



FIRST INTERIM REPORT
OF
The International Commission
for Supervision and Control in Viet-Nam

August 11, 1954 to December 10, 1954

GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS

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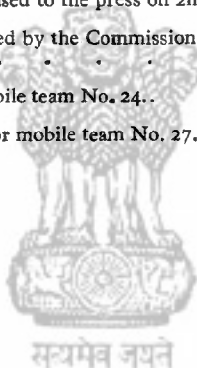
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INTRODUCTION

The "Agreement on the Cessation of Hostilities in Viet-Nam" signed at Geneva on the 20th July, 1954, provides for the setting up of an International Commission composed of three Member States, viz., Canada, India and Poland for the control and supervision over the application of the provisions of the said Agreement in Viet-Nam. As required under Article 44 of the Agreement, an International Commission was established in HANOI on the 11th of August, 1954. This Report is a summary of the activities of the Commission from the 11th August, 1954 to the 10th December, 1954, and a review of the progress made by the two parties in the implementation of the Agreement.



CHAPTER I.

ESTABLISHMENT AND MACHINERY OF THE INTERNATIONAL COMMISSION.

Chapter VI of the Geneva Agreement, and, in particular, Articles 29, 34 and 36 provide for the establishment of an International Commission composed of representatives of Canada, India and Poland, to ensure the control and supervision of the execution of this Agreement by the two signatory parties. The functions and duties of the Commission have been specified under Article 36 and include the tasks of control, observation, inspection and investigation connected with the application of the provisions of the Agreement on the Cessation of Hostilities and, in particular:

- (a) The control of the movement of the Armed Forces of the two parties effected within the framework of the regroupment plan;
- (b) The supervision of the demarcation lines between the regroupment areas and also the demilitarised zones;
- (c) The control of the operations of releasing prisoners of war and civilian internees; and
- (d) The supervision at ports and airfields as well as along the frontiers of Viet-Nam of the execution of the provisions of the Agreement on the Cessation of Hostilities regulating the introduction into the country of armed forces, military personnel and, of all kinds of arms, munitions and war material.

2. In accordance with the above Articles and in accordance with Article 44 of the Agreement, which provides that the Commission shall be set up at the time of the Cessation of Hostilities in Indo-China, the Commission was established in HANOI on the 11th August, 1954. The Commission consists of three Members who have the personal rank of Ambassador. The composition of the Commission is as follows:

Chairman

Ambassador M. J. Desai—INDIA

Members

Ambassador Sherwood Lett—CANADA

Ambassador P. Ogrodzinski—POLAND

Alternates

Major General K. P. Dhargalkar—INDIA

Mr. Marcel Cadieux—CANADA

Mr. M. Bibrowski—POLAND

The representative of India presides over the Commission. For the due fulfilment of its functions of supervision and control, the International Commission has established the following machinery:

National Delegations

3. Each Member of the Commission is assisted by a Delegation from his own country. It consists of an Alternate Delegate and Military and Political Advisers. The National Delegations, besides, providing Political and Military Advisers to the Ambassadors also furnish the personnel for manning various Committees and inspection teams of the International Commission.

The International Secretariat

4. The International Commission is serviced by a Secretariat General. The main functions of this Secretariat, which works under the control of the Secretary General, are:

- (a) To arrange and organise meetings and to keep the records of the International Commission;
- (b) To follow up the decisions of the Commission;
- (c) To maintain liaison between the Commission and other bodies which are responsible for the implementation of the Agreement;
- (d) To assist the Commission in controlling the operation of the Fixed and Mobile Teams;
- (e) To examine petitions and complaints; and
- (f) To give due publicity to the activities of the Commission.

5. The Indian Member, who is the Chairman of the Commission, is also *ex officio* Secretary General, in pursuance of a decision to this effect taken by the three countries constituting the International Commission. He has thus a dual capacity. As Chairman, he presides over the meetings of the Commission, and, as Secretary General, he controls the executive machinery of the International Secretariat and is the chief executive of the Commission. The advantage of combining these posts in the hands of one person is to maintain a closer link between the making of decisions and their implementation.

6. There are three main Branches in the International Secretariat, each in charge of a Deputy Secretary General.

7. The Administration Branch deals with all administrative problems—personnel, logistics etc. It also maintains liaison with the French and the Democratic Republic authorities.

8. The Operations Branch plans and assists the Commission in controlling the work of the Fixed and Mobile Teams and executing the decisions of the Commission regarding the conduct of special investigations.

9. The Petitions Branch receives from individuals and organisations by post, through petition boxes and through the Teams, petitions relating to various Articles of the Geneva Agreement. These petitions after examination are forwarded to the appropriate parties for investigation and report.

10. In addition, there is a Public Relations Section under a Public Relations Officer which gives publicity to the activities of the Commission through Press Communiques and maintains contacts with the Press.

11. The Commission held 5 Press Conferences—2 in HANOI and 3 in SAIGON. In addition, the Commission has issued a number of Press Releases focussing the attention of the world Press on various decisions taken by the Commission.

12. Soon after the Commission was set up in HANOI, it realised the difficult conditions of travel and communication between various parts of Viet-Nam. It decided to have a system of accreditation of Press correspondents and 78 foreign and local correspondents have so far been accredited to the Commission.

While contacts with the Press are not as easy and smooth as they should be due to difficulties of travel and communication, the Commission has, within the limits of the regulations for Press correspondents in both zones, endeavoured to give the Press maximum facilities possible.

Committees

13. The Commission has formed the following Committees to assist it in the more detailed phases of its work:

- (1) The Operations Committee composed of Military Advisers from the three Delegations to co-ordinate the work of the Operations Branch and to advise the Commission on the military and logistic problems relating to the operation of the teams in the field.
- (2) The Freedoms Committee composed of Political Advisers from the three Delegations to co-ordinate the work of the Petitions Branch and to advise the Commission on

the implementation by the parties of the Geneva Agreement relating to democratic freedoms and freedom of movement.

- (3) The Administration Committee to co-ordinate the work of the Administration Branch and to assist in the processing of the administrative problems of the Commission

The Commission, from time to time, appoints *Ad Hoc* Committees to deal with specific problems.

Fixed and Mobile Teams.

14. *Fixed Teams*.—In accordance with Article 35 of the Agreement, Fixed Teams, composed of an equal number of officers of each Delegation have been installed at the following places on the following dates:

NORTH OF THE DEMARCATION LINE

Lang Son	11-9-1954.
Lao Kay	17-9-1954.
Dong Hoi	20-9-1954.
Haiphong	7-10-1954.
Tien Yen	14-10-1954.
Vinh	14-10-1954.
Muong Sen	(to be installed on 13-12-1954)

SOUTH OF THE DEMARCATION LINE

Saigon	11-9-1954.
Cap St. Jacques	17-9-1954.
Tourane	20-9-1954.
Qui Nhon	7-10-1954.
Ba Ngoi	14-10-1954.
Nha Trang	14-10-1954.
Tran Chau	(to be installed on 13-12-1954).

15. The Fixed Teams have been set up to assist the Commission in the proper execution of its responsibilities and, in particular, for purposes of control, investigation, inspection and observation. The Teams are responsible for ensuring the implementations of Articles 16, 17 and 18, and, for this purpose, have been established at important "Points of Entry" into Viet-Nam, as indicated in Article 20 of the Agreement. The Teams also receive and forward petitions to the Commission. The Teams send in regular Reports of their activities to the Commission and are, in fact, the "eyes and ears of the International Commission." To assist the Fixed Teams, the parties have provided local Liaison Officers.

16. The Commission is frequently required to make use of the Fixed Teams for the conduct of enquiries and investigations which are

in the neighbourhood of their fixed points. In such circumstances, the Fixed Teams work as Mobile Teams. Moreover, each Fixed Team has a Mobile Team component within itself and the Commission has, therefore, suggested to the two parties that they define the zones of action of the Fixed Teams and spheres of action for all the mobile team elements within the 14 fixed teams. In the light of the discussions with the parties, the Commission is formulating a set of detailed instructions for its Fixed Teams.

17. *Mobile Teams.*—In addition to the Teams mentioned above, the International Commission has, in accordance with Article 35 of the Agreement, made use of Mobile Teams composed of an equal number of officers of each Delegation for the conduct of special enquiries and investigations, and for the supervision over operations to be executed by the two parties under the Agreement. The Commission has employed todate 28 such Mobile Teams which have undertaken, among others, the following tasks:

18. Investigation of alleged incidents, supervision of exchange of prisoners of war, supervision of transfer of authority under the regroupment plan and supervision of the movement of evacuees from the North under Article 14(d). Details of these activities are given in specific Chapters in this Report. The Commission has under consideration the question of setting up Mobile Teams to supervise the provisional demarcation line and demilitarised zone described in Chapter I of the Agreement.

19. After discussion with the two parties, the Commission has decided that each of its Mobile Teams entrusted with investigation should be accompanied by one Liaison Officer and one Interpreter from each side. The presence of these representatives of the two parties assists the Teams in their work by:

- (1) Providing liaison with the respective High Commands;
- (2) Making suggestions in the matter of collecting available evidence; and
- (3) Avoiding misinterpretation of the evidence given in the local language.

20. These Liaison Officers have, however, nothing to do with the assessment of the evidence and the preparation of the Report to the Commission which are the responsibility of the Teams.

Headquarters and Saigon Office.

21. Under the Cease-Fire Agreements of Laos and Cambodia, the International Commission established in those States have been specifically located at VIENTIANE and PHNOM PENH, respectively,

Under the Agreement on the Cessation of Hostilities in Viet-Nam, however, no specific location has been defined for the Headquarters of the International Commission. The International Commission provisionally located its Headquarters in Hanoi and has paid periodic visits to Saigon.

22. The Commission has given consideration to the question of its Headquarters in Viet-Nam. It felt that for proper performance of its task, it had to be in the closest possible contact with both the High Commands. The Commission decided, therefore, to establish its second Headquarters in Saigon. This was started in a small way from the 6th of December, 1954, consisting of political and military representatives from each Delegation. Two Mobile Teams have been placed at the disposal of the Saigon Headquarters. While the Headquarters remain at Hanoi, the Commission periodically visits Saigon. The Commission has decided to remain in Hanoi until the beginning of August, 1955, when it will transfer its Headquarters to Saigon. After its move, it will maintain a second Headquarters organisation at Hanoi, on the pattern of the one now being developed at Saigon. The Commission has communicated this decision to the two parties to enable them to make necessary arrangements.

