

1 Gentlemen, I will ask that the interpreter
2 be separately sworn. He was given the oath, but that was
3 to testify truthfully.

4 (Broch de Rothermann was duly sworn as acting
5 official French-English interpreter.)

6 - -
7 HUBERT LASSIER, called as a witness

8 by the Government, being first duly sworn, testified
9 through the interpreter, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. TABAK:

12 Q Mr. Lassier, what is your occupation?

13 A (Through the interpreter) I am a journalist.

14 Q Who do you work for?

15 A I am a free-lance journalist, and I work for
16 Paris Match.

17 Q What are some of the publications that have
18 published articles that you have written?

19 A I have worked for many different magazines,
20 such as Figaro in France, for German magazines, for Italian
21 periodicals, and I even work for American periodicals.

22 Q Have you ever written any articles about
23 terrorism?

24 A Yes; I did write several.

25 Q What are some of the groups you have written

1 about?

2 THE INTERPRETER: What groups of terrorists
3 did you write about?

4 A I wrote on Irish groups, on Basque groups,
5 on a number of South American terrorist groups, on
6 Irish --

7 Q Do you speak or understand to some degree any
8 languages other than French?

9 A I certainly speak French the best of all, but
10 I do understand a little bit of English, and I speak more
11 or less a little bit of Spanish.

12 Q Now, I direct your attention to December of
13 1981. Did you travel to any place at that time?

14 A Yes, indeed.

15 Q Where did you go?

16 A To the Argentines.

17 Q Why did you go to Argentina in December of
18 1983?

19 A Because it is sunny down there and because I
20 was to meet a gentleman by the name of Spagieri.

21 Q Can you spell Mr. Spagieri's name?

22 A S-p-a-g-i-e-r-i.

23 Q Who is Mr. Spagieri?

24 MR. AGUILAR: Your Honor, I would object to this
25 question as not being of any relevance to this particular

1 trial.

2 THE COURT: Unless the interview is connected
3 up, Mr. Tabak, with Mr. Arocena and/or Omega 7, I would
4 think its relevance is doubtful?

5 MR. TABAK: It is my understanding it is going
6 to be connected up in a few minutes, your Honor:

7 THE COURT: Well, I am going to take it subject
8 to connection. I do hope you are able to make the con-
9 nection, because at the moment my thoughts are much the
10 same as counsel's, but I will allow you to proceed on the
11 basis of connecting it up.

12 A Mr. Spagieri is a gentleman who managed to
13 steal six billions French francs from a bank in Niece by
14 passing through the canalizations.

15 Q What is Mr. Spagieri's current legal status, if
16 you know?

17 A He is a fugitive from justice.

18 Q Have you written articles about Mr. Spagieri
19 which have been published?

20 A Yes; I did, indeed.

21 Q While you were in Argentina, did Mr. Spagieri
22 introduce you to anybody?

23 A Yes. I met through Mr. Spagieri during an
24 evening party a gentleman who wanted to be called Humberto
25 and other people who belonged -- who said they belonged to

1 an organization called Omega 7.

2 Q Now, is Humberto spelled H-u-m-b-e-r-t-o?

3 A I spell it H-u-m-b-e-r-t-o.

4 Q Did you hear anybody referring to this
5 gentleman, Humberto, by any other name?

6 A Yes, indeed. During that evening I heard
7 several other people call this same person Ignacio.

8 Q Is that I-g-n-a-c-i-o?

9 A Yes; it is.

10 Q Do you recall the first name of anybody else
11 who was present at the time you were introduced?

12 A I believe there was another person by the name
13 of Freddy.

14 Q Was there any particular reason, to your
15 knowledge, why you were being introduced to this gentleman,
16 Humberto Ignacio?

17 A Yes, they knew that I was a journalist, and
18 they were interested and asked me whether I might be
19 interested in writing an article about the organization
20 and about their doings in Miami.

21 Q Now, I direct your attention to February 1982.
22 Did you travel anywhere at that time?

23 A Yes; I did travel during that time, and I
24 actually traveled to Miami.

25 Q What was the purpose of your trip to Miami?

1 A It was with the objective to meet members
2 of the Omega 7 organization and to participate in one of
3 their activities.

4 Q Were you told in advance what the activity
5 would be?

6 MR. AGUILAR: Objection, your Honor.

7 THE COURT: Just answer yes or no.

8 A Yes.

9 Q When you arrived in Miami, were you expecting
10 to travel to any particular location from there?

11 A Yes.

12 Q Where were you planning to travel?

13 A Cuba.

14 Q Were you expecting to travel with anybody to
15 Cuba?

16 A Yes. I was told that we could --

17 MR. AGUILAR: Objection, your Honor.

18 THE COURT: Sustained.

19 The question is, did you intend to travel to
20 Cuba with anyone else? Yes or no.

21 THE WITNESS: (In English) Yes.

22 Q And what types of individuals did you expect to
23 travel with?

24 A I don't know. I was told that it would be with
25 members of Omega 7.

1 Q Now, did anybody accompany you to Miami in
2 February of 1982?

3 A Yes.

4 Q Who was that?

5 A It's a colleague of mine, my cameraman, by
6 the name of Arnauld Hamelin.

7 Q Now, what happened when you were in Miami in
8 February of 1982?

9 A A member of Omega 7 came to visit me at the
10 hotel in which I was residing.

11 Q Did you recognize that gentleman?

12 A I do believe that it was the same person that
13 I met in Argentina, and I say that fairly positively,
14 because he as the one who immediately recognized me, and
15 his face was familiar to me.

16 THE COURT: Is that the person you knew by the
17 name of Humberto or Ignacio?

18 THE WITNESS: Yes.

19 Q Now, did you go anywhere in the Miami area
20 with that gentleman?

21 A Yes. We were taken in a small car. We then
22 changed into a small van, in which nothing could be seen,
23 and we were taken in that van to a warehouse, a sort of
24 warehouse.

25 Q What happened at the warehouse?

1 A When we arrived at the warehouse, there were
2 a number of people who were all masked, with hoods.
3 We were taken to a small office, in which there was a
4 person who was completely clad in black, also wearing a
5 hood, and we were told that it was one person by the
6 name of Omar, who headed Omega 7.

7 THE COURT: You wer told he was the chief; is
8 that your testimony?

9 THE WITNESS: He was -- we were told he was
10 the chief of Omega 7.

11 Q Now, you said that this Omar was all dressed
12 in black?

13 THE COURT: With a hood.

14 MR. TABAK: Yes.

15 Q (Continuing) Were you able to observe any
16 color when you looked at this person?

17 A The only thing that I was able to observe were
18 his eyes. He had two, and they were very pale.

19 Q And do you recall what color they were?

20 A I believe they were greenish blue.

21 Q Now what then happened in the warehouse?

22 A Yes. I made an interview with Omar, who told
23 us about his organization, Omega 7, the objectives of the
24 organization, and when we asked him about the trip to Cuba
25 he said that the trip to Cuba would not take place, and we

1 were very disappointed.

2 Q Did you notice any other people at the
3 meeting?

4 A Yes. There was the man who brought us there,
5 Humberto Ignacio, and there were a number of other persons,
6 who were all masked, with hoods.

7 Q Were any of those people carrying anything?

8 A Yes. They were wearing weapons.

9 THE COURT: They were carrying --

10 THE WITNESS: They were carrying weapons, not
11 wearing.

12 THE INTERPRETER: Sorry.

13 Q Did the cameraman, Mr. Hamelin, do anything at
14 this warehouse?

15 A Yes. We took photographs. Mr. Hamelin
16 made a film, and I registered a taped interview.

17 Q Now, after this interview session was over,
18 where did you go?

19 A We were very disappointed, because the
20 expedition which was our main objective in making this
21 trip didn't take place, and we returned to France, and we
22 tried to sell the material that we had gathered during
23 that interview, and we were unable to do so, because no one
24 was interested, so we finally discarded all the material.

25 Q Now, thereafter, in 1983, did you have any

1 further contact of any kind with Omar?

2 A Did you say 1983?

3 THE COURT: Yes. That is what he said.

4 Q Yes.

5 A Yes. He did write to me several letters.

6 Q Did you save each and every one of those
7 letters?

8 A No; I did not keep all of them, but I kept
9 one, which as a matter of fact I did give and surrender
10 to the United States Government.

11 Q I am now going to show you Government's Exhibits
12 14, 15, 16 and 17 for identification.

13 A Yes.

14 Q Do you recognize those items?

15 A Yes, absolutely.

16 Q What are they?

17 A They are propaganda leaflets and communications
18 from the Omega 7.

19 Q Are these the ones that you received that you
20 held onto?

21 A Absolutely.

22 MR. TABAK: Government offers Exhibits 14, 15,
23 16 and 17 in evidence.

24 MR. AGUILAR: Can I just look at them?

25 THE COURT: Certainly.

1 (Pause.)

2 MR. AGUILAR: No objection.

3 THE COURT: Government's Exhibits 14 through
4 17 are received, with no objection.

5 (Government's Exhibits 14, 15, 16 and 17 for
6 identification were received in evidence.)

xx 7 THE COURT: Just for clarification, referring
8 to Exhibits 14 through 17, did you receive them when you
9 went to Miami or did you receive them when you received
10 several letters the following year?

