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PRISONERS OF WAR

INTRODUCTION

In its handling of prisoners of war in Viet-Nam, the United States Government has placed great emphasis upon proper treatment in accordance with its responsibilities under international law and its desire to insure equal treatment of its own personnel captured by enemy forces. North Vietnamese and Viet Cong forces captured in South Viet-Nam are detained by the Government of South Viet-Nam in PW camps inspected by the International Committee of the Red Cross where they are given the decent treatment required by the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949. Sick and wounded prisoners have been repatriated to North Viet-Nam as the convention requires, and others have been repatriated or released in South Viet-Nam, in the hope that our adversaries will reciprocate.

The United States Government repeatedly has appealed to North Viet-Nam and to the National Liberation Front to treat prisoners of war humanely and to respect the requirements of the Geneva convention by which they are bound. On July 17, 1967, the White House issued a public statement calling upon the National Liberation Front and North Viet-Nam to permit impartial inspection of all prisoners and to repatriate sick and wounded prisoners. The statement reiterated our desire for an exchange of prisoners and emphasized that the United States Government is willing "to discuss such exchanges at any time and in any appropriate way, using intermediaries or directly, by public means or privately."

Despite our best efforts, however, both North Viet-Nam and the National Liberation Front refuse to observe the Geneva convention provisions. They have not yet agreed to repatriate sick and wounded prisoners. Their claims of humanitarian treatment of prisoners cannot be verified because neutral governments or humanitarian agencies are not allowed to visit the prisoners or to inspect their places of detention. The great majority of American prisoners have been isolated from every contact with the outside world.

In the past 2 years there have been several incidents of abuse of American prisoners of war, including the reprisal murder of three captured U.S. servicemen by the Viet Cong in 1965 and the parade of American pilots through the streets of Hanoi in 1966. Recently there have been indications that other U.S. personnel detained by the enemy are not being treated humanely. This spring several U.S. prisoners of war, in an apparently dazed condition, were publicly displayed in Hanoi, and there have been a number of broadcasts of alleged "confessions." In South Viet-Nam there have been more murders of U.S. soldiers captured by the enemy, and on June 15 the Viet Cong "Liberation Radio" implied that Gustav C. Hertz, an American civilian Agency for International Development (AID) official captured in 1965, had been murdered as an act of reprisal.

(NOTE: Prince Norodom Sihanouk, Cambodian Chief of State, announced on July 31, 1967, that he had received a letter dated July 19 from the NLF declaring that Gustav Hertz and AID officer Douglas Ramsay were alive.)

The United States Government has formally protested the atrocities committed against U.S. personnel detained by the enemy, and many governments and statesmen have intervened on behalf of U.S. prisoners. A United States protest, sent through the International Committee of the Red Cross on March 24, 1967, conveyed the strong feelings of the American people on this matter. It stated:

"For some time the North Viet-Namese authorities have made statements both public and private to the effect that their policy regarding treatment of American prisoners of war is a humane one. Because of North Viet-Nam's refusal to permit representatives of a neutral country or the International Committee of the Red Cross to visit the American prisoners, as required by the Geneva Conventions of 1949, and because of the restrictions that North Viet-Nam has imposed upon the rights of the American prisoners under international law to correspond with their families, it has not been possible to verify the North Viet-Namese claims of humane treatment.

"In recent weeks information has come to our attention which casts the most serious doubts upon the North Viet-Namese statements that American prisoners are being treated in a humane fashion. We have reluctantly come to the conclusion that some of the U.S. airmen

are being subjected to emotional or physical duress, which is a flagrant violation of the Geneva Conventions . . . ."

In these circumstances, it is important to set the record straight in regard to the rights of prisoners of war and the policies of the parties to the conflict.

