



UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/9692
10 March 1970

ORIGINAL: ENGLISH

LETTER DATED 9 MARCH 1970 FROM THE DEPUTY PERMANENT REPRESENTATIVE
OF THE UNITED STATES TO THE UNITED NATIONS ADDRESSED TO THE
PRESIDENT OF THE SECURITY COUNCIL

With reference to letters of 3 and 18 December 1969, circulated as Security Council documents S/9526, S/9527 and S/9571 from the Permanent Representative of Cambodia concerning a border incident at Dak Dam, Cambodia on 16-17 November 1969, I have the honour to submit the following statement.

As noted in a letter dated 11 July 1969 addressed to the President of the Security Council by the Acting Permanent Representative of the United States (S/9324), the United States Government has responded directly through diplomatic channels to protests by the Royal Cambodian Government over alleged violations of Cambodian territory by forces of the United States located in the Republic of Viet-Nam. In that letter the United States Representative also pointed out that in such cases full investigations have been undertaken, pertinent facts conveyed to the Cambodian Government, and in those cases in which it appeared that an incursion into Cambodian territory by United States forces has occurred, the United States Government has taken the appropriate steps of apology and redress.

On instructions from my Government, I wish to inform the members that on 9 February 1970 the United States Government, through its Charge d'Affaires at Phnom Penh, conveyed to the Royal Cambodian Government a full and complete response to its protests over the incident which occurred at Dak Dam.

The text of the United States reply (formal opening and closing paragraphs omitted) is as follows:

"The United States Government immediately directed a careful investigation. The investigation, which has now been completed, revealed the following details of the incidents of 16-17 November 1969.

"Beginning at 0730 (Saigon time) on the morning of 16 November, Camp A-236 at Bu Prang, in Quang Duc province, Republic of Viet-Nam, where United States advisers and other personnel were present, was subjected to enemy mortar and artillery fire. A total of 170 rounds of various types was recorded. Analysis of the craters left by the artillery rounds, and the time separation of nineteen to twenty-four seconds between the report of the artillery and the time of impact, indicated that the hostile artillery fire was coming from enemy positions in the general area of Dak Dam.

"After several rounds had struck the camp at Bu Prang, and while the enemy fire continued, an aerial observer was directed to the area from which the fire was coming. This observer, at approximately 0815, saw a large artillery piece firing in a southerly direction from grid co-ordinates YU 547653, and observed the rounds impacting at the Bu Prang camp some ten kilometres away. The position in question was approximately 1200 metres west-northwest of Cambodian Army post at Dak Dam, and located just off the road leading into Dak Dam. While determining the exact grid location of the enemy firing position, the aerial observer was subjected to intense automatic weapons fire from the woodline surrounding an open field in grid square YU 5464, south of where the road turns sharply eastward to enter the village of Dak Dam.

"As enemy fire continued, the duty officer at Bu Prang at 0835 declared the existence of a tactical emergency requiring the return of fire in immediate self-defence. Such action was approved by the appropriate higher command levels, and an air strike on the enemy firing positions was approved at 0845. At this time a forward air controller was directed to the area. As he approached Dak Dam, he observed a heavy artillery piece fire three rounds toward Bu Prang. This artillery piece was located at YU 556656, in an open area some 300 metres north of the village of Dak Dam. At approximately 0855, the first flight of tactical aircraft (two F-4's) arrived in the area and was directed by the forward air controller to attack the gun position at YU 556656 with napalm and bombs. While it was carrying out this attack, the flight was subjected to intense small arms, 23-mm., and 37-mm. anti-aircraft fire from positions at YU 557654, in or in close proximity to the village of Dak Dam. At 0918, shortly after the first flight had completed its strikes, a second flight of tactical aircraft (two F-100's) was called in by the forward air controller and authorized to attack the gun position at YU 556656 and the anti-aircraft weapons which were firing in support of it. On the first pass by this flight, additional anti-aircraft fire was observed from buildings at Dak Dam, including the FARK outpost (YU 558651, YU 557652), and from the woodline northwest of the village (YU 553656). Because of the intensity of the anti-aircraft fire, the fighters were authorized to return fire in self-defence while continuing their efforts to destroy the hostile position which was firing on Bu Prang.

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"At about 0930, another forward air controller replaced the one who was directing air strikes against the position at YU 556656. As the new forward air controller approached the area, he flew over an open field (YU 55256495) southwest of Dak Dam, encountering heavy tracer fire. He then observed a third enemy artillery piece firing in the direction of Bu Prang from the edge of the tree line approximately 300 metres west of Dak Dam village (YU 55456540). While he was marking this gun and the source of heavy-anti-aircraft fire, using smoke rockets, the forward air controller's aircraft was hit and damaged, and he returned to land safely at Bu Prang. A third forward air controller then arrived in the area and directed two additional flights of two F-100's each in strikes on the enemy artillery positions previously observed. The tactical emergency terminated, and the United States aircraft withdrew, at 1000.

"At 1105, Bu Prang again began receiving enemy artillery fire. No response was made until approximately 1300, when a forward air controller arriving in the area observed a heavy artillery piece firing from the open area just north of the village of Dak Dam (YU 554654). Two flights of two F-4's each were then directed against this enemy position, silencing it, between 1312 and 1410.

