

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : INDICTMENT

-v.- : (S) 83 Cr. 821 (RJW)

EDUARDO AROCENA, a/k/a "Omar," :  
"Napoleon," "Andres," "Alejandro Medina," :  
"Victor," :

Defendant. :

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COUNT ONE

The Grand Jury charges:

1. From approximately September 1979 until on or about March 25, 1980, in the Southern District of New York and elsewhere, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, and others to the Grand Jury known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to violate Section 1116 of Title 18, United States Code.

2. It was a part and object of said conspiracy that the defendant and others to the Grand Jury known and unknown would unlawfully, willfully, and knowingly kill and attempt to kill a foreign official, official guest, and internationally protected person, to wit, Raul Roa, the Cuban Ambassador to the United Nations, in violation of Title 18, United States Code, Section 1116.

OVERT ACTS

In furtherance of said conspiracy and to effect the objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

1. From on or about September 1979 through on or about March 25, 1980, defendant AROCENA and others to the Grand Jury known and unknown conducted surveillances at the Cuban Mission to the United Nations and at Ambassador Roa's residence on East 81st Street, both in Manhattan.

2. On or about March 25, 1980, defendant AROCENA rented an automobile from Avis Rent A Car at Newark Airport in New Jersey.

3. On or about March 25, 1980, defendant AROCENA and others to the Grand Jury known and unknown transported a remote-control transmitter and a remote-controlled bomb containing high explosives from New Jersey to New York, New York.

4. On or about March 25, 1980, defendant AROCENA and others to the Grand Jury known and unknown caused the bomb to be installed underneath an automobile, in Manhattan.

5. On or about March 25, 1980, defendant AROCENA and others to the Grand Jury known and unknown, in Manhattan, possessed the remote-control triggering mechanism with the intent to use the device to detonate the remote-controlled bomb.

(Title 18, United States Code, Section 1117.)

#### COUNT TWO

The Grand Jury further charges:

On or about March 25, 1980, in the Southern District of New York, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, and others to the Grand Jury known and unknown, unlawfully, willfully, and knowingly attempted to kill a foreign official, official guest, and internationally protected person, to wit, the defendant and others to the Grand Jury known and unknown attempted to kill Cuban United Nations Ambassador Raul Roa by means of a bomb which they attached to an automobile in which they expected Ambassador Roa to be riding, which bomb they intended to detonate by remote control.

(Title 18, United States Code, Sections 1116 and 2.)

COUNT THREE

The Grand Jury further charges:

On or about March 25, 1980, in the Southern District of New York, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, and others to the Grand Jury known and unknown unlawfully, willfully, and knowingly transported and received in interstate and foreign commerce, explosives with the knowledge and intent that they would be used to kill, injure, and intimidate individuals and unlawfully to damage and destroy buildings, vehicles, and other real and personal property, to wit, the defendant and others to the Grand Jury known and unknown transported and received high explosives which they brought from New Jersey to New York, New York with the intent to kill Cuban United Nations Ambassador Raul Roa by blowing up an automobile while he was inside it.

(Title 18, United States Code, Sections 844(d) and 2.)

COUNT FOUR

The Grand Jury further charges:

On or about March 25, 1980, in the Southern District of New York, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, and others to the Grand Jury known and unknown, none of whom were licensees or permittees within the meaning of Title 18, United States Code, Section 841, unlawfully, willfully, and knowingly transported, shipped, caused to be transported, and received in interstate and foreign commerce explosive materials, to wit, high explosives including Composition C-4, blasting caps, and detonating cord, taken from New Jersey into New York, New York.

(Title 18, United States Code, Sections 842(a)(3)(A) and 2.)

### COUNT FIVE

The Grand Jury further charges:

On or about March 25, 1980, in the Southern District of New York, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, unlawfully, willfully, and knowingly received and possessed a destructive device type of firearm, to wit an explosive bomb, which was not registered to him in the National Firearms Registration and Transfer Record.

(Title 26, United States Code, Sections 5861(d), 5845(a)(8), 5845(f)(1)(A), 5871; Title 18, United States Code, Section 2.)

### COUNT SIX

The Grand Jury further charges:

1. From approximately March 26, 1980 until approximately September 11, 1980, in the Southern District of New York and elsewhere, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, and others to the Grand Jury known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to violate Section 1116 of Title 18, United States Code.

2. It was a part and object of said conspiracy that the defendant and others to the Grand Jury known and unknown would unlawfully, willfully, and knowingly kill and attempt to kill foreign officials, official guests, and internationally protected persons, including, among others, Felix Garcia, an attache to the Cuban Mission to the United Nations, in violation of Title 18, United States Code, Section 1116.

### OVERT ACTS

In furtherance of said conspiracy and to effect the objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

1. From on or about August 25, 1980 through on or about September 11, 1980, defendant AROCENA and others to the Grand Jury known and unknown

conducted surveillances at the Cuban Mission to the United Nations and elsewhere in preparation for the planned murders.