SPECIAL STATUS OF PRISONERS OF WAR UNDER THE GENEVA CONVENTION

The special status enjoyed by prisoners of war under international law stems from the fact that there is no military justification for the injury or mistreatment of members of armed forces who have fallen into the hands of the enemy and who no longer present any military threat. Because prisoners of war are unable to protect themselves, international law requires that their persons and honor be respected and that they be protected from both physical and mental abuse. Although no nation today claims a right to mistreat prisoners of war, specific safeguards are necessary to insure their proper treatment. These protections are provided by the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949, which has been accepted by 123 countries.

The Geneva convention requires that "prisoners of war must at all times be humanely treated." It establishes standards for PW camps and for the food, clothing, and medical care of prisoners of war. Among other matters, the convention regulates the labor of the prisoners of war and their discipline. It guarantees them the services of a "Protecting Power" and communication with their families. Finally, the convention guarantees the right of repatriation. Seriously sick and wounded prisoners of war must be allowed to return home as soon as they are fit to travel, even if hostilities continue. All others who are not released during hostilities must be given that opportunity as soon as active hostilities have ceased.

The specific protections afforded prisoners of war by the Geneva convention are vital to their safety and well-being. The United States, South Viet-Nam, and our allies have applied the convention in the current hostilities. Despite the appeals of the International Committee of the Red Cross, the other side has refused to do so.

APPLICATION OF THE GENEVA CONVENTION IN VIET-NAM

Article 2 of the convention provides that it "shall apply to all cases of declared war or any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them." The principle parties to the conflict in Viet-Nam are all parties to the convention. South Viet-Nam acceded to the convention on November 14, 1953, and North Viet-Nam acceded on June 28, 1957. The United States ratification was deposited on August 2, 1955. [The other countries contributing troops have also ratified the convention, namely: Australia—October 14, 1958; Korea—August 16, 1966; New Zealand—May 2, 1959; Philippines—October 6, 1952; Thailand—December 29, 1954.]

On June 11, 1965, M. Jacques Freymond, Vice President of the International Committee of the Red Cross (ICRC), wrote to the United States Government, the Government of South Viet-Nam, the Government of North Viet-Nam, and the National Liberation Front, reminding each of them of their obligation to apply the Geneva convention in Viet-Nam.

On August 10, 1965, Secretary of State Dean Rusk wrote to the ICRC, stating: "The United States Government has always abided by the humanitarian principles enunciated in the Geneva Conventions and will continue to do so. In regard to the hostilities in Viet-Nam, the United States Government is applying the provisions of the Geneva Conventions and we expect the other parties to the conflict to do likewise."

South Viet-Nam made a similar reply to the ICRC on August 11, 1965. The allies have reiterated their determination to apply the convention in the Joint Statement of Honolulu on February 8, 1966, as well as in the seven-power communiques at Manila on October 25, 1966, and at Washington on April 21, 1967.

North Viet-Nam and the Viet Cong, on the other hand, have refused on various grounds to apply the Geneva convention for the benefit of prisoners of war held by them. The National Liberation Front has taken the rigid position that it is not bound by the convention, despite the quiet and correct insistence of the ICRC that the Viet Cong are bound by the adherence of both North and South Viet-Nam.

North Viet-Nam's position is stated in a letter to the ICRC of August 31, 1965, contending that American pilots captured in North Viet-Nam were "major criminals" liable for judgment under North Vietnamese law "although captured pilots are well-treated." At times North Viet-Nam has attempted to justify its refusal to extend the protections of the Geneva convention to the captured Americans on the ground that the convention does not apply in the absence of a declaration of war. However, article 2 of the convention specifically states that the convention shall apply to any armed conflict which may arise between the parties "even if the state of war is not recognized by one of them." There is an "armed conflict" between parties to the convention, and the ICRC has declared that the obligations of this humanitarian law are in force.

