



GENERAL

S/2511

4 February 1952

ENGLISH

ORIGINAL: SPANISH

Dual Distribution

LETTER DATED 31 JANUARY 1952 FROM THE CHAIRMAN OF THE
DELEGATION OF THE DOMINICAN REPUBLIC ADDRESSED TO THE
SECRETARY-GENERAL

Paris, 31 January 1952

In accordance with instructions received from my Government, I have the honour on behalf of the Dominican Republic, to make the following statements in rectification of the inaccurate and unilateral allegations contained in the communication addressed to you by Dr. Ernesto Dihigo, Chairman of the Delegation of Cuba, in connexion with the joint Declaration signed by the Dominican Republic and Cuba before the Inter-American Peace Committee at Washington on 25 December 1951.

I. In pursuance of the provisions of Article 54 of the Charter of the United Nations, according to which "The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security", my Government, in a note addressed to the Secretariat of the United Nations on 5 January 1952 by Mr. Virgilio Diaz Ordonez, Secretary of State, and distributed in due course (document S/2480), informed the Security Council of the full and exact text of the Declaration signed by the Dominican Republic and Cuba on 25 December 1951 at Washington before the Inter-American Peace Committee. That important formality was omitted by the Cuban Government in the cablegram which Dr. Aureliano Sanchez Arango, Minister of State of Cuba, addressed to the Secretariat of the United Nations on 27 December 1951 (document S/2460). On the other hand, the cablegram contained a number of inaccurate statements and purely unilateral judgments.

II. In view of that omission and of the partial and unilateral nature of the information communicated by Mr. Sanchez Arango, the Cuban Minister, my Government, in sending the above-mentioned note, considered it necessary to transmit to the Security Council without further delay the text of the joint Declaration in question, together with complete information on the fundamental aspects of the Dominican-

Cuban dispute and the solution reached before the Inter-American Peace Committee. This it did, therefore, in the above-mentioned note, the restrained tone of which is in contrast to the message originally addressed to the Secretary-General by Mr. Sanchez Arango, the Minister of State, and to his subsequent cablegram on the matter, both of which documents reveal a marked intention to convey the Cuban Government's inaccurate and partial judgments on the case, particularly in alluding to the alleged illegality of the sentences pronounced by the Dominican courts against the Cuban members of the crew of the revolutionary vessel "Quetzal", and to the alleged violation of the principles of the freedom of the seas.

III. It is unnecessary to refute the gratuitous statement that the principle of the freedom of the seas was violated by the Dominican Government since, apart from the established and serious circumstances in which the "Quetzal" was carrying out its revolutionary voyage against the Dominican Republic, it is a known and judicially proven fact that Mr. Pedro Alfredo Brito Baez, the captain of the said vessel, stated unambiguously and definitely before the Dominican courts that he had changed the vessel's course in order to proceed towards the Dominican coast and give himself up to the authorities of the Republic together with the vessel under his command. Furthermore, only an arbitrary and unilateral judgment could question the sovereign jurisdiction of the Dominican courts to try and sentence the members of the crew of the said vessel.

Nothing in the joint Dominican-Cuban Declaration could provide any foundation for the allegations contrary thereto which appear in the telegraphic communication of 27 December last and in the note of 25 January 1952, both addressed to the Secretariat, as has been said, by the Cuban Minister of State and the Chairman of the Cuban delegation respectively.

Moreover, in the case in question, the Inter-American Peace Committee implicitly acted in accordance with the statement that has just been made when it expressed the view that, with the measure of clemency adopted, at the request of the Cuban colony, by the President of the Dominican Republic towards the Cuban members of the crew of the revolutionary vessel "Quetzal" -- an act of pardon which had previously been granted also in favour of the Guatemalan members of the crew -- and with the joint Declaration signed by the representatives of both Government concerned, the dispute which had existed between those Governments had come to an end.

/IV. Confining

IV. Confining ourselves, in conclusion, to a reasoned analysis of the phraseology used by the Cuban representative, it is appropriate to observe that the Cuban Government's own note of 25 January 1952, in stating at the end of section III that it was for my Government -- and this was unreservedly admitted -- to select the means by which the physical fact of the liberation of the Cuban members of the crew should be produced, obviously leads to the affirmation that at no time did either the Dominican Republic or the Inter-American Peace Committee accept the Cuban claim that the Dominican courts had exceeded their competence, for it is obvious that the method of pardon, which was the one chosen for the members of the crew of the "Quetzal", and which is the method sanctioned by the Dominican Constitution and laws, confirms the full legal validity of the sentence imposed, account being taken of the nature and effects of that particular measure of clemency.

V. It would be inopportune to involve both Governments in renewed and fruitless polemics. That would be contrary to the letter and spirit of the so-often mentioned Joint Declaration of 25 December 1951, in which the representatives of both Governments solemnly affirmed their conviction "that, more particularly in the present serious international situation and for the good of all the American Republics, it is necessary to ensure the continued maintenance of fraternal and good-neighbourly relations and of the mutual bonds of continental solidarity".

VI. The Dominican Government once more records its firm resolve to adhere to that Declaration, to which, for the sake of true continental cordiality, it hopes and trusts the Cuban Government will also adhere.

Please have this communication distributed as a Security Council document, as were the previous documents relating to this matter.

(Signed) Max Henriquez URENA

Chairman of the Delegation
of the Dominican Republic