2. Prior to September 11, 1980, the weapon to be used in the murder was test-fired upstairs in the building on Prospect Street in Newark, New Jersey which then housed Eduardo Losada-Fernandez's Fruit Meat King store.

3. On or about September 8, 1980 defendant AROCENA rented an automobile, bearing New York license plate 809ZER from the Hertz Corporation at Newark Airport in New Jersey.

4. On or about September 11, 1980, defendant AROCENA parked the aforementioned rental car approximately half a block away from the Cuban Mission to the United Nations in Manhattan.

5. On or about September 11, 1980, defendant AROCENA made a telephone call to Enrique Castro.

6. On or about September 11, 1980, Felix Garcia was murdered.

7. On or about September 11, 1980, shortly following the murder of Felix Garcia, defendant AROCENA returned the aforementioned rental car to Hertz at Newark International Airport and exchanged it for another rental car after falsely reporting that the brakes were not working on the original rental car bearing New York license plate 809ZER.

7. On or about September 11, 1980, Pedro Remon placed an anonymous telephone call to WCBS radio stating, among other things, that "Omega 7" had "executed" and "eliminated" a member of the Cuban delegation to the United Nations.

(Title 18, United States Code, Section 1117.)

COUNT SEVEN

The Grand Jury further charges:

On or about September 11, 1980, in the Southern District of New York and elsewhere, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, and others to the Grand Jury known and unknown, unlawfully, willfully, and knowingly killed, by committing murder in the first degree, a foreign official, official guest, and internationally protected person, to wit, Felix Garcia who was then and there an attache to the Cuban Mission to the United Nations and, as such, was a person of a foreign nationality who was duly notified to the United States as an officer and employee of a foreign government and international organization, and who was then and there in the United States on official business.

(Title 18, United States Code, Sections 1116, 1111(a), and 2.)

COUNT EIGHT

The Grand Jury further charges:

1. From on or about September, 1974 until the date of the filing of this indictment, in the Southern District of New York and elsewhere, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, and others to the Grand Jury known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to commit offenses against the United States, to wit, to violate Title 18, United States Code, Sections 32, 842, 844, 878, 922(a)(4), 922(e), 924, and 970.

2. Among the parts and objects of said conspiracy were that the defendant and others to the Grand Jury known and unknown would and did unlawfully, willfully, and knowingly (a) with intent to damage, destroy, disable, and wreck civil aircraft used, operated, and employed in interstate, overseas, and foreign air commerce, place and cause to be placed destructive substances in, upon, and in proximity to such aircraft and cargo carried and intended to be carried on such aircraft; (b) not being licensees or permittees within the meaning of Title 18, United States Code, Section 841, transport, ship, cause to be transported, and receive in interstate and foreign commerce explosive materials; (c) transport, receive, and attempt to transport and receive, in interstate and foreign commerce, explosives with the knowledge and intent that they would be used to kill, injure, and intimidate individuals and unlawfully to damage and destroy buildings, vehicles, and other real and personal property; (d) through the use of the mail, telephone, and other instruments of commerce, make threats concerning attempts and alleged attempts being made and to be made to kill, injure, and intimidate individuals and unlawfully to damage and destroy buildings, vehicles, and other real and personal property by means of explosives; (e) use explosives to commit felonies which may be prosecuted in courts of the United States; (f) carry explosives unlawfully during the commission of felonies which may be prosecuted in courts of the United States; (g) maliciously damage and destroy, and attempt to damage and destroy, by means of explosives, buildings, vehicles, and other real and personal property used in interstate and foreign commerce and in activities affecting interstate and foreign commerce; (h) threaten to violate Title 18, United States Code, Sections 112 and 1116 by killing and assaulting foreign officials, official guests, and internationally protected persons; (i) not being licensed importers, licensed manufacturers, licensed dealers, or

licensed collectors, transport in interstate and foreign commerce destructive devices and machineguns (as defined in section 5845 of the Internal Revenue Code of 1954); (j) deliver and cause to be delivered to common and contract carriers for transportation and shipment in interstate and foreign commerce, to persons other than licensed importers, licensed manufacturers, licensed dealers, and licensed collectors, packages and other containers in which there were firearms and ammunition without written notice to the carrier that such firearms and ammunition were being transported and shipped; and (k) injure, damage, and destroy, and attempt to injure, damage and destroy, real and personal property located within the United States and belonging to and utilized and occupied by foreign governments and international organizations, and by foreign officials and official guests; in violation of Title 18, United States Code, Sections 32, 842, 844, 878, 922, 924, and 970.

