

Cuban Spy Indictment Charges Filed In Downing Of Exile Fliers Castro Agents In Miami Cited By U.S. Grand Jury

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A federal grand jury in Miami indicted an alleged Cuban spy Friday on charges of conspiracy to commit murder in the 1996 shootdowns of four Brothers to the Rescue fliers.

The charge, disclosed in a revised indictment against 14 defendants in U.S. District Court in Miami, is the first time that the federal government has formally linked the fliers' deaths to Cuban agents who were rounded up in Miami by the FBI last fall.

The new allegations stop short of charging high-ranking members of Cuba's government. But it does allude to Cuban leader Fidel Castro, who, in his capacity as ``commander in chief," is described as hailing the fliers' deaths as ``a hard blow to the Miami right."

Providing what prosecutors say are details about how events unfolded on the Cuban side, the indictment charges that Cuba's intelligence agency actively worked to provoke a violent incident with the Brothers organization through its spies in Miami.

Symbolically, the new charges represent a breakthrough for the victims' relatives, who for three years have implored U.S. authorities to seek criminal indictments for what a Miami federal judge has called a ``murderous, terrorist act."

``Today's news gives us hope that we can reach some justice, not only with those who are here, but with those who are in Cuba," said Mirta Costa, whose son, Carlos, piloted one of the doomed planes.

``It's a step in the right direction," agreed Miami lawyer Francisco Angones, one of several attorneys who represents families of the victims, Armando Alejandro, Costa, Mario de la Pena and Pablo Morales. Except for the relatives of Morales, who is not a U.S. citizen, the families hold a \$187.5 million civil judgment against the Republic of Cuba and the Cuban Air Force.

But Brothers leader Jose Basulto said the new charges do not go far enough.

``This is just the beginning of what I've been saying all along," he said. ``Castro has to be indicted in the Florida courts, too."

Defendant used alias

The indictment charges Gerardo Hernandez - who was among those arrested on spy-related charges by the FBI last year - with conspiracy to commit murder. Hernandez, called ``John Doe No. 1" in the original indictment, used the alias Manuel Viramontes.

Five of the accused spies have pleaded guilty. Arrest warrants have been issued for

several fugitives. A trial is scheduled for September.

The grand jury also named Juan Pablo Roque, the agent who fled the U.S. and surfaced in Havana after the shootdowns. Roque is accused of acting as a foreign agent without registering with the U.S. attorney general. While working to infiltrate the Brothers, Roque married a Miami woman, whom he left behind when he returned to Cuba. A warrant is out for his arrest.

Three others facing new charges are Luis Medina III, Ruben Campa and Albert Ruiz, all of whom are accused of using bogus names on identity documents. Medina and Campa are in custody in the spy case; Ruiz is not, and an arrest warrant has been issued.

Although he does not face new charges, accused spy Rene Gonzalez is named as a player in the events leading up to the shutdown. The indictment says Hernandez and Ruiz ordered Roque and Gonzalez to gather information on Brothers' flights.

Also named in the superseding indictment are two alleged agents who have left the U.S. - Ricardo Villareal and Remijio Luna. They are charged with being unregistered agents of the Cuban government.

Links to Brothers incident

It remained unclear Friday how the U.S. government knows that Cuban intelligence orchestrated an airborne ambush. But after the FBI arrested the accused agents last fall, federal prosecutors moved to link what was then perceived as a ragtag ring of alleged spies to an incident that stunned the international community.

In November, sources close to the case disclosed that FBI agents spent hours debriefing the spies who pleaded guilty and who turned government informants. Moreover, FBI documents showed that investigators baited the alleged ringleader into making comments about how his ``main objective was to work against groups that continuously threaten the Cuban people."

The indictment's ambush accusation appears to be at odds with a track record of warnings by the Castro government to stop the Brothers from flying in and around the island's airspace. A multinational panel of investigators concluded that the shootdowns occurred in international waters, a conclusion that the Cuban government hotly contested.

Castro regarded the flights to be a provocation, particularly one that saw Basulto shower leaflets from a plane onto downtown Havana.

As he has in the past, Basulto, the Brothers leader, claimed Friday that the U.S. government bears responsibility for the incident by failing to warn his compatriots of the potential trouble that awaited them. Government officials deny any complicity.

One day before the Miami fliers were killed by missiles fired by Cuban MiG fighter jets, Richard Nuccio, then President Clinton's advisor on Cuba, wrote an e-mail to the White House national security deputy, Sandy Berger. He warned of a possible tragedy, not out of any knowledge of a plot, but because he had failed to persuade the Federal Aviation Administration to stop Basulto from flying.

Berger did not read the memo until after the shooting.

Operacion Escorpion

According to the indictment, the Cuban Directorate of Intelligence set in motion a plan in January 1996 dubbed ``Operacion Escorpion," which was designed to confront the Brothers in an airborne incident. The Directorate is said to have instructed its agents in Miami to collect flight information on the Brothers' planes.

In early February, the indictment says, the Directorate instructed Hernandez and Ruiz that the agents in Miami should make ``Escorpion" a priority, and start generating flight data.

One week before the confrontation, Hernandez and Ruiz were warned by the Directorate that no agent who had infiltrated the Brothers was to fly aboard any of the group's planes between Feb. 24-27, 1996, the indictment says.

On Feb. 23, Roque departed Miami to return to Cuba.

A day later, the pilots were dead.

Suggestion of Castro's role

Although the indictment does not name any members of the Cuban government, it suggests that Castro closely monitored the operation.

Two days after the Brothers' two Cessnas plunged into the sea, the indictment says, the chief of intelligence noted that ``the commander in chief had visited twice to analyze steps to follow up on the operation; and declared that [the participants] had dealt a hard blow to the Miami right, in which their role had been decisive."

