

# FOIA MARKER

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**Collection/Record Group:** Clinton Presidential Records

**Subgroup/Office of Origin:** Public Liaison

**Series/Staff Member:** Maria Echaveste

**Subseries:**

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**OA/ID Number:** 11494

**FolderID:**

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**Folder Title:**

Cuba

**Stack:**

**S**

**Row:**

**30**

**Section:**

**7**

**Shelf:**

**1**

**Position:**

**1**

# Withdrawal/Redaction Sheet

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                                                                                                                                  | DATE       | RESTRICTION |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-------------|
| 001. memo                | Maria Rodriques to Maria Echaveste re: Meeting with family members of Brothers to the Rescue pilots[Personally Identifiable Information]<br>[partial] (1 page) | 08/11/1997 | b(6)        |

### COLLECTION:

Clinton Presidential Records  
Public Liaison  
Maria Echaveste  
OA/Box Number: 11494

### FOLDER TITLE:

Cuba

2016-0920-F

jm1892

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

#### Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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Washington, D.C. 20520

11-Aug-97

TO: Maria Echaveste  
Director  
Office of Public Liaison

FROM: Maria Rodriguez  
Deputy Assistant Secretary  
for Public Affairs

RE: Meeting with family members of Brothers to the Rescue pilots

Per our discussion, the following is the list of the deceased Brothers to the Rescue pilots' family members that will be arriving at the White House for the August 11, 1997 3:00 PM meeting.

The deceased appear in bold; family members in italics.

**Armando Alejandro, Jr.**

*Maggie Khuly, sister* (b)(6)

*Verge Khuly, brother-in-law* (b)(6)

*Anna Ciereszko, sister* (b)(6)

(Ms. Ciereszko is a Democratic Party activist and ran an unsuccessful campaign for the Florida State Legislature six years ago. She is also a founding member of Cuban American Women for Clinton.)

**Carlos Costa**

*Mirta Costa, mother* (b)(6)

*Mirta Mendez, sister* (b)(6)

*Ricardo Mendez, brother-in-law* (b)(6)

**Mario de la Peña**

*Miriam de la Peña, mother* (b)(6)

*Mario de la Peña, father* (b)(6)

*Michael de la Peña, brother* (b)(6)

Representing the Department of State:

Ms. Maria (Lula) Rodriguez (b)(6)

cc: Janice Jacobs (Cuban Affairs)  
Joan Colbert (Director, Office of Public and Intergovernmental Liaison)

① want info...

DOJ - has investigation ongoing  
so we can't comment - but  
knowing Reno is from Fla  
so I'm confide

② → want info w/ Richardson  
but don't promise

③ want a liaison

④ Ambassador Eisenstadt

keeps close touch  
w/ Pres & Albright  
— and he has  
done a good  
job of focusing  
international attn  
on human rights  
alluses in Cuba

8/21, tell him  
he will meet  
w/ them then  
like then  
first

architects  
sophisticated activists  
[001]

they are  
close to  
Ileana  
arrivals

each family  
received \$300,000  
out of frozen assets  
of Cuba - still  
pursuing put  
action against

002



**BUREAU OF PUBLIC AFFAIRS  
U. S. DEPARTMENT OF STATE  
WASHINGTON, D.C.**

DATE: 8/11

TO: Maria Echaveste / David Honker  
456-7067

FROM: Lula Rodriguez  
FAX: (202) 647-5939 PHONE: (202) 647-6088

MESSAGE: list of visitors this afternoon  
\_\_\_\_\_  
\_\_\_\_\_

Number of pages (including cover sheet): 2

TO: Maria Echaveste

FR: Nick Baldick

RE: Cuban Group

This group is coming to Washington on Monday for meetings with the people at State and Justice. They wanted to meet with their liaison, but we don't have one. If possible can you meet with them. Monday afternoon will work for them because their meeting with the Cuban Desk Michael Rattenberger has been moved to Tuesday.

Contact Information: Mirta Mendez

(H) 305-552-7629

(Cel) 305-632-3151

She will be staying at the Mayflower starting Saturday

If you could have someone call her today or Thursday that would be great. I have attached the letters they have sent me, including their schedule.

- Bill Richardson  
- Louis Fresh  
- mtg  
Shot down by Miqs  
2/24/

in ~~SA~~ international  
waters

\* See on Monday

8/7 called  
message

647 - 6607

**C.A.M.P. 4 Justice**  
P.O. Box 14-4759, Coral Gables, FL 33114-4759

July 23, 1997

Mr. Nick Baurick  
Staff Member  
Office of the Vice President  
United States of America

Re: Shoot Down of Civilian American Planes 2/24/96

Dear Mr. Baurick:

Pursuant to our telephone conversation on Monday, July 21st, I would like to reiterate our strong interest in meeting with the U.S. officials listed below. I would also like to thank you for your cooperation in the re-assignment of a White House liaison for the families of:

Carlos Costa  
Armando Alejandro, Jr.  
Mario M. de la Peña  
Pablo Morales

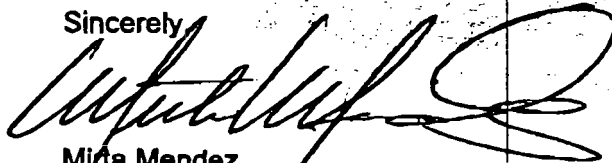
....we look forward to hearing from the new liaison on or about August 4th.

Per your request, following is the schedule for the two meetings that have been arranged. We are hopeful that you'll be successful in scheduling the other three meetings during our visit to Washington, August 11 and 12.

|                                               | <u>Status as of 7/23/97</u> |
|-----------------------------------------------|-----------------------------|
| Secretary of State, Madeleine Albright        | Pending                     |
| U.S. Ambassador to the U.N., Bill Richardson  | Pending                     |
| F.B.I. Director, L. Freeh                     | Pending                     |
| Briefing with the Cuba Desk, State Department | - Aug. 11 at 1:30 p.m.      |
| Meeting with Mr. Hogan, Justice Dept.         | - August 12 at 10:00 a.m.   |

Again, we appreciate Vice President Gore's and your prompt action on our behalf, and are looking forward to working closely with our new liaison in accomplishing our goals. I may be contacted by phone at (305) 552-7629, or by fax at (305) 207-8119.

Sincerely



Mirta Mendez  
for the Families of C.A.M.P.

Carlos, Armando, Mario, Pablo....we'll never forget you.

## **C.A.M.P. 4 Justice**

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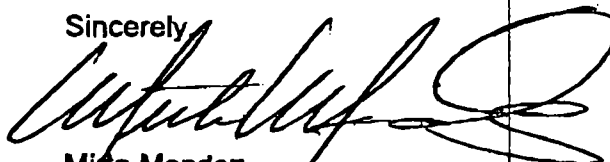
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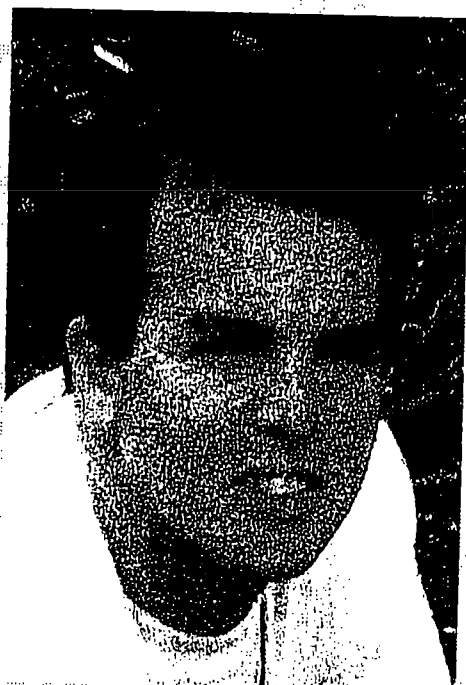
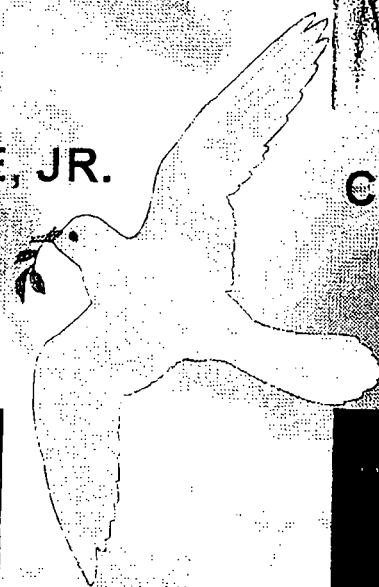
Carlos, Armando, Mario, Pablo....we'll never forget you.



ARMANDO ALEJANDRE, JR.



CARLOS A. COSTA



MARIO DE LA PENA



PABLO MORALES

## **UNARMED CIVILIAN AIRPLANES DOWNED OVER INTERNATIONAL WATERS**

**FEBRUARY 24, 1996**

**2:57 PM**                    **CIVILIAN** airplanes NOTIFY Cuban air traffic controllers OF FLIGHT PLAN

**3:18 PM**                    **CUBAN FIGHTER PLANES** (two MiGs) ASK FOR AND RECEIVE AUTHORIZATION from Ground Control TO DESTROY the planes

**3:21 PM**                    **FIRST AIRCRAFT** is DESTROYED

**3:25 PM**                    **SECOND AIRCRAFT** is DESTROYED

On February 24, 1996, two small, unarmed civilian 4-passenger airplanes flying a humanitarian mission of search and rescue for Cuban refugees in the Straits of Florida were downed by the Air Force of the Cuban government while flying over international waters off the coast of Cuba.

**MURDERED** in this unprovoked attack were two United States citizens, **CARLOS COSTA** and **MARIO DE LA PENA**; a Cuban-born United States citizen, **ARMANDO ALEJANDRE**; and a resident of the United States born in Cuba, **PABLO MORALES**.

The two airplanes, together with a third plane that was able to escape, had notified Cuban air traffic controllers as to their flight plans which would take them south of the 24th parallel and close to, but not into, Cuban airspace. The Cubans responded by downing first one aircraft at approximately 18 miles off the Cuban coast and then the second at approximately 24 miles off the coast of the island.

The downing of the two aircraft and the **MURDER** of their four occupants constitute a **CLEAR VIOLATION OF THE HUMAN RIGHTS OF CIVILIANS TO FLY OVER INTERNATIONAL WATERS IN INTERNATIONAL AIRSPACE AND A CLEAR VIOLATION OF INTERNATIONAL LAW**.

**ALL AVAILABLE EVIDENCE INDICATES THAT THESE MURDERS WERE PREMEDITATED.** This evidence includes, but is not limited to, the confirmation by independent sources of the aircrafts' position over international waters; the transcript of the conversation between the Cuban MiG Air Force pilots and the Cuban Air Force ground control; the wave of repression by the Cuban government against Concilio Cubano on the days prior to the downings; the diversionary tactics employed by the Cuban government regarding the rafters in the Bahamas to ensure that the planes would be flying near Cuban waters on February 24th; and the return to Cuba of the spy Roque the day before the downings.