Joint Commission and the Liaison Missions.

23. Under Article 28 of the Agreement, the responsibility for the execution of the Agreement on the Cessation of Hostilities rests with the parties, and to carry out this responsibility, in respect of joint actions by the two parties, a Joint Commission has been set up under the provisions of Article 30. In accordance with Articles 31 and 32, the Joint Commission is composed of an equal number of representatives of the Commanders of the two parties. The President of the French Delegation is Brig. Gen. de Brebisson* and the President of the Delegation of the People's Army of Viet-Nam is General Van Tien Dung.

24. The Joint Commission which formerly had its Headquarters at PHU LO, is now installed outside HAIDUONG. There are three Joint Sub-Commissions at QUYNH KHE in North Viet-Nam, QUANG TRI in Central Viet-Nam and PHUNG HIEP in South Viet-Nam.

25. While the International Commission has been charged under Article 36 of the Agreement with the supervision of the implementation of the Agreement by the two parties, the responsibility for the execution of the Agreement rests with the two parties under Article 28. The Commission has, therefore, stressed the necessity for co-operation by the two High Commands and has endeavoured to retain

*General de Brebisson took over from General Delteil in the third week of October, 1954.

the co-operation of both parties when controversial matters were under discussion. Apart from discussion with the Liaison Mission and the Chiefs of Delegations at the Joint Commission, informal approaches have been made whenever necessary to members of the two High Commands with a view to seeking solutions of problems without making formal recommendations.

26. The day to day contact, between the International Commission and the parties, is maintained, however, through the Liaison Missions in Hanoi appointed by the two High Commands.

Immunities and Privileges, Insignia, etc.

27. A draft protocol was prepared defining the immunities and privileges which the Commission desired should be made available to its personnel. This protocol has been accepted by the High Command of the People's Army of Viet-Nam, but is still under the consideration of the French High Command.

28. In this connection, the Commission has issued identity cards and arm bands to all its personnel. The Commission's vehicles have been painted white and have special numbers. The Commission flies its own flag on its buildings and cars.

Budgetary and Logistical arrangements.

29. In accordance with Article 26 of the Agreement, the costs involved in the operations of the International Commission are to be shared equally between the two parties. The International Secretariat is preparing a budget of expenditure to be shared ultimately between the two parties and this will be submitted for the approval of the Co-Chairman of the Geneva Conference. It has been agreed that the expenditure of the National Delegations will be borne by the Member-countries except boarding, lodging and necessary logistic support which will be shared by the two parties.

30. Indian Army Signals have established a wireless net covering the three countries of Viet-Nam, Cambodia and Laos, to provide communications among the three Commissions and the Teams.

31. The French High Command has arranged an air courier service between SAIGON, PHNOM PENH, VIENTIANE and HANOI thrice a week for carrying personnel and mail of the three Commissions. Arrangements for road transport have also been made by the parties at both Commission Headquarters, HANOI and SAIGON and for the fixed and mobile teams.

Co-ordination of the Three Secretariats General.

32. Article 45 of the Geneva Agreement provides that the International Commission for Supervision and Control in Viet-Nam shall

act in close co-operation with the International Commissions for Supervision and Control in Cambodia and Laos. It further provides that the Secretariats-General of the three Commissions shall be responsible for co-ordinating their work and for relations between them. In pursuance of this provision, the first co-ordination meeting was held in HANOI from the 11th November, 1954 to 15th November, 1954. Most of the problems discussed were administrative and included technical questions regarding Conference procedure, financial and accounting arrangements, publicity work, disposal of petitions and complaints and Secretariat organisation. It was decided that these Conferences of the Secretariats-General of the three Commissions should be held periodically.

33. The Commissioners wish to record their appreciation of the co-operation and assistance which they have received from the staff of the Secretariat General; of the good work of the fixed and mobile teams, often performed under rigorous and unusual circumstances; and of the valuable help afforded by the staff of the three National Delegations.

Progress Report.

34. Action required to be taken under the various Articles of the Agreement and the progress so far are indicated in the statement (Appendix I) attached to this Report.



CHAPTER II

CEASE-FIRE PROVISIONAL MILITARY DEMARCATION LINE AND DEMILITARISED ZONE

Cease-Fire.

35. The structure of the "Arrangement on the Cessation of Hostilities in Viet-Nam" is based upon the cease-fire throughout the country and upon the regroupment of Forces on the two sides of the provisional demarcation line.

36. Articles 10 and 11 of the Agreement provide for specific dates and times at which cease-fire shall be effected. As Article 44 of the Agreement provides for the setting up of an International Commission at the time of the Cessation of Hostilities, the International Commission was not required and was not able to supervise the operations of cease-fire.

37. Since the cease-fire became effective, the Commission has received no reports of renewal of hostilities in any part of Viet-Nam. A number of incidents have been reported, in particular, in Central Viet-Nam; evidence available to the Commission would indicate that these incidents are not violations of Articles 10 and 11. They are clashes which took place between the Armed Forces of one side and local population. These incidents have been dealt with by the Commission and are described in Chapter VII of this Report.

Provisional Military Demarcation Line and Demilitarised Zone.

38. In accordance with Chapter I of the Agreement on the Cessation of Hostilities in Viet-Nam, a provisional military demarcation line has been fixed as indicated in the map attached. A demilitarised zone of a width of 5 kilometers on either side has been created as a buffer zone to avoid any incidents which might result in the resumption of hostilities.

39. Neither of the parties has so far reported to the Commission any violations of the Agreement so far as Chapter I is concerned.

40. It has been provided under Article 36(b) that one of the main responsibilities of the Commission is to supervise the demarcation lines between the regroupment areas and also the demilitarized zone. As in the initial stages the Commission's mobile teams have been engaged in enquiries and investigations which demanded immediate

attention, it has not been possible for the Commission so far to establish any mobile teams in the demilitarized zone or near the demarcation line. The Commission, however, has two Fixed Teams on either side of the demarcation line and in proximity to the demilitarized zone. They are DONG HOI in the North and TOURANE in the South. The Commission is now considering, in consultation with the two parties, the question of installing further inspection teams, if necessary, for carrying out the Commission's responsibilities under Article 36(b).



CHAPTER III

REGROUPMENT PLAN

Relevant Provisions.

41. Paragraph 6 of the Final Declaration of the Geneva Powers dated 21st July, 1954, makes it clear that the essential purpose of the Agreement relating to Viet-Nam is to settle military questions, with a view to ending hostilities and that the military demarcation line is provisional and should not in any way be interpreted as constituting a political or territorial boundary. Chapter II *inter alia* provides for a regroupment of the Forces of the French Union south of the provisional demarcation line and those of the People's Army of Viet-Nam north of the provisional demarcation line. Article 15f(1) provides for the creation of provisional assembly areas, both in the North and in the South, for the concentration of Forces on either side, whilst the regrouping process is going on. The provisional assembly areas may be seen on the map (APPENDIX II). - The provisional assembly areas in the North consist of the perimeters of HANOI, HAIUDONG and HAIPHONG. In the South, there are 4 provisional assembly areas, viz., (i) The area consisting of QUANG NAI and BINH DINH provinces in Central Viet-Nam; (ii) The area of POINT CAMAU; (iii) The area of PLAINE DES JONCS, and (iv) The area of XUYEN MOC. [See areas (i), (ii), (iii) and (iv) on the map.]

Implementation of Art. 15(f)1.

42. The Commission is satisfied that the provisions of Article 15(f)1 have been complied with, and that within 15 days after the cease-fire, the Forces of both sides had effectively withdrawn to these provisional assembly areas. A case was reported to the Commission by the French Liaison Mission about the existence of three or four thousand partisans in the area of Pakha, who, during the hostilities, were actively supporting the French Union Forces. These partisans had, after the cease-fire, neither laid down their arms nor moved into the French provisional assembly area in the North. The matter was brought to the attention of the Commission in the beginning of October although the situation described was stated to have been existing at the end of August. The facts of the case are being investigated by the Commission through the two parties.

43. The next phase in the process of regroupment is the progressive withdrawals and transfer of military forces from the provisional assembly areas, described above, to the regroupment area assigned to the particular party. The programme for withdrawals and transfers, both for military forces and for the civil administration, has been laid down in Article 15(f)2. The principles governing the withdrawals have been stated in Article 15(a), (b), (c), (d) and (e) and also in Articles 12(b) and 14(a) and (b).

44. One of the specific duties entrusted to the Commission under Article 36(a) is control of the movement of Armed Forces of the two parties evacuated within the framework of the regroupment plan. The Commission has, since its inception, been seized of this question and has participated actively with the parties in the implementation and supervision of these Articles of the Agreement.

45. Realising that the intention of the above mentioned Articles is that the regroupment plan should take place in such a manner that there is no break in the transfer of responsibilities and that all the operations and movements involved proceed in a safe and orderly fashion, the Commission recommended to the two parties that they should, in the Joint Commission, prepare plans for orderly withdrawals and transfers, both of military forces and of civil administration. The Commission offered the assistance of its own mobile teams to guide and supervise these operations.

Implementation of the regroupment plan North of the provisional demarcation line.

46. Under the Provisions of Article 15f(1), the French Union Forces had concentrated in the provisional assembly areas of HANOI, HAIDUONG and HAIPHONG, and, in accordance with Article 15f(2), they are required to withdraw from the HANOI perimeter at the end of 80 days, from the HAIDUONG perimeter at the end of 100 days and from the HAIPHONG perimeter at the end of 300 days.

Military transfer of Hanoi and Haideuong.

47. The International Commission held a series of Conferences with the two Liaison Missions, well before the transfer was effected and emphasised time and again the necessity of an orderly transfer of power. It advised the two parties to get together and prepare a plan of withdrawal and transfer. On the advice of the International Commission, the two parties in the Joint Commission appointed a number of sub-committees for dealing with this question and a protocol was signed between the two parties for the transfer of HANOI perimeter sector by sector. The Commission took notice of this plan and placed at the disposal of the two parties 5 mobile teams

for supervising the transfer. The military transfer of the HANOI perimeter was effected in 5 days, i.e., from 6th to 10th October, 1954. The town and its suburbs were transferred sector by sector under the supervision of the Commission's mobile teams and not a single incident occurred during this operation. Members of the Commission witnessed the handing-over operation at various points in the city on 9th October, 1954.

