

MEMORANDUM

Not On
Agenda Item No. 10(A) (9)

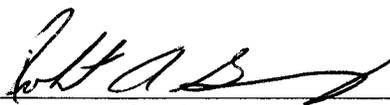
TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: July 13, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution condemning the
crime against the victims of
"13 De Marzo", the tugboat
massacre which occurred on
July 13, 1994

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz and Commissioner Rebeca Sosa.



Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: July 13, 2004

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Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Veto _____

Override _____

Not On

Agenda Item No. 10(A)(9)

7-13-04

RESOLUTION NO. _____

RESOLUTION CONDEMNING THE CRIME AGAINST THE VICTIMS OF "13 DE MARZO", THE TUGBOAT MASSACRE WHICH OCCURRED ON JULY 13, 1994, AND THE NON-COMPLIANCE OF THE CUBAN REGIME WITH THE OAS RESOLUTION REPORT NO. 47/96

WHEREAS, on July 13, 1994, 41 men, women and children were lost at sea when the vessel, a tugboat named "13 de Marzo", on which they and others were attempting to flee Cuba sank some seven miles out from Havana. The 31 survivors were eventually picked up by coast guards and taken to shore where the 20 male survivors were detained; and

WHEREAS, survivors allege that their vessel sank after it had been pursued and assaulted by three other vessels, apparently acting under official instructions from the Cuban government, and that those on board were given no opportunity to surrender; and

WHEREAS, on July 19, 1994, the Inter-American Commission on Human Rights, a commission of the Organization of American States (OAS), received a complaint stating that in the early morning hours of July 13, 1994, four boats belonging to the Cuban State and equipped with water hoses attacked an old tugboat fleeing Cuba with 72 people on board; and

WHEREAS, the Inter-American Commission on Human Rights found the Cuban State responsible for violating the right to freedom of movement and the right to a fair trial of the 72 people who attempted to flee Cuba, rights upheld in articles VIII and XVIII of the American Declaration of the Rights and Duties of Man; and

WHEREAS, the Commission recommended that the Cuban State conduct an exhaustive investigation in order to identify, prosecute and punish those responsible for sinking the tug "13 de Marzo", which event caused the deaths of 41 people; and

WHEREAS, the Commission also recommended that the Cuban State recover the sunken boat and the remains of the victims and hand them over to their relatives, and to pay fair compensation to the surviving victims and to the families of the dead for physical and nonphysical damages, including emotional distress; and

WHEREAS, the Cuban government has not responded to the resolution or recommendations of the OAS,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board condemns the crime against the victims of the tugboat massacre and the non-compliance of the Cuban regime with the OAS Resolution report no. 47/96.

The foregoing resolution was sponsored by Commissioner Jose "Pepe" Diaz and Commissioner Rebeca Sosa and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrian D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 13th day of July, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

RAG

Robert A. Ginsburg

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