

External Affairs
Supplementary Paper
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SEVENTH INTERIM REPORT
OF
THE INTERNATIONAL COMMISSION
FOR SUPERVISION AND CONTROL
IN
VIET-NAM

.....

AUGUST 1, 1956

TO

APRIL 30, 1957

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INTRODUCTION

The International Commission for Supervision and Control in Viet-Nam has so far submitted six Interim Reports covering its activities from August 11, 1954 to July 31, 1956.

2. This is the Seventh Interim Report of the Commission and contains a summary of its activities from the 1st of August, 1956 to the 30th of April, 1957, and a review of the progress made by the two parties in the implementation of the Agreement on the cessation of hostilities in Viet-Nam. This Report should be read along with the relevant chapters of the six earlier Interim Reports.

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CHAPTER I

ESTABLISHMENT AND MACHINERY OF THE
INTERNATIONAL COMMISSION IN VIET-NAM

During the period under review, the International Commission continued its efforts to carry out the tasks assigned to it under Articles 29, 34 and 36 of the Agreement, namely the supervision and control of the proper execution by the parties of the provisions of the Agreement. The Commission held 67 meetings for the transaction of its day to day business bringing the total number of meetings from its inception to 385. Nine mobile teams were sent out for investigation, reconnaissance and control making a total of 161 since the Commission started its activities. The fixed teams and the committees of the Commission, namely the Operations Committee, the Freedoms Committee and the Legal Committee continued their activities.

2. The Commission continued to pay periodical visits to SAIGON. The question of transfer of the Commission's Headquarters from HANOI to SAIGON has not yet been settled. Towards the end of November, 1956, the Government of the Republic of Viet-Nam informed the Commission that it could move its Headquarters to SAIGON as soon as the necessary logistic arrangements were made. The Commission is pursuing this matter as well as the question of financial arrangements involved in the shift of its Headquarters to SAIGON.

3. The Liaison Mission of the French High Command in Viet-Nam, accredited to the Commission, was dissolved on the 15th of August, 1956. Details of the new arrangements made by the Government of the Republic of Viet-Nam and the Government of the Republic of France and the views of the Government of the Democratic Republic of Viet-Nam on these arrangements were communicated to the Co-Chairmen by the International Commission in its message dated the 14th September, 1956. (Appendix A).

4. On the same date the Commission informed the Government of the Republic of Viet-Nam and the Commander-in-Chief of the Peoples Army of Viet-Nam that the Commission had reported to the Co-Chairmen of the Geneva Conference the new arrangements and had asked for the directions of the Co-Chairmen on the future working of the Commission and that, pending further instructions from the Co-Chairmen, the Commission would deal with the Liaison Mission of the P.A.V.N. High Command in the North, as hitherto, and with the Mission chargée des relations avec la C.I.C. established in SAIGON by the Government of the Republic of Viet-Nam in the South, in the performance of the various tasks assigned to the Commission under the Geneva Agreements and in accordance therewith.

5. The International Commission for Supervision and Control in Cambodia forwarded to this Commission copies of complaints which it had received from the Royal Cambodian Government alleging border incidents and threats of violation of Cambodian territory by the troops of the Republic of Viet-Nam. These communications were forwarded by this Commission on the 27th of March, 1957, to the Government of the Republic of Viet-Nam for its information. The Government of the Republic of Viet-Nam was further informed that the Commission understood that the said government and the Royal Government of Cambodia had had consultations on the subjects mentioned in the communications and the Commission hoped that these consultations would lead to an amicable settlement. After the issue of the letter and up to the end of the period under review, the Commission received from the International Commission in Cambodia

copies of a few more complaints from the Royal Cambodian Government alleging acts of violation of Cambodian territory by the armed forces of the Republic of Viet-Nam, the latest incident being said to have taken place on the 25th of March, 1957.

6. The Secretaries-General of the three Commissions in Viet-Nam, Laos and Cambodia held their fourth co-ordination conference at SAIGON from March 29 to March 31, 1957, in accordance with the provisions of Article 45 of the Geneva Agreement. Administrative matters including the question of effecting economy and the rationalisation of various procedures and practices were discussed.

7. The Commission has discontinued its own coastal courier air service in South Viet-Nam from the 19th of April, 1957, and is using the commercial air services available locally. It has also decided to effect an appreciable reduction in the strength of its Signal staff and to use the communication facilities available locally both in North and South Viet-Nam. The Commission realises that the substitute services will not be as efficient as its own special arrangements but is satisfied that the change-over will not be detrimental to the functioning of the Commission.

8. In paragraph 81 of the Sixth Interim Report reference was made to the question of the improvement of air services for the maintenance of teams in North Viet-Nam. The Commission has since been able, where necessary, to use alternative means which it considers satisfactory and has therefore decreased its air support requirements accordingly without affecting in any way its control duties. The Commission had requested the P.A.V.N. High Command to renovate the air strip at TIEN YEN for use by light aircraft for evacuation purposes in case of emergency. A reply is awaited from the High Command.

9. During the period under review, four persons died while serving on the Commission in South Viet-Nam. Major A.N. Missal died of a heart attack. Signalman Venugopal died following a jeep accident. The Commission ordered a review of the regulations for driving its vehicles in both zones. Signalman Gurmit Singh was shot dead by a policeman in SAIGON and the South Vietnamese authorities stated it was a regrettable accident and offered to pay a sum of money to his next of kin. Mr. A.E.L. Cannon was murdered in a Commission villa in SAIGON. The Commission has extended its full co-operation to the Government of the Republic of Viet-Nam in the investigation into this murder and has deputed its representative as observer during the investigations and has reminded the Government of the Republic of Viet-Nam of the responsibilities which the latter has assumed for the safety and security of Commission personnel.

10. Ambassador G. Parthasarathi, representative of India, left in December, 1956, and Ambassador T.N. Kaul took over as representative of India in February, 1957. Major General D.S. Brar acted as the representative of India during the interval. The Canadian Commissioner, B.M. Williams, Esquire, left in February, 1957, and T. Le M. Carter, Esquire, took over as Canadian Commissioner in March, 1957. During the interval Brigadier R.W. Moncel acted as the representative of Canada. Ambassador J. Michalowski, representative of Poland, left in May, 1956, and Ambassador A. Szymanowski took over in September, 1956, as representative of Poland. During the interval Mr. J. Goldblat acted as the representative of Poland.

CHAPTER II

PROVISIONAL MILITARY DEMARCATION LINE

AND

DEMILITARIZED ZONE

11. In paragraphs 4, 5 and 8 of the Sixth Interim Report mention was made of the Commission's recommendations and final suggestions of February, 1956, for the improvement of the administration of the demilitarized zones. The present position with regard to their implementation by the parties and the Commission's remarks thereon are shown in Appendix B. The recommendations which were made by the Commission have been accepted by both parties. Recommendation No. 3 in Appendix B has, however, not been implemented owing to the non-functioning of the Joint Commission. It will be seen from this Appendix that the P.A.V.N. High Command has implemented these final suggestions. The Government of the Republic of Viet-Nam had accepted them previously but has not implemented them.
12. Reference was made in paragraphs 7 and 8 of the Sixth Interim Report to the restrictions imposed by the French High Command on the freedom of movement of permit-holders across the Demarcation Line and to the Commission's suggestions to the French High Command in this regard. During the period under report the Commission received a few complaints from the P.A.V.N. High Command that a number of permits for crossing the Demarcation Line sent by them to the French Union Delegation and the Southern Administration for extension of their validity were not renewed. The Commission considered one of these complaints dated the 25th August, 1956, and expressed its concern that permits which were due for renewal on the 30th of June, 1956, had not been renewed, and asked the Government of the Republic of Viet-Nam to clarify why action had not been taken in this regard and what steps were being taken to ensure freedom of movement to permit-holders in terms of the Geneva Agreement and Decisions 6 and 11 of the Joint Commission. The Government of the Republic of Viet-Nam replied that it did not see any objection to the renewal of the permits if certain stipulations were enforced. These stipulations and some other suggestions made by the Government of the Republic of Viet-Nam, which are not provided for in the Statute of the Demilitarized Zone, and the Commission's remarks on them are mentioned in Appendix B. The Commission informed the Government of the Republic of Viet-Nam that the latter might take up these suggestions in the Joint Commission, if it so wished, before taking any action on them and, in case of disagreement, refer the matter to the Commission. Both parties have agreed to discuss these suggestions in the Joint Commission; no discussion has taken place yet. As far as the Commission is aware, there has been no movement across the Demarcation Line of persons who would have been specifically authorised to cross the Demarcation Line under Article 9 of the Geneva Agreement and Decision No. 11 had the question of issue and extension of permits been resolved.
13. The Government of the Republic of Viet-Nam has replied to some of the complaints mentioned in paragraph 9 of the Sixth Interim Report, denying the allegations. During the period under review, the Commission received 43 complaints from the P.A.V.N. High Command alleging in a number of instances violation of the Demilitarized Zone by the Government of the Republic of Viet-Nam and 16 complaints from the Government of the Republic of Viet-Nam alleging violation of the Demilitarized Zone by the P.A.V.N. High Command. These are under investigation.

CHAPTER II

The Commission's Mobile Team in the demilitarized zones has reported to the Commission that on the 11th of April, 1957, the Vice-President of the Republic of Viet-Nam visited the southern demilitarized zone and went up to the HIEN LUONG bridge on the Demarcation Line. About 200 civilians, including a few Europeans/Americans, went in the demilitarized zone area up to the HIEN LUONG bridge. It is reported that many photographs of the bridge and the northern demilitarized zone were taken. The matter is under consideration.

The Commission received a few complaints from the P.A.V.N. High Command alleging violation of its air space and territory by the planes of the Government of the Republic of Viet-Nam. The Commission noted the reply of the Government of the Republic of Viet-Nam admitting in one instance that due to a mistake in piloting a reconnaissance plane flew towards the Demilitarized Zone but did not cross the Ben Hai river; the other complaints were denied.