Transfer of civil administration and public services in Hanoi.

48. Besides the military operation described above, two other problems arose during the transfer of responsibilities. These problems were visualised by the Geneva Powers and provision was made for them under Article 14(b), viz:

- (a) The orderly transfer of the civil and administrative services, including civil police, administrative offices, posts and telegraphs, etc;

AND

- (b) The orderly transfer of the essential and public services, including water supply, electricity, transport, etc.

49. The above problems were not as easy to settle as the question of military withdrawals and transfers. Several problems arose as to the methods of handing-over and the Commission assisted in working out the procedures. An example of the type of assistance the Commission was able to afford was the action taken in the case of a petition from the workers of the Hanoi Post Office to the effect that the Management was dismantling the equipment and it was likely that the workers would be thrown out of employment. The Commission invited the two parties for discussions and repeated that it was most essential that plans should be prepared for handing-over the civil administration and the public essential services in the same manner as the plans for military withdrawals and transfers. After discussions, the two parties in the Joint Commission signed a protocol providing for the advance arrival in Hanoi of civil servants and police of the Democratic Republic. The officials arrived according to the following programme:

2nd October, 1954	285 Democratic Republic civil servants.
5th October, 1954	150 Democratic Republic civil police.
8th October, 1954 and 9th October 1954	214 Democratic Republic military police.
9th October, 1954	The City would be evacuated by the French Union Forces.

50. With regard to the transfer of public offices and utilities, such as, the Posts and Telegraphs, complaints had been made by the representatives of the Democratic Republic as well as the workers

that essential equipment was being removed to HAIPHONG by the French authorities. After discussion with the two parties, it was agreed that inventories should be prepared of the stocks and equipment in each establishment. These inventories were to be prepared by the two parties in the presence of the Commission's mobile teams. The adequacy of stocks left behind would thereafter be examined by the Democratic Republic authorities, and if they were found to be inadequate, the International Commission could be approached. A protocol embodying the above principles was signed by the two parties. The programme laid down above and the terms of the protocol were carried out by the two parties with the help of the Commission's mobile teams.

51. The position was more difficult in the case of essential services like water supply, electricity and transport. These services were operated by private concerns. Contracts had been given to these firms in the year 1928 which did not expire till 1957. The authorities of the Democratic Republic were prepared to validate these contracts and expressed a desire that the existing Management should continue to operate in order to ensure that there was no interruption in these services. The private firms, however, were not willing to continue, and stated their intention of leaving Hanoi before 8th October, 1954. After discussions with the two parties, the International Commission proposed the following measures to ensure that there was no break in essential services:—

- (a) All essential equipment for the running of these installations should be left behind;
- (b) Sufficient supply of coal for two months and spare-parts and other equipments for two years should be left behind;
- (c) Although the Management of these firms would pass on to the Democratic Republic authorities, technicians and specialised personnel should be induced to remain, provided the Democratic Republic authorities would give necessary guarantees in respect of their persons and property.
- (d) Specialised personnel of the Democratic Republic could be invited to Hanoi so as to effect the change-over of these services gradually before the date of evacuation.

52. All the above proposals were acted on by both parties and just as in the case of military withdrawals and transfers, the transfer of civil and administrative services, public buildings and public offices, and essential public services was carried out successfully by the two parties. No break occurred in any of these services in spite of the difficult circumstances in which they were transferred.

53. The above arrangements which were adopted for the transfer of Hanoi on the 10th of October, 1954, i.e., at the end of 80 days, were equally successfully applied to the transfer of the HAIDUONG perimeter at the end of 100 days i.e., on the 30th of October, 1954.

54. The Commission has drawn the attention of the two parties to the successful transfer of administrative and public services as well as the orderly transfer of military authority in Hanoi and Haiduong and has recommended that they should adopt a similar procedure for the transfer of all the other provisional assembly areas. Transfer of Hanoi and Haiduong showed that orderly transfer could only take place if the two parties co-operated in the process and, well in advance of the dead-line, held joint discussions and agreed upon an integrated plan of withdrawal and transfer. The Commission has issued instructions to its fixed teams on this subject and, in particular, to those teams which are situated in the provisional assembly areas.

Implementation of the regroupment plan South of the demarcation line.

55. Under the provisions of Article 15f(2), the programme of withdrawal of the forces of the People's Army of Viet-Nam from areas South of the provisional demarcation line has been laid down as follows:—

FORCES OF THE PEOPLE'S ARMY OF VIET-NAM

Ham Tan and Xuyen Moc provisional assembly area	80 days.
Central Viet-Nam provisional assembly area—First instalment	80 days.
Plaine des Jones provisional assembly area	100 days.
Central Viet-Nam provisional assembly area—Second instalment	100 days.
Point Camau provisional assembly area	200 days.
Central Viet-Nam provisional assembly area—last instalment	300 days.

56. The withdrawals and transfers were effected before the due dates in the provisional assembly areas of Ham Tan, Xuyen Moc, Plaine des Jones and Quang Ngai and were, with the exception of Plaine des Jones, observed by the Commission's mobile teams.

57. In the case of the provisional assembly area of Central Viet-Nam, however, withdrawals had to be conducted in three instalments as indicated in the Article. Although three instalments have been mentioned, one at the end of 80 days, the second at the end of 100 days and the third at the end of 300 days, the Agreement is silent on the extent and nature of these instalments. It is for the parties to arrive at a mutually satisfactory agreement on the slices to be transferred at each stage. Though the parties have not yet

arrived at such a settlement on the basis of agreed principles, provisional protocols were signed between them and withdrawal from and transfer of certain agreed areas have been carried out at the end of 80 days and 100 days in the Central Viet-Nam provisional assembly area. The dispute has been placed before the International Commission for settlement. The French authorities have taken the view that Central Viet-Nam should be evacuated in three equal and proportionate stages. The Democratic Republic authorities, however, claim that they had already withdrawn from certain areas at the end of 80 and 100 days though there was no provision in Article 15f(2) for such territorial withdrawals from the provisional assembly area of Central Viet-Nam.

58. Protocols were signed for limited withdrawals on the 80th and 100th day, and their evacuations took place without any conflict between the two parties but the dispute still persists. The Commission advised the parties to discuss the matter once again in order to arrive at an agreement, if possible. If the parties cannot reach agreement in a reasonable time, the Commission will undertake to make recommendation based on information supplied by both sides.



CHAPTER IV

PRISONERS OF WAR AND CIVILIAN INTERNEES

Prisoners of War

59. One of the first problems which the International Commission and the two parties were faced with in the implementation of the Geneva Agreement was the question of exchanging prisoners of war and civilian internees. The conditions under which prisoners of war and civilian internees are to be exchanged are defined under Article 21 of the Agreement. Article 21(a) provides that prisoners of war and civilian internees captured since the beginning of hostilities in Viet-Nam during military operations or in any other circumstances of war and in any part of the territory of Viet-Nam shall be liberated within a period of 30 days after the date when the cease-fire becomes effective in each theatre.

60. According to the above programme, the release of prisoners of war should have been completed on the following dates:—

Northern Viet-Nam	. . . . .	26th August, 1954.
Central Viet-Nam	. . . . .	31st August, 1954.
Southern Viet-Nam	. . . . .	10th September, 1954.

61. In view of the time-limits laid down above, the parties started discussion on this question at an early stage. There were some disputes initially concerning procedures, and when the International Commission met the Joint Commission at TRUNG GIA on the 13th August, 1954, it was surprised to find that the exchange of prisoners had not yet commenced. The Democratic Republic authorities demanded full lists of all the prisoners the French were going to release and the French authorities claimed that they had many more prisoners than the lists which had been supplied by the Democratic Republic showed. The Commission was able to effect a compromise. The French authorities agreed to prepare a full list of prisoners of war and civilian internees whom they held and the Democratic Republic authorities agreed to start exchanges before they received the final list. On the 14th August, 1954, a protocol was signed and exchanges commenced at three points in North Viet-Nam (including Viet-Tri and Sam-Son).

62. In accordance with this protocol, several thousand prisoners were exchanged in the first few days. Some physical and technical

difficulties, however, arose including heavy rains and cyclonic winds, which made the current in the Red River so strong that boats carrying French prisoners to Viet-Tri could not proceed up the Red River. On the other side, the roads in Northern Viet-Nam were flooded and the Democratic Republic prisoners could not be brought to Viet-Tri from the camps inland. There were other complaints and counter-complaints such as inaccuracy of lists, difficulties in actual transfer of prisoners and inadequacy of staff, etc.

63. As the International Commission was specifically charged under Article 36(c) of the Agreement with the duty of controlling the operations of releasing prisoners of war and civilian internees and as the Commission was very anxious that the provisions of Article 21 should be fully implemented by the parties, the International Commission met the Joint Commission at PHU LO on the 25th August, 1954, and made the following proposal to the parties:—

- (a) That the exchange must proceed with the utmost speed and must not be delayed for any reason other than those caused by physical and administrative difficulties;
- (b) That the transfer of prisoners in North Viet-Nam should be completed eight days after 26th August, 1954;
- (c) That the exchanges should be completed in Central Viet-Nam on the scheduled date, i.e., 31st August, 1954;
- (d) That discussions should be started immediately regarding exchange in South Viet-Nam, the scheduled date being 11th September, 1954;

AND

- (e) That to improve the atmosphere and also to help expedite the release of prisoners of war and civilian internees, the two High Commands should send Joint Teams to inspect the camps and prisoners of both sides.