11 THE WITNESS: I received them in the mail in
12 Paris.

13 THE COURT: Where is Neville?

14 THE WITNESS: I don't understand.

15 MR. TABAK: Your Honor, I think that is a
16 misprint. It should be Neuille.

17 THE COURT: Where is Neuille?

18 THE WITNESS: Neuille is a region in Paris.

19 THE COURT: Is that where you lived in 1983?

20 THE WITNESS: (In English) Exactly.

21 A (Through the interpreter) Yes.

22 Q I now show you Government's Exhibit 13 for
23 identification.

24 Do you recognize those two photographs?

25 A Yes.

1 Q And from where do you recognize the items
2 that are Exhibit 13?

3 A I recognize them because I received them at
4 my private residence in Neuille, together with a letter
5 from Omar, in which he tells me, "Now I am sending you
6 a photograph of myself with my face exposed so that you
7 may publish it together with an article in the French
8 press."

9 Q Now, what did you do eventually with what is
10 now Government's Exhibit 13 for identification?

11 A I did not do anything with this material as
12 such in Europe, because I was unable to find anyone
13 interested in this particular article.

14 Q And what eventually happened with those photo-
15 graphs?

16 A When the U. S. Government graciously invited
17 me to answer some questions and to come over here, they
18 asked me whether I had any material, and I told them about
19 these photographs and gave them to them.

20 Q Now, are those photographs in the exact same
21 condition as they were when you first received them in
22 the mail?

23 A No. They were in a much better condition
24 when I surrendered them to the representatives of the
25 U. S. Government, and someone really blemished them and

1 destroyed them. I would say that this person didn't
2 do a good job.

3 Q Do you have any understanding of what type
4 of treatment they received?

5 A (In English) I am not really a specialist.
6 I don't know.

7 THE COURT: Somebody did something to them?

8 THE WITNESS: But I don't know what.

9 Q Do those photographs, insofar as they depict
10 any faces, appear similar to the way they were when you
11 did receive them and turned them over to the Government
12 of the United States?

13 A Absolutely, yes.

14 MR. TABAK: Government offers Exhibit 13 in
15 evidence.

16 MR. AGUILAR: No objection, your Honor.

17 THE COURT: Received.

18 (Government's Exhibit 13 for identification
19 was received in evidence.)

ET5

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(Continued on the next page.)

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1 MR. RABAK: I would like to show Exhibit 13 to
2 the jury, your Honor, the two photographs.

3 THE COURT: You may hand it to the juror in
4 seat No. 1.

5 MR. TABAK: Thank you, your Honor.

6 THE INTERPRETER: Your Honor, the witness asked
7 me what could have happened, and since I had told that
8 they had been tested for fingerprinting, he said, "Now
9 I understand what happened."

10 THE COURT: Very well.

11 (Pause)

12 THE COURT: You may proceed, Mr. Tabak.

13 MR. TABAK: Thank you.

14 I have no further questions.

15 THE COURT: You may cross-examine, Mr. Fernandez.

16 MR. FERNANDEZ: Thank you, your Honor.

17 CROSS-EXAMINATION

18 BY MR. FERNANDEZ:

19 Q You speak English, right?

20 A I speak better French.

21 Q Mr. Lassier, was it your testimony during direct
22 examination that in February, 1982, you were going to
23 participate in an attack on Cuba?

24 A Yes, I did indeed answer at that time that I was
25 told by members of the organization, Omega 7, of a possible

1 landing and attack on Cuba where some bombs were to be
2 placed before leaving again.

3 Q You were going to be going to Cuba to participate
4 in an attack against Communism or were you doing to Cuba to
5 get a story?

6 A My profession is being a journalist. I do not
7 fight anyone. My profession is to get paid to gather
8 facts, as your profession, as a defense lawyer, is to
9 defend your client.

10 Q Perhaps I didn't understand your answer, but
11 would it be safe to say you went to Cuba to get a story?

12 A I didn't think of Cuba to get a story, but to
13 make a reportage.

14 THE COURT: You were going to go to Cuba and
15 observe certain incidents and events and report them, is
16 that correct?

17 THE WITNESS: Absolutely.

18 Q You indicated that you had an interview with
19 members of Omega 7. What language did you all speak in?

20 A -- Most of the time we spoke in Spanish, which I
21 know more or less when it is spoken slowly, and sometimes
22 there were some words spoken in English.

23 Q You didn't have this interpreter with you, did you?

24 A Unfortunately.

25 Q You took cameras and you took recording equipment

1 to this meeting, did you not?

2 A Yes.

3 Q And your testimony today in this court was that
4 you either got rid of or you taped over or you lost these
5 pictures and/or recordings because they were not important?

6 A Yes, that is quite true. We did discard and we
7 did erase tapes, or threw them away, because there was
8 no interest to be found and this unfortunately happens
9 quite frequently, that we do a reportage that cannot be
10 used.

11 Q How long did you have this interview that you had
12 with the Omega 7 people?

13 A I would say that the interview with the men
14 was presented to us as being called Omar, and lasted for
15 about forty-five minutes.

16 Q During this time, you discussed a lot of the
17 activities that Omega 7 had allegedly done, I assume?

18 A We spoke mainly of the beginnings of Omega 7,
19 of its political objectives, and how it functioned.

20 Q What were the political objectives?

21 A The main objective was to overthrow Castro and
22 to establish, in the words of Omar, of course, a more
23 democratic regime, and I remember they said, "We would go
24 to the very end."

25 Q At this interview, at no time was there an

1 admission to any murders, was there?

2 A No.

3 Q But you had freedom to ask anything you wanted of
4 this Omar?

5 A Yes, entirely free.

6 Q And, in effect, your testimony has been that Omar
7 was the one that wanted to tell you everything about the
8 organization, is that correct?

9 A Yes.

10 Q Did they ask you for money?

11 A No, but, on the contrary, I asked him for some
12 cigars.

13 Q And he probably didn't have any?

14 A No.

15 Q You indicated that you received several items
16 over the mail. What dates did you receive those items over
17 the mail?

18 A I cannot give you exact dates, but I did receive
19 this material in 1983, and it consisted of several
20 letters that were typewritten and were signed "Omar,
21 Chief Commander, Omega 7," and there were any number of
22 excerpts of newspapers which gave some of the history of
23 Omega 7 and some propaganda leaflets.

24 Q Did you have a return receipt or some type of
25 address where these letters were being sent from?

1 A I don't remember that.

2 Q You said you received some photographs I believe
3 sometime after April of 1983, and this was roughly about
4 four to five months after you had seen these people
5 dressed in black.

6 Didn't it surprise you that after so much secrecy
7 you would be receiving pictures of Omar?

8 MR. TABAK: I didn't hear how many months --

9 MR. FERNANDEZ: Roughly four or five.

10 MR. TABAK: I don't think that is the testimony.

11 THE COURT: It would be in my judgment more than a
12 year. He went to Miami in February of '82, and received
13 the photographs sometime in '83, and I believe one of
14 them has a June date on it. That may not mean anything,
15 but I think approximately more than a year would be
16 more appropriate.

17 MR. FERNANDEZ: I stand corrected as to the
18 time frame, but I ask the same question.

19 A Yes, that is a very good question, and I was
20 surprised indeed when receiving these photographs and
21 particularly when I was told that I could use them for
22 press releases in an article, and I imagine that the need
23 for publicity was great enough to do such a thing.

24 Q I believe the date is June, '83.

25 MR. TABAK: Objection. There are no specific

1 months in evidence at this time.

2 THE COURT: There is a document which bears the
3 date. The witness did not recall when he received it.
4 The one item that the court showed the witness, which
5 had a misnamed address, was dated June, 1983.

6 MR. TABAK: Yes. However, I believe the defense
7 has copies of Government's Exhibits 10, 14, 15, 16 and 17.
8 I have the originals here, which would indicate a different
9 date, your Honor.

10 THE COURT: Very well.

11 Rephrase the question, Mr. Fernandez.

12 MR. FERNANDEZ: I will move on to something else,
13 your Honor.

14 THE COURT: All right.

15 MR. FERNANDEZ: I have just a few more.

16 THE COURT: All right.

17 Q Mr. Lassier, are you presently working on a story
18 on Omega 7 at this time?

19 A Not at this time, but one never knows.

20 Q That person in the picture, which I believe is
21 Exhibit 13 and Exhibit 13-A, does he have curly hair?

22 A On the photograph?

23 Q Correct. He doesn't have curly hair, does he?

24 THE COURT: The document is in evidence and
25 speaks for itself.

1 A All I can say is that the photographs I received
2 were the same than these.

3 Q And the person in the picture has no curly hair
4 and no mustache, is that correct?

5 A I believe we see both the same thing, and I do
6 not see this, what you said.

7 Q I am going to show you this person over here and
8 his name is Humberto. This is not the Humberto you spoke
9 to in Argentina, is that correct (indicating)?

10 A If I should say yes, what would happen?

11 Q Something very good would happen.

12 A No.

13 Q You are not really sure, right?

14 A No.

15 Q Did Mr. Ignacio ever give you his last name?

16 A I have no remembrance of any other name.

17 Q You testified that you were invited by the
18 U. S. Government to come to our country for this trial, is
19 that correct?

