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XVII. - NOTE OF THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF VIET-NAM ADDRESSED TO THE PARTIES TO THE PARIS INTERNATIONAL CONFERENCE ON VIET-NAM, ON COMMUNIST ATTACK AGAINST HELICOPTERS OF THE FOUR-PARTY JOINT MILITARY TEAM IN BINH CHANH DISTRICT, GIA DINH PROVINCE, DECEMBER 17TH, 1973 (933-BNG).

On Saturday, December 15th, 1973, at 0815 hours, three helicopters of the Four-Party Joint Military Team were attacked by the Communist forces at eight kilometers north-west of Binh-Dien, Binh-Chanh District, Province of Gia-Dinh. One helicopter was shot down and subsequently destroyed by AK rifle bullets and B-40 shells ; two

members of the Team, one Vietnamese and one American, were killed ; seven were wounded, including three Vietnamese and four Americans.

The three helicopters which bore very distinctive colours of the Four-Party Joint Military Team, were flying on an official mission, in connection with the task of the Four-Party Joint

Military Team of getting information about military personnel missing in action, as stipulated by Article 8(B) of the January 27th, 1973 Paris Agreement.

The Communist side was previously informed of the mission and invited to participate, by a Note dated December 6th, 1973. Therefore, it cannot possibly argue that it was not aware of the mission of the December 15th flight.

The above-mentioned fact shows that the attack was directed against helicopters which were known as belonging to the Four-Party Joint Military Team. Therefore, not only did the Communists transgress the laws and customs of war, it was also evident that they wilfully did so.

The attack was openly an act of war, carried out against a Joint Military Team, in direct violation of Article 8(B) of the Paris Agreement, Articles 1 and 2 of the Protocol on the Cease-fire and the Joint Military Commissions; Articles 3, 8(D) and 8(E) of the June 13th, 1973 Joint Communiqué.

The attack is clearly a confirmation of the Communist side's determination to hinder by all means available the international machinery established by the Paris Agreement and its related Protocols.

Finally, one cannot possibly over-emphasize the barbarous nature of such an attack, which has resulted in many casualties among officials involved in what is a basically humanitarian mission. This latest act of hostility, committed with a premeditated intent to harm undefended members of an international team, in the midst of a mutually agreed upon ceasefire, indi-

cates the Communists' cynical contempt for public opinion and constitutes an intolerable affront to decency and the conscience of man.

On December 15th, 1973, the Government of the Republic of Viet-Nam officially lodged a protest with the International Commission for Control and Supervision and asked for an immediate investigation; it also published a declaration exposing the policy of violence of the Communist side.

By the present Note, the Government of the Republic of Viet-Nam wishes to apprise the Parties of these developments, which evidence the resort to overt military action, on an increasing scale, by the Democratic Republic of Viet-Nam side and the systematic efforts of the Communists to destroy the peace structure established by the Paris Agreement, which they themselves have formally subscribed to.

The Government of the Republic of Viet-Nam firmly denounces the incessant military attacks of the Communist side, and earnestly requests that the Parties should take effective action, either jointly or separately, to put an end to the aggressive policies of the Democratic Republic of Viet-Nam side which, as the Government of the Republic of Viet-Nam has said many times before, remain the true obstacle to the restoring of genuine peace in Viet-Nam.

It is of course obvious that the Democratic Republic of Viet-Nam side must entirely be held responsible for the existing situation in Viet-Nam, and that it will have to bear the consequences of its deliberate attempt to revert to a policy of military action.