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Cuba News in Brief 2

by LADB Staff

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A Florida court convicted a Cuban hijacker of air piracy in the March diversion of a passenger plane to Key West. He faces a sentence of from 20 years to life. The Cuban government lodged a complaint against the State Department for placing Cuba on a list of countries that fail to combat prostitution, forced labor, and other types of trafficking in persons. Cuban authorities have accused the Panamanian government of working with right-wing Cuban-exile organizations to free terrorist Luis Posada Carriles and three others arrested in Panama in 2000 in an alleged scheme to assassinate President Fidel Castro.

Cuban hijacker convicted in Key West

A federal court in Key West took little more than an hour of deliberations to find Adelmis Wilson Gonzalez guilty of air piracy in the March 31 hijacking of a Cuban passenger plane. Lead prosecutor US Attorney Lilly Ann Sanchez said, "There probably could not be a more clear-cut, well-defined, perfect case of air piracy." Wilson is to be sentenced Sept. 19 and could get life imprisonment. His common-law wife was not prosecuted. Although several media accounts described how she helped in the hijacking, they do not explain why she was not indicted.

Wilson, his wife Leidis Fernandez, and her three-year-old son boarded the Antonov-24 at an airport on the Isla de la Juventud and, brandishing what turned out to be fake hand grenades, forced the pilot to fly to Key West. There were 50 passengers on board, but 20 were released while the plane refueled in Havana. During the stop in Havana, Castro and James Cason, head of the US Interests Section, tried to talk Wilson into surrendering. Since Wilson had already given a full confession, there was almost no defense.

During the trial, Judge Shelby Highsmith refused to allow the defendant to testify that he had changed his mind about hijacking the plane during the stop in Havana for fear that he would be executed. Highsmith explained that no testimony regarding "duress, necessity, or justification" was allowed. Wilson did not take the witness stand, and there were no defense witnesses. Witnesses testified that when the pilot, against the hijacker's orders, landed for refueling, Wilson wrapped a phone cord around a female passenger's neck and threatened to explode a grenade in her mouth.

The pilot and flight attendant traveled from Cuba to testify. They and passengers testified that Wilson threatened to blow up the plane if he was not taken to Florida. Court-appointed defense attorney Stewart Abrams based his defense largely on challenging US jurisdiction in the case since

the hijacking began in Cuba. It was not clear how a trial in Cuba would have aided Wilson given the execution of three hijackers in April (see NotiCen, 2003-05-22). Abrams pictured the defendant as a family man who wanted to live in Florida and who may not have fully understood the seriousness of air piracy.

Before the trial began, Judge Highsmith refused Abrams' request for a postponement to allow attorney Ralph Fernandez to join the defense team. Fernandez said he wanted a delay so he could subpoena Castro and Cason. Fernandez also represented three Cubans arrested for air piracy in 1996. They were acquitted by a Tampa jury and eventually received asylum. US Attorney Marcus Daniel Jimenez said the verdict showed that Castro's charges that the US does not prosecute hijackers are untrue. "The verdict confirms that the US can and will successfully prosecute hijack cases to the fullest extent of the law."

Cuban hijackers have been prosecuted in the US, but none has previously been convicted. Cuba put on list of countries tolerating traffic in persons The US State Department has placed Cuba on another blacklist. Cuba has long been on the department's list of states that sponsor terrorism and now finds itself on a list of countries that have made insufficient efforts to comply with the US's standards of combating the traffic in persons.

Castro called the report "despicable, rude, cynical, and repugnant." He said Secretary of State Colin Powell should be ashamed and "show a modicum of decency and correct himself."

In 2000, Congress passed the Trafficking Victims Protection Act, which requires that the State Department conduct an annual survey to determine which countries have lax standards in combating child labor, slavery, prostitution, and other forms of trafficking.

This year, Greece and Turkey join Cuba and 11 other nations in Tier 3 those with the worst records of combating the traffic. The law mandates that, starting this year, Tier 3 countries have until Oct. 1 to make "a significant effort to meet minimum standards" or face US sanctions.

