

Cuba's commercial aviation crisis and its worrisome record of air disasters

June 29, 2018

The crash last May 18th of a *Cubana de Aviación* Boeing 737 in Cuba is another indication of the Cuban regime's pervasive disregard for human life, one that infiltrates even its civil aviation practices.

In Cuba's totalitarian system, the state is, at the same time, absolute owner, supreme regulator, and judge. It seeks to profit from its commercial aviation at the same time it is charged with its safety—all the while, it is free of any accountability, as the judiciary is fully subordinated to the executive branch and an independent press as well as civil society institutions are outlawed. Absent transparency, oversight, and legal recourse, the lives of all who fly are perennially in peril.

Gross negligence seems to have caused the latest avoidable deaths. Around noon on Friday, May 18th, a *Cubana de Aviación* flight from Havana to the eastern city of Holguín went down shortly after take-off, killing 112 of the 113 passengers¹ (three women survived the crash, but two succumbed soon thereafter). The sole survivor, a 19-year old woman, is to date fighting for her life. Five Mexicans (the crew and a tourist), two Argentines, and two Sahrawis (one with Spanish citizenship) died. Cuban victims included five children and ten married couples who were evangelical pastors returning from a retreat in Havana and who left many orphans. Photos of the victims and gut-wrenching stories of so many lives cut short and their stricken loved ones have filled news reports and social networks.

Coverage of the crash by Cuba's official media focused on putting the state's recovery efforts in a heroic light and highlighting the solidarity and assistance to victims of all types of disasters. It did not mention the chaos at the scene, rushed by locals, with the injured (perhaps dead or dying) pulled out by civilians absent triage or first aid protocols or that photos and videos of victims and mangled remains were posted on social media and that some individuals were stealing passengers' belongings from the debris. Two independent journalists observing the scene, Augusto César San Martín and Rudy Cabrera, were selected by authorities for arrest from amongst the large crowd and had their phones confiscated. They were held over 24 hours and fined 100 Cuban pesos for "surpassing safety limits." Attempts to accuse them of "distorting information" did not prosper, as no such evidence was found.

The crash occurred in the context of unprecedented global commercial aviation safety; 2017 was the first year in the age of modern aviation without a single fatal accident of a regularly scheduled passenger jetliner. But, the recent Cubana Airlines accident seems to have been a disaster waiting to happen. The Boeing 737 was 39 years old; built in 1979, it had changed ownership nearly a half-dozen times and had exceeded its median useful lifespan (of approximately 25 years) by around 14 years, surpassing the average maximum operational life of 737s by around 9 years.

It had been on a "wet lease" (that includes the airplane, crew and, maintenance) with *Cubana* for less than a month from the Mexico City-based company *Global Air*, registered as *Aerolíneas Damajh*. Founded in 1990 in Guadalajara, Mexico, and owned by the Spaniard Manuel Rodríguez Campos, the company had

¹ See list of passenger names at <http://www.juventudrebelde.cu/cuba/2018-05-19/listado>.

only three airplanes and is not registered with the Montreal-based International Air Transportation Association (IATA). The trade association, with 278 airlines from 117 countries as members, supports

aviation with global standards for airline safety, security, efficiency, and sustainability. (Curiously, IATA was founded in Havana in April 1945.) Many countries make IATA's Operational Safety Audit Program (IOSA) mandatory in order to allow an airline to operate or contract in their territories and registration with IOSA is required to maintain IATA membership; Cubana de Aviación is a member. Even when a plane is leased and maintained by an airline from another country, local civil aviation authorities are responsible for the safety of the aircraft flying in their national territory.

It is too soon to tell what caused the most recent disaster, but the plane's black box was sent to the U.S. for examination and aviation experts conducting the investigation, aside from Cuba's, include Mexicans as well as U.S. representatives from Boeing and the federal government. The official daily of the Cuban Communist Party, *Granma*, reported that the Director of Air Transportation for Cuba's Civil Aviation Institute had stated: "The imputation of responsibility of an administrative, labor, or criminal sense, will be according to established law and the results of the investigation."

The plane that crashed had showed ominous signs of its dangerous condition. Roberto Miguel Santana, a member of Cuba's peaceful opposition movement, told the U.S. government station *Radio Martí* of a nightmarish experience on board the plane a few weeks earlier, in mid-April, when the electrical system had failed on the route Havana-Holguin and the plane had descended at high speed.

Mexico's Civil Aeronautics Board immediately suspended *Global Air/Damojh* from operations while the accident is investigated but confirmed that *Global Air* had all required permits and that in November 2017 the plane had passed a required review successfully. It indicated that in Mexico "all aircraft must obtain every two years a certificate of airworthiness proving it is in satisfactory technical conditions to perform flight operations, granted after verification of testing, technical control, and maintenance requirements." However, given high levels of corruption in Mexico, reports of a tainted review process surfaced quickly.

