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The Prisoner Exchange after Geneva

What the ICC Reports show:

1. D.R.V. authorities began releasing French Union Forces prisoners even before the French had given them a complete list of all Viet Minh prisoners held by the FUF, despite the fact that they had originally demanded, justifiably, to receive such a list before the exchange of prisoners could begin. (They turned over a complete list of prisoners ~~which~~ they had held or were holding, while the French ^{had} ~~were~~ not prepared ~~with~~ such a list as of the time the prisoner exchange was to begin.) They DRV authorities compromised on the issue in response to please from the ICC and in order to speed the process of prisoner exchange.

2. The French high command originally claimed that 9,537 FUF soldiers, including French, Vietnamese and other nationalities, were being detained by the DRV authorities after the latter had released 13,377 prisoners of war (as of October 25, 1954). The People's Army of Vietnam, in turn, claimed that the French High Command still held 6,708 of their prisoners after the French had released 7,974 of them. However, both sides claimed they had released all the POW's they had held. A large number of claims were submitted by both sides.

3. As the International Control Commission pointed out in its First Interim Report, the figures supplied by both sides on prisoners of war had included "members of their forces who are missing and believed to be prisoners of war". Many of these, the ICC suggested, had "died or disappeared during the hostilities without having been prisoners of war".

4. In its third Interim Report, the Commission observed that "some progress" had been made in "clearing up claims and counter-claims" made by both parties. This apparently referred to the acceptance by both sides of the fact that those listed as "prisoners of war" but not accounted for ~~xxx~~ by the other side had not in fact been taken prisoner.

Conclusions which can be drawn from the above data:

1. D.R.V. authorities were prepared at the end of the conflict with the French to turn over immediately a complete list of all prisoners of war, even though the French were not so prepared at the beginning of the prisoner exchange process. There is every reason to believe that the D.R.V. leaders will be equally forthcoming once the ~~xxxxxxx~~ present conflict with the U.S. is terminated.

2. The D.R.V. authorities showed good faith on the POW question by beginning the actual exchange before receiving a complete list of prisoners held by the French, in order to speed the exchange. There is every reason to believe that they will do all within their power to effect the exchange as soon after the conflict is terminated as possible.

3. The French never brought forward any evidence of bad faith on the part of the DRV authorities in regard to the POW question. There is no reason to believe that they ~~xxx~~ would withhold any American prisoners from release.

4. Much confusion was caused after the 1954 Geneva Agreement by the fact that both sides listed all their missing in action as prisoners of war, despite the fact that they did not have specific evidence to that effect. In every war, there will be a substantial number of missing in action who are not taken prisoner and who are

never accounted for. Our own officials, it should be noted, have admitted as much in discussing the procedures for handling cases of soldiers missing in action. As Sheldon Kinney, Acting Chief of Naval Personnel, wrote in a memorandum of May 22, 1971, "Obviously, the vast majority of missing cases have all too few known facts." He noted that in the case of the Korean War, it was not possible to make judgments about the fate of ~~prisoners~~ ^{missing soldiers} "until the bulk of the prisoners had been repatriated". In other words, the Administration is trying to create an issue where none in fact exists.

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 of August, 1954, a protocol was signed and the exchanges commenced at three points in North Vietnam (including Viet-Tri and Son-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 Vietnam 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, &c.

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 of August, 1954, and made the following proposal to the parties:—

- 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;
- That the transfer of prisoners in North Vietnam should be completed eight days after the 26th of August, 1954;
- That the exchanges should be completed in Central Vietnam on the scheduled date, i.e., the 31st of August, 1954;
- That discussions should be started immediately regarding exchange in South Vietnam, the scheduled date being the 11th of September; and
- 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 of 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:—

- 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
- Figures supplied by the Democratic Republic Authorities:—

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

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

- The number of prisoners of war and civilian internees released up to date;
- 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
- The approximate period within which the parties hoped to settle the pending cases under the terms of Article 21.

68. To this letter, both the parties replied that they had fulfilled the 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 Vietnam. 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 positions 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.

Task

International Commission to study reports on violations or threats of serious violations submitted by inspection teams (39).
International Commission to pass commendations on questions where the Commission is unable to agree on interpretation of the Agreement on appraisal of fact (40).
International Commission may recommend additions and amendments to Geneva Agreement (41).
International Commission to inform the Geneva Conference Powers of any case where the activities of the Commission are being hindered (43).
Establishment of the International Commission (44).
Co-ordination (45).

