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Cuban Exiles Sue Castro in Court

by LADB Staff

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On Oct. 4, a group of nine Cuban exiles seven from the US and two from Belgium filed a class-action suit against Cuban President Fidel Castro, his brother, Armed Forces Minister Raul Castro, and two army generals for alleged crimes against humanity. The officers are Sugar Industry Minister Gen. Ulises Rosales del Toro and Gen. Arnaldo Tamayo Mendez, director of the foreign-relations section of the Armed Forces Ministry. The crimes-against-humanity charge covers allegations of murder, torture, and other criminal offenses. The charges relate to two major incidents involving Cuban exiles.

One of the plaintiffs is Jose Basulto, head of the Miami-based Hermanos al Rescate. Basulto led a flight by three small planes near the Cuban coast in February 1996. Cuban fighter interceptors downed two of the planes, killing four men (see NotiSur, 1996-03-01). The other incident is the 1994 sinking of a tugboat rammed by Cuban coast guard vessels. Forty-one people aboard the tugboat who were attempting to leave Cuba for the US died in the incident. The plaintiffs also accused the defendants of repressing free speech and assembly and imposing other government restrictions on political action. The complaint mentions that Cuba is on the State Department's list of nations that promote terrorism and cites various complaints of human rights violations from such organizations as Amnesty International and Human Rights Watch.

The nine plaintiffs chose Belgium because, under a 1993 law, Belgian courts assert universal jurisdiction in cases that involve war crimes and crimes against humanity no matter where they may have been committed. Besides the Cuban officials, the court has received complaints against former Chilean dictator Gen. Augusto Pinochet and current Israeli Prime Minister Ariel Sharon, among others. The Washington-based Judicial Watch, a conservative advocacy organization, is participating in the suit.

Judicial Watch spokeswoman Irene Garcia said, "Castro has always supported terrorism and has been in contact with terrorist groups, whether in the Middle East, Colombia, or the Basques in Spain." The suit has put the Belgian government in a delicate diplomatic position. As current head of the European Union (EU), the government is obliged to carry on the EU policy of open dialogue with Cuba and full participation by Cuba in the Cotonou trade cooperation agreement signed by the EU and members of the Africa, Caribbean, and Pacific (ACP) group (see NotiCen, 2001-01-12). However, the Belgian Foreign Relations Ministry said the suit would not affect EU-Cuban relations.

Basulto and others have tried to bring Castro into court for several years. While no US court has indicted Castro for murder, US District Court Judge Lawrence King in Miami assessed the Cuban government US\$187 million for compensation to the relatives of three of the men killed in the shutdown. A petition asking for Castro's indictment has collected 105,000 signatures. Rep. Christopher Smith (R-NJ) asked Attorney General John Ashcroft to look into the possibility of an indictment despite Castro's immunity as a head of state. Judicial Watch chairman Larry Klayman,

who is heading the legal team pursuing the suit in Belgium, said, "The reality is that if the Bush administration doesn't indict Fidel, the Cubans might not be there for them in 2004."

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