

## **For Fliers' Relatives, Indictments Offer Some Relief**

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Relatives of the four Brothers to the Rescue fliers shot down by Cuban MiGs in 1996 finally crossed a symbolic threshold Thursday: They checked off three names on a list of those they hold responsible for the ``murders" on that fateful afternoon.

Two pilots of one of the MiGs and the general in charge of the Cuban air force's anti-aircraft defense were indicted by a federal grand jury in Miami-Dade County on Thursday for their roles in an alleged conspiracy to kill the four men.

### **OTHER TARGETS**

But that left eight Cuban officials on the list of people the families want to see punished for the deaths of Armando Alejandro Jr., Carlos Costa, Mario de la Peña and Pablo Morales, who died in explosions that left only trails of smoke in the sky on Feb. 24, 1996.

``An act of premeditated murder," U.S. Attorney Marcos Daniel Jiménez called it. ``This was a step to secure justice for the families of these victims."

As he spoke before video cameras and journalists, five members of the victims' families stood solemnly in the rear of the room. Two held photos of loved ones who died in the shoot-down.

### **CELEBRATORY SHOUTS**

Maggie Khuly, Alejandro's sister, closed her eyes and nodded almost imperceptibly as FBI Special Agent Hector Pesquera recalled the celebratory shouts of the Cuban pilots to ground control after the shoot-down.

``To think that the pilots were joyful when they killed four innocent human beings is unconscionable but dreadfully true," Pesquera said.

Then he directed his remarks to the families: ``We hope this indictment will give them some small measure of assurance that the individuals responsible for these murders will not go unpunished."

Mirta Costa, the mother of one of the Brothers pilots, rocked back and forth, clenched her hands and rubbed her fingers together nervously as the charges were read: conspiracy to commit murder, destruction of an aircraft - and four counts of murder.

### **SURPRISE PHONE CALL**

Earlier in the afternoon, as she and her husband surveyed progress on their new home under construction, she had been surprised by a phone call from federal prosecutors.

``They said `You have to come as you are,' " said Costa, who dressed up clothes

she thought were too casual for the occasion with a jacket hurriedly borrowed from Miriam de la Peña, mother of Mario de la Peña.

``At least it's something," said Costa, who like other relatives want to see more indictments, specifically of Fidel and Raúl Castro.

``And I hope it's soon because I am getting older," she said.

Khuly fought back tears Thursday as she spoke of how the indictment would have pleased her father, who died in June.

``I'm sorry he wasn't here. This would have been a big comfort to him," Khuly told The Herald. ``He wanted this a lot."

`VERY SATISFIED'

Mario de la Peña, the father of one of the pilots, said he was ``very satisfied" with the indictments, noted with three black X's marked on a list of Cuban officials he and other relatives want brought to trial. They have been pushing Department of Justice and State Department officials for the indictments for several years.

``Despite the difficulty of getting this kind of indictment, they found overwhelming evidence to do so," de la Peña said.

Indicted were Gen. Rubén Martínez Puente, chief of the Cuban air force's anti-aircraft defense, and brothers Francisco Pérez Pérez and Lorenzo Alberto Pérez Pérez, copilot and pilot of the MiG jet that pulverized both unarmed, propeller-driven Cessnas with air-to-air missiles.

#### EVIDENCE

De la Peña said he believes there is enough evidence to indict the others, especially Fidel Castro, who publicly took responsibility in an interview shortly after the shoot-down.

``Who wouldn't want that?" de la Peña said.

But Castro is not on the list of 11 the family says are accountable for the deaths. They've been told it's not legally possible to indict him.

Brother Raúl Castro tops the list as head of Cuba's armed forces. Also on the list are Eduardo Delgado Rodríguez, a brigadier general and chief of Cuban intelligence; Emilio Palacios, pilot of a second MiG that provided air cover for the Pérez brothers; Gen. Ulises Rosales del Toro, chief of the Air Force; Arnaldo Tamayo Mendez, brigadier general of the Cuban Air Force; and Ricardo Martínez, an air traffic controller in Havana.

Two other air traffic ground controllers are listed only as Frank and Antonio because their last names are not known.

`VERY PATIENT'

``I'm a very patient person," Khuly said. ``We've been waiting for these three

indictments for 71/2 years. And we have younger members of our family ready to take over the fight."

Next to her, Michael de la Peña - the 28-year-old brother of the slain pilot - said the families still live with the shoot-down's aftermath.

``It affects you every day. It's something that steers the course of your life," he said.

His mother said she never doubted this day would come.

``I know that sooner or later the others will meet their justice, too," Miriam de la Peña told The Herald. ``Because we don't give up. And that's what it takes: It takes people who are hurting to push for justice.

``We haven't tired yet."

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