Global Air had been suspended for a month in 2010 after an emergency landing and again in 2013 following reports by a company pilot of the poor condition of one of its planes. In fact, a former employee of the airline who lost five former colleagues in the crash told Mexican TV² that she had never seen an inspector board a plane and that inspectors only showed up to collect their money (bribes). She also reported that mechanics lacked adequate parts, used stolen and low-quality parts, and that the planes flew without sufficient fuel, life jackets, oxygen masks, and emergency slides. Having taken her concerns to an inspector at Mexico's Ministry of Communications and Transportation in November 2016, the only result had been a threat that she could lose her license; she did not get called for service (work) thereafter.

Retired Global Air pilot Marco Aurelio Hernández, who flew with the airline from 2005 to 2013, also provided gripping testimony immediately after the crash of having reported to the owners the condition of the airplanes: lacking maintenance, frequent electric, radar, and engine failures, flat tires; some of the problems, he said, had led to serious incidents such as flying at night without radar over Venezuela and having to return after a departure. *Global Air*, he said, did not provide needed parts to mechanics and forbade entering negative reports into official logs. He also stated that Chile had banned Global Air aircrafts from its territory due to their old and deteriorated condition. On October 14, 2013, Hernández reported the problems to then General Director of Civil Aeronautics for Mexico's Ministry of Communications and Transportation and, apparently, nothing came of it.

² See http://www.diariodecuba.com/cuba/1527171419_39554.html

Officials of the Guyana Civil Aviation Authority reported soon after the crash that the Boeing 737 in the accident had been barred from Guyanese airspace in 2017 for safety reasons due to its poor performance while it was leased from the Honduran company *Easy Sky* (reportedly also belonging to *Global Air*) to fly the Cuba-Guyana route. Employees of the International Airport in Georgetown had seen the plane having difficulty clearing a departure and demanded an assessment that revealed poor engine performance. Global Air crew had also been found allowing dangerous overloading of luggage on flights to Cuba including storing suitcases in the plane's toilet.

Ovidio Martínez, a Cubana pilot for 40 years before retiring six years ago, posted on Facebook that Cuban officials had suspended a captain and co-pilot flying for *Global Air/Damojh* in 2010 or 2011 for "serious technical knowledge issues" after getting lost over Santa Clara, Cuba, and that, after an audit of 2008-2009 operations, *Cubana's* aviation security inspectors had recommended not contracting planes "under any circumstances" from the company. (Cuba Archive has seen the audit report, provided by a confidential source.) Martínez also claimed that many flight attendants and security personnel refused to fly with the airline.

Cuba's problems with civil aviation are much deeper than leasing old and defective planes. *DiariodeCuba.com* reported that in 2005, a site specializing in aeronautical disasters compared data of 25 years of accidents around the globe and declared *Cubana de Aviación* the worst airline in the world due to the highest number of victims as a proportion of number of flights. According to Aviation Safety Network database on Cuba³, Cuba's civil aviation has had at least 21 accidents since the Castro regime came to power in 1959,⁴ most by *Cubana* and three by the other state-owned airlines *Aerocaribbean* and *Aerotaxi*. The site, however, is missing reported accidents with fatalities.

Cuba Archive has documented 673 fatalities in civil aviation accidents by Cuban carriers *Cubana de Aviación*, *Aerocaribbean* and *Aerotaxi* since 1959 (the start of the Castro regime), using reports in Cuban official media and the Aviation Safety Network's database on Cuba. A mitigating factor that limits the death toll is that the aircraft involved have been relatively small.

A flagrant example of the criminal negligence, secrecy, and impunity possible in a system bred by the aberrant Cuban system is the crash of a *Cubana de Aviación* flight from Havana to Managua, Nicaragua on January 19, 1985. The Soviet manufactured Ilyushin Il-18D crashed shortly after takeoff into a field at San José de las Lajas, near Havana's international airport. 41 passengers are believed to have been killed (Cuba has alternatively reported 38 to 41 victims). The reported victims included 26 Cubans, 10 Nicaraguans, 1 Guatemalan, 1 Costa Rican, 1 Mexican, and 2 U.S. citizens, one who reportedly traveled under a false identity of an unknown nationality).

The Cuban government officially reported that the crash had been accidental and owed to a mechanical malfunction leading to a loss of control. The Aviation Safety Network, a project of the Flight Safety Foundation, lists the reported cause as: "Possibly failure of the artificial horizon and obstruction or aileron control due to shifted cargo." Last May, *Granma* reported that the investigation of the accident had indicated that a fire had occurred in one of the engines.

