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LETTER DATED 2 JUNE 1980 FROM THE PERMANENT REPRESENTATIVE
OF THE BAHAMAS TO THE UNITED NATIONS ADDRESSED TO THE
PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to my previous communication dated 12 May 1980 (S/13937), wherein you were informed of the complaints of my Government against the Government of the Republic of Cuba and of the intention of my Government to reserve the right to seek a meeting of the Security Council.

Upon instructions of my Government, I now have the honour to inform you that the Government of The Bahamas and the Government of the Republic of Cuba have agreed upon a formula for a solution to the problem arising out of the activities of the armed forces of the Government of the Republic of Cuba while within the territorial jurisdiction of The Commonwealth of The Bahamas on 10 May and 11 May 1980.

The Government of The Commonwealth of The Bahamas had made the following demands of the Government of the Republic of Cuba:

- (i) That the Government of the Republic of Cuba accept responsibility for all damages, injuries and loss of life which resulted from the unprovoked and illegal attack on HMBS Flamingo by military aircraft of the Cuban Government.
- (ii) That the Government of the Republic of Cuba give its assurances that in future the sovereignty and territorial integrity of The Commonwealth of The Bahamas will be respected and would not be violated.
- (iii) That the Government of Cuba agree to make full compensation for the loss of Bahamian lives and damage to Bahamian Government property.
- (iv) That the Government of Cuba apologize for the contemptible insults to the officers of The Bahamas Defence Force, the Government and People of The Bahamas for the despicable allegations made against them in the "Granma" editorial of 13 May 1980.
- (v) That the Government of the Republic of Cuba apologize in appropriate terms to the Government and People of The Commonwealth of The Bahamas for its violent acts of aggression.

Based upon these demands the following understandings, which are embodied in the last three notes exchanged between the Government of The Commonwealth of The Bahamas and the Government of the Republic of Cuba on Monday, 19 May (S/13955), Wednesday, 21 May (S/13959) and Wednesday, 28 May have been agreed upon by the two Governments:

- (i) The Government of Cuba has admitted that the sinking of the Flamingo was occasioned by a regrettable confusion and has acknowledged that a mistake was made by its military forces in failing to identify HMBS Flamingo on Saturday, 10 May 1980, as a Bahamian Government ship for which the Government of Cuba accepts responsibility.
- (ii) The Government of Cuba has stated that it had no intention to violate Bahamian sovereignty nor its territorial integrity and accepts responsibility for the actions of its military forces in violating involuntarily Bahamian sovereignty and territorial integrity at Duncan Town, Ragged Island, on Sunday, 11 May 1980.
- (iii) The Government of Cuba has given its assurance to the Government of The Bahamas that the Government of Cuba in compliance with the principles that govern its Foreign Policy respects and will continue to respect the sovereignty, the independence and the territorial integrity of The Commonwealth of The Bahamas.
- (iv) The Government of Cuba has agreed to compensate the relatives of the four seamen lost at sea. The amount of such compensation is to be agreed between the two Governments.
- (v) The Government of Cuba has agreed to make reparation to the Government of The Bahamas for the loss of the Flamingo. The amount of such reparation is to be agreed between the two Governments.
- (vi) The Government of Cuba offers without reservation its explanation for the Granma editorial of 13 May 1980, which was never intended to offend the national honour and dignity of the Government and People of The Bahamas.
- (vii) The Government of Cuba has apologized to the Government and People of The Bahamas for the involuntary violation of its independence, sovereignty and territorial integrity.

Further it has been agreed that the foregoing understandings, assurances and apologies of the Government of the Republic of Cuba and a mutually satisfactory agreement on the amount of compensation and reparation to be paid by the Government of the Republic of Cuba would constitute an honourable solution acceptable to both Governments.

Additionally, I am instructed to request that this letter and its attachment which contains the facts relevant to the incidents of which my Government had informed you be circulated as a document of the Security Council.

