

Telefax Message No.: 0052

P.O. Box 592015
Miami, Florida 33159-2015

**MIAMI FSDO-19
FACSIMILE COVER SHEET**



FROM: FAA, CHARLES H. SMITH

TO: MR. JOSE BASULTO

Company/Office: (BROTHERS TO THE RESCUE)

Number of pages including this cover sheet: 2

Remarks: NOTAM E - CUBA - SPECIAL NOTICE

If you experience trouble receiving this fax, please call (305) 526-8776.

10-18-98

Federal Aviation Administration
Office of International Aviation
800 Independence Ave. S.W.
Washington, D.C. 20591

101
BROTHERS
032-8783
663-9570

Facsimile Cover Sheet

To: Rich Jehlen, Hank
Tracy/Mike Thomas, Chuck
Smith, Richard Barbieri

Company:
Phone:
Fax:

From: Cecilia D. Capestany
Company: Federal Aviation Administration,
Office of International Aviation, AIA-
120

Phone: 202-267-3231
Fax: 202-267-5082/5959

Date: 10/18/95
Pages including this cover page: 2

Subject: NOTAM Coordination

Per my conversations with Rich J. and Richard B., please see attached draft NOTAM to comply with State's request for FAA warning. Please send concurrence/comments/changes ASAP. This NOTAM will have to go out sometime tomorrow.

For Rich J.: State is putting together (again!) an informal monitoring group for the 21st and they want POCs and phone numbers. Tony Fazio had given Hank's name and phone number last time. Who's going to be on stand-by, from your end, this time around? Please advise. For Mike Thomas and R. Barbieri: State asked me today if the FAA had already informed ETR airmen of potential adverse consequences of unauthorized entry into Cuban airspace. I told State that Miami FSDO was going to take that action before 21 October. Please advise of status of that particular request and results soonest.

OPTIONAL FORM 99 (7-90) URGENT

FAX TRANSMITTAL

To: Mr. Mike Thomas
Dept./Agency: C. CAPESTANY

From: C. CAPESTANY

Phone #: 202-267-3231

Fax #: 202-267-5082

NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION

NOTAMN

A) FDC, KFDC

B) WIE

C) UFN

E) CUBA: SPECIAL NOTICE

ATTENTION U.S. AIRMEN AND OPERATORS: DUE TO A POTENTIAL INCREASE IN AIR TRAFFIC ASSOCIATED WITH A WATER BORNE EVENT IN THE FLORIDA STRAITS ON 21 OCTOBER 1995, THE FAA RECOMMENDS THAT ANY OPERATORS CONDUCTING FLIGHTS IN THE AREA REMAIN VIGILANT FOR OTHER AIR TRAFFIC IN THE AREA AND STRICTLY ABIDE BY INTERNATIONAL AND FAA FEDERAL AVIATION REGULATIONS. THE GOVERNMENT OF CUBA HAS REPEATEDLY ASSERTED ITS DETERMINATION TO TAKE ACTIONS AGAINST AIRCRAFT VIOLATIONS OF CUBAN AIRSPACE. THESE MEASURES ARE AIMED AT DEFENDING AND PRESERVING CUBAN NATIONAL SOVEREIGNTY AND PREVENTING OVERFLIGHT BY UNAUTHORIZED AIRCRAFT. OPERATORS ENTERING CUBAN AIRSPACE WITHOUT AUTHORIZATION MAY BE SUBJECT TO ARREST AND MAY PLACE THEMSELVES AND OTHERS AT SERIOUS PERSONAL RISK. ALL AIRCRAFT SHOULD CONFORM WITH INTERNATIONAL REGULATIONS AND EXISTING GUIDELINES, AS WELL AS ALL APPLICABLE CUBAN LAWS, RULES AND REGULATIONS CONCERNING OPERATIONS INTO CUBAN AIRSPACE.

(FAA/AIA-120, 10/95)



U.S. Department
of Transportation
Federal Aviation
Administration

NEWS:

PUBLIC AND GOVERNMENT AFFAIRS
P.O. Box 20636, Atlanta, GA 30320
(404) 305-5100
(404) 305-5107 FAX

FOR IMMEDIATE RELEASE
September 1, 1995

CONTACT: Kathleen B. Bergen
404-305-5100
after hours 404-305-5180

FAA PROPOSES TO SUSPEND CERTIFICATE OF PILOT WHO FLEW OVER HAVANA

The Federal Aviation Administration (FAA) has proposed to suspend for 120 days the commercial pilot certificate of Jose Basulto of Miami, Florida. Basulto is charged with violating the Federal Aviation Regulations (FAR) by flying a Cessna 337 through Cuban airspace and over Havana without permission from the Cuban government air traffic control authority. The flight, which departed from Opa Locka Airport in Miami, occurred on July 13, 1995. Basulto is a leader of the Brothers to the Rescue group that flies search and rescue missions over the Straits of Florida.

Basulto is specifically charged with violating FAR 91.703, operating a U.S. registered aircraft within a foreign country in non-compliance with the regulations of that country; and FAR 91.13, operating an aircraft in a careless or reckless manner so as to endanger the life or property of another. Basulto may continue to fly pending resolution of his case.