**ARMANDO'S, CARLOS', MARIO'S AND PABLO'S BASIC HUMAN RIGHTS WERE VIOLATED. THEIR MURDERS MUST BE CONDEMNED BY THE INTERNATIONAL COMMUNITY.**

## AVIONETAS CIVILES DESARMADAS DERRIBADAS SOBRE AGUAS INTERNACIONALES

4 DE FEBRERO DE 1996

2:57 PM AVIONETAS CIVILES NOTIFICAN a los controladores de trafico  
aereo cubano del PLAN DE VUELO

3:18 PM AVIONES MILITARES CUBANOS (dos MiGs) PIDEN Y RECIBEN  
AUTORIZACION de el controlador militar cubano PARA DESTRUIR  
las avionetas

3:21 PM La PRIMERA AVIONETA es DESTRUIDA

3:25 PM La SEGUNDA AVIONETA es DESTRUIDA

El 24 de febrero de 1996 dos avionetas civiles de 4 pasajeros, desarmadas, volando en mision humanitaria de busqueda y rescate de refugiados cubanos en el Estrecho de la Florida, fueron derribadas por las Fuerzas Aereas del gobierno cubano mientras volaban sobre aguas internacionales cerca de las costas de Cuba.

En este ataque no provocado fueron ASESINADOS dos estadounidenses, CARLOS COSTA Y MARIO DE LA PENA; un ciudadano norteamericano nacido en Cuba, ARMANDO ALEJANDRE Jr., y un residente de los Estados Unidos nacido en Cuba, PABLO MORALES.

Las dos avionetas, junto a una tercera que logro escapar, habian notificado a los controladores de trafico aereo cubano sus planes de vuelo, que llevarian al sur del paralelo 24 y cerca, pero no dentro, del espacio aereo cubano. Los cubanos respondieron derribando la primera avioneta a unas 18 millas de las costas de la Isla y luego derribando la segunda a unas 24 millas de las costas cubana.

El derribo de estas dos avionetas y el ASESINATO de sus cuatro ocupantes contituye una VIOLACION CLARA DE LOS DERECHOS HUMANOS QUE PERMITE A AERONAVES CIVILES EL VOLAR SOBRE AGUAS INTERNACIONALES, EN ESPACIO AEREO INTERNACIONAL, Y ES UNA VIOLACION CLARA DE LA LEY INTERNACIONAL.

LA EVIDENCIA DISPONIBLE INDICA QUE ESTOS ASESINATOS FUERON PREMEDITADOS. Esta evidencia incluye, entre otras, la confirmacion de parte de fuentes independientes de la posicion de las avionetas sobre aguas internacionales; la transcripcion de la conversacion entre los pilotos de los MiGs y el controlador de las Fuerzas Aereas Cubanas; la ola de represion de parte del gobierno cubano en contra del Concilio Cubano en los dias antes del derribo; las tacticas diversionarias empleadas por el gobierno cubano en cuanto a los balseros en las Bahamas para asegurar que las avionetas estuvieran volando cerca de aguas cubanas el 24 de febrero; y el regreso a Cuba del espia Roque el dia antes del derribo.

LOS DERECHOS HUMANOS FUNDAMENTALES DE ARMANDO, CARLOS, MARIO Y PABLO FUERON VIOLADOS. ESTE ASESINATO TIENE QUE SER CONDENADO POR LA COMUNIDAD INTERNACIONAL.

**Name:**

**ARMANDO ALEJANDRE**

**Date of birth:**

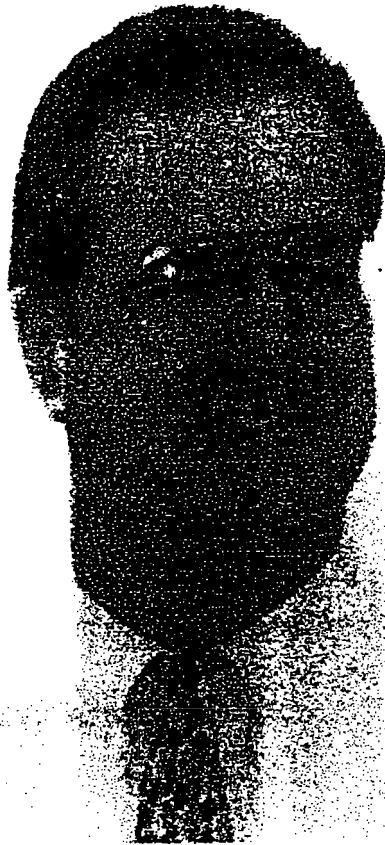
**APRIL 16, 1950**

**Place of birth:**

**LA HABANA, CUBA**

**Citizenship:**

**UNITED STATES**



Born in Havana of Cuban parents, Armando grew up in a close-knit family. Armando arrived in the United States when he was ten years old; eight years later, as soon as he graduated from high school, he enlisted in the United States Marine Corps and volunteered to fight in Vietnam. He served as a Marine, even though his height (6 ft. 7 in.) would have excluded him from the military draft, and he had not yet become United States citizen. He wanted to fight for the country that had adopted him as a way of expressing his gratitude to the United States for all it had done for his fellow Cubans.

Armando graduated from Florida International University and worked for the Metro-Dade Transit Agency (Miami). He was well known among those who struggle for the freedom of Cuba and because of his respect for the human rights of every individual -- whether it was in New York, Washington, Colombia, Panama, in the Democracy Movement flotilla, in Concilio Cubano, or flying with Brothers to the Rescue.

He was married and loved his Cuban-born wife, Marlene, very much. They had one daughter, Marlene Victoria, who is 18 years old. Marlene Victoria, sobbing, described her father in testimony before the United States Congress as "the smartest, most generous, funny, and charming man I have ever known."

**DECEASED:**

**FEBRUARY 24, 1996**

**MURDERED BY CASTRO'S AIR FORCE OVER INTERNATIONAL WATERS**

Nombre:

ARMANDO ALEJANDRE

Fecha de nacimiento:

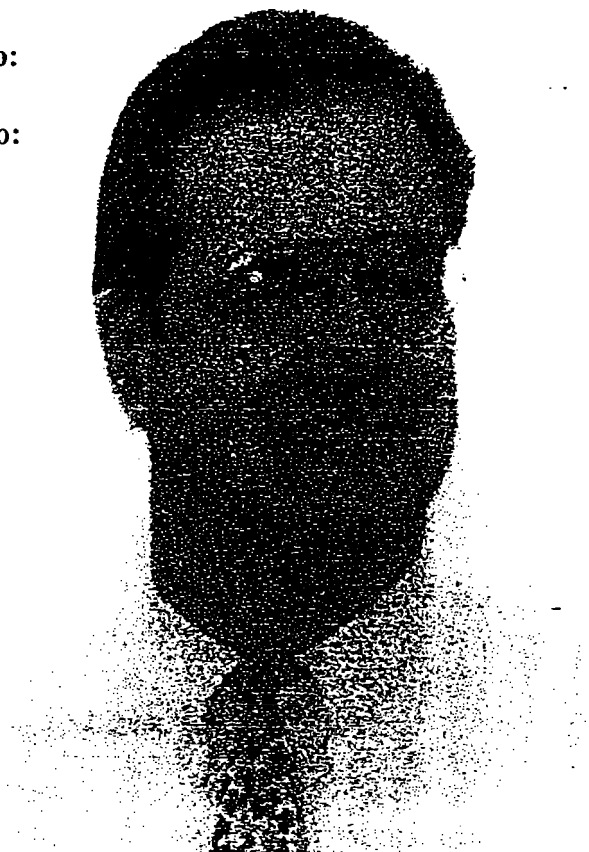
16 DE ABRIL DE 1950

Lugar de nacimiento:

LA HABANA, CUBA

Ciudadania:

ESTADOS UNIDOS



Nacido en La Habana de padres cubanos, Armando crecio rodeado de una familia muy unida. Armando llego a los Estados Unidos de diez anos de edad y ocho anos mas tarde, al terminar la escuela secundaria, se presento en una oficina de reclutamiento militar como voluntario para luchar en Vietnam. Sirvio en los Marine Corps a pesar de que su estatura (2 metros) le impedia ser conscripto al servicio militar, y aunque no era ciudadano de los Estados Unidos --- Armando era todavia ciudadano cubano. Queria pelear por la patria que lo habia adoptado y asi demostrar su agradecimiento a la nacion que hacia tanto por sus coterraneos.

Armando se graduo de la Universidad Internacional de la Florida y trabajaba en la Agencia de Transito de Metro Dade (Miami). Era un rostro permanente en la causa de la libertad de Cuba y en la defensa de los derechos de cada ciudadano -- ya fuera en New York, en Washington, en Miami, en Colombia, en Panama, en las flotillas del Movimiento Democracia, en Concilio Cubano, o en vuelos de Hermanos al Rescate ayudando a los balseros varados en las Bahamas.

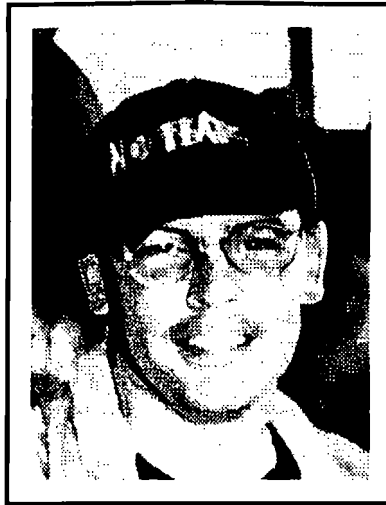
Estaba casado---quiso mucho a su esposa, tambien nacida en Cuba y ciudadana de los Estados Unidos, y tuvieron una hija, Marlene Victoria, que tiene 18 anos. Entre sollozos, Marlene Victoria describio a su padre en su testimonio ante el Congreso de los Estados Unidos como "el hombre mas inteligente, generoso, divertido y encantador que yo haya conocido."

DEFUNCION:

24 DE FEBRERO DE 1996

ASESINADO POR LAS FUERZAS AEREAS DE CASTRO SOBRE AGUAS INTERNACIONALES

Name:  
Date of Birth:  
Place of Birth:  
Citizenship:



CARLOS ALBERTO COSTA  
JUNE 23, 1966  
MIAMI, FLORIDA USA  
UNITED STATES

While flying in a twin engine Cessna over the Florida Straits, Carlos A. Costa spotted a few people stranded on a rock. He quickly radioed the United States Coast Guard and flew in closer to drop supplies to the Cuban rafters below.

"When I passed by I saw a father holding his baby in the air", Costa said in an interview a year ago. "All I could do was throw water."

Three times a week, Carlos woke up before sunrise and drove to a nearby hangar to prepare small planes for flight. Before 9 a.m., he headed to work at Miami International Airport. There he trained employees on aviation rules and enforced Federal Aviation Administration standards.

After work, it was his time to go to the gym, home and out with his friends.

In all, Carlos followed all the rules in his journey to live the American dream.

He graduated from Embry-Riddle Aeronautical University, the nation's top aviation school. He climbed the corporate ladder at one of the nation's largest and busiest airports and spent much time with his family and friends. A family, a nice home and establishing a stable financial future were among his goals.

At age 29, his dream was cut short.

Born in Florida and a child of Cuban parents, Carlos felt a tie to an island that lay only a few 100 miles from his Miami home. He watched and read about Cubans escaping Fidel Castro's regime in makeshift rafts, thousands drowning before they reached freedom. In 1992, Carlos put his pilot license and his organizational skills to a humanitarian use joining Brothers to the Rescue, a group of pilots that flew over the Florida Straits searching for rafters.