(Signed) Davidson L. HEPBURN
Permanent Representative

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Annex

The facts pertaining to the violation of Bahamian sovereignty and territorial integrity by the armed forces of the Republic of Cuba Saturday, 10 May 1980 and Sunday, 11 May 1980

INTRODUCTION

These facts relate to two separate but related incidents:

1. The violation of Bahamian airspace and the sinking of HMBS Flamingo resulting in the loss of life of four members of its crew in Bahamian territorial waters near Santo Domingo Cay in The Bahamas by military aircraft of the Government of Cuba on Saturday, 10 May 1980.
2. The violation of Bahamian airspace by military aircraft of the Government of Cuba and violation of territorial integrity by the unauthorized landing of a military helicopter of the Government of Cuba at Duncan Town, Ragged Island in The Bahamas and the harassment of Bahamian officials and the civilian population of Duncan Town, by these elements of the Cuban airforce on Sunday, 11 May 1980.

Santo Domingo Cay is a small uninhabited island with an automatic navigational light in the South-eastern part of the Commonwealth of The Bahamas located at latitude 21°42'30" North and longitude 75°44'00" West approximately 224 miles South-south-East of Nassau the Capital of The Bahamas. It is at the South-eastern edge of the Great Bahama Banks, South of the Ragged Island chain of cays and islands and is about 30 miles South of Duncan Town, the principal settlement in Ragged Island, and 36.5 miles North of the Coast of Cuba. It is indisputably Bahamian territory.

The Great Bahama Banks in this area are known to be good fishing grounds for scale fish, lobster and conch and are known to be fished from time to time by Cuban fishermen some of whom have previously been arrested and prosecuted to conviction in the Courts in The Bahamas for fisheries offences on these Banks and in particular in the Ragged Island chain North from Santo Domingo Cay. These Banks are located on the northern edge of the Old Bahama Channel which separates The Bahamas from Cuba and descends to depths of thousands of feet; the deep waters of the Channel are not known to have any great fishing potential but profitable fishing using unsophisticated techniques has been carried out on the Great Bahama Banks by Bahamian fishermen for well over 200 years. The Great Bahama Banks are indisputably Bahamian and have always been subject to Bahamian Jurisdiction.

THE INCIDENT AT SANTO DOMINGO CAY
SATURDAY, 10 MAY 1980

Between 1630 hours and 1700 hours on Saturday, 10 May 1980 while on a routine patrol of Bahamian territorial waters and Fisheries Zone, Her Majesty's Bahamian

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Ship Flamingo sighted two Cuban fishing vessels approximately 0.25 (1/4) miles North of Santo Domingo Cay and on the Great Bahama Banks. The fishing boats were stationary. The Flamingo had left anchorage on the southern coast of Ragged Island at 1500 hours and was heading almost due South towards Santo Domingo Cay at the time. The fishing vessels were suspected by the Commander of the Flamingo of violating Bahamian Fisheries Law but both boats upon the approach of the Flamingo took flight in an attempt to avoid apprehension.

HMBS Flamingo was 103' long; was of classical navy patrol boat design; was painted grey naval colours; was flying a Bahamian white ensign (a white flag with red St. George's cross and a Bahamian national flag in the corner) from the yardarm above the bridge; had painted in large bold white letters and numeral "PO2" on both sides; had the name Flamingo painted on both sides at the stern; had the name Flamingo displayed in chrome letters on dark wood on a sign just below the bridge on both sides; had Bahamian national crests prominently displayed on both sides of the funnel and in front of the bridge; had the name Flamingo painted on life rings fixed on both sides of the bridge and had the words "Defence Force" in prominent letters displayed on a sign on both sides of the bridge, all of which together ought to have left no doubt as to her identity in the minds of the fishermen, two of whom had been arrested before in one of the same boats (Ferro 54) in the same area of the Great Bahama Banks in December 1975 and three others of whom had been arrested in other Cuban fishing boats in the same area of the Great Bahama Banks in August 1971.

The Flamingo gave chase and intercepted the fishing boats, heading in a south-westerly direction, less than one mile south-west of Santo Domingo Cay. The Commander hoisted the Lima flag on the yardarm indicating that the fishermen ought to stop their boats. From a distance of 25 to 30 feet with the aid of an amplified loud hailer, the Commander called out "Stop your vessel. I wish to board you. You should stop your vessel," but lest the crew of the fishing boats may not have understood the English Language well enough to understand his demand, the Commander made hand signs which should have left no doubt in the fishermen's minds that they were required to stop. Some of the fishermen gestured and laughed. The Commander then manoeuvred the Flamingo in such a manner that his wishes ought to have been quite clear to the fishermen; he circled both boats at high speed twice.