In Cuba's case, there are no sanctions left to impose. The report says that Cuba engages in "internal trafficking for sexual exploitation and forced labor" and that minors are subjected to "sexual exploitation connected to the state-run tourism industry." The report does not explicitly accuse the government of running prostitution as a state enterprise but says state tourist facilities "facilitate and even encourage the sexual exploitation of minors by foreign tourists," and "government authorities turn a blind eye to this exploitation because such activity helps to win hard currency for state-run enterprises." Children are coerced to perform agricultural work, and opponents of the government who are arrested are pressed into forced labor, the report charges. Workers, says the report, are forced to work on foreign-investment projects and government projects "without adequate compensation, which is retained by the state."

The report says the government does not acknowledge these practices, and, although it prosecutes traffickers, it does not publish statistics on convictions. The report also faults Cuba on inadequate assistance to trafficking victims. It notes that prostitutes may be placed in rehabilitation centers but says the government is criticized for violating their rights. Cuba was not on the list at all in 2002.

Asked about this during the presentation ceremony, John Miller, director of the Office to Monitor and Combat Trafficking in Persons, did not explain why Cuba was now on the list but said the evidence was unambiguous. Straying somewhat from what the report actually said, Miller claimed that Cuba had "a government-run sex-tourism business" and had made no efforts "at prevention, protection, or prosecution." The introduction to the report explains that a country may be absent from the list because of the State Department's "inability to find credible information indicating a significant trafficking problem." Information for the report comes from US embassies and consulates, local nongovernmental human rights organizations, and others.

Update on trial of Luis Posada Carriles

Cuban authorities say that Miami exile organizations are funding the legal efforts and a media campaign to get terrorist Luis Posada Carriles and three others released from prison in Panama. Posada, Pedro Remon, Guillermo Novo Sampoll, and Gaspar Jimenez Escobedo were arrested in 2000 after President Fidel Castro announced during the Ibero- American Summit that they were plotting to assassinate him by setting off explosives in a crowded university auditorium in Panama City (see NotiCen, 2000-11-30). Defense motions have delayed the trial for more than two years.

The campaign prompted a Panamanian lawmaker to complain that some of the media in Panama were trying to portray the three men as "Robin Hoods." Lawyers for various civil organizations in Panama complained in May that prison authorities allowed the four men to have unusual privileges including long-distance phone calls, television interviews, and special meals.

The official Cuban newspaper Granma reported in March that Posada had defended terrorism in an interview on Miami television Channel 23, an anti-Castro outlet. The filmed interview suggested to Granma that the four men were enjoying a certain amount of luxury in their Panamanian prison. Interviewer Rafael Orizondo treated the men as heroes and called them "combatants." He said they were in prison because of a Cuban-Panamanian conspiracy and that the judge in the case was "an extreme left-wing judge." President Mireya Moscoso irritated Cuban officials in 2001 by refusing to extradite the suspects. The Cuban Foreign Affairs Ministry (MINREX) issued a formal complaint charging that the justifications given did not follow the laws of Panama.

The real reason for refusing extradition, said MINREX, was that Panama had become an accomplice presumably with the US in granting impunity to terrorists. Cuban authorities also complain that the charges against the four men do not include attempted murder and terrorism. The lesser charges, such as possession of explosives, carry lighter sentences that could equal the time already served.

In May, Moscoso attended an exhibition of artwork by prison inmates where some of Posada's paintings were displayed. Granma reported that she spoke to Posada and that a pardon was mentioned. Meanwhile, defense attorney Rogelio Cruz is trying to get them released on humanitarian grounds because of advanced age. Three requests for writs of habeas corpus have been turned down by the Supreme Court. In rejecting a request in November 2002, the Supreme Court magistrates said there were no procedural errors and that "in this particular case, the conduct of the persons involved in the crimes investigated reveals a high degree of danger not only on

account of the explosive materials seized, but also on account of the police records of those charged, a number of them linked to terrorist activities."

-- End --