From his first to his final flight on February 24, 1996, Carlos' sharp eye alone spotted more than 500 rafters. He threw food and water to women, men and children that floated aimlessly at sea.

When he was not piloting a plane, he was on the ground organizing spotter crews, meetings and social gatherings for the group of pilots that were all from different nationalities - Argentinian, Peruvian, Puerto Rican, Cuban and American, like Carlos. His dedication with Brothers flowed into his professional and personal life.

His family was his life. Every weekend Carlos spent time with his sister, his niece and nephews. He went to gatherings, church and vacations with them. To those he rescued, to his coworkers and to his family and friends, the BRUTAL ASSASSINATION of Carlos and the other three pilots has no justification. His smile is missed daily by all who knew and loved him.

Nombre:  
Fecha de Nacimiento:  
Lugar de Nacimiento:  
Ciudadanía:



CARLOS ALBERTO COSTA  
JUNIO 23, 1966  
MIAMI, FLORIDA USA  
ESTADOS UNIDOS

Mientras volaba sobre el estrecho de la Florida en un avión Cessna de dos motores, Carlos Alberto Costa descubrió a varias personas ancladas en una piedra. Rápidamente llamó por la radio a los Guardacostas de los Estados Unidos y voló más cerca de ellos para dejar caer abastecimientos a los balseros cubanos que estaban abajo.

"Cuando pasé por allí, ví a un padre aguantando a su hijito en el aire", Costa comentó en una entrevista hace un año atrás. "Todo lo que pude hacer fue tirarles agua"

Tres veces a la semana, Carlos se despertaba antes del amanecer y manejaba hasta un hangar cercano para preparar aviones pequeños para volar. Antes de las 9 a.m., él se iba a su empleo en el Aeropuerto Internacional de Miami. Su trabajo era entrenar empleados sobre las reglas de aviación y las regulaciones de la Administración Federal de Aviación.

Después de su trabajo, en su tiempo libre iba al gimnasio y salía con sus amistades.

En conjunto, Carlos seguía las reglas en su jornada para vivir el sueño americano.

Se graduó de la Universidad Aeronáutica Embry-Riddle, la mejor escuela de aviación en la nación Americana. Carlos ascendió con dignidad la escala corporativa de uno de los aeropuertos más grandes y de más tráfico del país y pasaba mucho tiempo con su familia y amistades. Una familia, un hogar feliz y preparar un futuro financiero eran sus metas.

A los 29 años de edad, sus sueños fueron destruidos.

Nacido en la Florida e hijo de padres cubanos, Carlos sentía que algo lo ataba a una isla que solamente se encuentra a unas 100 millas de su casa en Miami. El leía y veía a los cubanos escapando del régimen de Fidel Castro en balsas caseras, miles se ahogaban antes de llegar a tierras de libertad. En 1992, Carlos puso su licencia de piloto y sus conocimientos organizativos a un uso humanitario, uniéndose a Hermanos Al Rescate, un grupo de pilotos que volaba sobre el estrecho de la Florida buscando y ayudando a balseros.

Desde su primer hasta su último vuelo en Febrero 24, 1996, Carlos rescató a más de 500 balseros, tirándole comida y agua a mujeres, hombres y niños que flotaban a la deriva en el mar.

Cuando no estaba piloteando un avión, estaba organizando reuniones con los otros miembros de rescate y en eventos sociales para grupos de pilotos de diferentes nacionalidades - Argentinos, Peruanos, Puerto Riqueños, Cubanos y Americanos, como Carlos. Su dedicación a los Hermanos Al Rescate era parte de su vida profesional y personal.

Su familia era su vida. Cada fin de semana, Carlos compartía con su única hermana, su brina y sus sobrinos. El estaba presente con ellos en eventos, la iglesia y las vacaciones. Para esos que él rescató, sus compañeros de trabajo, su familia y amistades, el ASESINATO BRUTAL de Carlos y de los otros tres pilotos, no tiene justificación. Su sonrisa se extraña todos los días por todos quienes lo conocieron y lo quieren.





**Name:**

**MARIO de la PENA**

**Date of birth:**

**DECEMBER 28, 1971**

**Place of birth:**

**NEW JERSEY, USA**

**Citizenship:**

**UNITED STATES**



A humanitarian to the fullest, who always discouraged acts of violence. A native-born American who fully believed in the principles of truth, justice and freedom. He once wrote, "Since the age of ten I have longed to fly commercial-type aircraft. And since the age of fifteen, I have actively pursued that dream." Mario graduated with honors from Miami Coral Park High School and simultaneously earned his aircraft mechanic's license. At Miami Dade Community College he earned his Associate Degree in Professional Piloting, once again graduating with honors. As a senior at Embry Riddle Aeronautical University, he maintained a grade point average of 3.9 and would have received his Bachelor's Degree in Professional Aeronautics before the end of this year.

With his busy schedule, he still found time as a volunteer using his talents to help others. He once wrote, "I find that being able to help those in need is a very fulfilling experience." His flight log records each and every time when he spotted and aided a person stranded at sea.

All the missions he flew with Brothers to the Rescue affected him very much. He had always thought of freedom as something natural. Seeing the reality of cubans who risk their lives in makeshift rafts and inner tubes to escape persecution and oppression made him realize that there is a suffering that goes beyond economic hardship...the lack of freedom. "I can't conceive life without freedom of expression; I've always thought of it as something natural and now I realize how important and fundamental it is in life and how terrible it is to live without it", Mario said.

Referring to his work with a humanitarian organization, Mario said, "Brothers to the Rescue has given me the opportunity to use what I have learned to help others".

**DECEASED:**

**FEBRUARY 24, 1996**

**MURDERED BY CASTRO'S AIR FORCE OVER INTERNATIONAL WATERS**

**Nombre:**

**MARIO M. de la PENA**

**Fecha de nacimiento:**

**28 DE DICIEMBRE DE 1971**

**Lugar de nacimiento:**

**NEW JERSEY, EE.UU.**

**Ciudadania:**

**ESTADOS UNIDOS**



Una persona humanitaria en su mayor expresion, siempre estaba en contra de actos de violencia. Nacido en los Estados Unidos, creia plenamente en los principios de verdad, justicia, y libertad. Una vez escribio: "Desde que tenia diez años sonaba ser aviador. Y desde los quince años me he esforzado para realizar mi sueño." Mario se graduo con honores del Miami Coral Park High School y simultaneamente logro su licencia de mecanico de aviacion. En el Miami-Dade Community College obtuvo el titulo de piloto profesional, graduandose de nuevo con honores. Cursando su ultimo año en Embry-Riddle Aeronautical University, mantuvo notas sobresalientes y hubiese recibido su titulo universitario especializado en aeronautica durante 1996.

Aunque estaba muy ocupado siempre encontraba tiempo para participar como voluntario utilizando sus talentos para ayudar al proximo. Otra vez escribio: "Encuentro que el poder ayudar a los necesitados es una experiencia muy gratificadora." Su diario de vuelo indica todas las veces que avisto y ayudo a una persona varada en el mar.

Todas las misiones en las cuales volo con Hermanos al Rescate lo afectaron mucho; el siempre habia pensado en la libertad como algo natural. Viendo la realidad de los cubanos que arriesgaban sus vidas en balsas y camaras de goma para escapar a la persecucion y opresion lo hicieron comprender que hay un sufrimiento que va mas alla de las dificultades economicas...la falta de libertad de expresion. "No puedo concebir una vida sin libertad de expresion; siempre he pensado en esto como algo natural y ahora me doy cuenta cuan importante y fundamental es en la vida y lo terrible que es vivir sin ello."

Refiriendose a su trabajo con la organizacion humanitaria Mario dijo: "Los Hermanos al Rescate me han dado la oportunidad de utilizar lo que he aprendido para ayudar a otros."

**DEFUNCION:**

**24 DE FEBRERO DE 1996**

**ASESINADO POR LAS FUERZAS AEREAS DE CASTRO SOBRE AGUAS INTERNACIONALES**



Name:

PABLO MORALES

Date of birth:

MAY 16, 1966

Place of birth:

LA HABANA, CUBA

Citizenship:

CUBA



From an early age and throughout his life, Pablo Morales demonstrated leadership abilities, a sense of responsibility and an understanding of the value of justice.

During the time he lived in the communist oppressed country of Cuba, he experienced a lack of respect for human rights, darkness, oppression and hunger. Consequently, he learned a lot about himself during those years, and came to fully appreciate the experiences and values taught by his parents - contrary to the utopian concepts of Castro's regime.

He studied cartography and became a geodesy technician. He also learned the importance of liberty of expression and chose poetry as the conduit to convey his feelings and opinions. Here is an excerpt from one of his poems:

*"In American soil, I experienced the immensity of liberty  
for which I longed in the land I left behind.  
Here I will struggle tirelessly to see my country free of evil.  
I will strive to gain true freedom."*

Pablo gained insight into the kind of man he would become -- focused and determined. Pablo became a man of courage and sensitivity. He had dreams of seeing his country free of evil and hoped for a democratic system. He navigated his way to freedom. He preferred to risk the great possibility of death rather than live in the oppression of Cuba.

Hence, on August 5, 1992, Pablo was rescued by a humanitarian group, Brothers to the Rescue. In reciprocity, he volunteered as a co-pilot to help them by saving others like himself floating like specks in a desolate ocean, hoping that their lives and those that were left behind would not be in vain.

While in the United States Pablo began attending church regularly and became a faithful Christian. His beliefs strengthened him to carry on a life apart from his family. In time Pablo made many friends, attributed to his charming personality, good sense of humor and sincerity, which captivated the hearts of those who knew him.

Pablo will never be forgotten by his family, friends and acquaintances as the Good Samaritan who sacrificed his life for others.

DECEASED:

FEBRUARY 24, 1996

MURDERED BY CASTRO'S AIR FORCE OVER INTERNATIONAL WATERS

Nombre:

PABLO MORALES

Fecha de nacimiento:

16 DE MAYO DE 1966

Lugar de nacimiento:

LA HABANA, CUBA

Ciudadania:

CUBA



Desde temprana edad y durante toda su vida, Pablo Morales demostró su liderazgo, un sentido de responsabilidad y entendimiento sobre el valor de la justicia.

Durante el tiempo que vivió en Cuba, nación oprimida por el comunismo, él sufrió la falta de respeto por los derechos humanos, oscuridad, opresión y hambre. Por eso aprendió mucho sobre sí mismo durante esos años, y llegó a apreciar las experiencias y los valores que sus padres le enseñaron, contrarios a los conceptos utópicos del régimen de Castro.

Estudió cartografía y se hizo técnico de geodesia. También aprendió la importancia de la libertad de expresión. La poesía fue su manera de expresar sentimientos y opiniones.

*"En suelo americano, experimente la inmensidad de la libertad  
Por la cual sonaba en la tierra que deje atrás.  
Aquí luchare sin descanso para ver mi patria libre del mal.  
Y luchare para ganar la libertad verdadera."*

Pablo comenzó a crecer y a convertirse en el hombre que era - centrado y decidido. Pablo fue un hombre con valor y sensibilidad. Tenía la esperanza de ver a su país libre del mal y encaminado hacia la democracia. Él navegó hacia la libertad -- prefiriendo tomar el riesgo de una muerte en el mar que quedarse en su tierra oprimida, Cuba.

