

2 Cubans Who Fled From Fishing Boat Surrender to U.S.

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MIAMI, March 20 (AP) — Two young Cubans who reportedly hijacked a fishing boat surrendered to United States immigration authorities today. Their lawyer said that the case would be the first test of the new United States-Cuban agreement against hijacking.

"These boys must not be returned to Cuba because they face a fate worse than death," said Ellis Rubin, lawyer for the two fishermen, Osliro Hernández Pérez and Heriberto Caridad Pérez Martínez, both 21 years old.

Mr. Rubin said the two were brought to his home by Cuban exile leaders Monday night after an agreement that they would turn themselves in to authorities. He said that Mr. Hernández and Mr. Pérez had been given no assurances that they would be granted political asylum. "We don't know what the Government's stand is," said Mr. Rubin.

He said that the reported seizure of the 61-foot Cuban government-owned Cayo Largo was not a hijacking, but "an abortive attempt." He said that the destination was Mexico, and thus the case might not be affected by the agreement on hijacking.

Ran Out of Fuel

But he said that it would be a test of the treaty. The two men gave up their attempt to take the boat to Mexico and released the other crewmen. But the vessel ran out of fuel off the Florida coast and sought Coast Guard assistance.

In Washington yesterday Charles W. Bray, 3d, the State Department spokesman, confirmed that the two had jumped over the side of the Cayo Largo and escaped in the Key West ship channel as the 61-foot ship was being towed out to sea by the Coast Guard.

Mr. Bray said that the two hijackers had made informal inquiries about staying in the United States, but he added that "it was made clear to them that this country is no haven for hijackers."