Several years after the crash, high-ranking defectors of the Cuban military and intelligence services reported that Cuban authorities had ordered the plane loaded with armament –boxes containing AK-47

³ <https://aviation-safety.net/database/country/country.php?id=CU>

⁴ The same entity reports 25 civil aviation accidents in Cuba since 1919, with a balance of 587 deaths.

rifles, grenades, mines, and munitions— to supply the Nicaraguan Sandinistas, a practice banned from civil aviation. When the plane turned, the improperly loaded armament shifted and put pressure on the wires that cut cockpit-to-tail communication, leading to the crash. The explosion of the plane hitting the ground was so fierce that only charred fragments of the bodies were recovered.⁵ To erase all evidence, Fidel Castro had immediately ordered Special Troops, under General Alejandro Ronda, to cordon off 3 kilometers surrounding the area and totally remove all trace of debris and human remains.

A grand and emotionally-charged public state funeral followed. It is not known if the victims' families received proper compensation. At that time, Cubana would have been held to The Hague Protocol of 1955 (that amended the Warsaw Convention of 1929), that established a liability by the carrier of 125,000 francs for each passenger. An individual who knew one of the Cuban victims believes his family was not adequately compensated.

Two U.S. citizens were among the victims. One was 37-year old Alexandra Pollack, a Communist activist officially visiting Cuba to deliver a speech. According to the FBI, she worked with/for Cuba supporting the activities of two terrorist organizations under the guise of international solidarity. Also on board, according to a defector from Cuban intelligence, was a U.S. diplomat assigned to Central America traveling under an assumed identity (presumably of another nationality), whose real name remains unknown. The American had been recruited by Cuban intelligence and had traveled clandestinely to Cuba to receive training in secret communications.

A former pilot for *Cubana de Aviación* has told Cuba Archive confidentially that until weeks before the crash, in 1984, he had been forced to fly several commercial flights from Havana to Managua loaded with armament for the Sandinistas. He had not been informed or consulted by airport authorities and had only become aware of the nature of the cargo prior to departure; objecting, he knew, would have only resulted in his exclusion from the flight.

Cuba's civil aviation's excessive cost in lives

Following is a summary of the most serious accidents of Cuba's civil aviation in addition to the May 2018 and the January 1985 disasters detailed above:

- November 4, 2010 – An *Aerocaribbean* Santiago de Cuba to Havana flight went down over the town of Guasimal, Sancti Spiritus province, killing all 68 on board (40 Cubans and 28 foreigners of 10 nationalities). Cuba reported that icing on the wings and pilot error had caused the crash.
- In April 2008, a *Cubana de Aviación* IL-62 taking off from the Airport in Santo Domingo, Dominican Republic, had its No. 2 turbine explode, fragments penetrating the body of the plane and forcing an emergency landing but no fatalities.
- On March 28, 2005, a *Cubana de Aviación* flight leaving Caracas, Venezuela, with 93 passengers aborted takeoff when an undetermined mechanical problem caused an engine to catch fire, sending the craft swerving off the runway and crashing. 16 people were injured.

⁵ The information on the cause of the crash is based on several sources including testimony from three high ranking defectors: 1. Enrique Garcia, former Cuban intelligence officer, telephone interview with Cuba Archive, November 30, 2015, and face-to-face interview, San Juan, May 19, 2018; 2. General Rafael del Pino, former Deputy Commander of DAAFAR (Air and Air Defense Force of the Cuban Revolution), in his 1991 book *Proa a la Libertad*; and 3. Mario Riva Morales, former member of Cuba's Air Force, December 1, 2015, Llamado 32: Secretos de Cuba, <http://llamado32.blogspot.com/2007/03/cu-t899-cubana.html>.

**Cuba: 673 documented fatalities
in civil aviation accidents:
1959-2018***

May 18, 2018: 112
November 4, 2010: 68
March 14, 2002: 16
December 6, 2002: 17
December 1, 1999: 22
December 21, 1999: 26
August 29, 1998: 79
July 1, 1997: 44
November 1, 1992: 34
October 24, 1990: 11
March 23, 1990: 4
September 3, 1989: 160
January 1, 1985: 41
February 23, 1980: 1
March 18, 1976: 5
May 14, 1973: 3
July 10, 1966: 2
March 28, 1966: 6
March 27, 1962: 22