#### OVERT ACTS

In furtherance of said conspiracy and to effect the objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

1. On or about February 1, 1975, the defendant AROCENA and others to the Grand Jury known and unknown bombed the Venezuelan Consulate at 7 East 51st Street, New York, New York.
2. On or about June 6, 1976, Pedro Remon placed an anonymous telephone call to CBS News stating, among other things, that a "secret organization" called "Omega 7" had bombed the Cuban "Delegation" to the United Nations at 67th Street in Manhattan and that such actions would continue.
3. On or about September 16, 1976, the defendant AROCENA and others to the Grand Jury known and unknown bombed the Soviet ship "Ivan Shepetkov" at Port Elizabeth, New Jersey.



4. On or about December 20, 1977, Pedro Remon placed an anonymous telephone call to WCBS Radio in Manhattan stating, among other things, that "Omega 7" was responsible for bombings at travel agencies in Union City, New Jersey and Elizabeth, New Jersey and that the "bombings will continue, to a greater scale."

5. On or about September 9, 1978, Pedro Remon placed an anonymous telephone call to WCBS Radio in Manhattan stating, among other things, that bombings would continue.

6. On or about October 5, 1978, the defendant AROCENA and others known and unknown to the Grand Jury bombed the Gerry Cosby Sporting Goods store near Madison Square Garden in Manhattan.

7. On or about December 28 and December 29, 1978, the defendant AROCENA and others to the Grand Jury known and unknown bombed the Cuban Mission to the United Nations located in Manhattan.

8. On or about December 28 and December 29, 1978, the defendant AROCENA and others to the Grand Jury known and unknown bombed Avery Fisher Hall at Lincoln Center for the Performing Arts in Manhattan.

9. On or about December 29, 1978, Pedro Remon placed an anonymous telephone call to WCBS Radio in Manhattan stating that the bombings of Avery Fisher Hall and the Cuban Mission were committed by "Omega 7."

10. On or about March 25, 1979, defendant AROCENA and others known and unknown to the Grand Jury transported a time bomb containing high explosives to JFK International Airport and, after purchasing a ticket for a flight to Los Angeles, checked in a suitcase to be carried on that flight, said suitcase containing the aforementioned time bomb.

11. On or about March 25, 1979, Pedro Remon placed an anonymous telephone call to "911" and stated, among other things, that a bomb had been planted on a TWA flight.

12. On or about March 25, 1979, members of "Omega 7" bombed Almacen El Espanol in Union City, New Jersey and Programa Cubano in Weehawken, New Jersey.

13. Prior to or during June, 1979, members of "Omega 7" stored explosive materials in the basement of St. John's Lutheran Church in Union City, New Jersey.

14. Prior to or during June, 1979, acting on the instructions of defendant AROCENA, Eduardo Ochoa obtained explosive materials including, among other things, detonating cord, safety fuse, and detonators, from Ramon Sanchez in Florida and took the items back to New Jersey on a commercial airline flight.

15. On or about November 25, 1979, members of "Omega 7" murdered Eulalio Jose Negrin in Union City, New Jersey.

16. On or about December 7, 1979, defendant AROCENA and others to the Grand Jury known and unknown bombed the Cuban Mission to the United Nations at 315 Lexington Avenue, New York, New York.

17. On or about December 11, 1979, defendant AROCENA and others to the Grand Jury known and unknown bombed the Soviet Mission to the United Nations at 136 East 67th Street, New York, New York.

18. On or about January 13, 1980, members of "Omega 7" bombed the Aeroflot Soviet Airlines Ticket offices at 545 Fifth Avenue, New York, New York.

19. On or about January 13, 1980, defendant AROCENA bombed the Padron Tobacco Company in Miami, Florida.

20. On or about September 11, 1980, Pedro Remon placed an anonymous telephone call to WCBS Radio and stated, among other things, that "Omega 7 commandos executed a member of the Cuban delegation to the U.N." and that "we will continue eliminating them."

(Title 18, United States Code, Section 371.)

#### COUNT NINE

The Grand Jury further charges:

On or about December 28 and December 29, 1978, in the Southern District of New York, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, and others to the Grand Jury known and unknown unlawfully, willfully, and knowingly attempted to and did injure, damage, and destroy real and personal property located within the United States and belonging to and utilized and occupied by a foreign government and international organization and by a foreign official and official guest, to wit, the defendant and others to the Grand Jury known and unknown bombed the Cuban Mission to the United Nations, located in Manhattan.

(Title 18, United States Code, Sections 970 and 2.)

COUNT TEN

The Grand Jury further charges:

On or about December 28 and December 29, 1978, in the Southern District of New York. EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, and others to the Grand Jury known and unknown unlawfully, willfully, and knowingly attempted to and did transport and receive in interstate and foreign commerce explosives with the knowledge and intent that they would be used to kill, injure, and intimidate individuals and unlawfully to damage and destroy buildings, vehicles, and other real and personal property, to wit, the defendant and others to the Grand Jury known and unknown transported bombs from New Jersey to New York, New York which were used to bomb Avery Fisher Hall at Lincoln Center for the Performing Arts and the Cuban Mission to the United Nations, which bombs caused personal injuries.

(Title 18, United States Code, Sections 844(d) and 2.)

