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SINCE THE JANUARY 1973 AGREEMENT TO END HOSTILITIES IN VIETNAM, AMNESTY INTERNATIONAL HAS RECEIVED DOZENS OF REPORTS OF THE SEEMINGLY ENDLESS SUFFERING OF THE 100,000 CIVILIANS STILL DETAINED IN THE SOUTH.

FAR FROM BRINGING THEM FREEDOM, THE AGREEMENT, BY FOCUSSING ATTENTION ON THE MILITARY SITUATION AND PRISONER OF WAR EXCHANGES, HAS DRAWN ATTENTION AWAY FROM THEIR PLIGHT.

THIS ILLUSTRATED AMNESTY INTERNATIONAL REPORT, BASED ON PAINSTAKING RESEARCH INTO THE PROBLEM AND INCLUDING AN APPENDIX WITH SOME TYPICAL CASES, EXPLAINS WHO THESE THOUSANDS OF MEN AND WOMEN ARE, WHY MANY WHO SUPPORT NEITHER OF THE WARRING SIDES ARE STILL DETAINED, THE CONDITIONS OF THEIR IMPRISONMENT, AND THE SUFFERING OF MANY OF THEM UNDER TORTURE.

MOST IMPORTANT OF ALL, THE REPORT EXPLAINS WHY THEIR SUFFERING WILL GO ON - UNLESS SOMETHING IS DONE TO FREE THEM NOW.

GLOSSARY

The following abbreviations are used throughout this report:

- DRVN (Government of the) Democratic Republic of Vietnam, i.e.
- GRVN Government of the Republic of Vietnam, i.e. Saigon
- PRG Provisional Revolutionary Government (of the Republic of South Vietnam), i.e. Government of the National Liberation Front (NLF)

All three Governments signed the January 1973 Peace Agreement on Vietnam. The GRVN and the PRG are sometimes referred to as the two South Vietnamese parties.

N.B. All dates put the day first and the month second: thus, 2-3-73 is the 2nd of March 1973.

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Political prisoners in South Vietnam

Introduction

In November 1972 Amnesty International presented a draft Protocol to all the parties to the conflicts in Indochina. The Protocol was concerned with the release and rehabilitation in the event of a ceasefire of all the civilians detained in Indochina as a result of war. At the time this was a massive problem needing the most urgent attention, especially in South Vietnam. Since then a Ceasefire in Vietnam has come and gone; and the problem is just as urgent today.

Like most wars, the conflict in Vietnam created two sorts of prisoner; prisoners of war - that is, military personnel involved in the war - and detained civilians. Contrary to what many people think, the January 1973 Ceasefire and Peace Agreement only dealt properly with prisoners of war. It left the question of civilian prisoners largely unanswered.

As a result of the Agreement, all captured and detained military personnel (as well as foreign civilians) were released by the end of March: the Americans among them received most public attention. They were nearly 600 in all, less than the Pentagon may have hoped, but in any case only a fraction of the total number of civilian and military detainees throughout Indochina. Most of them were released by the DRVN, a few by the PRG and a handful by the pro-Communist Pathet Lao in Laos. At the same time, but with much less publicity, some 31,000 Vietnamese prisoners of war were exchanged by the PRG and GRVN in the South (1).

CIVILIAN PRISONERS

The Peace Agreement also stipulated that the two South Vietnamese parties should discuss the issue of civilian detainees and try to come to an agreement by 27 April 1973, ninety days after the Ceasefire. This deadline is now long past and next to nothing has happened (see page 3). This means that upwards of 100,000 civilians remain in detention throughout South Vietnam, many of them in appalling conditions, the vast majority of them held as a result of the fourteen-

One of the hazards of discussing South Vietnamese civilian prisoners is the imbalance of information available. Accounts of conditions in GRVN prisons, as well as some visual material, regularly filter out; on the other hand reliable information about the condition of prisoners held by the PRG is hard to come by, even though released Americans have had their experiences to relate.

In spite of this disparity, Amnesty International feels there can be no excuse for failing to describe the appalling conditions, chaotic administration and widespread disregard for basic legal and human rights which many GRVN civi-

(1) To be precise, as a result of 4 major exchanges, 26,729 PoWs held by the GRVN were exchanged for 4,950 held by the PRG.

lian prisoners have to endure (1). For this reason, while it contains a section on PRG prisoners, the greater part of this report is given to GRVN civilian detainees, with the proviso that it cannot be exhaustive.