64. After considerable discussion, the parties accepted these proposals and the exchanges continued.

65. To supervise the operations of exchange, the International Commission sent out a mobile team to Viet-Tri.

66. On the 9th September, 1954, i.e., at the end of the time-limit laid down under Article 21(a), the position of the exchange of prisoners stood as follows:—

(1) Figures supplied by the French Authorities :—

(a) Prisoners released by the French Union Forces	65,477
(b) Prisoners released by the Popular Army	11,706

(2) Figures supplied by the Democratic Republic Authorities :—

(a) Prisoners released by Popular Army	11,882
(b) Prisoners released by French Union Forces	65,465

67. There have been discrepancies in the figures as indicated above and during the past three months, the Commission has been receiving claims and counter-claims made by both sides. The Commission accordingly on the 4th November, 1954, formerly requested the Parties and asked them to submit consolidated statements showing:

- (a) The number of prisoners of war and civilian internees released up-to-date;
- (b) The number of prisoners of war and civilian internees still in detention and in whose cases specific demand has been made by one Party or the other;

AND

- (c) The approximate period within which the Parties hoped to settle all the pending cases under the terms of Article 21.

68. To this letter, both the Parties replied that they had fulfilled their obligations under Article 21 and that they had not retained any prisoner of war or civilian internee of the other side. The Parties, however, stated that they were investigating the claims made by each other. Appendix III is a statement showing the position regarding prisoners of war and civilian internees according to the latest information available to the Commission.

69. One of the possible reasons for the discrepancies between the figures supplied by the French and the figures supplied by the Democratic Republic might be that the figures supplied by both sides include all members of their Forces who are missing and believed to be prisoners of war. Many of these persons may have died or disappeared during the hostilities without having been prisoners of war. The International Commission is pursuing the matter with the two parties.

70. Besides the exchange of prisoners of war and civilian internees, other matters arising out of Article 21 have come before the Commission during the last three months. They include the problems of deserters, of the grant of asylum by the International Commission and of civilian internees wrongly classified as ordinary criminals and thus deprived of the benefit of Article 21.

The Problem of Deserters

71. It would appear that during hostilities, several hundred members of the French Union Forces deserted to the Forces of the People's Army of Viet-Nam. One such group of persons including European and African members of the French Foreign Legion who are alleged to have 'gone over' to the other side, came to the notice

of the Commission. Both the High Commands have by common agreement excluded these persons from the exchange of prisoners of war operation. This question is under consideration in consultation with the Parties.

72. The Commission has asked both Parties to furnish details of the size of this problem, the number of deserters involved and the position taken by both Parties on this question. The Democratic Republic authorities have also been asked to furnish a list of such persons in their custody. Apart from the question of disposal, it is hoped that such a list will enable the Commission to locate missing persons on whose behalf petitions are being constantly received.

The Question of Asylum

73. Another question which came to the Commission for decision was how to deal with persons who claimed asylum with the Commission.

74. The Commission decided that it would not be possible or desirable to grant asylum. After discussions with the two Liaison Missions, the Commission decided that pending investigation of individual cases by the Commission, the persons concerned should be kept in the temporary custody of the competent local authorities on an "under-trial" basis and should be made available whenever the Commission desired.

75. As cases of this type may occur again, the Commission has issued instructions to all its Fixed Teams asking them to follow this procedure.

The Question of Political Prisoners

76. The benefits of Article 21 have also been extended to "civilian internees", who have been defined to include all persons, who, having in any way contributed to the political and armed struggle between the two parties, have been arrested for that reason and have been kept in detention by either party during the period of hostilities. Article 14(c) of the Agreement also provides that each party undertakes to refrain from any reprisals or discrimination against persons or organisations on account of their activities during the hostilities and to guarantee their democratic liberties.

77. While the bulk of the civilian internees under Article 21 were released along with the release of prisoners of war, the authorities of the Democratic Republic claimed that a considerable number of civilian internees were still being kept in detention in several prison camps in South Viet-Nam, including POULO CONDORE, CHI-HOA, GIA-DINH, CAI-VON, TAN-AU, TRA-VINH and MY-THO, POULO-CONDORÉ being the most important of these prisons. The Commission sent a mobile team accompanied by Liaison

Officers of both sides to the Island of POULO CONDORE to investigate these complaints. The team examined the prison and has requested permission to scrutinise the dossiers of some of the prisoners in the Ministry of Justice at SAIGON. After considering the report of the team, the Commission asked the French authorities to arrange for the release of 70 persons who were admitted to be political prisoners by both sides and to carry out further investigations into the other 61 disputed cases of prisoners.



CHAPTER V

DEMOCRATIC FREEDOMS GUARANTEED UNDER THE GENEVA AGREEMENT

Relevant provisions of the Geneva Agreement

78. The preceding Chapters of this Report have been mainly descriptive of military and semi-military operations in the implementation of the Agreement on cease-fire in VIET-NAM. The Agreement contains, besides important Articles of a political nature defining and guaranteeing certain fundamental liberties and freedoms to the people of this Country. Besides guaranteeing, in general, "democratic liberties", specific assurances have been given in Articles 14(c), 14(d) and 15(d).

79. The International Commission, realising the fundamental importance of these three Articles particularly in the peculiar political climate of this Country engendered by eight years of war, has, since its inception, given a great deal of attention to the implementation of these provisions. The first stage was to give due publicity to these rights available to the public. The Commission, therefore, issued a statement (Appendix IV) on the 2nd September, 1954, giving a clear interpretation of these provisions of the Geneva Agreement. This statement was released to the press. The Commission, in addition, asked the Parties to give wide publicity to these provisions of the Agreement by means of posters, handbills, newspaper notices, radio announcements and broadcasts.

80. During the period under review, the Commission received 17,397 petitions which can generally be classified under the following heads:—

(1) Petitions received upto 10th December 1954	17,397
(2) Petitions dealing with matters of principle, freedom of movement, democratic freedoms etc. dealt with by the Commission through teams or other methods	11,035
(3) Petitions dealing with specific individual complaints referred to the parties for investigation	2,201
(4) Pending cases	4,161

necessity of establishing a Committee of the Commission to deal with Articles 14(c) and (d) of the Agreement guaranteeing democratic liberties and freedom of movement from one zone to another. As a result of these discussions, the Commission passed a resolution on the 19th October, 1954, creating a Committee on Freedoms

(Appendix V). The main functions of this Committee are to control and supervise the action taken by the two Parties under the provisions of Article 14(c) and (d), to maintain close liaison with the two Parties with a view to being informed at all times of the steps taken and plans developed by them for the implementation of these Articles and to recommend to the Commission principles, procedures and other arrangements which may provide acceptable solutions to problems arising in this connection. For this purpose, the Committee is authorised to take action through the Commission's inspection teams, if necessary.

82. The Commission also recommended to the Parties that a corresponding Committee composed of their representative should be created to consider initially all issues arising out of Articles 14(c) and (d) and to work out detailed arrangements for their solution.

83. The Parties have accepted the recommendation in principle and are discussing modalities of its implementation in the Joint Commission. The Commission has been utilising the members of its own Committee on Freedoms for consideration of questions arising under these Articles.

Implementation of Article 14(c), i.e. Democratic Freedoms in General and Freedom from reprisals and discrimination.

84. In view of the troubled condition of VIET-NAM after eight years of war and frequent changes of administration and power, the necessity of guaranteeing democratic liberties to individual citizens is paramount. In particular, it is quite necessary to assure the people of this Country that whatever may have been their political sympathies, the authorities will refrain from any reprisals or discrimination against them. With the regroupment of forces on either side of the demarcation line, political sympathisers and supporters of one side often find themselves in the zone controlled by the other side, and in normal circumstances, might have been liable to persecution for their past activities. In Chapter IV, a description has already been given of the implementation of Article 21 which provides for the release of civilian internees. The bulk of these civilian internees or political prisoners has been released and action is being taken to release those who may still remain in jails for political offences.

85. The Commission has recommended to both Parties the importance of observing the spirit of Article 14(c) by refraining from detention, arrest or prosecution of persons on the sole ground of their holding particular political opinions. One important complaint of the alleged violation of this principle involving the arrest of 24 persons in the South, made by the Democratic Republic of Viet-Nam authorities, is under consideration.

86. While ordering investigation through its mobile teams into incidents (*Vide* Chapter VII) the Commission has borne in mind the provisions of Article 14 and the teams have been briefed accordingly (Appendix VI).

Implementation of Article 14(d), i.e. Freedom of movement.

87. In the month of September and in the first week of October, 1954, sporadic complaints and petitions were received about obstacles to free movement from North VIET-NAM to South VIET-NAM and about forced evacuation to the South. The Commission addressed the parties and emphasised their responsibilities under Article 14(d), *viz.*, that they should not merely permit civilians to move from one zone to the other according to their choice, but should actively assist them to do so, as provided in the said Article. Early in October, the French Liaison Mission endorsed a complaint made by the South VIET-NAM Government alleging that obstacles were being placed by the Democratic Republic Government on the free movement of evacuees in the areas of NAM DINH, PHAT DIEM, BUI CHU, THAN BINH, NINH GIANG and PHU LY. To investigate these complaints, the Commission sent out mobile teams to NAM DINH and to PHAT DIEM. At NAM DINH, the mobile team found no evidence of any person wishing to go to South being obstructed or hindered in the exercise of their right under Article 14(d), but received petitions alleging that the French authorities and the church authorities had exercised pressure on certain persons to move to the South. The Democratic Republic authorities have endorsed these petitions and have asked the Commission to investigate this part of the problem in addition to the investigation of the question of freedom of movement. The Commission is investigating these complaints under its normal procedure.

88. At Phat Diem, the mobile team found that 10,000 refugees congregated in the area and unable to move. The team also found that the machinery for giving permits and providing necessary transport facilities was not adequate to deal with this situation. The refugees had congregated particularly in the compounds of the seminary, the cathedral and the convent. The Commission sent its Committee on Freedoms to the spot, and after discussion with the Democratic Republic Liaison Mission, suggested a special procedure for dealing with the abnormal situation at Phat Diem. These arrangements consisted of special permit offices in the places where the evacuees had congregated and delegation of powers to the local authorities to grant such permits. On the suggestion of the International Commission, the authorities of the Democratic Republic also made arrangements for giving food and medical aid to the refugees and necessary arrangements for transporting them from Phat Diem to the French zone in the Haiphong perimeter.

There were 8268 refugees transported by moter boat from Phat Diem to Xa Trung on the French zone during a period of ten days. Under instructions from the Commission, a team is preparing a report on the causes which led to this concentration.