Reduction in activities of the Commission (46).

Remarks regarding Implementation

Continuing commitment. Action taken in all cases investigated so far.

Continuing commitment. Action taken in all cases submitted by the parties.

No recommendation for amendment of Agreement made so far.

See Chapters.

Completed.

Two co-ordination meetings of the Secretaries-General of the three Commissions held so far, apart from continuous action that goes on by correspondence among the three Secretariats.

Not considered so far.

APPENDIX II

Claim Statements concerning Prisoners of War

Nature of claim or reply received	Claims made by F.U.F.		Claims made by P.A.V.N.		Remarks
	According to F.U.F.	According to P.A.V.N.	According to F.U.F.	According to P.A.V.N.	
I. Total claims	30,373	30,440	13,615*	15,164	*This figure as now given by French Liaison Mission in its letter No. 6704/MFLC/DV, dated 20.7.55 is 12,856.
II. Replies received ..	28,793	29,940	12,647*	11,462	*This figure has been taken from the first fortnightly report for the period ending 31.7.55.
Deceased	4%		7%		Includes 5% repatriated through China and U.S.S.R.
Handed over	17%		59%		
Escaped	—		12%		
Deserted or rallied..	8%				
Unknown or not on record.	71%		20%		These figures are obtained after subtracting the number of replies from the total number of claims.
Disputed	—		2%		
Number of claims to which no reply given by parties :					
Original requests under investigation.	1,580	500	968	3,702	
Cases referred to Joint Commission :	No figures supplied to the Commission.				
(a) Already discussed					
(b) Under discussion					
Number of individuals in cases referred to the Commission for action with the other party.	328		259		These figures have been collected from Commission records.

APPENDIX III

Statement giving Statistical Details of Complaints and Investigations in Cases of Damage to Life and Property

	F.U.F.	P.A.V.N.
Number of complaints received by the Commission in connexion with alleged violations of Article 14 (a) from	12	66
Number of complaints in which investigations undertaken by Commission's teams from	3	38
Number of pending investigations in territory controlled by	10	—
Number of cases in which loss or damage to life and property established against	15	—
Number of cases in which corrective action recommended to	13	—
Number of cases in which these recommendations were implemented by	7	—

First Annex 2p8.

APPENDIX III

PRISONERS OF WAR AND CIVILIAN INTERNEES

	French claim	Democratic Republic of Vietnam (claim)
1. Prisoners of war released or handed over to the D.R.V.N. by the French ...	7,974 ⁽¹⁾	9,071
2. Civilian internees released or handed over to the D.R.V.N. by the French ...	59,990 ⁽¹⁾	59,034
3. Prisoners of war released or handed over to the French by the D.R.V.N. ...	13,377 ⁽²⁾	12,173
4. Civilian internees released or handed over to the French by the D.R.V.N. ...	655 ⁽²⁾	587
5. Prisoners of war still detained by the D.R.V.N. ...	9,537 ⁽²⁾	—
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 ⁽²⁾	453

(1) Up to 27th of October, 1954.

(2) Up to 25th of October, 1954.

(3) Under investigation by the French.

(4) Up to 11th of November, 1954.

APPENDIX IV

STATEMENT RELEASED TO THE PRESS ON 2ND OF 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 Vietnam 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 the 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 22nd of July 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:

- 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;
- 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);
- 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;
- 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;
- 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).

Haiphong Perimeter

5. The Commission has, during the period under review, considered in detail the complex problems arising out of the withdrawal and transfer of the Haiphong perimeter at the end of the 300-day period. The French Union High Command, which is in control of this perimeter till the end of the 300-day period, has to withdraw personnel and equipment several months ahead to avoid a bottleneck in transport towards the end of the period and at the same time the withdrawals have to be so effected that the transfer is smooth and orderly, there is no destruction or sabotage of any public property and no injury to the life and property of the civilian population and no interference in local civil administration (Articles 14 and 15). The Commission has, after considering the various documents and memoranda presented by the two sides, detailed complaints and counter-complaints and, after several discussions with the parties, made concrete suggestions to the parties regarding the principles to be observed in effecting withdrawals and the manner in which the International Commission will exercise its supervision so that the obligations undertaken by the parties under the Agreement are duly carried out and the rights guaranteed under the Agreement are duly safeguarded. A copy of the suggestions made to the parties is given as Appendix II.

