External Affairs Supplementary Paper

No. 55/4 SECOND INTERIM REPORT OF THE INTER-V Telded NATIONAL COMMISSION FOR SUPERVISION AND CONTROL IN VIETNAM

- S -

December 11, 1954 to February 10, 1955.

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CHAPTER I

ESTABLISHMENT AND MACHINERY OF THE INTERNATIONAL COMMISSION IN VIETNAM

Fired Teams

The last two Fixed Teams of the Commission at Muong Sen and Tran Chau were established on 13th December, 1954, as mentioned in paragraph 40 of the First Interim Report, and 26 Mobile Teams of the Commission were sent NOITJUIONTAL he period under review for investigations under Article 37, making a total of 54 since the Commission started its activities.

CHAPTER II

The International Commission for

ency bear Supervision and Control in Vietnam made its

First Interim Report covering its activities from 11th August to 10th December, 1954. 2. This is the Second Interim Report of the Commission containing a summary of its activities from 11th December, 1954, to

10th February, 1955, and a review of the

progress made by the two parties in the

implementation of the Agreement and should

be read along with the relevant Chapters of a the safe side being with the relevant Chapters of a the First Interim Report.

CENTRAL VIETNAM PROVISIONAL ASSEMBLY AREA

4. The Commission has decided that it cannot support the request made by the French High Command that the High Command of the P.A.V.N. should, in addition to the territories in the Central Vietnam provisional assembly area from which they have withdrawn, withdraw from further territory and transfer it to the High Command of the French Union Forces at the and of the both parties, the Commission has asked them, in the interest of smooth and orderly transfer of power, to discuss details of withdrawals and transfers in these indicate these to the Commission so that it can make effective arrangements for supervision of these drawels and transfers in these withsecordance with the task assigned to it under Article accordance with the task assigned to it under Article accordance with the task assigned to it under Article

CHAPTER I

ESTABLISHMENT AND MACHINERY OF THE INTERNATIONAL COMMISSION IN VIETNAM

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Fixed Teams

The last two Fixed Teams of the Commission at Muong Sen and Tran Chau were established on 13th December, 1954, as mentioned in paragraph 40 of the First Interim Report, and 26 Mobile Teams of the Com-mission were sent out during the period under review for investigations under Article 37, making a total of 54 since the Commission started its activities.

CHAPTER II

CEASE-FIRE, PROVISIONAL MILITARY I PROVISIONAL MILITARY DEMARCATION LINE

Supervision of Demarcation Line and Demilitarised Zone

2. The Commission has decided, with the concurrence under Article 35 of the High Command concerned, to send a Mobile Team to the Hue region for supervision of the demilitarised zone south of the provisional demarcation line and the task of supervision of the demilitarised zone north of the provisional demarcation line will be performed by the mobile element of the Fixed Team at Dong Hai in the north.

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10th Februari, Sarahand a review of the

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implementational Agreement and should

3. The withdrawals and transfers from the provisional assembly area of Point Camau scheduled to take place at the end of 200 days have been completed on the 7th February, 1955, in an orderly manner. The withdrawals and transfers were supervised by the Commission's teams. A copy of the instructions sent to these teams is attached as Appendix I. (not reproduced)

CENTRAL VIETNAM PROVISIONAL ASSEMBLY AREA

The Commission has decided that it cannot support 4. the request made by the French High Command that the High Command of the P.A.V.N. should, in addition to the territories in the Central Vietnam provisional assembly area from which they have withdrawn, withdraw from further territory and transfer it to the High Command of the French Union Forces at the end of the 200-day period. While communicating this decision to both parties, the Commission has asked them, in the interest of smooth and orderly transfer of power, to discuss details of withdrawals and transfers in these areas in advance and to make detailed plans and indicate these to the Commission so that it can make effective arrangements for supervision of these withdrawals and transfers through its Mobile Teams in accordance with the task assigned to it under Article 36(a) of the Agreement.

