

PROTOCOL

TO THE AGREEMENT ON ENDING THE WAR AND  
RESTORING PEACE IN VIET NAM

Concerning the Return of Captured Military Personnel and  
Foreign Civilians and Captured and Detained Vietnamese  
Civilian Personnel

The parties participating in the Paris Conference on Viet Nam,  
In implementation of the provisions of Article 8 of the  
Agreement on Ending the War and Restoring Peace in Viet Nam,  
Have agreed on the following provisions and undertake to  
respect and to implement them :

The Return of Captured Military Personnel and Foreign  
Civilians

ARTICLE 1

The parties signatory to the Paris Agreement on Viet Nam  
shall return the captured military personnel of the parties mentioned  
in Article 8 (A) of the Agreement as follows :

--- All captured military personnel of the United States and  
those of the other foreign countries referred to in Article 3 (A) of the  
Agreement on Ending the War and Restoring Peace in Viet Nam shall  
be returned to United States authorities.

--- All captured Vietnamese military personnel, whether  
regular or irregular, shall be returned to the two South Vietnamese  
parties ; they shall be returned to that South Vietnamese party under  
whose command they served.

ARTICLE 2

All captured civilians who are nationals of the United States  
or of any other foreign countries referred to in Article 3 (A) of the  
Agreement shall be returned to United States authorities. All other

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captured foreign civilians shall be returned to the authorities of their country of nationality by any one of the parties willing and able to do so.

### ARTICLE 3

The parties shall today exchange complete lists of captured persons mentioned in Articles 1 and 2 of this Protocol.

### ARTICLE 4

(A) The return of all captured persons mentioned in Articles 1 and 2 of this Protocol shall be completed within 60 days of the signing of the Agreement at a rate no slower than the rate of withdrawal of United States Forces from South Vietnam and those of the other foreign countries mentioned in Article 5 of the Agreement.

(B) Persons who are seriously ill, wounded or maimed, old persons and women shall be returned first. The remainder shall be returned from one detention place after another or in order of their dates of capture, beginning with those who have been held the longest.

### ARTICLE 5

The return and reception of the persons mentioned in Articles 1 and 2 of this Protocol shall be carried out at places convenient to the concerned parties. Places of return shall be agreed through the fourparty Joint Military Commission. The Parties shall ensure the safety of personnel engaged in the return of captured persons.

### ARTICLE 6

Each party shall return all captured persons mentioned in Articles 1 and 2 of this Protocol without delay and shall facilitate their return and reception. The parties shall not cause their return to be denied or delayed for any reason, including the fact that

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captured persons may, on any grounds, have been prosecuted or sentenced.

The Return of Captured and Detained Vietnamese Civilian  
Personnel

ARTICLE 7

(A) The question of the return of Vietnamese civilian personnel captured and detained in South Vietnam will be resolved by the two South Vietnamese parties on the basis of the principles of Article 21 (B) of the Agreement on the cessation of hostilities in Vietnam of July 20, 1954, which reads as follows :

"The term 'civilian internees' is understood to mean 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."

(B) The two South Vietnamese parties will resolve this question in a spirit of national reconciliation and concord with a view to ending hatred and enmity in order to ease suffering and to reunite families. The two South Vietnamese parties will do their utmost to resolve this question within ninety days after the ceasefire comes into effect.

(C) Within fifteen days after the signature of the Agreement, the two South Vietnamese parties shall exchange lists of those Vietnamese civilians captured and detained by each party and lists of the places at which they are held."

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Treatment During Captivity

ARTICLE 8

(A) All captured military personnel of the parties and captured foreign civilians of the parties shall be treated humanely at all times, and in accordance with international practice.

They shall be protected against all violence to life and person, in particular against murder in any form, mutilation, torture and cruel treatment, and outrages upon personal dignity. These persons shall not be forced to join the Armed Forces of the detaining party.

They shall be given adequate food, clothing, shelter, and the medical attention required for their state of health. They shall be allowed to exchange post-cards and letters with their families and receive parcels.

(B) All Vietnamese civilian personnel captured or arrested and detained in South Vietnam shall be treated humanely at all times, and in accordance with international practice.