14. In paragraph 10 of the Sixth Interim Report the Commission had referred to the question of deployment of Mobile Team 87 and to the difficulties faced by the Commission. As no concurrence for the deployment of this team was received from the Government of the Republic of Viet-Nam, the Commission converted its request for concurrence into a recommendation in October, 1956, and requested its implementation. This recommendation has not so far been implemented by the Government of the Republic of Viet-Nam.

15. In paragraph 6 of the Commission's message dated the 14th September, 1956, to the Co-Chairmen the Commission referred to the letter from the Commander-in-Chief of the P.A.V.N. High Command regarding the arrangements worked out by the Governments of France and of the Republic of Viet-Nam for the continuance of the work of the Joint Commission. During the period under review there has been a further exchange of communications between the French Embassy in SAIGON and the P.A.V.N. High Command, through the Commission. This exchange of correspondence has not resulted in any change in the situation reported to the Co-Chairmen by the Commission on the 14th September, 1956. The Joint Commission which is an important part of the machinery for the implementation of the Geneva Agreement has not resumed its functions so far.

16. Thus the situation in the Demilitarized Zone has not shown any improvement since the Sixth Interim Report; if anything, certain difficulties further increased during the period under review. The Joint Commission did not resume its functions and the relevant provisions of the Agreement and the Protocols were not executed. The parties repeatedly approached the Commission with issues which should have been settled by the Joint Commission in discharge of its responsibilities of execution under the Agreement. The Commission is of the view that unless the Joint Commission and its agencies start functioning again, the execution of such provisions of the Agreement on the cessation of hostilities and the Protocols as relate to the Joint Commission, in particular, those concerning the administration of the Demarcation Line and the Demilitarized Zone, will continue to be in jeopardy. The Commission does not feel justified in taking over the functions which are the exclusive responsibility of the Joint Commission. The Commission notes that there was no outbreak of hostilities from either side in the Demilitarized Zone during the period under report. The Commission is transmitting correspondence between the parties regarding the resumption of the activities of the Joint Commission which has an important task to perform, particularly in the Demilitarized Zone.

17. The Commission has, on receiving complaints from the P.A.V.N. High Command regarding Article 23 and Protocol 24, informed the High Command that the question of war graves in Viet-Nam should be taken up in the Joint Commission and, in view of the important humanitarian aspect of the question, expressed the desire that the parties should explore possibilities of an expeditious solution of the problem.

CHAPTER III

DEMOCRATIC FREEDOMS UNDER ARTICLE 14(c) AND 14(d)

18. The Commission continued its efforts to supervise implementation by the parties of Article 14(c) which has been one of the major problems confronting the Commission. Complaints from the parties and petitions from individuals alleging reprisals under Article 14(c) received by the Commission were, as a rule, forwarded to the party concerned for comments and/or such action as was decided by the Commission.

19. The Commission is seized with 3 complaints from the Republic of Viet-Nam and 32 petitions including the one mentioned in paragraph 30 from individuals involving 35 incidents alleging murder, arrest and confiscation of property in violation of Article 14(c) by the P.A.V.N. High Command.

The Commission is seized with 194 complaints from the P.A.V.N. High Command and 202 petitions from individuals involving 1047 incidents alleging murder, detention, arrest, confiscation of property etc., in violation of Article 14(c) by the authorities of the Republic of Viet-Nam, involving a large number of persons. Included in the above complaints of the P.A.V.N. High Command are those mentioned in paragraphs 24, 25 and 26. The majority of these cases are pending for over a year and the Commission is not able to settle them and to determine whether the complaints are true or not. The difficulties with regard to supervision and control of the execution of Article 14(c) in the Republic of Viet-Nam, mentioned in the Sixth Interim Report, have persisted and increased. The stand taken by the Government of the Republic of Viet-Nam on Article 14(c), the Commission's unanimous decision not to accept the stand and views of the Government of the Republic of Viet-Nam have already been referred to the Co-Chairmen in the Commission's letter No. IC/ADM/VI-D-1/57 dated the 11th April, 1957. (Appendix G).

20. During the period under review the Commission decided to undertake four mobile team investigations into complaints of alleged violations of Article 14(c) in South Viet-Nam and asked for concurrence of the Government of the Republic of Viet-Nam for deployment of three mobile teams. The present position with regard to these teams and the other mobile teams mentioned in paragraphs 17, 18 and 19 of the Sixth Interim Report is shown in Appendix D. These mobile teams could not be deployed because of the refusal of the Government of the Republic of Viet-Nam to give their concurrence, as mentioned in the Commission's letter to the Co-Chairmen referred to in paragraph 19 above.

21. Paragraphs 17 and 18 of the Sixth Interim Report referred to Mobile Team 103. This was the only Mobile Team to conduct investigations under Article 14(c) in South Viet-Nam in the period under review. This team started its investigation in South Viet-Nam in September, 1956. It encountered numerous difficulties.

It returned to HANOI in January, 1957, under the Commission's instructions, to prepare an interim report which has since been submitted to the Commission along with the team's other reports.

22. During the period under review the Commission decided that representatives of its three delegations will peruse and examine at SAIGON dossiers and judgments of 147 persons detained in alleged contravention of Article 14(c) in CHI-HOA prison in South Viet-Nam and report to the Commission whether the case of any of the detainees attracts Article 14(c). The representatives have not yet started their work.

23. In paragraph 20 of the Sixth Interim Report reference was made to certain cases under Article 14(c). In the case of Mr. Tran Chau, the Commission decided, Canadian Delegation dissenting, that his detention was in violation of Article 14(c) and further decided to take action under Article 43 and inform the Members of the Geneva Conference of non-implementation of its recommendation by the Government of the Republic of Viet-Nam. The present position with regard to the remaining cases mentioned in paragraph 20 of the Sixth Interim Report is shown in Appendix E. During the period under review the Commission held that the detention of one person was in contravention of Article 14(c) and the detention of two other persons, if continued, would be in violation of this Article. The Government of the Republic of Viet-Nam was asked to release them immediately. Compliance is awaited.

During the period under report the Commission asked the Government of the Republic of Viet-Nam for the results of the trials and other action taken by the said Government in implementation of the Commission's recommendations to the French High Command under Article 22 against local officials who had violated Article 14(c). The reply is awaited.

24. In paragraph 21 of the Sixth Interim Report the Commission had referred to certain cases of alleged violation of Article 14(c) involving Ordinance No. 6 issued by the President of the Republic of Viet-Nam. 67 cases under this category are pending with the Commission. Mobile Team 105 which was to investigate some such cases was not deployed for reasons mentioned in paragraph 20. The Government of the Republic of Viet-Nam has furnished some factual information about the application of the Ordinance but has given no clarification as to how retrospective effect was being given to this Ordinance.

25. During the period under review the Commission continued to receive a number of complaints from the P.A.V.N. High Command under Article 14(c) containing allegations of reprisals against individuals and organizations under "the campaign of denunciation of communists" in South Viet-Nam. The Commission has requested the Government of the Republic of Viet-Nam to state under what law action was being taken against the communists, as alleged. The Commission instructed its Legal Committee in November, 1956, to examine the complaint and the reply of the Government of the Republic of Viet-Nam, when received, and to report whether or not "the campaign" attracted the provisions of Article 14(c). The reply of the said Government is awaited.

26. The Commission received a few complaints from the P.A.V.N. High Command alleging that persons asking for the Consultative Conference with a view to holding general elections were being arrested or detained by the Government of the Republic of Viet-Nam. The Commission forwarded these complaints to the said Government asking under what law, if the allegations were true, the

persons concerned were being arrested, in order to determine if these cases attracted the provisions of Article 14(c). A reply is awaited.

27. The question of settlement of residual cases under Article 14(d), which was reported in paragraph 23 of the Sixth Interim Report, made little progress during the period under review. The Freedoms Committee met separately the representatives of the two parties who have submitted their proposals on the Commission's suggestions regarding residual categories. This question is still pending with the Freedoms Committee.

28. In the case of the seminarists of XA DOAI referred to in paragraph 24 of the Sixth Interim Report, the P.A.V.N. High Command did not implement the recommendations of the Commission to produce the seminarists before Fixed Team VINH and the Commission decided, Polish Delegation dissenting, to take action under Article 43 to inform the Members of the Geneva Conference.

29. Concurrence for the deployment of Mobile Team 110 to investigate the alleged violation of Article 14(d) in South Viet-Nam, mentioned in paragraph 25 of the Sixth Interim Report, has not been given by the Government of the Republic of Viet-Nam.

30. During the period under report, the Commission received an allegation from the Government of the Republic of Viet-Nam concerning an incident in November, 1956, in QUYNH LUU district of NGHE AN province in North Viet-Nam. The P.A.V.N. High Command was asked to comment with special reference to allegations that reprisals had been taken by soldiers against the inhabitants who submitted petitions to the Fixed Team at VINH in NGHE AN province and that the provisions of Article 14(d) had not been brought to the knowledge of the inhabitants of village QUYNH AN, and that those who had made requests for departure to the South were arrested or otherwise punished. The P.A.V.N. High Command have denied the allegations of reprisals against petitioners who approached the Commission's team and have stated that the provisions of Article 14(d) were broadcast among the largest strata of the population of QUYNH LUU district and that every facility was offered to persons who wanted to settle down in the South. When asked to clarify which Articles of the Agreement were attracted by its allegations, the Government of the Republic of Viet-Nam mentioned Articles 14(d) and 15(d). Out of the petitions received by Fixed Team VINH since November, 1956, the Freedoms Committee, as directed by the Commission, examined 1684 petitions during the period under report and found 203 containing allegations which attract residual categories under Article 14(d) and one which attracts Article 14(c). The Commission has found that Article 15(d) is no longer operative and will consider the report of the Freedoms Committee when completed.

CHAPTER IV

PRISONERS OF WAR AND CIVILIAN INTERNEES

31. The parties continued to exchange, through the Commission, fortnightly reports of progress made on search requests of prisoners-of-war received from the other side.