Haiphong Perimeter

- 2 -

5. The Commission has, during the period under review, considered in detail the complex problems arising out of the withdrawal and transfer of the Haiphong perimeter at the end of the 300-day period. The French Union High Command, which is in control of this perimeter till the end of the 300-day period, has to withdraw personnel and equipment several months ahead to avoid a bottleneck in transport towards the ahead to avoid a bottleneck in transport towards the end of the period and at the same time the withdrawals have to be so effected that the transfer is smooth and orderly, there is no destruction or sabotage of any Public property and no injury to the life and property of the civilian population and no interference in local civil administration (Articles 14 and 15). The Commission civil administration (Articles 14 and 15). The Commission has, after considering the various documents and memoranda Presented by the two sides, detailed complaints and Counter-complaints and, after several discussions with the parties, made concrete suggestions to the parties regarding the principles to be observed in effecting Withdrawals and the manner in which the International Commission will exercise its supervision so that the Obligations undertaken by the parties under the Agreement are duly corried out and the rights guaranteed under the are duly carried out and the rights guaranteed under the Agreement are duly safeguarded. A copy of the suggestions made to the parties is given as Appendix II. (not re-The implementation of these articles of the Arree

throughout. Since the last sarath the Commission had to send out five Mobile Team VI SETTAND tigations in respect

ment has been a matter of serious concern to the Commission

PRISONERS OF WAR AND CIVILIAN INTERNEES

of democret Claims and Counter-Claims under Article 21

Little progress has been made in clearing off Claims and counter-claims made by the parties to each other and the Commission has reviewed the latest position and made specific recommendations to the parties to dis-pose of claims and counter-claims within two weeks from 10th February, 1955. Cases of disagreement will, at the end of the period, be taken up for direct investigation and settlement by the Commission. Little progress has been made in clearing off

from the French Li Problem of "Ralliés" and Deserters

7. The problem of "ralliés" and deserters is still Under discussion between the Commission and the parties and, though no methods of solution have been worked out, the nature and the size of the problem are being settled with the co-operation of the parties before starting discussions on the methods of solution. A letter received from the High Command of the French Union of the Forces of the P.A.V.N. on four points in con-metion with prisoners of war, civilian internees and mission and the P.A.V.N. High Command approached for The problem of "ralliés" and deserters is still mission and the P.A.V.N. High Command approached for its views.

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Atmosphere between the Parties

- 3 -

8. The atmosphere between the parties in the solu-tion of complicated cases of prisoners of war, civilian operative as envisaged in the general scheme of the Agreement. Complaints from the P.A.V.N. High Command releasing those accepted as civilian internees in Poulo Condore and for release of 16 Chinese civilian internees 21(c) and similar complaints from the French Union High Command against the High Command of the P.A.V.N. for otherwise than in accordance with Article command against the High Command of the P.A.V.N. for otherwise than in accordance 21(c) are

after several discussions with

iw anciesuosib lareves retus and an information missive view view view to the principle of the principle of the principle of the precord of t DEMOCRATIC FREEDOMS UNDER ARTICLE 14(c) AND (d) OF THE GENEVA AGREEMENT

Complaints against Non-Implementation of Article 14(c) and (d) continue

9. The implementation of these articles of the Agree-ment has been a matter of serious concern to the Commission throughout. Since the last report, the Commission had to send out five Mobile Teams for investigations in respect of alleged breaches of freedom of movement and two Mobile Teams for investigations in respect of alleged breaches of democratic freedoms.

Action by the Commission room elitil 10. Specific recommendations under Article 39 have been made to the parties to secure effective imple-mentation of the provisions of Article 14(d) within the time-limit specified in the Article. A copy of the re-commendations made is given as Appendix IIT.

commendations made is given as Appendix III.

in the exercise of freedom of movement to people at Ba Lang and Luummy. The Ba Lang investigations have been completed and recommendations made by the Commission in that case have been the subject of a press release. 12. The Commission has received complaints from the Liaison Mission of the P.A.V.N. regarding the existence

The International Commission received complaints from the French Liaison Mission regarding obstructions

