



UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/8881
1 November 1968
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 30 OCTOBER 1968 FROM THE PERMANENT REPRESENTATIVE OF
CAMBODIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On the instructions of my Government and further to my letters Nos. 5489 and 5867 of 31 July and 12 August 1968 (S/8707 and S/8745) concerning the LCU 1577 vessel of the United States armed forces, which was captured with its crew on 17 July 1968 in Cambodian territorial waters by the Royal Khmer Navy, I have the honour to transmit to you, for the information of the members of the Security Council, the contents of a reply by the Royal Government to two new messages from the Government of the United States of America transmitted on 30 August and 2 September 1968 respectively by the Australian embassy at Phnom-Penh:

"The Royal Government made it clear in its note No. 713/DGP/21/AV/M dated 22 July 1968, that it could not accept the argument that the intrusion of the LCU 1577 into Cambodian waters was a peaceful incursion which took place inadvertently. In view of previous aggressive acts by American river vessels, the Royal Government takes a firm position, having regard to the facts and not to intentions formulated a posteriori to justify them. It recalls the terms of its note No. 785/DGP/21/AV/M of 12 August 1968, which stated that this military vessel (the LCU 1577) violated Cambodian sovereignty, and therefore comes within the scope of Cambodian law on the subject, a fact of which the Government of the United States cannot be unaware.

"In its last note the Government of the United States stated that it is customary among States to take immediate measures for the release of a vessel or aircraft and its crew intercepted in foreign territory in circumstances identical to those involving the LCU 1577. For its part, the Royal Government wishes to emphasize that such measures apply only between States which enjoy peaceful coexistence, that is to say, which carry on normal relations based on respect for the national rights of each. This is not the case, and it must also be recalled that the United States vessel which is being interned is a military vessel which is ipso facto implicated in the countless acts of aggression committed by United States armed forces against Cambodia.

"The Royal Government therefore wishes to state clearly once again that Cambodia's position with regard to the legal nature of the arrest and detention of the LCU 1577 and its crew cannot be altered.

"The Royal Government also wishes to express its surprise and indignation at the interpretation which the United States Government claims to place on the Cambodian suggestion aimed at establishing favourable conditions which would allow Cambodia to make a gesture of goodwill with regard to the LCU 1577 and its crew. It is an insult to the Khmer nation to claim that the United States vessel in question and its crew were seized for purposes of negotiation, which is tantamount to a pure and simple accusation of blackmail, or even piracy.

"The Royal Government has never stated nor let it be understood that there was any relationship between the detention of the United States vessel and the criminal aggression of United States air forces against Svay A Ngong on 29 June 1968. On the contrary, it must be pointed out that within the framework of normal relations between States and in accordance with the rights of persons and the rights and duties of States mentioned in the United States note, the Government of the United States was under an obligation to express its regret after each attack on Khmer territory and to give fair compensation for the loss of human life and the damage caused by its armed forces. For its part, the Royal Government has a perfect right, as a sovereign State, to apply its national laws to foreigners caught red-handed violating Cambodian territory.

"The Royal Government further states that the release of the LCU 1577 and its crew on the terms set out in the closing paragraphs of its note No. 785/DGP/21/AV/M of 12 August 1968 could not constitute a reciprocal measure, but would be a goodwill gesture on the part of Cambodia. Such a gesture could not in any case take place unless the Government of the United States recognized its responsibility for the massacre of Cambodian peasants at Svay A Ngong and agreed to bear the consequences.

"With regard to the murderous attack of two United States helicopters on the civilian Cambodian population of Svan A Ngong on 29 June 1968, the Government of the United States states that, according to the facts known to it, it must conclude that no United States aircraft or personnel were involved and that under the circumstances it cannot acknowledge responsibility for the Svan A Ngong incident.

"As the International Control Commission has noted and reported, the act of aggression, during which fourteen Khmer villagers, including women and children, were cold-bloodedly and methodically murdered while at their work in the fields by bursts of machine-gun fire from two United States helicopters engaging at low altitude in a real manhunt, cannot be denied. The United States Government has furthermore recognized that on the date and at the time indicated in the Cambodian protest

note, two United States helicopters had indeed entered Khmer territory in the vicinity of Svay A Ngong, as is shown by an operational report of the United States armed forces.

"The Royal Government notes that, after having recognized the possibility that there was an attack on Svay A Ngong by two armed UH-1C United States helicopters on operational service, the United States Government, in its last note, bluntly rejects that possibility without any logical explanation. The cynical and brutal refusal of the United States to admit its responsibility for this odious aggression, of which more than enough proof is available, contradicts the repeated affirmation by the United States that it never fails to express its regret at violations of the Cambodian frontiers. The Royal Government therefore reaffirms that its protests following upon violations and attacks on Khmer territory by United States armed forces are systematically rejected by the United States Government.