When it became evident to the Commander that the fishing boats had no intention of heeding his request to stop, he fired several warning shots with the 20 mm gun which was mounted on the foredeck. The shots were not aimed at either boat but in the water some distance in front of the boats. This action was repeated several times.

The Commander then fired further warning shots in the water with the 20 mm gun which he aimed gradually nearer to the boats. The boats continued to travel in a south-westerly direction. It became evident to the Commander that the boats had a fixed intention not to stop. He decided to take more positive action so as to cause the boats to stop well within what would have to be the Fisheries Zone of The Bahamas. The Commander therefore aimed his gun from which he fired

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non-explosive practice shells at both boats in such a manner that injury would not have resulted to any of the four crewmen on either boat and in fact none were injured. No damage was caused to either boat which would cause it to sink and in fact neither boat was ever in danger of sinking.

Ferro 54 stopped but Ferro 165 did not. The Commander fired a burst of machine-gun fire at the bow of Ferro 165 with a 7.62 machine-gun after which the boat stopped.

Both boats came to a halt approximately 5.5 miles south-west of Santo Domingo Cay. The Captains and crew of the two boats were formally arrested. Four men from the Flamingo were put on each of the captured fishing boats.

After the arrest of the two boats which took place at approximately 1730 hours the Commander of the Flamingo proceeded to take the two boats in tow and had commenced the tow in a north-eastwardly direction towards Santo Domingo Cay when between 1730 hours and 1750 hours two MIG Fighter Aircraft of the Cuban Government arrived on the scene. The Commander of the Flamingo took down the Lima flag and put the Bahamian national flag in its place on the yardarm above the bridge and hoisted a second Bahamian white ensign on the flag staff at the stern. For at least 10 minutes the aircraft flew at low level repeatedly and from all directions over the Flamingo and the two Cuban boats then under peaceful arrest. This observation by the two aircraft continued for a sufficiently long time to enable the pilots to have identified the Flamingo as a Bahamian ship. They had sufficient time to see the crew of the Flamingo, all of whom were black Bahamian nationals, and four of whom were on each fishing boat. The 20 mm gun remained fixed in its position on deck, visible but covered by its canvas.

The weather was excellent, visibility was excellent and the sun still provided excellent light for the observation which was being carried out by the Cuban fighter pilots. Sunset on Saturday, 10 May 1980 was at 1953 hours.

At approximately 1750 hours the two fighter aircraft fired two bursts of machine-gun fire in the water, one parallel to the ship and the other across the ship's bow. The Flamingo did not stop and continued to proceed with the two boats in tow towards Santo Domingo Cay at approximately 4 knots. The two aircraft then left the scene.

At 1758 hours the Flamingo sent the following message to its base in Nassau:

"Arrested two Cuban illegal boats.
Will give details.
Two Cuban planes overhead and being fired upon."

At approximately 1810 hours Flamingo gave her position to her base as bearing 195 Cay Santo Domingo 4.5 miles. This position was fixed off the ship's radar.

The Flamingo was equipped with a Decca Centimetric Navigational Radar which gives precise bearings and range off its own screen and off the ship's gyro-compass.

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At approximately 1845 hours the Commander of the Flamingo was in the chart house and had just fixed and noted on his chart his position by means of the radar which put the ship 1.5 miles bearing 195° south-westwardly from Santo Domingo Cay when at least two Cuban fighter aircraft returned and without warning commenced attacking the Flamingo with rockets and machine-gun fire. It was obvious to the Commander that the intention of the pilots of these aircraft was to sink his ship.

The Flamingo was hit by several rockets and when it became apparent to the Commander that the Flamingo was on fire, taking in water, listing badly and obviously would sink, he ordered his men to abandon ship. To the pilots of the Cuban fighter planes it would have been patently evident that the Flamingo would sink imminently; yet the attack on the ship continued with machine-gun fire while the Commander and crew were in the water causing them to be strafed by the machine-gun fire more than once. All of the crew including the four men lost were seen to have got off the ship and were in the water but when the survivors, all of whom report having been strafed in the water, got on board the fishing boat Ferro 165 four of the crew members were found to be missing.

The Flamingo sank at approximately 1900 hours.

