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U.S., in Test Case, Holding 3 Who Fled Cuba in Boat

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WASHINGTON, Dec. 11 — United States officials said today that three Cubans who had taken a fishing boat to Florida from Cuba last week are in a Miami jail, facing possible kidnapping charges carrying a maximum sentence of life imprisonment.

The officials said that this unusual treatment of refugees from Cuba constituted a test case during the current negotiations with the Cuban Government for an accord to curb the hijacking of aircraft and ships.

Most Cubans arriving illegally in the United States have been released promptly and granted refugee status under parole provisions of the Immigration and Naturalization Act.

The fishing boats crewmen—Emiliano Alberto Cabrera-Urra and Alejo Alberto Sánchez—were allowed to return to Cuba at the weekend with their vessel. Whether the three jailed Cubans should be charged with their kidnapping is said to be under study at the Justice Department.

But, it was noted, the witnesses in any case against them—the two fishermen—are no longer in this country. Officials said they could not exclude the possibility that the three Cubans might ultimately be granted refuge in the United States.

Cuba Will Try Three

They said that the three—Omar Gonzales Ortega, Miguel Pérez Avila and Isador Alforó Alvarez—had been in detention

since last Wednesday pending investigation of their case.

Last month the Cuban Government informed the United States that it would place on who hijacked a Southern Airways D.C.-9 on Nov. 12.

The United States appeared to be reciprocating, even in the absence of a signed agreement in its handling of the three Cubans now held at the Spring City Jail in Miami.

The fishing boat was found adrift off the Florida coast last Wednesday and towed to Key West by a Coast Guard cutter.

Federal officials close to the investigation in Miami said they were awaiting instructions from the Justice Department.

According to these officials, the three men could be accused of kidnapping, which carries a

maximum sentence of life imprisonment, rather than hijacking. The Immigration and Naturalization Service may also press charges of illegal entry, they said.

The officials noted, however, that in the absence of witnesses kidnapping might be impossible to prove.

"This is primarily a political situation," an official here said.

'Freedom Flights' Resume

MIAMI, Dec. 11 (UPI)—The "freedom flights" bringing Cuban refugees to this country resumed today with a planeload of mostly elderly people.

The first flight in seven months, an Eastern airliner chartered by the United States Government, landed at 10:25 A.M. carrying 85 people.

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