

the International Commission and of civilian internees wrongly classified as ordinary criminals and thus deprived of the benefit of Article 21.

THE PROBLEM OF DESERTERS

73. It would appear that during hostilities, several hundred members of the French Union Forces deserted to the Forces of the People's Army of Viet-Nam. One such group of persons including European and African members of the French Foreign Legion who are alleged to have 'gone over' to the other side, came to the notice of the Commission. Both the High Commands have by common agreement excluded these persons from the exchange of prisoners of war operation. This question is under consideration in consultation with the Parties.

74. The Commission has asked both Parties to furnish details of the size of this problem, the number of deserters involved and the positions taken by both Parties on this question. The Democratic Republic authorities have also been asked to furnish a list of such persons in their custody. Apart from the question of disposal, it is hoped that such a list will enable the Commission to locate missing persons on whose behalf petitions are being constantly received.

RELEVANT PROVISIONS OF THE GENEVA AGREEMENT

THE QUESTION OF ASYLUM

75. Another question which came to the Commission for decision was how to deal with persons who claimed asylum with the Commission.

76. The Commission decided that it would not be possible or desirable to grant asylum. After discussions with the two Liaison Missions, the Commission decided that pending investigation of individual cases by the Commission, the persons concerned should be kept in the temporary custody of the competent local authorities on an "under-trial" basis and should be made available whenever the Commission desired.

77. As cases of this type may occur again, the Commission has issued instructions to all its Fixed Teams asking them to follow this procedure.

THE QUESTION OF POLITICAL PRISONERS.

78. The benefits of Article 21 have also been extended to "civilian internees", who have been defined to include all persons, who, having in any way contributed to the political and armed struggle between the two parties have been arrested for that reason and have been kept in detention by either party during the period of hostilities. Article 14(c) of the Agreement also provides that each party undertakes to refrain from any reprisals or discrimination against persons or organisations on account of their activities during the hostilities and to guarantee their democratic liberties.

79. While the bulk of the civilian internees under Article 21 were released along with the release of prisoners of war, the authorities of the Democratic Republic claimed that a considerable number of civilian internees were still being kept in detention in several prison camps in South Viet-Nam, including POULO CONDORE, CHI-HOA, GIA-DINH,