

Commission felt that the 141 ex-prisoners of war who were employed in construction yards after their release might not have been able to exercise their choice about the zone of residence, it decided that their cases would be treated as residual cases remaining to be disposed of under Article 14(d) of the Agreement.

22. As regards the first complaint, the Canadian Delegation came to a different conclusion: that the five prisoners-of-war were released some time after the cease-fire but should have been handed over to the French High Command in accordance with Article 21. No definite conclusion was reached by the Canadian Delegation on the allegation that they were detained as prisoners-of-war for one year after the cease-fire, but there was evidence to indicate that they were under some form of restricted liberty as a result of which they could not exercise their right under Article 14(d). As regards the second complaint, the Canadian Delegation came to the conclusion that the general allegation was neither proved nor disproved, but considered that these and similar cases coming to the notice of the Commission, should be dealt with in accordance with Article 21 if the former prisoners-of-war were released after the cease-fire, or in accordance with Article 14(d) if released before the cease-fire, but held under some restriction on liberty while working in construction camps or work yards after their release.

Number of recommendations for release made by Commission under Article 21

25

Number of cases under consideration on complaints against

144

In two cases, one concerning 18 civilian internees of Chinese nationality released in Haiphong by the French Union High Command before the transfer of Haiphong to the P.A.V.N. High Command and the other concerning 13 of Viet-Namese nationality released unilaterally by the French High Command, the Commission, on complaints received from the P.A.V.N. High Command, has declared that these releases were inconsistent with Article 21 of the Agreement.

As stated in para 6 of the Third Interim Report and para 10 of the Fourth Interim Report, each party, while claiming categorically that it has carried out its obligations under Article 21, continued to make claims against the other party in respect of prisoners-of-war and civilian internees. In its further efforts to get the parties to clear these claims and counter-claims, the Commission met the two Liaison Missions and impressed upon them the necessity for giving full and adequate information in order to enable the Commission, in specific cases, to locate the prisoners concerned and determine their status.

The French High Command brought to the notice of the Commission five more cases where it claimed prisoner-of-war status under Article 21. Later it made another complaint that 141 Viet-Namese officers had been or were being kept in detention in prisoners-of-war camps after the cease-fire. A team of the Commission carried out an investigation and on the basis of its investigation the Commission came to the conclusion that the allegations had not been proved.