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in the refugee camps in South Vietnam of persons who were forcibly evacuated and who wished to return to the North. Two Mobile Teams of the Commission are carrying out investigations in the refugee camps at Thua Thien and Bien Hoa. 13. The Commission has made its recommendations in the case of complaints against breaches of Article 14(c) in all cases mentioned in paragraph 108 of the First Interim Report and has recommended action under Article 22 in four cases where in the Commission 15 Article 22 in four cases where, in the Commission's view, the local civil and military authorities in charge had violated the provisions of the Agreement

Thua Thien and Bien Hoa.

dealing with democratic liberties and the principles to be observed during regroupment.

of galactic loss Articles 14(c) and 15(d)

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14. Investigations in respect of incidents mentioned in paragraph 116 of the First Interim Report and some new incidents reported since are still in progress.

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15. The Commission has taken a decision in the case of arrests of members of the Movement for the Defence of Peace in Saigon which was the subject matter of a complaint from the High Command of the P.A.V.N. The Commission, while refusing to interfere with the local civil administration in either zone in a matter under judicial investigation, has reserved to itself the right to be kept informed of the developments in the case of these arrested persons and asked the French Union High Command to suspend execution of the eventual judgment in this case to allow the Commission to review the final findings of the Court with a view to assessing whether the findings do or do not conform to the Articles of the Geneva Agreement and whether any recommendations by the Commission to the authority in control of the zone are necessary under Article 39.

20. Appendix I of the First Interim Report, which gave in a statement form IV RETART uired to be taken under various articles of the program.

NEW MILITARY PERSONNEL, EQUIPMENT AND BASES IN VIETNAM

Stricter Control of Import of War Material and Rotation of Personnel

16. The question of issuing comprehensive instructions to the Commission's teams referred to in paragraph 106 of the First Interim Report has been finalised in consultation with the two High Commands and except for the frontier of Vietnam along the Red River Delta in the North and Point Camau in the South, in respect of which reconnaissance surveys are being made, the whole frontier of Vietnam is divided into zones of action for the Fixed Teams established under the Agreement. Copy of the instructions to the Fixed Teams is given as Appendix IV. (not reproduced).

17. The Commission has despatched a Mobile Team to Cau Bang in the North and another to Loc Ninh in the South for a period of four weeks to control the import of war material and the rotation of personnel along the Vietnamese-Chinese and the Vietnamese-Cambodian border and with instructions to report all aspects of the case in full detail to enable the Commission to decide whether it is necessary to establish more permanent arrangements at these or other points to discharge its functions of supervision over the implementation of Articles 16 and 17 of the Geneva Agreenent. During the same period of four weeks, another point on the Vietnamese-Chinese border, Dong Dang, will be similarly continuously controlled by the mobile element of the Fixed Team at Lang Son.

huming and removing bodies (23)

- 5 -

aling with democratic liberties and the principles to

Protocol of "War Material"

The parties have signed a protocol agreeing to 18. 18. The parties have signed a protocol agreeing to certain categories of arms, munitions, &c., to be regarded as war material in respect of import of which notification under Article 17(e) is required and the difficulty in this respect reported in paragraph 105 of the First Interim Report has been met by this protocol - vide Appendix V. (not reproduced).

General Giap's Letter of 5th December, 1954: Salgor aolista Interim Reply

The Commission has sent an interim reply to the 19. letter dated 5th December, 1954, from General Giap, Commander-in-Chief of the People's Army of Vietnam. Copy of the reply is given as Appendix VI.

ssion to review the final the final to assessing whether t

ne tented bas an <u>CHAPTER VII</u> and the selecter of we are tented by the select of the

20. Appendix I of the First Interim Report, which gave in a statement form action required to be taken under various articles of the Agreement and the progress made till 10th December, 1954, requires the following changes in the light of developments that have occurred during the period 11th December, 1954, to 10th February, Stricter Control of Import of War Material and

