

the terms of reference for each individual investigation are very carefully framed by the Military Advisers' Committee.

27. As will be readily appreciated, the teams have often to work for long hours and under difficult conditions in investigating such complaints. As an illustration of the arduousness of their tasks, the report of an investigation by the Fixed Team at Kampot is attached as Appendix "D" to this report.

#### VIETNAMESE DETAINED IN CAMBODIA:

28. One of the problems left over from the earlier phase of the work was the future of Vietnamese domiciled in Cambodia who had helped the resistance movement in some capacity or other. Nearly 150 of them have been in virtual detention for over five months in different parts of the country. They had been left behind by the retreating Vietnamese Military Units as a result of disagreement in the Joint Commission on this question. The Government view was that all Vietnamese (there are 300,000 of them in Cambodia) were foreigners and if any of them had participated in the hostilities in whatever capacity they should be expelled. The difference arose in the Joint Commission over the interpretation of the Cambodian law of citizenship. After some discussion the Commission accepted the Government view as it is firmly based on the Cambodian Civil Code, Laws of Nationality, and tradition. (The Vietnamese never voted in elections in the past). But in interpreting Article 4 (c) of the Geneva Agreement, the Commission held that only those Vietnamese who had been soldiers or those who held supervisory or directive positions in the war should be evacuated, while the "lesser offenders" should be allowed to remain in Cambodia. After a careful scrutiny of each individual case, the Government and the Commission have agreed that 117 out of the 155 detained Vietnamese should be evacuated from Cambodia.

29. Though the decision regarding the persons to be evacuated was taken in mid-January, it has not been possible up to date to agree on the modalities of the evacuation. Under the Geneva Agreement, evacuation is a responsibility of the two sides and the Commission has been trying to forge an agreement between the two parties on this question. The Cambodian Commission, through the Commission at Hanoi, has been acting as an intermediary between the Royal Government and the Viet Minh High Command and proposals from each side which have, so far, been unacceptable to the other side, are passing backwards and forwards through us. At the time of writing, the Commission is hopeful that an agreed formula will be accepted by both sides. The proposal under consideration is to concentrate the detained Vietnamese in one area and hand them over for evacuation to a civilian liaison officer to be sent by the Viet Minh High Command for that purpose.

#### PRISONERS OF WAR:

30. As of December 31, 1954, the problem of the release of prisoners of war and civilian internees had been reduced to a certain number of complaints from both sides that not everyone had been released.