COUNT ELEVEN

The Grand Jury further charges:

On or about March 25, 1979, in the Eastern District of New York, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, and others to the Grand Jury known and unknown unlawfully, willfully, and knowingly with intent to damage, destroy, disable, and wreck civil aircraft used, operated, and employed in interstate, overseas, and foreign air commerce, willfully placed and caused to be placed destructive substances in, upon, and in proximity to such aircraft and cargo carried and intended to be carried on such aircraft, and, with like intent, willfully set fire to, damaged, destroyed, disabled, and wrecked, and placed and caused to be

placed destructive substances in, upon, and in proximity to structures, stations, depots, terminals, ramps, landing areas, and facilities, warehouses, and property used and intended to be used in connection with the operation, loading, and unloading of such aircraft and making such aircraft ready for flight, and otherwise made and caused to be made such structures, stations, depots, terminals, ramps, landing areas, and facilities, warehouses, and property unworkable, unusable, and hazardous to work and use, to wit, defendant AROCENA and others to the Grand Jury known and unknown placed a time bomb containing high explosives in luggage that they checked as cargo aboard a Trans World Airlines flight from JFK International Airport, such bomb exploding in, and causing substantial damage to, facilities, locations, and property of the above-described types.

(Title 18, United States Code, Sections 32 and 2.)

COUNT TWELVE

The Grand Jury further charges:

On or about March 25, 1979, in the Southern and Eastern Districts of New York, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, unlawfully, willfully, and knowingly received and possessed a destructive device type of firearm, to wit, an explosive bomb, which was not registered to him in the National Firearms Registration and Transfer Record.

(Title 26, United States Code, Sections 5861(d), 5845(a)(8), 5845(f)(1)(A), 5871; Title 18, United States Code, Section 2.)

COUNT THIRTEEN

The Grand Jury further charges:

On or about December 7, 1979, in the Southern District of New York, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, and others to the Grand Jury known and unknown, unlawfully, willfully, and knowingly attempted to and did injure, damage, and destroy real and personal property located within the United States and belonging to and utilized and occupied by a foreign government and international organization and by a foreign official and official guest, to wit, the defendant and others to the Grand Jury known and unknown bombed the Cuban Mission to the United Nations, located in Manhattan.

(Title 18, United States Code, Sections 970 and 2.)

COUNT FOURTEEN

The Grand Jury further charges:

On or about December 7, 1979, in the Southern District of New York, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, unlawfully, willfully, and knowingly received and possessed a destructive device type of firearm, to wit, an explosive bomb, which was not registered to him in the National Firearms Registration and Transfer Record.

(Title 26, United States Code, Sections 5861(d), 5845(a)(8), 5845(f)(1)(A), 5871;  
Title 18, United States Code, Section 2.)

COUNT FIFTEEN

The Grand Jury further charges:

On or about December 7, 1979, in the Southern District of New York, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, and others to the Grand Jury known and unknown unlawfully, willfully, knowingly, and maliciously attempted to and did damage and destroy, by means of an explosive, a building, to wit, the Cuban Mission to the United Nations in Manhattan, and other real and personal property used in interstate and foreign commerce and in activities affecting interstate and foreign commerce, with personal injuries resulting.

(Title 18, United States Code, Sections 844(i) and 2.)

COUNT SIXTEEN

The Grand Jury further charges:

On or about December 11, 1979, in the Southern District of New York, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, and others to the Grand Jury known and unknown unlawfully, willfully, and knowingly attempted to and did injure, damage, and destroy real and personal property located in the United States and belonging to and utilized by a foreign government and international organization and by a foreign official and official guest, to wit, the defendant and others to the Grand Jury known and unknown bombed the Soviet Mission to the United Nations, located in Manhattan.

(Title 18, United States Code, Sections 970 and 2.)

COUNT SEVENTEEN

The Grand Jury further charges:

On or about December 11, 1979, in the Southern District of New York, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, unlawfully, willfully, and knowingly received and possessed a destructive device type of firearm, to wit, an explosive bomb, which was not registered to him in the National Firearms Registration and Transfer Record.

(Title 26, United States Code, Sections 5861(d), 5845(a)(8), 5845(f)(1)(A), 5871; Title 18, United States Code, Section 2.)

COUNT EIGHTEEN

The Grand Jury further charges:

On or about December 11, 1979, in the Southern District of New York, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, and others to the Grand Jury known and unknown unlawfully, willfully, knowingly, and maliciously attempted to and did damage and destroy, by means of an explosive, a building, to wit, the Soviet Mission to the United Nations in Manhattan, and other real and personal property used in interstate and foreign commerce and in activities affecting interstate and foreign commerce, with personal injuries resulting.

(Title 18, United States Code, Sections 844(i) and 2.)



