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DEPARTMENT OF STATE

INFORMATION MEMORANDUM

S/S *[initials]*  
December 21, 1972

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AV 12

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See informed

To: The Secretary  
From: ARA - Charles A. Meyer *[initials]*

Hijacking Negotiations with Cuba

Attached is a translation of a report received from ~~Swiss Ambassador Masnata~~ in Cuba on an informal meeting he held with Cuban Vice Foreign Minister Anillo December 20 at the latter's request. Anillo told Masnata the U.S. counter-proposal on hijacking is still under review by Cuban lawyers and that when this review is completed a formal meeting will be called. Anillo observed that the differences between the two sides did not appear to be insurmountable.

Attachment:

Translation of Aide-Memoire

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Drafted: ARA/CCA:JN *[initials]* Norbury:yt  
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Reviewed by:	<i>[Signature]</i>
Date:	8/7 1978

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AIDE-MEMOIRE

The Cuban Vice-Minister of External Relations Mr. Anillo Capote received the Swiss Ambassador in Havana on Wednesday, December 20 at 11:30 a.m., in a very relaxed courteous way, in order to inform him that the American counter-proposals on the subject of an agreement concerning air and sea piracy were still being studied.

The lawyers must particularly examine all the implications. As soon as this study is finished, the Cuban Government will prepare its reply and call the third meeting.

In answer to the question whether the third meeting could take place next week, Vice Minister Anillo, not wanting to commit himself, repeated that the meeting would take place as soon as the Cuban reply is ready. In this connection, the Swiss Ambassador does not know if the results of the study which the lawyers are undertaking will first have to be submitted to the Prime Minister, who is presently in Moscow.

The Vice Minister nevertheless confirmed that a basis for an arrangement existed and that the differences did not appear insurmountable.

The Swiss Ambassador having asked whether the Cubans had already made a decision on the possibility of choosing between the return of a hijacker and prosecution on the spot, Vice-Minister Anillo replied that this question fell within the study of the proposal as a whole. The Ambassador therefore deemed it premature in these circumstances to raise the question of extradition procedure, with or without reference to the 1904 Treaty.

The Ambassador took advantage of this meeting to stress that the United States considers the crimes specified in Article 1 of the American counter-proposal as serious crimes, in spite of the absence of a minimum penalty, and that moreover

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American legislation mentions only a small number of crimes for which a minimum penalty is provided.

He also considered it appropriate, at this stage and in view of the study by the Cuban lawyers, to specify that if the United States had had to take account of its laws in preparing its counter-proposal, it did not intend to ask that the Cuban Government modify its own laws. This declaration visibly caught the attention of Vice Minister Anillo.

The Ambassador is not in apposition to judge whether the delay in the conversations is really due to the aforementioned legal study or to other reasons, nor whether the absence of the Prime Minister is going to bring about an additional delay. There is possibly a combination of different factors, but the Ambassador has no particular reason to doubt the bona fides of the Cuban Vice-Minister of External Relations, who gave the impression of taking the entire matter seriously and who spoke without passion.

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