The Cuban fighter aircraft left the scene and the Commander noticed for the first time a Cuban helicopter which hovered overhead well after the Flamingo sank. The helicopter left the scene at dusk and the Commander sent two of his men to search the area in an avon life boat for the four missing men. The search continued without success until it became too dark. It was then after 2000 hours. The Commander then had the surviving crew members and eight Cuban fishermen all put on Ferro 165; he cut Ferro 54 loose and proceeded towards Santo Domingo Cay to get a bearing for the journey to Duncan Town, Ragged Island. He left the Cay on the journey northward shortly before 2100 hours. The Commander estimates the speed at which he travelled for most of the journey to Ragged Island at approximately 7 knots but after leaving Santo Domingo Cay he could see flares being fired at intervals to the South in the area of the cay and thought that Cuban aircraft had returned to the area, so for about a half hour he slowed his speed to approximately 1/2 knot to reduce the wake of the boat in the water which could have attracted attention even in the dark.

Ferro 165 arrived at Ragged Island at approximately 0130 hours on Sunday morning and put ashore about 1.5 (1 1/2) miles from Duncan Town where the Commander took the survivors and the eight Cubans.

Communications from Duncan Town to Nassau was difficult to effect and it was not until approximately 0725 hours that the Commander was able to get a message to base in Nassau. This message read as follows:

"At 1845 hours 10/5/80 Cubans MIGS shotup and sank FLAMINGO 1 1/2 miles from Cay Santo Domingo bearing 195 degrees 4 men missing and presumed dead TUCKER, WILLIAMS, SMITH and STURRUP remainder of crew survived the attack and arrived at Ragged Island at 0130 this A.M. on board one of the arrested crafts with 8 prisoners."

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THE INCIDENT AT DUNCAN TOWN, RAGGED ISLAND
SUNDAY, 11 MAY 1980

Ragged Island is one of the South-eastern Islands of The Bahamas. It is the principal island in a chain of islands and cays on the South-eastern edge of the Great Bahama Bank. Duncan Town is the principal settlement on Ragged Island and has a population of less than 200. It is situated about 30 miles North of Santo Domingo Cay and about 66 miles North of the Coast of Cuba. It is undisputedly Bahamian territory.

After arriving at Duncan Town, the Commander took his party of men and arrested Cubans to the Police Officers residence. At 0930 hours on Sunday, 11 May 1980, a Cuban airforce aircraft which appeared to be a large transport plane arrived at and flew low over Duncan Town. It was closely followed by other Cuban airforce elements; a helicopter, and two MIG fighters both of which could be seen to be armed with two rockets under each wing. The large transport plane flew low over the small Island repeatedly, and the two fighters engaged in a sustained threatening and intimidating aerial display of force flying over the houses in Duncan Town at roof top and sometimes below tree-top level for at least an hour. There was panic in the streets of the little settlement.

The helicopter actually made a landing on the ground near where the Ferro 54 had been beached. At all times the Commander kept his men and the eight Cubans out of sight in the Police Officers residence. The helicopter flew low over the houses and buildings in Duncan Town and at times almost touched the ground as it appeared that its pilot and uniformed officers on board were looking for the crew of the Flamingo and the eight Cubans. After the two MIG fighters left at about 1030 hours the transport plane and helicopter remained over the town and continued their aerial manoeuvres at dangerously low altitudes.

At approximately 1100 hours the Commander Royal Bahamas Defence Force and the Commissioner of Police, Royal Bahamas Police Force arrived at Duncan Town by plane from Nassau together with a DC 3 aircraft which was brought to take the 15 survivors and eight Cubans to Nassau. The aircraft in which they flew was virtually escorted onto the landing strip by the transport plane and helicopter both of which flew dangerously close to the wing tips of the aircraft with the party from Nassau.

Shortly thereafter, two Cuban MIG fighter aircraft arrived over Duncan Town and with rockets slung under each wing repeated the roof-top low level rocket firing runs over the Town. At the same time the transport plane and helicopter flew constantly at a low level over and around the island. This activity was continued by the two MIG fighters until between 1200 hours and 1230 hours, without cessation, when they withdrew. The helicopter left a short while later. The transport continued a low-level patrol over the Island until shortly after 1400 hours when it too withdrew.

Until all of these aircraft withdrew it was impossible to effect a take off from the 2,500 foot airstrip but after the departure of the last Cuban aircraft the two Bahamian planes were able to take off at 1430 hours for Nassau where they arrived at approximately 1600 hours.