



Security Council

Distr.
GENERAL

S/21122
3 February 1990

ORIGINAL: ENGLISH

LETTER DATED 3 FEBRUARY 1990 FROM THE ACTING PERMANENT
REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE
UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

With reference to the recent events involving the Panamanian flag vessel Hermann, the captain and crew of which were Cuban nationals, I wish on behalf of my Government to provide the following information. We have previously conveyed a complete account of these events to the Government of Cuba and have requested an explanation of its behaviour in the incident. The Security Council should not expend its valuable time considering this matter which in no way constitutes a threat to international peace and security.

A U.S. Coast Guard cutter encountered the Hermann in international waters in the Gulf of Mexico on the morning of January 30. The Coast Guard authorities requested permission to board and inspect the vessel as there was reason to suspect the vessel was carrying narcotics or other contraband. Such inspections are routine international maritime procedures to enforce laws concerning narcotics and other contraband smuggling. The captain of the Hermann denied permission and proceeded on towards Mexico.

The Coast Guard subsequently confirmed the vessel's Panamanian registry and obtained permission from the Government of Panama to board and inspect the vessel in accordance with international maritime law and procedures. After consultation with appropriate U.S. and Panamanian authorities, the Coast Guard advised the Hermann that it would use necessary force to board the vessel if it did not stop and permit the Coast Guard to board.

The Cuban Government subsequently informed the U.S. Interests Section in Havana that the crew was Cuban and stated that the vessel should be allowed to continue unimpeded. U.S. authorities advised the Government of Cuba that it would defer enforcement action for several hours so as to allow the Government of Cuba to instruct its nationals aboard the vessel to co-operate with this lawful exercise of authority pursuant to the instructions of the flag state. Cuban authorities then inexplicably ordered the civilian crew of the Hermann to resist any attempts by the Coast Guard to board the vessel.

After pursuing the Hermann all night in international waters and after exhausting all internationally accepted alternative means to stopping the vessel, including attempting to hail the vessel by radio and loudhailer, flashing signal lights, flag hoist, utilizing blue law enforcement light, spraying water across the vessel's decks and down its stack, and firing warning shots across the bow, the Coast Guard cutter fired small-caliber rounds at the vessel's engines in an attempt to disable it. The Hermann still ignored orders to stop and proceeded into Mexican territorial waters. The Coast Guard cutter terminated pursuit approximately 15.5 miles from the Mexican coast and at no time entered Mexican territorial waters.

The U.S. Coast Guard cutter was engaged in a normal and routine law enforcement activity. The action taken by the United States was fully consistent with international maritime law and practice. The United States sought and received permission from the flag state, Panama, to stop and search the vessel. The U.S. Coast Guard cutter resorted to authorized and appropriate force only after the captain's continued refusal to stop and after exhausting all internationally recognized means of stopping the Hermann.

By instructing the crew of the Hermann to resist an authorized and routine boarding by Coast Guard officials, the Government of Cuba jeopardized the lives and safety of its citizens and demonstrated blatant disregard for legitimate law enforcement efforts to investigate and interdict illicit narcotics trafficking in the region. The Government of the United States is unable to understand the Government of Cuba's action in the face of repeated Cuban assurances that the Cuban Government seeks to co-operate with the United States and other nations in combating illicit narcotics trafficking. The Government of Cuba's active efforts to thwart the U.S. Coast Guard search of the Hermann calls into question its publicly stated claim of actively combating narcotics trafficking.

I request that the text of this letter be circulated as a document of the Security Council.

(Signed) M. James WILKINSON
Ambassador
Acting Permanent Representative

