

*Office of Detention and Removal Operations*

U.S. Department of Homeland Security  
1545 Hawkins Blvd.  
El Paso, Texas 79925



**U.S. Immigration  
and Customs  
Enforcement**

70/45

A12 419 708

Luis Clemente POSADA-Carriles  
C/O El Paso Processing Center  
8915 Montana  
El Paso, Texas 79925

Dear Mr. Posada-Carriles:

**Interim Decision to Continue Detention**

This letter is to inform you that your custody status has been reviewed and it has been determined that you will not be released from the custody of U.S. Immigration and Customs Enforcement (ICE) at this time, because, as described below, you continue to present a danger to the community and a flight risk. This interim decision is based on a review of your case and consideration of the information you and your attorney submitted to ICE's reviewing officials.

You are a native and citizen of Cuba and a citizen of Venezuela. On May 17, 2005, you were apprehended by ICE agents. On July 25<sup>th</sup>, 2005, the Immigration Judge (IJ) denied you bond, holding that you were subject to mandatory detention for having committed a crime involving moral turpitude and finding that you were a flight risk. During your removal proceedings, the IJ found you removable on both charges presented in the Notice to Appear, pursuant to INA § 212(a)(6)(A)(i) (present without inspection) and INA § 212(a)(7)(A)(i)(I) (immigrant not in possession of a valid immigrant visa). Additionally, you conceded you were ineligible for withholding of removal for having committed a serious nonpolitical crime outside the United States. You were ordered removed by the IJ on September 26, 2005, but granted deferral of removal to both Cuba and Venezuela.

You have a history of engaging in criminal activity, associating with individuals involved in criminal activity, and participating in violent acts that indicate a disregard for the safety of the general public and a propensity for engaging in activities proscribed within the provisions of INA § 212(a), that pose a risk to the national security of the United States. Further, you have shown a cavalier attitude towards the impact your actions have had on the safety and well being of persons and property. Open source information and your own statements link you to the planning and coordination of a series of hotel and restaurant bombings that occurred in Cuba over a several month period in 1997. Moreover, on April 20, 2004, you were convicted in Panama for Crimes Against National Security and Counterfeiting Public Records, for which you were sentenced to 7 years and 1 year

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imprisonment respectively. Although you were later pardoned for those crimes by the President of Panama, a foreign pardon, in itself, does not have any effect in relation to U.S. immigration laws. Additionally, a review of your arrest and criminal history shows that following a trial and acquittal on criminal charges in Venezuela, your acquittal was overturned on appeal, and, while pending a retrial on the charges, you made several escape attempts and eventually succeeded in escaping from prison. Due to your long history of criminal activity and violence in which innocent civilians were killed, your release from detention would pose a danger to both the community and the national security of the United States.

You claim to have last entered the U.S. without inspection by illegally crossing the Mexican border on March 26, 2005. You later admitted that shortly after your entry you lied to a United States Border Patrol Agent, saying that you were old and forgetful and had left your immigration documents at home. From the time you illegally entered the United States until your apprehension, you were illegally harbored by your associates in Miami. At least two of these associates, Santiago Alvarez and Ruben Dario Lopez-Hernandez, aka Ruben Dario Lopez-Castro, have criminal records. While you were in hiding within the United States, you filed an application for asylum with U.S. Citizenship and Immigration Services, but you failed to appear for your scheduled interview claiming you were ill. However, later that same day you appeared at an undisclosed location for a press conference, accompanied by several of your Miami-based associates, including Santiago Alvarez, who moderated the press conference and served as your interpreter. At your press conference, you publicly stated that you have lived for more than thirty years clandestinely. You further acknowledge that you have assumed several different identities throughout your life and utilized passports and other identity documents from several different countries in order to move freely throughout Central America. As noted earlier, your past also includes your escape from a Venezuelan prison, which was accomplished after several attempts utilizing threats of force, explosives, and subterfuge. When you were apprehended by ICE you were in possession of a duffel bag containing your medication and clothing. In an article published in the *Miami Herald* on June 4, 2005, Santiago Alvarez, who is referred to as your "chief benefactor," is quoted as stating that you were "making a last stop to pick up personal belongings at a friend's house and [were] on [your] way out of the country when agents picked [you] up." U.S. authorities recently arrested and charged Santiago Alvarez with possession of automatic weapons, including some with the serial numbers erased, and possession of a false passport.