El cinco de agosto de 1992 Pablo fue rescatado por un grupo humanitario, Hermanos al Rescate. En agradecimiento a ese gesto, Pablo se hizo voluntario para volar como co-piloto, rescatando a otros que, como él, flotaban en las aguas desoladas del estrecho de la Florida, para que aquellos en el mar, al igual que los que quedaban atrás, no se perdieran en vano.

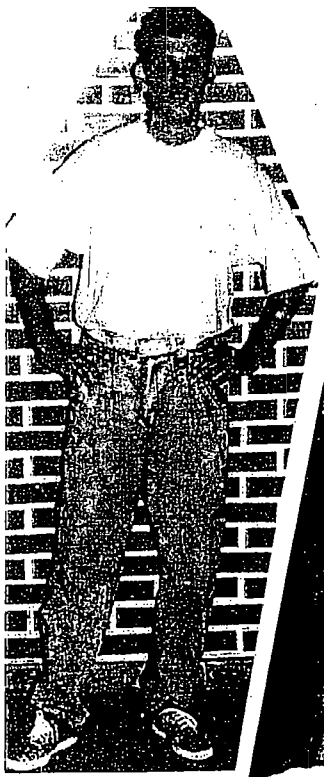
En los Estados Unidos Pablo empezó a ir a la iglesia y se convirtió en un buen cristiano. Su fe le dio fuerza para seguir adelante sin su familia. Pablo tuvo muchos amigos, ya que su personalidad, su buen humor y sinceridad, le ganaba los corazones de los que lo conocían.

Pablo nunca será olvidado por su familia, sus amistades, sus conocidos como el buen samaritano que sacrificó su vida por otros.

**DEFUNCION:**

**24 DE FEBRERO DE 1996**

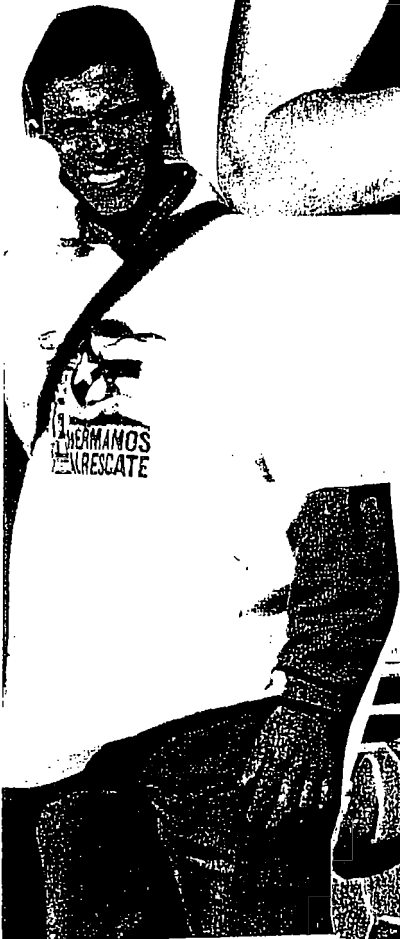
**ASESINADO POR LAS FUERZAS AEREAS DE CASTRO SOBRE AGUAS INTERNACIONALES**



PABLO



PABLO



PABLO



PABLO



# Clinton Presidential Records

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**OA/ID:** 11494



Economic and Social  
Council

Distr.  
GENERAL

E/CN.4/1997/53  
22 January 1997

ENGLISH  
Original: SPANISH

COMMISSION ON HUMAN RIGHTS  
Fifty-third session  
Item 10 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS  
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND  
OTHER DEPENDENT COUNTRIES AND TERRITORIES

Report on the situation of human rights in Cuba submitted by  
the Special Rapporteur, Mr. Carl-Johan Groth, in accordance  
with Commission resolution 1996/69 and Economic and Social  
Council decision 1996/275

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29. The Special Rapporteur also received information on the following cases in which people were denied permission to leave the country to join relatives who had left Cuba previously by legal means and had decided not to return:

(a) Sandra María Gato Menéndez and her daughter Chanel Tabares Gato were denied permission to leave the country to join Mario Iván Tabares, their husband and father, respectively, a former member of the national tennis team who had been granted political asylum in the United States of America in March 1995. His wife and daughter had been issued United States entry visas in September 1995. In November 1995 Sandra María Gato was summoned to the Immigration Office, where she was told that her departure would be delayed for a period of three years. In March 1996, she was summoned again and told that her trip would be delayed indefinitely because she was the wife of a "traitor to the nation";

(b) Loreto Mérida García Navarro, Dianela María Morales García, Carlos Cano Orta and Daymara Cano Morales, relatives of Pablo Morales, one of the four pilots of the aircraft shot down by the Cuban Air Force on 24 February 1996, were denied permission to leave the country to join the rest of their family in the United States even though they had the proper visas. Moreover, 11-year-old Daymara Cano was said to be in very delicate health because her family could not afford to obtain the necessary medical care for her in Cuba.

(c) Hilda Maestra Hernández, aged 71, and her grandson, Jean Luis Labrada, who have been in possession of entry visas for the United States since February 1995, were denied permission to leave the country to join Jean Luis Labrada's parents, who have been living in Miami since May 1994.

30. Lastly, Cuban citizens continued to leave the country illegally in precarious means of transport for other countries in the region, although in lesser numbers than in previous years, before the immigration agreements with the United States entered into force.

### III. VIOLATIONS OF THE RIGHT TO LIFE

31. In the context of violations of the right to life, the Special Rapporteur would like to refer to the case of the sinking of the tugboat 13 de Marzo, which took place on 13 July 1994 and was discussed in previous reports. <sup>18/</sup> The Special Rapporteur is seriously concerned about the fact that an incident of this magnitude, in which 40 people died, has not been investigated by the competent authorities. On 16 October 1996, the Inter-American Commission on Human Rights adopted a report on this incident in which it declared the State of Cuba responsible for violating the right to life (American Declaration of the Rights and Duties of Man, art. I) of the 40 persons who perished as a result of the sinking of the tugboat; violating the personal security (American Declaration, art. I) of the 31 persons who survived the incident, because of the emotional trauma it caused; and violating the freedom of movement and the right to justice of the 71 persons who tried to leave Cuba, as set forth in articles VIII and XVIII of the Declaration. It also recommended that Cuba should conduct an in-depth investigation into the incident with a view to identifying, prosecuting and punishing those responsible; recover the sunken ship, retrieve the victims' remains and hand them over to their families and fairly compensate the survivors and the relatives of those who died for material and non-material damage, including psychological damage. <sup>19/</sup>

32. Another instance in which the Cuban authorities violated the right to life occurred on 24 February 1996, when Cuban Air Force pilots shot down two civil aircraft, registered in the United States, which were on a mission for Hermanos al Rescate (Brothers to the Rescue), a volunteer organization based in Miami. The four crew members, all of whom died in that incident, were Armando Alejandro, Carlos Costa, Pablo Morales and Mario de la Peña. In recent years, Hermanos al Rescate has undertaken to fly over the waters of the Straits of Florida to search for persons leaving Cuban territory in precarious means of transport for the United States coast, in many cases helping to save their lives.

33. Following the incident, the United Nations Security Council, along with the Governments of Cuba and the United States of America, asked the International Civil Aviation Organization (ICAO) to investigate the incident. After the investigation was completed, the Council of ICAO considered the report thereof in June 1996. That report 20/ concluded that the authorities in Cuba had notified the authorities in the United States of multiple violations of their airspace since May 1994. In at least one case (13 July 1995), the pilot had released leaflets over Havana. The United States authorities had issued public statements advising of the potential consequences of unauthorized entry into Cuban airspace and had initiated legal actions against the above-mentioned pilot.

34. According to the authorities in Cuba, two light aircraft violated Cuban territorial airspace on 9 and 13 January 1996, and released leaflets which fell on Cuban territory. According to the pilot of one of the aircraft, half a million leaflets were released on 13 January 1996; on both occasions they were released outside the 12-mile Cuban territorial limit and the wind carried them to Havana. Following that incident, the ICAO report states, the Commander of the Anti-Aircraft Defence of the Air Force of Cuba was instructed that violations of Cuban territorial airspace should no longer be tolerated and was authorized, if such a situation arose again, to decide personally on military interception and shooting down, if so required.

35. The ICAO report notes that there were significant differences between the data provided by the Cuban and United States authorities concerning the position of the aircraft at the time they were shot down on 24 February. It therefore considers that the data provided by the cruise ship Majesty of the Seas, which was in the vicinity, are more reliable; according to those data, the shoot-downs took place outside Cuban territorial airspace. The report also states that means other than interception, such as radio communication, had been available to Cuba, but had not been utilized, and that this conflicts with the ICAO principle that interception of civil aircraft should be undertaken only as a last resort. Nor did the Cuban Air Force make any attempt to direct the aircraft beyond the boundaries of national airspace, guide them away from a prohibited, restricted or danger area or instruct them to effect a landing. The rule of customary international law that States must refrain from resorting to the use of weapons against civil aircraft in flight, as codified in article 3 bis of the Convention on International Civil Aviation, and the ICAO provisions concerning interception of civil aircraft, apply irrespective of whether or not such an aircraft is within the territorial airspace of that State.

36. After considering the report, the Council of ICAO adopted, on 27 June 1996, a resolution 21/ reaffirming the principle that States must refrain from the use of weapons against civil aircraft in flight and that, when intercepting civil

aircraft, the lives of persons on board and the safety of the aircraft must not be endangered. It also reaffirmed the principle that each Contracting State should take appropriate measures to prohibit the deliberate use of any civil aircraft registered in that State for any purpose inconsistent with the aims of the Convention on International Civil Aviation. Lastly, the Council reaffirmed its condemnation of the use of weapons against civil aircraft in flight as being incompatible with elementary considerations of humanity, the rules of customary international law as codified in article 3 bis of the Convention and other standards annexed thereto. By its resolution 1067 (1996), the United Nations Security Council endorsed the conclusions of the report and the resolution adopted by the Council of ICAO.

37. The Special Rapporteur considers that the shooting down of these aircraft was a premeditated act and that it constituted a violation of the right to life of four people. From a political standpoint, the manner in which the events took place, particularly the fact that approximately six minutes elapsed between the shooting down of one aircraft and that of the other, irrefutably indicates that the act did not represent the reflex of some confused pilots, but that there had been enough time for them to receive precise orders to act as they did. The high command of the Cuban Army was aware that shooting down the aircraft would add a new obstacle to the already difficult relations between Cuba and the United States. It may thus legitimately be asked who in the Cuban Government has an interest in causing incidents that create such obstacles and why. At the same time, it may legitimately be asked why the United States authorities did not take effective measures to halt additional flights by these aircraft which could be expected to have tragic consequences. One possible reason is the existence of groups in Miami whose relevance depends on the continued existence of confrontational policy between the two countries.