COUNT NINETEEN

The Grand Jury further charges:

On or about January 13, 1980, in the Southern District of New York, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, unlawfully, willfully, and knowingly aided and abetted others to the Grand Jury known and unknown in maliciously attempting to, and succeeding in, damaging and destroying, by means of an explosive, a building, to wit, the Aeroflot Airlines ticket offices in Manhattan, and other real and personal property used in interstate and foreign commerce and in activities affecting interstate and foreign commerce.

(Title 18, United States Code, Sections 844(i) and 2.)

COUNT TWENTY

The Grand Jury further charges:

On or about January 13, 1980, in the Southern District of New York, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, unlawfully, willfully, and knowingly aided and abetted others to the Grand Jury known and unknown in receiving and possessing a destructive device type of firearm, to wit, an explosive bomb, which was not registered to any of them in the National Firearms Registration and Transfer Record.

(Title 26, United States Code, Sections 5861(d), 5845(a)(8), 5845(f)(1)(A), 5871; Title 18, United States Code, Section 2.)

COUNT TWENTY-ONE

The Racketeering Conspiracy

The Grand Jury charges:

The Criminal Enterprise: Its Object and Means

1. At all times relevant to this Indictment, the defendant EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," and other individuals known and unknown to the Grand Jury were members and associates of "Omega 7," which was an "enterprise" as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact to engage in various criminal activities including (a) acts and threats involving murder, kidnaping, arson, extortion, and dealing in narcotic and other dangerous drugs, which acts and threats are chargeable under State law and punishable by imprisonment for more than one year; (b) acts which are indictable under Title 18, United States Code, Sections 891 and 894 (relating to extortionate credit transactions), Section 1951 (relating to extortion), and Section 1952 (relating to racketeering); and (c) offenses involving the felonious importation, receiving, concealment, buying, selling, and otherwise dealing in narcotic and other dangerous drugs, punishable under laws of the United States.

2. Among the objects of the "Omega 7" criminal enterprise were that the defendant EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," together with his co-racketeers, would and did seek to raise, and did in fact raise, money to carry out international terrorist activities, and that the defendant, together with his co-racketeers, would and did carry out international terrorist activities, which would and did include acts of terror and violence against persons and property.

3. Among the means utilized by the defendant and his co-racketeers in conducting the affairs of the "Omega 7" criminal enterprise were the following:

A. The defendant and his co-racketeers would commit and did attempt to commit contract murder, kidnaping, arson, extortion, and illegal dealing in narcotic and other dangerous drugs in exchange for funds used and to be used to finance "Omega 7" international terrorist activities.

B. The defendant and his co-racketeers would commit and did attempt to commit murders and arson against persons and property located within the United States.

4. From in or about January 1981 to in or about December 1982, in the Southern District of New York and elsewhere, the defendant EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," together with others known and unknown to the Grand Jury, being associated with the above-described criminal enterprise which was engaged in and the activities of which affected interstate and foreign commerce, did unlawfully, willfully, and knowingly combine, conspire, confederate, and agree to violate provisions of Title 18, United States Code, Section 1962, Subsection (c), namely, to conduct and participate, directly and indirectly, in the conduct of the affairs of that enterprise through a pattern of racketeering activity as set forth in Paragraph 5 of this Count.

### The Pattern of Racketeering

5. In conspiring to conduct the affairs of their criminal enterprise through a pattern of racketeering activity, the defendant agreed with his co-racketeers to commit at least two actions of any one or more of the following types: acts and threats involving murder, kidnaping, arson, extortion, and dealing in narcotic and other dangerous drugs, which acts and threats are chargeable under State law and punishable by imprisonment for more than one year; acts indictable under Title 18, United States Code, Sections 891 and 894 (relating to extortionate credit transactions), Section 1951 (relating to extortion), and Section 1952 (relating to racketeering); and offenses involving the felonious importation, receiving, concealment, buying, selling, and otherwise dealing in narcotic and other dangerous drugs, punishable under laws of the United States; the foregoing acts and threats agreed to by the defendant and his co-racketeers consisted of the following:

A. To kidnap and murder Luis Fuentes, in or about 1981 and 1982, pursuant to an oral contract with an individual who agreed to give money to the defendant and to "Omega 7" in return for the kidnaping and murder of Fuentes.

B. To commit arson of an automobile, and extortion, of Hugo Romero, in or about 1981 and 1982, in order to punish Romero for prior failure to pay, and in order to induce Romero to pay, money that Romero owed to a dealer of narcotic and other dangerous drugs who agreed to give money to the defendant and to "Omega 7" in return for these activities.

C. To commit extortion of Oscar Dario, in or about 1981 and 1982, in order to induce Dario to pay money that Dario owed to a dealer of narcotic and other dangerous drugs who agreed to give money to the defendant and to "Omega 7" in return for the extortion.

D. To murder Raymond Vanyo, in or about 1981 and 1982, pursuant to an oral contract with an individual who agreed to give money to the defendant and to "Omega 7" in return for that murder.

