask the respondent to write down the word so she's able to understand.

A. He has a legal pad there.

MR. POSADA

A. The New York Times, 9 or 10 days later retracted those interviews saying that because of my language difficulties there had been confusion in my interviews. All of those things put together, well the outcome is that it was a report that was not saying the truth.

MS. JACKSON TO MR. POSADA

Q. Let me be a little more specific. Isn't it true that you told Ms. Bardock that the purpose of the bombing campaign in Cuba was to generate publicity which would frighten away tourists from visiting Cuba? Did you tell her that, yes or no?

A. It could be that that was the purpose. But that doesn't mean that it was me or I.

Q. Isn't it true that you told Ms. Bardock that you were involved in the planning and preparation for that bombing campaign in Cuba?

A. I do not recall having said that.

Q. Isn't it true that you admitted to Ms. Bardock that you have used the name Solo?

A. I do not recall having said that.

Q. Isn't it true that Ms. Bardock had a copy of the fax, which is part of Government's Exhibit 1, attachment A, and when you were shown that fax you acknowledged or you admitted to Ms. Bardock that you wrote the contents of that fax?

A. I do not remember that.

Q. Now, you said initially that the whole idea was or the whole purpose was to generate publicity.

MR. ARCHIBALD TO JUDGE

Q. Objection, Your Honor.

MS. JACKSON TO MR. ARCHIBALD

Q. I haven't finished my question, counsel.

A. Well, you're starting off saying something that wasn't testified to.

JUDGE TO MS. JACKSON

Q. That's true. The respondent indicated that he might have said something about publicity, but then he kind of clarified that by saying that even if I did say that, it doesn't mean that I created the bombing campaign (indiscernible).

A. I didn't quite hear everything you said, I'm sorry.

Q. Mr. Archibald is objecting that you're basically restating facts that were not accurate, that they're not in evidence. What the respondent said is the way I heard it said, when you asked him if he told the reporter that the purpose of the bombing campaign was to generate publicity, Mr. Posada stated

that he doesn't remember saying that. And, even if he did say that that was the reason for the bombing campaign was to generate publicity, that doesn't mean that he orchestrated the bombing campaign itself. ~~So, you want to restate your question slightly differently.~~

A. All right.

MS. JACKSON TO MR. POSADA

Q. Were you involved in soliciting other individuals to carry out the bombings in Cuba?

A. No.

Q. Now, are you stating that the comments made by Ms. Bardock in the New York Times article that you were involved in soliciting other individuals to engage in these bombings is not true?

A. I am saying that it is not true.

Q. You have admitted earlier that you had a passport to go in and out of Guatemala, is that correct?

A. Yes. How?

Q. A passport to travel to Guatemala.

A. What happened to that passport?

Q. My question is, you admitted earlier that you had a passport to enter Guatemala, is that correct?

A. Correct.

Q. In 1997, you were in Guatemala and you met with an individual by the name of Jose Francisco Pepe Alvarez, is that

CERTIFICATE PAGE

I hereby certify that the attached proceeding
before IMMIGRATION JUDGE, LEE ABBOTT, in the matter of:

LUIS CLEMENTE POSADA-CARRILES

A 12 419 708

El Paso, Texas

was held as herein appears, and that this is the original
transcript thereof.

Donna J. Escobar

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May 9, 2006
(Completion Date)