32. In paragraph 29 of the Sixth Interim Report mention was made of the Commission's request to the P.A.V.N. High Command to adopt the procedure suggested by the Commission for giving the 89 persons, referred to in that paragraph, their right to choose their zone of residence, if they so desired. As the P.A.V.N. High Command in its reply did not accept the procedure, the Commission converted the suggestion into a recommendation and requested its implementation. The P.A.V.N. High Command did not implement the recommendation. While the Polish Delegation did not agree with the views of the other two delegations, the Commission informed the P.A.V.N. High Command that it would take action under Article 43 of the Agreement for non-implementation of its recommendation and inform the Members of the Geneva Conference.

33. Reference was made to the case of 57 German and Hungarian "rallies" in paragraph 30 of the Sixth Interim Report. The Commission has closed this case and has informed the Government of the Republic of Viet-Nam that since the procedure suggested by the Commission in July, 1955, for the settlement of the cases of deserters and "rallies" had not been accepted by the French Union Forces High Command, no further action could be taken by the Commission.

34. The question of settlement of cases relating to "rallies" or deserters was further examined by the Commission with reference to the 26 deserters mentioned in paragraph 31 of the Sixth Interim Report. The Commission closed the case of those deserters for the reasons stated in the preceding paragraph and informed the parties that in the matter of "rallies" or deserters the Commission would not take any action unless specific cases, where the persons concerned had been previously claimed as prisoners-of-war, were brought to its notice.

35. In paragraph 31 of the Sixth Interim Report the Commission had referred to the case of two "rallies" who were furnished by the French High Command after they had been handed over by the P.A.V.N. High Command. The French High Command stated that the two persons were punished with imprisonment - one for eight and the other for four years - and explained that this was done according to military rules. It also stated that since the motives for desertion were not established to be political, Article 14(c) was not applicable to these two cases. These replies have been communicated to the P.A.V.N. High Command for comments.

36. In paragraph 34(3) of the Sixth Interim Report, the Commission had referred to two recommendations for the release of 19 persons under Article 21 which had not been implemented by the French High Command. In the case of 12 of these persons, as the recommendations were not implemented by the Government of the Republic of Viet-Nam, the Commission held that their continued detention would be in violation of Article 21 and decided that it would take action under Article 43 for non-implementation of its recommendations and inform the Members of the Geneva Conference. In the case of the remaining 7 persons, the Government of the Republic of Viet-Nam released them in South Viet-Nam without handing them over to the P.A.V.N. High Command and the Commission held that such release was inconsistent with the procedure laid down in Article 21. In 19 other cases of civilian internees or prisoners-of-war, who were released in the South by the Government of the Republic of Viet-Nam without being handed over to the P.A.V.N. High Command, the Commission took exception to this procedure and held that their release was inconsistent with Article 21. With regard to the 5 cases mentioned at serial No. 1 of Appendix F the Commission has not been informed whether or not the Government of the Republic of Viet-Nam has implemented the recommendation for release. The present position with regard to civilian internees is shown in Appendix F.

The Commission has not been able to decide the majority of cases at serial No. 4 of Appendix F as the recommendations for furnishing copies of dossiers through Mobile Team 47, referred to in paragraph 70 of the Sixth Interim Report, have not so far been implemented by the Government of the Republic of Viet-Nam. The Commission is pursuing the matter.

37. In paragraph 40 of the Sixth Interim Report, a reference was made to the case of Father Nguyen Quang Vinh. The Commission decided, on the basis of a study made by its Legal Committee, that his case was not covered by Article 21. The P.A.V.N. High Command was asked to request the Government of the Democratic Republic of Viet-Nam to remit the sentence of Father Vinh and to declare him a free man and also, if he is traced, not to re-arrest him on account of the sentence passed against him in March, 1954. The Commission further decided that Father Vinh's case be treated as one in the residual categories under Article 14(d).

CHAPTER V

BAN ON THE INTRODUCTION OF FRESH TROOPS, MILITARY PERSONNEL, ARMS AND MUNITIONS - MILITARY BASES IN VIET-NAM

38. Arrangements made for the supervision and control of the execution by the parties of the provisions of Articles 16 to 20 of the Agreement and the additional measures taken by the Commission to discharge its special responsibility under Article 36(d) have been referred to in the previous Interim Reports.

39. The mobile team arrangement at LOC NINH on the South Viet-Nam - Cambodian border continued throughout the period under report. The arrangements for accommodating the mobile element of the Fixed Team at TAN CHAU on the South Viet-Nam - Cambodian border, referred to in paragraph 74 of the Sixth Interim Report, have not so far been made by the Government of the Republic of Viet-Nam. The recommendation of the Commission in this regard made in January, 1957, has not so far been implemented. The matter is being pursued with the party.

40. In paragraphs 42 and 43 of the Sixth Interim Report reference was made to the question of a mobile team at PHUC HOA. During the period under report the P.A.V.N. High Command reiterated its view that the maintenance of a mobile team for an undetermined period changes its character to that of a fixed team and is contrary to the provisions of Article 35 of the Agreement. The Commission re-affirmed its view that continuous control by a mobile team at PHUC HOA is essential and re-affirmed its interpretation of Article 35. The Commission made several attempts to keep a mobile team in continuous operation at PHUC HOA. Mobile Team 111 which started functioning at PHUC HOA on the 17th of October, 1956, had to be withdrawn on the 28th of December, 1956, after being in operation for two periods of a month each, as the P.A.V.N. High Command did not allow the functioning of the team up to the end of the initial period of three months as recommended by the Commission. The Commission, therefore, decided, Polish Delegation dissenting, to take action under Article 43 for non-implementation of its recommendation and to inform the Members of the Geneva Conference. At the same time, the Commission informed the P.A.V.N. High Command that the Commission is still of the view that there should be continuous control at PHUC HOA by a mobile team and asked that logistic arrangements be made initially for a

period of three months. A reply has been received from the P.A.V.N. High Command in the third week of April, 1957, re-affirming their previous views and reiterating their readiness to permit the deployment of a mobile team for a period of one month.

During the absence of Mobile Team 111 from PHUC HOA, the mobile element of the LANG SON Team went to the PHUC HOA area and visited it a number of times.

41. In paragraph 25 of the Fifth Interim Report the Commission reported that it had provisionally relocated Fixed Team MUONG-SEN at CON CUONG. During its location at CON CUONG the team met with certain difficulties beyond the control of either the P.A.V.N. High Command or the Commission. The team was relocated at MUONG-SEN in December, 1956.

42. In paragraph 44 of the Sixth Interim Report a reference was made to the question of the reconnaissance of some airfields in South Viet-Nam. In November, 1956, the Commission converted its request for reconnaissance of these airfields into a recommendation as the concurrence requested was not given. As the Government of the Republic of Viet-Nam did not implement these recommendations the Commission decided to take action under Article 43 for non-implementation of the recommendations and to inform the Members of the Geneva Conference. The Government of the Republic of Viet-Nam has, however, now given its concurrence for the reconnaissance of these airfields. The Commission's Team of Air Advisers has been despatched on the 13th of April, 1957, to SAIGON to carry out the reconnaissance.

43. Mention was also made in paragraph 44 of the Sixth Interim Report of the decision to control three airfields at BIEN HOA, BAN ME THUOT and SOC TRANG in discharge of the Commission's mandatory task under Article 36(d). The Commission converted its request for concurrence for control into a recommendation and asked the Government of the Republic of Viet-Nam to implement the recommendation. The said Government has agreed to the control of two of the airfields and, with regard to the third namely BIEN HOA, it stated that this is a military airfield and cannot therefore be controlled. The Commission is pursuing the matter.

44. In paragraph 59 of the Sixth Interim Report a reference was made to certain allegations of the P.A.V.N. High Command regarding construction of new airfields in South Viet-Nam. In addition to the two airfields mentioned therein the P.A.V.N. High Command alleged in July and August, 1956, construction of seven others and also alleged all of them to be new military airfields. With regard to these nine airfields, the Government of the Republic of Viet-Nam has given concurrence for the reconnaissance of one only (CAN THO) and the Commission has asked it to give concurrence for the reconnaissance of the remaining eight. Its concurrence is awaited.

45. In North Viet-Nam the Commission completed the reconnaissance of two airfields and decided in February, 1957, to control one of these namely GIA LAM (HANOI), in discharge of its mandatory task under Article 36(d). The P.A.V.N. High Command has agreed to its control and the Commission is pursuing the matter regarding necessary facilities to start the control.

46. Reference was made in paragraph 44 in the Sixth Interim Report to road reconnaissance. During the period under report the Commission undertook two road reconnaissance in North Viet-Nam with the concurrence of the P.A.V.N. High Command. The BAO LAC and HA GIANG reconnaissances were carried out as far as

the roads permitted use of vehicular traffic. Another reconnaissance is to be made in BAO LAC after six months. With regard to HA GIANG, the Operations Committee decided that reconnaissance will be carried out twice a year. The LAI CHAU reconnaissance could not be carried out as the P.A.V.N. High Command reported bad weather, poor road conditions and informed that the situation in the area had to be verified from the point of view of security.

47. In paragraph 48 of the Sixth Interim Report reference was made to the Commission's directions to its teams along the coast of Viet-Nam to carry out reconnaissance of the off-shore islands and to submit reports to the Commission. The teams in South Viet-Nam completed this task in early August, 1956, and their reports were approved by the Commission. As mentioned in paragraph 49 of the Sixth Interim Report, the teams in North Viet-Nam were not able to carry out their reconnaissance and subsequently this task was made the responsibility of the Naval Advisers. Mention was also made in paragraph 48 of the Sixth Interim Report of the coastal reconnaissance tasks allotted to the Naval Advisers. In South Viet-Nam, the Advisers completed their reconnaissance of CAP ST. JACQUES area and submitted their recommendations in September, 1956. In the South the Naval Advisers were also given the task of reconnoitring the SAIGON and TAN CHAU team areas and this task will be taken up on completion of the reconnaissance in North Viet-Nam. In North Viet-Nam, the reconnaissance by the Naval Advisers of the coast and off-shore islands began only in January, 1957, as the P.A.V.N. High Command did not till then provide the necessary transport facilities and the reconnaissance has still not been completed.