20 MR. TABAK: I believe the testimony related to the
21 grand jury.

22 A Yes.

23 THE COURT: Well, what about coming to the trial?
24 Did you come here of your own free will?

25 THE WITNESS: I came here voluntarily at the

1 request of the U. S. Government, who wanted to ask me
2 some questions.

3 Q And I believe this is the second or third time
4 that you have come voluntarily?

5 A This is a mistake. It is the fourth time.

6 Q Who has been paying for your trips when you come
7 here?

8 A Not me.

9 Q Our government, right?

10 A The costs are reimbursed by the government.

11 Q About how much is it costing you per trip?

12 THE COURT: It is not costing him. He said he
13 was reimbursed.

14 A I am being reimbursed the cost of the trip.

15 Q That includes the air fare, the hotel, meals, and
16 what have you, incidentals, is that correct?

17 A Yes, that does include all those costs.

18 Q Are you traveling to the United States first
19 class?

20 A Neither in the Concorde nor on first class.

21 Q Oh, the Concorde --

22 THE COURT: Neither in the Concorde nor on first
23 class.

24 Tourist?

25 THE WITNESS: Tourist class.

1 Q How much have the costs which you have been
2 reimbursed been so far?

3 A I just tell you frankly I am not an accountant
4 and I am a journalist and I can't remember.

5 Q But you have received checks?

6 A Yes. I advance the money for my trip, I receive
7 a check here, which I then cash.

8 MR. FERNANDEZ: Thank you.

9 THE WITNESS: Thank you.

10 REDIRECT EXAMINATION

11 BY MR. TABAK:

12 Q Mr. Lassier, when you last came to the United States
13 at the United States Government's request, do you recall
14 a particular incident with the nice lady who gives the
15 reimbursements?

16 A Yes.

17 Q Briefly, what was that?

18 A It is that I apologize, it is a little ridiculous
19 to speak of this, but we claimed some taxes and some costs
20 that were not reimbursed, they refused to reimburse it.

21 Q Was there also some problem about the hotel bill?

22 A Yes. These are sordid details, and I apologize
23 for them, but she questioned that the cost of the hotel was
24 too high and she didn't want to pay.

25 Q Had you booked that hotel yourself?

1 A Certainly not.

2 Q Do you know what the legal rate is that you have
3 been receiving for room and board?

4 THE COURT: In New York?

5 Q In New York, from the marshals?

6 MR. AGUILAR: I object to the form of the question,
7 your Honor.

8 MR. TABAK: I withdraw the question.

9 THE COURT: Very well.

10 Q Mr. Lassier, has it been convenient schedule-wise
11 for you to be here today?

12 THE INTERPRETER: Has he been inconvenienced?

13 THE COURT: Has it been convenient for you to be
14 here today or inconvenient?

15 THE WITNESS: If I have to be quite frank, I
16 must tell you that it was a great inconvenience, because
17 we came from the Gulf of Persia and the Straits of Hormuz.
18 On Friday night, we had to write a report, and on Sunday
19 morning I had to leave for the United States.

20 Q Is it also fair to say that although you had
21 previously come of your own accord, that you were given a
22 subpoena for your trial testimony?

23 A Yes, it was an official subpoena.

24 MR. TABAK: No further questions.

25

1 RECCROSS EXAMINATION

2 BY MR. FERNANDEZ:

3 Q As a result of your dealings with the nice lady,
4 are you a better bookkeeper today than you were two months
5 ago?

6 MR. TABAK: I object on the basis that that is
7 not the testimony about what the problem was.

8 THE COURT: Let's see what his answer is.

9 A I am afraid I shall always be a very bad
10 accountant.

11 MR. FERNANDEZ: Nothing further.

12 MR. TABAK: Nothing further.

13 THE COURT: Thank you. You are excused.

14 (Witness excused)

15 THE COURT: We will take our luncheon recess
16 at this time. Would it be convenient to be back at 2:10?

17 We will take a one-hour luncheon recess, return
18 at 2:10. Please do not discuss the case among yourselves,
19 and continue to keep an open mind.

20 Counsel are excused for the luncheon recess.

21 (Luncheon recess)

22

23

24

25

1 A It was something I read.

2 MR. FERNANDEZ: No further questions.

3 MR. GREEN: No redirect examination, your
4 Honor.

5 THE COURT: You are excused, Ms. Bernhardt.

6 (Witness excused.)

7 MR. GREEN: Government calls Justo Rodriguez.

8 - -

9 J U S T O R O D R I G U E Z - M O N T E N E G R O,

10 called as a witness by the Government, being first
11 duly sworn through the interpreter (Isolina Bernhardt),
12 testified as follows:

13 THE COURT: I would once again remind the
14 interpreter that she has previously been sworn to inter-
15 pret accurately and fairly.

16 THE INTERPRETER: Yes, sir.

17 DIRECT EXAMINATION

18 BY MR. GREEN:

19 Q Mr. Rodriguez, where were you born?

20 A (Through the interpreter) In the City of
21 Cien Fuegos, Cuba.

22 Q Did you go to school in Cuba?

23 A Yes, sir.

24 Q Until what age?

25 A Until I was twenty-one.

1 Q What did you study in your last years in
2 school?

3 A I studied law for two years at the University
4 of Havana.

5 Q When you left school, what did you do?

6 A I went to work to a farm owned by my family.

7 Q And what type of farm was that?

8 A It was a farm where sugarcane was grown and
9 cattle was raised.

10 Q Were you married in Cuba?

11 A Yes, sir.

12 Q In what year?

13 A I got married in 1954.

14 Q Did there come a time in Cuba that you joined
15 a political group?

16 A Yes, sir.

17 Q When was that?

18 A That was in 1954.

19 Q What was the name of that group?

20 A ^{DIRECTORIAL ESTUDIENTES}
Victoria Estudiantes Revolucionario.

21 Q What was the nature of that group?

22 A To overthrow the tyranny of Fulencio Battista.

23 Q And what was your role in that group?

24 A I was an officer for the troops of the ^{DIRECTORIAL}
Victoria Estudiantes Revolucionario.
25

- 1 Q Was that a military office?
- 2 A Yes.
- 3 Q Now, were your group and other groups success-
4 ful in overthrowing Battista?
- 5 A Yes, sir.
- 6 Q And who came to power after Battista?
- 7 A Unfortunately, Fidel Castro.
- 8 Q When was that?
- 9 A In 1959.
- 10 Q What was your view of that?
- 11 A My view was that we have fought for the freedom,
12 equality and brotherhood, and all those rights were denied
13 to our people.
- 14 Q Was there any kind of group that you joined
15 because of your opposition to Castro?
- 16 A Yes.
- 17 Q What was that?
- 18 A MRR.
- 19 Q What does that stand for?
- 20 A Movimiento de Recuperacion Revolucionario.
- 21 Q What was your role in the MRR?
- 22 A I was the deputy coordinator for the southern
23 area of Las Villas.
- 24 Q What type of group was the MRR?
- 25 A It was a military-political group.

1 Q What type of military action did the MRR plan?

2 A An uprising in the hills of Ecamary.

3 Q Did anything happen to you as a result of your
4 membership in the MRR?

5 A Cuba's G-2 was trying to quench the uprising.
6 I was arrested, together with thirty other comrades, and
7 we were sentenced to thirty, twenty and fifteen years
8 of forced labor at the Male Correctional Institution in
9 Isla de Pinas.

10 MR. FERNANDEZ: May we have a time frame or a
11 date for this?

12 MR. GREEN: I was about to do that.

13 Q Mr. Rodriguez, when was it that you were
14 arrested?

15 A I was arrested on November 26, 1960.

16 Q And what sentence did you in particular receive?

17 A Twenty years of forced labor at the prison on
18 Isla de Pinas.

19 Q Did you have any children at the time?

20 A Yes.

21 Q And was that a boy or a girl?

22 A A boy.

23 Q How old was he when you were arrested?

24 A Five years.

25 Q Now, did anything happen to your family as a

1 result of your arrest and conviction?

2 A All our properties were seized.

3 Q Now, you stated that you were sentenced to
4 forced labor. What type of work were you required
5 to do?

6 A In my particular case I was to do agricultural
7 work.

8 Q Did you receive any money for the work you did?

9 A No, sir.

10 Q How did your wife support herself and your son?

11 A My wife began to work as a teacher.

12 Q What did she teach?

13 A Spanish.

14 Q And what were her particular qualifications
15 for that?

16 A My wife has a Ph.D. in education.

17 Q How often were you able to see your wife and
18 son when you were in prison?

19 A Every three or four months.

20 Q How long did each visit last?

21 A Half a day.

22 Q While you were in prison, did there come a time
23 that your son left Cuba?

24 A Yes.

25 Q When was that?

- 1 A It was in April of '69.
- 2 Q How did he leave?
- 3 A Through qhe Catholic church.
- 4 Q And where did he go to?
- 5 A He went to Spain.
- 6 Q And from there where did he go?
- 7 A He went to the United States, where his maternal
- 8 grandparents were living and the ister of my wife.
- 9 Q Did anything happen to your wife as a result
- 10 of your son's leaving Cuba?
- 11 A She was forbidden to continue working as a
- 12 teacher, and she as sent to work to a factory for audio-
- 13 visual resources for educational purposes.
- 14 Q How would you describe your living quarters
- 15 on the farm where you were imprisoned?
- 16 A I think that the honorable jury and the public
- 17 should remember having seen one through the movies or on
- 18 television, what a Nazi concentration camp is like, and
- 19 unfortunately that is what was happening in my mother-
- 20 land.
- 21 Q And were you kept under guard at that time?
- 22 A Yes, sir.
- 23
- 24 (Continued on the next page.)
- 25

ET7

1 Q What year were you released from prison?

2 A I was released in 1976.

3 Q Why were you released before your twenty-year
4 sentence was completed?

5 A Because I was eligible under a law whereby
6 when you serve a fifth of your sentence, you were
7 released on probation, and regardless, it was an escape way
8 to decrease the excessive amount of prisoners that were in
9 Cuba at that time.