#### IV. ENJOYMENT OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

38. The Special Rapporteur, in previous reports, has referred to economic measures adopted by the Government to bring the country out of its serious ongoing economic crisis and in some way mitigate its impact. The severity of the crisis, however, continues to have a serious effect on the enjoyment of economic, social and cultural rights, with such sectors as health and housing being particularly hard hit. For example, the severe shortage of medicine, which external humanitarian assistance is only partly succeeding in alleviating, and the lack of equipment at a great majority of the country's hospitals create serious concern for the average citizen, who, in addition, feels discriminated against in seeing that there are hospitals reserved for foreigners bringing in foreign currency that offer services to which the average citizen does not have access. This is all the more regrettable as until a few years ago a high level of services was available to the average citizen.

39. The level and quality of employment have also declined considerably, as a result of the closing or low-level operation of obsolete enterprises, accompanied by extremely low wages in virtually every sector of the economy, which forces many workers, including those who are highly qualified, to quit their regular jobs and/or to seek their livelihood in the informal sector or in authorized self-employment, even where such jobs bear no relationship to their qualifications.



Consejo Económico  
y Social

Distr.  
GENERAL

E/CN.4/1997/53  
22 de enero de 1997

Original: ESPAÑOL

COMISION DE DERECHOS HUMANOS  
53º período de sesiones  
Tema 10 del programa provisional

CUESTION DE LA VIOLACION DE LOS DERECHOS HUMANOS Y LAS LIBERTADES  
FUNDAMENTALES EN CUALQUIER PARTE DEL MUNDO, Y EN PARTICULAR EN  
LOS PAISES Y TERRITORIOS COLONIALES Y DEPENDIENTES

Informe sobre la situación de los derechos humanos en Cuba  
presentado por el Relator Especial, Sr. Carl-Johan Groth,  
de conformidad con la resolución 1996/69 de la Comisión y  
la decisión 1996/275 del Consejo Económico y Social

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30. Por último, ciudadanos cubanos continuaron saliendo del país de manera ilegal en embarcaciones de fortuna con destino a países de la región, aunque en números muy inferiores a años anteriores, antes de la entrada en vigor de los acuerdos de emigración con los Estados Unidos.

### III. VIOLACIONES DEL DERECHO A LA VIDA

31. En el marco de las violaciones al derecho a la vida el Relator Especial desea hacer referencia al caso del hundimiento del remolcador 13 de marzo, ocurrida el 13 de julio de 1994 y comentado en informes anteriores 18/. El Relator Especial considera grave que un hecho de esta magnitud, en el que perecieron 40 personas, continúe sin ser convenientemente investigado por las autoridades competentes. A este respecto, la Comisión Interamericana de Derechos Humanos aprobó con fecha 16 de octubre de 1996 un informe sobre este incidente en el que declaró que el Estado de Cuba era responsable de la violación del derecho a la vida (Declaración Americana de los Derechos y Deberes del Hombre, art. I) de las 40 personas que naufragaron y perecieron como consecuencia del hundimiento del barco remolcador; de la violación a la integridad personal (Declaración Americana, art. I) de las 31 personas que sobrevivieron al naufragio, como consecuencia del trauma emocional resultante del mismo, así como de la violación del derecho de tránsito y del derecho a la justicia de las 71 personas que intentaron huir de Cuba consagrados en los artículos VIII y XVIII de la Declaración. Además, recomendó al Estado Cubano realizar una exhaustiva investigación a fin de identificar, procesar y sancionar a los responsables del hundimiento; proceder a recuperar la embarcación hundida y a rescatar y entregar los restos de las víctimas a sus familiares, así como pagar una justa indemnización compensatoria a las víctimas sobrevivientes y a los familiares de los fallecidos por los daños patrimoniales y extrapatrimoniales, incluyendo el daño moral 19/.

32. Un caso de violación del derecho a la vida por parte de las autoridades cubanas se produjo igualmente el 24 de febrero de 1996, cuando aviones de la Fuerza Aérea de Cuba derribaron dos avionetas civiles matriculadas en los Estados Unidos, que estaban en misión de Hermanos al Rescate, organización de voluntarios con sede en Miami. En los hechos se produjo la muerte de los cuatro tripulantes: Armando Alejandro, Carlos Costa, Pablo Morales y Mario de la Peña. Hermanos al Rescate se dio a la tarea en estos últimos años de sobrevolar las aguas del estrecho de Florida para localizar a personas que abandonan el territorio cubano en embarcaciones de fortuna con el propósito de llegar a las costas de los Estados Unidos, contribuyendo así en muchas ocasiones a salvar sus vidas.

33. A la vista de los hechos, el Consejo de Seguridad de las Naciones Unidas pidió a la Organización de Aviación Civil Internacional (OACI) que efectuara una investigación sobre los mismos, petición que fue igualmente formulada por los Gobiernos de Cuba y de los Estados Unidos. Concluida la investigación el Consejo de la OACI consideró el informe correspondiente en junio de 1996. Este informe 20/ concluyó que las autoridades de Cuba habían notificado a las de los Estados Unidos violaciones de su espacio aéreo que se habrían

producido desde mayo de 1994. En al menos una de ellas (13 de julio de 1995) el piloto había lanzado volantes sobre La Habana. Las autoridades de los Estados Unidos habían emitido declaraciones públicas advirtiendo de las posibles consecuencias de entrar en el espacio aéreo cubano sin autorización e iniciado acciones legales contra el mencionado piloto.

34. De acuerdo con las autoridades cubanas, dos avionetas violaron el espacio aéreo territorial cubano los días 9 y 13 de enero de 1996, y lanzaron volantes que cayeron en territorio cubano. Según la declaración del piloto de una de las aeronaves, se lanzaron medio millón de volantes el 13 de enero de 1996; en ambas ocasiones se lanzaron fuera del límite territorial cubano de 12 millas y el viento los llevó a La Habana. Con posterioridad a este incidente, el informe de la OACI indica que se dio instrucciones al comandante de la Defensa antiaérea de la Fuerza Aérea cubana en el sentido de que las violaciones del espacio aéreo territorial cubano ya no se tolerarían más, y se le autorizó para que, llegada la situación, decidiera sobre la interceptación militar y derribo, si fuera necesario.

35. El informe de la OACI señala importantes diferencias entre los datos proporcionados por las autoridades cubanas y las estadounidenses sobre la posición de las avionetas en el momento de ser derribadas el 24 de febrero, por lo que considera como más fidedignos los datos proporcionados por el crucero Majesty of the Seas que se encontraba en la zona, con arreglo a los cuales el derribo se produjo fuera del espacio aéreo territorial cubano. El informe indica igualmente que Cuba disponía de otros medios a su disposición, tales como radiocomunicaciones, que no fueron utilizados, y que esto es contrario al principio de la OACI de que la interceptación de aeronaves civiles debe realizarse únicamente como último recurso. Tampoco hubo ningún intento por parte de la Fuerza Aérea cubana de conducir las avionetas fuera de los límites del espacio nacional aéreo o de un área prohibida, restringida o peligrosa, o de darles instrucciones para que aterrizaran. La regla del derecho internacional consuetudinario con arreglo a la cual los Estados deben abstenerse de recurrir al uso de las armas en contra de las aeronaves civiles en vuelo, codificada en el artículo 3 bis del Convenio sobre la Aviación Civil Internacional, y las normas de la OACI relativas a la interceptación de aeronaves civiles se aplican independientemente de que la aeronave en cuestión esté o no dentro del espacio aéreo territorial del Estado de que se trate.

36. Después de analizar el informe, el Consejo de la OACI adoptó, el 27 de junio de 1996, una resolución 21/ en la que reafirma el principio de que los Estados deben abstenerse de utilizar armas contra aeronaves civiles en vuelo y de que, al interceptar aeronaves civiles, no debe ponerse en peligro las vidas de los ocupantes de las aeronaves ni la seguridad de éstas. Reafirmó además el principio de que cada Estado contratante tomará medidas apropiadas para prohibir el uso deliberado de aeronaves civiles matriculadas en dicho Estado para cualquier propósito incompatible con los fines del Convenio sobre Aviación Civil Internacional; el Consejo reafirmó finalmente su condena de la utilización de las armas en contra de las aeronaves civiles en vuelo por ser incompatible con consideraciones elementales de humanidad, con las reglas del derecho internacional consuetudinario codificadas en el artículo 3 bis

del Convenio y otras normas anexas a éste. El Consejo de Seguridad de las Naciones Unidas hizo suyas las conclusiones del informe y la resolución aprobada por el Consejo de la OACI, mediante su resolución 1067 (1996).

37. El Relator Especial estima que el derribo de estas avionetas fue un hecho premeditado y constituye una violación del derecho a la vida de cuatro personas. En el plano político, la manera como los incidentes se desarrollaron, en particular la circunstancia de que entre el derribo de una avioneta y otra transcurrieron aproximadamente seis minutos, indican fehacientemente que no se trata de un acto reflejo de unos pilotos confundidos, sino que hubo tiempo suficiente para que éstos recibiesen órdenes precisas de actuar de la forma como lo hicieron. El alto mando del ejército cubano era consciente de que el derribo de las avionetas supondría añadir un nuevo obstáculo a las siempre difíciles relaciones entre Cuba y los Estados Unidos. Por ello es legítimo preguntarse por qué y dónde en el Gobierno de Cuba existe un interés en provocar incidentes que generan esos obstáculos. De otro lado también es legítimo preguntarse por qué las autoridades norteamericanas no tomaron medidas efectivas para impedir que los vuelos de esas avionetas continuaran realizándose de manera tal que era previsible un desenlace trágico. Una posible razón es la existencia en Miami de grupos cuya relevancia depende del mantenimiento de la política confrontacionista entre los dos países.

#### IV. EL DISFRUTE DE LOS DERECHOS ECONOMICOS, SOCIALES Y CULTURALES

38. En informes anteriores el Relator Especial se ha referido a las medidas de tipo económico adoptadas por el Gobierno para sacar al país de la grave crisis que continúa atravesando y que de alguna manera estarían contribuyendo a paliar su crudeza. La gravedad de la misma, sin embargo, continúa afectando seriamente el disfrute de los derechos económicos, sociales y culturales, siendo sectores como la salud y la vivienda particularmente afectados. Por poner algún ejemplo, la enorme escasez de medicinas, que la ayuda humanitaria del exterior sólo contribuye a paliar y la falta de equipamiento de una gran parte de los hospitales del país, constituyen un serio motivo de preocupación para el ciudadano común que, además, se siente discriminado al constatar la existencia de hospitales reservados para extranjeros que aportan divisas y en los que éstos disfrutan de unos servicios que a él le están vedados. Esto es tanto más lamentable cuanto que hasta hace pocos años el nivel de prestación de estos servicios al que el ciudadano común estaba acostumbrado era alto.

39. Los niveles y calidad del empleo también se han deteriorado considerablemente por el fenómeno de cierre o mínimo funcionamiento de empresas obsoletas y los bajísimos salarios en prácticamente todos los sectores de la economía, que obliga a muchos trabajadores, incluso los bien cualificados, a abandonar su empleo regular y/o a buscar su medio de vida en el sector informal o en aquéllos empleos por cuenta propia que están autorizados, aunque no se correspondan en absoluto con sus cualificaciones.