ALLIED TREATMENT OF PRISONERS OF WAR

Despite the attitude of North Viet-Nam and the Viet Cong, the United States, South Viet-Nam, and our other allies have made a major effort to apply the provisions of the Geneva convention to the fighting in Viet-Nam. All prisoners of war taken by United States and other allied forces in South Viet-Nam are transferred to the custody of the Government of South Viet-Nam in accordance with article 12 of the Geneva convention which provides that prisoners of war may be transferred to a power which is a party to the convention willing and able to apply the convention. South Viet-Nam is a party to the convention and in statements to the ICRC and in joint communiques with the United States and other troop-contributing countries has pledged itself to apply the convention. The United States, for its part, recognizes that it has contingent responsibility for prisoners of war transferred from its control. The two governments together have developed a comprehensive program for the humanitarian treatment of prisoners of war as follows:

Instruction of Troops

First, the forces of both the United States and Viet-Nam are instructed and trained to treat prisoners humanely and to apply the terms of the convention. Each soldier is provided with a card to be carried on his person which reminds him of the basic rights of prisoners of war.

Classification of Prisoners

Second, each person detained by U.S. forces is treated as a prisoner of war unless and until such time as he is properly classified in accordance with the convention as other than a prisoner of war. All persons transferred from United States control are first classified by United States personnel, and prisoners of war are delivered directly to a PW camp by U.S. forces.

Under the Geneva convention, the main categories of prisoners of war include the regular armed forces of the parties to the conflict; certain civilians accompanying the forces; and guerrilla forces if they are subject to a commander, carry arms openly, wear a uniform or other distinctive sign recognizable at a distance, and comply with the laws and customs of war. By these standards, a great many Viet Cong would not qualify for prisoner-of-war status because they do not wear any uniform, do not carry arms openly, and commonly violate the rules of warfare. These rules would disqualify many guerrillas as well as terrorists. However, South Viet-Nam and the United States have adopted broad definitions for qualifying prisoners of war which are more generous than those provided in the Geneva convention. All North Vietnamese and Viet Cong troops (other than terrorists) are classified as prisoners of war even if they do not meet the standards of the Geneva convention.

North Vietnamese and Viet Cong prisoners of war assembled before their barracks at PW camp at Pleiku, South Viet-Nam.

This policy is in marked contrast with North Viet-Nam's refusal to give prisoner-of-war status to captured United States military personnel, notwithstanding the fact that these American prisoners are uniformed members of the regular Armed Forces of the United States and incontestably qualify for prisoner-of-war status.

The Viet Cong do not consider any of their captives to be prisoners of war.

Prisoner-of-War Camps

After classification, prisoners taken by United States and friendly forces in South Viet-Nam are promptly moved into prisoner-of-war camps which have been specially constructed and are maintained by the South Vietnamese Army in accordance with the Geneva convention. Prisoners are provided with adequate shelter, clothing, food, medical care, and exercise, and they are treated with dignity and respect by the prison guards. United States military advisers are assigned to each of these prisoner-of-war camps, and the camps are regularly visited by representatives of the International Committee of the Red Cross.

At the present time there are six PW camps in which more than 6,000 North Vietnamese Army and Viet Cong prisoners of war are detained. This figure does not include the thousands of enemy cadre who over the years have defected and voluntarily returned to the Government's side under the "open arms" program. These persons after a few weeks of rehabilitation are released with full rights of citizenship.

A Viet Cong prisoner of war detained in a Republic of Viet-Nam PW camp writes to his family.

MISTREATMENT OF PRISONERS OF WAR BY NORTH VIET-NAM AND THE VIET CONG

North Viet-Nam and the Viet Cong claim that they follow a humanitarian policy towards prisoners of war, but they have systematically deprived prisoners of their rights under the Geneva convention, and there are increasing indications of the deliberate mistreatment of prisoners. It is impossible to confirm the conditions under which prisoners are held by the enemy because neither North Viet-Nam nor the Viet Cong will permit independent verification by any neutral government or impartial agency.

IDENTIFICATION OF PRISONERS OF WAR

There are approximately 650 American military personnel who are classed as PW's or missing in North and South Viet-Nam. The United States believes that approximately 200 of these men are being held as prisoners of war. The total number of prisoners is not known, however, because North Viet-Nam refuses to identify all prisoners of war as required by the Geneva convention.