Although you became a lawful permanent resident of the United States in 1962, you subsequently abandoned that status. Since 1965, you have not lived for any extended periods in the United States and, in fact, became a citizen of Venezuela and worked for the Venezuelan government in an official capacity. Prior to your most recent, illegal entry into the United States in 2005, you last entered the United States in 1974. You indicated that from 1985 to 2005 you lived in Central America, primarily in El Salvador.

You remain the subject of an extradition request from the Government of Venezuela based on your alleged involvement in the 1976 bombing of the Cubana Airlines passenger jet. This matter remains under consideration by the United States Department of State and the United States Department of Justice.



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You have been known by the following aliases: Bambi or Bamby, Juan Jose Rivas, Ramon Medina, Jose Ramon Medina, Basilio, Bebe, Franco Rodriguez Mena, Juan R. Medina, Ramon Rodriguez (Medina), Ramon Medina (Rodriguez), and Franco Rodriguez (Mena), Solo, Lupo, Louis McClaud and Juan Jose Rivas Lopez.

Your expertise in assuming false identities, your disregard of the immigration laws of the United States, your history of escape and the presence of your pending international extradition request demonstrate that you pose a significant risk of fleeing, if released from custody.

In making its decision, ICE has considered the letter and supporting documentation submitted by your attorney. Consideration was given to the information submitted, including your family ties in the United States, your age and medical condition, your U.S. military and government service, your explanation of your involvement in your past activities, and your willingness to follow any proposed conditions of release, such as electronic monitoring. While you assert that you are not a danger to the community or a flight risk, and that your age and health may attenuate those risks, we are unable at this time to credit your assertions after weighing the totality of the record.

As appropriate, ICE will continue to review your custody in light of any additional information that you submit, collateral developments, and efforts to remove you to other countries. In the interim, as previously noted in the Notice of Custody Review provided to you, the immigration laws require you to facilitate your own removal from the United States, as well as comply with any efforts of the United States Government to remove you. You indicated in your submission that you lived in Central America over a period of fifteen years (from 1985 to 2000), including such countries as Panama, El Salvador, Honduras, and Guatemala, listing various associates, friends, and other potential contacts in those countries, and noting that during your employment as an advisor to the police in El Salvador you developed numerous contacts and "fraternized with high rank government functionaries, at luncheons, hunting, etc." You have also indicated that you requested one of your contacts in Honduras to obtain a travel document to that country in your name and that he responded that the foreign minister was unwilling to address the issue because "the government was changing," and that "maybe this could be resolved with the new government."

The foregoing information, as well as the information set forth in more detail in your submission, and U.S. diplomatic initiatives, have provided multiple prospects for effecting your removal from the United States, such that ICE regards your removal from the United States reasonably foreseeable. Attached to this decision are supplemental questions arising from the information you have provided and which pertain to additional strategies and avenues of communication toward facilitating your removal from the United States.

As explained above, you are to remain in ICE custody pending your removal from the United States. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to effect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 USC Section 1253(a).

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Robert E. Jolicoeur, Field Office Director  
3/22/06  
Date

**PROOF OF SERVICE**

**(1) Personal Service (Officer to complete both (a) and (b) below.)**

(a) I Roy Hernandez SDDO  
Name of ICE Officer Title  
certify that I served Luis POSADA Carriles with a copy of  
Name of detainee  
this document at El Paso Processing Center on , at 2:08 p.m.  
Institution Date Time

(b) I certify that I served the custodian Alfredo Campos  
Name of Official  
OTC, at El Paso Processing Center, on  
Title Institution  
with a copy of this document.  
Date

**OR**

**(2) Service by certified mail, return receipt. (Attach copy of receipt)**

I \_\_\_\_\_, \_\_\_\_\_, certify  
Name of ICE Officer Title  
that I served \_\_\_\_\_ and the custodian \_\_\_\_\_,  
Name of detainee Name of Official  
with a copy of this document by certified mail at \_\_\_\_\_ on \_\_\_\_\_  
Institution Date

- (X) cc: Attorney of Record or Designated Representative
- (X) cc: A-File

Attachment No. 1 to Interim Decision To Continue Custody

Supplemental Requirements To Assist In Removal  
of Luis Clemente Posada-Carriles (A12 419 708)

The following additional requests arise from your response to the initial document and information requests made on December 23, 2005. Each such original request appears in italics, followed by the supplemental information required:

*(1) the name of any country in which, for any length of time, you have resided, trained, traveled, been employed, or possessed or presently possess family, friends, business, military, government or other associates;*

Regarding the fifteen year period (1985-2000) you indicated you resided in Central America (including but not limited to Panama, Honduras, Guatemala, and El Salvador), provide each location (country, city, address) in which you resided for any length of time, the dates of your residence there, the circumstances surrounding the relocation, including professional and or personal reasons, and any individuals with whom you may have had contacts with regarding such relocation.

