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ASPM
OCN

Author: Thomas Accardi at afs1
Date: 7/11/95 8:24 PM
Priority: Normal
Michael Sacrey at ASO200
Michael C Thomas at ASOFSDO19
Subject: Re[2]: Cuban-American Flotilla

----- Message Contents -----

Obviously, I agree that we should move with caution and be sure of the correctness of our actions.

Reply Separator

Subject: Re: Cuban-American Flotilla
Author: Peggy Gilligan at AVR
Date: 7/11/95 2:23 PM

While it appears DOS would like the event stopped --it's not clear that it would want us to take enforcement action against those who take part. Obviously, if we are aware of violations, we need to investigate and enforce. However, I think it would be worth some additional discussion before we put on a full court press.

Peg

Reply Separator

Subject: Cuban-American Flotilla
Author: Anthony Broderick at AVR
Date: 7/11/95 11:16 AM

It would be nice if one of the Law Enforcement Agencies could take videos of this, and we could organize a plan to meet these folks when they land. If they disregard our warnings and the Cuban airspace, maybe we could use this data for violations of the pilots. I realize this is a relatively weak string, and we have many other things to do....

Forward Header

Subject: Cuban-American Flotilla
Author: Tony Fazio at AIA
Date: 7/11/95 10:57 AM

Lynn,

Yesterday I attended a meeting at State on the freedom flotilla scheduled for Thursday off the coast of Cuba. At that time, 4 separate Cuban-American organizations intend to sail to the 12 mile international limit off of Cuba for the intent of commemorating the downing of a freedom flotilla tug several years ago. At some point during the demonstration one boat intends to sail to within 6 miles of the Cuban coast for the purpose of inciting civil disobedience on shore.

One of the participating groups, "Brothers to the Rescue" is an aviation group which will accompany the flotilla in a show of support and possibly to help locate any Cuban refugees which may attempt to reach the flotilla. The "Brothers" organizers have stated publicly

that they intend to enter Cuban airspace.

According to the international flight information manual, Cuba reserves the right to intercept any aircraft which does not have permission to enter its airspace. Of course, State is concerned of the possible consequences. They asked if it would be possible to keep the group from flying. I mentioned that it would be virtually impossible unless we restricted airspace in the area - not something we like doing. Besides, if the "Brothers" were willing to break international regulations they would likely not follow any restriction imposed by the FAA. State called back today and said that they realize the impracticality and would simply like the FAA to inform the "Brothers" of the consequences if they violate Cuban airspace.

I've contacted the Miami FSDO, Mike Thomas, and they have agreed to notify the "Brothers." Mike was very aware of the group and, in fact, the FSDO has had meetings in the past with the group to warn them of the consequences of their actions. Also, AFS has a hearing scheduled on July 20th to revoke the certificate of one of the "Brothers" pilots who, during a previous event, hit a mast of a ship.

I'll keep you informed of any new developments. Hopefully nothing will come of this.

Author: Thomas Accardi at afs1

Date: 7/11/95 8:24 PM

Priority: Normal

To: Michael Sacrey at ASO200

Michael C Thomas at ASOFSDO19

Subject: Re[2]: Cuban-American Flotilla

----- Message Contents -----

Mike/Mike,

I suggest a letter "advising" them of the consequences and dangers involved. I think some verbal communication followed by written is appropriate. Please advise all of us via cc mail (attached list of people) when you have made verbal contact and the response.

Thanks.

Tom

U.S. DEPARTMENT OF STATE
Office of the Spokesman

For Immediate Release

August 8, 1995

PUBLIC ANNOUNCEMENT - CUBA

The Department of State warns that entering Cuban territory, territorial waters or airspace without prior authorization from the Cuban government may cause one to be subject to arrest or other enforcement action by Cuban authorities for violation of Cuban law.

Generally speaking, under international law each coastal state may claim a 12 mile territorial sea. A country's sovereignty extends to the airspace over its territorial sea. Cuba claims a 12 mile territorial sea. Hence, any vessel or aircraft that goes inside the 12-mile limit off Cuba would be inside Cuban territorial waters or airspace and thus subject to the jurisdiction of the Cuban government.