E. To deal in narcotic and other dangerous drugs, to wit, by supplying drug dealers, during or about 1981 and 1982, with illegal and unregistered weapons and silencers, in return for funds for the defendant and "Omega 7."

F. To commit arson, by bombing, of the Mexican Consulate located at 8 East 41st Street, New York, New York, on or about September 12, 1981.

G. To commit arson, by bombing, of the Mexican Consulate located at 444 Brickell Avenue, Suite 418, Miami, Florida, on or about September 11, 1981.

H. To commit arson, by incendiary device, of the offices of Replica Magazine, 2994 N.W. 7th Street, Miami, Florida, on or about September 11, 1981.

(Title 18, United States Code, Sections 1961, 1962(d).)

COUNT TWENTY-TWO

The Grand Jury further charges:

On or about September 12, 1981, in the Southern District of New York, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, and others to the Grand Jury known and unknown, unlawfully, willfully, and knowingly attempted to and did injure, damage, and destroy real and personal property located within the United States and belonging to and utilized and occupied by a foreign government and international organization and by a foreign official and official guest, to wit, the defendant and others bombed the Mexican Consulate in Manhattan.

(Title 18, United States Code, Sections 970 and 2.)

COUNT TWENTY-THREE

The Grand Jury further charges:

On or about September 12, 1981, in the Southern District of New York, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, and others to the Grand Jury known and unknown unlawfully, willfully, knowingly, and maliciously attempted to and did damage and destroy, by means of an explosive, a building, to wit, the Mexican Consulate in Manhattan, and other real and personal property used in interstate and foreign commerce and in activities affecting interstate and foreign commerce.

(Title 18, United States Code, Sections 844(i) and 2.)

COUNT TWENTY-FOUR

The Grand Jury further charges:

On or about September 12, 1981, in the Southern District of New York, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, unlawfully, willfully, and knowingly received and possessed a destructive device type of firearm, to wit, an explosive bomb, which was not registered to him in the National Firearms Registration and Transfer Record.

(Title 26, United States Code, Sections 5861(d), 5845(a)(8), 5845(f)(1)(A), 5871; Title 18, United States Code, Section 2.)

COUNT TWENTY-FIVE

The Grand Jury further charges:

1. On or about September 2, 1982, in the Southern District of New York, the defendant EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," having been called to appear as a witness before a Grand Jury of the United States, to wit, the March 1982 Additional Grand Jury Number 2, which was duly impanelled and sworn in the United States District Court for the Southern District of New York and which was investigating possible violations of the Federal criminal laws, and having duly taken an oath as a witness that he would testify truthfully before the Grand Jury, did unlawfully, knowingly, and willfully, and contrary to said oath, make false material declarations during a proceeding before said Grand Jury, well knowing at the time that he made these false declarations that they were in fact false.

2. During defendant AROCENA's appearance before the Grand Jury, the Grand Jury was investigating, among other things, conspiracies, assaults on foreign officials within the United States, murder and attempted murder of foreign officials within the United States, and destruction of foreign government property within the United States, committed by an international terrorist group called "Omega 7," in violation of Title 18, United States Code, Sections 371, 112, 1116, 1117, and 970.

3. At the time of defendant AROCENA's appearance before the Grand Jury, it was material to the investigation to determine (a) whether defendant AROCENA had himself participated in any of the aforementioned types of crimes; (b) who else who had participated in such crimes; (c) how such crimes were committed; and (d) how "Omega 7" had obtained funds to finance its international terrorist activities.

4. At the aforesaid time and place, defendant AROCENA, appearing as a witness before the Grand Jury, made false material declarations under oath with respect to the aforesaid material matters as follows:

[False declarations or answers are underlined.]

From 10:05 a.m. session, transcript pages 25-26:

Q Now, have you ever heard of Omega 7?

A Yes.

Q And what is Omega 7?

A Well, what the papers say and the TV and radio say.

Q And what do you understand Omega 7 to be?

A According to the newspapers, it is a secret organization of Cubans who are fighting communism and fighting for the liberation of Cuba.

Q Do you have any knowledge of Omega 7 besides what you have read in the newspapers?

A No.

Q All right. I'm going to ask that question again, but I want to advise you that you are testifying under oath and that a false answer to a material question would, could constitute perjury for which you could be prosecuted criminally.

Do you have knowledge of Omega 7 other than what you have read in the newspapers?

A No.

Q Has anyone ever told you that they participated in any act on behalf of Omega 7?

A No.

Q Has anybody ever told you that they gave money in support or for Omega 7?

A No.

Q Have you ever participated in an act for which Omega 7 has claimed credit?

A No.



Q Have you ever given any money to Omega 7?

A No.

Q Have you ever raised any money for Omega 7?

A No.

Q Have you ever collected or turned over any money to or for Omega 7?

A No.

Page 26:

Q Now, do you know anyone or any group who was known to use the name Omar, O-m-a-r?

A No.

Pages 27-28:

Q Now, have you ever rented an automobile that was used in an Omega 7 activity?

