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LADB Staff

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Cuban Refugees Given Asylum

by LADB Staff

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A stolen crop-duster biplane carrying eight passengers from Cuba landed in Key West, Florida, Nov. 11, escorted by Florida National Guard jet fighters. The passengers and pilot Nemencio Guerra were released to relatives in Miami and the plane impounded by US authorities and sold at auction. The release in immigration terms a parole is usually the first step in granting asylum and permanent residence. The Cuban government promptly demanded the return of the plane and the emigrants.

In a diplomatic note Nov. 12, the Foreign Ministry said the 1994 bilateral migratory agreement specifically calls for both countries to discourage dangerous departures from Cuba and commits the US to cease granting provisional admission to Cuban immigrants arriving by irregular means, including hijacked aircraft or boats.

Carlos Lage, vice president of the Cuban Council of State, accused the US of encouraging terrorism against Cuba by holding the plane in Key West and giving asylum to everyone on board. Although US practice is to give asylum to Cubans who set foot on dry land, Cuban authorities focused on the US refusal to punish any of them for hijacking. "The crime of air piracy, which is recognized in all international conventions as an act of terrorism, is encouraged by the government of the United States in its war against Cuba," Lage said.

On Nov. 18, a Miami court approved an attorney's request to seize the plane and have it sold at auction with the proceeds turned over to Ana Margarita Martinez. In the Miami exile community, Martinez's former husband, Juan Pablo Roque, is believed to have been a Cuban intelligence agent who infiltrated Hermanos al Rescate prior to the 1996 shutdown of two Hermanos planes near Cuba (see NotiSur, 1996-03-01). Martinez sued the Cuban government in Miami-Dade Circuit Court in 1999 under the 1996 Anti-Terrorism Act, which allows suits seeking damages resulting from acts of terrorism. In her case, Martinez asked for compensation for damages she suffered from having unwittingly married the alleged spy, who subsequently returned to Cuba. She also claimed that because Roque was acting as an agent of Cuba during their marriage, their sexual relations constituted rape, for which the Cuban government was responsible.

In 2001, Judge Alan Postman ordered the Cuban government to pay Martinez US\$27 million after agreeing with her contention that she suffered emotional damage because of the marriage (see NotiCen, 2001-03-29). Despite the court order to sell the plane, State Department spokesman Philip Reeker said in a press briefing Nov. 19 that he thought the US government's intention was to return it to Cuba. Nevertheless, on Jan. 13, local authorities in Key West auctioned off the plane without interference from the federal government. Martinez bought the plane for US\$7,000, but she owes Monroe County US\$16,000 for security services rendered at the Key West airport. She hopes to resell it for a higher price. Its value is estimated at around US\$30,000.

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