TOTAL: 673

630 aircraft occupants
& 43 on the ground

**excluding deliberate acts
and accidents in military aviation.*

- March 14, 2002: An Antonov AN-2 of the airline *Aerotaxi* crashed into a lagoon in the province of Villaclara after the upper left wing broke as it was flying at an altitude of 3000 feet. According to Aviation Safety Network, 16 persons died: 13 foreign tourists and 3 crew members, but the Cuban official daily Granma reported on 5/18/2018 that fatalities had been 17).
- December 6, 2002. A small *Aerotaxi* plane flying from Santiago de Cuba to Havana crash-landed short of the runway while approaching in heavy rain, killing the 10 occupants.
- December 1999: A *Cubana de Aviación* flight crashed into a hill near the Valencia airport in Venezuela, leaving 22 dead.
- December 21, 1999: A *Cubana de Aviación* plane with 314 occupants veered off the runway at the Guatemala City airport and rushed over the town adjoining the airport, leaving 26 dead and 44 injured. Pilot error was reported.
- August 29, 1998: A *Cubana de Aviación* flight departing Quito for Guayaquil, Ecuador, failed to climb on takeoff and, when the pilot aborted the landing, it crashed into houses near the airport. 70 of the 91 occupants and 9 persons on the ground died. The plane had aborted two prior takeoffs due to a problem with a blocked valve that had been corrected and on the third attempt the crew apparently had forgotten to turn on the switches for the hydraulic valves.

- July 1997: A *Cubana de Aviación* Antonov 24 crashed into the ocean shortly after leaving the Santiago de Cuba airport, killing the 39 passengers and 5 crew.
- November 1992: An *Aerocaribbean* flight crashed against a hill upon landing in Puerto Plata, Dominican Republic, leaving 34 dead.
- October 24, 1990: A *Cubana de Aviación* Yakovlev 40S2 40-passenger plane flying from Camagüey to Santiago de Cuba was destroyed when it impacted mountainous terrain 4 kilometers short of the runway of the Santiago airport. 11 of the 31 occupants were killed. Technical error of the pilot was reported.
- March 23, 1990: A *Cubana de Aviación* Antonov 26 overran the runway following an aborted takeoff. 4 of the 46 occupants were killed.
- September 3, 1989: A *Cubana de Aviación* charter flight bound for Milan, Italy, fell shortly after takeoff from Havana, killing 34 on the ground and 126 occupants (113 Italians and 13 Cubans including 11 crew members). Weather conditions are reported as the cause.

- March 18, 1976: A *Cubana de Aviación* Antonov 24B en route to Havana (from an unknown destination) collided in midair with a Cubana DC-8 flight and the outer portion of the DC-8's wing, including an engine, separated. The DC-8 landed safely however the Antonov crashed, killing all 5 on board.
- May 14, 1973: A *Cubana de Aviación* Antonov AN-24V from Nueva Gerona to Havana crashed in bad weather on landing at Havana Airport. Pilot error and the use of non-standard phraseology were considered to have caused the accident. 3 occupants died, 4 were seriously injured, and another 10 suffered minor injuries.
- 10 July 1966: An Ilyushin 18V operated by *Cubana de Aviación* from Havana to Santiago de Cuba force landed in Cienfuegos due to multiple engine failures. 2 occupants were killed, 2 were injured. The aircraft was damaged beyond repair.
- 28 March 1966: An Antonov 2 registration unknown flying from Nueva Gerona Airport to Havana with 6 occupants crashed killing all 6; the wreckage was found near Playa de Bibijagua, about 6 km northeast of Nueva Gerona. The accident was reported in Cuban press on 29 March 1966 as "crashed the week before".
- 27 March 1962: An Ilyushin 14 operated by *Cubana de Aviación* from Santiago de Cuba to Havana crashed into the sea, one mile offshore from Santiago after take-off. The 22 occupants were killed.

In Cuba all media is controlled by the state and independent news organizations are outlawed, its members subject to continuous arbitrary arrests, harassment, confiscation of equipment, and the threat of imprisonment. Nonetheless, there are reports by independent journalists of additional incidents that could have been catastrophic in recent years:

- Ten recent (as of May 2018) emergency landings in inter-province flights within Cuba (details not available).
- In May 2013, an Airbus 320 leased by *Cubana de Aviación* from the Lithuanian *Avion Express* made an emergency landing in Santiago de Cuba for the second time in 20 days due to problems with the landing gear.
- In June 2013, a *Cubana de Aviación* ATR 72 flying from Nassau, Bahamas, veered off the landing strip after a tire burst as it landed.

Deliberate acts in civil/commercial aviation

Cuba's civil aviation has also seen its share of politically-induced violence or internal terrorism. The first hijacking of a commercial aircraft in Cuba occurred during the Batista regime on November 1, 1958 when a *Cubana de Aviación* plane en route from Miami to Varadero was hijacked by a commando of four of the resistance group to the Batista dictatorship "Movimiento 26 de julio." 14 occupants died when the aircraft crashed in Nipe Bay, Oriente province, after they were unable to find an airstrip to land.