Rotation of Personnel

do or do not conform

- Item No. untan Task andergmon gaine Remarks of teepp of T Point Camau evacuation Completed. 26 20 the two High Commands and except
 - 30 Notification to Joint The parties have signed and International Com- on 14th January a pro-

missions of arrivals tocol in the Joint Com-and departures of war mission in respect of mission in respect of and material, arms and muni- categories of war tions of all types material, import of material, import of begun which requires notifiot meet elided a benetice cation under Article dtool ent ni dniv col of the l7(e). Copy of the new to troumi ent forthoo protocol is given as Appendix V (not reproduced).

the Commission'

34 Duty imposed on parties Specific recommendations to punish persons vioof supervision over the

Joint Commission to determine time limit 35 and procedure for exhuming and removing bodies (23)

"17 of the Geneva Agree-four weeks, another point

to punish persons vio- for action under Article lating the Agreement (22) 22 have been made in four cases as mentioned in paragraph 13 of this report.

> The parties have on 1st February, 1955, signed a protocol in the Joint Commission determining the time limit and procedure for exhuming and removing bodies.

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APPENDIX III

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which the	zon 40 Int	e (36(b)). ernational Com	e shoul able an	Fixed Team at Dong-Hoi. Detailed instructions	
105 dT to steer nogie2 54:giH #	at and the	carrying out	ds ntiers of the	issued - vide Appendix IV of this report (not reproduced). Continuing commitment.	
tentie Tentie Oothe Oothe	men info and	vision of the t regarding re orcement of pe material (36(ersonnel d)).	such permission should als	
the events the stress of the stress to the s	(References are to Articles of Agreement)				
ew to an the Ar	and to issue the necessary marganits, after the requisite verifications and co TITY MATCHING where essential with the				
baemmon o lorja	higher authorities. ShoreUISUISNOSelegated by the Central anthority in both the MOIEUISNOStheir officers in charge				
ich en	21. By its very structure, the Agreement, which is a balanced document, attempts to reconcile the interests and the sovereignty of the authorities in control of the two cones and, while it puts on the two parties the responsi- bility for the execution of the Agreement (Article 28), it gives the Commission the task of supervision over the proper execution by the parties of the provisions of the Agreement. Effective implementation of the Agreement requires close co-operation between the parties to the Agreement and this has, in various ways, been lacking during the period under report. Each party is more keen to get the Commission to denounce the other than to take reasonable measures to get the Agreement implemented. The Commission's findings, as in the Ba Lang case, show how, in many cases, the narrow or hostile attitude of local authorities of both parties is responsible for delay or difficulties in the effective implementation of the Agreement				
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Com- Of edge	A RECEIPTION				
0	22. The Commission has been insisting on the co- operation of the two High Commands promised under Article 25 and taking every possible occasion to correct the atmosphere of suspicion and distrust. While the French High Command has been trying hard to carry out				
Bang a pe	its obligations under the Agreement, there have been				
ions	ment the Commission's decision in view of the independent				
d four n at nemel n	Ads not signed the Agreement. There has, however, been no case so far where either of the High Commands has refused to put into effect a recommendation made by the Commission.				
lst ed int lg	part of local they are ent	e have been ca l civil or mil ams have, on o itled to recei	ccasion ve in t	intransigence on the nuthorities and the Com- ns, not got the facilities the fulfilment of their	
ind	they are entitled to receive in the fulfilment of their task under Article 35. The Commission has informed both specific action under Article 22 actingt local similar				

nilitary authorities who do not give the necessary faci-the to the Commission's teams or in any way obstruct the teams in the fulfilment of their task.

APPENDIX III

demarcation lines

RECOMMENDATIONS TO THE TWO HIGH COMMANDS FOR

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Remarks

based on Hue region and

the mobile element of

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PROPER IMPLEMENTATION OF ARTICLE 14 (d)