"The United States Government claims to prove its good faith by recalling that it expressed its regret after the violations of Khmer territory committed by United States forces at Peam Montea on 18 January 1968 and at Kong Mau on 20 May 1968. It should, however, be pointed out that military equipment left on the scene of the aggression afforded such overwhelming evidence that any other attitude on its part would have been absurd. However, these diplomatic regrets were not followed, as was to be expected, by recognition of the responsibility of the United States for the Cambodian loss of human life.

"The Government of the United States today accuses the Royal Government of having rejected the United States proposals aimed at facilitating an impartial inquiry into the incidents at Bavet and Svay A Ngong by bringing witnesses before the International Inspection and Control Commission. It should be recalled that in all cases of aggression the victim has no obligation other than to provide proof of aggression, namely the date, time, and place, the nature of the incident and the origin of the aggressors, the number of victims and the extent of the damage. Since respect for the sovereignty and territorial integrity of Cambodia is subject to the control and inspection of the International Commission established for that purpose by the Geneva Agreements of 1954, the Royal Government has no obligation other than to provide the Commission with all the information at its disposal on the violations and attacks to which Cambodia is subject.

"In particular, where the massacre of Khmer peasants at Svay A Ngong is concerned, the Royal Government challenges the claim of the Government of the United States to have its own witnesses interrogated by the International Control Commission in order to lead to a clarification of the facts. Is there any need to recall that those facts had been clearly established at the very scene of the aggression by observers from the

International Control Commission, on the basis of statements by survivors confirmed by the presence of the bodies of the fourteen victims and by an examination of the projectiles used to sow death and destruction?

"The Royal Government notes that the only real witnesses which the United States could produce are the United States helicopter pilots, in other words, the individuals guilty of this crime against humanity. It is obvious that they will be even less ready to admit their crimes in that their statements are accepted without question by the United States military authorities, as is clear from all the replies to Cambodian protests, although these protests are backed up by more than sufficient proof. The fact that the United States Government regards a criminal caught red-handed and his victims in the same light is extremely serious, in that it raises to the level of a principle the violation of the fundamental rules of law which govern civilized societies and relations between States.

"In the same message the United States Government notes with deep concern that the overtures it has made to the Royal Government of Cambodia concerning the use made of Cambodian territory by communist Viet-Nameese forces have not led the Royal Government of Cambodia to take any action in that respect.

"The Royal Government wishes first to recall that Cambodia has always strictly applied its policy of neutrality, and has never tolerated the establishment of any base or permanent camp for foreign armed forces on its territory. Nevertheless it wishes to state, as it previously did in its note No. 883-DGP/3-EU of 31 August 1968, that Cambodia is a sovereign State which does not have to justify itself to the United States in respect of the alleged use of its territory by troops of the National Liberation Front of South Viet-Nam and of the Democratic Republic of Viet-Nam. Since the presence of United States armed forces in South Viet-Nam is illegal, the Government of the United States has no right in law to call Cambodia to account or to interfere either in Khmer internal affairs or in Khmer-Viet-Nameese relations.

"The infiltration of foreign armed units belonging to the National Viet-Nameese resistance, to the Saigon régime or to the United States forces always encounters opposition by the Royal Khmer armed forces which defend the frontiers and the neutrality of Cambodia. The Royal Government further notes that the statements or accusations of the United States Government on the subject of Viet-Nameese outposts in Khmer territory are regularly shown, after inquiry on the scene, to be without foundation. As for the inevitable temporary infiltrations, they are a direct consequence of United States military action against Viet-Nam, and the Government of the United States therefore bears the full responsibility for them.

"To sum up, the Royal Government profoundly deplores the fact that the United States Government persists in its unjust attitude towards Cambodia and by its systematic hostility prevents any improvement in relations between the two countries. It wishes to recall on this occasion that, contrary to their statements of intent, the United States maintains its refusal to give solemn recognition to the present frontiers of Cambodia, to put an end to its aggressions against Khmer territory, to admit the truth of the murderous attacks and to take the responsibility and bear the consequences of them. In these circumstances, the Royal Government would in no way be justified in making a goodwill gesture with regard to the LCU 1577 and its crew."

"Phnom-Penh, 19 October 1968"

I should be grateful if you would arrange for this letter to be circulated as a Security Council document.

Accept, Sir, etc.

(Signed) HUOT SAMBATH
Permanent Representative of Cambodia