89. Meanwhile, complaints were received by the Commission that similar concentrations of refugees existed in various other places in the red river delta, viz., at BUI CHU, THAI BINH, NINH-GIANG, PHU LY and TRA LY. An allegation was made by the French authorities that thousands of refugees who had come down in small boats by the river were stranded on a sand bank and were in danger of being drowned at the mouth of the river Tra Ly. They added that French naval vessels had entered the territorial waters of the Democratic Republic to effect "rescues". The Democratic Republic authorities strongly objected to this action on the ground that it constituted violation of their sovereignty. They claimed that there was no danger of any persons being drowned and that they were prepared to take full responsibility for the safety of the people in their zone. The Commission considered the matter and decided that unless the two parties agree to such a measure, the Commission will not recommend assistance by French naval vessels for transport of refugees from the Democratic Republic territory. The responsibility for implementing Article 14(d) is that of the administration of the zone and the Commission's duty is to enforce this responsibility. The Commission sent a mobile team to Tra Ly to investigate the allegations.

90. The Mobile Team had certain difficulties based on the narrow interpretation given to its instructions by the Liaison Officer of the Democratic Republic. This did not prevent the Team assessing whether people were in danger of being cut off by tides and drowning. The conclusion of the Team, for the area visited, was: "We found no evidence of people being in danger of being cut off by high tide."

91. Apart from the special procedure evolved at Phat Diem, the Commission, having received reports that a number of persons desired to move from North Viet-Nam to the French-controlled zone, recommended to the Democratic Republic authorities that they should provide adequate normal machinery for the grant of permits and for transport and other arrangements, so that their obligations under Article 14(d) may be fulfilled and to avoid abnormal situations such as the one at Phat Diem. Complaints to the effect that no arrangements had been made and the Democratic Republic authorities were, in fact, obstructing the passage of refugees, however, persisted. The Commission considered the

matter, and whilst admitting that the Democratic Republic authorities had the right to set up necessary administrative machinery for regulating the issue of permits and the movement of refugees and whilst stating emphatically that the Commission would not be a party to any panicky and unorganised exodus of refugees, held that the administrative processes should not be so clumsy, slow and complex as in effect to defeat the provisions of Article 14(d).

92. To resolve this situation and to ascertain the facts the Fixed Team at VINH has been directed to study the situation in the area of THAN HOA and VINH and the Commission sent two mobile teams to the areas of BUI CHU, NAM DINH and THAI BINH. These teams have been instructed to ascertain what procedures are in force, whether these procedures are adequate, and, if not, what improvements can be suggested. A copy of one of the briefs is attached (Appendix VII). The investigations are in progress.

93. For a permanent solution of this question and with a view to assuring itself that the parties will be in a position to fulfil their responsibilities under article 14(d) within the time limits prescribed, the Commission has authorised its Committee on Freedoms to examine the entire question in consultation with the two parties.



CHAPTER VI

NEW MILITARY PERSONNEL, EQUIPMENT AND BASES IN VIET-NAM.

Relevant Provisions of the Agreement

94. One of the specific tasks entrusted to the International Commission under the provisions of Article 36(d) is the supervision at ports and airfields as well as along all frontiers of Viet-Nam of the execution of the provision of the Agreement on Cessation of Hostilities regulating the introduction into the country of Armed Forces, military personnel and all kinds of arms, munitions and war materials. The Geneva Powers have in paragraph 4 of their Final Declaration dated 21st July, 1954, taken special note of those clauses of the Agreement.

95. The relevant provisions of the Agreement are: Article 16 which prohibits the introduction into Viet-Nam of any troop reinforcements and additional military personnel and which makes special provision for regulation of rotation of troops; Article 17 which prohibits introduction into Viet Nam of any reinforcements of all types of arms, munitions and other war material such as combat aircraft, naval craft, pieces of ordnance, jet engines, jet weapons and armoured vehicles and which makes special provision for normal replacement of material; Article 18 which prohibits the establishment of new military bases throughout the territory of Viet-Nam; and Article 19 which prohibits the establishment of military bases under the control of a foreign State.

Control of Articles 16 and 17

96. For the effective control of Articles 16 and 17 of the Agreement, "specific points of entry" have been fixed for rotation of personnel and replacement of materials at the following places:—

North of the provisional military demarcation line:

LAO KAY, LANG SON, TIEN-YEN, HAIPHONG, VINH,
DONG-HOI and MUONG-SEN.

South of the provisional military demarcation line:

TOURANE, QUI NHON, NHA TRANG, BANG HOI, SAI-
GON, CAP ST JACQUES and TANCHAU.

In accordance with the provisions of Article 35 of the Agreement, the International Commission has located fixed teams at the above points of entry. In chapter I of this Report, a brief description has been given of the installation and work of these fixed teams. The

main duties of the fixed teams are as specified under the Agreement to control the provisions of Articles 16 and 17. To facilitate the work of the team, they are assisted by a Liaison Officer of the local administration who enables them to obtain the co-operation of all other services concerned, viz., customs, dockyard, aerodrome, etc. The teams are to conduct checks in pursuance of notifications received under Articles 16(f) and 17(e) and in addition conduct observation in connection with their task of control. The Commission has instructed its teams to conduct their investigations as far as possible on the ground, i.e., at the airports and docks. In special cases, however, where such examination is not possible, the teams have been allowed to board vessels even if they be foreign vessels in consultation and co-operation with the local administration.

97. Notifications are being received from the French High Command under Article 16(f). No such notifications have so far been received from the P.A.V.N. High Command. No notifications have so far been received from either High Command under Article 17(e). It is understood that discussions are going on in the Joint Commission as to what items should be regarded as "war material" in respect of which notification under Article 17(e) is necessary.

98. Some confusion arose in the initial stages because certain movements of personnel and war material were internal movements only. In a few cases, the French authorities asserted that the Commission had no *locus standi* to examine such internal movements. But in order to check whether the movement was internal or external, it was necessary for the International Commission's fixed teams to examine all war materials which entered the ports. The Commission has, therefore, instructed its teams to check all exports and imports of war material and personnel, whether the local authorities give notice or not.

99. If the team discovered entry of war material or personnel where no notice has been given, it was open to the local authorities to explain that no notice was given because the movement was internal. The veracity of the statements made could be checked at the Commission's Headquarters where such statements of import and export would be received from all the fixed teams.

100. To date, the Commission had received two specific complaints from the Democratic Republic authorities alleging violations of Article 17:—

- (a) a report that on the 8th of August, 1954, the ship ESPE-RANZAT was alleged to have unloaded war material at TOURANE.

- (b) a report that on the 5th of October, 1954, the ship VIET-NAM was alleged to have arrived with a load of aircraft engines and two thousand persons.

With regard to the first specific allegation, the fixed team was not at TOURANE on the date mentioned and, in fact, the Commission itself was not set up until the 11th August, 1954. The matter is, however, being investigated by the Commission's fixed team at TOURANE. With regard to the second specific allegation, details have been asked for from the Democratic Republic Liaison Mission and the Commission is conducting investigation through its own team.

101. Besides these, one general complaint was received in a letter dated the 5th December, 1954, from General Giap, Commander-in-Chief of the People's Army of Viet-Nam, regarding violations under various Articles of the Agreement including Article 19. The complaint is being considered by the Commission.

102. The Commission also received a complaint from the French Liaison Mission on the 27th November, 1954, alleging that important quantities of war material had been imported by the High Command of the People's Army of Viet-Nam since the coming into force of the Geneva Agreement. The French authorities suggested that for an effective check over the northern frontier, it would be necessary to instal fixed teams at CAU-BANG and LAI-CHAU; and also to supervise through a mobile team the cross roads of CAU-BANG and BAU-LANG and the LAI-CHAU cross road. Regarding the request for new fixed team locations, the Commission was of the opinion that it could not recommend alterations in the points of Fixed Teams locations specified under Article 35 without adequate experience of the working of the teams in their present locations. The Commission has requested the French authorities to furnish further details on the basis of which they have made these serious allegations and, in the meantime, a reconnaissance survey of the northern frontier area is being undertaken through two mobile teams to check whether there is any physical possibility of import of war materials through points of entry other than those already fixed under Article 20 of the Agreement, particularly in the areas mentioned in the French complaint.

103. Besides these alleged violations, no other complaints have been received by the Commission in respect of violations of Articles 16 and 17 of the Agreement.

Rotation of troops

104. Article 16 permits the normal rotation of units and groups of personnel under conditions laid down in sub-paragraphs (a), (b),

(c), (d), (e) and (f). Regular notifications under Article 16(f) are being received by the Commission. Copies of these notifications are also being sent at the request of the Commission directly to the Fixed Teams which exercise control on these movements under Article 16 and report to the Commission.

105. The Commission has been receiving reports from its fixed teams regarding difficulties which are being experienced in the implementation of Article 17 as no notifications under Article 17(e) have so far been received from either High Command. The teams have been told in specific cases that the movements are internal or that no notifications are being sent under Article 17(e) as discussions to an agreed list of war material, entry and exit of which should be notified under Article 17(e), are still going on between the two High Commands in the Joint Commission.

106. The Commission has, therefore, undertaken a detailed study of various articles of the Agreement dealing with the tasks of the teams, and the matter is under consideration of the Commission for decision and issue of comprehensive instructions to all teams, to make the work of the teams more effective.

Military bases

107. Articles 18 and 19 prohibit the establishment of new military bases in Viet-Nam and also prohibit the establishment of military bases under the control of a foreign State. To date except for the general complaint referred to in para. 101, the Commission has not received any specific complaint from either of the parties regarding violations of Articles 18 and 19. In order that further instructions to its fixed teams may be given, the Operations Committee of the Commission has undertaken the study of the following questions:—

- (i) What is a "military base"? The definition of "military base" to be worked in the light of various circumstances prevailing at various phases. For instance, the connotation of the word "military base" would be different before and after the completion of the process of regroupment.
- (ii) What constitutes a "new base" and what constitutes an "extension" of an old base?
- (iii) What methods of control will be effective to carry out the Commission's obligations under Article 18?

CHAPTER VII

INCIDENTS IN CENTRAL AND SOUTH VIET-NAM.