and demilitarized (1) The permit procedure should be a simple and (1) The permit procedure should be a simple and uniform one, which will enable an intending evacuee to obtain within a maximum period of about 15 days from the date of receipt of the complete application in the concerned office, a permit to go to the zone of his choice. This permit should enable him to travel from the place of his present residence directly to the other zone, subject, of course, to his being granted permission to enter that zone by the authorities in charge of the zone. The Commission recommends that such permission should also be normally granted by the such permission should also be normally granted by the authorities concerned. To facilitate this procedure and quick disposal of applications, the Commission recommends that authority to receive applications from individuals pose. and to issue the necessary permits, after the requisite verifications and consultations where essential with the higher authorities, should be delegated by the Central authority in both the zones to their officers in charge of the communes, and the verifications should be limited to the minimum essential. In other words, it should be possible for an applicant to present an application in a simple form, containing the essential details such as, name, age, permanent address, the zone in which he intends to live permanently etc., to the Head of the Commune, certified, if necessary by a responsible officer who is in a position to identify the applicant preferably the Chief of the Village or the Commune. The applicant should then be able to obtain a permit from the office within a maximum period of about fifteen days. Any internal consultation or verification required between the Commune office and the offices of the district or province should be a matter entirely for the authorities and the applicant should not be required to take his application personally from one office to another. higher authorities, should be delegated by the Central

In the case of persons residing in a place dif-(2)(2) In the case of persons restaining in a place dif-ferent from that of their permanent homes, applications should be accepted by the local office, provided the identity of the applicant is certified by a competent authority, to be prescribed, and permits should be

Permits should be normally valid for a period of two months from the date of issue and if the permit holder is unable to utilise the permit in time, it should be automatically extended without any further check till

taken The applicant should be informed within fifteen (4)days of the date of the completed application whether a permit is granted or refused; and in the latter case, the reasons for the refusal should also be indicated in all reasons for the refusal should also be indicated in all possible cases and the applicant should have a right of appeal to higher authority, who should dispose of such an appeal within a period of about 10 days from the date of receipt of the appeal. This will, of course, be without prejudice to the right of such persons to approach the Commission or its teams in regard to any matter affecting their rights under the Geneva Agreement. the

litary authorities who do not give the necessary fabi-titary authorities who do not give the necessary fabi-ties to the Commission's teams or in any way obstruct teams in the fulfilment of their task.

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83 (5) There should be separate applications from each of adult with a declaration regarding his decision to stay Where he is or to go and live in the other zone; but in regard to children who are under age, permits should be granted on a proper application presented by the parents or the legal guardian. It should be left to the parents or to the legal guardian to decide the wishes of such hipper children in record to the zone of their future minor children in regard to the zone of their future residence. In the case of disagreement between the wyeld Parents on this point, it should be settled by the person who has got the legal right for the custody of the child-ren until the children attain majority.

(6) There should be no detailed inquiry into the Motives of persons before permits are granted and a simple declaration of a definite wish to go and live in the other Zone given with the full knowledge of the implications of Article 14(d) should be considered adequate for this pur-pose. To implement this in practice, the Commission ^{Suggests} that the authorities of the 2 zones should consider incorporating the provisions of Article 14(d) on the application form with a simple explanation of its contents, and a declaration by the applicant that he had read and understood those provisions, or that these were read out to him and fully understood by him, should be enough for the grant of a permit.

(7) Permits should be granted to all persons who have Not been either convicted or are undergoing trial for any Offence under the prevailing common law. In regard to persons under trial the authorities in charge of the area where such a person who applies for a permit to go to the other zone now resides, should endeavour to complete the proceedings quickly so that, in the event of acquittal, the person concerned will have adequate time to obtain a permit and to complete his journey to the other zone before the expiry of 300 days from the date of cease-fire.

The Commission may have to consider, at a later stage; stage, if any action is required under the Agreement in regard to persons who are convicted or are now undergoing trial for common law offences but are likely to be re-leased after the expiry of 300 days, in the event of any such Such persons now indicating their desire to exercise their right to go and live in the other zone.

(8) The persons who migrate to the other zone for taking up permanent residence should be allowed by the authorities in charge of the area of their present residence reasonable facilities to take with them their moveable property after discharging their outstanding dues. This latter condition should apply only in regard to the dues dues payable to the Government or any private dues which hay have become subject of judicial proceedings. Settlethe of complaints regarding private dues which are not the subject of judicial proceedings should be a matter for the subject of judicial proceedings should be a matter for individuals concerned and the grant of permit with the pecause of any allegations in this regard against an applicent by other individuals. applicant by other individuals.