The order proposing to suspend Basulto's commercial pilot certificate was issued yesterday. It becomes effective in 15 days unless he responds to the FAA in writing, requesting a conference with FAA attorneys. If the FAA still maintains that enforcement action is necessary following the conference, then Basulto may appeal the matter to the National Transportation Safety Board (NTSB). The NTSB would assign an administrative law judge to hear the case. Basulto may continue to fly pending his appeal.

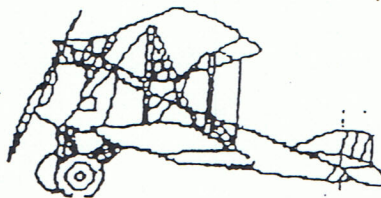
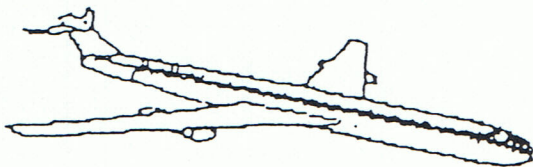
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TELEFAX MESSAGE NO: 95-1257 (USP-FEDEX, etc.)

5' NW 36th Street
v. , Florida 33142
Fax No. (305) 526-2698

All U.S. Mail: Post Office Box 592015
Miami, Florida 33159-2015

FEDERAL AVIATION ADMINISTRATION



MIAMI FLIGHT STANDARDS DISTRICT OFFICE-19

FROM: Michael C. THOMAS

TO: Jose BASULTO 663-9510

COMPANY/OFFICE: _____

Number of pages being sent (including cover sheet): _____

REMARKS: _____

7-11-95

If you are experiencing trouble receiving this fax, please call: (305) 526-2776

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U.S. Department
of Transportation
**Federal Aviation
Administration**

Miami Flight Standards District Office
P. O. Box 592015
Miami, Florida 33159

July 11, 1995

Mr. Jose J. Basulto
P.O. Box 430846
Miami, Florida 33243-0846

Dear Mr. Basulto:

It has come to the attention of the Miami Flight Standards District office that the "Brothers to the Rescue" organization may participate in the upcoming demonstration.

Please be advised, all flying activities, within or outside of the United States, using U.S. Registered aircraft, must be in full compliance with all applicable regulations including Section 91.703 of the Federal Aviation Regulations.

A copy of FAR 91.701 and 91.703 is included for your information and convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael C. Thomas".

Michael C. Thomas
Manager, Miami FSDO

July 11, 1995

Mr. Jose J. Basulto
P.O. Box 430846
Miami, Florida 33243-0846

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Sincerely,

Michael C. Thomas
Manager, Miami FSDO

cc: 19.1/T-E
File: brothers to rescue
WP: C:\WIN\WINWORD\BSULTO.DOC

T-E:C.Smith:CHS:5262776:7/11/95

CONCURRENCES
ROUTING SYMBOL
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526 2698

F A X T R A N S M I T T A L

TO: MOR. FAX
MICHAEL THOMAS

FROM: JOSE BASULTO

DATE: 7/12/95

RE: LETTERS FROM US
GOVERNMENT

REMARKS:

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TOTAL PAGES 2 (INCLUDING THIS COVER SHEET)

IF ALL PAGES ARE NOT RECEIVED, PLEASE CONTACT US AT
(305) 477-1868

THANK YOU.

U.S. GOVERNMENT STATEMENT ON JULY 13 "FLOTILLA"

The United States Government is aware of preparations being made to dispatch a "flotilla" of privately-owned vessels from Florida to enter Cuban territorial waters in order to lay wreaths and hold commemorative ceremonies at the site of the sinking of the tugboat "Trece de Marzo" on July 13, the first anniversary of that tragedy.

We recognize the right to peacefully protest against the Castro regime. We have advised the organizers of this protest, however, of the risks that participants may be undertaking by embarking on this course of action, if in fact they carry out the plan that we have seen.

As we understand the plan in its present form, this activity does not violate U.S. law. Participants should be aware, however, that any attempt to pick up persons from Cuba with the intention of transporting them to the United States or taking steps in violation of the Neutrality Act may result in prosecution or other law enforcement action, if participants return to the United States.

The Cuban government has informed the Department of State that it is very concerned about the proposed action and that its normal practice is to detain those who enter Cuban territory without permission.

Generally speaking, under international law each coastal state may claim a 12-mile territorial sea. Hence, any vessel that goes inside the 12-mile limit would be inside Cuban territorial waters, and not on the high seas. If participants proceed as their pamphlets indicate and sail into Cuban territorial waters, they may be violating Cuban law by having entered Cuban territory illegally and might therefore be subject to arrest by Cuban authorities.

Fliers distributed by the organizers of the protest indicate that many participants are not American citizens, but hold exclusively Cuban citizenship. As such, if they are imprisoned by the Cuban government, there will be very little the U.S. government can do to assist them. The U.S. government cannot guarantee release of U.S. citizens arrested abroad. In addition, Cuban authorities sometimes deny consular access to American citizens of Cuban birth.

Cubans should not attempt to board vessels which are part of this "flotilla" in hopes of reaching the United States. Pursuant to the policy in effect since May 2, Cuban migrants attempting to enter the United States who are intercepted at sea will be returned to Cuba.