

Feds Asked to Move Forward in Aircraft Shoot-down Case

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As the fourth anniversary approaches of the downing of the four Brothers to the Rescue pilots by the Cuban air force, BTTR is demanding that federal authorities move ahead to apply "due process" to try those who are presumably guilty in a Florida courtroom.

The urgency of their appeal is based on the fact that when the statute of limitations under state law expires next February 24, Florida prosecutors will remain with hands tied in terms of indicting all of the presumed conspirators.

"If the case does not move forward immediately at the state level, the biggest casualty will be the integrity of the U.S. legal system," said attorney Ralph Fernández on Tuesday, who represents BTTR. "It would constitute a travesty against the conscience of this country."

According to the attorney, the inertia at the state prosecutor's office would weaken the indictment immensely, since it would eliminate de facto any potential guilty parties who would then remain under federal jurisdiction.

At the end of last year, Fernández asked the state attorney general to move ahead with an indictment against Fidel Castro and other alleged accomplices in the downing of the pilots over the Florida straits.

In a letter sent to U.S. Attorney General Janet Reno at the end of January, Fernández asserted that the federal government had been interfering to block the state action.

"Due to your prior experience, you know that in Florida, conspiracy to commit murder is a violation of state law, and may be tried here. It is not a matter of preference," the letter indicated.

But state prosecutor Katherine Fernández Rundle told El Nuevo Herald that the federal government has jurisdiction, authority and evidence to take action in the case, much of which contains material that is classified and therefore inaccessible to her judicial sphere.

"I've been in contact with the U.S. attorney's office and with the FBI, and have told them that at the state level, we are ready to help them at any time in order to see that justice is done in this horrible tragedy," she assured.

Fernández Rundle said that "there are many victims and a grieving community" and insisted that "any interference at this level would adversely affect the federal case."

In addition, (Ralph) Fernández linked the procedures followed in the BTTR investigation to the details in the case of the Cuban child Elián González, and argued that the Justice Department's position has been incongruent.

"I ask that the concept of equality for all be promoted. (...) If you decide not to do so, at the very least, no federal prosecutor ought to be allowed to suggest to a state prosecutor that she abstain from her obligation to follow state law," said the text.

The Justice Department has rejected the order from state judge Rosa Rodríguez, who gave temporary custody of the little rafter to his great uncle Lázaro González.

Reno's office in Washington did not respond to a request from El Nuevo Herald to comment on the basic aspects of the letter.

"My case is that of an aggrieved U.S. citizen, but neither the federal nor state governments have wanted to be on my side," said José Basulto, BTTR president.

Fernández supported Basulto in his complaint about his "lack of protection as a citizen." "It is a dangerous message about the administration of justice in the United States," he indicated. "In a case of homicide with overwhelming proof, where the statute of limitations runs out, it means that there are people who live outside the law and prosecutors only indict them when they feel like it."

Caption: Photo: Eva Barba and José Basulto (a)

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