48. With reference to paragraph 64 of the Sixth Interim Report, the P.A.V.N. High Command has not provided the required sea transport for Fixed Teams TIEN YEN and VINH. The HAIPHONG Fixed Team has been provided with a suitable motor launch and, when available, an ocean going tug to carry out its mandatory control tasks.

49. The Government of the Republic of Viet-Nam did not provide Fixed Team NHA TRANG with the prescribed water transport during the period under report. Four other teams namely CAP ST. JACQUES, SAIGON, TOURANE and BAN GOI were also without the prescribed water transport since November, 1956.

50. In paragraph 60 of the Sixth Interim Report reference was made to the recommendations of the Operations Committee to record the violations of Articles 16 and 17 in 1955, in South Viet-Nam. During the period under report, the Commission, after considering the reply of the French High Command in these cases, decided, Canadian Delegation dissociating itself, that there was violation of Article 16 in two cases and of Article 17 in one. The Commission further decided that there was violation of Article 16 in three cases and, Canadian Delegation dissociating itself, of Article 17 in two cases, of which three pertain to 1955 and two to July/August, 1956. Details of these decided cases are shown in Appendix G. In 18 cases the Government of the Republic of Viet-Nam was requested to explain why the procedure under Articles 16 and/or 17, as the case may be, and Protocol 23 was not followed. During the period under review the Commission, after examining team reports, notifications from the Government of the Republic of Viet-Nam, were received, and complaints from the P.A.V.N. High Command, concerning Articles 16 and 17, was seized with 96 cases which may violate Article 16 and 114 cases which may violate Article 17 in South Viet-Nam. The reply of the Government of the Republic of Viet-Nam denying many allegations of the P.A.V.N. High Command is under consideration. In four cases, the Commission, after considering the reply given by the Government of the Republic

of Viet-Nam, asked it to show cause why a finding of violation of Article 17 should not be recorded.

During the period under review, the Commission did not consider any violation of Articles 16 or 17 by the P.A.V.N. High Command as there was no team report, notification or complaint, warranting such consideration.

51. Many instances of arrival of military personnel and war materials in South Viet-Nam were reported by the Commission's teams and were stated by the Government of the Republic of Viet-Nam to be in transit. Some of the arrivals took place without advance notification. In some instances, during the period under report, the Commission was not notified about the exit, if any, of these war materials and military personnel and it was not in a position to say whether or not they left the country. The matter is being pursued.

52. During the period under report the Commission's fixed teams at NHA TRANG and TOURANE in South Viet-Nam reported that they were not allowed to control American military and other planes stated by the Government of the Republic of Viet-Nam to be U.S. Embassy planes. As directed by the Commission, its Legal Committee is examining whether, in exercise of immunities and privileges, diplomatic missions can introduce into Viet-Nam war material without repugnance to Article 17 of the Agreement.

53. In paragraphs 51 and 52 of the Sixth Interim Report a reference was made to the question of time notice restrictions on team movements to certain areas in South Viet-Nam. Despite the request of the Commission the situation showed no improvement during the period under review; it deteriorated in the case of CAP ST. JACQUES. Some fresh restrictions in certain cases were imposed by the Government of the Republic of Viet-Nam and the mobile elements of most of the Commission's fixed teams in South Viet-Nam were, as a rule, not able to go out on control duties.

54. The situation with respect to control of foreign incoming aircraft at SAIGON airport under Articles 16 and 17 of the Agreement was mentioned in paragraphs 54, 55 and 57 of the Sixth Interim Report. The improvement in the production of manifests referred to in paragraph 57 of the Sixth Interim Report continued though there were a certain number of cases where manifests were still not produced. There has been no improvement with regard to the physical control of the cargo of the incoming aircraft as the aircraft are not being brought to the parking area for the purpose of spot checking of their cargo. Neither is the Commission's Team permitted to enter the military area of the airport where these aircraft are parked after landing. The Commission is still not in a position, as mentioned in paragraph 53 of the Sixth Interim Report, to state whether or not every incoming aircraft, in so far as Article 17 is applicable to it, has left South Viet-Nam.

55. In paragraph 63 of the Sixth Interim Report reference was made to the entry of an American Military Mission, called 'TERM' (Temporary Equipment Recovery Mission), into South Viet-Nam in May, 1956. The Commission could not review the question after a lapse of three months, as originally decided, or carry out spot checks as no reply was received from the Government of the Republic of Viet-Nam until December, 1956. In this reply it was stated that TERM was expected to complete its task of cataloguing U.S. war material for eventual re-export from South Viet-Nam in a limited time and that before its withdrawal due intimation would be given, so that the Commission might exercise appropriate control. The Government of the Republic of Viet-Nam also agreed that the

Commission might visit the installations where TERM personnel were carrying on their activities. The strength of the Mission was stated not to exceed 350. The said Government did not comply with the Commission's requests to furnish fortnightly reports regarding the activities of the Mission. The Commission informed the Government of the Republic of Viet-Nam in February, 1957, that it regarded this lapse with concern and asked for a report concerning the activities of TERM up to the end of January, 1957, and thereafter fortnightly reports to be sent expeditiously and without fail. It further asked to be informed when TERM would be completing its task and where TERM's activities were going on so that the Commission may decide where to send a mobile team for the purpose of ascertaining the activities of TERM. No reply has been received so far.

56. In paragraph 63 of the Sixth Interim Report a reference was made to the complaints of the P.A.V.N. High Command with regard to certain U.S. Military Missions in South Viet-Nam. During the period under review the Commission received a few more complaints and considered some of these. In one of these it was alleged that the existence of 'MAAG' (Military Aid Advisory Group) and the introduction of U.S. military personnel were in effect a factual realization of a military alliance between the Governments of the Republic of Viet-Nam and of the United States of America in contravention of Articles 16 and 19 and paragraphs 4 and 5 of the Final Declaration. In November, 1956, the Government of the Republic of Viet-Nam was asked to offer its specific comments on the allegations and also on certain enclosures to the letter of the P.A.V.N. High Command, in which it was stated that a military agreement had been concluded between the above two countries in February, 1955, and to furnish certain information regarding the status, purpose, original and present strength and the present activities of 'MAAG'. In February, 1957, the Commission received a letter from the Government of the Republic of Viet-Nam denying that the presence of 'MAAG' constituted a violation of Articles 16 and 19 and stating that 'MAAG' had started its activities in 1950 and that there had been no change in its activities, statute, structure and it had never exceeded its original strength and that there did not exist a formal or factual military alliance between the Governments of the Republic of Viet-Nam and of the United States of America. The matter is under consideration.

The P.A.V.N. High Command also alleged that two U.S. Military Missions - 'TRIM' (Training Re-organization Inspection Mission) and 'CATO' (Combat Arms Training Organization) founded in March, 1955, and in May, 1956, respectively, had come into existence in South Viet-Nam. The Commission asked in January, 1957, for the comments of the Government of the Republic of Viet-Nam. The reply is awaited.

In one of its complaints the P.A.V.N. High Command alleged a factual materialization of a military alliance between the Government of the Republic of Viet-Nam and the member countries of 'SEATO' (South-East Asia Treaty Organization) as military personnel, warships and jet planes of the said member countries participated in the National Day celebrations of South Viet-Nam on the 26th of October, 1956. The Government of the Republic of Viet-Nam denied the factual materialization of a military alliance with the 'SEATO' Powers. The Commission viewed with concern the omission of the Government of the Republic of Viet-Nam to follow the procedures laid down by the Commission for the introduction of military missions and consequently concluded that it was not in a position to state whether and, if so, how far the provisions of Article 16 had been observed by the Government of the Republic of Viet-Nam and, whether or not, all or any of the war material in question had left South Viet-Nam. The Commission also concluded that the participation of

foreign military personnel and war material in public celebrations of a ceremonial character did not necessarily prove the existence of a military alliance. The Commission has closed the case.

57. The Commission has not been able to exercise the prescribed control of NHA BE harbour, near SAIGON, since the end of August, 1956. The Commission did not accept the contention of the Government of the Republic of Viet-Nam that this harbour was not in the zone of action of SAIGON Fixed Team and re-affirmed that it should be controlled. As no reply was received, the Commission converted its request into a recommendation on the 28th of December, 1956. The Government of the Republic of Viet-Nam did not implement the recommendation and the Commission decided that it would take action under Article 43 to inform the Members of the Geneva Conference if its recommendation was not implemented immediately. The Commission was informed on the 20th of February, 1957, that NHA BE was a military base and could not be subjected to regular control; however, its Team would be authorised to go to NHA BE every time notice was given about the loading and unloading of war material on the spot. The matter is under the Commission's consideration.

CHAPTER VI

CO-OPERATION OF THE PARTIES TO THE AGREEMENT

58. In preceding chapters the Commission has given an account of its activities and difficulties during the period under report regarding the supervision of the proper execution by the parties of the provisions of the Agreement.

59. As mentioned in paragraphs 23 and 50 and Appendix E, the Commission recorded a violation under Article 14(c) (which is also reported under Article 43) and a few violations under Articles 16 and 17 of the Agreement by the French High Command and the Government of the Republic of Viet-Nam, and none by the Democratic Republic of Viet-Nam. The violations of Articles 16 and 17 mentioned above concern introduction in South Viet-Nam of U. S. military personnel in five U. S. military aircraft, a few aircraft, wheel tyres, one thousand revolvers and 610 bases of revolver ammunitions.

60. As the Government of the Republic of Viet-Nam did not afford the necessary assistance and co-operation to the Commission in cases under Article 14(c) and, in particular, decided not to send any more replies to the Commission's communications and not to permit the deployment of any mobile teams for investigation of complaints under this Article in South Viet-Nam, the Commission addressed a special letter to the Co-Chairmen on April 11, 1957, (vide Appendix C) and expressed its grave concern to the Government of the Republic of Viet-Nam.