The convention requires each party to the conflict to establish an Information Bureau to collect names and other vital information concerning prisoners of war and to forward this information to the powers concerned through the intermediary of the Protecting Powers and a Central Information Agency to be created in a neutral country. The International Committee of the Red Cross has performed the functions of a Central Information Agency by soliciting all parties to the conflict to provide lists of prisoners of war to its Central Tracing Agency. The names of prisoners of war captured by U.S. and South Vietnamese forces are supplied to the ICRC by the Government of South Viet-Nam, but North Viet-Nam and the Viet Cong refuse to provide such information.

The prompt disclosure of the names of captured personnel is vital to keep account of prisoners of war so that they do not simply "disappear." The enemy's refusal to disclose the names of prisoners of war is a source of continuing concern. It not only causes needless uncertainty and anguish to the families of missing servicemen, but it also provides a basis for suspicion that North Viet-Nam and the Viet Cong do not wish to be held accountable for prisoners they capture.

PROTECTING POWER

Article 8 of the convention prescribes that the "present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty is to safeguard the interests of the Parties to the conflict." The Protecting Powers are the key to the operation of the convention and to the protection of prisoners of war. It is their responsibility to verify the conditions under which prisoners are detained and to safeguard prisoners' rights as established by the convention. The Protecting Powers are entitled to visit privately with prisoners of war, to hear their complaints, to advise them of their rights, and to help resolve disputes between the parties to the conflict over the application of the convention. If formal protection cannot be arranged, the convention requires that a substitute organization or an agency such as the ICRC be appointed to assume the humanitarian functions performed by the Protecting Powers. No party holding prisoners has the right to deny those prisoners this fundamental protection.

Notwithstanding the clear requirement of the convention, North Viet-Nam has refused to allow American prisoners of war to have the benefit of a Protecting Power, and it has not permitted the ICRC to perform the humanitarian functions of a Protecting Power. Thus, North Viet-Nam has undercut the very structure of the convention and has made its application impossible. In South Viet-Nam, the ICRC performs many of the functions that would normally be performed by a Protecting Power for enemy prisoners of war, but it cannot fulfill that role completely because North Viet-Nam refuses to acknowledge that its forces are present in South Viet-Nam.

CONTACT WITH THE OUTSIDE WORLD

The Geneva convention further provides that prisoners are not to be isolated from contact with the outside world. Prisoners are entitled to correspond with their families and friends and to receive parcels from the outside. The International Committee of the Red Cross is entitled to visit prisoner-of-war camps, to speak privately with prisoners of war, and to distribute parcels and comfort items to the prisoners.

South Viet-Nam and the United States have cooperated with the International Committee. ICRC representatives visit PW camps and civil prisons in South Viet-Nam, and ICRC doctors examine sick and wounded prisoners being treated in hospitals in South Viet-Nam. These representatives have been allowed to interview prisoners privately, and they are authorized to distribute comfort items to the prisoners. South Vietnamese authorities and the ICRC are also attempting to facilitate correspondence between enemy prisoners and their families.

North Viet-Nam and the Viet Cong have rigidly refused to comply with these provisions of the convention. Some U.S. prisoners in North Viet-Nam have been allowed to send a few letters and several prisoners have been seen by journalists and other foreign visitors; but the great majority have been cut off from every contact with the outside world. Parcels mailed to prisoners in North Viet-Nam are returned unopened, and we do not know whether letters sent to North Viet-Nam are delivered to the prisoners. The ICRC is not allowed to enter North Viet-Nam, and the prison camps and places of detention are not open to inspection. Moreover, North Viet-Nam has refused to disclose the geographic location of PW camps as the convention requires. This policy of isolation of prisoners of war is both illegal and inhumane, and it gives ground for deep concern as to the treatment of prisoners by North Viet-Nam.

HUMANE TREATMENT OF PRISONERS OF WAR–ATROCITIES

Article 13 of the Geneva convention provides:

"Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest.

"Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.

"Measures or reprisal against prisoners of war are prohibited."

South Viet-Nam and the United States have taken great pains to insure that these most fundamental provisions of the convention are fully complied with. Although some instances of abuse undoubtedly have occurred in the heat of battle, these incidents have been reduced to a minimum by a continuing program of education and by elaborate procedures for the processing of prisoners of war from the moment of capture.

The record of the other side has been deplorable. On June 24, 1965, the NLF announced the murder of Sergeant Harold Bennett by the Viet Cong in stated reprisal for the execution of terrorists by the Government of South Viet-Nam. Again on September 26, 1965, the NLF announced the reprisal murder of Captain Humbert R. Versace and Sergeant Kenneth M. Roraback by the Viet Cong. Article 13 of the convention specifically prohibits the taking of reprisals against prisoners of war, and the murder of prisoners of war is a grave breach of the convention. The United States immediately protested these "acts of wanton murder" to the ICRC, and appealed to the International Red Cross Conference which convened in Vienna the next week. On October 9 the Red Cross conference overwhelmingly adopted a resolution noting that reprisals against prisoners of war are condemned and calling for the application of the Geneva convention. This appeal has been ignored by our opponents in Viet-Nam.

On May 23, 1967, Marine Lieutenant William M. Grammar and Army Sergeant Orville B. Frits were captured in fighting with North Vietnamese and Viet Cong forces in Quang Tri Province. When the enemy positions were taken a few hours later, the two men were discovered to have been tortured and executed by their captors. The Viet Cong have massacred numbers of Vietnamese prisoners rather than give them up to approaching government forces. In an incident on January 15, 1967, government troops discovered the bodies of 81 Vietnamese civilians massacred by Viet Cong forces retreating in front of government forces in the Mekong delta. Many of the bodies found in two trenches were mutilated. The South Vietnamese Government protested this action to the International Control Commission established under the 1954 Geneva accords.

Luong Truyen, 16, left, and Nguyen Van Truong, 20, sit on cot in Duc Pho, Viet-Nam. They were among prisoners freed recently by U.S. paratroopers from a VC prison camp 300 miles north of Saigon, where prisoners were starved and mistreated. The freed men told of prisoners beaten to death in public executions.

U.S. civilians also have been victimized by the Viet Cong. On June 15, 1967, the Viet Cong "Liberation Radio," broadcasting from Hanoi, announced the name of Gustav C. Hertz as one of those American prisoners who "had paid their blood debt to the Vietnamese people." The broadcast implied that Hertz, who was captured on February 2, 1965, had been executed as an act of reprisal. The United States is seeking clarification of this announcement from the National Liberation Front.

Gustav Hertz is a civilian employee of the U.S. Agency for International Development working in Viet-Nam in the field of public administration. He is entitled to the protections of the 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War, which specifically prohibits reprisals against persons who fall into the hands of a party to the conflict of which they are not nationals. The murder of a civilian captive is a flagrant violation of international law.

Apart from incidents of gross brutality, North Viet-Nam has violated article 13 of the Geneva convention by failing to protect prisoners of war "against acts of violence or intimidation and against insults and public curiosity." In July 1966 North Vietnamese authorities paraded captured American pilots through angry crowds of people in the streets of Hanoi. At that time North Viet-Nam was giving indications that it intended to put captured American pilots on trial as "war criminals." The United States Government stated that such a move would be a transparent attempt to take reprisals against prisoners of war in violation of article 13. The prospect of war-crimes trials caused grave concern in the United States and around the world. Many American political figures and citizens spoke up in protest, and a number of governments and statesmen and the ICRC intervened on behalf of the prisoners. Both Secretary-General U Thant of the United Nations and His Holiness Pope Paul VI made statements in support of the humanitarian treatment of prisoners of war. On July 24 President Ho Chi Minh of North Viet-Nam announced that there was no "trial in view."

A captured American pilot is led by North Vietnamese guards through the streets on his way to a "press conference" in Hanoi. [Photo and caption information from an official Communist source.]

