

incidents occurred and the dates of their occurrence are as follows:-

- (i) AI-NGHIA 16-8-1954
- (ii) HA LAM ... 4-9-1954 to 7.9.1954.
- (iii) CHI-THANH ... 7-9-1954
- (iv) CAM-LO ... 10-9-1954
- (v) TAM-KY ... 27-9-1954
- (vi) CHO-BEN ... 25-10-1954 to 28-10-1954.

111. All these incidents occurred as a result of clashes which took place between forces of the French Union High Command or Civil and Military Police and local populations and resulted in injury to life and property.

112. In the initial stages, the parties reported these incidents to the Commission unofficially while discussions regarding the action to be taken were being carried on by the Joint Commission at PHU LO. The parties, however, found it difficult to agree on the procedure for investigation. The authorities of the democratic Republic wanted to send a joint team of the Joint Commission and a team from the International Commission to conduct the investigation on the spot. The French Authorities held the view that this matter was not within the scope of the functions of the Joint Commission and proposed that the investigation should be carried out solely by one of the International Commission's inspection teams. The parties approached the Commission for its intervention and the Commission after hearing both parties proposed a practical solution which would be without prejudice to the juridical stand taken by either party, viz., that the incidents should be investigated by teams of the International Commission. Representatives of the two parties would assist the teams during the investigation and would bring to their notice any relevant evidence. They would not, however, participate in the appraisal of the facts and in the preparation of the report. Both parties accepted this solution as a practical procedure in the circumstances and this mode of enquiry has now been adopted by the Commission for all similar investigations conducted by its Mobile Teams.

113. In accordance with the above, Mobile Team of the International Commission proceeded to conduct on-the-spot investigations at the scenes of these incidents. Evidence of witnesses on both sides was recorded and the teams have submitted their reports to the International Commission.

114. The Commission considered the incidents which took place at AI-NGHIA. The reports of the team and the facts of the case as available in them were examined by the Commission in the letter and spirit of the Geneva Agreement, that is to say, in the light of the following:-