

SF Chronicle

FEB 16 1973

U.S. and Cuba Sign The Anti-Hijack Pact

Washington Post Service

Washington

The United States and Cuba signed an agreement yesterday to extradite or impose stiff penalties on hijackers of planes or ships.

The five-year agreement permits both countries to continue to admit legitimate political refugees, but it is designed to crack down on criminals and persons who commit violence in the process of seeking asylum.

Secretary of State William P. Rogers signed the agreement yesterday in the presence of the Czech charge d'affaires, Jaroslav Zantov-

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sky. In the absence of diplomatic relations between Cuba and the U.S., Czechoslovakia represents Cuban interests in Washington.

HAVANA

Cuban Foreign Minister Raul Roa signed in Havana with the Swiss ambassador looking on. Switzerland represents U.S. interests in Cuba.

The agreement does not require approval by Congress and took effect immediately. It is not retroactive, thus preventing any Cuban attempt to force the return of thousands of exiles in the U.S.

Rogers announced the conclusion of the agreement at a press conference yesterday. Word that it had been completed came earlier in the week from President Nixon in offhand remarks.

POLICIES

Rogers said the agreement "does not foreshadow a change of policies as far as the United States is concerned toward Cuba."

The hijacking agreement stipulates that each country, "in conformity with its laws," must try a hijacker for the offense punishable by

the most severe penalty or extradite him to the place where the hijacking originated. Both countries agree to return the aircraft or vessel, all passengers and crew members as well as any funds obtained by "extortion or other illegal means."

The penalties are designed to act as a deterrent to any would-be hijacker by providing no safe haven. But the agreement imposes no sanctions if either side fails to live up to the terms.

LIMITS

Although Cuba, which is understood to have become increasingly dissatisfied with a reputation as a haven for hijackers, agreed to impose stiff penalties, the U.S. agreed in return to put stringent limits on exile activities against Cuba.

Both sides undertake to mete out "severe punishment" to persons who form expeditions to carry out acts of violence against the other country.

This, in effect, amounts to an explicit reaffirmation by the U.S. of the Neutrality Act and means that it will undertake to prevent exile activities directed against Cuba.

The agreement would not require punishment for refugees involved in what are called "minor offenses." State Department officials said these would include the theft of a small boat that did not involve an act of violence.

CIRCUMSTANCES

The agreement leaves to each country the determination whether "any extenuating or mitigating circumstances" existed, and whether the perpetrators were "being sought for strictly political reasons and were in real and imminent danger of death without a viable alternative for leaving the country."

However, it requires that there be no "financial extor-

tion or physical injury to the members of the crew, passengers, or other persons in connection with the hijacking." A State Department official said such acts of violence would mean forfeiture of refugee status.

In the U.S., hijacking is a federal offense carrying a penalty of 20 years to life. State Department officials said the Cuban penalty runs up to 30 years.

A similar agreement between Cuba and Canada was announced yesterday. An agreement between Mexico and Cuba is being negotiated.