61. As mentioned in paragraph 36, the Commission has not been able to decide the cases of 122 alleged civilian internees/prisoners-of-war under Article 21 in South Viet-Nam, as the Government of the Republic of Viet-Nam failed to produce the relevant documents and dossiers in the manner required by the Commission.

62. In North Viet-Nam, the Commission has not been able to supervise continuously, under Article 36(d) of the Agreement, the PHUC HOA section of the land frontier through its Mobile Team set up under Article 35 (vide paragraph 40), as the P.A.V.N. High Command did not co-operate with the Commission in this matter.

The mobile elements of most of the Commission's fixed teams in South Viet-Nam were, as a rule, not able to go out on control duties (vide paragraph 53), as the Government of the Republic of Viet-Nam did not co-operate with the Commission in this matter, and the Commission was thus not able to supervise, under Article 36(d), the execution of Articles 16 and 17 of the Agreement along the rest of the frontier of South Viet-Nam. The Commission was also not able to exercise physical control of foreign incoming military aircraft which went direct to the military section of SAIGON airport, and of their cargo, as the Government of the Republic of Viet-Nam did not afford the necessary assistance in this regard.

63. The Government of the Republic of Viet-Nam did not, in all cases, give to the Commission advance notification under Articles 16(f) and 17(e) of the arrival of military personnel and war materials respectively. The said Government did not ask for the Commission's approval, as required by Protocol 23, in any case concerning war material.

64. The Co-Chairmen in their message dated the 8th May, 1956, to the Democratic Republic of Viet-Nam and the Republic of Viet-Nam strongly urged the authorities in both parts of Viet Nam to give the Commission all possible assistance in future in the exercise of its functions as defined by the Geneva Agreements on Viet-Nam. In their message to the Commission, the Co-Chairmen had expressed their confidence that the parties in both parts of Viet-Nam would show effective co-operation and that the difficulties encountered by the Commission would in practice be removed. The situation described in paragraph 84 of the Sixth Interim Report showed no improvement during the period under review. As will be seen from previous paragraphs, the Commission encountered further difficulties in the exercise of its functions, in particular, a major difficulty with respect to the implementation of Article 14(c) of the Agreement by the Government of the Republic of Viet-Nam (vide paragraph 19).

CHAPTER VII

CONCLUSIONS

65. In paragraph 86 of the Sixth Interim Report and in its message, dated the 14th September, 1956, to the Co-Chairmen (Appendix A), the Commission had referred to the situation which arose as a consequence of the withdrawal of the French High Command from Viet-Nam. As was mentioned in the Commission's message, the Government of the Republic of Viet-Nam had stated that it was prepared to offer effective co-operation to the Commission but that it was not prepared to assume responsibility for the implementation of the Geneva Agreements in Viet-Nam. While this major development had its origin during the period of the Sixth Interim Report, it was during the period under review that its effect on the work of the Commission were felt fully.

The Joint Commission, which is an important part of the machinery for the implementation of the Geneva Agreements, has not resumed its activities since May, 1956,

The Commission had requested the Co-Chairmen to give urgent consideration to the situation mentioned in its letter of the 14th of September, 1956. There has been no progress towards a solution of those difficulties. In fact they have further increased.

66. A major difficulty facing the Commission arises from the failure to hold consultations between the two parties and free nationwide elections with a view to re-unification of Viet-Nam. The Co-Chairmen in their message of the 8th of May, 1956, to the parties had asked them to indicate the time required for the opening of these consultations and, in their message of the same date the Commission, had informed it that they attached great importance to the maintenance of the cease-fire under the continued supervision of the International Commission for Viet-Nam. There has been no progress in the matter of the consultation and the election to the knowledge of the Commission. The Commission is naturally anxious about the duration of its stay in Viet-Nam which is conditioned by the political settlement in this country, as envisaged in the Final Declaration of the Geneva Conference.

67. In the Sixth Interim Report the Commission expressed great concern over cases where the parties gave their own interpretations, which differed from those of the Commission, on the provisions of the Agreement. The Commission notes with regret that this tendency continued during the period under report. The Commission must point out that for its effective functioning, it is essential that all the provisions of the Agreement should be strictly applied by the parties.

68. In spite of the difficulties described in previous Chapters, the Commission, as directed by the Co-Chairmen, has persevered and will continue to persevere in its efforts to maintain and strengthen peace in Viet-Nam on the basis of the fulfilment of the Geneva Agreements with a view to re-unification of the country through the holding of free nationwide elections in Viet-Nam. The Commission is glad to report that there has been no resumption of hostilities in Viet-Nam. The Commission would, however, request the Co-Chairmen, and through them, the Members of the Geneva Conference, to give their early consideration to the difficulties mentioned in this Report and take such measures as they may consider appropriate in order to facilitate the effective fulfilment of the Geneva Agreements.

CONCLUSIONS

Sd. T.N. KAUL
INDIA

Sd. T. Le M. CARTER
CANADA

Sd. J. GOLDBLATT
POLAND

SAIGON,
July 12, 1957.

The Joint Commission, which is an important part of the machinery for the implementation of the Geneva Agreements, has not resumed its activities since May, 1956. The Commission had requested the Co-Chairmen to give urgent consideration to the situation mentioned in its letter of the 14th of September, 1956. There has been no progress towards a solution of those difficulties. In fact they have further increased. Nam. While this major development had its origin during the period of the Sixth Interim Report, it was during the period under review that its effect on the work of the Commission were felt fully.

Reference: Chapter I, Paragraph 3.

MESSAGE DATED THE 14TH SEPTEMBER, 1956,
FROM THE INTERNATIONAL COMMISSION TO THE CO-CHAIRMEN

The International Commission for Supervision and Control in Viet-Nam has the honour to refer to its message dated 27th May, 1956, addressed to the Co-Chairmen of the Geneva Conference, in reply to the messages issued by the Co-Chairman on 8th May, 1956, to the International Commission, the Government of the Republic of France and to the Governments of the Republic of Viet-Nam and the Democratic Republic of Viet-Nam.

2. In accordance with paragraph 10 of its message of 27th May, 1956, the International Commission for Supervision and Control in Viet-Nam has persevered in its efforts to maintain and strengthen peace in Viet-Nam on the basis of the fulfilment of the Geneva Agreements and on the basis of the continuance of the status quo, requested by the Co-Chairmen. The representatives of the Government of the Republic of France have held discussions in Saigon with the representatives of the Government of the Republic of Viet-Nam "with a view to reaching an arrangement that will facilitate the work of the International Commission and of the Joint Commission in Viet-Nam". On 31st of July, 1956, the Commission received a note No. 3456/DAP from the Secretary of State for Foreign Affairs of the Government of the Republic of Viet-Nam, which stated that "the Government of the Republic of Viet-Nam intends to accredit to the International Commission an organisation called 'Mission Vietnamienne chargee des relations avec la CIC'" and that "this organisation will be confided with the mission of assuring the liaison between the Government of the Republic of Viet-Nam and the International Commission after the suppression by the French Government of the French Liaison Mission, which will cease to exist from the 15th of August, 1956". Certain other matters of logistic and financial nature were also mentioned in this note but no mention was made about the assumption of responsibility under the Geneva Agreements by the Government of the Republic of Viet-Nam. A copy of this note is attached to this message (Appendix A).

3. On 2nd August, 1956, the Commission received a note verbale No. 006769/SAG from the High Commissioner for the Republic of France in Viet-Nam. In this note the High Commissioner for France informed the Commission that the French Liaison Mission would be dissolved on the 15th August, 1956. No mention was made in this note of the question of continued responsibility for the execution of the Geneva Agreements.

4. In reply to the High Commissioner's note verbale, the Commission on 8th August, 1956, requested the High Commissioner to forward to it a copy of the letter which had been addressed by the Government of the Republic of France to the Co-Chairmen of the Geneva Conference and further requested the High Commissioner to give the Commission detailed information regarding the arrangements which would come into force after 15th August, 1956, which would facilitate the work of the International Commission and the Joint Commission in Viet-Nam.

5. On the 11th August, 1956, the Commission received from the High Commissioner for the Republic of France a copy of a message dated 25th July, 1956, addressed by the Government

of the Republic of France to the Co-Chairmen of the Geneva Conference. The Commission also received on the same date a letter No. 007152/SAG from the High Commissioner for the Republic of France in Viet-Nam in which was set out the proposed new arrangements for the continuance of the work of the Joint Commission. In this letter the High Commissioner stated that "the Co-Chairmen of the Geneva Conference had requested the French Government to offer their good offices with a view to continuing the labours of the Central Joint Commission. This position implies the recognition by the Co-Chairmen of the fact that our country does not assume any more responsibilities whether direct or special for the implementation of the Agreement on the Cessation of Hostilities and that henceforth the role it is requested to play is only that of a mission of goodwill". The arrangements proposed were: "the French Union Delegation to the Central Joint Commission which has been suppressed as a consequence of the dissolution of the High Command of the French Union on 28th April, 1956, has been replaced by a French Mission to the Central Joint Commission". The High Commissioner requested the Commission to bring the above to the knowledge of the High Command of the Peoples Army of Viet-Nam and "to inform the latter that the French Mission to the Central Joint Commission is ready to get into touch with the PAVN Delegation in order to resume the labours of this organ at the date most suited to the said High Command of the PAVN". A copy of this letter is attached to this message. (Appendix B).