On June 6, the indictment says, the Directorate recognized Hernandez for the role he played, and announced his promotion to captain.

Herald staff writers Elaine de Valle and Juan Tamayo contributed to this article.

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Details Of Indictment

Jan. 29, 1996: The Cuban Directorate of Intelligence reported approval by ``Superior Headquarters" of Operacion Escorpion to confront Brothers to the Rescue.

Feb. 5: The directorate instructed Gerardo Hernandez (``Giro") and Albert Ruiz (``A-4") that agents in Miami should make Operacion Escorpion a priority, and inform it of Brothers flight data.

Feb. 17: The directorate told Hernandez and Ruiz that neither Juan Pablo Roque (``German") nor Rene Gonzalez (``Castor") should fly with the Brothers or any other organization between Feb. 24-27.

Feb. 22: Hernandez received Gonzalez's report that Brothers leader Jose Basulto was

preparing something for the upcoming meeting of Concilio Cubano.

Feb. 23: Roque left Miami to return to Cuba.

Feb. 24: Cuban warplanes shot down two Brothers to the Rescue planes, killing four men on board.

Feb. 28-March 1: The directorate stated ``profound recognition'' of Hernandez and Ruiz for Operacion Escorpion, and noted that the ``commander-in-chief,'' Fidel Castro, had visited twice to analyze steps to follow-up on the operation.

June 6: Hernandez is promoted to captain.

Juan Pablo Roque

Juan Pablo Roque - an exercise-obsessed, former Cuban MiG-23 pilot who defected in 1992 by swimming across Guantanamo Bay and quickly ingratiated himself with tales of corruption and inefficiency in the Cuban military - stunned everyone when he suddenly surfaced in Cuba within days after Brothers to the Rescue planes were attacked.

It quickly became clear - even to his stunned American wife - he had been a convincing double agent all along.

Even the FBI had hired the spy to spy for them, paying him thousands for information on Brothers to the Rescue.

He even wrote a book about his defection from Cuba entitled *Deserter*, published by the Cuban American National Foundation, which called comrades ``fat communists, heavy beer drinkers.''

He said he left behind a girlfriend and a son.

Roque quickly brought himself into contact with other former members of the Cuban armed forces who were now in the U.S. He founded the Support Center for Cuban Military, which used a shortwave radio to broadcast messages urging the Cuban military not to take up arms against the people in the event of a democratic uprising. After he appeared on Cuban television within days after he disappeared, authorities began to wonder for what else he used that radio.

He publicly denounced the exile pilot organization, accusing it of planning terrorist acts, including the assassination of Fidel Castro and said he had returned to Cuba to reveal to the world ``the true nature of Brothers to the Rescue.''

- DAVID KIDWELL

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Gerardo Hernandez

At last, prosecutors say, the U.S. government knows his real name.

The alleged ringleader of a troop of Cuban spies living in Miami - known here by a

name he is accused of stealing from a child who died in Texas three decades ago - was identified Friday as Gerardo Hernandez, promoted to captain in the Cuban military for his role in four killings, a Miami grand jury says.

Through his attorney, Paul McKenna, he denies any knowledge or involvement in the Cuban attack on Brothers to the Rescue planes in 1996.

``I can't believe this," McKenna said. ``We doubt the government can prove any of this."

A mild-mannered, inconspicuous man who paid \$580 per month for a \$600 Sunny Isles Beach apartment because he said he couldn't afford the rent, Hernandez used the name Manuel Viramontes.

In September, prosecutors called him the mastermind of a plot to infiltrate anti-Castro exile groups. Now they say he was at the center of a plot by the Cuban government that led to a deadly confrontation with planes from Brother to the Rescue.

He passed himself off as a Texas-born single man, although federal agents say he wrote to a wife in Cuba on their eighth wedding anniversary.

According to federal authorities, he arrived in the United States in 1992 with orders to infiltrate the U.S. Southern Command and discredit Cuban exile groups by manipulating the media and political institutions through a smear campaign.

He made few friends, isolating himself in Apartment 305 at 18100 Atlantic Blvd. in Northeast Dade.

He claimed to be from Puerto Rico and had a bumper sticker on his car professing his love for the island.

Codename ``Giro," the feds say, he had a doctored U.S. passport, Puerto Rican voter identification in the name of Manuel Viramontes Hernandez, a Mexican driver's license in the name of Manuel Viramontes Hdez and a Texas birth certificate for Manuel Viramontes issued in 1994, records say.

Some neighbors in the building thought he was a writer, others thought maybe a graphic artist.

``He was polite, never rowdy. I never got complaints about him," the apartment manager told The Herald. ``Sometimes he would ask me for two or three days more to pay the rent because he didn't have the money."

Authorities say he used coded messages and a fake Puerto Rican accent to order a ring of infiltrators to provide information that led to the Brothers shoot-down.

- David Kidwell

color photo: Jose Basulto with Juan Pablo Roque and Rene

Gonzalez - both later alleged to be spies (a), Juan Pablo Roque (a), Gerardo

Hernandez (a); photo: Jose Basulto reads a news release from the U.S.

Department of Justice to Eva Barbas - the mother of pablo Morales (a), Juan

Pablo Roque (a), Gerardo Hernandez (a)

DAVID BERGMAN / Herald Staff MAJOR NEWS DEVELOPMENT: Brothers to the Rescue leader Jose Basulto reads a news release from the U.S. Department of Justice to Eva Barbas at her home Friday. Barbas was the mother of Pablo Morales, one of the four who lost their lives.

FORMER ALLIES: Brothers founder Jose Basulto, left, with Juan Pablo Roque, right, and Rene Gonzalez, both later alleged to be spies.

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