CHAPTER IV

PRISONERS OF WAR AND CIVILIAN INTERNEES

Claims and Counter-Claims under Article 21

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

Problem of "Ralliés" and Deserters

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

Atmosphere between the Parties

8. The atmosphere between the parties in the solution of complicated cases of prisoners of war, civilian internees, and "ralliés" and deserters is not as co-operative as envisaged in the general scheme of the Agreement. Complaints from the P.A.V.N. High Command against the French Union High Command for delays in releasing those accepted as civilian internees in Poulo Condore and for release of 16 Chinese civilian internees from Haiphong otherwise than in accordance with Article 21(c) and similar complaints from the French Union High Command against the High

Command of the P.A.V.N. for release of prisoners of war and civilian internees otherwise than in accordance with Article 21(c) are under investigation.

CHAPTER V

DEMOCRATIC FREEDOMS UNDER ARTICLE 14 (c) AND (d) OF THE GENEVA AGREEMENT

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

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

Action by the Commission

10. Specific recommendations under Article 39 have been made to the parties to secure effective implementation of the provisions of Article 14(d) within the time-limit specified in the Article. A copy of the recommendations made is given as Appendix III.

11. The International Commission received complaints from the French Liaison Mission regarding obstructions in the exercise of freedom of movement to people at Ba Lang and Luummy. The Ba Lang investigations have been completed and recommendations made by the Commission in that case have been the subject of a press release.

12. The Commission has received complaints from the Liaison Mission of the P.A.V.N. regarding the existence in the refugee camps in South Vietnam of persons who were forcibly evacuated and who wished to return to the North. Two Mobile Teams of the Commission are carrying out investigations in the refugee camps at Thua Thien and Bien Hoa.

13. The Commission has made its recommendations in the case of complaints against breaches of Article 14(c) in all cases mentioned in paragraph 108 of the First Interim Report and has recommended action under Article 22 in four cases where, in the Commission's view, the local civil and military authorities in charge had violated the provisions of the Agreement dealing with democratic liberties and the principles to be observed during regroupment.

ARTICLES 14 (c) AND 15 (d)

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

15. The Commission has taken a decision in the case of arrests of members of the Movement for the Defence of Peace in Saigon which was the subject matter of a complaint from the High Command of the P.A.V.N. The Commission, while refusing to interfere with the local civil administration in either zone in a matter under judicial investigation, has reserved to itself the right to be kept informed of the developments in the case of these arrested persons and asked the French Union High Command to suspend execution of the eventual judgment in this case to allow the Commission to review the final findings of the Court with a view to assessing whether the

drawals. Complaints and counter-complaints are being dealt with by the Commission and its agencies in accordance with these suggestions accepted by both parties.

At the instance of the French Union High Command, the Commission has taken similar action to control evacuation of equipment and material in the Provisional Assembly Area in Central Vietnam to secure orderly transfer of public property and public services.

CHAPTER IV

Prisoners of War and Civilian Internees

Article 21

6. Both parties state categorically that they have carried out their obligations under Article 21 and released all prisoners of war and civilian internees. Each party has, however, made claims against the other. Some progress has been made during the period under report in the clearing of claims and counter-claims made by the parties. The Commission has had detailed discussions with the two parties on this question and has impressed on them the necessity for settling these claims and counter-claims as expeditiously as possible. The two parties have agreed to settle all the pending claims and counter-claims expeditiously and by the 10th June, 1955, the latest.

Problem of "Rallies" and Deserters

7. The problem of "rallies" and deserters has been discussed with the two parties and a satisfactory practical solution has been worked out. The R.V.N. authorities have agreed to hand over to the French Union Forces such persons who express a desire to be so handed over provided no disciplinary action is taken against them. The French High Command has, however, reserved its position to take such action against non-Vietnamese deserters, as distinguished from prisoners of war, as may be required under military law. The Vietnamese deserters are, however, protected by Article 14 (c). During the period under review, 222 persons falling under this category have been handed over by the P.A.V.N. to the French authorities. 369 "rallies" who did not wish to be handed over to the French authorities were repatriated through China. The Commission observes these cases through its teams to see that there is no forced repatriation.