Since the Communist regime, after the state outlawed, criminalized, and greatly restricted leaving the country without prior government authorization (Articles 216 and 217 of the Penal Code, still in place),

there have been several known hijackings of aircraft and maritime vessels to flee to other countries, mostly to the United States, most of which have been thwarted by local authorities. 1 fatality occurred on December 8, 1960 when five Cubans attempted to hijack a *Cubana de Aviación* flight from Cienfuegos to Havana with 17 occupants and the airplane crash-landed. On August 9, 1961 five hijackers attempted to enter the flight deck of a *Cubana de Aviación* flight from Havana to Nueva Gerona (then Isla de Pinos) with 53 occupants. When guards tried to stop the hijackers, the captain of the plane was one of the hijackers and a guard were killed. The co-pilot carried out an emergency landing in a sugar cane field.

A worse tragedy occurred on October 6, 1976, when a *Cubana de Aviación* en route from Barbados to Havana (with a scheduled stopover in Kingston, Jamaica) crashed into the ocean after two bombs went off shortly after takeoff. All 73 on board perished: 57 Cubans, 11 Guyanese and 5 North Koreans. The bombing had reportedly been orchestrated in Caracas, Venezuela by anti-Castro Cuban exiles. Two Venezuelans were convicted in Venezuela to 20 years of prison as the material authors (placing the bombs for hire). Cuban exile Orlando Bosch Ávila was also convicted and served prison in Venezuela.

Liability and compensation

Questions are in order regarding liability and compensation of victims' families of civil aviation disasters by Cuban carriers. Cuba's leading newspaper, *Granma*, reported 5 days after the May 8th disaster that the objective of the investigation by Cuba's Aviation Board was the prevention of future accidents. This is a strict citation of Annex 13 to the Convention on International Aviation and Cuba's Civil Aviation Board's protocol. However, Article 26 of Cuba's Constitution and certain articles of its Civil Code –and perhaps other laws– pertain to safeguarding the safety of passengers and compensating victims. However, for a carrier to be liable, the law appears to require for the act in question to have been declared illicit by a competent state authority.

The Cuban system lacks separation of powers and judiciary independence, but *Cubana* is held to Cuba's international obligations as a state party to the 1999 Montreal Convention, that supplanted the Warsaw Convention and The Hague Protocol, that also bound Cuba. Cuba signed the Convention on May 28, 1999, ratified it October 14, 2005, and entered it into force on December 13, 2005. Article 21 establishes that the carrier is liable for up to 113,100 Special Drawing Rights (SDRs)⁶ for each passenger for which it "shall not be able to exclude or limit its liability;" additional liability is possible based on proven damages above this amount and carrier negligence or other wrongful act or omission of the carrier or its servants or agents. Generally, claims must be filed within 2 years. Cuba, however, is well known to skirt its international commitments even in ratified treaties and Article 11 of its Communist Constitution makes their implementation subject to wide interpretation, as it "repudiates and considers illegal and null treaties, pacts or concessions concluded in conditions of inequality or that ignore or diminish their sovereignty and territorial integrity."

The matter of responsibility for the May 18, 2018 disaster

The Cuban government immediately blamed the U.S. for the May 18th crash, stating it could not purchase its own aircraft as a result of the embargo. But, it did not explain that it can fly U.S.-built aircraft leased from other countries or clarify if any of its entities have unsuccessfully attempted to purchase any U.S.

⁶ The Special Drawing Right (SDR) is an international reserve asset, created by the IMF in 1969 to supplement its member countries' official reserves whose value is based on a basket of five currencies—the U.S. dollar, the euro, the Chinese renminbi, the Japanese yen, and the British pound sterling.

aviation equipment. As a rule, the U.S. Department of Commerce's Bureau of Industry and Security exempts from economic sanctions on Cuba (that are codified into law) the export and re-export to Cuba of "items to ensure the safety of civil aviation and the safe operation of commercial aircraft engaged in international air transportation." This provision is in place even after a Presidential Memorandum of June 17, 2017 announced stronger enforcement of the U.S. sanctions. Said memorandum stated: "(iii) The regulatory changes shall not prohibit transactions that the Secretary of the Treasury or the Secretary of Commerce, in coordination with the Secretary of State, determines are consistent with the policy set forth in section 2 of this memorandum" ... and that "(C) concern air and sea operations that support permissible travel, cargo, or trade."

