

CLASSIFIED MESSAGE

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ROUTING

DATE : 23 OCT 54

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TO : DIRECTOR

**CIA HISTORICAL REVIEW PROGRAM
RELEASE AS SANITIZED**

FROM : GUATEMALA

ACTION: WH (1-2)

2003

INFO : DCI (3), D/DCI (4), COP (5), A/DD/P/P (6),

CIAT 356 (IN 17356)

2151Z 23 OCT 54

PRIORITY
PRECEDENCE

TO: DIR

CITE: SGUAT

RE: DIR 21863 (OUT 84763)

1. FIRST BRITISH NOTE 9 JULY COVERED REPORT OF BOMBING AND ESTABLISHED FACT THAT GUATEMALAN MINISTRY FOREIGN AFFAIRS TOLD HER MAJESTY'S CHARGE D AFFAIRES ON 28 JUNE THAT AIRCRAFT BELONGED CALLIGERIS.

2. NOTE FURTHER STATED THAT, NATURE OF ATTACK WAS SUCH THAT EVEN HAD IT TAKEN PLACE IN COURSE OF A REGULAR WAR BETWEEN TWO DIFFERENT STATES IT WOULD HAVE BEEN CONSTITUTIONALLY A VIOLATION OF THE LAW OF WAR AND WOULD HAVE BEEN ILLEGAL. BUT, IN THE PRESENT CASE ATTACK WOULD HAVE BEEN ILLEGAL EVEN THOUGH IT CONFORMED TO LAWS OF WAR BECAUSE EXISTANCE OF CIVIL DISTURBANCE OR EVEN OF CIVIL WAR IN A COUNTRY DOES NOT ENTITLE PARTICIPANTS TO COMMIT ACTS OF WAR AGAINST FOREIGN SHIPPING UNLESS BELLIGERENT RIGHTS HAVE BEEN ACCORDED OR RECOGNITION ON THE PART OF FOREIGN POWERS WHICH WAS CERTAINLY NOT THE CASE HERE. IN THE ABSENCE OF ABOVE THEREFORE THIS ATTACK ON BRITISH SHIP AS CLEARLY AN ILLEGAL ONE LIABILITY FOR WHICH MUST REST ON RESPONSIBILITY GUAT AUTHORITIES.

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3. QUOTE DID NOT MENTION SPECIFIC SUM OF MONEY USED THIS PRECISE PHRASEOLOGY HOWEVER "HER MAJESTY'S LEGATION RESERVED THE RIGHT IN DUE COURSE TO PRESENT, ON BEHALF OF OWNERS, A CLAIM FOR COMPENSATION FOR ALL LOSSES, DAMAGE, CLAIMS AND EXPENSES OF WHATEVER NATURE, DIRECTLY OR INDIRECTLY ARISING OUT OF UNLAWFUL ATTACKS ON SPRINGFJORD ON JUN 27 LAST".

4. 2 JULY SHIP OWNERS COMMUNICATED GUAT GOVT THROUGH AGUILAR DE LEON AND STATED THAT CLAIM WOULD BE PRESENTED IN DUE COURSE. SAID CLAIM ARISING FROM ILLEGAL ATTACK ON VESSEL WHILE LYING OFF SAN JOSE HARBOR.

5. 30 JULY SHIP OWNERS AGAIN WROTE AGUILAR AND ADVISED THAT THEY WERE LOOKING FORWARD TO SATISFACTORY REPLY TO EARLIER CORRESPONDENCE. STATED FURTHER THAT IN INTERIM THEY HAD RECEIVED ADVICE THAT SHIP TOTAL LOSS AND THIS LETTER WAS IN FACT FORMAL NOTICE THEIR ABANDONMENT ALL INTEREST IN VESSEL AND DISCLAIMS FURTHER RESPONSIBILITY CONNECTION WITH HER.

6. 23 AUGUST SINCLAIR ROCHE AND TEMPERLEY SOLICITERS OF LONDON WROTE DIRECT TO GUAT MINISTER AGUILAR DE LEON AND ADVISED THAT THEY WERE ACTING ON BEHALF OWNERS OF VESSEL AND ON BEHALF UNDERWRITERS SHIPMENT SALVADORAN COTTON ON SHIP. LETTER STATED THAT SHIP DECLARED TOTAL LOSS AND UNDERWRITERS HAD PAID CARGO OWNERS TOTAL LOSS AND RECEIVED SUBROGATION OF RIGHTS FROM CARGO OWNERS. LETTER

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FURTHER STATED SOLICITERS PREPARING PARTICULARS OF UNDERWRITERS CLAIM FOR SUBMISSION TO GUAT GOVT.

7. HAVE NOT YET REPLIED TO GUAT FORMIN APPROACH PER GUAT 344 (IN 15921).

8. ABOVE INFO RECEIVED FROM GUAT FORMIN LATE 22 OCT. DISCUSSED WITH [] AFTER DRAFTING.

9. REQUEST CONFIRMATION PARA 2 GUAT 344 (IN 15664)

END OF MESSAGE

CABLE SECRETARIAT COMMENT: MR. [] WH, NOTIFIED OF RECEIPT OF THIS MESSAGE AT 1650, 23 OCT 54.

AT THE DIRECTION OF THE CABLE SECRETARIAT DUTY OFFICER, THIS CABLE HAS BEEN ASSIGNED DISTRIBUTION APPLICABLE TO RYBAT CABLES.

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