

\$93 Million for Families' Members of Brothers to the Rescue

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The US Department of Justice issued an adjudicatory order of \$93 million to family members of three of the four pilots of Brothers to the Rescue who were murdered in the air by Cuban MIGs the 24th of February 1996. They were Armando Alejandro, Jr., Carlos Costa and Mario de la Peña. These \$93 million constitute compensatory damages and interest set out by federal magistrate James L. King in the sentence of 1997, and the value of the sanctions for contempt imposed by the Court on the Cuban government for not presenting itself for trial on the legal complaint of the family members.

The family members of the victims of Brothers to the Rescue sued the Cuban government under the Antiterrorist Law of 1996, that permits suit against governments that commit terrorist acts. The Law for Justice for the Victims of Terrorism also approved in October 2000, under which the family members of Brothers to the Rescue could charge about \$90 million between \$49 [sic] compensatory expenses [damages] and interest, and \$37 million to sanction the Cuban government.

Judge King based his finding on the fact that the downing of the small aircraft by Cuban MIGs over international water was "cold blooded murder." The \$137 million adjudicated for punitive damages, which form part of his Order for a total of \$187 million for compensatory expenses and punitive damages, are not included in the order/regulation of the Law of Justice for Victims of Terrorism, but punitive damages were available to the family members from other sources.

The payments will be charged against two accounts of the Cuban government frozen in the Chase Manhattan bank of New York. These funds frozen to the Cuban government come from the payments from AT&T for telephone calls made to Cuba between 1969 and 1992, that were not duly given up to Cuba because of the commercial embargo of the island by the US.

The family members of Pablo Morales are not included in the payment to the families of the Brothers to the Rescue victims, because he was not an American citizen.

Previously, the family members who are going to be compensated received a transactional offer from the Clinton administration under which they would receive \$50 million in compensatory damages, in place of the \$187 indemnification awarded by the order of Judge King who is in charge of the case, which was appealed by AT&T, as well as the US government. The offer was rejected by the families.

In agreement with the report issued in June of 1996 by the International Organization of Civil Aviation of the United Nations, the shoot down of the two small aircraft of Brothers to the Rescue, was committed in international airspace, and the government of Cuba accepted responsibility for the shoot down and therefore, for the murder of their four crewmembers.

This week the payments to the family members of the awarded amount will begin.