6. On the 14th August, 1956, the Commission forwarded to the Commander-in-Chief of the Peoples Army in Viet-Nam a copy of the letter No. 007152/SAG of 11th August, 1956, from the High Commissioner for the Republic of France. The Commission has received in reply a letter No. 032/TTL dated 21st August, 1956, from the Commander-in-Chief of the Peoples Army in Viet-Nam. In this letter the Commander-in-Chief has stated that "the standpoint of the Government of the Republic of France and the Southern Administration as well as the arrangements entered into between them are not compatible with the Geneva Agreements and with the recommendations of the 8th May, 1956, made by the Co-Chairmen of the Geneva Conference". He further stated that "the French Government is a signatory party of the Geneva Agreements. So long as the responsibility for the implementation of the Agreements is not yet transferred to the Southern Administration in accordance with Article 27 of the Cease-Fire Agreement and in accordance with the recommendations of 8th May, 1956, from the Co-Chairmen of the Geneva Conference, the French Government must continue to assume its obligations under these Agreements 'to maintain the status quo' in order to guarantee the normal activities of the International Commission and their joint organs". With regard to the functioning of the Joint Commission the High Command of the PAVN considers it necessary "that the joint organs should resume their work within the framework defined by the provisions of the Geneva Agreements in order to assure the continued implementation of these Agreements". The Commander-in-Chief has requested the Commission to communicate the point of view of the Government of the Democratic Republic of Viet-Nam to the Chairman of the Geneva Conference and to the Government of the Republic of France. A copy of this letter is attached to this message. (Appendix C).

7. The International Commission for Supervision and Control in Viet-Nam wishes to bring the following points to the urgent notice of the Co-Chairmen of the Geneva Conference:-

- (i) The Government of the Republic of France is not prepared to continue to assume any further direct or special responsibility for the implementation of the Geneva Agreements in Viet-Nam and has terminated on the 15th August, 1956, the status quo requested by the Co-Chairmen.
- (ii) The Government of the Republic of Viet-Nam basing itself on the declaration made by President Diem on the 6th April, 1956, is prepared to offer effective cooperation to the Commission but is not prepared to assume responsibility for the implementation of the Geneva Agreements in Viet-Nam.
- (iii) The Government of the Democratic Republic of Viet-Nam reiterates its position that all the provisions of the Geneva Agreements in Viet-Nam must be fully implemented by the parties and that until the Government of the Republic of France makes arrangements for handing over responsibilities under the Agreements to the Government of the Republic of Viet-Nam, it continues to be responsible for the execution of the Agreements as a signatory party. The Government of the Democratic Republic of Viet-Nam considers that the proposed new arrangements are incompatible with the Geneva Agreements.

8. In view of the situation revealed in the foregoing paragraphs the Commission is placed in a difficult position. The Commission requests the Co-Chairmen to give urgent consideration to the situation which has arisen in Viet-Nam and which has been set out in this message.

(i) The Government of the Republic of France is not prepared to continue to assume any further direct or special responsibility for the implementation of the Geneva Agreements in Viet-Nam and has terminated on the 15th August, 1956, the status quo requested by the Co-Chairmen.

(ii) The Government of the Republic of Viet-Nam basing itself on the declaration made by President Dien on the 6th April, 1956, is prepared to offer effective cooperation to the Commission but is not prepared to assume responsibility for the implementation of the Geneva Agreements in Viet-Nam.

(iii) The Government of the Democratic Republic of Viet-Nam reiterates its position that all the provisions of the Geneva Agreements in Viet-Nam must be fully implemented by the parties and that until the Government of the Republic of France makes arrangements for handing over responsibilities under the Agreements to the Government of the Republic of Viet-Nam, it continues to be responsible for the execution of the Agreements as a signatory party. The Government of the Democratic Republic of Viet-Nam considers that the proposed new arrangements are incompatible with the Geneva Agreements.

8. In view of the situation revealed in the foregoing paragraphs the Commission is placed in a difficult position. The Commission requests the Co-Chairmen to give urgent consideration to the situation which has arisen in Viet-Nam and which has been set out in this message.

PRESENT POSITION WITH REGARD TO THE IMPLEMENTATION BY THE PARTIES OF THE RECOMMENDATIONS
AND THE FINAL SUGGESTIONS OF THE COMMISSION REGARDING THE IMPROVEMENT OF
ADMINISTRATION OF THE DEMILITARIZED ZONE

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A. Recommendations of the Commission
the Commission P.A.V.N. High Command

Position regarding implementation by the Government of the Republic of Viet-Nam

Commission's remarks

Serial No.

1 Permits should preferably bear the photographs of the persons in whose favour they are issued. P.A.V.N. High Command advised the population to affix photographs on permits for crossing the Demarcation Line and a number of permits have been provided with photographs.

The Government of the Republic of Viet-Nam has agreed to make arrangements for supply of photographs to those who apply for permits.

The Commission, realising the practical difficulties involved, called upon the parties to consider ways and means of providing photographs on permits. The Commission requested that the permit-holders be not prevented from crossing or in any way obstructed or hindered on the ground that permits do not have photographs.

2. The Parties may increase by 50 per cent the police strength in the zones under their control for the proper maintenance of law and order. P.A.V.N High Command accepted and stated that as the increase in the police strength would constitute an amendment of the Statute of the Demilitarized Zone, the two parties to the Joint Commission should start discussions on this matter.

The Government of the Republic of Viet-Nam maintained that 100 per cent increase is necessary, but in accordance with the permission given by the Commission has increased its police strength by 50 per cent.

The Commission requested that the permit-holders be not prevented from crossing or in any way obstructed or hindered on the ground that permits do not have photographs.

Position regarding implementation by the Government of the Republic of Viet-Nam

Position regarding implementation by the P.A.V.N. High Command

Recommendations of the Commission

Serial No.

Commission's remarks

3 In the event of the Joint Commission considering any serious incident or threat of incident, Mobile Team 76 be advised with a view to observe and, if the Joint Commission machinery fails to take action, the Mobile Team to report to the Commission immediately and take preliminary action to prevent or limit the incident under Article 36(b) of the Agreement.

Accepted

The Government of the Republic of Viet-Nam stated that the Team will be permitted to attend as observers at the meetings of the Joint Sub Commission when considering serious incidents or threats of incidents.

The Commission has not been informed by the Government of the Republic of Viet-Nam whether the members of the Team will be permitted to attend as observers at the meetings of the Joint Commission when considering serious incidents or threats of incidents.

4 Political meetings in the Demilitarized Zone should be regulated at fixed hours and places, security authorities informed to take adequate measures to maintain order and also intimate the time and place of such meetings to Mobile Team 76.

Accepted

Implementation by both parties is contingent upon such meetings being held.

ADMISSIBILITY OF THE DEMITIALIZED SOME

AND THE LIMIT SUGGESTIONS OF THE COMMISSION REGARDING THE INVOLVEMENT OF
 BASELINE POSITION WITH BEYOND TO THE IMPLEMENTATION BY THE BUBBLES OF THE RECOMMENDATIONS

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Serial No.	B. Final suggestions of the Commission	Position regarding implementation by the P.A.V.N. High Command	Position regarding implementation by the Government of the Republic of Viet-Nam	Commission's remarks
1	Check posts on the Demarcation Line to check all movements of personnel, both in and out, and both sides to maintain registers indicating name, time of entry and exit and the purpose of the visit	The Commission has been informed that it is being implemented.	The Government of the Republic of Viet-Nam stated that implementation could only be considered usefully after the re-arrangement of the Statute of the Demilitarized Zone	According to the existing Protocol any revision of the Statute must be approved by the Joint Commission which has not been functioning during the period under review.
2	Both sides should have mobile patrols to stop people crossing at places in between the check posts and breaches to be brought to the attention of Mobile Team 76 at GIO LNH periodically: say once a week.	Ditto	Ditto	Ditto
3	Telephone communication be provided to Mobile Team 76 from the P.A.V.N. Delegation Headquarters to HO XA.	Necessary telephone equipment, implements and personnel are kept ready. Telephone cable laid up to the Demarcation Line from the P.A.V.N. Delegation Headquarters.	Ditto	The Commission requested the Government of the Republic of Viet-Nam to permit the P.A.V.N. to lay the telephone cable from the Demarcation Line to the Team Headquarters at GIO LINH in the southern zone. However, permission has not been given so far.

not been taken so far.
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Ditto

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Ditto

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According to the existing

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Position regarding

B.V.V.M. High Commission
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Position regarding

of the Commission
B. King suggestions

No. Serial

Remarks
Commissioners

Reference: Chapter II, Paragraph 12.

STIPULATIONS OF THE GOVERNMENT OF THE REPUBLIC OF VIET-NAM
FOR RENEWAL OF SPECIAL PERMITS

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3

Serial No.	Stipulations	P.A.V.N. position	Commission's remarks
1	All special permits to bear the photograph of the holder.		
2(a)	Controlling posts to be limited from nine to three and every crossing to be effected through these posts.		
(b)	The holder of a special permit who crosses from one zone to the other must pass through the same post on exit and entry to facilitate the checking of his movements. The Government of the Republic of Viet-Nam deems it necessary that the Commission consider the above suggestions urgently as the Statute of the Zone should be established on a new basis before improvement measures and other detailed questions are taken into consideration.	The Mission feels that these suggestions of the Government of the Republic of Viet-Nam would modify the Statute of the Demilitarized Zone and are against the spirit of the Agreement, but may be discussed in the Joint Commission.	See Page (vi), Serial No. 1 The Commission informed the Government of the Republic of Viet-Nam that it may take up these suggestions in the Joint Commission, if it so desires, before taking any action. In case of disagreement in the Joint Commission the matter may be referred to the Commission.

OTHER SUGGESTIONS OF THE GOVERNMENT OF THE REPUBLIC OF VIET-NAM

1	2	3
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Suggestions

P.A.V.N. Position Commission's remarks

1 Suspension of permanent permits and their replacement in the southern demilitarized zone by census cards with a special mention in red ink: "inhabitant of the Demilitarized Zone".

2 Special permits to be issued by the Joint Sub Commission of the Demilitarized Zone with previous agreement of the administrative authorities of both zones. However, temporary permits for entering the Demilitarized Zone to be issued by the administrative authorities of the zone concerned without intervention from the Joint Sub Commission.

The Government of the Republic of Viet-Nam deems it necessary that the Commission consider these suggestions urgently as the Statute of the Zone should be established on a new basis before improvement measures and other detailed questions are taken into consideration.

