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*Le commissaire de la Commission internationale de surveillance
et de contrôle pour le Vietnam
au secrétaire d'État aux Affaires extérieures*

*Commissioner, International Commission for Supervision
and Control for Vietnam,
to Secretary of State for External Affairs*

TELEGRAM 254

Saigon, December 12, 1961

SECRET. OPIMMEDIATE from Delhi.

Reference: Our Tel 246 Dec 4.

Repeat for Information: Delhi, DM/DND, RRAS, CGPO, CGS, London, Washington, Paris, Laosdel Geneva from Ottawa.

By Bag Warsaw, Moscow from London, Vientiane, Phnom Penh, Hanoi from Saigon.

NAM AND SUBVERSION CASE

In Legal Committee we have had excellent cooperation and help from Mukhi, new Indian Chairman, and have experienced clumsy but quite effective delaying tactics from Poles. Net result so far is only partially encouraging.

2. Mukhi has begun work by listing all allegations in letters and enclosures submitted by South Vietnam. Even this process is not repeat not yet completed but he expects to assemble a total of eighty allegations. At a later stage Mukhi will agree to drop a number of these allegations and to link what remains with evidence. We are pressing for a much more simplified list of allegations with an eye of making ultimate investigation easier.

3. Poles have been up to their old tactics of not repeat not attending meetings, refusing to work on weekends, insisting on sending their legal advisers to Hanoi if Commissioners goes he is their political adviser as well [sic]. Mukhi has taken up a robust attitude toward Poles and has politely informed them that if they absent themselves Canadian representative and he will continue to meet. Whether there will be official meetings or unofficial working consultations has not repeat not been made entirely clear. Mukhi's attitude however reinforces all evidence we have had to indicate that Indians are at present on side of angels.

4. I (Group Corrupt) we can manage to get through first stage of assembling allegations and deciding that there is a prima facie case without too much difficulty although there may be delay.

5. For investigation stage, it would be helpful however if Legal Division could study evidence which has been presented and send us their detailed views on how best to approach problem of verifying it. Practical problems we expect to be faced with are, for example: How does one verify a diary? If it is possible to verify some of evidence in diary form (i.e. if Indians accept its verification) we shall probably be able to cite North under Agreement. If there is a measure of doubt we shall presumably have to find a form of words which will avoid explicitly (Group Corrupt) North but might perhaps express a majority Commission view that evidence was "probably" correct. Other types of evidence may present similar problems. It would be helpful to have advice and examples of decisions which other international commissions have taken on important cases (i.e. Lumumba case) when evidence has been almost but not repeat not quite incontrovertible.

[F.G.] HOOTON