## THE WHITE HOUSE

## Office of the Press Secretary

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For Immediate Release

February 12, 1997

## STATEMENT BY THE PRESS SECRETARY

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All qualified U.S. news organizations which have applied for licenses are receiving them. These are: CNN, ABC, CBS, The Miami Herald, Dow Jones, Johns Hopkins/SAIS (publisher of CubaINFO), Univision, The Chicago Tribune, The Sun Sentinel of South Florida and the Associated Press. We are aware of only one organization -- CNN -- that has already received permission from the Government of Cuba to establish an office in Cuba. We hope other organizations will soon be allowed into Cuba.

The licenses issued today are valid for one year. They authorize all transactions directly related to the establishment and operation of news offices. They also stipulate that U.S. media require that their newsgathering activities within Cuba be unconditioned and unrestricted.

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## CUBA: OFAC LICENSES U.S. MEDIA TO OPEN BUREAUS

[Background: Treasury's Office of Foreign Assets Control (OFAC) today granted licenses to 10 U.S. news organizations to open bureaus in Cuba. We are aware of only one organization -- CNN -- having received Cuban government approval to establish an office in Havana. The licenses stipulate that any bureaus must operate free from Cuban restrictions and conditions, and Cuban willingness to allow a more representative sampling of U.S. media presence will be a factor when considering license renewal one year hence.]

Points

- The decision to issue OFAC licenses for U.S. news organizations to open bureaus in Cuba is consistent with our policy to increase the flow of accurate information to, from and within Cuba.
- The presence of U.S. media in Cuba will keep international attention focused on the situation on the island and provide greater public exposure to those on the island who seek peaceful change.
- We are aware of only one -- CNN -- that has already received the Cuban government's permission to establish an office. We hope that others will soon be allowed in as well.
- The licenses are for one year. They stipulate that U.S. media activities in Cuba be unconditioned, unrestricted and free from harassment.

Q: Which US organizations have received OFAC licenses?

- CNN, The Miami Herald, The Associated Press, ABC, CBS, Dow Jones, Univision, The Chicago Tribune, The Sun-Sentinel (South Florida) and Johns Hopkins' School for Advanced International Studies.

Q: Why did the Administration do this?

- Licensing U.S. news organizations to open bureaus in Cuba is consistent with our long-standing policy to increase the flow of information to, from and within Cuba.
- The President first announced his willingness to do so in October 1995, along with other measures in support of the Cuban people.
- U.S. media coverage will help keep international attention focused on the situation in Cuba and provide greater exposure to pro-democracy activists who seek peaceful change.

Q: Are you going to approve Cuban news bureaus in the U.S.?

- In October 1995, the President stated that we would license Cuban news bureaus in the U.S. only when the Cuban government allowed a representative group of national and regional media, both print and electronic, to establish bureaus on the island.
- That remains the basis on which the U.S. is prepared to license such an exchange.

Q: Since only CNN has Cuban permission to open a bureau, aren't you letting Castro pick and choose who gets in?

- OFAC licensed all qualified U.S. media with pending license applications to open bureaus.
- We hope that all will soon be allowed to open offices in Cuba, and we expect them to continue to press for Cuban permission.

Q: Will Cuba's willingness to allow other U.S. news organizations to establish bureaus be a factor when the decision to extend the licenses comes up in a year?

- Yes, that will be one of the factors considered.

Q: The licenses are conditioned on U.S. media activities in Cuba being unrestricted. Does that mean you will be evaluating the content of news coverage coming from Cuba?

- We will not evaluate news content. We will, however, evaluate whether the licensed news organizations have been allowed to carry out news-gathering activities unconditionally and unrestricted by the Cuban government.

Q: Doesn't the Helms-Burton Act establish other conditions for an exchange of news bureaus? What about Radio and TV Marti?

- Helms-Burton contains provisions that authorize the exchange of news bureaus between the U.S. and Cuba under certain conditions, including that the Cuban government must allow Radio and TV Marti to open offices in Cuba.
- The law also codifies the embargo, however, and preserves the executive branch's pre-existing authority to license news bureaus, here and in Cuba, under appropriate conditions.
- The President outlined those conditions in October 1995: Cuban organizations will be allowed to open offices in the U.S. only when a representative group of national and regional, print and electronic media are permitted to open offices in Cuba.

Won't Members of Congress oppose?

- We have reviewed this matter carefully and consulted with a number of key Members of Congress interested in this issue.

We believe there is broad support for the Administration's action.

## **Cuba Refugee Policy**

**Background:** Cuba sentenced six of its nationals to prison terms of 8 to 20 years for hijacking a tugboat last April in an attempt to flee the island and reach the US. The 6 were found by the US Coast Guard and returned to Cuba under the May 2, 1995 Accord. The crew master confirmed that the tugboat had been hijacked.

Under the May agreement, Cuba has committed not to take action against returnees for "illegal departure." However, the agreement does not preclude Cuba from taking action against returnees who committed other criminal offenses, such as hijacking.

### **Points**

- The 6 Cubans were returned under the terms of the May 2, 1995 agreement.
- Agreement provides that Cuba will not prosecute or otherwise retaliate against returnees merely as a consequence of their attempt to leave the island.
- However, the agreement does not provide immunity from prosecution for criminal offenses, such as hijacking, that were committed before, during, or after the departure attempt. The US should not encourage such acts of violence.
- So far, Cuba appears to be living up to its commitments. Roughly 503 migrants have been returned to Cuba since May 2, 1995, and none has been prosecuted for his departure. Our monitors from the Interests Section in Havana have not been denied access to any of the returnees' home.
- We are investigating allegations of harassment in a small number of cases (eleven) that we have raised with Cuban officials.

## **CHINA -- GOLDEN VENTURE DETAINEES**

**Background:** Representative Goodling met with the President today to discuss the status of the Chinese migrants from the *Golden Venture*, 55 of whom remain in detention pending the outcome of their exclusion cases, most of them in York County. Press, congressional, and public interest was rekindled by a provision in the Immigration bill making fear of coercive family planning practices a ground for asylum (that was not the case when the detainees first arrived).

As a result of the new law, the INS has agreed that many of the cases should be reconsidered and has released 3 migrants who presented the strongest claims. However, INS has not agreed to the demand of the detainees' advocates that all migrants be released pending disposition of their cases. The President is considering various options to address the humanitarian concerns raised by Re. Goodling and others.

### **Points**

- President remains concerned about the fate of the Golden Venture migrants who have been in detention for over three years.
- General policy is that aliens smuggled through criminal syndicates are detained pending final determination of their status to ensure repatriation if asylum status is denied.
- Policy is working: alien smuggling by boat has diminished markedly since this Administration initiated our enforcement policies.
- At same time, President recognizes that exceptional length of detention in this instance - resulting from the aliens' repeated legal appeals -- raises humanitarian concerns.
- President is considering various options to address these concerns while maintaining our successful policy to deter alien smuggling. Will be discussing these with Rep. Goodling.

# CUBA

THE WHITE HOUSE

Office of the Press Secretary

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All qualified U.S. news organizations which have applied for licenses are receiving them. These are: CNN, ABC, CBS, The Miami Herald, Dow Jones, Johns Hopkins/SAIS (publisher of CubaINFO), Univision, The Chicago Tribune, The Sun Sentinel of South Florida and the Associated Press. We are aware of only one organization -- CNN -- that has already received permission from the Government of Cuba to establish an office in Cuba. We hope other organizations will soon be allowed into Cuba.

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# # #

## OFAC Licenses U.S. Media to Open Bureaus

Background: Treasury's Office of Foreign Assets Control (OFAC) today granted licenses to 10 U.S. news organizations to open bureaus in Cuba. We are aware of only one organization -- CNN -- having received Cuban government approval to establish an office in Havana. The licenses stipulate that any bureaus must operate free from Cuban restrictions and conditions, and Cuban willingness to allow a more representative sampling of U.S. media presence will be a factor when considering license renewal one year hence.]

### Points

- The decision to issue OFAC licenses for U.S. news organizations to open bureaus in Cuba is consistent with our policy to increase the flow of accurate information to, from and within Cuba.
- The presence of U.S. media in Cuba will keep international attention focused on the situation on the island and provide greater public exposure to those on the island who seek peaceful change.
- We are aware of only one -- CNN -- that has already received the Cuban government's permission to establish an office. We hope that others will soon be allowed in as well.
- The licenses are for one year. They stipulate that U.S. media activities in Cuba be unconditioned, unrestricted and free from harassment.

Q: Which U.S. organizations have received OFAC licenses?

A: CNN, The Miami Herald, The Associated Press, ABC, CBS, Dow Jones, Univision, The Chicago Tribune, The Sun-Sentinel (South Florida) and Johns Hopkins' School for Advanced International Studies.

Q: Why did the Administration do this?

A: Licensing U.S. news organizations to open bureaus in Cuba is consistent with our long-standing policy to increase the flow of information to, from and within Cuba.

The President first announced his willingness to do so in October 1995, along with other measures in support of the Cuban people.

U.S. media coverage will help keep international attention focused on the situation in Cuba and provide greater exposure to pro-democracy activists who seek peaceful change.

Q: Are you going to approve Cuban news bureaus in the U.S.?

A: In October 1995, the President stated that we would license Cuban news bureaus in the U.S. only when the Cuban government allowed a representative group of national and regional media, both print and electronic, to establish bureaus on the island.

That remains the basis on which the U.S. is prepared to license such an exchange.

Q: Since only CNN has Cuban permission to open a bureau, aren't you letting Castro pick and choose who gets in?

A: OFAC licensed all qualified U.S. media with pending license applications to open bureaus.

We hope that all will soon be allowed to open offices in Cuba, and we expect them to continue to press for Cuban permission.

Q: Will Cuba's willingness to allow other U.S. news organizations to establish bureaus be a factor when the decision to extend the licenses comes up in a year?

A: Yes, that will be one of the factors considered.

Q: The licenses are conditioned on U.S. media activities in Cuba being unrestricted. Does that mean you will be evaluating the content of news coverage coming from Cuba?

A: We will not evaluate news content. We will, however, evaluate whether the licensed news organizations have been allowed to carry out news-gathering activities unconditionally and unrestricted by the Cuban government.

Q: Doesn't the Helms-Burton Act establish other conditions for an exchange of news bureaus? What about Radio and TV Marti?

A: Helms-Burton contains provisions that authorize the exchange of news bureaus between the U.S. and Cuba under certain conditions, including that the Cuban government must allow Radio and TV Marti to open offices in Cuba.

The law also codifies the embargo, however, and preserves the executive branch's pre-existing authority to license news bureaus, here and in Cuba, under appropriate conditions.

The President outlined those conditions in October 1995: Cuban organizations will be allowed to open offices in the U.S. only when a representative group of national and regional, print and electronic media are permitted to open offices in Cuba.

Q: Won't Members of Congress oppose?

A: We have reviewed this matter carefully and consulted with a number of key Members of Congress interested in this issue. We believe there is broad support for the Administration's action.

Q I've heard some complaints in the last week since the budget came out from the airport executives, that actually there was less money initiative in the budget than there was last year for the aviation trust fund. Can you clear that up for me? I'm not really sure -- because they seem to be upset that there was --

DR. KAMARCK: No, I haven't heard that. And what you probably should do, is a question like that Larry Haas can find it out from OMB later today.