No consideration is given here to the DRVN. This is not because Amnesty International is not concerned with North Vietnam - on the contrary, it has North Vietnamese Prisoners of Conscience in its files. However, the January Peace Agreement on Vietnam is concerned only with civilians detained in South Vietnam, and in the present instance we are confining ourselves to these terms of reference.

The aim of this report is to publicise the plight of South Vietnamese civilian prisoners, and to stress the fact that no progress is being made towards their release. Amnesty International wishes to draw this state of affairs to the urgent attention of the International Commission for Control and Supervision of the Ceasefire in South Vietnam; to the participants of the Paris Conference on Vietnam last February; and to all interested Governments and parties, in the hope that they will prevail on the GRVN and the PRG to take concerted action and set free South Vietnamese civilian prisoners.

(1) Much of this work has already been done by Don Luce and Holmes Brown in their excellent survey 'Hostages of War', published last year by the Indochina Mobile Education Project, Box 39013, Washington DC 20016, USA. However, their report does not take in developments since the Ceasefire and Peace Agreement, and is very hard to get hold of in Europe.



Two women detained at Quang Ngai prison hospital. Quaker doctors say the old woman, arrested while carrying rice to her family in an NLF-occupied area, is now partially paralysed as a result of torture.

The Peace Agreement

The provisions made for civilian internees in 1954, when the French and Ho Chi Minh's People's Army signed a ceasefire, were much better than those made by the Peace Agreement this year. According to the 1954 Settlement, "All civilian internees of Vietnamese, French and other nationalities captured since the beginning of hostilities in Vietnam during military operations or any other circumstances of war...shall be liberated within a period of thirty days after the ceasefire".

The Settlement went on to define the term "civilian internee" as meaning "any 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".

Nineteen years later, the provisions for a far more complicated situation are far less comprehensive. The January 1973 Peace Agreement should have provided for the immediate release of all civilians detained as a result of the war. Instead it just told the two South Vietnamese parties to "do their utmost" to resolve the problem within ninety days of the Ceasefire. When this deadline was reached at the end of April, the two parties had only succeeded in agreeing to exchange a total of 1,387 civilian detainees, a tiny percentage of the total number held. Since then, negotiations on the civilian prisoner issue have ground to a halt (1).

The Peace Agreement also used the same definition of "civilian internee" as the French and Vietminh agreed on in 1954. Even in 1954 this definition was not really satisfactory. How broadly was the phrase "contributing in any way to the political struggle" to be interpreted, for example?

But at least there had been a fairly clearcut political and military struggle between the French on one side and the Vietminh on the other. In 1973, on the other hand, the prisons of President Thieu are filled not just with members of the NLF, but also with thousands of non-Communist opponents of his Administration. These people have "contributed to the political and armed struggle between the two parties" - that is, the GRVN and PRG - only insofar as they have supported neither of them. They are in jail for opposing President Thieu on their own, or for movements other than the NLF. It is clear that the terms of the January Peace Agreement are not broad enough to include this large section of the GRVN's prison population, and that the GRVN has no intention of setting them free on any other grounds (2).