They shall be protected against all violence to life, and person, in particular against murder in any form, mutilation, torture and cruel treatment, and outrages upon personal dignity. The detaining parties shall not cause their return to be denied or delayed for any reason, including the fact that captured persons may, on any grounds, have been prosecuted or sentenced. These persons shall not be forced to join the Armed Forces of the detaining party.

They shall be given adequate food, clothing, shelter, and the medical attention required for their state of health. They shall be allowed to exchange post-cards and letters with their families and receive parcels.

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ARTICLE 9

(A) To contribute to improving the living conditions of the captured military personnel of the parties and foreign civilians of the parties, the parties shall, within 15 days, agree upon the designation of two or more National Red Cross societies to visit all places where captured military personnel and foreign civilians are held.

(B) To contribute to improving the living conditions of the captured and detained Vietnamese civilian personnel, the two South Vietnamese parties shall, within 15 days, agree upon the designation of two or more National Red Cross societies to visit all places where the captured and detained Vietnamese civilian personnel are held.

With Regard to Dead and Missing Persons.ARTICLE 10

(A) The four-party Joint Military Commission shall ensure joint action by the parties in implementing Article 8 (B) of the Agreement. When the Four Party Joint Military Commission has ended its activities, a Four Party Joint Military Team shall be maintained to carry on this task.

(B) With regard to Vietnamese civilian personnel dead or missing in South Vietnam, the two South Vietnamese parties shall help each other to obtain information about missing persons, determine the location and take care of the graves of the dead, in a spirit of national reconciliation and concord, in keeping with the people's aspirations.

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Other ProvisionsARTICLE 11

(A) The Four-Party and Two-Party Joint Military Commissions will have the responsibility of determining immediately the modalities of implementing the provisions of this Protocol with regard to their respective responsibilities under Articles 16 (A) and 17 (A) of the Agreement. In case the military commissions, when carrying out their tasks, cannot reach agreement on a matter pertaining to the return of captured personnel they shall refer to the International Commission for its assistance.

(B) The Four-Party Joint Military Commission shall form, in addition to the teams established by the protocol concerning the ceasefire in South Vietnam and the Joint Military Commissions, a sub-commission on captured persons to assist the Commission in its tasks.

(C) From the time the cease fire comes into force to the time when the Two-Party Joint Military Commission becomes operational, the two South Vietnamese parties' delegations to the Four-Party Joint Military Commission shall form a provisional sub-commission and provisional joint military teams to carry out its tasks concerning captured and detained Vietnamese civilian personnel.

ARTICLE 12

In implementation of Articles 18 (B) and 18 (C) of the Agreement the International Commission of Control and Supervision shall have the responsibility to supervise and control the observance of Articles 1 through 7 of this Protocol through observation of the return of captured military personnel, foreign civilians and captured

and detained Vietnamese civilian personnel at each place in Viet Nam where these persons are being returned, and at the last detention places from which these persons will be taken to the places of return, the examination of lists, and the investigation of violations of the provisions of the above-mentioned articles.

ARTICLE 13

The full text of this Protocol shall be published and communicated to all persons being detained.

(Four Signature Version)

ARTICLE 14

This Protocol shall come into force upon signature by representatives of all the parties participating in the Paris Conference on Viet-Nam. It shall be strictly implemented by all the parties concerned.

Done in Paris this \_\_\_\_\_ day of \_\_\_\_\_, One Thousand Nine Hundred and Seventy-Three in Vietnamese and English. The Vietnamese and the English texts are official and equally authentic.

(Two Signature Version)

ARTICLE 14

The Protocol to the Paris Agreement on Ending the War and Restoring Peace in Viet-Nam concerning the return of captured military personnel and foreign civilians and captured and detained Vietnamese civilian personnel shall enter into force upon signature of this document by the Secretary of State of the Government of the United States of America and the Minister for Foreign Affairs of the Government of the Democratic Republic of Viet-Nam, and upon signature of a document in the same terms by the Secretary of State of the Government of the United States of America, the Minister for Foreign Affairs of the Government of the Republic of Viet Nam, the Minister for Foreign Affairs of the Government of the Democratic Republic of Viet-Nam, and the Minister for Foreign Affairs of the Provisional Revolutionary Government of the Republic of South Viet-Nam. The Protocol shall be strictly implemented by all the parties concerned.

Done in Paris this \_\_\_\_\_ day of \_\_\_\_\_, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and the English texts are official and equally authentic.