

The investigating team tried its best during its proceedings to obtain Pathet Lao witnesses in order to arrive at a balanced and objective conclusion of the matter. The efforts of the team were of no avail and no Pathet Lao witnesses were made available. In view of this the findings and conclusions of the team had of necessity to be based on the evidence obtained from the Laotian National Army soldiers stationed at the posts concerned and from the inhabitants of the villages Ban Pakha and Ban Nakeng. From the evidence available it would appear that:

1. (a) the Pathet Lao complaints alleging attacks by the Laotian Army on their positions in this area had no foundation;

1. (b) the Laotian National Army positions in the area mentioned above were first attacked by the Pathet Lao on 5 December, 1955, but later as a result of counter-attacks the original positions were restored.

2. From the evidence available the Commission considered that most of the Laotian National Army posts in these areas were established in the period June/July 1955. The attacks on these posts by the Pathet Lao and the subsequent counter-attack by the Royal Laotian Government resulting in the withdrawal of the Pathet Lao from them, were all violations of the Geneva Agreement.

26. During January 1956 the Commission received a complaint from the Laotian National Army that the Pathet Lao had over-run their posts at Ban Houei Saye. The Pathet Lao also complained of Laotian National Army attacks on Houei Saye and Nanong and the seizure by Laotian National Army troops of Nasahong and Nasala on 28 and 29 January. On 30 January 1956 the team at Muong Peun decided to proceed to Ban Houei Saye for investigation. As the helicopter carrying the team was about to land, it was fired upon and some bullets hit it narrowly missing the occupants. The team had to return without starting the investigation. On 3rd February 1956 the team again attempted to go to Ban Houei Saye, but the helicopter was damaged while landing. Later the team recorded some evidence of witnesses produced by the Laotian National Army Commander at Muong Peun. The team was unable to complete the investigations due to the inability of the Laotian National Army to assure the security of the team and also due to the non-availability of a Pathet Lao Liaison Officer whose return to Muong Peun from Sam Neua was objected to by the Laotian National Army authorities.

27. On 26 February, 1956 when returning from Sam Neua to Muong Peun, one of the Commission's helicopters was fired upon, the pilot sustaining minor injuries.

28. From March onwards the situation showed improvement although complaints and counter complaints of alleged attacks on posts and ambushes were received from both sides. As both the Parties agreed on 5th August 1956 to settle all incidents and misunderstandings between themselves without recourse to fighting, the Commission did not proceed with investigations already ordered.