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WASHINGTON

Executive Registry

DD/S 73 1652

11273-0345

March 15, 1973

Dear Jim:

I am enclosing for your information the text of the hijacking agreement with Cuba together with copies of letters I have sent to the Attorney General, the Secretary of Transportation, and the Secretary of the Treasury regarding enforcement of U.S. neutrality laws in the light of the agreement. The cooperation of your Agency as appropriate in our effort to comply fully with Article Second of the hijacking agreement will also be appreciated.

With warm personal regards,

Sincerely,



William P. Rogers

Enclosures:

As stated.

The Honorable  
James R. Schlesinger,  
Director of the Central  
Intelligence Agency.

Dear Claude:

I am enclosing for your information the text of the hijacking agreement with the Government of Cuba which I signed on February 15, along with a statement about the agreement which I made on that date.

You will note that Article Second of the agreement provides that each country will prosecute persons who, within its territory, commit acts involving attacks on the territory of the other country or on aircraft or vessels proceeding to or from the territory of the other. This provision was drafted in close consultation with the Department of Justice to ensure conformity with Title 18 U.S.C. Section 960. Although this provision does not require anything more than enforcement of existing legislation in accordance with stated U.S. policy, it does establish a binding international obligation. Further, to maintain the efficacy of the new agreement, we have a compelling interest in making our law enforcement efforts as effective as possible.

I am appreciative of the excellent work performed by your Department, particularly the U.S. Coast Guard, in dealing with the problem of planned or actual attacks against Cuban territory or vessels mounted from this country. The Department of State in 1970 and again in 1972 declared publicly,

The Honorable  
Claude S. Brinegar,  
Secretary of Transportation.

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as well as privately in meetings with the leaders of militant Cuban exile groups, that the U.S. Government will not countenance violation of its neutrality laws. The conclusion of the hijacking agreement underscores the need for heightened vigilance in this respect.

With warm personal regards,

Sincerely,

William P. Rogers

Enclosures:

1. Text of Note containing Agreement with Cuba on Hijacking.
2. Statement of February 15, 1973.

# DEPARTMENT OF STATE

FEBRUARY 15, 1973

No. 35

TEXT OF NOTE SIGNED TODAY BY  
SECRETARY OF STATE WILLIAM P. ROGERS  
CONTAINING AGREEMENT WITH CUBA ON HIJACKING  
EMBARGOED FOR RELEASE AT 11:45 a.m. EST THURSDAY, FEBRUARY 15, 1973. NOT  
TO BE PREVIOUSLY PUBLISHED, QUOTED FROM OR USED IN ANY WAY.

Sir:

I refer to the Memorandum of Understanding on the hijacking of aircraft and vessels and other offenses which has resulted from conversations which have taken place between the Embassy of Switzerland, representative of the interests of the United States of America in Cuba, and representatives of the Government of the Republic of Cuba, the text of which is as follows:

MEMORANDUM OF UNDERSTANDING ON HIJACKING  
OF AIRCRAFT AND VESSELS AND OTHER OFFENSES

The Government of the United States of America and the Government of the Republic of Cuba, on the bases of equality and strict reciprocity, agree:

FIRST: Any person who hereafter seizes, removes, appropriates or diverts from its normal route or activities an aircraft or vessel registered under the laws of one of the parties and brings it to the territory of the other party shall be considered to have committed an offense and therefore shall either be returned to the party of registry of the aircraft or vessel to be tried by the courts of that party in conformity with its laws or be brought before the courts of the party whose territory he reached for trial in conformity with its laws for the offense punishable by the most severe penalty according to the circumstances and the seriousness of the acts to which this Article refers. In addition, the party whose territory is reached by the aircraft or vessel shall take all necessary steps to facilitate without delay the continuation of the journey of the passengers and crew innocent of the hijacking of the aircraft or vessel in question, with their belongings, as well as the journey of the aircraft or vessel itself with all goods carried with it, including any funds obtained by extortion or other illegal means, or the return of the foregoing to the territory of the first party; likewise, it shall take all steps to protect the physical integrity of the aircraft or vessel and all goods, carried with it, including any funds obtained by extortion or other illegal means, and the physical integrity of the passengers and crew innocent of the hijacking,

The Honorable  
Jaroslav Zantovsky,  
Charge d'Affaires ad interim  
of the Czechoslovak Socialist Republic.

