

I am Miriam de la Pena and I'm here because of a crime committed against four innocent men from the Southern District of Florida. Namely; Armando Alejandro, Jr., Carlos Costa, Pablo Morales, and my own son, Mario de la Pena. Their killers are known, but sadly they remain at large.

As described by Ambassador Madeleine Albright at the UN General Assembly on March 6, 1996,

.....“The fact is that, on February 24, (1996), the Cuban military knowingly, willfully, and in broad daylight, shot down two aircraft that were unarmed and clearly marked as civilian. As Cuban officials were well aware, those aircraft posed no threat to the Cuban people or government. The aircraft were in international airspace. And they were destroyed intentionally and in clear violation of international law.”

The condemnation was echoed by prestigious National and International organizations such as:

The European Union
The UN Commission of Human Rights and its counterpart at
The Organization of American States
The UN Security Council
The United States Congress
The International Civil Aviation Organization (“ICAO”) and,
The US Southern District Court of Florida

Just to cite two of the above, on its Report of June 27, 1996, ICAO reaffirmed, ...”its condemnation of the use of weapons against civil aircraft in flight as being incompatible with elementary considerations of humanity.....” and,

The UN Commission on Human Rights reported on October 7, 1996 that, “... the shoot down was a premeditated act and that it constituted a violation of the right to life of four people.”

The evidence supporting the crime committed against three Americans and a legal resident is overwhelming. It was the shoot down that prompted Pres. Clinton to sign into law the Libertad Act. It is also the reason way the Law cites the statements by the U.S. Congress condemning the shoot down as an “act of terrorism by the Castro regime” (Title I Section 116 (b) (1). Congress also urged the President to seek, “.....in the International Court of Justice indictments for this act of terrorism by Fidel Castro”. (Title I Section 116 (b)(3).

It is also relevant to note that in it, Congress reaffirmed the fact that, “It is incumbent upon the U.S. Government to protect the lives and livelihood of U.S. citizens as well as the rights of free passage and humanitarian missions”. Title I Section 116 (a)(13)

With so much evidence at hand for a crime defined as:

“extrajudicial killing premeditated and intentional”,
“excessive use of force”,
“use of brutal methods”
“barbaric violation of international law”,
“tantamount to cold-blooded murder”,

Isn't it inconceivable that the criminals have gotten away with murder for the last 22 years? Perhaps declassifying pertinent documents will aid in the pursue of justice. Or must we die and never see justice served? I beg those of you in government, responsible for our safety and that of our children, to do what is necessary to procure justice and put an end to impunity.

Adding Fuel to the fire, the families were deeply hurt when Gerardo Hernandez, the only Cuban high-ranking military official serving a life sentence in the U.S. for his role in the shoot down was released from prison. We felt, back then, as we feel now, betrayed when this communist cadre was set free and returned to Cuba. Justice was aborted by a stroke of Pres. Obama's pen!

Should a U.S. President defend and respect the rights of American citizens or favor their victimizers?

Finally, Mr. Chairman, members of this Committee, it is my hope that the systematic human rights abuses taking place in Cuba will soon come to an end and that our President will be the first US President in nearly 6 decades to shake the hand of a Cuban President freely elected by the Cuban people. A President who respects and defends the Universal Declaration of Human Rights.

I thank the Committee for the opportunity granted me on behalf of our loved ones. God Bless the United States of America.