10 Q At that point, had you served sixteen years
11 of your sentence?

12 A Yes, sir.

13 Q What did you do in Cuba after you were released?

14 A I began to work for a company under the
15 Ministry of Food.

16 Q Did there come a time that you were allowed to
17 leave Cuba?

18 A Yes, sir.

19 Q What year?

20 A In 1979.

21 Q Why were you allowed to leave?

22 A Because the Committee of the 75 reached
23 an agreement with Fidel Castro whereby he granted a
24 political amnesty.

25 Q With whom did you leave Cuba?

1 A With my wife and with my father, may God rest his
2 soul.

3 Q Where did you go?

4 A I went to live with my son -- excuse me, my
5 wife and I went to live with our son, and my father was
6 living with my sister.

7 Q In what city?

8 A In Miami.

9 Q Have you continued to live in Miami since that
10 time?

11 A Yes, sir.

12 Q What was your first job in Miami?

13 A As a picker in a pharmacy.

14 Q Was that a worker on an assembly line?

15 A Yes, sir.

16 Q What job do you presently have?

17 A At the present time, I am working as a gardener
18 at the Doral Country Club in Miami.

19 Q Mr. Rodriguez, are you familiar with a group
20 called Omega 7?

21 A Yes, sir.

22 Q Sometime after you left your job at the
23 pharmaceutical company, did you become a member of
24 Omega 7?

25 A Yes, sir.

1 Q When was that?

2 A In July of 1981.

3 Q Who was the leader of Omega 7?

4 A My comrade and friend, Eduardo Arocena.

5 Q By what name did you know Mr. Arocena?

6 A By "Victor."

7 Q Do you know why he used the name Victor?

8 A Because it is his second given name.

9 Q Do you see Mr. Arocena in the courtroom
10 today?

11 A Yes, sir.

12 Q Would you tell the jury where he is sitting and
13 what he is wearing?

14 A Behind the prosecutor, Mr. Tabak. He is
15 wearing a gray suit.

16 MR. GREEN: May the record reflect that the
17 witness has identified the defendant Eduardo Arocena?

18 THE COURT: Yes.

19 Q Besides Mr. Arocena, who are the other members of
20 Omega 7 that you worked with?

21 A Gerardo Necuse, Ignacio Gonzalez, and Nestor Gomez.

22 Q Were you after contacted by the FBI concerning
23 Omega 7?

24 A Yes, sir.

25 Q When was the first time you were ever contacted by

1 the FBI?

2 A In June of '82.

3 Q Did you admit to the FBI agents that you were
4 a member of Omega 7?

5 A No, sir.

6 Q Did you tell them the truth about Omega 7?

7 A No, sir.

8 Q Why not?

9 A To protect my comrades.

10 Q When was the next time you were contacted by
11 the FBI?

12 A In December of 1982.

13 Q What was Mr. Arocena's status at that time?

14 A He was a fugitive.

15 Q What were you doing in December of 1982 with
16 respect to Mr. Arocena?

17 A What I was entitled to do, to protect him.

18 Q Where was it that the FBI spoke to you in December
19 of 1982?

20 A At my home.

21 Q On that day, did you tell the FBI the truth
22 about Omega 7?

23 A No.

24 Q Did anything happen while you were talking with
25 teh FBI that day?

1 A Yes.

2 THE COURT: Let the record reflect that we have
3 a substitution of interpreters. Ms. Zevallos is now
4 substituting for Miss Bernhardt.

5 You may proceed.

6 Q What happened while the FBI agents were talking
7 to you at your home?

8 A I received a call from Victor.

9 Q And are you referring to Mr. Arocena?

10 A Mr. Arocena.

11 Q What happened then?

12 A I alerted him to the fact that at that moment
13 two FBI agents were in my home and that they were
14 proposing -- or they were explaining to me their need
15 to see him.

16 Q Why did you alert Mr. Arocena of that?

17 A Because I had to protect him and I did not want
18 them to join me in their minds with Omega 7 at that
19 moment -- to connect me with Omega 7 at the moment --
20 because that would not have been of any aid to my comrade,
21 Victor.

22 Q In 1983, were you subpoenaed to appear before a
23 federal grand jury in New York?

24 THE INTERPRETR: I didn't hear that, sir.

25 THE COURT: In 1983, were you subpoenaed to appear

1 before a federal grand jury in New York?

2 A Yes, sir.

3 Q Did you testify?

4 A Yes, sir.

5 Q How many times did you testify before the grand
6 jury in 1983?

7 A On two separate occasions.

8 Q In what building was that grand jury?

9 A In this same building.

10 Q When was the first time that you testified before
11 the grand jury?

12 A The first time was in April of '83.

13 Q The first time you testified in the grand jury,
14 did you tell the truth?

15 A No, sir.

16 Q Why not?

17 A To protect myself and to protect my comrades.

18 Q Did you appear before the same grand jury a
19 second time, in June of 1983?

20 A Yes, sir.

21 Q When you testified the second time, did you start
22 out telling the truth?

23 A No.

24 Q Did something happen while you were testifying?

25 A Yes, sir.

1 Q What happened?

2 A The prosecutor, Mr. Tabak, he placed a tape on a
3 cassette recorder, and I realized that everything, all
4 the lies I had said before, they knew the truth about
5 everything. So then I decided to tell the truth about
6 what was on the tape, and I also admitted that I had lied
7 previously.

8 Q Was there a conversation on the tape?

9 A Yes, sir.

10 Q And who was that conversation between?

11 A It was a conversation between Victor and myself.

12 Q Do you know where the government got that tape?

13 A I imagine they must have intercepted some phone
14 that we were using at that time.

15 Q Did you see whether the prosecutor had any other
16 tapes at that time?

17 A He had quite a few other tapes on that occasion.

18 Q After you left the grand jury, did you meet
19 with FBI agents again in Miami?

20 A Yes, sir.

21 Q After that time, did you, Mr. Necuse and
22 Mr. Gomez have any discussions about cooperating with the
23 government?

24 A Yes, sir, we did. Yes, sir, we did, we held
25 some conversation about the possibility of reaching an

1 honorable and honest agreement with the Government of the
2 United States of America.

3 Q Did you enter into an agreement after that?

4 A Yes, sir.

5 Q With the government?

6 A Yes, sir.

7 Q What did you agree to do?

8 A We agreed to tell the truth and only the truth,
9 and to testify at any place that the government might
10 wish us to do so.

11 Q Did you also agree to plead guilty to something?

12 A Yes, sir.

13 Q What do you understand the maximum possible
14 penalty to be for the charge to which you agreed to
15 plead guilty?

16 A Five years in jail and \$10,000 in fine.

17 Q What did the government agree to do with respect
18 to the other crimes for which you could have been prosecuted

19 A Not only as to the crimes that they could have
20 accused us, but also any other crimes that might come
21 to light as a result of these investigations into the affair
22 of Omega 7.

23 Q Did the government agree not to prosecute you
24 for those other crimes?

25 A Yes, sir, that is correct.

1 Q Did the government also agree to make your
2 cooperation known to the sentencing judge?

3 A That is correct.

4 Q After entering into that agreement, did you in fact
5 plead guilty to conspiracy to commit bombings?

6 A Yes.

7 Q In what federal district did you plead guilty?

8 A In Miami, before a Fort Lauderdale judge.

9 Q Have you been sentenced yet?

10 A No, sir.

11 Q When did you first meet Mr. Arocena?

12 A In mid-1981.

13 Q Where did you meet him?

14 A In the home of a friend of mine.

15 Q What is that friend's name?

16 A Jose Lopez.

17 Q Did there come a time that you went to work for
18 Home Life Insurance Company?

19 A Yes, sir.

20 Q When was that?

21 A In June of 1981.

22 Q What was your position at that company?

23 A They were training me to become an insurance
24 salesman.

25 Q How did you get that job?

1 A My friend Victor recommend me.

2 Q To whom did he recommend you for that job?

3 A To Ignacio Gonzalez.

4 Q Was Mr. Arocena working at that company?

5 A Yes, sir.

6 Q In what position?

7 A I think the same position that I was holding,
8 but I am not too sure, but I do know that he worked
9 there.

10 Q Did any other members of Omega 7 work there?

11 A Yes, sir.

12 Q Who?

13 A Gerardo Necuze.

14 A Who was it that asked you to join Omega 7?

15 A Gerardo Necuze.

16 Q Why did you stop working at Home Life Insurance
17 Company?

18 A Because afterwards a company was organized which
19 was called Financial Consultants of America, and we all
20 went to work there.