8. All the seventy civilian internees accepted as such by both parties in the investigation referred to in paragraph 8 of the Second Interim Report and twenty-three of the balance of sixty-one disputed cases have been released. The remaining cases and further complaints from the D.R.V.N. authorities about illegal detention of other civilian internees are under investigation. Two similar complaints from the French High Command are investigated but no persons claiming to be prisoners of war or civilian internees were traced.

CHAPTER V

Democratic Freedom under Article 14 (c) and (d) of the Geneva Agreement
Complaints regarding Non-Implementation of Articles 14 (c) and 14 (d)

5. The implementation of these articles of the Agreement continued to be a matter of serious concern to the Commission throughout the period under review. Since the last Report, the Commission sent out ten Mobile

Teams for investigation in respect of alleged breaches of freedom of movement and five Mobile Teams for investigation in respect of alleged breaches of democratic freedoms.

Article 14 (c)

10. Of the incidents mentioned in paragraph 116 of the First Interim Report and some new incidents reported since, investigations have been completed in six cases and the Commission has made its recommendations involving action by the High Command of the French Union Forces under Article 22 for violation of Article 14 (c) in four cases.

The D.R.V.N. authorities continue to send in complaints relating to alleged violation of Article 14 (c) in the form of reprisals and illegal detention of former resistance workers. The French authorities have, on the other hand, sent in complaints regarding alleged interference by the R.V.N. through their sympathisers with the administration in areas controlled by them. A Mobile Team of the Commission is investigating these charges and counter-charges in Central Vietnam where the problem is particularly acute.

Article 14 (d)

11. The first returns received at the end of February in accordance with paragraph 11 (*) of the recommendations mentioned in paragraph 10 of the Second Interim Report were not satisfactory. The reports of Mobile Teams that had been sent out to Luu My (subject of separate Press Release) and Quan Nghia in Nghe An Province showed that the situation in these areas was particularly unsatisfactory in that the recommendations of the Commission were not being implemented fully. In view of this and the large volume of complaints that continued to come in, the Commission decided to send three Mobile Teams to make a fortnight's survey of the provinces of Nam Dinh, Ninh Binh, Thai Binh, Thanh Hoa, Nghe An and Ha Tinh, where the problem appeared to be particularly acute. The preliminary reports of these teams have shown that progress in the implementation of Article 14 (d) will continue to be unsatisfactory unless administrative arrangements and the provision of transport facilities are urgently improved. The Commission has taken up these questions in detail with the High Command of the P.A.V.N. for expeditious remedial action.

The Commission will continue to supervise the implementation of Article 14 (d) in the general exercise of the task assigned to it under Article 36, though, in the light of the progress made in the implementation of this Article so far, it is not possible to state at this stage that Article 14 (d) will be implemented in full within the time-limit laid down.

12. The complaints regarding forced evacuation referred to in paragraph 12 of the Second Interim Report and some others received since, have been investigated. The reports of the teams have not yet been reviewed by the Commission and the reports when made will be the subject of a separate Press Release. Meanwhile, Commission's teams at Haiphong and Qui Nhon are controlling evacuation of personnel to make sure that there is no forced repatriation to and from either zone.

13. The trial of the arrested persons referred to in paragraph 15 of the Second Interim Report has still not started. They have, however, been released on bail by the Court and some of them have been sent the same day for compulsory residence in Haiphong under an executive order of the Government of the State of Vietnam passed under an ordinance. The

by the State or by private enterprises so as to ensure that there was no destruction or sabotage of any public property and no injury to the life and property of the civil population. have also been dealt with in the reports. Suggestions made to the two parties in this connexion were given in Appendix II of the Second Interim Report.