ARA/P - -Mr. Brian Bell, 632-3048

and their belongings, while they are in its territory as a consequence of direct connection with the acts to which this Article refers.

In the event that the offenses referred to above are not punishable under the laws existing in the country to which the persons committing them arrived, the party in question shall be obligated, except in the case of minor offenses, to return the persons who have committed such acts, in accordance with the applicable legal procedures, to the territory of the other party to be tried by its courts in conformity with its laws.

SECOND: Each party shall try with a view to severe punishment in accordance with its laws any person who, within its territory, hereafter conspires to promote, or promotes, or prepares, or directs, or forms part of an expedition which from its territory or any other place carries out acts of violence or depredation against aircraft or vessels of any kind or registration coming from or going to the territory of the other party or who, within its territory, hereafter conspires to promote, or promotes, or prepares, or directs, or forms part of an expedition which from its territory or any other place carries out such acts or other similar unlawful acts in the territory of the other party.

THIRD: Each party shall apply strictly its own laws to any national of the other party who, coming from the territory of the other party, enters its territory, violating its laws as well as national and international requirements pertaining to immigration, health, customs and the like.

FOURTH: The party in whose territory the perpetrators of the acts described in Article FIRST arrive may take into consideration any extenuating or mitigating circumstances in those cases in which the persons responsible for the acts were being sought for strictly political reasons and were in real and imminent danger of death without a viable alternative for leaving the country, provided there was no financial extortion or physical injury to the members of the crew, passengers, or other persons in connection with the hijacking.

FINAL PROVISIONS:

This Agreement may be amended or expanded by decision of the parties.

This Agreement shall be in force for five years and may be renewed for an equal term by express decision of the parties.

Either party may inform the other of its decision to terminate this Agreement at any time while it is in force by written denunciation submitted six months in advance.

This Agreement shall enter into force on the date agreed by the parties.

Done in English and Spanish texts which are equally authentic.

In compliance with the express instructions of my Government, I wish to convey its acceptance of the Memorandum of Understanding transcribed above, as well as its agreement that the simultaneous exchange of notes taking place in Washington between the Department of State and the

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Embassy of the Czechoslovak Socialist Republic, representative of the interests of the Republic of Cuba in the United States of America, and in Havana between the Embassy of Switzerland, representative of the interests of the United States of America in Cuba, and the Ministry of Foreign Relations, shall constitute the agreement on the hijacking of aircraft and vessels and other offenses between the Government of the United States of America and the Government of the Republic of Cuba, which shall take effect on the date of this note.

Accept, Sir, the renewed assurances of my high consideration.

Dear George:

I am enclosing for your information the text of the hijacking agreement with the Government of Cuba which I signed on February 15, along with a statement about the agreement which I made on that date.

You will note that Article Second of the agreement provides that each country will prosecute persons who, within its territory, commit acts involving attacks on the territory of the other country or on aircraft or vessels proceeding to or from the territory of the other. This provision was drafted in close consultation with the Department of Justice to ensure conformity with Title 18 U.S.C. Section 960. Although this provision does not require anything more than enforcement of existing legislation in accordance with stated U.S. policy, it does establish a binding international obligation. Further, to maintain the efficacy of the new agreement, we have a compelling interest in making our law enforcement efforts as effective as possible.

I am appreciative of the excellent work performed by your Department, particularly the Bureau of Customs and the Bureau of Alcohol, Tobacco, and Firearms, in dealing with the problem of planned or actual attacks against Cuban territory or vessels mounted from this country. The Department of State in 1970 and again in 1972 declared publicly,

The Honorable  
George P. Shultz,  
Secretary of the Treasury.



as well as privately in meetings with the leaders of militant Cuban exile groups, that the U.S. Government will not countenance violation of its neutrality laws. The conclusion of the hijacking agreement underscores the need for heightened vigilance in this respect.