108. As has been mentioned in the previous Chapter, incidents which are reported to have occurred in the areas of South and Central Viet-Nam have been brought to the notice of the Commission by both parties during the last two months. The places where these incidents occurred and the dates of their occurrence are as follows:—

(i) AI-NGHIA	16-8-1954.
(ii) HA LAM	4-9-1954 to 7-9-1954
(iii) CHI-THANH	7-9-1954.
(iv) CAM-LO	10-9-1954.
(v) TAM-KY	27-9-1954.
(vi) CHO-BEN	25-10-1954 to 28-10-54.

109. All these incidents occurred as a result of clashes which took place between forces of the French Union High Command or Civil and Military Police and local populations and resulted in injury to life and property.

110. In the initial stages, the parties reported these incidents to the Commission unofficially while discussions regarding the action to be taken were being carried on by the Joint Commission at PHU LO. The parties, however, found it difficult to agree on the procedure for investigation. The authorities of the democratic Republic wanted to send a joint team of the Joint Commission and a team from the International Commission to conduct the investigation on the spot. The French Authorities held the view that this matter was not within the scope of the functions of the Joint Commission and proposed that the investigation should be carried out solely by one of the International Commission's inspection teams. The parties approached the Commission for its intervention and the Commission after hearing both parties proposed a practical solution which would be without prejudice to the juridical stand taken by either party, viz., that the incidents should be investigated by teams of the International Commission. Representatives of the two parties would assist the teams during the investigation and would bring to their notice any relevant evidence. They would not, however, participate in the appraisal of the facts and in the preparation of the report. Both parties accepted this solution as a practical procedure in the circumstances and this mode of enquiry has now been adopted by the Commission for all similar investigations conducted by its Mobile Teams.

111. In accordance with the above, Mobile Teams of the International Commission proceeded to conduct on the spot investigations at the scenes of these incidents. Evidence of witnesses on both sides was recorded and the teams have submitted their reports to the International Commission.

112. The Commission considered the incidents which took place at AI-NGHIA. The reports of the team and the facts of the case as available in them were examined by the Commission in the letter and spirit of the Geneva Agreement, that is to say, in the light of the following:—

- (1) To what extent did the authorities of both sides in the area conform to the letter and spirit of the Articles of the Geneva Agreement after the signature of the Agreement and prior to the occurrence of these incidents.
- (2) Whether there was provocation from the civil population who in the exercise of democratic freedoms under Article 14(c) exceeded the usual limits and created a situation involving violence.
- (3) Whether such a situation hampered withdrawal and transfer of authority or constituted interference with the local civil administration.
- (4) Whether the action taken by the authorities involved injury to life and property of the civil population.
- (5) If it did, whether it was in excess of the requirements of the situation to enforce law and order and to remove interference to civil administration.
- (6) If excess was established under (5), the methods proposed to settle the incidents by rendering redress to the aggrieved parties and/or recommendations to the parties to take action against excess of authority on the part of the officials concerned.

113. It will be seen that the above issues have been framed with reference to the assurances contained in Article 14(c) regarding democratic liberties, the principles contained in Article 15 regarding the manner in which withdrawals and transfers of military forces will take place and the procedure laid down in Article 22 regarding punishment of those responsible for the violation of any of the provisions of the Agreement by the two High Commands.

114. For further detailed consideration of the reports reviewed regarding all these incidents, the Commission has created an *Ad Hoc* committee of legal experts from each Delegation. The Commission has reserved its conclusions on these incidents and possible

recommendations to be made to the parties until the review has been completed by the *Ad Hoc* Committee.

115. These incidents occurred during the withdrawals and transfers of military forces prescribed under Article 15. The Commission noted that the principles laid down in Article 15 and in Article 14(b) were not effectively applied in these areas of Central and South Viet-Nam. For instance, it was noted that civil administration did not always accompany the military forces and at times, there was a complete vacuum in certain areas of both civil and military administration of either side. The Commission has, on a preliminary review of these incidents, pointed out that if the parties plan the operation of withdrawal and transfer in accordance with the principles and directions laid down in the Geneva Agreement such incidents are less likely to recur. The Commission pointed out to the parties the excellent example of the transfer of Hanoi and Haiduong and has requested them to complete further withdrawals and transfers in accordance with this procedure.

116. Apart from the incidents mentioned above, the following subsequent incidents in Central and South Viet-Nam have been brought to the notice of the Commission.

(i) Thai Dong (Quang Nam)	17th October, 1954.
(ii) Xuan Quang (Quang Nam)	17th October, 1954.
(iii) Khanh Thanh Tan (Mo Cay)	13th September, 1954.
(iv) Binh Thanh (Cho Moi)	11th and 13th November, 1954.
(v) Nhan Phong (Binh Dinh)	3rd November, 1954.
(vi) Trung Trin, Son Long (Phu Yen)	29th October, 1954.
(vii) Hoa Thang (Phu Yen)	21st December, 1954.
(viii) Anchan (Phu Yen)	26th October, 1954.

Those at (i) to (viii) are being investigated by the Commission's Mobile Teams which have been fully briefed as to the points on which investigations are to be made.

CONCLUSION

117. The foregoing review is a summary of the activities of the International Commission for Supervision and Control in Viet-Nam during the first four months of its existence.

118. Despite difficulties of communication, frayed tempers due to eight years of strife and differences in the degrees of effectiveness of administration in various parts of Viet-Nam, the provisions of the Agreement which are of a military or semi-military nature have on the whole been carried out according to the time-schedules and directions given in the Agreement. These are detailed in Chapters II and III. As regards prisoners of war and civilian internees

dealt with under Chapter III, by and large, the parties have and are carrying out the directions under Article 21, and the bulk of the exchanges have been completed, though the time schedule has not been maintained mainly due to administrative difficulties.

119. The two parties in the Joint Commission have on occasions been unable to arrive at mutually satisfactory arrangements to execute the Agreement. On such occasions, the International Commission has been approached for intervention. The International Commission has consistently appealed to the parties to approach problems arising out of the Agreement in a practical spirit and not in a narrow formalistic manner. The Commission feels that a practical approach would be in the long run the most effective way of ensuring that the provisions of the Agreement are properly carried out and it is only in this spirit that the two parties can jointly fulfil the obligations which they have accepted at Geneva.

AGREEMENT DEALING WITH DEMOCRATIC FREEDOMS— CHAPTERS V AND VII

120. It is obvious from the review that there is room for improvement in the implementation by both parties of the Articles of the Republic. The Commission realises that in a climate of suspicion and fear engendered by eight years of strife and with administrative difficulties of some magnitude which the parties have had to face, effective implementation of the provisions of the Agreement dealing with democratic freedoms is bound to be a difficult matter, but the Commission feels that while difficulties exist, both sides have been sadly lacking in a sense of purpose and urgency in dealing with these matters.

121. The failure of the French High Command to ensure that effective and civil military administration was established in areas taken over by them in Central and South Viet-Nam, and the practical denial of democratic freedoms involved in the number of incidents resulting in injury to life and property of the civil population which have occurred and still continue to occur show that not enough has been accomplished as yet to establish a stable administration which alone can guarantee effectively the exercise of democratic freedoms under Article 14(c).

122. Similarly, the High Command of the People's Army of Viet-Nam, while they did co-operate with the Commission and took measures to secure freedom of movement in the case of about 8,000 PHAT DIEM refugees, have so far done little to develop adequate administrative arrangements, with the result that complaints continue to pour in. Restrictions on internal movements from province to province and a cumbersome system of permits can hardly assist in the effective exercise of the right of freedom of movement under Article 14(d).

123. Apart from informal recommendations and suggestions made already from time to time in the past, the Commission is keeping both these questions under constant review to assist the parties in the effective implementation of the Agreement.

124. Both sides have been generous in their assistance as regards logistic support to the Commission and its fixed and mobile teams, concerning matters dealt with under Chapter VI. However, both sides have preferred narrow legalistic interpretation of the Articles of the Agreement regarding the tasks and the spheres of movement of the Commission's teams. The Commission is taking up the matter with both sides on the basis of experience of the last few months, but it must be stated that our fixed and mobile teams have displayed considerable patience and perseverance in the face of restrictions and obstacles they have met in the form of inefficiency of local administration, the narrowness of local officials or general misunderstanding regarding their tasks.

125. In the control of import of war materials and rotation of personnel, the Commission has, as stated in Chapter VI, placed its inspection teams at fixed points laid down in the Agreement. Difficulties encountered have been discussed with the parties concerned and spot checks of the entry of equipment and material are from time to time carried out at these points even though no notifications have so far been received under Article 17(e). The frequency of control at these fixed points and the adequacy of these for purposes of carrying out the Commission's responsibility for supervision under Article 36 are being kept under review in the light of experience.

126. The Commission is satisfied that, on the whole, the specific points noted in the Final Declaration of the Geneva Powers dated the 21st July, 1954, have been borne in mind by both sides and that they have made and continue to make efforts to implement the Agreement on the Cessation of Hostilities in Viet-Nam signed on the 20th July, 1954.

M. J. DESAI, Chairman, INDIA.

SHERWOOD LETT, Member, CANADA.

P. OGRODZINSKI, Member, POLAND.

The 25th December, 1954.

APPENDIX I

IMPLEMENTATION OF THE PROVISION OF THE GENEVA AGREEMENT AS OF DECEMBER 10, 1954

Task	Completed	In Progress	Not commenced	Remarks
(References are to Articles of Agreement)				
1. Fixing of military demarcation lines (1).	X			
2. Establishing demilitarized zone (1).	X			
Joint Commission to establish rules for navigation of waterways that coincide with 17th parallel (3).				Information about the question has not been received from the Joint Commission.
4. Evacuation of islands north and south of the 17th parallel (4).		X		No complaints have been received from either side.
5. Withdrawal of troops, etc. from the demilitarized zone within 25 days of the cease-fire.	X			Do
6. Determination by Joint Commission of numbers of persons and arms permitted to enter demilitarized zone (8).				The International Commission has received no complaint concerning this article.
7. Cessation of hostilities (10 & 11).	X			This question was handled by the Joint Commission
8. Each side to inform the other of plans for movement of troops from zone in 25 days (11).	X			
9. Removal of mines and modalities of withdrawal & regrouping (12).		X		No complaints have been received from either side. These questions are handled by the Joint Commission.
10. Determination of air corridors and air safety routes by TRUNG GIA Commission (13).	X			
11. Giving notice in advance of withdrawal by party withdrawing so that there is no break in carrying out of responsibilities in the area affected [(14) (b)].		X		Evacuation from Provisional Assembly Areas has been supervised by the International Commission. This task is a continuing commitment and studies have been undertaken for future eventualities.