Furthermore, under international agreement, Cuba provides air traffic control services up to the 25th parallel, an area well beyond its territorial jurisdiction. As required under the Convention on International Civil Aviation, to which the United States is a signatory, aircraft transiting another country's controlled airspace must follow established international rules of the air including positive communication with the providing air traffic service and submission of a flight plan.

In a public statement issued on July 14, the Cuban government asserted its "firm determination" to take actions necessary to defend Cuban territorial sovereignty and to prevent unauthorized incursions into Cuban territorial waters and airspace. The statement continued, "Once more (the Cuban government) warns that any boat from abroad can be sunk and any airplane downed." The Department takes this statement seriously.

The freedom to travel, recognized by international agreement, does not give anyone the right to enter a particular country, including Cuba, without prior authorization. All travelers must comply with the immigration, customs and other applicable laws of the country concerned.

If persons enter Cuban territorial waters or airspace without prior permission, they may place themselves and others at serious personal risk. If they are detained, the ability of the United States Government to assist them would be very limited. The United States government cannot obtain the release of U.S. citizens arrested abroad. Cuban authorities sometimes deny consular access by U.S. officials to American citizens of Cuban birth. In addition, there would be very little, if anything, the United States government could do to assist persons arrested in Cuba who are not American citizens.

The Department of State urges all persons who wish to travel to Cuba or to enter Cuban territorial waters or airspace to do so using safe, orderly and legal means, and to avoid unnecessary risks to themselves and others.



U.S. Department
of Transportation
Federal Aviation
Administration

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FOR IMMEDIATE RELEASE

AUG 24 1995

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(after 5 p.m.)

FAA STATEMENT ON CUBAN AIRSPACE ACTIVITIES

FAA has received a letter from the Civil Aeronautics Institute of Cuba which provides information about alleged pilot deviations which occurred during the Brothers to the Rescue (BTR) flight activities of July 13, 1995. The letter also expresses concern about BTR's activities planned for Sept. 2, 1995, and suggests that Cuba may cancel flights on the busiest of three north/south airways which traverse Cuban airspace and which are heavily used by U.S. airlines flying to the Caribbean and Central and South America.

Although FAA has not yet formally responded to the letter, we share Cuba's concern about the safety of the BTR air operations, and have initiated an investigation into the flight operations of two BTR pilots on July 13, 1995. We have no firm date for the conclusion of this investigation.

The United States shares Cuba's concern about the safety of the flights which BTR plans for Sept. 2, 1995, and we are developing plans to address those concerns.

FAA plans to issue a special Notice to Airmen (Notam) cautioning U.S. certificated pilots that they are subject to the actions of the Cuban government if they violate Cuban airspace. The Notam will advise them to review pertinent Federal Aviation Regulations, require them to develop detailed flight plans, and will have specific requirements for communications with air traffic control. The Notam also will provide a flight advisory encouraging pilots to avoid certain international airspace.

FAA plans to meet with BTR leaders before Sept. 2, as we did before the July 13 activity, to again advise them that any violations of FAA or international regulations will be vigorously investigated and adjudicated. All pilots flying in the vicinity of the Straits of Florida will be advised about the TFR and Notam and will be subject to the same investigation and enforcement action as BTR pilots.

- more -

FAA also is developing contingency plans to handle air traffic if Cuba cancels flights on the Giron corridor on September 2. FAA estimates that 80 to 100 flights will be affected. They will be rerouted to fly on two other corridors between the United States and Cuba or around the west side of the island. This rerouting will result in additional flight time and fuel consumption by U.S. airlines.

Cubans have made strong statements about the negative consequences for air safety which could result from the action of U.S. registered aircraft operating from Florida and violating Cuban aeronautical laws. The Federal Aviation Administration cautions U.S. pilots against actions which could jeopardize their safety and the safety of persons on the ground or on the seas during the Sept. 2 activity.

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