With warm personal regards.

Sincerely,

William P. Rogers

Enclosures:

1. Text of Note containing Agreement with Cuba on Hijacking
2. Statement of February 15, 1973

Dear Dick:

I am enclosing for your information the text of the hijacking agreement with the Government of Cuba which I signed on February 15, along with a statement about the agreement which I made on that date.

You will note that Article Second of the agreement provides that each country will prosecute persons who, within its territory, commit acts involving attacks on the territory of the other country or on aircraft or vessels proceeding to or from the territory of the other. This provision was drafted in close consultation with the Department of Justice to ensure conformity with Title 18 U.S.C. Section 960. Although this provision does not require anything more than enforcement of existing legislation in accordance with stated U.S. policy, it does establish a binding international obligation. Further, to maintain the efficacy of the new agreement, we have a compelling interest in making our law enforcement efforts as effective as possible.

I am appreciative of the excellent cooperation and support we received from your Department in the course of the negotiations on the hijacking

The Honorable  
Richard G. Kleindienst,  
Attorney General.

agreement, as well as the prompt action taken by the Internal Security Division, the Federal Bureau of Investigation, and the Immigration and Naturalization Service in dealing with the problem of planned or actual attacks against Cuban territory or vessels mounted from this country. The Department of State in 1970 and again in 1972 declared publicly, as well as privately in meetings with the leaders of militant Cuban exile groups, that the U.S. Government will not countenance violation of its neutrality laws. The conclusion of the hijacking agreement underscores the need for heightened vigilance in this respect.

With warm personal regards,

Sincerely,

William P. Rogers

Enclosures:

1. Text of Note containing Agreement with Cuba on Hijacking.
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WASHINGTON POST  
20 MAR 1973

# U.S. Asylum Denied 2 in Cuba Hijack

By Robert D. Clark

Special to The Washington Post

MIAMI, March 19—A Cuban exile group said today it was hiding two Cuban fishermen denied refuge in this country after they tried to hijack a fishing vessel.

In Washington, State Department spokesman Charles W. Bray said the two Cubans "expressed some interest in remaining in the United States . . . I am not certain to what extent they made request formally for political asylum."

Bray said "I believe it was made clear to them that the United States did not want to become a haven for hijackers."

He said the anti-hijacking agreement signed with Cuba Feb. 15 "didn't contemplate circumstances as curious as these . . . but our decision not to grant safe haven to hijackers was consistent with the spirit of the agreement."

The exile group in Miami, the Executive Committee for Liberation, said it was keeping the men in hiding until the United States agrees not to return them to Cuba.

The fishermen—identified by sources here as Caridad Perez and Orlirio Hernandez—were said to have jumped from the 61-foot Cayo Largo Sunday night when it was being escorted to sea from Key West harbor by the Coast Guard and reportedly swam ashore.

The men earlier had tried to hijack their boat to Mexico, according to sources here, but surrendered to the captain and six other crewmen when a defective fuel line disabled the vessel off Fort Myers, Fla. Found adrift by the Coast Guard, it was towed to Key West, at the southern tip of Florida.

When the two defectors sought asylum, they were discouraged, exiles said, and returned to the ship.

Tomas Cruz, an official with the exile organization, said the

men had been "placed safely in hiding."

The Coast Guard, which said it was searching Key West harbor for the fishermen, reported that the vessel had been taken to the Florida Keys port "for humanitarian reasons" so it could be repaired and refueled.

When the two Cubans jumped overboard, the other crewmen stayed on the ship, which subsequently returned to Key West. It was not known when it would return to Cuba.

Lt. John Brooks, assistant duty officer for the Coast Guard in Miami, said waters were calm when the men jumped overboard.

"The two men were the same two individuals who earlier had mutinied and attempted to hijack the vessel to Mexico," Brooks told newsmen.

The U.S.-Cuban accord—the first formal agreement between the two countries since the United States broke relations with Fidel Castro 11 years ago—requires each side to prosecute or extradite hijackers unless the hijackers' lives are threatened because of political reasons.