Task	Completed	In Progress	Not commenced	Remarks
12. Avoidance of reprisals and guarantee of democratic liberties [(14) (c)].				Continuing commitment that is under continuous supervision and review of the Commission.
13. A duty on each party to help civilians wishing to move from one zone to another [(14) (d)].				The International Commission has investigated in a number of places, the facilities for the movement of people from one zone to another. Steps have been taken for an examination of the general problem in consultation with the two sides.
14. Withdrawals and transfer [(15) (a)].		X		
15. Transfer of troops to be made in successive proportionate military instalments [(15) (b)].		X		A decision of the Central Mixed Commission approves a <i>plan de transfert</i> providing for this to be done in respect of troops of both parties.
16. Principles to be observed in withdrawals and transfers [(15) (d)].				Under continuous supervision and review by the Commission.
17. Joint and International Commissions are to ensure that steps are taken to safeguard forces in the course of withdrawal and transfer [(15) (e)].				Teams accompany forces withdrawing but take no active steps on safeguarding of forces. Detailed plans are prepared in the Joint Commission but the presence of the Teams is itself considered to be some safeguard.
18. TRUNG GIA and Joint Commissions to determine exact procedure for troop withdrawals and transfers.		X		
19. No troops to be stationed closer than 1500 metres from the Provisional Assembly areas [(15) (f)].				No complaints received
20. Hanoi evacuation (15-2)		X		
21. Hai Duong evacuation (15-2)		X		

Task	Completed	In Progress	Not commenced	Remarks
22. Haiphong evacuation			X	Preliminary conversation have begun with the two sides about the withdrawal plan. International Commission proposes to assist at the evacuation.
23. HMA TAM and XUYEN MOCEvacuation (15-2)	X			
24. Central Viet Nam first and second instalment evacuations (15-2)	X			
25. Plaine de Jones evacuations (15-2).	X			
26. Point Camau evacuation (15-2)			X	The International Commission proposes to assist at the evacuation.
27. Central Viet Nam last instalment evacuation (15-2)			X	The International Commission proposes to assist at the evacuation. Negotiations concerning the size of the second instalment and whether the PAVN may withdraw from a further portion of the area before the 300-day limit are in progress.
28. Notification by each party to the Joint and International Commissions of arrivals and departures of personnel, including individuals. Daily reports to be submitted to both Commissions [(16) (f)].		X		The Commission is receiving notifications from the French Union High Command. No notifications have so far been received from the PAVN High Command.
29. International Commission to supervise and inspect the rotation of units and arrivals and departures of individuals at points of entry [(16) (g)].		X		Arrangements have been made for supply of copies of notification under 16(f) to the fixd teams for purpose of supervision.
30. Notification to Joint and International Commissions of arrivals and departures of war material, arms and munitions of all types [(17) (e)].			X	The Joint Commission has not yet agreed on what items will be considered as "war material." Teams are making spot checks and inspection of entries and exits of equipment.

Task	Completed	In progress	Not commenced	Remarks
31. International Commission through its Teams is to supervise and inspect replacements of material permitted under the Agreement [17(f)].				
32. Liberation of prisoners of war and civilian internees [21 (a)]			X	Both sides state that to the best of their knowledge they have surrendered all prisoners of war and civilian internees. Questions concerning possible outstanding cases raised by either side are currently under review in the commission; particularly in relation to persons whose status is contested.
33. Duty imposed upon the parties to assist prisoners of war and civilian personnel (internees) to proceed to their own country or zone of choice [21(c)].		X		No complaints received so far.
34. Duty imposed on parties to punish persons violating the Agreement (22).				The Commission has often approached the parties to correct or adjust their policy and avoid violation of provisions of the Agreement but no violations of the agreement have been determined or formal recommendation made so far.
35. Joint Commission to determine time limit and procedure for exhuming and removing bodies (23).		X		Information about discussion of this question in the Joint Commission received on 10-12-54.
36. International Commission to set up fixed and mobile teams (35).				
37. International Commission to control movement of armed forces [36 (a)].				Observers from the International Commission generally attend in their official capacity whenever large-scale movements of armed forces are under way.
38. International Commission to supervise demarcation lines and demilitarized zone [36 (b)].		X		Arrangements for these inspections are being discussed with the two sides.

Task	Completed	In progress	Not commenced	Remarks
International Commission to control the release of prisoners of war and civilian internees [36 (c)].				See Item 32. Control was exercised by observation and investigation.
o. International Commission to supervise at ports, airfields and along all frontiers the carrying out of the provisions of the Agreement regarding reinforcement of personnel and material [36 (d)].		X		This duty is being carried out by teams. More detailed instructions are under preparation and will be issued shortly.
41. International Commission to study reports on violations or threats of serious violations submitted by inspection teams (39).				Continuing commitment.
42. International Commission to pass recommendations on questions where Joint Commission unable to agree on interpretation of the agreement or on appraisal of fact (40).				Continuing commitment.
43. International Commission may recommend additions and amendments to Geneva Agreement (41).				No recommendation made so far.
44. International Commission is to inform the Geneva Conference powers of any case where the activities of the Commission have been hampered. (43).				No occasion for such report has arisen so far.
45. Establishment of the International Commission (44).		X		
46. Co-ordination (45).				Continuing commitment.
47. Reduction in activities of the Commission (46).				No reasons for such decision so far.



APPENDIX No. III

	French Claim	D. R. V. N. Claim@
1. Prisoners of war released or handed over to the D.R.V.N. by the French	7,994	9,071
2. Civilian internees released or handed over to the D.R.V.N. by the French	50,990*	59,034
3. Prisoner of war released or handed over to the French by the D.R.V.N.	13,377*	12,173
4. Civilian internees released or handed over to the French by the D.R.V.N.	655**	587
5. Prisoners of war detained by the D.R.V.N.	9,537**	..
6. Civilian internees still detained by the D.R.V.N. . . . .	..	..
7. Prisoners of war still detained by the French . . . . .	..	6,708
8. Civilian internees still detained by the French	60†	453

@ Upto 11th November, 1954.

*Upto 27th October, 1954.

**Upto 25th October, 1954.

† Under investigation by the French.



APPENDIX IV

Statement released to the Press on 2nd September, 1954.

There are important provisions in the Geneva Agreement about political and administrative questions. In order that these provisions may be successfully carried out it is essential that the people of Viet Nam know about them. The International Commission, which is responsible for supervising the carrying out of the whole Agreement, considers it important that the widest publicity should be given to two points:

Firstly: According to the Agreement each party undertakes to refrain from any reprisals or discrimination against persons or organisations on account of their activities during the hostilities and to guarantee their democratic liberties. In other words, whatever you may have done during the hostilities will not be used by either side as a basis for reprisals or discrimination. A fresh page has been opened. Your democratic liberties have been guaranteed by both sides.

Secondly: From the date of entry into force of Agreement until the movement of troops is completed any civilians residing in a district controlled by one party who wish to go and live in the zone assigned to the other party shall be permitted and helped to do so by the authorities in that district. This means that a period has been fixed during which you are free to move from the Northern Zone to the South and from the Southern Zone to the North. It began on July 22 when the Agreement came into force and it ends three hundred days later, in May 1955 when the movement of troops is to be completed. Until then you can freely leave one zone and go and live in the other. The authorities in the zone you are living in not only must permit you to leave but have undertaken to assist you. Moreover, no one has any authority to compel you to leave one zone to live in the other. You have complete freedom of choice.

It will be the duty of the International Commission to investigate any complaints that these or any other provisions of the Agreement are not being faithfully carried out.

APPENDIX V

October 19, 1954

COMMITTEE ON FREEDOM OF MOVEMENT.

The International Commission.

Bearing in mind the primary responsibilities of both parties for the implementation of the Geneva Agreement, and in particular of Article 14, sections (c) and (d), dealing with the guarantee of democratic liberties and with the principles of freedom of movement from one zone to the other:

Considering its own responsibilities for supervision and control of any action taken by both Parties, either individually or jointly, towards the fulfilment of their obligations under the Agreement:

Having reviewed the proposals put forward by both Parties to facilitate the settlement of any difficulties which may arise regarding the application of Article 14, sections (c) and (d) of the Agreement:

DECIDES.

(a) to establish a Committee of the International Commission, to be known as the Committee on Freedoms, to control and supervise action taken by the two Parties under the provisions of Article 14, sections (c) and (d) of the Geneva Agreement;

(b) to instruct this Committee on Freedoms to maintain close liaison with the two Parties as proposed in paragraph (d) of the recommendation below, in order to be at all times informed on the various steps taken, and plans developed by both Parties towards the full implementation of the provisions of Article 14, sections (c) and (d);

(c) to authorise the Committee on Freedoms, whenever it considers it appropriate, on its own initiative or at the request of either or both Parties, to have recourse to the Commission's teams for carrying out any action deemed necessary to discharge the responsibilities assigned to it by the Commission;

(d) to request the Committee on Freedoms to submit to the Commission monthly reports on the progress achieved by both Parties in the implementation of Article 14, sections (c) and (d) of the Agreement, and by itself in the carrying out of its responsibilities;

(e) to authorise the Committee on Freedoms, whenever it may deem it advisable, on the basis of the information submitted by the two Parties, to make to the International Commission recommendations or suggestions on principles, procedures and other arrangements which may provide acceptable solutions to any problem which may have arisen in the fields covered by Article 14, sections (c) and (d).

RECOMMENDS

to the two Parties, in order to assure the closest liaison and collaboration between themselves and the Committee on Freedoms:

(a) to establish, without delay a Committee composed of representatives of the two Parties to be primarily responsible for the implementation of Article 14, sections (c) and (d) of the Geneva agreement,

(b) that this committee be instructed to formulate as soon as possible general principles and procedures, and to work out detailed arrangements for the practical implementation of Article 14, sections (c) and (d);

(c) the Committee be authorised to investigate and dispose of any complaints and petitions which may be submitted to the Commission or to the parties themselves under the provisions of Article 14, sections (c) and (d);

(d) that the Committee be instructed to keep the Commission's Committee on Freedoms, through its liaison officers, continuously informed on all and any action taken by it in the field covered by Article 14, sections (c) and (d);

(e) that the Committee be instructed to refer to the Committee on Freedoms, for consideration and decision, all cases over which there is disagreement within the Committee.