Q How do you think this bag matching is going to end up? How's it going to be reconciled with the airline's concerns about how bag matching is going to jam up hubs?

DR. KAMARCK: I think that basically technology will eventually solve the problem, and the question is how fast does the government mandate it. We took an interim position today because there are a lot of problems with the hubs, because the connection times at the hubs are so short -- so we took an interim position of partial bag match until we can get to full bag match.

We don't know some critical pieces of information yet about bag match. We don't know the number of people who voluntarily don't board a connecting flight, and their bags go ahead, but they don't. We don't know that number. Until we have better data, which we will have in May, it will be harder for us to make a rule on it. But our intent is, in fact, to have the most secure system possible, to get there, get to full bag match, but to begin with the proposal that's laid out in the report today.

Q Back to the behavioral profiling question. Are you suggesting specific behavior which will be suspect and subject to profiles? Or are you leaving it to local authorities to decide that?

DR. KAMARCK: There's a system being developed with Northwest Airlines and with the FAA, and they are looking at specific kinds of behavior. As with profiling, which Customs routinely does to catch drug smugglers, the behaviors also change constantly and are also constantly checked by random checking. So this is an ongoing process that's always changing as the people who are trying to do bad things are changing.

Q Another bag match question. In the short-term, how do you implement partial or random bag match? How does that work?

DR. KAMARCK: By using a profiling system in conjunction with the bag match.

Q But the bags are already in the hold.

DR. KAMARCK: You will pull the bags, based on your profiling system.

Q Before they go into the hold?

DR. KAMARCK: Either before they go into the hold -- well, pulling them before they go in the hold is no problem. It's when do you -- the real question comes down to, do you delay a flight to pull the bag, okay. And that's where we will use a profiling system in conjunction with bag match.

Q How do you access them? How do you know where the bag is, or is that information --

DR. KAMARCK: This is why technology is going to eventually solve this. Some airlines have very sophisticated

computer-coded bar codes on the baggage tags that match the ticket, and then they literally sort the compartments, their cargo holds, by the bar codes. So some airlines already have the technology where it doesn't take them long to do this, they can instantly find that bag and pull it.

And, of course, the cargo planes, like Federal Express and those shippers, they know exactly where everything is at every point in their holds. More and more airlines are moving towards this technology. The faster they get to the technology, then the easier and the less disruption to the current system this is going to be.

Q It says that you're deploying 140 inspectors, Customs inspectors to critical airports. How many critical airports are there? Which airports are critical airports?

DR. KAMARCK: Category X airports -- there's 19 category X airports, those are critical airports.

Q Who knows which ones they are?

DR. KAMARCK: Do we say which ones they are?

DR. KAUVAR: I don't have a list. They're places like Kennedy, Miami, Los Angeles, San Francisco --

Q Miami, Philadelphia, Detroit, Charlotte?

DR. KAMARCK: Big ones.

Q What about this recommendation on mail that any package or envelope that weighs over one pound, somebody would have to go to the post office and sign a statement to mail anything over one pound?

DR. KAMARCK: Yes, you would sign a release that this can be expected, so that if somebody at the post office finds that it is suspect, okay -- it's ticking, for instance -- they have the right to open it up and make sure that it doesn't go on an airplane.

Q And they don't now? If it's ticking, they can't open it? Is that what you're saying?

DR. KAMARCK: Actually, they do now. The post office just started to do this.

Thank you.

MR. MCCURRY: Any other subjects du jour?

Q -- Cuba?

MR. MCCURRY: Want me to do that up top?

I'm going to take Helen's first question. Let me start by saying that the administration today has approved licenses to 10 major U.S. media organizations to open news bureaus in Cuba. This action is in keeping with the policy stated by the President in October of 1995 of supporting an increased flow of accurate information to and from and within Cuba itself. The administration believes that news gathering and reporting by U.S. news organizations will keep international attention focused on the situation in Cuba and the realities of economic and political conditions there and will bring greater public exposure to those who are advocating a democratic change in Cuba.

All qualified U.S. news organizations that have applied to the Treasury Department to the Office of Foreign Assets Control for licenses have been granted those licenses. Those news organizations are CNN, ABC, CBS, the Miami Herald, Dow Jones, the School for Advanced International Studies at Johns Hopkins, which publishes a Cuba newsletter, Unavision, the Chicago Tribune, the Sun-Sentinel of South Florida, and the Associated Press. To our knowledge at this point, only one organization, CNN, has already received permission from the government of Cuba to establish an office in Cuba. We hope other news organizations will soon be allowed to have a presence in Cuba.

The licenses issued today are valid for one year. They authorize all transactions directly related to the establishment and operation of news offices within Cuba. They also stipulate that U.S. media require that their news gathering activities within Cuba be unconditioned and unrestricted -- a stipulation that I believe all the news organizations involved seeking licenses would quickly say would be part of their journalistic responsibility.

Happy to make that announcement.

Q To what extent, Mike, did the statement last week from Senator Helms make it easier for the administration to reach this decision?

MR. MCCURRY: The statement from Chairman Helms was very much appreciated. This is an issue that we have been working on, but news organizations interested in this matter had had contact with a variety of people representing certainly Florida, those who follow matters related to Cuban policy in the Senate, of course Senator Helms being a leading figure in that respect. But his letter was most appreciated.

Q Have you been in touch with the Cuban authorities on this?

MR. MCCURRY: Not to my knowledge, George, have we had through the intersection any direct contact with them. The effect of the licenses granted by Treasury, it now gives those news organizations the right to conduct their own independent negotiations with the Cuban government.

Q It seems to me in October of '95, the President referred to reciprocity.

MR. MCCURRY: The issue of reciprocity was more on the question of whether we would allow the establishment of Cuban news bureaus here in that United States, and that was a condition I believe by law -- if not directly in the Helms-Burton Act, certainly by administration policy -- on a willingness by the Cuban government to allow representative sampling of national, regional, electronic, print news organizations to operate freely and fairly in Cuba. And, of course, we would welcome that development at this point. As I say, we're only aware of one news organization that's had any active negotiation with the Cuban government on that now.

Q Mike, will Radio Marti and TV Marti also be -- have to go to Cuba, be permitted permission to go to Cuba if Cuban representatives were here --

MR. MCCURRY: Well, they are entities that would be required to conform to the same stipulations that would exist. I don't know -- I think that the licensing procedures at OFAC go to private sector enterprises and don't affect those that are receiving assistance from the federal government. I'd have to check that absolutely with Treasury, but I think that would be the case.

Q Did the President himself sign off on this? How far up the chain does this go?

MR. MCCURRY: This is a matter that was handled in an interagency review process by the National Security Council, and a recommendation was forwarded to the President, which he approved.

Q Sorry. Did you say that Cuban organizations could open a bureau here, and do you have any requests?

MR. MCCURRY: No, I said that was subject to the existing stipulations in law and administration of policy that make that contingent upon a representative sampling of U.S. news organizations being allowed to operate in Cuba.

Q Mike, do you have any indications that CNN may be the only American organization allowed in? Or is it a case that their paper processing went earlier?

MR. MCCURRY: Well, we, to my knowledge, don't have any definitive representation of the views of the Cuban government of that matter. Our view is that all of those that have been granted license ought to be allowed to operate freely and fairly in Cuba.

Q The question is do you have any signals from Cuba as to what their intent is -- beyond CNN?

MR. MCCURRY: None that I'm aware of. We are aware of the fact that CNN has had discussions with the Cuban government, and as far as we know they are the only news organization that have been allowed to have those negotiations at this point.

Q The list that you're approving includes some newspapers, but not the biggest newspapers, like The Times and The Post. Why is that?

MR. MCCURRY: We granted on blanket approval of these licenses for all those that have pending applications at Treasury. So if there was no application pending they would not have been granted a license.

Q Senator Helms said last week that in order for Cuban media to open offices here, it was necessary for Radio and TV Marti to be allowed in Cuba. Is this also the administration's position?

MR. MCCURRY: There are conditions that the President attached in October 1995, and they have not changed. We are looking for the right of a representative sampling of media to be allowed to operate there. That would be a factor in determination of any request for Cuban news organizations to operate freely in the United States.

Q Mike, do you know if any other U.S. organizations have talked to the White House about their interest in going down to Cuba?

MR. MCCURRY: We know that a number of news organizations have an interest, and we would strongly encourage the Cuban government to entertain conversations with those news organizations, specifically those that have been granted licenses.

Q Apart from -- in Cuba, do you expect it to have an impact on Cuban-American policy, on your policy on Cuba?

MR. MCCURRY: Well, we in some measure expect that the reporting of truth about the conditions in Cuba would further our policy, which seeks to bring about peaceful democratic change in Cuba, to the degree that the world comes to understand the economic and political conditions in Cuba, we believe that builds support for the steps that we're taking to encourage change in Cuba itself.

Q Mike, just one other thing I didn't understand. in order for these obligations to be approved, the organizations had to agree that any contract that they enter into with Cuba would not involve their limiting their new gathering activities in Cuba?

MR. MCCURRY: We want to be assured that these news organizations would be allowed to operate in an unrestricted environment so that they could freely and impartially report the news. But I think it's safe to say of all these news organizations that they would adhere to that standard as a matter of journalistic principle.

Q What happens after a year? You said the licenses go for a year.

MR. MCCURRY: They'll take a look at where they are in a year and assure that the news organizations have been able to meet those kinds of tests, based on the news organizations' evaluation. And I don't foresee any circumstances in which the license would not be extended if they were continuing to operate in that environment.

Q Would be on a year-to-year basis?

MR. MCCURRY: These licenses have been granted from one year. There is no prospective action beyond the period of one year.

Q What's the latest policy over at CIA with regard to planting some of their people into reporting positions abroad?

MR. MCCURRY: They don't have -- they have a policy specifically prohibiting that type of arrangement.

Q I thought that John Deutch had testified at one point --

MR. MCCURRY: John Deutch had carefully --

Q -- that there would not be an absolute --

MR. MCCURRY: He had carefully explained what his requirements were under the act to make it clear that the United States does not use journalistic cover for covert agencies.

Q -- a recent annual report published -- reflecting the Turkish position on the Aegean. This would specifically exempt the entire seabed of the Aegean Sea as a single continental shelf to be partitioned between Greece and Turkey without mentioning -- in the eastern Aegean -- the six-mile limit of the territorial waters, and the most important -- the existence of the continental shelf of the Greek Islands. Could you please comment and clarify the U.S. position?

MR. MCCURRY: Let me just say, the National Defense University map you refer to does not reflect an official U.S. government position on the issue of the Greek-Turkish border issues in the Aegean Sea. We've said repeatedly that the dispute between Greece and Turkey is one that ought to be referred to the International Court of Justice so that issues related to the Amia-Kardak Islet dispute could be submitted for adjudication.

We've similarly called for Greece and Turkey to settle their territorial differences without force or the threat of force, with respect the territorial integrity of each other and in accordance with all relevant international agreements.

Q -- with involvement of Greece -- development poses a threat to the northern border of Greece -- Thessaloniki. I would like to know, from a bilateral basis, the U.S. government guarantee that the territorial integrity of Greece in that coastal area.

MR. MCCURRY: Well, as I just said, that we have called on both nations, close allies of the United States, to settle their territorial and border disputes with respect for the territorial integrity of each other. No action by the United States government prejudices the resolution of those disputes through international norms.