The Mission feels that these suggestions of the Government of the Republic of Viet-Nam would modify the Statute of the Demilitarized Zone and are against the spirit of the Agreement, but may be discussed in the Joint Commission.

The Commission informed the Government of Viet-Nam that it may take up these suggestions in the Joint Commission, if it so desires, before taking any action. In case of disagreement in the Joint Commission the matter may be referred to the Commission.

into consideration. Questions are taken and other related improvement measures are taken before the Joint Commission. In case of agreement in the Joint Commission, the matter may be referred to the Commission. In case of disagreement, the matter may be referred to the Commission. In case of agreement in the Joint Commission, the matter may be referred to the Commission. In case of disagreement, the matter may be referred to the Commission.

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OTHER SUGGESTIONS OF THE GOVERNMENT OF THE REPUBLIC OF VIET-NAM

Reference: Chapter III, Paragraph 19.

LETTER DATED THE 11TH APRIL, 1957, FROM
THE INTERNATIONAL COMMISSION TO THE CO-CHAIRMEN

No. IC/ADM/VI-D-I/57

HANOI,

11th April, 1957.

The International Commission for Supervision and Control in Viet-Nam presents its compliments to the Co-Chairmen of the Geneva Conference on Indo-China and has the honour to refer to their message dated 8th May, 1956, to the International Commission for Supervision and Control in Viet-Nam, and in particular to paragraph 2 of that message in which the Commission was asked by the Co-Chairmen to inform them in case the Commission encountered any difficulties in their activities which could not be resolved on the spot.

2. In the Sixth Interim Report, the Commission had informed the Co-Chairmen of its difficulties in the supervision of the implementation by the parties of the provisions of Article 14(c). Those difficulties have persisted and increased as the Commission has not received the necessary assistance and co-operation from the Government of the Republic of Viet Nam and has, therefore, not been able to supervise the implementation of Article 14(c) in accordance with the Geneva Agreement. In spite of the efforts of the Commission, replies were not received from the Government of the Republic of Viet-Nam in the majority of pending cases referred to it alleging reprisal or discrimination under Article 14(c) and involving a large number of persons. The Government of the Republic of Viet-Nam not only declined to give concurrence to the deployment of eight Mobile Teams decided upon by the Commission but also refused to permit the deployment of two Mobile Teams for which concurrence had already been given by them.

3. On the 17th November, 1956, the Commission received a communication from the Government of the Republic of Viet-Nam stating their views regarding the applicability of Article 14(c). The attached correspondence mentioned in the Appendices below describes the stand taken by the Government of the Republic of Viet-Nam and the views of the Commission on this question.

APPENDICES

GROUP A:

1. French Liaison Mission letter No. 38/MFLCI/AV/112 dated January 4, 1956.
2. South Vietnamese Mission letter No. 4646/PDWN/CT/TD/I, dated November 17, 1956.
3. IC/FB/3/2/8387 dated December 3, 1956.
4. South Vietnamese Mission letter No. 5396/PDWN/CT/TD/I, dated December 19, 1956.

5. IC/FB/3/269 dated January 7, 1957.
6. IC/FB/3/2/183 dated January 17, 1957.
7. South Vietnamese Mission letter No. 1446/
PDVN/CT/TD/I, dated March 6, 1957.

GROUP B:

8. South Vietnamese Mission letter No. 2022/
PDVN/CT/TD/8, dated 25th August, 1956.
9. OPS/V(98)/4349, dated 12th October, 1956.
10. South Vietnamese Mission letter No. 4090/
PDVN/VP, dated 24th October, 1956.
11. OPS/V(98)/4607, dated 31st October, 1956.
12. South Vietnamese Mission letter No. 5425/
PDVN/CT/TD/I, dated 19th December, 1956.
13. OPS/V(98)/379 dated 25th January, 1957.
14. South Vietnamese Mission letter No. 1448/
PDVN/CT/TD/I, dated March 6, 1957.

4. It will be seen from the correspondence mentioned above that the Commission has unanimously decided not to accept the views of the Government of the Republic of Viet-Nam on the applicability of Article 14(c). The Government of the Republic of Viet-Nam, however, have not accepted the unanimous views of the Commission as expressed in the Commission's letters of December 3, 1956, and January 17, 1957, and have decided not to give any more replies to the complaints under the Article and not to permit investigations of such complaints through the machinery of Mobile Teams as laid down in the Agreement. The Commission is, therefore, no longer able to supervise the implementation of this Article by the Government of the Republic of Viet-Nam and settle the large number of complaints pending before the Commission under this Article.

5. As desired by the Co-Chairmen of the Geneva Conference in their message dated the 8th May, 1956, to the International Commission for Supervision and Control in Viet-Nam, the Commission wishes to bring to the notice of the Co-Chairmen this serious difficulty in the Commission's activities regarding Article 14(c) which it is not able to resolve on the spot.

6. The Commission would, therefore, be grateful if the Co-Chairmen could kindly give their early consideration to this matter and advise the Commission regarding its future course of action. The Commission is determined to perform its duties with respect to Article 14(c), as indeed with respect to all other Articles of the Cease-Fire Agreement, but in view of the difficulties mentioned above, the Commission is not able to take any effective action in cases under this Article unless these difficulties are resolved.

7. The International Commission for Supervision and Control in Viet-Nam takes this opportunity to renew the assurances of its highest esteem to the Co-Chairmen of the Geneva Conference on Indo-China.

Sd. T.N. KAUL
INDIA

Sd. T.L. M. CARTER
CANADA

Sd. A. SZYMANOWSKI
POLAND

MOBILE TEAM INVESTIGATION UNDER ARTICLE 14(c)
IN SOUTH VIET-NAM

Serial No.	Number of the Team	Task of the Team	Date of the Commission's decision to carry out investigation	Date when concurrence requested.	Present position
1	85	To investigate the alleged violation of Article 14(c) in the province of CHAU DOC, South Viet-Nam.	August 25, 1955	August 27, 1955	The Team could not be deployed because of the refusal of the Government of the Republic of Viet-Nam to give concurrence in March, 1957 as mentioned in the Commission's letter dated April 11, 1957, to the Co-Chairmen (vide Appendix C).
2	87	To investigate the alleged violation of Article 14(c) in the demilitarized zones (North and South).	September 7, 1955	September 8, 1955	Ditto
3	104	To investigate the alleged massacre of 3 families at GIA RAI (BAC LIEU Province).	March 13, 1956	March 15, 1956	Ditto
4	90	To investigate the alleged detention of 14 persons in violation of Article 14(c) in HUENG TRA district, THUA THIEN Province.	November 8, 1956		Ditto

APPENDIX D

1

Number of the Team

2

Task of the Team

3

Date of the Commission's decision to carry out investigation

4

Date when concurrence requested

5

Present position

Special No.

121

To investigate the alleged detention of 8 persons in BARIA Province in violation of Article 14(c).

January 8, 1957

January 14, 1957

The Team could not be deployed because of the refusal of the Government of Viet-Nam to give concurrence in March 1957, as mentioned in the Commission's letter dated April 11, 1957, the Co-Chairmen (vide Appendix C).

122

To investigate the alleged detention of 3 persons in violation of Article 14(c) in SAIGON.

Ditto

Ditto

Ditto

123

To investigate into the allegation that the murder of Mrs. Nguyen Thi Dieu was in violation of Article 14(c) South Viet-Nam.

Ditto

Ditto

Ditto

93

To investigate the alleged violation of Article 14(c) in HUONG HOA and an alleged incident in ALUOI village, South Viet-Nam.

October 1, 1955

October 4, 1955

Concurrence was given on July 28, 1956. The Team could not be deployed because the Government of Viet-Nam Republic of Viet-Nam withdrew its concurrence in March, 1957, as mentioned in the Commission's letter dated April 11, 1957.

105

To investigate the alleged concentration of former resistance workers and their 44 families in THBA THIEN Province.

March 13, 1956

March 15, 1956

Reference: Quesada, Y... dated April 11, 1957.

Serial No.	Number of the Team	Task of the Team	Date of the Commission's decision to carry out investigation	Date when concurrence requested	Present position
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10 117 To investigate into the complaint of reprisals alleging detention of 62 persons and 27 murders in THANG BINH district, QUANG NAM Province, in violation of Article 14(c).

January 21, 1957
 Concurrence was not requested during the period under review.

11 103 To investigate the alleged violation of Article 14(c) in the province of QUANG NAM (DUY XUYEN).

March 9, 1956
 March 15 1956
 Present position has been indicated in paragraph 21 of this Report.

Report.
Paragraph 21 of this
been indicated in
Present position was

1928
March 12

1928
March 2

period under review.
requested during the
Conference was not

1928
March 21

MAN (DOX KUNEN).
in the province of QUANG
Violation of Article 14(c)
to investigate the alleged

1928
March 21
to investigate into the
complaint of rebellion
to maintain order and
in the province of QUANG
in the district of
to investigate the alleged

103

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111

10

Task of the Team

Team
of the
number

Serial
No.

Investigation
carry out
decision of
Commission's
Date of the

requested
conference
Date when

Present position

PRESENT POSITION WITH REGARD TO CASES UNDER ARTICLE 14(c) (EXCLUDING
TRAN CHAU'S CASE) MENTIONED IN PARAGRAPH 20 OF THE SIXTH INTERIM REPORT

1

2

3

4

A. Number of cases in which the Commission held that there was a violation of Article 14(c) and recommended release	Number of persons released as stated by the Government of the Republic of Viet-Nam	Number of persons still under detention as stated by the Government of the Republic of Viet-Nam	Remarks
---	--	---	---------

15 persons in detention 11 4

In January, 1957, the Commission informed the Government of the Republic of Viet-Nam that if their detention was continued the Commission would consider taking action under Article 43 of the Agreement. In March, 1957, the Commission considered the reply of the Government of the Republic of Viet-Nam and asked if these 4 persons had been released, if not, that they be released.