21 Q Who was it who went to work there?

22 A Those of us who went to work there were Ignacio
23 Gonzalez, Gerardo Necuze, Victor, Nestor Gomez and myself.

24 Q Did there come a time after you became a member of
25 Omega 7 that you were asked to conduct a surveillance of

1 somebody?

2 A Yes, sir.

3 Q Who asked you to conduct the surveillance?

4 A It was discussed among all of us in the office,
5 and then Ignacio Gonzalez, Eduardo Arocena and Mr. Necuze
6 asked Nestro Gomez and myself to carry out that
7 surveillance.

8 Q Who was the first person you were asked to do a
9 surveillance of?

10 A A man who was known as LaNovia. That man was
11 considered to be a Castro agent who was trafficking in
12 drugs and that he was connected with Cuba and with the M-19
13 in Colombia.

14 Q What, if anything, did Mr. Arocena tell you to
15 do with respect to the man who was referred to as LaNovia?

16 A To check him out, to try to find him in different
17 places that we were given, and that we were told about,
18 and to let him know when we saw him.

19 Q What, if anything, did Arocena tell you as to how you
20 could recognize that man?

21 A They gave us the physical description of this
22 person and also they gave us a photo, a picture, but it was
23 a Xerox copy and it was not clear at all.

24 Q Did you and Mr. Gomez make efforts to find that
25 person?

1 A Yes, sir.

2 Q When you were with Mr. Gomez what, if anything,
3 did he do?

4 A We kept watch on these places we had been told
5 about, and we checked out the cars that we thought
6 belonged to this person and then we made a report on what
7 little we had been able to do in those few days in which
8 we had been surveilling LaNovia.

9 Q Did anybody take photographs?

10 A Yes, sir.

11 Q Who was that?

12 A Nestor.

13 Q Did you ever find the man who was referred to
14 as LaNovia?

15 A We never saw him.

16 Q Did there come a time that Mr. Arocena asked you
17 to look for a second man?

18 A Yes, sir.

19 Q By what name was he referred to?

20 A Castillo.

21 Q Did you ever find him?

22 A We never found him.

23 Q About how many times did you look for him?

24 A We looked for him for several -- I don't know the
25 exact time, but it was quite some time, and then afterwards

rmjah 13 Rodriguez-Montenegro-direct

1 Ignacio Gonzalez informed us that this man was in jail
2 and then we stopped trying to surveil him.

3 Q Were there other people you looked for also?

4 A Two of them.

5 Q By what names were they referred to?

6 A One man we knew, or was referred to as "Margarita,"
7 and the other one was "The Pilot."

8 Q Mr. Rodriguez, I have shown you what has been
9 marked for identification as Government's Exhibit 903.
10 Do you recognize that tape?

11 A It is a tape.

12 Q Do you recognize that particular tape?

13 A Yes. This tape I listened to on the 2nd of this
14 month, on the second day of this month, and I wrote
15 down something here in my own handwriting so I could
16 identify it and, besides, I signed it.

17 Q What is contained on that tape?

18 A It is about the surveillance of Castillo.

19 Q Is there a conversation on that tape?

20 A Yes, sir.

21 Q Who is that a conversation between?

22 A Between Eduardo Arocena and myself.

23 Q Is that tape a fair and accurate recording of
24 the conversation that you had with Mr. Arocena about Castillo
25 on or about December 26, 1981?

1 A Yes, sir.

2 Q During that conversation, did you refer to
3 No. 1 and No. 2?

4 A Yes, sir.

5 Q What were those references to?

6 A Those two numbers referred to the two possible
7 places where we could find Mr. Castillo. One would be
8 his own home, and the other was his brother's home.

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(Continued on next page)

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1 Q How do you also refer to Monte during that
2 conversation?

3 A Monte, I believe, or thought, was an intimate
4 friend of Mr. Castillo.

5 MR. GREEN: Government offers Exhibits 903 and
6 903-T for identification.

7 MR. AGUILAR: No objection.

8 THE COURT: Received.

9 MR. GREEN: With the Court's permission, I
10 will Government's Exhibit 903 and distribute copies
11 of the translation, which is 903-T.

12 THE COURT: Very well.

13 (Tape was played.)

14 THE COURT: Ms. Bernhardt will return now to
15 replace Ms. Zevallos as the interpreter.

16 BY MR. GREEN (Continuing):

17 Q During the conversation that we just listened
18 to, was there a reference to Gordo?

19 A Yes.

20 Q Who is Gordo?

21 A Nestor Gomez.

22 Q Let me direct your attention to September of
23 1981. Did there come a time when you met with Mr. Gomez
24 and Mr. Gerardo Necuze at a shopping center?

25 A Yes.

1 Q Where was that?

2 A In front of the racetrack in Miami.

3 Q How did you get there?

4 A In my car.

5 Q How did the others get there?

6 A In their respective cars.

7 Q What happened after the three of you met at
8 the parking lot?

9 THE COURT: That is the dog track.

10 A We took a garbage tank, a small gas tank like
11 the ones you use for barbecuing, a gallon of gasoline and
12 a number of old papers, and that was placed in the trunk
13 of Nestor's car.

14 Q Did you then go some place?

15 A We then went separately to the offices of
16 Replica Magazine in Miami.

17 Q Who went to the Replica Magazine's office?

18 A Nestor Gomez and myself.

19 Q What happened when you got there?

20 A While I was keeping watch, Nestor placed the
21 garbage can with everything that I mentioned previously,
22 and he proceeded to ignite it.

23 Q And after he lit it, what did he do?

24 A We both ran away.

25 Q Let me direct your attention to around February

1 of 1982. Did you commit any acts of violence during
2 that month?

3 A Yes, sir.

4 Q What did you do?

5 A I shot with a machine-gun the glass windows
6 of the pharmaceutical store by the name of Ebenezer's in
7 Hialeah, Miami.

8 Q A few days before that, did you meet with
9 Mr. Arocena?

10 A Yes, sir.

11 Q Who else was at that meeting?

12 A Nestor Gomez was present, and I don't remember
13 whether Gerardo Necuze was there.

14 Q Did you have a conversation at that time?

15 A Yes, sir.

16 Q What was said?

17 A It was in reference to preparing some Molotov
18 cocktails.

19 Q For what purpose?

20 A For purposes of any operation that we might do
21 in the future.

22 Q A few days after that meeting did you receive
23 a telephone call from Mr. Arocena?

24 A Yes, sir.

25 Q What did you say to him and what did he say?

1 to you?

2 A Arocena and I spoke in a veiled manner about
3 the Molotov cocktail and about an operation to be
4 carried out.

5 Q Did you arrange any later meetings?

6 A Yes, sir.

7 Q And when was that meeting for?

8 A For that same day.

9 Q Let me direct your attention to Government's
10 Exhibit 902 for identification. Do you recognize that
11 tape?

12 A Yes, sir.

13 Q What is contained on that tape?

14 A That tape contains the conversation about the
15 Ebenezer operation.

16 Q Is that a tape of the conversation you were
17 just testifying about?

18 A Yes, sir.

19 Q How do you recognize it?

20 A Because I wrote something on it. It has the
21 date when I listened to it, and I also put my initials
22 on it.

23 Q And is Government's Exhibit 902 a fair and
24 accurate recording of the conversation you had with
25 Mr. Arocena on February 10, 1982?

1 A Yes, sir.

2 Q At the beginning of that conversation is there
3 the voice of a woman?

4 A Yes, sir.

5 Q And who is she?

6 A My wife.

7 Q During that conversation do you refer to
8 El Narison?

9 A Yes, sir.

10 Q Whom is that a reference to?

11 A Gerardo Nacuze.

12 Q During the converxation do you also refer to
13 oyster cocktails?

14 A I think it was about shrimp cocktail.

15 Q And what is that a reference to?

16 A Instead of shrimp cocktail, reference was made
17 to Molotov cocktail.

18 MR. GREEN: Government offers Exhibits 902 and
19 902-T for identification.

20 THE COURT: Received. That is February 20?

21 MR. GREEN: 1982.

22 MR. AGUILAR: No objection.

23 THE COURT: Received.

24 (Government's Exhibits 902 and 902-T for
25 identification were received in evidence.)

xx

1 MR. GREEN: With the Court's permission the
2 Government will play the tape and distribute the trans-
3 lation.

4 (Tape was played.)

5 BY MR. GREEN (Continuing):

6 Q Mr. Rodriguez, did you meet with Mr. Arocena
7 the night of this conversation?

8 A Yes, sir.

9 Q Where did you meet?

10 A On the driveway of my home.

11 Q Did Mr. Arocena give you anything?

12 A Yes.

13 Q What did he give you?

14 A Semi-automatic 9 millimeter Mark.

15 Q What was Mr. Arocena carrying that machine-gun in?

16 A In a bag in the trunk of his car.

17 Q What if anything did Mr. Arocena tell you to
18 do with that machine-gun?

19 A There wasn't much to be said, because we had
20 already planned that I was going to machine-gun the glass
21 windows of the store and the pharmacy of Ebenezer's.