Include with your response a description of your arrest and criminal proceedings in Panama, including a list of each individual charged, convicted, acquitted, or pardoned in those proceedings, and detailed information to the best of your ability, on where they have resided following their release from custody in Panama to the present.

Regarding your response pertaining to El Salvador, include supplemental identifying information about the "high rank government functionaries" with whom you said you have "fraternized," socialized, and otherwise conducted any kind of transaction or communication.

You indicated receiving temporary asylum in the Chilean embassy in Venezuela following your first escape from Venezuelan custody. Please indicate the individuals involved in arranging and providing such temporary asylum, including any such individual from Chile.

You have indicated the members of your family who reside in Florida and California. Please list any family members (including relatives of your wife, or by any other marriage, if previously married) that you have outside the United States, including children, brothers, sisters, uncles, aunts, and in-laws. List any property or real estate (other than the plot at "Poinciana Gardens") inside or outside the U.S. which you own, or in which you have a direct, partial, or beneficial interest, or which you have transferred to other individuals and is being held by your wife, any family member, or other individual on your behalf or at your request.

*(2) the names and contact information pertaining to any individuals contemplated in the previous question, including dates of birth, nationalities, addresses, and phone numbers, and in particular, any such individuals residing in Mexico, Costa Rica, Guatemala, El Salvador, Panama, Canada, Honduras, any other country in Latin America, or any other country;*

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Regarding the names and contact information provided in response to this request, in connection with the foreign country in which such individual either resides, or was formerly a resident or national, please provide a detailed explanation and copies of any correspondences which reflect what if any requests you have made to these individuals to assist you with gaining permission to enter such foreign country.

Provide names and contact information pertaining to any individuals contemplated in the previous supplemental request (#1), including dates of birth, nationalities, addresses, and telephone numbers.

*(3) given your prior experience, employment, or service within or on behalf of the governments of Guatemala and Venezuela, provide the names and contact information for any individual currently or formerly in those government institutions;*

You lived in Venezuela for eighteen years (1967-1985), attaining a high-ranking position with the government security services, but claim to know only three individuals currently or formerly within the government. Provide additional information responsive to the request, or explain why you cannot do so.

*(4) the name and contact information for any individual in the United States with whom you have had contact and who has assisted you directly or indirectly in communicating with anyone in any country, or assisting you at any time in gaining entry or permission to enter any country;*

Provide the names and addresses and telephone numbers of the individuals assisting you in complying with the original and supplemental requests reflected herein.

*(5) Any and all documents or other material constituting or reflecting the existence of a communication of any kind (or a detailed description of any such communication) to and from any government official in El Salvador, Panama, Guatemala, Costa Rica, Mexico or elsewhere, or to and from any individual working with, representing, or acting as a conduit of information to and from any such government official;*

Please list the communications, letters, and countries contemplated in your response to this request, where you indicated: "I can obtain personal letters from various countries, if necessary." Please obtain any such letters and provide them to ICE, as you have indicated, including any evidence or explanation of such efforts..

*(6) You have previously indicated possession of multiple passports or other travel documents with which you have gained admission to multiple countries. Submit any and all such passports or travel documents (of any type, whether current or expired, and whether in your name or any other name or identity) to DHS. If you do not currently possess any of the foregoing documents, describe in detail the nature of every such document, including the country and bearer identity with which it is associated, as well as any travel-related permits, visas or other governmental notations (whether or not you*

*deem it currently valid) entered in such document.*

You have indicated that the documents responsive to this request were destroyed upon expiration. Please confirm whether you have retained the original or copies of any such documents, or whether copies of such documents can be obtained.

You have obtained false passports and other travel documents in Guatemala, Costa Rica, El Salvador, and Dominican Republic, explaining the circumstances under which you obtained such documentation only with respect to El Salvador. Provide the information on how you obtained travel documents in the other countries and the individuals who assisted you in doing so.