

(1) To what extent did the authorities of both sides in the area conform to the letter and spirit of the Articles of the Geneva Agreement after the signature of the Agreement and prior to the occurrence of these incidents.

(2) Whether there was provocation from the civil population who in the exercise of democratic freedoms under Article 14(c) exceeded the usual limits and created a situation involving violence.

(3) Whether such a situation hampered withdrawal and transfer of authority or constituted interference with the local civil administration.

(4) Whether the action taken by the authorities involved injury to life and property of the civil population.

(5) If it did, whether it was in excess of the requirements of the situation to enforce law and order and to remove interference to civil administration.

(6) If excess was established under (5), the methods proposed to settle the incidents by rendering redress to the aggrieved parties and/or recommendations to the parties to take action against excess of authority on the part of the officials concerned.

115. It will be seen that the above issues have been framed with reference to the assurances contained in Article 14(c) regarding democratic liberties, the principles contained in Article 15 regarding the manner in which withdrawals and transfers of military forces will take place and to the procedure laid down in Article 22 regarding punishment of those responsible for the violation of any of the provisions of the Agreement by the two High Commands.

116. For further detailed consideration of the reports received regarding all these incidents, the Commission has created an Ad Hoc committee of legal experts from each Delegation. The Commission has reserved its conclusions on these incidents and possible recommendations to be made to the parties until the review has been completed by the Ad Hoc Committee.

117. These incidents occurred during the withdrawals and transfers of military forces prescribed under Article 15. The Commission noted that the principles laid down in Article 15 and in Article 14(b) were not effectively applied in these areas of Central and South Viet-Nam. For instance, it was noted that civil administration did not always accompany the military forces and at times, there was a complete vacuum in certain areas of both civil and military administration of either