22 Q And did you go to Ebenezer's pharmacy the
23 following morning?

24 A The following morning, yes, sir.

25 Q Around what time was that?

1 A At that time, around four or five o'clock in
2 the morning. I don't remember very well.

3 Q What did you do?

4 THE COURT: He already testified what he did.

5 Do you remember that? I don't know why you
6 started with that and came back to it.

7 Did everybody hear that?

8 Let's get on with it.

9 Q Mr. Rodriguez, aside from machine-gunning
10 the pharmacy of Ebenezer, did you do anything else that
11 morning?

12 A I should have thrown a Molotov cocktail at the
13 glass window, but I threw it on the street, and then
14 Victor and I met again. I told him that I had already
15 done my job and that the window didn't break but that
16 there were only holes in them.

17 Q What did Mr. Arocena say to you?

18 A That he had driven by and that what I was
19 telling him was true.

20 Q Did he say anything else to you?

21 A He told me that the Molotov cocktail that had
22 been thrown at the Padron Cigar factory had collided with
23 the windows because they were protected with wire mesh,
24 that it bounced back, fell on the pavement and that it
25 had broken and that no damages were caused by it.

1 Q What happened to the machine-gun that Mr.
2 Arocena had given to you?

3 A I gave it back to him.

4 Q To your knowledge, did Mr. Arocena ever lend
5 machine-guns to other members of Omega 7?

6 A Yes.

7 Q Which members?

8 A Gerardo Necuze, Nestor Gomez.

9 Q Let me show you what has been marked Government's
10 Exhibit 905 for identification.

11 Do you recognize that tape?

12 A Yes.

13 Q What is on that tape?

14 A I refers to a machine-gun that was in the
15 possession of Nestor Gomez.

16 Q Is there a conversation on that tape?

17 A Yes, sir.

18 Q And whom is that conversation between?

19 A Between Victor and myself.

20 Q How do you recognize that tape?

21 A I recognize this tape because I listened to
22 it myself on the first of this month. I marked it with
23 my initials, and, in addition, I wrote a legend on it.

24 Q Is that a fair and accurate recording of the
25 conversation you had with Mr. Arocena on or about April 2,

1 1982?

2 A Yes, sir.

3 Q Now, during that conversation how was the
4 machine-gun referred to?

5 A There is a converjation about a \$45 check,
6 which means the calibre of the machine-gun.

7 Q Is that a .45 calibre machine-gun?

8 A Yes, sir.

9 Q Is there any discussion abou a silencer?

10 A Yes, sir.

11 Q How is the silencer referred to?

12 A As the stub of the check.

13 MR. GREEN: Your Honor, the Government offers
14 Government's Exhibits 905 and 905-T for identification.

15 MR. AGUILAR: No objection.

16 THE COURT: Received.

17 (Government's Exhibits 905 and 905-T for
18 identification were received in evidenced.)

xx 19 THE COURT: We have another substitution of
20 interpreters. Ms. Zevallos is back.

21 Q Mr. Rodriguez, besides the conversation you
22 testified about earlier concerning Molotov cocktails, did
23 you ever have any other conversations with Mr. Arocena
24 about making bombs?

25 A Yes, sir.

10mps Rodriguez-Montenegro - direct

1 Q And what did Mr. Arocena say to you and what
2 did you say to him?

3 A He gave me a manual in which it was explained
4 how to prepare and make a bomb, and I glanced over it
5 in front of him, and I told him that I was not interested
6 in learning how to do that.

7 Q Now, let me direct your attention to early
8 1982. Did there come a time that you went to a meeting
9 in a warehouse in Hialeah?

10 A Yes, sir.

11 Q Who was at the warehouse?

12 A Present were Victor, Ignacio, Gerardo Necuze,
13 Pepe Dans, Nestor Gomez and apparently two French
14 journalists.

15 Q After the meeting ended, who left?

16 A Nestor Gomez and Ignacio Gonzalez left with
17 the two journalists.

18 Q What happened after they left?

19 A Gerardo Necuze and I remained behind, talking
20 to Victor.

21 Q What was Gerardo Necuze wearing?

22 A He was camouflaged. He was dressed all in
23 black.

24 Q And what was he carrying?

25 A He had a gun in his shoulder holster.

llmps Rodriguez-Montenegro - direct

- 1 Q Did you have any conversations with Mr. Arocena?
- 2 A It was a very short one. He said just to
- 3 "Please take the two cartons that contain the files of
- 4 Omega 7, take them to your home."
- 5 And I said good-bye to him and Gerardo, and
- 6 I left.
- 7 Q Did you take the boxes with you?
- 8 A Yes, sir.
- 9 Q What happened the following day?
- 10 A Victor came by my home and picked them up.
- 11 Q Let me show you what has been marked for
- 12 identification as Government's Exhibit 901.
- 13 Do you recognize that tape?
- 14 A Yes, sir.
- 15 Q And are there conversations contained on that
- 16 tape?
- 17 A Yes, sir.
- 18 Q Whom is that conversation between?
- 19 A Victor and myself.
- 20 Q And what is it about?
- 21 A We talked about Ignacio and about the business
- 22 that we had, the business dealings in Argentina, and the
- 23 French journalist was mentioned.
- 24 Q Is there also the voice of a woman at the
- 25 beginning of that conversation?

12mps Rodriguez-Montenegro - direct

1 A Surely it must be my wife.

2 Q Now, is that a fair and accurate recording
3 of the conversation that you had with Mr. Arocena on or
4 about May 14, 1982?

5 A Yes, sir.

6 Q And how do you recognize it?

7 A I recognize it because they are our voices,
8 and besides I also wrote something down here, and I know
9 because of this what the conversation is about.

10 Q During that conversation is there a reference
11 to the Frenchman?

12 THE COURT: He said the French journalist was
13 mentioned. He testified to that about two minutes ago.

14 Q Mr. Rodriguez, during that conversation is
15 there a reference to Freddy?

16 A Yes, sir.

17 Q And who is meant by Freddy?

18 A A gentleman who had business relationships, a
19 business relationship with Financial Consultants and who
20 lives in Argentina.

21 Q Is there also a reference to somebody named
22 Victor?

23 A That was an associate of that gentleman, who
24 lives in Argentina.

25 MR. GREEN: Government offers Exhibits 901 and

1 901-T.

2 MR. AGUILAR: No objection.

3 THE COURT: Received.

4 (Government's Exhibits 901 and 901-T for
5 identification were received in evidence.)

xx

6 Q Mr. Rodriguez, do you know a man named Milton
7 Badilla?

8 A Yes, sir.

9 Q Where was the first place that you saw him?

10 A In a shopping center in Miami, which is on
11 87th Avenue and 24th Street.

12 Q Who was with you at the shopping center?

13 A Victor.

14 Q Where was the next place that you saw
15 Mr. Badilla?

16 A Afterwards I went with Victor to Mr. Badilla's
17 office, and then I was introduced to him.

18 Q And what happened when you got to Mr. Badilla's
19 offices?

20 A Victor and Badilla spoke together in the offices,
21 in Mr. Badilla's offices, while I waited outside in the
22 reception area.

23 Q How did Mr. Badilla refer to Mr. Arocena?

24 A By the name of Andres.

25 Q While they were conversing in Mr. Badilla's

14mps Rodriguez-Montenegro - direct

1 office, what if anything did you see inside that office?

2 A Victor was playing around, juggling with a
3 little bag that seemed to be full of sand.

4 Q What else did you see in the office?

5 A Then, when I entered the office, because up
6 to then I had waited out in the reception area, I saw some
7 rifles which they had there which were disassembled, and
8 Badilla showed me or showed us a bulletproof vest.

9 Q Was there anything peculiar about that vest?

10 A It had a hole in one of the sides, so then we
11 told him that the bulletproof vest was not interesting,
12 but what was interesting was the bullet that had been
13 able to pierce that vest.

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(Continued on the next page.)

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1 Q After you left that meeting, did you have
2 any conversation with Mr. Arocena?

3 A Yes. Victor told me as we were walking on
4 our way to the parking lot to pick up our respective cars --
5 Victor told me that very soon I would have to return
6 there with a letter and an order of purchase that we were
7 going to make from Mr. Badia.

8 Q Did Mr. Arocena say anything about why he was
9 called Andres by Mr. Badia?

10 A Oh, because Badia thought that he was a
11 high-rating military officer from some Central American
12 country.

13 Q Some time later, did you pick up a delivery
14 from Mr. Badia?

15 A Yes.

16 Q What did you pick up?

17 A I picked up three cartons and a wooden box,
18 which was sort of long in shape, and a smaller wooden
19 box.

20 Q What, if anything, did you see inside the box?

21 A The cartons contained camouflage uniforms and other
22 types of military field equipment, and the wooden box
23 contained two AR-15s, and the small wooden box were bullets
24 for the AR-15s. That was very normal, because we had hoped
25 or planned to make a landing in our country and so liberate

1 our country.

2 Q What did you do with the box?

3 A The box, I don't know whether it was the
4 following day or a couple of days later, I turned them over
5 to Victor, all except the box with the bullets.

6 Q And what happened with that box?

7 A That box I kept in my home until the FBI
8 visited my home for the first time in June of '82.

9 Q Then what did you do with it?

10 A I quickly got in contact with Victor, and I
11 told him what had happened, and I turned over the box
12 with the bullets to him.

13 Q After that time, did you ever speak with
14 Mr. Badia?

15 A He kept calling me on the phone quite often.

16 Q Did you ever speak to Mr. Arocena about those
17 calls?

18 A Yes, sir, of course, and I also told him
19 that I had changed my phone number so Badia wouldn't keep
20 bothering me.

