

U.S. BARS ASYLUM FOR TWO CUBANS

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But Fishermen Jump From
Vessel and Are Reported
in Hiding in Florida
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By BERNARD GWERTZMAN

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WASHINGTON, March 19—Citing the "spirit" of the recent Cuban-American agreement against hijacking, the United States has refused to grant asylum to two Cuban fishermen who briefly seized control of their nine-man fishing boat at sea.

While being transported back to Cuba, however, the two fishermen jumped overboard off Key West, Fla., last night and Cuban exile groups said the men were hiding in Florida.

A State Department spokesman said today that although last month's agreement with Cuba on combatting hijacking did not seem to fit this case exactly, the United States decided that the actions of the two fishermen violated the "spirit" of the agreement and made it impossible for them to be granted asylum here.

As related by State Department officials, the two men, Osliro Hernández Pérez and Heriberto Caridad Pérez Martínez, both in their 20's, took control of the boat, the Cayo Largo 96, on March 8, and at pistol point locked the captain and the other crew members in the hold.

The two men then tried to sail the boat to Isla Mujeres, a Mexican island, lost their bearings, and finally gave up

Continued on Page 15, Column 1

Continued From Page 1, Col. 2

the effort. The officials said the two men then released the rest of the crew. The captain tried to return to Cuba, but ran out of fuel and asked for United States Coast Guard help some 35 miles off the coast of Fort Myers, Fla.

The boat was towed into Key West by the Coast Guard on March 12 and placed under custody by the Immigration and Naturalization Service, the State Department said.

Request to Stay in U.S.

While the boat was undergoing minor repairs, the two fishermen told the Coast Guard of their desire to remain in the United States. Their request was relayed to the State Department.

In Washington, officials at the State Department decided that since the two fishermen had sought to hijack the boat to Mexico, the agreement did not strictly apply to the case. But at what was described as "a high Government level," it was decided that granting them safe haven would violate the "spirit" of the agreement and contradict the strong American effort to combat hijacking around the world.

The officials said that when the men were told this, they dropped their request to stay and agreed to return to Cuba with the rest of the Cayo Largo crew.

High seas delayed the departure until 8:25 last night when the boat was towed out to sea by the Coast Guard cutter Diligence. Then, at 9 P.M., one mile off Key West, the two fishermen jumped overboard. The State Department said Coast Guard helicopters and cutters failed to find the men and the Cayo Largo returned to Key West. It set sail for Cuba this morning without the two men.

Men Are Picked Up

Today, the Executive Committee for Liberation, an anti-Castro exile group headed by Tomas Cruz, told newsmen that it had picked up the two men and was hiding them until it was given assurances that the men would not be returned to Cuba.

The latest development seemed to embarrass the Administration, which was trying to adhere to the hijacking agreement without making a major issue out of the case. Late this afternoon, the State Department said it could not verify the whereabouts of the two men and had no further comment.

Under the agreement against hijacking signed here and in Havana on Feb. 15, the two countries are obliged either to extradite or to seek "severe punishment" in their own courts of any hijackers who commit "acts of violence" on planes or boats that travel from one country to the other.

The agreement allowed either state to take into consideration mitigating circumstances in cases where persons charged with political crimes were "in real and imminent danger of death without a viable alternative for leaving the country."