(9) be made available by the authorities in the two zones to all intending evacuees. In regard to destitutes, where some financial assistance is required, the State should consider the question of giving such assistance and if this is not possible, permission should be granted to non-political organisations to provide assistance to in such cases, if they offer such assistance.

(10) The intending evacuees should have freedom to meet and discuss in a peaceful and orderly manner what they wish to do in respect of their future residence so long as such rights are not exercised in a manner which tends to constitute interference with normal administration or in contravention of existing laws and regulation⁵.

(11) The parties should indicate to the Commission, once a fortnight, the number of applications received by their permit offices from persons wishing to go and live in the other zone, the number of permits issued, and the number of applications refused, together with the reasons for the refusal, and any other relevant information regarding freedom of movement which they wish to bring to the Commission's notice. The statement should be by provinces.

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(12) Although the people in these areas are generally aware of their rights under Article 14(d), in view of certain misunderstandings about the real intentions and the Article referred to earlier, it would be useful if further detailed announcement is made by the authorities controlling the two zones about the contents and limits of democratic rights, including freedom of movement with reference to Articles 14(c), 14(d) and 15(d) and the facilities available in each area for the implementation of Article 14(d) including the permit procedure.

oceedings quickly so that, in the event of acquittal, b person concerned will have adequate time to obtain a mult and to complete his journey to the other zone fore the expiry of 300 days from the date of cease-fire.

The Commission may have to consider, at a later bage, if any action is required under the Agreement in stard to persons who are convicted or are now undergoing that for common law offences but are likely to be redated after the expiry of 500 days, in the event of any the persons now indicating their desire to exercise their what to go and live in the other zone.

The persons who migrate to the other zone for thing up permanent residence should be allowed by the uthorities in charge of the area of their present resiacco reasonable facilities to take with them their moveaction respond to a should apply only in regard to the the property after discharging their outstanding dues. The payable to the Governmeat or any private dues which at of complaints regarding private dues which are not be subject of judicial proceedings. Settleindividuals concerned and the grant of permit with the individuals concerned and the grant of be held up that to take moveable property should not be held up built cant by other individuals.

Transport facilities at a reasonable cost should made available by the authorities in the two zones to intending evacuees. In regard to destitutes, where

APPENDIX VI

INTERNATIONAL COMMISSION FOR SUPERVISION AND CONTROL IN VIETNAM

Letter from Mr. M.J. Desai, Chairman of the International Commission for Supervision and Control in Vietnam, to His Excellency General Vo-Nguyen Giap, Commander-in-Chief of the People's Army of Vietnam.

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On the general question of alleged violation of Articles 18 and 19, I would invite refere, consilon Mission observations in the letter from the French Liaison Missio

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I have the honour to refer to your Excellency's memorandum on the acts of violation of the articles of the Geneva Agreement in the regroupment area of the French Union High Command and, in particular, on the subject of the activities of the special American Mission headed by General Collins, dated 5th December, 1954, and to state that the memorandum has been carefully considered by me and my colleagues in the Commission and we have also obtained the comments of the French High Command on the allegations made. A copy of the comments from the French High Command is enclosed for your Excellency's information. (not reproduced)

2. The members of the Commission, while forwarding the following observations on the details of the alleged violations given in Your Excellency's letter, would like to request your Excellency to inform the Commission specifically whether the memorandum should be considered as a definite complaint by the High Command of the P.A.V.N. for detailed investigation under Article 37 of the Agreement and, if so, to communicate to the Commission, in the light of the following observations, the specific articles of the Agreement violations in respect of which require investigations under Article 37 and full particulars in support of this request.

