

CHRONOLOGY OF EVENTS INVOLVING BROTHERS TO THE RESCUE FAA ACTIONS

1992-1995: FAA Flight Standards personnel investigate individuals involved with Brothers to the Rescue (BTR), including Mr. Jose Basulto, BTR's president, as a result of a number of incidents of accidents caused by failure to comply with FAA mandated safety regulations. Actions taken include safety meetings with BTR pilots; development of a safety program for BTR pilots; and enforcement investigative reports.

3/10/95: FAA issues an Order of Suspension (90 days) against Carlos E. Gartner, associated with BTR. Gartner was cited for striking the mast of a sailing vessel carrying Cuban refugees on June 19, 1994 with the wing of his PA-23. The boat was sailing and the aircraft was flying over the Straits of Florida between the Florida Keys and the north coast of Cuba.

7/11/95: Miami Flight Standards District Office officials meet with Jose Basulto to stress the consequences of unauthorized entry into Cuban airspace, and to inform him that any violations of FAA or international regulations will be vigorously investigated and adjudicated. Further, every general aviation pilot filing a flight plan for July 13, 1995 for operation in the vicinity of a planned "Freedom Flotilla" demonstration will be notified of the consequences of any violations. (The flotilla event was planned to commemorate the sinking of the tugboat "Trece de Marzo" on July 13, 1994 by the Government of Cuba.)

7/13/95: Jose Basulto operated an aircraft on a passenger-carrying flight departing Opa Locka, Florida. During the flight he operated the aircraft into Cuban airspace when he did not have a clearance from the Cuban air traffic control authority for entry into, and operation within, that airspace.

7/26/95: Jose Basulto issues statement critical of the President Clinton Administration's policy towards the "illegitimate Castro regime." The statement was also critical of U.S. government sanctions against BTR pilots for airspace violations.

8/24/95: FAA issues statement acknowledging receipt of an August 21, 1995 letter and supporting documents from the Civil Aeronautics Institute of Cuba regarding violations of the Cuban aeronautical laws committed by U.S. registered aircraft on July 13. The letter also expressed concern about the safety of BTR's planned activities for September 2, 1995, and indicated that the Cuban authorities were considering canceling overflight operations over Cuba on that date.

8/29/95: FAA issues statement announcing planned actions in anticipation of BTR's flight activities scheduled for September 2 over the Straits of Florida. FAA actions include meetings with BTR leaders to advise them that violations of FAA and international regulations would be thoroughly investigated and adjudicated. The FAA also issues a Special Notice to Airmen cautioning U.S. certificated pilots that they are subject to the actions of the Cuban government if they violate Cuban airspace.

8/31/95: FAA officials meet with Alfonso Fraga, Principal Officer, Cuban Interests Section, in FAA Washington Headquarters. The primary purpose of the meeting is to deliver an official FAA response to the August 21 letter received from the Civil Aeronautics Institute of Cuba and to provide an update of the status of the investigation of the July 13 incident.

9/1/95: FAA issues statement announcing Notice of Proposed Certificate Action, issued on August 31, to suspend Jose Basulto's pilot certificate for 120 days for violations of Federal Aviation Regulations (FAR) 91.703 (operations within a foreign country must comply with that country's rules) and FAR 91.13 (aircraft may not be used in a careless or reckless manner).

9/2/95: Bad weather forces BTR to cancel its flights in support of "Freedom Flotilla" demonstrations.

9/6/95: A National Transport Safety Board (NTSB) Administrative Law Judge (ALJ) heard an FAA enforcement case against Carlos E. Gartner, associated with BTR operations, for a June 19, 1994, low flight incident. The ALJ reduced the proposed 90 day certificate suspension to a ~~5500~~ ¹⁰⁰⁰ civil penalty. FAA is appealing to the full NTSB.

9/21/95: Jose Basulto's attorneys request the FAA provide copies of the evidence supporting the allegations against Mr. Basulto and copies of the Cuban regulations he allegedly violated. Mr. Basulto's attorneys also request an informal conference on Basulto's proposed 120 day suspension.

10/2/95: FAA requests, via State Department, from the Cuban government any evidence that might support the charges against Jose Basulto as well as copies of the Cuban regulations violated by Mr. Basulto upon his unauthorized intrusion into Cuban airspace on July 13. (A diplomatic note was delivered by the U.S. government to the Cuban government on October 5.)

10/17/95: State Department issues a statement in anticipation of a "Flotilla" event to approach Cuban territory on October 21 to coincide with Cuban President Castro's trip to New York for the 50th anniversary of the United Nations.

10/19/95: The FAA issues a Notice to Airmen advising U.S. airmen and operators to strictly abide by international and FAA regulations, as well as all applicable Cuban laws, rules and regulations, in the Straits of Florida in anticipation of activities in the area. The notice makes specific mention of Cuba's determination to take action against aircraft violations of Cuban airspace.

12/1/95: FAA received evidence and other information requested from the Cuban government regarding the July 13, 1995 violation of Cuban airspace by Mr. Basulto.

1/13/96: State Department receives diplomatic note from the Cuban government in which it notifies concern regarding aircraft which allegedly entered Cuban airspace from U.S. territory without proper authorization. (BTR claims having overflown Havana on 1/13/96.)

1/18/96: FAA requests, via State Department, from the Cuban government any corroborating evidence to support assertions of unauthorized flights into Cuban airspace on January 13, 1996. (Miami Air Route Traffic Control Center is unable to substantiate the flight(s) with radar data or radio transmissions.)

1/19/96: State Department delivers a diplomatic note to the Cuban government requesting relevant information with respect to January 1996 alleged incidents.

2/14/96: FAA requests through the Department of State that the Cuban government provide more complete and specific information regarding the July 13, 1995 incident to supplement what had already been submitted.

2/20/96: State Department delivers diplomatic note to the Cuban government requesting additional, specific information (at FAA's request) related to testimony provided to substantiate the July 13, 1995 unauthorized flight into Cuban airspace.

2/16/96: FAA receives documents from the Cuban government related to alleged January 1996 incidents.