Q -- what about the Northern border of Greece?

MR. MCCURRY: That's one that we'll talk later about.  
(Laughter.) This is your last shot -- go.

Q -- yesterday's remarks by President -- the new ambassador of Cyprus presented the --

MR. MCCURRY: A comment on that?

Q The President's remarks to receive the ambassador -- yesterday.

MR. MCCURRY: He warmly welcomed the ambassador and said he was pleased to receive the presentation of credentials. A ceremonial occasion like that is not the occasion for lengthy discussions of bilateral issues, although the President had indicated and did indicate his very strong interest in the resolution of disputes related to Cyprus.

Q Has the President spoken to Bill Richardson since he was approved by the Senate?

MR. MCCURRY: I don't know the answer to that. I suspect he might have. We can try to find out, but certainly the President extends his warm congratulations to our new U.N. Ambassador.

Q Mike, you've been saying, in the potential American Airlines strike that neither side has asked for intervention by the White House. Has that changed? And even in the absence of a request for intervention, do you see a possibility that the President would intervene if it's not settled by Friday?

MR. MCCURRY: Well, the President took great care in saying today we are encouraging the parties to make use of the National Mediation Board to resolve their dispute. And I would echo that, say that the President and the White House calls on the parties to use that process to resolve their dispute. We are concerned about the presentations that we've just had here at the White House from a number of senators from states that are affected, that a strike could pose a substantial economic threat to interstate commerce and might deprive some of the states involved of a very valuable mode of transportation.

The President is very aware of that situation and thus is following, as he said, this dispute very, very carefully. But the President, again, calls on the parties to use the mediation board process to resolve their labor dispute so that there is no disruption of commerce.

AUG. 28. 1997 11:38AM

TV MARTI MIAMI

## Penelas snubbed on Cuba motion

MANAGUA — (AP) — Central American mayors on Wednesday rejected a proposal by Dade County Mayor Alex Penelas to condemn and isolate the communist government of Cuban President Fidel Castro.

The initiative "was not taken into account because we Central American mayors respect the rights of all people to choose their leaders," said Hector Silva, mayor of San Salvador.

At the beginning of the gathering, Penelas called on the other mayors to reject what he described as "the tyranny" of Castro's regime. He also called on them to demand popular elections in Cuba.

The meeting "is not an appropriate forum to discuss these types of politics that attack the sovereignty and self-determination of peoples," Silva said.

Guatemala City Mayor Oscar Berger said the proposal by the Cuban-American mayor was "out of place" at a summit dealing with Central American unity.

The mayors wrapped up their two-day summit Wednesday, agreeing to study ways to work together on economic integration and to support human right and democracy in the region.

THE HERALD, THURSDAY, AUGUST 28, 1997

To: Maria Ceballos

from:

Jhula

Please read this  
Still call you

later

Carina Jhula

Rodriguez put  
LULA on  
my call list

647-6607

# Shalala Monitors Organ Transplant Success Rates

Associated Press

Concerned about lower-than-expected survival rates at some organ transplant centers, the secretary of health and human services is asking for an explanation.

Forty-three programs that transplant hearts, livers or kidneys had low survival rates from 1988 to 1994, including 29 whose low rates continued through 1994, the Department of Health and Human Services said.

"I know you share my concern," HHS Secretary Donna E. Shalala wrote to the director of the United Network for Organ Sharing, which runs the nation's transplant program.

UNOS plans to review the 29 programs whose low rates extended through 1994.

Shalala asked the organ-sharing network to explain, within 30 days, whether

any of these programs have been reviewed before and if not, why not. She also asked whether these programs shared any characteristics and asked UNOS to explain how it planned to assist them.

Releasing the list, officials warned it was only one piece of information patients should consider when choosing an organ transplant center. And they cautioned that some excellent programs may show up on the list.

The report, produced every three years, offers information about every transplant program in the country. Overall, it showed patient survival rates improving for every type of transplant.

These overall numbers were released last week, but HHS released the list of centers Tuesday.

The list includes a few very large programs, such as the University of Alabama, which performed 1,652 kid-

ney transplants between 1988 and 1994. Its survival rate was just barely below expected, and government officials said it illustrated why patients should not take this list as gospel.

"You'd never say the University of Alabama is anything but a quality center," said Charlotte Mehuron, an HHS spokeswoman.

To compile the list, United Network tracked the percentage of organs that are still functioning a year after being transplanted. It then calculated each program's expected survival rate, taking into consideration a variety of factors such as age and patient health.

Of the 43 programs identified Tuesday, five had closed by 1992, and others may have closed since then. Nine programs improved their survival rates from 1992 to 1994.

That left 29 programs that merited further review, HHS said.

## Federal Judge Fines Cuba \$200 Million in Shoot-Down Anti-Castro Group's Survivors Unlikely to Collect

Associated Press

MIAMI, Dec. 17—A federal judge ruled today that Cuba owes nearly \$200 million to the families of three U.S. citizens killed last year when Cuban fighter jets shot down two small planes in international airspace.

It is the first such ruling against the communist nation under a U.S. law aimed at nations labeled terrorist states. But the families probably will not see the money soon, if ever. Even if they get U.S. government permission to collect from Cuban assets frozen in this country, the amount available would not cover the entire judgment.

Cuba refused to recognize the court's jurisdiction and did not defend itself.

Four members of the Miami-based group Brothers to the Rescue who were searching for refugees on rafts were killed when Cuban MiGs shot down two private planes in the Florida Straits on Feb. 24, 1996. Only three of them were U.S. citizens, making their heirs eligible to sue under the U.S. law.

Cuba, "in outrageous contempt for international law and basic human rights, murdered four human beings in international airspace," U.S. District Judge James Lawrence King ruled.

A United Nations panel ruled last year that the planes were shot down over international waters and that Cuba violated international law.

Relatives of the three slain Americans had asked for \$79.9 million.

The judge, after a four-day trial in November, decided Cuba should pay \$49.9 million in compensatory dam-

ages and its air force should pay \$137.7 million in punitive damages.

"It does give us a little more sense of closure, but there will never be full closure because there is nothing that can bring back these four people," said Miriam de la Pena, whose son Mario de la Pena was one of the fliers killed.

Cuba's Foreign Ministry spokesman in Havana has said the trial was part of a trend by U.S. courts to stretch beyond their jurisdiction.

Aaron Podhurst, an attorney for the families, acknowledged that collecting most of the damages will be nearly impossible.

Cuban assets impounded in this country since the mid-1960s total only \$148 million, said Beth Weaver, a spokeswoman for the Treasury Department. President Clinton would have to authorize use of the money to pay claims, and White House spokesman Michael McCurry said Wednesday no decision had been made on whether the families' claims will be paid. The Cuban air force has no known assets in the United States. Weaver would not comment on the families' chances of collecting any of the judgment.

Hundreds of other claims against Cuba are pending, most filed by people and companies whose property was seized after the Cuban revolution in 1959. But Podhurst believes today's ruling puts his clients ahead of other claimants.

Podhurst plans to apply to the Treasury Department for permission to collect the compensatory damages, and the families plan to ask Congress to pass a bill to enforce the judgment.

The case involved lawsuits filed by the wife and daughter of Armando Alejandro, 45, and the parents of Carlos Costa, 29, and de la Pena, 24.

Miriam de la Pena said the three families plan to share any money with relatives of the fourth victim, Pablo Morales.

"We are seeking justice for all four," she said.

The families received \$300,000 each last November from frozen Cuban accounts in what the U.S. government called a humanitarian gesture.

**The Washington Post**

THU RSDAY, DECEMBER 18, 1997

*Cuban American*

# FCC Chief Wants to Look At New Controls on Cable

*Escalating Rate Hikes Are Causing Concern*

By Paul Farhi  
Washington Post Staff Writer

With cable TV prices vaulting upward at more than four times the general rate of inflation, the nation's top cable regulator said yesterday he wants to explore new controls on the industry, including a freeze on further increases.

Cable prices have been going up steadily for the past three years, following a brief period in which they were slowed by government-ordered price cuts. The Federal Communications Commission found in a survey this week that the average consumer's monthly bill increased by about 9 percent in the 12-month period ended July 1, or about quadruple the consumer price index. Since then, many companies have announced increases of roughly the same level for 1998.

In an interview yesterday, FCC Chairman William E. Kennard said the rise indicates "we're not heading in the right direction. We need to send up a red flare that this trend can't continue. . . . The answer is clearly

more competition [for cable companies], and it may be more regulation."

Kennard, a Democrat who became FCC chairman last month, said he hasn't ruled out seeking a freeze on prices, much as the FCC did in 1993. As an alternative, he suggested a "modified freeze," in which cable companies would be permitted to pass on only some of their increased costs to customers.

"I'm trying to be open about this," said Kennard, "but we have a problem. The problem is, rates are going up and the public is concerned about it. We need to look hard for solutions."

Kennard's comments are the strongest indication yet that the federal government may be moving to intervene again in the cable market. The agency will discuss the issue today at a meeting.

With Democrats holding a 3 to 2 majority at the FCC, it's possible Kennard could gain enough support within his agency for some price reforms. Susan Ness, a fellow Democratic commissioner who is considered an ally of Kennard at the FCC, called rate regula-

See CABLE, E2, Col. 1

## CABLE, From E1

tion "a last resort" yesterday, but she didn't entirely rule out taking such a step. An aide to Gloria Tristani, the third Democrat at the commission, said Tristani "wants to look at the [idea] seriously."

However, the Republican-controlled Congress appears disinclined to support a price freeze, particularly since it passed a law just 22 months ago that was supposed to increase the competitive pressure on cable companies, and thus lead to moderating prices.

Spokesmen for Sen. John McCain (R-Ariz) and Rep. W.J. "Billy" Tauzin (R-La.), who head congressional panels that oversee the industry, said Congress would consider modifying that law, the Telecommunications Act of

1996, but only with the goal of boosting the competitive position of cable's competitors in the telephone, satellite TV and microwave-relay TV businesses. Rep. Peter A. DeFazio (D-Ore.) has introduced a bill to freeze rates, but that proposal has gone nowhere so far.

Anecdotal evidence suggests that last year's increases are continuing into 1998. In Baltimore, for example, Comcast Corp. has announced a 9.9 percent increase; in San Diego, Time Warner Inc. will raise its monthly charges by 9.8 percent.

Most cable systems in the Washington area haven't announced their prices for 1998 yet—several won't make changes until midyear—but the early evidence suggests more moderate price hikes. Jones Communications will increase rates 8.3 percent in south-

ern Prince George's County to \$31.71 per month; 4.4 percent in the northern part of the county to \$31.71 per month; and 5.4 percent to \$31.19 per month in Reston. Fairfax County's system owner, Media General Inc., anticipates a 4 percent to 5 percent increase on its current monthly charge for basic and expanded basic service.

Cable industry representatives say the price increases are justified by the rapidly inflating cost of licensing programming, particularly the cost of popular sports networks such as ESPN and Fox Sports Net. They also say the increases are the result of rebuilding their systems to carry more channels and new services, such as high-speed connections to the Internet.

**The Washington Post**

THURSDAY, DECEMBER 18, 1997