APPENDIX VI

INTERNATIONAL COMMISSION FOR SUPERVISION AND CONTROL FOR VIET NAM ORDERS FOR MOBILE TEAM No. 24.

INFORMATION

1. The International Commission has received information and complaints, from time to time, about certain alleged incidents which might involve violations of Articles 14(c) and 15 (d) in the PHU YEN, QANG NAM and BINH DINH provinces. These incidents have mostly been reported to the Fixed Team by Colonel NGUYEN HUNG VAN, Head of the Democratic Republic High Command's delegation to the Joint Sub-Commission for the 5th zone, and the Team has passed on these complaints and petitions for the consideration of the Commission. On a preliminary review of these complaints, the International Commission has decided that these alleged incidents mentioned in Appendix 'A' should be investigated by the Mobile Team No. 24. A brief summary of the information contained in these complaints and petitions is attached for convenient reference of the Team, together with copies of the complaints.

INTENTION

2. The task of the Mobile Team will be to obtain an objective appreciation of the facts relating to these alleged incidents and to set them out in the form of a connected narrative.

METHOD.

3. Composition

Chairman

Members.

4. Liaison Officers.

French

Interpretors

DRVN.

French

DRVN.

5. This narrative should also bring out clearly the reasons for the incidents, the state of law and order prevailing in the area at

the time of the incidents and the attitude of the people and of the administration towards each other.

6. The Team should also secure the names of the people who have been the victims or casualties of these incidents and the extent to which the injured and the dead, if any, had been taken care of. If there are any persons injured who have still not been attended to, the Team should arrange for the local authorities providing medical assistance where such assistance is called for.

7. The narrative should also contain all available particulars about the background and antecedents of the persons who were arrested, or who appear to have been singled out for attack or reprisals including information on whether they were associated with the former administration of the withdrawing army (of the Democratic Republic) in the area, and the nature and extent of their activities (peaceful or otherwise) since the date of the cease-fire.

8. The Team should try to obtain and study, in addition to the attached documentation containing the reports on these incidents from the Delegation of the P.A.V.N. to the Joint Sub-Commission, all other information relating to the incidents which the two sides are able to provide. For this purpose, they should visit the actual sites of the incidents and collect evidence on the spot from persons who can give some reliable evidence relating to these incidents, including functionaries of the civil or military authorities, eye-witnesses and the injured.

9. In order to ensure that it gets dependable evidence without restraint, the Team should ask the local administration to assure the population in the area, through a general announcement, that the witnesses, including members of the families of victims, who approach the Team or give evidence, need have no fear of any reprisals.

10. In building up its narrative, the team should endeavour to collect evidence which would enable the Commission to find answers to the following questions:

- (a) The circumstances in which the victims were injured or killed; whether the injury or death occurred at the moment of or during arrest by the appropriate authorities of the area. If, in the course of its investigation, the Team obtains reliable evidence to show that there has been any action which exceeded the normal standards, particularly as allegations of torture have been made, the Team should give all available details in

this regard in its report together with all the circumstances in which they took place.

- (b) Whether on the date of the incidents there was (and there still is) an effective civil administration in the area where the incidents occurred; the period during which the area has been controlled by the present and the previous administrations, and whether there was an orderly transfer of power in the area.
- (c) Whether these incidents have been formally reported by the local authorities, according to the established practice, if any, to the higher authorities; whether a proper investigation was conducted or action taken by the authorities including redress to the affected persons, where justified.
- (d) Provisions of the local law and procedure regulating the scope and extent of the powers of the civil authorities and of the security police in the area at the time of the incident; the circumstances under which it is normally permitted in the area for the local authorities to carry out arrests, investigations and punitive action under the current law and practice.
- (e) The general behaviour of the military authorities in the area towards the civil population and any instructions issued by the higher authorities to regulate such conduct.
- (f) The general attitude of the people in the area towards the new administration of the South Viet Nam Government: Whether there was hostility, latent or expressed, towards this Government on the part of the people generally or on the part of particular individuals; if so, the reasons for this hostility including evidence on whether these particular individuals, in the exercise of their democratic rights under Article 14(c) of the Geneva Agreement, tended to intensify the resistance of the people in the area to the new administration, and whether this in turn, created a situation which constituted interference with local administration and justified the use of force to establish and maintain law and order.
- (g) Whether there were reprisals or discrimination by the local administration against the population generally and particularly against certain organisations or persons who were formerly associated with the Democratic Republic army or administration, on account of their

activities during the hostilities or for their political sympathies since the cease-fire;

- (h) Whether the people in the area were aware of the contents and limits of democratic rights under Article 14(c) and 15(d). Concrete evidence, such as, copies of press notes or other forms of announcement under which these rights were brought to the notice of the local people either by the administration or by others. If the Team finds that the population does not have adequate information on this, it should request the local authorities to bring to the notice of the population the contents of Articles 14(c) and 15(d) and of the announcement of last September by the Commission relating to these articles.

11. The team should so conduct its enquiry as to avoid giving any impression of interference of local administration.

12. These instructions, which cover all essential points, are meant to assist and guide the Team to direct its investigations in a purposeful manner but are not exhaustive. The team will have the freedom to report to the Commission any other factors or consideration relating to the incidents which come or are brought to its notice during the investigations.

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APPENDIX NO. VII

No. OPS II(5).

1 December 1954

INSTRUCTIONS FOR MOBILE TEAM NO. 27 APPOINTED TO ASCERTAIN THE
SITUATION REGARDING FREEDOM OF MOVEMENT IN THE BUI CHU
AND THAI BINH AREAS.

Ref. Maps: HANOI Map Sheet No. 7 }
SON-TAY Map Sheet No. 6 } Scale 1: 400,000

INFORMATION

Article 14(d) of the Geneva Agreement relating to freedom of movement reads as follows:

"From the date of entry into force of the present Agreement until the movement of troops is completed, any civilians residing in a district controlled by one party who wish to go and live in the zone assigned to the other party shall be permitted and helped to do so by the authorities in that district."

2. This means that the people may decide of their own free will whether they wish to stay where they are, or to go and permanently live in the zone controlled by the other party, and that the latter should be given the requisite facilities to do so by the party controlling the areas where they reside at present. This decision should be exercised freely and in an orderly manner.

3. The International Commission has received, from time to time, complaints and petitions from the Liaison Missions of the French High Command as well as from the people in the NAM DINH, BUI CHU, PHAT DIEM, NINH BINH, THANH HOA, THAI BINH and VINH areas regarding alleged obstacles to freedom of movement of persons who wished to go and live in South Viet-Nam. These complaints and petitions have alleged not only the lack of adequate administrative arrangements, but also other obstacles to the freedom of movement of intending evacuees. The situation in PHAT DIEM and NAM DINH was recently investigated by the Commission's mobile teams. The Commission has now decided that mobile teams should be sent to BUI CHU, NINH BINH, THAI BINH, THANH HOA and VINH to investigate the situation in these areas.

TASK

4. The task of these teams would be (a) to assess by a rapid survey within a period of about four days, the situation regarding freedom of movement existing in the BUI CHU and THAI BINH areas and to ascertain whether the people in the area are aware of the provisions of Article 14(d) regarding freedom of movement and what facilities and assistance are provided by the local authorities to enable the exercise of this freedom by the population; (b) to ascertain and report the administrative arrangements in force, such as, the details regarding permits and the procedure for their grant and the available transport facilities; (c) the adequacy and effectiveness of these arrangements for the full implementation of Article 14 (d); (d) If the arrangements are not adequate, to indicate to the local authorities the extent and the nature of the possible improvements, and report the reactions of the administration to these suggestions to improve the existing arrangements.

METHOD.

5. The team should visit as much as possible of the areas assigned to them including the villages about which specific references have been made in the attached complaints from the French Liaison Mission. It should visit the permit offices, observe the method of their work and ascertain, to the extent possible within the time available at its disposal, the effectiveness, in practice, of the existing arrangements in facilitating movement.

6. In collecting the necessary information which will enable the team to make a proper assessment of the situation, the team should bear in mind particularly the following questions:

- (a) The present location and date of opening of the permit offices empowered to issue permits which would enable the recipients to travel from their present location to the zone controlled by the other side;
- (b) Whether these permit offices are easily accessible to the people;
- (c) Are there offices in the area visited empowered to issue permits to any applicant who is a resident of that province?
- (d) Are the existing system and procedure effectively publicised and known to the population?
- (e) What considerations are taken into account before permits to go South are granted or refused; what checks are applied and how long does it take normally from the

date of application to issue permits? The normal period of validity of these permits;

- (f) Whether the people who want to move to the zone of their choice are subjected, in practice, to discrimination, harassment or reprisals?
- (g) Have the people freedom to meet and discuss what they wish to do regarding the exercise of democratic freedom under the Agreement, particularly freedom of movement? Are there any restrictions; if so, what are they?
- (h) The number of applications for permits to move to the South received by the permit offices in the area since their opening and the number of such permits actually granted; if the figures for previous months are not readily available at least the figures for November to be collected; and
- (i) Particulars of the normal transport facilities available.

7. In addition to the above, the team should make a definite effort to ascertain:

- (a) the extent, if any, of misunderstanding regarding the real meaning of Article 14(d) caused by the attitude of sections of population, or of organisations or individuals resulting in concentration of people keen on crossing over to the other zone in defiance of local regulations and without approaching the local authorities for the permit and other facilities provided for in that Article; and
- (b) the extent, if any, to which the attitude of the local authorities, the complexity of the administrative arrangements and the methods of disposal of applications for permits result, in practice, in the denial of the freedom of movement guaranteed under Article 14(d).

8. The team should find out whether the people in the area visited are fully aware of their rights under Article 14(d). If the team finds that the population does not have adequate information on these points, it should request the local authorities to bring to the notice of the population the contents of Article 14(d) as well as the administrative arrangements which exist for permitting people to go to live in the South, if they so wish.

.....
Followed by administrative instructions.



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