The U.S. is not the only commercial aircraft manufacturer. In fact, *Cubana de Aviación* and the Cuban state airlines *Aerogaviota* and *AeroCaribbean* (owned by the Cuban military and dedicated to international tourism) have, according to planespotters.net, several ATR 42 and ATR 72 aircraft manufactured by *ATR (Aerei da Trasporto Regionale)*, a joint venture of the French aerospace company *Aérospatiale* (now *Airbus*) and the Italian aviation conglomerate *Aeritalia* (now *Leonardo S.p.A.*); the planes are equipped with engines produced by the Canadian company *Pratt and Whitney*.

Cubana de Aviación also ranks among the worst airlines in the world in service, which is hard to attribute to external factors. The annual ranking by the specialized website from Spain *reclamador.es* reported *Cubana* as the airline with the largest number of complaints of some 200 companies in 2016 and 2017 (based on number of passengers transported). For its part, Skytrax's World Airline Rating for 2015 placed *Cubana* among the worst airlines globally. Although *Cubana* is not featured in the 2017 ranking, in 2017 and 2016, Canadians, Germans, Britons, and other customers individually rated it in Skytrax⁷. Reviews were consistently poor and with a litany of dreadful headings such as: "Don't think about flying Cubana," "Worst travel experience ever," "Never book with them again," "Never fly again with Cubana," "Horrible, unprofessional, airline," "Nightmare experience," "Never had such a bad experience," "A horrible experience," "Worst airline I have flown with"... The 98 reviews in Skytrax for *Cubana* from May 2008 to February 2018 have a weighted average rating of 4 out of 10, however, results deteriorated further in 2016 and 2017 to 1 out of 10 consistently.

Cuba claims—and has reported to the United Nations—that in 2017 alone, the *Cuban Company of Airports and Services (ECASA - Empresa Cubana de Aeropuertos y Servicios)* and *Cubana de Aviación* suffered more than US\$49 million and UD\$21 million in losses respectively due to the "blockade." The report made no mention of the over US\$3-3.5 billion in remittances from the Cuban diaspora in the U.S. (10% immediately going to the Cuban government's coffers before mostly being spent on buying overpriced goods and services only available from the state), aside from additional billions in annual material assistance, plus customs duties, cargo fees, passports, visas and business generated by U.S. visitors to Cuba. In 2017 alone, Cuba had 1,073,428 visitors from the U.S. -619,523 U.S. citizens and 453,905 Cuban U.S. residents.

Cuba's massive and systemic debt moratoriums and defaults since the 1980s, and its crippled and mismanaged command socialist economy, explain the state's inability to access global capital markets since the 1980s. In December 2013, after 20 years of squabble over Cuba's debt to the defunct Soviet Union, Russia finally accepted that Cuba would never repay its debt of US\$35 billion (\$20 billion plus service and interest) and signed an agreement granting Cuba 90% debt forgiveness (equivalent to US\$28.8 billion). Cuba agreed to repay US\$3.5 billion to Russia over 10 years in four quotas, the funds to be

⁷ http://www.airlinequality.com/airline-reviews/cubana-airlines/?sortby=post_date%3ADesc&pagesize=100

deposited in a Cuban bank for Russia to reinvest them in Cuba. Geopolitical interests seem to have driven the decision, as it was soon announced that the Russian Naval fleet would resupply in Cuban ports and that Russia would increase its presence in Cuba.

Soon after the agreement was signed, it was announced that a syndicate of Russian banks would guarantee US\$650 million in financing for Cuba to lease eight Russian aircraft (some media sources indicate that the deal included the option to buy). According to *Russian Aviation Insider*, the Russian lessor *Ilyushin Finance Co. and South American Aircraft Leasing* of Panama, which finances aircraft procurement deals for Cubana, signed an agreement on six An-158s for *Cubana de Aviación*. The last airplanes were delivered in June 2015. The leased aircraft that crashed last May was reportedly manufactured by the *Ukrainian Kiev AVIANT plant* (now Antonov Serial Production Plant) and *Russia's Voronezh Aircraft Production Association* with at least 70% of the aircraft's hardware made by Russian manufacturers. The aircraft soon displayed a long list of failures in its mechanical, electrical, hydraulic and computerized components and, over time, evidence mounted of the errors in their design and manufacturing. In April 2018, the head of *Cubana's* commercial division explained that the planes were leased from Ukraine but spare parts were sourced from Russia and the conflict between the two countries had affected the supply of parts, making maintenance difficult. That same month, representatives from *Antonov* and *Cubana* met and signed a service agreement that extended the aircraft's navigation directives to 3,600 flights and guaranteed the supply of spare parts, although it did not specify a date for normalization.

