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CUBA

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 12, 1996

STATEMENT BY THE PRESS SECRETARY

Tomorrow a commemoration will take place of the second anniversary of the sinking of the "Thirteenth of March" vessel off the Cuban coast, in which 41 innocent victims died. A flotilla of vessels and aircraft organized by the Democracy Movement intend to take part in a peaceful demonstration of support for democracy in Cuba. This event can be an eloquent expression of the American and Cuban peoples' yearning for democracy and human rights in Cuba.

Peaceful protests are part of the long American tradition to effect change. We fully support the right of the Democracy Movement and other organizations seeking to promote democracy in Cuba to employ the non-violent civil action method as long as they do so in a manner consistent with American and international law.

We urge the Democracy Movement and all the participants in Saturday's flotilla to observe U.S. law and refrain from entering Cuban territorial waters during this event.

Later this month the U.N. Security Council will consider the recently released report of the ICAO on the February 24 shootdown by the Cuban Government of two unarmed American civilian aircraft over international waters. We will look to the Council to reaffirm the ICAO's condemnation of the use of weapons against civil aircraft in flight, and to take steps to ensure against any repetition of such outrageous and unacceptable behavior on the part of the Cuban Government. We call upon those participating in tomorrow's flotilla to demonstrate their own respect for the rule of law even as we seek to mobilize international opinion to hold Cuba to a similar standard.

We applaud the Democracy Movement's willingness to work with the Administration, the United Nations, and the rest of the International Community to find ways to end totalitarian rule in Cuba and to foster the construction of a civil society for all its citizens. Existing American laws provide an excellent framework for this partnership between the U.S. Government and groups seeking to promote democracy in the country of their birth.

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CUBA

H-B NOTIFICATION LETTERS SENT

Background: State Department yesterday sent letters to top officers of Sherritt International, a Canadian mining firm with large investments in Cuba, notifying them that they have been determined to be "trafficking" in confiscated U.S. properties in Cuba under Title IV of Helms-Burton. Two of the individuals are British citizens. State learned yesterday (as reported by WSJ) that two are no longer members of Sherritt's board, and is sending them follow-up letters stating they are not subject to exclusion. We do not publicly comment on which individuals and companies receive the letters.]

Points

- State Department letters notify certain individuals that they have been determined to be "trafficking" in confiscated U.S. properties in Cuba and will be excluded from the United States after a 45-day grace period during which they can divest their holdings in the firms or provide us additional information on their activities.
- Part of the Administration's continuing efforts to implement the Helms-Burton Act in a thorough but transparent manner.
- Continuing the review process and will make further determinations on exclusions as warranted.
- Refer you to State Department for further information.
- (If asked) Learned yesterday that two of the individuals receiving notification letters have new positions removing them from Cuba-related activities. Sending them follow-up letters explaining they will not be excluded from U.S.
- (If asked) As a matter of policy, we do not publicly notify the individuals involved. This is confidential matter between the USG, the individuals, and their countries.

MIGRANTS

Background: A group of six Cuban migrants intercepted off the coast of Florida earlier this week and scheduled to be sent back to Cuba will now be brought into the U.S. This decision was made by the interagency last night, largely because it was discovered that the Cubans had entered U.S. INTERNAL waters.

Their case has attracted attention in Florida as one of the migrants was medevaced into the U.S. and publicly claimed that the Coast Guard was about to return Cubans who had actually entered the U.S. Rep. Diaz-Balart called INS yesterday to protest the planned return.

Points

- **This does not represent a change in policy -- we will continue to repatriate Cubans intercepted at sea.**
- **The specific and unusual circumstances of this case led INS and DoJ to conclude that they should be brought into the US.**
- **NOTE: While they initially will be put in exclusion proceedings, we do not currently return to Cuba persons who enter the U.S. Therefore, they ultimately will be paroled into the US.**

BASULTO

Background: In the case involving the two instances in which the head of the Brothers to the Rescue, Jose Basulto, crossed into Cuban airspace, an administrative judge rendered a mixed verdict. He upheld our decision to suspend his license, but denied our request for a license revocation. The FAA will be making its decision as to whether to appeal the ruling.

Basulto is claiming that on February 24 the USG had enough time to prevent the shootdown of the 2 planes but that, instead of protecting US citizens, chose to "extend its hand" to the Cuban MiGs and that his plane was followed by a MiG to a distance of 25-38 miles off the Florida Coast without any reaction from our defense system. He has received the support of Representatives Ros-Lehtinen and Diaz-Balart who vowed to bring the matter before Congress.

JCS denies these allegations and in particular asserts that we would have intervened had the MiG that followed Basulto's plane entered the US air identification zone, which it did not.

Points

- **Respect the right of Cubans and Cuban-Americans to protest peacefully against Cuban regime.**
- **Strongly condemn Cuba's egregious shootdown of 2 US aircraft over international waters, as recently confirmed by the report of the International Civil Aviation Commission.**
- **At same time, we are nation of laws, and cannot permit that they be violated with impunity.**
- **Regarding allegations that US could have prevented attack, charge has been properly addressed by DoD in the past [refer question to DoD]**

HIJACKING

Background: A small Cuban commercial passenger aircraft was hijacked at gun point Sunday and forced to land at the Guantanamo U.S. military base. The hijacker requested political asylum.

Points

- The individual is in INS custody and is being debriefed.
- No decision has been made yet regarding how the case will be handled. Would refer you to the State Department and the INS for details.
- The plane and passengers departed GTMO soon after they arrived.

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Democracy Movement.

After carefully evaluating today's request by the White House to the Democracy Movement, and having received a similar request yesterday by the families of the four young men killed by Castro's Migs on the 24th of February, the Democracy Movement hereby announces that in light of the upcoming proceedings before the U.N. Security Council regarding the ICAO report, and in order to preserve the best possible conditions for a better chance to obtain a ruling of the U.N. Security Council against Castro's regime, the Memorial Flotilla will not enter Cuban jurisdictional waters or airspace during the July 13th ceremonies.

We give full assurances to the United States government, those concerned in the International Community, and the relatives of the four young men killed in the downing of the planes as well as to those who have been praying for our well being and success both here and in our homeland, that we will abide by our commitment set forth here and remain in International waters throughout the whole event.

Furthermore, we wish to recognize the goodwill and understanding shown by the White House and the State Department in this process and in furthering the cause for a free and independent Cuba, and their willingness to work with the non-violent civil action movements to end totalitarian rule in Cuba.

We hope that the emerging partnership between the pro-Democracy movements and the White House born of a mutual respect for the interests of the people of both nations, could result in attracting the active solidarity of the International Community to the freedom of the oppressed people of Cuba.

We express our recognition and gratitude to all those involved in facilitating this new road of mutual understanding, especially to Congressman Robert (Bob) Menendez without whose assistance this would not have been possible.

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

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To <u>Jim F.</u>	From <u>Jim D.</u>
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NSN 7540-01-317-7368

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GENERAL SERVICES ADMINISTRATION

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- Part of the Administration's continuing efforts to implement the Helms-Burton Act in a thorough but transparent manner.
- **This is an ongoing process. Expect State to issue more letters in the future.**