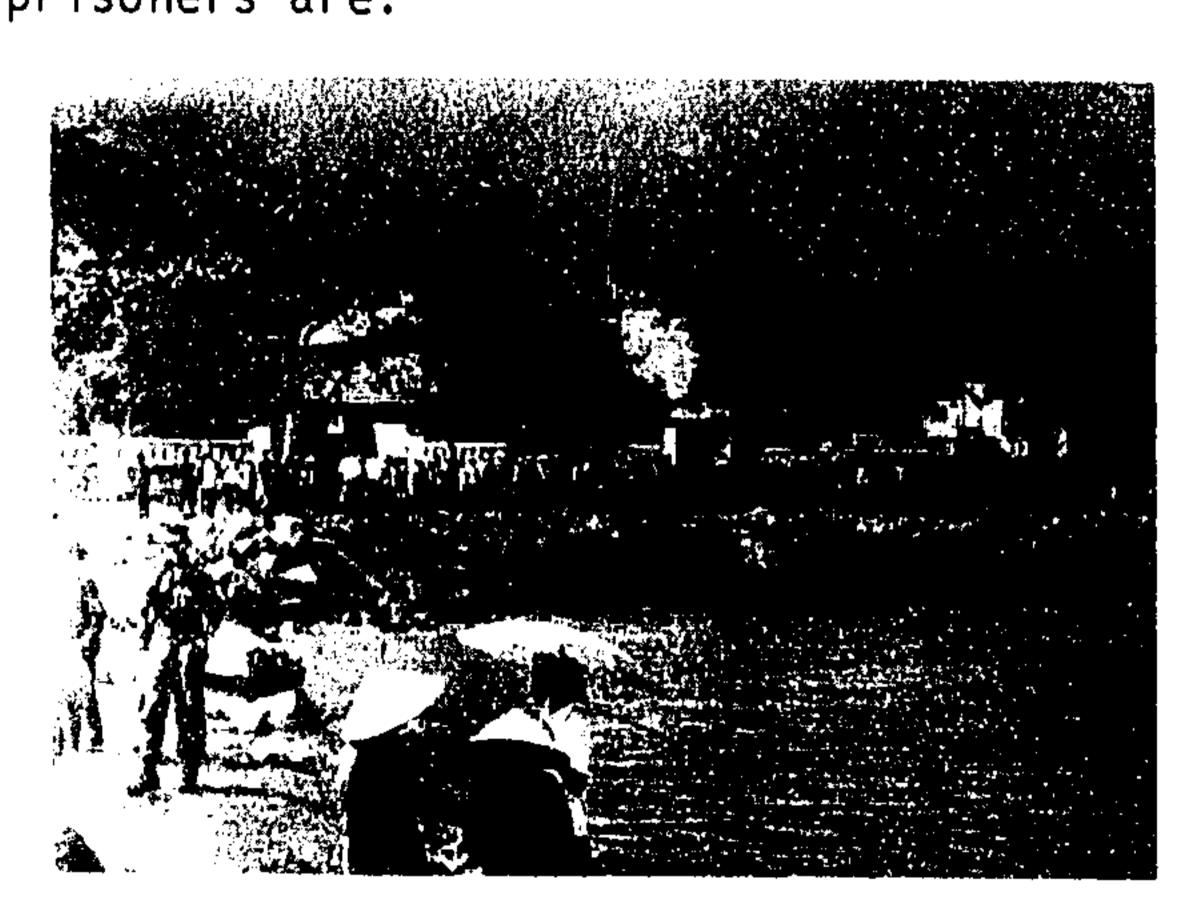
- (1) As a first step in the negotiations on civilian detainees, the GRVN and PRG exchanged lists of civilian prisoners they considered eligible for release under the terms of the Peace Agreement. The GRVN's list consisted of 5,081 "Communist civilian detainees", while the PRG's number 137. Each side claimed the other's list fell far short of the true number, and there was an impasse until three days before the deadline on 27 April. Then, in a surprise move, the GRVN agreed to exchange 750 prisoners for 637 PRG prisoners. Since then, there have been petty disputes about venues, and about protection for the Control Commission teams who are supposed to be on hand to observe exchanges. As a result, only a few hundred civilian detainees have actually been exchanged.
- (2) The PRG has claimed their release under Article 11 of the Peace Agreement, which is concerned with "freedom of belief" and other democratic liberties.