21 Q What did Mr. Arocena tell you?

22 A I told him, "Victor, Badia keeps bothering me
23 because he wants to collect the money which is owed to
24 him for the merchandise that I picked up a few months ago."
25 He said, "The same thing is happening to Ignacio and

1 Gerardo, but I plan to take care of that very soon."

2 Q Let me show you what is marked for identification
3 as Government's Exhibit 907.

4 Do you recognize that tape?

5 A Yes, sir.

6 Q Do you recognize any conversations on the tape?

7 A Yes, sir.

8 Q Who is that conversation between?

9 A Between Victor and myself.

10 What is the conversation about?

11 A According to what I wrote on this tape, it is
12 a message that I was given from Milton, Milton to me, so
13 that I would give the message to Victor.

14 Q Is that a fair and accurate recording of the
15 conversation you had on or about January 5, 1982?

16 A Exactly.

17 Q During that conversation, do you refer to
18 El Grande?

19 A Yes, sir.

20 Q Who is El Grande?

21 A Friend of mine.

22 Q What is his name?

23 A Jose Lopez.

24 Q During that conversation, do you refer to two
25 tires?

1 A Yes, two tires.

2 Q And what is meant by that?

3 A I don't know exactly what those two tires -- the
4 mention of those two tires was referred to, because this
5 was just a message that I received that I was supposed
6 to relate to Victor, so I did, but I didn't know the
7 meaning of it.

8 Since Milton had a business that sold military
9 equipment, this could refer to two guns, two pistols,
10 any type of weapon, since in the conversation it is
11 mentioned that one of the tires has a valve missing and it
12 is possible that some part of one of these weapons was
13 missing, but I do not know specifically what was referred
14 to in that message at that time. I am just supposing.

15 MR. GREEN: The government offers Government's
16 Exhibits 907 and 907-T for identification.

17 MR. AGUILAR: No objection, your Honor.

18 THE COURT: Received.

19 (Government's Exhibits 907 and 907-T were
20 received in evidence.)

21 Q Let me direct your attention, Mr. Rodriguez,
22 to September of 1982. Did you participate in a bombing
23 around that time?

24 A Yes, sir.

25 Q Where was that bombing done?

1 THE COURT: Where was it done, not who you did it
2 with.

3 A At the Venezuelan Consulate in Miami.

4 Q With whom did you do that bombing?

5 A With Nestor Gomez.

6 Q To your knowledge, where was Mr. Arocena on the
7 day that the explosive was placed in the Venezuelan
8 Consulate?

9 A He was in New York City. He was declaring
10 before a grand jury, testifying.

11 Q After Mr. Arocena returned to Miami, did he have
12 any conversation with you about that bombing?

13 A Yes, sir.

14 Q What did he say?

15 A He thanked me. He said, "Thank you very much
16 for going along with Nestor."

17 MR. GREEN: No further questions, your Honor.

18 THE COURT: We will take a brief recess at this
19 time.

20 Ladies and gentlemen, please do not discuss the
21 case among yourselves, and continue to keep an open mind.

22 You may step down, and you will return shortly,
23 Mr. Rodriguez.

24 (The witness left the courtroom)

25 (The jury left the courtroom)

1 MR. AGUILAR: Your Honor, just one thing. I
2 would like to have maybe an extra five to ten minutes to
3 discuss something very important with my clients, and
4 I would ask the court if you could indulge us to use that
5 room for a few minutes?

6 THE COURT: Yes.

7 Marshal, please arrange that.

8 MR. AGUILAR: Could we arrange for the marshals
9 to stand on each side of the door outside?

10 THE COURT: They said they cannot do that.
11 Why don't you speak in Spanish. I don't think the marshals
12 are conversant in that language.

13 MR. AGUILAR: Thank you, your Honor.

14 THE COURT: We will take a brief recess.

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15 (Recess)
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1 (Jury present.)

2 THE COURT: You may proceed, Mr. Fernandez.

3 MR. FERNANDEZ: Thank you, your Honor.

4 CROSS EXAMINATION

5 BY MR. FERNANDEZ:

6 Q Good afternoon, Mr. Rodriguez. How are you?

7 A Good afternoon, sir. How are you? I am
8 well. Thank you very much.

9 Q Mr. Rodriguez, you were asked on direct
10 examination and I believe you testified that in 1954 you
11 were a member of the VER.

12 A (In English) Yes, sir.

13 MR. TABAK: I would ask that the question be
14 translated in full.

15 THE COURT: Yes, although it is a repetition
16 of the testimony.

17 (To the witness:) Sir, did you understand
18 the question?

19 THE WITNESS: (Through the interpreter) Well,
20 more or less, yes.

21 Q Mr. Rodriguez, in 1959 you participated in
22 the group that was responsible for the overthrow of the
23 Battista regime; is that correct?

24 A Yes.

25 Q And you also testified that you joined the

1 MRR; is that correct?

2 A Surely.

3 Q When did you join the MRR?

4 A I joined the MRR at the beginning or towards
5 the middle of the year 1960.

6 Q And the MRR is the movement that was led by
7 Mr. Altime?

8 A May he rest in peace.

9 Q Mr. Altime was also one of the leaders of the
10 ill-fated Bay of Pigs invasion?

11 A Yes.

12 Q Now, when you were apprehended in November of
13 1960, was a Mr. Badilla-Compania, a member of the MRR, also
14 arrested with you?

15 A I don't recall.

16 Q And was a Mr. Rojello Gonzalez Corso, also
17 known as Francisco, also arrested in November of 1960, do
18 you recall?

19 A I didn't know him personally, but I knew about
20 him, and I knew he was shot.

21 Q And he was shot by the Communist regime; is
22 that correct?

23 A Yes, sir.

24 Q Do you know who represented him in Cuba?

25 A Who represented whom?

1 Q I am sorry. Who his attorney was?

2 MR. GREEN: Objection.

3 THE COURT: I will allow the witness to answer
4 the question.

5 A I don't recall it, because I was in jail.

6 Q Would it surprise you if you were told that
7 he was represented by Mr. Fernandez?

8 MR. GREEN: Objection.

9 THE COURT: I gather it would surprise him,
10 because he said he didn't know.

11 MR. GREEN: Your Honor, we object on relevance
12 grounds.

13 THE COURT: For some reason, counsel wants to
14 get it in, and it is beyond me, but I will allow it.

15 (To the witness:) Would that surprise you?

16 THE WITNESS: I don't know, because I really
17 don't know what lawyer was representing him.

18 Q Now, when you were in prison in Cuba in 1960
19 were you transferred to different places on the Island?

20 A Yes, sir.

21 MR. FERNANDEZ: May I approach the witness?

22 THE COURT: You may.

23 Q I show you what has been identified as
24 Exhibit 4111-13.

25 Now, the map that you have before you: Is that

1 a map of Cuba?

2 A Yes, sir.

3 Q I am going to give you a pencil, and I would
4 like you to show me what jails you were in during the
5 sixteen years you were in prison.

6 THE COURT: Santa Clara.

7 A I was in Havana. I was in Santiago de las
8 Vegas, and Alquezar, and in Guida. I can't find Guida
9 here.

10 Q Well, if you can't see it, don't mark it.

11 A I was in prison in Guanahay and at a farm in
12 Guanahay.

13 In Santa Cruz del Norte in Havana. Again in
14 Santa Clara. Again I was taken to Havana to a farm,
15 prison farm in Alquezar, and that is where I was set
16 free.

17 Q Now, during the time that you were in prison
18 did you become familiar or did you find out about the other
19 prisons that there were throughout the Island?

20 MR. GREEN: Objection.

21 THE COURT: Did you learn while you were in
22 these prisons that there were other prisons in Cuba?

23 MR. GREEN: Your Honor, I object to defense
24 counsel questioning the witness from behind him.

25 THE COURT: He was waiting for the response.

1 He had the exhibit up here, and he undoubtedly was going
2 to get it back in a few minutes.

3 A Yes.

4 Q Did you find out approximately how many people
5 were in prison in Cuba?

6 THE COURT: Sustained.

7 MR. AGUILAR: Your Honor, there is no objection.

8 MR. GREEN: Objection.

9 THE COURT: He was standing up.

10 MR. AGUILAR: Your Honor, may I be heard on
11 this point?

12 THE COURT: No.

13 MR. AGUILAR: May we have a side bar?

14 THE COURT: No.

15 MR. AGUILAR: Your Honor, they opened the door
16 on this.

17 THE COURT: Let's find out.

18 (To the witness:) Do you know of your own
19 personal knowledge, Mr. Rodriguez, during the time you
20 were in prison how many other people were in prison through-
21 out Cuba?

22 THE WITNESS: That cannot be even calculated,
23 because they kept coming and going from differnt places.
24 We were in contact with different prisoners who were
25 exchanged from one place to another, transferred, and then

1 we realized the enormous amount of political prisoners
2 who were on the Island.

3 But there is no way that I can assure you how
4 many people were in jail, because I never counted them.

5 Q In the map that I showed you, you identified
6 five or six different prisons where you were incarcerated.

7 MR. GREEN: If that is a question, I object to
8 its form.

9 THE COURT: Well, it is a predicate to another
10 question.

11 In any event, I will take note that the
12 witness has identified a number of prisons where he was
13 confined at one time or another during his sixteen years
14 in prison.

