

**General Assembly**

Distr.: General
24 September 2004
English
Original: Spanish

Fifty-ninth session

Agenda items 105 and 148

Human rights questions**Measures to eliminate international terrorism****Letter dated 21 September 2004 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General**

I have the honour to transmit herewith a letter concerning the reprieve granted to four notorious Cuban-born international terrorists, perpetrators of countless acts of terrorism against the people of Cuba, by the former President of the Republic of Panama, Mrs. Mireya Moscoso, who completed her term on 1 September 2004.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda items 105 and 148.

(Signed) Orlando **Requeijo Gual**
Ambassador
Permanent Representative

Annex to the letter of 21 September 2004 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to inform you of the serious events that took place last 25 August 2004 in relation to the reprieve granted by Mrs. Mireya Moscoso, former President of the Republic of Panama, who completed her term last 1 September, in favour of four notorious Cuban-born international terrorists, perpetrators of countless acts of terrorism against the people of Cuba, who had been detained in November 2000 in Panama and subjected to prosecution in that country for planning a terrorist attack on the life of President Fidel Castro. Such attack would have been committed through the use of dozens of kilograms of high-power explosives at a rally of the Cuban delegation to the Tenth Ibero-American Conference of Heads of States and Government in the Auditorium of Panama University with Panamanian students, workers and indigenous people.

The reprieve was decreed by Mrs. Moscoso for notorious terrorists Luis Faustino Clemente Posada Carriles, Gaspar Eugenio Jiménez Escobedo, Guillermo Novo Sampoll and Pedro Remón Rodríguez, who had been trained by the Central Intelligence Agency and directly or indirectly used by United States Administrations to execute terrorist actions against Cuba for over 40 years.

The extensive criminal record of such terrorists against the people of Cuba has been largely documented at the United Nations, as recorded in various official documents of the Organization (see enclosure I of document S/2004/753).

Such reprieve took place despite reiterated warnings by the Government of the Republic of Cuba about the importance of upholding justice and preventing impunity, as well as repeated requests along those lines submitted by the Cuban relatives of the victims of terrorist acts committed by the aforementioned criminals and those presented by important sectors of the Panamanian population.

The history of the impunity currently enjoyed by the above-mentioned terrorists has been in the making since 10 April 2001, when the President of Panama herself, through Executive Resolutions 58, 59, 60 and 61, rejected the just and well-founded request for extradition against the four terrorists submitted by the Cuban Government on 12 January of that year, in compliance with all requirements for such acts under both Panamanian law and the international instruments in force.

By her action, Mrs. Moscoso discredited and ridiculed the statements made on 15 July 2004 by her Minister for Foreign Affairs, who, according to communiqué No. 100 of the Panamanian Foreign Ministry, had reiterated that "Posada Carriles and his accomplices were tried, convicted and shall serve the sentence imposed".

As will be recalled, Luis Posada Carriles and Gaspar Jiménez Escobedo were sentenced to eight years in prison, and Pedro Remón and Guillermo Novo Sampoll to seven years, sentences that were duly appealed by the attorneys representing Panamanian trade union, student and indigenous organizations, on the grounds of irregularities in the proceedings and because the sentences imposed were not in line with the seriousness of the crimes proven against them in the trial.

Although President Moscoso has claimed that she made this decision on humanitarian grounds, it is widely known that this is not the real explanation for such a shameful decision.

The Cuban-born terrorist mafia based in Miami and the ringleaders of the terrorist gangs that operate with impunity from that territory against the Cuban people had insistently pressured former President Moscoso to release the four terrorists. The news media have reported that a lavish monetary reward was granted to Mrs. Moscoso as a prize for her immoral decision.

In addition, the United States Secretary of State, on his visit to Panama on the occasion of the Centennial of the Republic, had requested that Mrs. Moscoso release the four terrorists as soon as the trial ended. Thus, by her decision, the former President of Panama has done a significant electoral favour to the Administration of President George W. Bush, who seeks to be re-elected with the support of the Cuban-born extremists and violent groups based in Florida.

By favouring terrorism against Cuba and protecting convicted and confessed criminals, former President Moscoso has not only acted unworthily but has done so also flagrantly in violation of Panamanian law itself.

To interrupt the judicial process against the above-mentioned terrorist, which at the time was in its appeals phase, and to prevent definitive justice from being done in such a delicate case, constitutes an affront to the Cuban people, to the victims of the crimes perpetrated by these individuals, to the Panamanian people and to all those who are valiantly fighting terrorism in the world.

Likewise, to release these terrorists at a time when the international community is striving to fight terrorism is an immoral and seriously irresponsible act.

Cuba has made it very clear that former President Moscoso and her Government will be held accountable in history for the consequences of this decision, which is incompatible with both the efforts that should be made internationally in order to effectively prevent acts of terrorism and with the obligations assumed in that context by the Republic of Panama, which include, inter alia, those contained in the International Convention for the Suppression of Terrorist Bombings, adopted by the United Nations General Assembly on 15 December 1997, to which the Republic of Panama is a party.

The Republic of Cuba has decided to indefinitely sever its diplomatic relations with the Republic of Panama, a State that has proved itself unable to have prevented the monstrous action perpetrated against the people of Cuba.

Cuba, in reaffirming its strongest condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomever they are committed, hopes that the international community will not remain impassive to this action, which promotes terrorism and awards its perpetrators.

A brief biography, which contains some elements of the terrorist record of the individuals reprieved by Mrs. Mireya Moscoso, former President of Panama, who completed her term last 1 September 2004, is contained in document S/2004/753, annex II.

(Signed) Felipe **Pérez Roque**