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RELEASED IN PART

ACTION WHA-00

B1, 1.4(D)

INFO	LOG-00	AID-00	ACQ-00	CIAE-00	DODE-00	EUR-00	VCI-00
	TEDE-00	INR-00	IO-00	L-00	VCIE-00	NSAE-00	ISN-00
	NSCE-00	OIC-00	OIG-00	OMB-00	PA-00	PM-00	PRS-00
	P-00	ISNE-00	SP-00	SS-00	TRSE-00	T-00	IIP-00
	PMB-00	DRL-00	G-00	SAS-00	FA-00	/000W	

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FM AMEMBASSY CARACAS

TO SECSTATE WASHDC PRIORITY 7350

INFO WESTERN HEMISPHERIC AFFAIRS DIPL POSTS PRIORITY

EUROPEAN POLITICAL COLLECTIVE PRIORITY

USMISSION USUN NEW YORK PRIORITY

NSC WASHDC PRIORITY

HQ USSOUTHCOM MIAMI FL PRIORITY

C O N F I D E N T I A L CARACAS 003670

SIPDIS

HQSOUTHCOM ALSO FOR POLAD

DEPT PASS TO AID/OTI RPORTER

E.O. 12958: DECL: 12/14/2026

TAGS: PGOV, KDEM, VE

SUBJECT: TWO YEARS AND LITTLE RESOLUTION IN DANILO ANDERSON
CASE

REF: A. 05 CARACAS 02645

B. CARACAS 00191

Classified By: POLITICAL COUNSELOR ROBERT DOWNES FOR 1.4 (D)

1. (C) Summary. After two years of searching for the intellectual authors of prosecutor Danilo Anderson's November 2004 murder, Attorney General Isaias Rodriguez' December 14 announcement of the so-called conclusive findings indicated the BRV is no closer to discovering the masterminds. Rodriguez announced December 15 that the suspects, outspoken journalist Patricia Poleo, Pedro Lander, and Johan Pena, all currently residing in Miami, cannot be charged in abstentia. Meanwhile, he has recommended the investigations of businessman Nelson Mezerhane, Retired General Eufenio Anez Nunez, and Fernando Moreno Palmar be suspended pending the discovery of more evidence in the future. Son of Venezuelan anti-Castro militant Salvador Romani was the only suspect cleared of charges.

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UNITED STATES DEPARTMENT OF STATE

CLASSIFIED BY DEPT. OF STATE, L. HEDGBETH, DAS, A/ISS

REVIEW AUTHORITY: OSCAR J OLSON

CLASSIFICATION: CONFIDENTIAL REASON: 1.4(D)

DECLASSIFY AFTER: 14 DEC 2026

DATE/CASE ID: 22 MAY 2009 200705281

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[REDACTED] The AG tried to blame the lack of conclusive findings on others, including Colombia, the United States, and the Venezuelan legal system,

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[REDACTED] End

Summary.

Background

2. (SBU) Danilo Anderson was a high-profile prosecutor tapped to handle politically-charged cases, such as the shooting deaths during the short-lived April 2002 coup and bringing treason charges against the signers of the so-called Carmona Decree that summarily dissolved the Chavez government at that time. Anderson was accused by many of extorting money from individuals in return for not filing charges, including groundless accusations, against them. Anderson was killed in November 2004 by an explosive device planted in his car. His death is believed to be linked to his alleged extortion attempts, but the BRV claims his death was part of a larger plot to destabilize the government.

3. (C) Otoniel Guevara, Rolando Guevara, and Juan Bautista Guevara were convicted of the actual bombing in December 2005, but the BRV is still searching for the "intellectual authors" of the crime (Ref A).

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4. (C) AG Isaias Rodriguez initially responded by obtaining a gag order against the media, but in August 2006 was forced to admit Vasquez de Armas had lied. Armas

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[REDACTED] admitted to a journalist that the BRV paid him to fabricate his testimony. The prosecution's newest star

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witness, Rafael Garcia, is a former Colombian Department of Administrative Security (DAS) official incarcerated for corruption and aiding and abetting narcotics traffickers and paramilitaries. The AG claimed during his December 14 press conference that Garcia's initial statements support most of Vasquez' key accusations.

"We dunno who dunnit, but it's not our fault"

5. (SBU) Rodriguez' December 14 announcement of the findings of the two-year investigation came just short of the deadline to conclude the case and failed to shed light on who was responsible. The AG complained frequently during the press conference that the legal time limit was insufficient for such a complicated case and he blamed other countries, including Panama and Colombia, for not answering requests for information in time. While not focusing extensively on the United States, he also blamed it for not assisting a Venezuelan terrorist investigation because it did not detain, extradite, or deport three of the suspects. Without this help, Rodriguez said, it would be difficult to objectively determine and prosecute those responsible for the crime. Nevertheless, he revealed some initial, "conclusive" findings.

