

CHAPTER III.

DEMOCRATIC FREEDOMS UNDER

ARTICLES 14(C) and (D).

8. Complaints of alleged violations of Article ARTICLE 14(C) continued to be made by the P.A.V.N. High Command. Some of these complaints referred to the demilitarized zone and there were also allegations against the French High Command of violation of Article 7. In all, 46 complaints were made by the P.A.V.N. High Command. The latter also forwarded a large number of petitions alleging reprisals in the form of arrests and murders. There were also two complaints by the French High Command against the P.A.V.N. High Command for violation of Articles 7 and 14(c).

9. The Commission forwarded the majority of complaints to the High Command concerned for comments and reports of remedial action taken if allegations were found to be true but decided to investigate through mobile teams complaints pertaining to four areas, viz., Provinces of Chau Doc, Thua Thien, Quang Tri and the Demilitarized Zone. The Commission is still seized with 76 cases concerning alleged reprisals under Article 14(c).

10. None of these mobile team investigations was carried out during the period under report. In the first three cases, the French High Command declined to concur for the reasons given in paragraph 40 of this report but some information was passed on to the Commission concerning two cases. In the fourth case, the team went out for a few days to the demilitarized zone, but it had to be withdrawn temporarily for reasons given in paragraph 41 of this report.

11. The inability of the Commission to send mobile team to investigate alleged violations of Article 14(c) is causing serious concern to the Commission. This failure was due to (a) the inability of the French High Command to carry out by itself its obligations under Article 25 to protect fully and to assist and co-operate with the Commission and its teams in the tasks allotted to them, and (b) the lack of agreement on the part of the Republic of Vietnam to facilitate investigations in conformity with its informal offers of practical cooperation.

12. In the Fourth Interim Report, the Commission ARTICLE 14(D) presented to the Co-Chairmen a general review of the implementation of Article 14(d), during the 300 day period, and the extension period. The Commission reported in paragraph 33 of that report that it was following up certain categories of residual cases which had still not been settled by the 20th of July. A provisional list of these categories was also mentioned. Since then the Commission has considered the question of follow-up action on these residual cases and has made detailed suggestions in this connection to the two High Commands on 22nd October, 1955. The Commission felt that this was necessary as further implementation of Article 14(d) could be carried out only with the cooperation of the two parties. Replies have been received from the two High Commands. The P.A.V.N. High Command in its reply expressed the wish to discuss the whole problem in the basis of the Commission in order to reach an agreement on the basis of the Commission's recommendations. The Commission is pursuing this matter and has invited both parties for a discussion with the Freedoms Committee of the Commission.