A No.

Q Have you ever rented an automobile that was used for any criminal purposes?

A No.

Pages 29-31:

Q Now, did you ever discuss at any time with Pedro Remon any bombings or any murders or assassinations of anybody?

A No.

Q And did you ever discuss with Pedro Remon any criminal activities of any sort?

A No.

Q Did you ever discuss Omega 7 with Pedro Remon?

A No.

Q Did you ever discuss Ambassador Roa with Pedro Remon?

A No.

Q Did you ever discuss Felix Garcia with Pedro Remon?

A No.

Q Do you know who Felix Garcia is or was?

A I have no idea. It could have been — no, I really have no idea.

Q Are you aware that a gentleman who worked for the Cuban Mission named — well, just a gentleman who worked for the Cuban Mission who was a driver for the Ambassador was murdered within the past couple of years?

A That I remember reading about, yes.

Q Other than what you have read, do you have any knowledge about that murder?

A No.

Q Did you ever discuss it with Pedro Remon?

A No.

Q Did you ever discuss the murder of Eulalio Megrin [sic] with Pedro Remon?

A No.

Q Do you know who Mr. Megrin [sic] was?

A Yes, also by the newspapers I heard about it.

Q What do you know about Mr. Megrin [sic]?

A Just what the newspapers said, that he was a controversial type of person, a person who was working for Castro.

Q And do you know what happened to him?

A I think he was killed, wasn't it?

Q All right. And do you have any personal knowledge about the killing of Mr. Megrin [sic]?

A No.

Q All right. Do you know an individual named Eduardo Ochoa?

A Yes.

Q And how do you know him?

A He was the person who was in charge of the insurance for my car and also the insurance on my home.

Q And have you ever discussed Omega 7 or any criminal activities with Mr. Ochoa?

A No.

Page 32:

Q Do you know Edward [sic] Losada, also known as Edward [sic] Losada Fernandez?

A Yes.

Q And how do you know him?

A He has a store right opposite the place where I used to have breakfast.

Q And have you ever discussed Omega 7 with him?

A No.

Q Have you ever discussed any criminal activities with him?

A No.

Pages 33-34:

Q I just want to make sure that you understand that when I say criminal activities I'm including, among other things, bombings and murders. Do you understand that?

A Yes, that is correct. I understand.

Q Do you know Alberto Perez?

A I don't think so.

Q Do you know Andres Garcia.

A I know a Garcia who works on the docks. He might not be the same one.

Q And the Garcia that you know from the docks, have you ever discussed Omega 7 or any criminal activities with him?

A No.

Page 34:

Q Do you know Ramone [sic] Sanchez or Ramone [sic] Sol [sic] Sanchez?

A I've heard about him.

Q Have you ever met him or spoken to him?

A Lately when this thing about the papers and the subpoenas, I saw him. I saw him.

Q And what did you discuss with him?

A The dates which I was supposed to come here.

Q And how did you know who he was?

A I didn't know who he was, but he knew who I was.

Q In other words, until he contacted you within the last month or so you had never met or heard of Ramone [sic] Sanchez?

A I don't think so.

Page 41:

Q Now, do you know anybody who has ever owned or had Mac 10 machine gun?

A No.

Q Have you ever used the name A. Medina?

A No.

From 1:10 p.m. session, transcript page 7:

Q Mr. Arocena, I remind you that you are testifying under penalty of perjury.

A I am conscious of that all the time, and that is why I am trying to be very exact in my answers. I want to cooperate as much as I can.

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Pages 17-18:

Q Now, you will recall this morning I asked you whether you had ever used a name A. Medina.

A Yes.

Q And do you recall at that time you said you had never used that name?

A Yes.

MR. TABAK: I am going to ask the court reporter to mark as Exhibit 7 a photocopy of an Eastern Airlines ticket No. 007447984922, as Grand Jury Exhibit 7.

(So marked.)

Q Now I am going to show you this exhibit, which is a copy of an Eastern Airlines ticket from a flight from New York, Newark to Miami, Florida in the name of Mr. A. Medina. I am going to ask you if you used that ticket.

A No.

Q Did you buy that ticket?

A No.

Q Did you ever travel using the name A. Medina for a ticket that you were buying at any time?

A No.

Page 22:

Q Now, have you ever been trained in explosives or use of explosives?

A No.

Page 23:

Q Now, have you ever had any contact with any explosives?

A No.

Pages 23-24:

A Yes, I did meet somebody from Argentina.

Q And who is that?

A Guillermo Lemans [sic].

Q When did you meet with him?

A We haven't met personally. I've had several phone conversations relating to the business of the corporation, my corporation.

Q So you've never met him personally?

A No.

Q Have you ever met personally anybody else from Argentina?

A I can't recall anyone else at this moment.

Q Now, I direct your attention back to September of 1980, to the period after these rental cars were returned, and in between your two trips to Florida. Are you aware that during the period in between your two trips to Florida that Pedro Remon was arrested in Belleville, New Jersey?