Furthermore, in September 2014, the blog *Russia Beyond the Headlines*, belonging to the *Center for the Analysis of Strategies and Technologies (TsAST)*, for its Russian acronym, reported that *Cubana de Aviación* was putting in service (leasing) two long-haul aircraft Il-96-300 4-engine aircraft manufactured in 1993 and 1994 that had been retired by the Russian airline, *Aeroflot*. Cuba, they reported, was the only place in the world where the planes were flying commercially, as production of the aircraft had been suspended years earlier because they could not withstand the competition of the American-made Boeings.

On December 27, 2017, *Voronezh* reported that Cuba had paid US\$432 million for 14 Russian and Ukrainian aircraft since 2006. Aviation experts consulted by journalists considered that the business with Russia had been "a failure" for Cuba, since that budget would have allowed it to acquire several higher quality devices manufactured in the West. It appears that Cuba's economic dependence on political allies were prioritized over business sense, efficiency, and safety.

The collapse of Cuba's commercial aviation

Problems have been mounting quite evidently in recent years. According to official reports cited in the independent Cuban media, in 2016, over 50% of flights with Holguín as destination were delayed and in the first months of 2017, of 116 planned flights in the Havana-Holguín route, 38 were cancelled and 36 suffered significant delays. In April 2017, Cubana suspended its flights between Havana and Guantánamo.

Since 2017, travelers within Cuba have often been delayed for very long hours without the airline addressing their need of information or for basic food and drink; reports of favoring foreigners over locals have been common. What's more, independent news outlets and social media have accounts of terrified passengers surviving nightmarish experiences on planes flying with loud noises and plunging suddenly on steep dives. The airline was no longer providing alternative means of national transport (by bus inside Cuba and catamaran from Isla de la Juventud), as it had been doing since 2017.

Cuba's commercial aviation has nearly collapsed in 2018. At the beginning of the year, Cubana cancelled one of its main international routes Havana-Paris-Santiago de Cuba, weeks after cancelling the Havana-Santo Domingo routes (Cubana officially suspending the latter on May 29). In March, the airline suspended

most of its national flights due to the unavailability of planes due to disrepair. By April, just one An-158 was still operating and by May, Cuba's Civil Aviation Institute suspended the commercial transport of

passengers, cargo, or mail by all the AN-158s used by Cubana de Aviación. The official explanation was that, since the beginning of their operations, they had displayed persistent failures, shown evidence of structural flaws in design and manufacturing and, in the previous three months, experienced an increase in the temperature of the engines of all the aircraft, that made impossible their operation.

In mid-May, the airline left 180 Canadian passengers stranded for three days at the Cayo Coco airport, Ciego de Ávila province. On May 25th, *Cubana* canceled all flights from Cuba to Canada scheduled for June and soon thereafter canceled all flights to Camagüey, Moa, Manzanillo, Bayamo and Guantánamo; flights from Havana to Nueva Gerona, Santiago de Cuba, Holguín and Baracoa were having schedules "adjusted" and decreased in frequency.

Official reports quoted in the independent press indicated that in 2016 more than 50% of flights to Holguín had been delayed, a situation that had worsened in 2017. In April 2017, Cubana had suspended its flights between Havana and Guantanamo for "technical problems" with its fleet. A *Cubana* worker confirmed to the independent news agency *CubaNet* in mid-June 2018 that since mid-2017 more people were having their tickets reimbursed than were able to travel and that the few existing planes were being directed to meet the demand of foreign visitors for flights from Havana to the keys and sometimes to Santiago and Holguín.

The collapse of commercial aviation is a major problem for Cuba's population in a country where land transportation is greatly lacking and it takes 16 hours, in the best of conditions, to go by car from the westernmost town of Sandino to the easternmost city of Baracoa and over 11 hours from the capital, Havana, to the second largest city, Santiago de Cuba. *Cubana* is no longer coordinating alternative transportation (by bus on the main island, by catamaran from Isla de la Juventud).

On June 14th the official digital portal *CubaDebate* published *Cubana de Aviación's* "response to questions by Cuba Debate's forum participants," indicating that cancellations and itinerary adjustments owed to not having the necessary number of aircraft due to problems aggravated during the last months including difficulties in obtaining spare parts and aircraft repairs, which in many cases must be done abroad. The airline was offering 100% reimbursements or changes for a later date or nearby destination depending on availability and recognized that "occasionally" certain offices had not had cash available for reimbursements, an "atypical" situation, that would be corrected shortly."