Nonetheless, acts of public intimidation and humiliation continue to occur. On May 9, 1967, the United States again protested "the parading of captured American pilots through the streets of Hanoi and their display at a press conference on May 6." This incident was particularly disturbing in view of indications that one or more of the prisoners was wounded or ill. In consequence, the American Red Cross sent the following message to the North Vietnamese Red Cross:

"As an act of mercy and in keeping traditional responsibility your Red Cross and ours we ask that you request your government on humanitarian grounds to permit repatriation of seriously ill and injured prisoners such as Lt. Col. Larsen, Lt. Col. Hughes, and Lt. Schively, who were so obviously helpless and incapacitated as shown in films exhibited in the United States. . . ."

The American Red Cross has had no reply to this message.

COERCION OF PRISONERS

Article 17 of the Geneva convention lays down the rule that: "No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind." There are nevertheless indications that U.S. prisoners of war in North Viet-Nam are being subjected to physical or mental coercion, and that one objective of this treatment is to extract from them propaganda statements critical of U.S. actions in Viet-Nam. There have been reports and films of U.S. prisoners in apparently dazed conditions on exhibit in Hanoi, and North Viet-Nam has released some 27 propaganda statements attributed to U.S. prisoners of war.

The case of Navy pilot Commander Jeremiah A. Denton, Jr. appears to confirm that U.S. prisoners are being abused in this manner. In May 1966 Commander Denton in an interview on a Japanese television network said, "I don't know what is happening [in Viet-Nam] but whatever my government's policy is I support it." The pilot said he felt pretty well. "I get adequate food, clothing, and medical care when I require it." However, a close-up shot of the American prisoner showed his face drawn and haggard, and his eyes appeared heavy-lidded. He spoke haltingly and rolled his eyes continually, at times staring blankly at the ceiling. He would occasionally close his eyes tightly when asked to answer a question.

Two months later, on July 8, 1966, Peking Radio broadcast in English a statement attributed to Commander Denton denouncing the bombing of North Viet-Nam.

The appearance of Navy Commander Richard A. Stratton at a "press conference" in Hanoi on March 5, 1967, caused alarm. According to eyewitness observers, including Western journalists and diplomats, Cmdr. Stratton appeared dazed and confused, his nose swollen, his skin blotchy, his eyes empty of expression. At command from his captors he bowed stiffly several times, but said nothing. While he was going through these actions a tape-recorded confession to "war crimes," said to be Stratton's voice, was played over a loudspeaker. The press conference, described by observers as a "frightening experience," was confirmed on film by an American photographer and a Japanese TV crew. It was this incident which prompted the United States protest of March 24, 1967. Since that time the Hanoi authorities have attempted to convey the impression that prisoners are well-treated by arranging interviews of Commander Stratton and other prisoners by Soviet, Cuban, and other Communist journalists, and other visitors to North Viet-Nam. However, North Viet-Nam continues to refuse to allow the ICRC or any neutral government or agency to visit the prisoners and their places of detention, as required by the Geneva convention. Without such independent verification, North Viet-Nam's professions of "humane treatment" cannot be accepted.

The United States Government continues to protest these violations of the convention, and it has asked the International Committee of the Red Cross and various governments to intervene on behalf of United States prisoners. The ICRC has transmitted the U.S. protests and repeatedly has appealed to all parties to the conflict to assure proper and humane treatment of prisoners. Unfortunately, North Viet-Nam has not changed its position. The Viet Cong has severely criticized the ICRC for attempting to perform the impartial humanitarian tasks which are its special responsibility to victims of war.

THE REPATRIATION OF PRISONERS OF WAR

The Geneva convention imposes an absolute obligation to release prisoners of war. Prisoners who are seriously sick or wounded and who wish to return home must be sent back to their own country as soon as they are fit to travel. Other sick and wounded prisoners whose health would be benefited thereby should be accommodated in neutral countries. The parties to the conflict are required, throughout the duration of hostilities, to endeavor to make arrangements for such accommodation. The parties to the conflict "may, in addition, conclude agreements with a view to the direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity." Prisoners of war who are not released during the hostilities and who wish to return home "shall be released and repatriated without delay after the cessation of active hostilities."