15 Q During the time that you were in prison,
16 in any of those that you identified, were you a witness
17 to beatings?

18 A I myself was beaten i the prison on the Isle
19 of Pines during a search there. This is a very sad
20 subject for me to bring up, because it brings me very sad
21 memories.

22 In a state that was no longer than perhaps
23 100 or 120 feet long by maybe 20 to 25 feet, in the
24 country, 1200 Cubans were there, naked. We were being
25 pinched, punctured with bayonets, pierced with bayonets.

1 It is a very sad thing to bring up, but I
2 want to say this here so the American people will know
3 what's going on, what goes on in the Cuban prisons.

4 MR. FERNANDEZ: I believe he also apologized
5 for being emotional.

6 THE INTERPRETER: Yes.

7 MR. GREEN: Objection.

8 THE COURT: I don't think at this point it is
9 relevant to the case, and I do not believe that it goes to
10 his credibility. In fact, it does not appear at this
11 point that the questions are attacking his credibility
12 but rather are to elicit information which is not relevant
13 the issues before this jury.

14 MR. AGUILAR: Your Honor, if we may be heard
15 on this particular point --

16 THE COURT: Mr. Aguilar, Mr. Fernandez is
17 examining the witness. He may respond.

18 I will hear you, Mr. Fernandez.

19 MR. FERNANDEZ: Your Honor, I believe the
20 testimony was that there were sixteen years of incarcera-
21 tion. I believe the door has been opened to what went on
22 during those sixteen years.

23 THE COURT: They gave us a background to
24 indicate why he was opposed to the Castro Government.

25 Let me ask one simple question of the witness.

1 (To the witness:) You spent sixteen years
2 in Cuban prisons; is that correct?

3 THE WITNESS: Yes, sir.

4 THE COURT: And you have testified that on
5 occasion you were beaten and treated badly; is that
6 correct?

7 THE WITNESS: Yes, sir.

8 THE COURT: Can you tell me, if you know,
9 whether or not Eduardo Arocena was imprisoned in Cuba at
10 any time?

11 THE WITNESS: I am not aware of it.

12 THE COURT: You may proceed, Counsel.

13 MR. FERNANDEZ: I believe that we should meet
14 at the side bar.

15 THE COURT: There is no reason to meet at side
16 bar. Please confine your inquiry to matters that are
17 relevant.

18 MR. FERNANDEZ: Will the reporter mark where
19 I was?

20 THE COURT: I know where you were. I would
21 like to know where you are going. Go on. Next question.
22 Comments such as you just made are totally inappropriate,
23 and you know it.

24 BY MR. FERNANDEZ:

25 Q You testified that you lost all your property

1 in Cuba when you were apprehended in 1960; is that
2 correct, sir?

3 A My family lost it.

4 Q Were you apprehended by the G-2?

5 A Yes, sir.

6 Q Will you explain what the G-2 is, sir?

7 A The G-2 is the most repressive body which
8 unfortunately any nation can endure.

9 Q Why is that?

10 A Because it is a Communist political police
11 body.

12 Q Did you ever belong to an organization called
13 MIM?

14 A No, sir.

15 Q You indicated that you joined Omega 7 in July
16 of 1981; is that correct?

17 A Yes, sir.

18 Q Why did you join Omega 7, sir?

19 A Because I considered that it was an honor
20 that was being offered to a Cuban to be a member of the
21 Omega 7 movement at that time.

22 Q What were the goals of the Omega 7 at that time,
23 sir?

24 A The goal of Omega 7 was to bring about an
25 invasion of Cuba and to wage a sort of urban commando war.

1 Q Did Omega 7 ever intend to wage war on the
2 United States?

3 A No. I don't think so, although we did commit
4 violent acts in this country, thus violating the laws of
5 this country.

6 Q When you were in Omega 7, was Mr. Necuze your
7 cell leader?

8 A Yes, sir.

9 Q You took orders from him?

10 A Yes, sir.

11 Q Did you have to protect him?

12 A Necuze? I think that he took care of himself.

13 Q Has your --

14 MR. FERNANDEZ: Strike that.

15 Q Jose Lopez, whom you previously referred to in
16 your direct examination: Has he ever participated in any
17 violent acts?

18 A I don't know it for a fact.

19 Q When you joined Omega 7, was it a secret
20 organization?

21 A Yes, sir.

22 Q Is it a secret organization today, sir?

23 A My opinion is that Omega 7 was destroyed.

24 Q You indicated that you left the Financial
25 Consultant Company at one time during 1983; is that

1

correct?

2

A I haven't spoken about Financial Consultants.

3

Q I believe I might have had the wrong company.

4

Home Life?

5

A We left Home Life in 1981.

6

Q After 1981 where did you work? Did you work for Financial Consultants or for Beta?

8

A I was working for Financial Consultants until that company dissolved and Ignacio and Gerardo set up their own company, and I remained with my friend Victor, who set up Beta, but that company never worked. We had the name, but it never operated, for lack of funds.

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Q What was the reason for the split with Financial Consultants?

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That is what Mr. Arocena stated to me when they

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split, after he split from that company, and since I was of the same opinion, which is what Victor said, I remained at his side and I stood by him.

(Continued on the next page.)

1 Q You also undertook several surveillances of
2 different people?

3 A Yes, sir.

4 Q You testified that you surveilled a person by
5 the name of LaNovia, is that right?

6 A Yes, sir.

7 Q This person, was he supposed to be some kind of a
8 Cuban agent?

9 A That is what Ingacio and Victor had told me.

10 Q Were they trying to find out whether there was some
11 kind of drug connection with Cuba?

12 A That is what they told me to keep an eye on.

13 Q Did you have knowledge that drugs were coming from
14 Cuba into this country?

15 A It was publicity published in the papers. As a
16 matter of fact, high-ranking officers of the Cuban Government
17 have been indicted by federal officers of this country for
18 contempt.

19 Q Where are these Cuban functionaries now?

20 A They must be in Cuba.

21 Q So they have been brought to -- charges have been
22 brought but they are not in court, they are not in jail?

23 MR. GREEN: Objection.

24 THE COURT: Grounds?

25 MR. GREEN: Relevance.

1 THE COURT: Overruled.

2 A Right.

3 Q On the map that I previously gave you of Cuban
4 institutions, were any of them mental institutions?

5 A Yes, sir.

6 Q Were you given any type of mental torture?

7 A No, sir. The torture was to be isolated, to be
8 isolated from your family and your loved ones.

9 Q Are you presently involved in any anti-
10 Communist activities?

11 A No, sir.

12 Q Would it be safe to say you have stopped all your
13 activities?

14 A Yes, sir. At the present time, yes.

15 Q Why is that?

16 A Because what time have I had lately to think about
17 this struggle at the present time?

18 Q Is it your answer that if you had the time,
19 you would continue to struggle?

20 A Every man has a sacred duty to the motherland
21 and with his nation, which he has to fulfill up to the last
22 resort. I love God and my motherland above everything,
23 and mankind. I cannot agree to sit down at home idly by,
24 while Communism is killing nations. That is my reply, sir.

25 Q Do you have a phobia against Communism?

1 A It is not phobia. I know what Communism is like,
2 and if you don't, please go to Cuba to see with your own eyes
3 what it is.

4 Q Tell the members of the jury what it is.

5 MR. GREEN: Objection.

6 THE COURT: Grounds?

7 MR. GREEN: Relevance.

8 THE COURT: Overruled.

9 A Distinguished members of the jury, it is painful
10 to me to repeat here, to have to repeat here what I have
11 endured in my own flesh. Communism is a negation of
12 evrything! Communism is total slavery of a human being,
13 and if there is no freedom, is there any reason for living?
14 If people are being discriminated against because of
15 their race, because of their religious beliefs and for
16 everything that a human being has fought so hard to
17 achieve -- distinguished members of the jury, I apologize
18 to you, but I get very emotional when I speak about this.
19 The fact that a man is brought to tears doesn't mean that
20 a man is no longer a man, but we have feelings and God
21 gave us a weapon, just like he gave that weapon to a woman.
22 I thank you, members of the jury, and please excuse me.

23 THE COURT: Ladies and gentlemen, I am sure you
24 recognize the very deep feelings expressed by this witness
25 and that he has endured a great deal. At the same time,

rmjah 4 Rodriguez-Montenegro-cross

1 ladies and gentlemen, the matters that he has just set
2 forth are not issues in the case before you.

3 You may proceed, counsel.

4 MR. FERNANDEZ: If I may have just a moment,
5 your Honor?

6 THE COURT: Certainly.

7 (Pause)

8 Q Mr. Rodriguez, you have been interviewed by the
9 FBI on several occasions?

10 A Yes, sir.

11 Q Did the FBI agents put pressure on you, sir?

12 A They fulfilled their duty.

13 Q How many times did you speak to them, sir?

14 A I don't know.

15 Q Would it be fair to say that the first two or
16 three times you spoke to the FBI, you were not truthful to
17 them?

18 A It is true.

19 Q And after the fourth or fifth time or during
20 the fourth or fifth time, you started telling the FBI what
21 had happened?

22 A No, sir.

23 MR. FERNANDEZ: I have no further questions.

24 MR. GREEN: No redirect, your Honor.

25 THE COURT: You may step down, sir.