1

B. Number of cases in which the Commission asked for submission of dossiers on completion of judicial processes to review whether the provisions of Article 14(c) are violated or not

7 persons in detention

The dossiers were not submitted. The Government of the Republic of Viet-Nam has been informed that it has not afforded all possible assistance and cooperation to the Commission to enable it to finally settle these pending cases.

2

Remarks

PRESENT POSITION WITH REGARD TO CIVILIAN INTERNEES

1	2	3	4
Serial No.	Subject	By the Government of the Republic of Viet-Nam	Remarks
1	Number of persons recommended during the period under report for release under Article 21(c)	26	Nil

17 persons were released by the French Union Forces in South Viet-Nam in 1954 after the cease-fire on grounds that they were common law prisoners although included in the prisoners-of-war lists. In July, 1956, the Commission asked the French Union Forces to produce dossiers or other documentary evidence proving that they were common law prisoners, to enable the Commission to determine their status. The Commission informed the French Liaison Mission that if no dossiers were made available within three weeks, the Commission would hold that they were prisoners of-war/civilian internees and that their release after the cease-fire was inconsistent with Article 21.

As no dossiers were supplied, the Commission in January, 1957, held that these persons were prisoners-of-war/civilian internees and that their release was inconsistent with Article 21. The Commission took exception to the procedure adopted by the Government of the Republic of Viet-Nam in not releasing these persons in accordance with the provisions of Article 21.

APPENDIX F

Serial No.	Subject	By the Government of the Republic of Viet-Nam	By the P.A.V.N. High Command	Remarks
1	2	3	4	
Serial No.	Subject	By the Government of the Republic of Viet-Nam	By the P.A.V.N. High Command	Remarks
5	Number of persons in	2	3	Nine persons were released in South Viet-Nam by the Government of the Republic of Viet-Nam without handing them over to the P.A.V.N. High Command. The Commission held that the release was inconsistent with Article 21 and took exception to the procedure adopted in releasing these nine persons without following the procedure laid down in Article 21(c).
Serial No.	Number of persons in whose case the Commission held that their continued detention would be in violation of Article 21 and decided that it would take action under Article 43 for non-implementation of its recommendations	In South Viet-Nam	In North Viet-Nam	Remarks
3	Number of persons in whose case the Commission held that their continued detention would be in violation of Article 21 and decided that it would take action under Article 43 for non-implementation of its recommendations	12	Nil	Remarks

3

4

1

Subject

In South
Viet-NamIn North
Viet-Nam

4

Number of persons whose cases are pending with the Commission for determination of their status

120 + 2

5

Details of cases of 120 + 2 persons pending against the Government of the Republic of Viet-Nam:

Regarding the case of 89 persons (out of which 35 have been released in the South by the French Union Forces), in March, 1956, the Commission recommended supply of dossiers within 15 days to determine whether their cases fall under Article 21 or not. The Commission has not received the dossiers.

The case of 16 alleged prisoners-of-war/civilian internees detained in POULO CONDORE prison, referred to in paragraph 70 of the Sixth Interim Report, is pending since October, 1955. The Government of the Republic of Viet-Nam stated for the first time in October, 1956, that these 16 persons were convicted for common law offences. The Commission requested the supply of the dossiers of 14 persons within a period of three weeks. The Commission has not received the dossiers. The cases of the remaining two persons are not being pursued by the Commission.

The case of Huyen Van Da was referred to the Legal Committee. As the documents required were not supplied, the Legal Committee has reported that it cannot give opinion. The matter is pending before the Commission.

In July, 1956, the Commission asked the Government of the Republic of Viet-Nam to produce dossiers of Tran Va Ma within three weeks. The dossiers have not been supplied.

The case of Nguyen Hoang Xuyen was referred to the Legal Committee. As the documents required

APPENDIX F

Serial No.	Subject	2 In South Viet Nam	3 In North Viet Nam	4 Remarks
1	Subject	In South Viet Nam	In North Viet Nam	<p>were not supplied, the Legal Committee has reported that it cannot give any opinion. The matter is pending before the Commission.</p> <p>In the case of four alleged civilian internees detailed in POULO CONDORE prison, the Government of the Republic of Viet-Nam, in November, 1956, stated that they are common law prisoners. The Commission in January, 1957, asked the Government of the Republic of Viet-Nam to give details about the nature of the offence and charges under which they were tried and convicted. These have been furnished. The matter is under consideration.</p> <p>In the case of two persons who were released in South Viet-Nam, the Commission asked the Government of the Republic of Viet-Nam in July, 1956, to produce their dossiers within three weeks to determine their status. The dossiers have not been supplied.</p> <p>In the case of four alleged civilian internees detained at PHU QUOC, the Government of the Republic of Viet-Nam stated that their names are not mentioned in the list of prisoners detained at PHU QUOC.</p> <p>In the case of four alleged civilian internees detained in POULO CONDORE prison, the Commission recommended the supply of dossiers in March, 1956. The Commission has not received the dossiers.</p>

Serial No.	Subject	In South Viet Nam	In North Viet Nam	Remarks

Details of the cases of five persons pending against the P.A.V.N. High Command:

Out of the six persons mentioned in paragraph 34(4) of the Sixth Interim Report, the P.A.V.N. High Command has stated that five persons were never arrested. The case of the remaining person namely Father Vinh is not covered by Article 21 as mentioned in paragraph 37 of this Report.

this report. Article 57 as mentioned in paragraph 35 of
 person named Fisher with is not covered by
 never arrested. The case of the remaining
 High Command was stated that five persons were
 34(*) of the Sixth Interim Report, the P.V.A.M.
 Out of the six persons mentioned in paragraph

against the P.V.A.M. High Command:

Details of the cases of five persons pending

Letter No.	Subject	Arrested in South	Arrested in North	Remarks

APPENDIX G, PART II

Reference: Chapter V, Paragraph 50.

Serial No.	Subject	Article involved	Date of incident
A. INSTANCES IN WHICH THE GOVERNMENT OF THE REPUBLIC OF VIET-NAM WAS ASKED BY THE COMMISSION TO SHOW CAUSE WHY A VIOLATION OF ARTICLE 17 SHOULD NOT BE RECORDED			
1	Introduction of aircraft parts.	17	January, 1956
2	Introduction of war material on S.S. STEEL SEAFARER.	17	August, 1955
B. INSTANCES IN WHICH THE GOVERNMENT OF THE REPUBLIC OF VIET-NAM WAS ASKED BY THE COMMISSION TO TAKE UP THE MATTER WITH THE FRENCH AUTHORITIES TO EXPLAIN WHY WAR MATERIALS WERE IMPORTED WITHOUT FOLLOWING THE PRESCRIBED PROCEDURE AND TO SHOW CAUSE WHY A VIOLATION OF ARTICLE 17 SHOULD NOT BE RECORDED (as the Government of the Republic of Viet-Nam had explained that the responsible services were at this time under the control of the French High Command).			
1	Introduction of aircraft parts.	17	January, 1956
2	Introduction of 14 armoured boats.	17	April, 1956

Reference: Chapter V, Paragraph 50.

Serial No.	Subject	Article Involved	Date of Incident
A. INSTANCES IN WHICH THE GOVERNMENT OF THE REPUBLIC OF VIET-NAM WAS ASKED BY THE COMMISSION TO SHOW CAUSE WHY A VIOLATION OF ARTICLE 17 SHOULD NOT BE RECORDED			
1	Introduction of aircraft parts.	17	January, 1956
2	Introduction of war material on S.S. STEEL SEAFARER.	17	August, 1955
B. INSTANCES IN WHICH THE GOVERNMENT OF THE REPUBLIC OF VIET-NAM WAS ASKED BY THE COMMISSION TO TAKE UP THE MATTER WITH THE FRENCH AUTHORITIES TO EXPLAIN WHY WAR MATERIALS WERE IMPORTED WITHOUT FOLLOWING THE PRESCRIBED PROCEDURE AND TO SHOW CAUSE WHY A VIOLATION OF ARTICLE 17 SHOULD NOT BE RECORDED (as the Government of the Republic of Viet-Nam had explained that the responsible services were at this time under the control of the French High Command).			
1	Introduction of aircraft parts.	17	January, 1956
2	Introduction of 14 armoured boats.	17	April, 1956

Reference: Chapter V, Paragraph 50.

PARTICULARS OF CASES OF VIOLATIONS OF
ARTICLES 16 AND 17 IN SOUTH VIET-NAM

Serial No.	A. Cases referred to in paragraph 60 of the Sixth Interim Report	Article of the Agreement violated
1	On November 24, 1955, a plane of the U.S. Navy landed at TAN SON NHUT airfield with some Vietnamese and American military personnel.	16
2.	On November 27, 1955, a plane of the U.S. Navy landed at TAN SON NHUT with 10 American military personnel.	16
3.	On November 8, 1955, a plane of the U.S. Navy brought into South Viet-Nam aircraft wheel tyres.	17
4.	On November 10, 1955, a U.S. Navy plane brought into South Viet-Nam one American Major General and some other military personnel.	16
5.	On November 12, 1955, a U.S. Navy plane brought into South Viet-Nam several military personnel.	16
6.	On December 2, 1955, a U.S. Air Force plane brought into South Viet-Nam several military personnel.	16

Serial No.	B. Cases during the period under report	Article of the Agreement violated
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1	On July 20, 1956, S.S. MARIT MAERSK brought to SAIGON 21 cases containing 1000 revolvers	17
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2	On August 15, 1956, S.S. ALICE BROWN brought to SAIGON 610 cases of munitions for revolvers	17
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On November 27, 1955, a plane of the U.S. Navy landed at TAN SON NHUT with 10 American military personnel.

On November 8, 1955, a plane of the U.S. Navy landed at TAN SON NHUT with 10 American military personnel.

On November 10, 1955, a U.S. Navy plane brought into South Viet-Nam one American Major General and some other military personnel.

On November 12, 1955, a U.S. Navy plane brought into South Viet-Nam several military personnel.

On December 2, 1955, a U.S. Air Force plane brought into South Viet-Nam several military personnel.