Prisoners showering and washing clothes at South Vietnamese PW camp at Pleiku.

The United States Government and the Government of South Viet-Nam have given high priority to the humanitarian treatment of prisoners of war and to the early release of all prisoners of war. In cooperation with the International Committee of the Red Cross, we are carrying out the obligation to repatriate sick and wounded prisoners of war. To facilitate the release of sick or wounded prisoners, medical doctors of the International Committee of the Red Cross are helping South Vietnamese authorities to examine all prisoners of war who might qualify for direct repatriation during the continuance of hostilities. Eligible prisoners who are fit to travel and who wish to return home at this time are repatriated direct to North Viet-Nam across the Ben Hai River bridge in the Demilitarized Zone. North Viet-Nam refuses to acknowledge that these prisoners are members of its forces, but it has accepted their return to North Viet-Nam.

In the absence of negotiated arrangements for the comprehensive repatriation of sick and wounded prisoners, it is necessary to limit repatriation to groups of manageable size and to schedule the releases at intervals when the course of hostilities will permit. Thus far, South Viet-Nam has repatriated 100 prisoners to North Viet-Nam in four releases scheduled since January 1966. The latest repatriation took place on June 12 and included 39 prisoners. As more North Vietnamese prisoners are taken, this program of limited unilateral repatriation will continue.

North Viet-Nam holds many American prisoners eligible for immediate repatriation, but

it has yet to take any action to meet this obligation. We earnestly hope that North Viet-Nam will demonstrate a humanitarian policy by repatriating the seriously sick and wounded prisoners it holds without further delay. We have also attempted to persuade the other side to consider an immediate exchange of able-bodied prisoners. To this end we have contacted both North Viet-Nam and the National Liberation Front, directly and through intermediaries, to propose discussions of repatriation, exchange, and other matters pertinent to prisoners of war. On July 20, 1966, President Johnson publicly declared our willingness to meet with the Hanoi government on these matters at a conference table under sponsorship of the ICRC. The International Committee, national Red Cross societies, governments, and private persons have appealed to North Viet-Nam and the NLF to discuss these matters, but every initiative has been rejected. Both North Viet-Nam and the Viet Cong refuse to comply with these vital provisions of the Geneva convention, and both refuse to discuss the matter directly or through any intermediary.

The only hopeful note in these matters has been the practice of the Viet Cong to release a few of the prisoners from time to time. Four U.S. servicemen, two U.S. civilians, and a Filipino woman have been released by the National Liberation Front along with occasional Vietnamese. To reciprocate these actions and to encourage the ad hoc release of prisoners of war, the South Vietnamese Government has undertaken the periodic release of Viet Cong prisoners of war in South Viet-Nam.

Since January 1966, 34 Viet Cong have been set free under this program. The latest release involving four Viet Cong prisoners took place on June 12 of this year. The United States welcomes these unilateral measures for the benefit of prisoners of war, and it is our hope that North Viet-Nam and the National Liberation Front will choose to adopt a humanitarian policy of returning all prisoners of war to their families at the earliest possible date.

CONCLUSION

The Geneva convention establishes special protections for prisoners of war because these men who have fallen into the hands of the enemy no longer present any threat and are unable to protect themselves. Together with the Government of South Viet-Nam and our allies we shall insure that enemy prisoners of war are treated humanely in accordance with the Geneva convention. We will continue to make every effort to persuade North Viet-Nam and the Viet Cong to apply the Geneva convention for the benefit of U.S. and allied prisoners of war. In the interest of the humanitarian policy which they proclaim, we appeal to North Viet-Nam and to the National Liberation Front to respect the rights of prisoners of war and to comply with the Geneva convention.

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