Other endemic problems of Cuba's civil/commercial aviation: corruption, deviation of resources, lacking infrastructure spending, and neglect by authorities

Cuba's civil aviation crisis reflects the nature of the system and the problems it engenders. A high level of corruption and the deviation of resources to the nomenklatura adding to the list of problems. Whereas in Communist Cuba the means of production and capital are still allegedly of and for the proletariat, in practice, these are overtly the "property" –and for the sole enjoyment– of the highest nomenklatura. The allocation of resources in Cuba reflects the distortion of priorities affecting other sectors of the

economy and an extreme lack of transparency and accountability in governance as well as of possibilities to correct distortions.

Among the fiascos illustrating the lacking investment in infrastructure affecting the whole country, in August 2017, a section of the runway in the take-off area of Terminal 3 of the International Airport in Havana sunk and caused delays in departures of flights mainly to Europe and aircraft deviations to Varadero. Negligence and neglect by state authorities and wanting oversight and attention to safety are pervasive. This results in a very high number of fatalities also affecting Cuba's roads, collapsing residential structures, workplaces, and healthcare facilities

At least two big corruption scandals have surfaced in recent years in Cuba's civil aviation. In 2011, 16 individuals were sentenced to 3 to 15 years of prison, including a high-ranking and historic General who was head of Cuba's Civil Aviation Institute, employees of *Cubana de Aviación*, and the Chilean partner of a Cuba-Chile tourism joint venture. In 2014, at least 13 officials of the state-controlled companies *Aviaimport S.A.*, dedicated to importing parts for civil aviation, and Cuba's Company of Airports and Services, *ECASA*, were arrested.

The Castro family and Cuba's top leadership appear unaffected by the aviation crisis. They have always enjoyed exclusive air and land transportation in luxury fleets with first-class service. Luis Dominguez, of *CubaalDescubierto.com*, provided Cuba Archive evidence of the three fully-equipped top-of-the-line long-range business jets built by the French firm Dassault Aviation with a capacity of around 14 people. Each cost approximately \$45 million to \$30 million, are kept in special hangars and were put in service in 2006 for the sole use of Cuba's top leadership and their families. Several *Cubana de Aviación* and military pilots were reportedly assigned to this fleet and sent to train in France and Venezuela. Since 2015, Raúl Castro (Secretary General of Cuba's Communist Party and until recently President of Cuba) has traveled to Panama and Caribbean island-nations with the entire fleet of planes, one carrying one of his armored BMW 760s (costing an estimated \$350 thousand each). His children and grandchildren also use the planes to travel internationally for personal purposes. Raúl also usually travels by helicopter each weekend to Varadero beach or the northern keys (in 2016, Cuba purchased two helicopters from the Kazan Helicopter plant Russia) and uses a *Cubana* IL96300 plane to travel abroad, forcing scheduled domestic flights to be canceled.

The jets have been and appear to remain registered to a Venezuelan company, probably to avoid problems with U.S. sanctions when traveling internationally. It is not known how Cuba paid for the jets or if a cooperation arrangement was made with Venezuela, but Venezuelan presidents, the late Hugo Chavez and the current Nicolás Maduro, have flown to Russia, Saudi Arabia, China and other countries in *Cubana* aircraft (presumably, affecting the airline's scheduled flights). In 2013, Maduro even attempted, according to Spanish media, to use the *Cubana* plane he took on an official visit to China to enter Cubans illegally in the U.S. with fake Venezuelan passports using the pretext of a visit to the United Nations in New York.

Excessive and exclusive privileges for Cuba's top leadership, especially the Castro family, have been the norm during the Communist regime. Dominguez explains that already in the earliest days of the revolution, an executive military unit was created at the Baracoa Beach Airport equipped with at least 3 aircraft and 4 helicopters for the air transport of the Castro brothers and their relatives. Enrique García, a high-ranking officer and defector from Cuba intelligence who organized Fidel Castro's trip to Ecuador in August 1988, reports that two large *Cubana* airplanes were used for this 5-day trip, transporting a 500-man security detail, Fidel's personal housekeeping staff and cooks, an exact copy of his bedroom set, all the food and water he would consume and even brush his teeth with, as well as a large load of armament for his defense. Many other former regime insiders, such as Brigade General Rafael del Pino, Second in Command of Cuba's Air Force until his defection to the U.S. in 1987, have reported similar accounts that extend to multiple homes, ranches, even an island, for the exclusive use of the Castro family.

Recommendations

1. World governments should issue urgent travel alerts to warn their citizens traveling to Cuba of the safety problems with Cuban air carriers.
2. The international community must demand the Cuban state's compliance with its international commitments regarding civil aviation, using all possible avenues and mechanisms.
3. The Montreal-based International Civil Aviation Organization should conduct a thorough, independent, and comprehensive investigation of Cuba's civil aviation practices and its compliance with the Montreal Convention, including the compensation of victims of all air disasters in Cuba.

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