THE INTERPRETER: Belleville?

MR. TABAK: B-e-l-l-e-v-i-l-l-e.

A I did hear a rumor about that, yes.

Q All right. And were you aware that Eduardo Losada was also arrested at the same time in Belleville?

A Yes, I heard about that.

Q Did you drive them to Belleville?

A No.

Q Were you with them in Belleville at that time?

A No.

Page 26:

Q I'm going to show you Exhibit 8 and ask if this is your signature and if this is the car that you rented on or about March 25, 1980.

A It is my signature. Yes, it is my signature.

Q Was this rental car used in any way in relation to the planting of the bomb under the car of Ambassador Roa?

A No.

Page 29:

Q Do you have any knowledge about the bombing of the Mexican Consulate on September 12, 1981, at approximately 1:40 in the morning?

A If I would recall anything about that, it would be only what I have read in the papers.

Q Do you have any personal knowledge of the bombing of that Mexican Consulate on September 12th, 1981?

A No.

Q Did you — do you know anybody who participated in that bombing?

A No.

Page 30:

Q Did you participate in any way in the planning or the carrying out of the murder of Mr. Negrin?

A No.

Q Do you know anybody who participated in the murder of Mr. Negrin?

A No.

Pages 31-32:

Q Now, I want to make sure that you don't have any doubt about one of the questions I've asked you a couple of times, and I remind you again that if you testify falsely before the Grand Jury that that could be a criminal offense for which you can be prosecuted.

Did you ever purchase a ticket under the name Medina or travel under the name Medina?

A Not that I recall.

Q Are you saying that it's possible that you did it?

A I don't think so.

Q I'm showing you again Exhibit 7, which is the airline ticket, A. Medina, which is from about one year ago. Did you use that ticket or purchase that ticket?

A I don't recall ever using that name or using that ticket. I've always used my name. I've always used my credit cards.

Q You've always used your own name?

A Yes, always.

Q So, therefore, you never used the name Medina when you traveled?

A No.

Q And in particular, you did not buy and you did not use that ticket?

A No.

Q In other words, your testimony is — is it correct that your testimony is that you did not buy and you did not use that ticket?

A Yes, that's correct.

Q And you have no doubt about that?

A I have no doubts.

Page 34:

Q Do you know who Alvin Ross Diaz is?

A Yes, he is a member of one of those groups, and I've seen him in the newspapers.

Q Have you ever spoken to him?

A I don't recall it.

(Title 18, United States Code, Section 1623.)



## COUNT TWENTY-SIX

The Grand Jury further charges:

1. From on or about September 1, 1982 until the date of the filing of this indictment, in the Southern District of New York and elsewhere, EDUARDO AROCENA, a/k/a "Omar," "Napoleon," "Andres," "Alejandro Medina," "Victor," the defendant, and others to the Grand Jury known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to commit offenses against the United States, to wit, to violate Title 18, United States Code, Sections 1503 and 1623.

2. Among the parts and objects of said conspiracy were that the defendant and others to the Grand Jury known and unknown would and did unlawfully, willfully, and knowingly (a) corruptly and by threats and force, and by threatening letters and communications, influence, obstruct, and impede, and endeavor to influence, obstruct, and impede, the due administration of justice; and (b) under oath in proceedings before a Grand Jury of the United States knowingly make false material declarations; in violation of Title 18, United States Code, Sections 1503 and 1623.

### OVERT ACTS

In furtherance of said conspiracy and to effect the objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

1. On or about September 2, 1982, which was the date on which defendant AROCENA appeared before the Grand Jury, bombs were placed in Miami, Florida and responsibility was publicly claimed by "Omega 7," by individuals whom defendant AROCENA had procured for those purposes.

2. Between approximately October 1, 1982 and July 22, 1983, during which period defendant AROCENA was a fugitive from justice, defendant AROCENA received regular reports from various individuals including members of "Omega 7," of questions and answers being spoken before the Federal Grand Jury in Manhattan investigating "Omega 7" crimes.

3. From on or about September 2, 1982 until the date of the filing of this indictment, numerous members of "Omega 7" knowingly made false material declarations under oath before the Grand Jury as well as in interviews with Special Agents of the Federal Bureau of Investigation.

4. On or about January 11, 1983 and January 12, 1983, bombs were placed, on the initiative of defendant AROCENA, in Miami, Florida and responsibility was claimed publicly by "Omega 7."

5. On or about January 12, 1983, defendant AROCENA, from a pay telephone, placed a telephone call to Special Agent Larry Wack of the Federal Bureau of Investigation, during which telephone call defendant AROCENA complained that the Government was creating "too much pressure" and stated that he and his "guys" were responsible for the Miami, Florida bombings.

(Title 18, United States Code, Section 371.)

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FOREPERSON

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RUDOLPH W. GIULIANI  
United States Attorney