



surveillance program which included inspections of all aircraft used on the rescue missions.

In June 1995, the Cuban government filed a diplomatic note with the U.S. protesting the intrusions of BTR aircraft, specifically Cessna 337, N2506 (the same aircraft that survived today's shoo-down). On July 11, 1995, Miami FSDO met with Mr. Basulto to stress the consequences of unauthorized entry into Cuban airspace, and that any violations of FAA or international aviation regulations would be vigorously investigated and adjudicated.

On Aug. 21, 1995, the Civil Aeronautics Institute of Cuba provided information to the FAA of alleged unauthorized flight deviations near Cuba from BTR activities on July 13, 1995. The letter also expressed concern about the safety of BTR/s planned activities for Sept. 2, 1995 and indicated it would close flight corridors for commercial operations over Cuba on that day.

On Aug. 29, 1995 the FAA issued a statement regarding BTR's planned Sept. 2 flight plans. The statement cites Cuban government statements advising pilots that they are subject to punitive actions of the Cuban government if they violate Cuban airspace. The agency also issued a special Notice to Airmen (Notam) providing flight advisory recommending that pilots avoid specific international airspace bordering Cuban airspace. The Notam further advises (still in effect) pilots to review pertinent Federal Aviation Regulations, requires pilots to develop detailed flight plans, and provides specific requirements for communications with air traffic control.

On Aug. 31, 1995, the FAA issued a Notice of Proposed Certificate Action against BTR President Jose Basulto. For allegedly flying his C337 (N2506) over Havana on July 13, the agency proposed to suspend Mr. Basulto's pilot certificate for 120 days. The proposed action was made public by the FAA on Sept. 1, 1995.

Explain disposition of notice. On Sept. 18, Mr. Basulto requested an informal conference on his proposed 120-day suspension.

On Sept. 2, 1995, Brothers to the Rescue planned to conduct "freedom flight" and were expected to enter Cuban airspace. Bad weather forced the cancellation of the flights. The Cuban government again (when?) stated that it would force down or shoot down any airspace violators. Cuba also planned to prevent access to two of three airways below 20,000 feet over Cuba to prevent over flights. (did this happened?)

On Oct. 18, 1995, In consultation with FAA, the State Department issued a statement advising BR, "that if persons enter Cuban territory, territorial seas or airspace without authorization from the Cuban Government they may be subject to arrest or other enforcement action by Cuban authorities for violations of Cuban law. The Cuban Government has repeatedly asserted its determination to take actions it deems necessary including the sinking of vessels and the downing of aircraft to defend Cuban territorial

sovereignty and to prevent unauthorized incursions into Cuban territorial waters and airspace." The statement was issued in anticipation for the BTR flight activity which was planned for Oct. 21, 1995 to coincide with Cuban President Castro's trip to New York for the 50th anniversary of the United Nations. (It is unknown whether this flight activity took place?)

On Jan. 13, 1996, BTR claimed they overflew Havana and dropped anti-Castro leaflets. The alleged event received local Miami coverage, however, FAA's Miami air traffic control center was unable to substantiate the flights with radar data or radio transmission.

Emergency revocation of Mr. Basulto's pilot's certificate is under consideration and final action will not be taken without consultation with you. Under Federal aviation regulations, verification of invading Cuban airspace is necessary..