(i) <u>Allegations regarding reprisals, arrests</u> or <u>massacres</u>

Of the incidents mentioned in the memorandum, Specific complaints have been made to the Commission in respect of all incidents excepting the one at Kim-Doi, province of Thua-Thien. All specific complaints made to the Commission in respect of incidents have or are being investigated and, in cases where investigations are completed, necessary recommendations have been made by the Commission to the High Command of the party concerned under Article 22. I would, in this connection invite your Excellency's attention to the Secretary-General's memorandum to the French Liaison Mission, No. ICSC/PET/54/2 dated December 24/28, 1954, copy of which was endorsed to the Liaison Mission of the P.A.V.N. High Command. Similar action on other incidents which are being investigated will be taken on the merits of the case. No investigation has been made with reference to the alleged incident at Kim-Doi as no complaint in this resard has been received by the Commission.

APPENDIX VI

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On the question of arrests and reprisals and the denial of freedom of opinion and the case of seven members belonging to the Executive Committee of the Move-ment for the Defence of Peace in Saigon, I would invite reference to Secretary-General's memorandum dated 23rd December to the Liaison Mission of the P.A.V.N. High Command which conveys the decision of the Commission in and Control in Vietnam, to His Excellencess aidt General Vo-Nguyen Glap, Commander-in-Chief of the People's Army of Vietnam,

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(ii) <u>Violations or threat of violations of</u> Articles 16, 17, 18 and 19

On the general question of alleged violation of Articles 18 and 19, I would invite reference to the observations in the letter from the French Liaison Missi^{ol} No. 560/MFLCI/AV dated 23rd January, 1955. Commission's inspection teams are controlling rotation of personnel and introduction of arms and ammunitions into Vietnam under Articles 16 and 17 and the Commission is, in the light of experience, expanding its control activities, wherever necessary, to secure full compliance with Articles 16 and 17 along all the frontiers of Vietnam. As regards the alleged violation of Articles 18 and 19 by the French Union High Command in consequence of the provisions of the Manila treaty and the activities of the American Mission headed by General Collins, the Commission has not gone into details; before doing so, the Commis-sion would be grateful for a definite confirmation from the High Command of the P.A.V.N. that they desire an investigation under Article 37 and, if so, full particu-lars in support of the charge that violations of specific articles of the Agreement have occurred. not slow begalls

(iii) <u>Allegations regarding violation of</u> <u>Article 14 (d) by exercising pressure</u> <u>on people to move to the south</u> Would like

As your Excellency is aware, a specific complaint in this connection made by the P.A.V.N. High Command is already under investigation of the Commission and recommendations will, if necessary, be made after the Commission has reviewed the reports of its investigating

The basic structure of the Agreement of the Cessation of Hostilities in Vietnam places the responsibility for execution of the Agreement on the parties (Article 28) and the responsibility for supervision of the proper execution by the parties of the provisions of the Agreement on the Commission (Article 36) and it is the Commission's responsibility to assess and, where necessary correct the performance by either party to secure the proper execution of the provisions of the Agreement. Cases have occurred where, on investigation; the Commission has found that there has been no proper execution by the partit of the provisions of the Agreement due to ignorance, misunderstanding or narrow-mindedness of officials and the Commission realises that such individual lapses cannot be stopped altogether. I would, on behalf of myself and my colleagues in the Commission, like to assure your Excellend that we will, as hitherto, continue to exert ourselves to the utmost limit to discharge adequately our responsibility of supervision of the proper execution by the parties of the provisions of the Agreement and, in the pursuit of this

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task, demand, where necessary, from the High Commands of the parties to the Agreement, action under Article 22 to Nove- Dunish persons under their respective commands who te violate any of the provisions of the Agreement and insist that the High Commands of the parties afford us all assistance and co-operation in the performance of the functions and tasks assigned to us under the Agreement (Article 25).

In the ultimate analysis, the successful 4. implementation of the Agreement depends on the co-Operation and assistance of the two High Commands and everything that maintains and promotes this co-operation and assistance makes for more effective implementation of the Agreement on the Cessation of Hostilities in n of Vietnam. ssio

I take this opportunity, on behalf of myself and my colleagues, to renew to your Excellency the assurances of our highest consideration.

> Yours faithfully, (Sgd) M.J. DESAI, Chairman.



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Yours faithfully.

(Sgd) M.J. DESAL. Chairman.