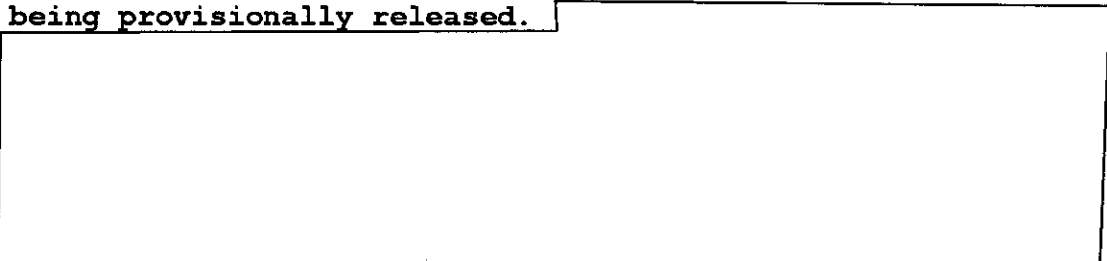
The Possibly Guilty but Unable to Be Accused

6. (SBU) Rodriguez said there was enough evidence to continue the investigation against outspoken journalist and BRV-critic Patricia Poleo as an intellectual author, but he could not formally accuse her as she is in Miami and Venezuelan law prohibits accusing people in absentia. Nevertheless, Rodriguez said he would still pursue a warrant for her arrest. (Note: A Catch-22 moment: any warrant requires formal accusation.) The AG said the investigation into two other material authors, Johan Pena and Pedro Lander (also in Miami) are on hold as well. Pena and Lander are former DISIP agents who, according to press reports, operated a private security firm in Caracas with Bautista Guevara. Rodriguez noted the AG's efforts to get the three deported, including meetings with the Ambassador, Legatt, and the DEA Country Attache. While acknowledging Post's help in securing a meeting for a Venezuelan prosecutor with DHS officials in Miami, Rodriguez said nothing concrete ever came of the discussion.

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The Archived

7. (C) The AG said there was not enough evidence to charge businessman Nelson Mezerhane, his driver Fernando Jesus Moreno Palmar, or Retired General Eufenio Anez Nunez, though he lacked enough evidence to exonerate them. The AG thus said these investigations would be "archived pending further evidence." Mezerhane, a well-known businessman who counts noted opposition news station Globovision among his holdings, was arrested along with Anez Nunez in November 2005 for his alleged role in the crime and held for several weeks before being provisionally released.

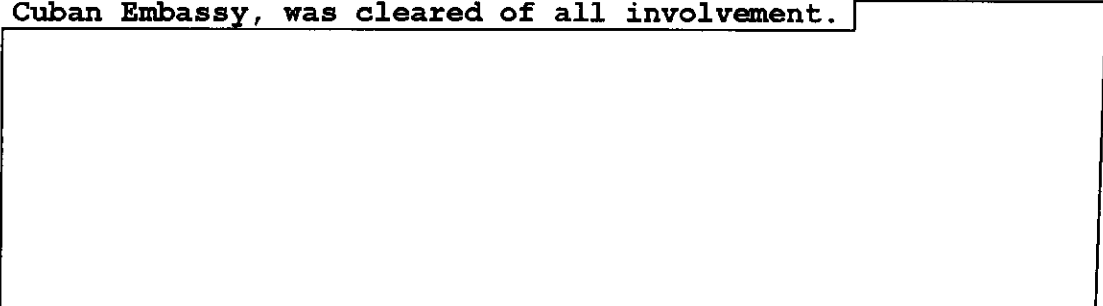


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8. (SBU) Note: The Venezuelan Penal Code states that the AG's office has two years to investigate a crime before it must decide whether to charge or clear the suspects. Only the presiding judge can decide, upon review of the AG's case, whether a case can be archived. At the December 14 press conference, Rodriguez railed against this limitation and its seeming contradiction with other constitutional provisions governing the AG's authority several times. He then announced that he was going to exceed his authority by continuing to keep the cases open.

The Exonerated and Ignored

9. (SBU) The Attorney General exonerated only one of the accused in this case. Salvador Romani, the son of an anti-Castro militant and a participant in the siege of the Cuban Embassy, was cleared of all involvement.



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