"On the morning of 17 November, beginning about 0900, enemy artillery fire from the vicinity of Dak Dam was again directed at Bu Prang. At approximately 0930, a forward air controller observed what he believed to be the muzzle flashes of an artillery piece in a wooded area at YU 544661, about 1500 metres northwest of Dak Dam and adjacent to the Sen Monorom-Dak Dam road. He also observed camouflaged objects of three locations nearby. In view of the events of the preceding day, the forward air controller and other personnel involved naturally associated these observations with the repeated enemy fire on Bu Prang, and took the sites observed to be enemy positions. Two flights of tactical aircraft, one of two F-100's and the other of two F-4's, were accordingly cleared to attack the positions observed by the forward air controller, and did so between 0935 and 1020. At the completion of their mission, enemy artillery fire on Bu Prang had ceased. Following the air strikes, however, the forward air controller was able to observe that the camouflaged objects in the area attacked were trucks. From the facts made available by the Royal Cambodian Government, it may be concluded that these were in fact trucks and an ambulance in use by Cambodian forces attempting to reoccupy Dak Dam, and that the assumption that they were associated with the enemy artillery fire from the vicinity of Dak Dam was an understandable misjudgement by the aerial observers.

"The only United States or allied artillery in the area on 16 and 17 November consisted of 105-mm. howitzers located at the Bu Prang

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camp. The village and FARK post of Dak Dam are just beyond the maximum range (11,000 metres) of the 105-mm. howitzer. Accordingly, no artillery fire was directed on Dak Dam. The only artillery fire on 16 or 17 November toward the area in question, at about 1230, was directed at an enemy gun position in the vicinity of YU 555645, some 600 metres south-southwest of the Dak Dam post.

"No 155-mm. artillery, helicopters, or B-52's were employed in the Dak Dam-Bu Prang area on the dates in question.

"The United States Government finds it necessary to consider the incidents of 16-17 November in the context of earlier repeated enemy attacks by fire originating from Cambodian territory. For example, on 1 November, Fire Support Base Kate, a position located at YU 576537 in Quang Duc province, Republic of Viet-Nam, where United States and allied forces were present, came under a series of heavy enemy attacks by fire. In combination with ground attacks, the enemy fire ultimately rendered inoperable the friendly artillery at Fire Support Base Kate and forced evacuation of the base. Crater analysis indicated that a portion of the enemy artillery fire at Fire Support Base Kate originated in Cambodian territory. In addition, at 1400 hours on 1 November, personnel aboard a helicopter observed artillery fire from a position in Cambodia at YU 623530. At this time Fire Support Base Kate was under attack. The observation helicopter did not, however, penetrate Cambodian airspace and was, therefore, unable to observe the number and calibre of the enemy weapons. The following morning, a forward air controller observed enemy self-propelled weapons (not firing at the time) in the same area from which fire had been noted on 1 November. The fire from Cambodian territory on Fire Support Base Kate was not returned. On numerous other occasions between 1 and 30 November, Bu Prang and its outposts were subjected to artillery fire the range and azimuth of which indicated that the fire was originating in Cambodian territory. In most of these instances, since the enemy firing positions in Cambodia could not be identified by positive visual evidence, no response was made.

"The United States Government again expresses its profound concern over these violations of Cambodian neutrality, and calls upon the Royal Cambodian Government to take the necessary measures to prevent such use of its territory by Viet Cong/North Viet-Nameese forces.

"In the case of Dak Dam, the United States Government concludes that Cambodian forces occupying the post could not have been unaware of the presence of Viet Cong/North Viet-Nameese artillery positions in close proximity to the post and village, and of the fact that this artillery was firing at Viet-Nameese territory. The United States air strikes were directed in immediate self-defence at these enemy positions, with every effort being made to avoid damage in the village or the

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Cambodian post. The United States Government understands with sympathy the difficult position in which the Cambodian forces found themselves placed. Nevertheless, Cambodian anti-aircraft fire inevitably led the United States forces, engaged in immediate combat, to conclude that the firing was in defence of the enemy artillery positions. This firing, together with the ability of the enemy forces originally to establish themselves in positions so close to Dak Dam, left the United States forces with no choice but to act in self-defence.

"At the same time, the United States Government deeply regrets the loss of Cambodian life and the casualties incurred. In token of regret, the United States Government has decided to express its sympathy by making a modest payment to the persons wounded, and to the next of kin of those killed in the incident, without prejudice to the determination of any claim of indemnification which may be asserted. (Embassy note number 28 of 3 February 1970). It requests that the Royal Cambodian Government convey to the families of those killed, and to the wounded persons, the profound regrets and condolences of the United States Government, and that it facilitate the payment by the Embassy of the equivalent of United States \$400 to the next of kin of each of the twenty-five persons killed, the equivalent of \$150 to each of the eight persons seriously wounded, and the equivalent of \$100 to each of the other two persons wounded.

"In addition, the United States apologizes for the mistaken identification of the Cambodian convoy on 17 November with enemy firing positions. The United States Governments expresses its special regret and apologies for the attack upon an ambulance, the character of which the pilots concerned inadvertently failed to distinguish."

I have the honour to request that this letter be circulated as an official document of the Security Council

Please accept, etc.

(Signed) William B. BUFFUM