5. The administration of these suggestions in connexion with the 12 phase of withdrawals and transfers, which dealt with the Central Vietnam provisional assembly area and the Haiphong perimeter, involved considerable work for the Commission and its teams. The parties were able to deal with the problems of withdrawal of armed personnel and withdrawal and transfer of civil administration at the Joint Commission with a little assistance from the International Commission but were unable to deal with the transfer of public properties and essential services consistent with Articles 14 (b) and 15 (d) of the Agreement and in accordance with the Commission's suggestions referred to above. The Commission and its teams of experts had to deal with all the details involved in the transfer of public properties and complicated public services in the Haiphong perimeter. Withdrawals and transfers were not only effected before the due date, i.e., the expiry of the 300-day period, but the public properties and the essential services were handed over intact and in running order in all the areas transferred and the High Commands concerned were able to withdraw their military forces, equipment and supplies in good order in accordance with the principles laid down in Article 15. The Haiphong Committee set up by the Commission submitted thirty-two reports on claims and counter-claims of the parties which were considered by the Commission and necessary recommendations made to the parties. The transfer of Haiphong perimeter and the Central Vietnam provisional assembly area involved inspection on the ground (1) ten visits of the Haiphong Committee of Commission experts to Haiphong to verify the details of equipment, machinery and the nature of the services; (2) ten detailed inspections by the Haiphong Fixed Team of the machinery and equipment being removed and (3) thirteen inspections by the Commission's Fixed Team in Qui Nhon of the machinery and equipment being removed.

6. The manner in which the withdrawals and transfers were effected satisfied both parties to the Agreement and improved the general atmosphere of co-operation and good-will between the P.A.V.N. and the French High Commands. The following extracts speak for themselves:—

Extract from General Vo Nguyen Giap's speech made at a tea party 17th May, 1955, organised by the High Command of the P.A.V.N.

"On May 16, 1955, that is three days before the time-limit fixed by the Geneva Agreement, the last units of the Vietnam People's Army left Southern Vietnam to regroup into the North. Simultaneously, the Vietnam People's Army in the North completed the taking over of new liberated regions and towns, including Haiphong perimeter.

"We ought to mention here the efforts made by both signatories to the Agreement and by the International Commission for Supervision and Control in Vietnam.

"I also take this opportunity to express my thanks to the members of the International Commission for their efforts in the past and their notable contribution to the achieving of regroupment and transfer of military forces of the two parties.

"The completion of the regroupment and transfer of military forces has laid foundation for the continuation of the execution of the Geneva Agreement and for the strengthening of peace in the days to come."

Extract of letter No. 5882, Cmh CD dated Saigon, June 2nd, 1955, from General Ely, Le Général d'Armée Commissaire Général de France et Commandant en Chef en Indochine to His Excellency Mr. Ambassador Desai, Chairman of the International Commission for Supervision and Control, Hanoi.

"Before I leave, I should like to express to you my deep appreciation for the work you have done here.

"Indeed, it is thanks to the conciliatory work of the International Commission which you have been leading with such authority and tact that an important part of the Decisions of the Geneva Agreement, despite innumerable difficulties, has been executed in a practical manner.

"For my part, I shall never forget that it is your efforts which have allowed the clarification of the problem of prisoners, have allowed a great many people to benefit from the rights given by Article 14 (d), and have, finally allowed the transfer of territories and the regroupment of forces in favourable conditions.

"Above all, in the course of an experiment which I am sure will constitute a remarkable precedent on the international plane, you have succeeded in creating, in particularly difficult circumstances, a climate of détente."

CHAPTER IV

Prisoners of War and Civilian Internees

7. As stated in paragraph 68 of the First Interim Report, both parties to the Agreement claimed that they had fulfilled their obligations under Article 21 and had no prisoners of war or civilian internees in their custody. Appendix III to the First Interim Report gives the figures of prisoners of war and civilian internees released. Since then, while several general and specific complaints have been made by the parties, there has been no substantial alteration of the figures given in Appendix III of the First Interim Report except in the categories of civilian internees and of deserters, some of whom are classed by the P.A.V.N. High Command as "rallié." Paragraphs 7 and 8 of the Third Interim Report refer to repatriation of "rallié" or deserters through the French Union Forces High Command of 369 "rallié," who did not wish to be handed over to the French Union Forces High Command through China, and the release of ninety-three civilian internees to the P.A.V.N. High Command.

8. During the period under report forty-six more "rallié" or deserters were handed over to the French Union Forces High Command and twenty-five more were repatriated through China. Both these operations were observed by the Commission's teams to make sure that none of these persons were prisoners of war nor were being repatriated against their wishes though the Commission is not concerned under the Agreement with the problem of deserters.

9. As regards civilian internees, the latest position is as follows:

F.U.F. P.A.V.N.

1. Number released till 10th August, 1955 (excluding 93 mentioned in the Third Interim Report) by	67	—
2. Number of recommendations for release made by Commission under Article 21 to	33	—
3. Number of cases under consideration on complaints against	165	—