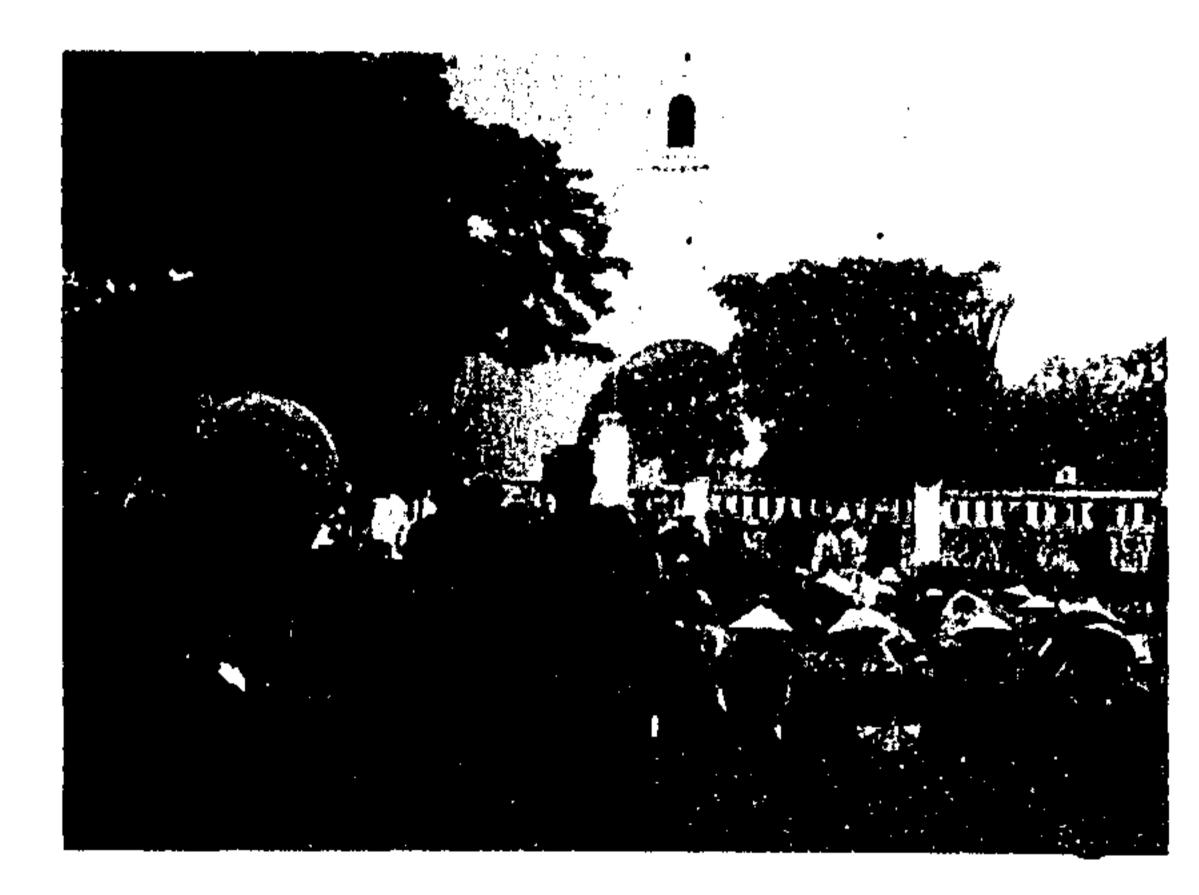
THE THIRD FORCE

Even if it eventually releases its NLF prisoners, there are several reasons why the GRVN may find it expedient to keep its non-Communist political opponents behind bars. These people are "neutralists", members of the political third force, possible mediators between Communist and non-Communist in South Vietnam. If they were released and allowed to become politically active, they could well jeopardise the staunchly anti-Communist position of the GRVN. This position, which identifies neutralism with pro-Communism, is perhaps the most effective $raison\ d'etre$ of GRVN.

The pivotal role of the third force is reflected in the proposed structure of the body known as the National Council for National Reconciliation and Concord, at least as it was originally conceived. According to the Peace Agreement, this Council is designed to organise general elections throughout South Vietnam, and a lot of negotiations went on before the signing of the Agreement about the Council's precise nature. Washington and Saigon apparently wanted to reduce its potential as much as possible, while Hanoi and the PRG conceived of it as an "administrative structure" with considerable independent power. The Council is to consist of three segments. In the January Peace Agreement it was not specified how these would be made up; but earlier it had been clear that they were to be one part GRVN, one part PRG and one part third force.

Both before and after the January Ceasefire, however, the GRVN has done all it can to discredit the idea of the third force. In a letter to President Nixon last November, for example, President Thieu denied its existence. The GRVN has also taken steps to silence claims that it is holding a large number of non-Communist political prisoners. Before describing these steps, let us see just who the GRVN's prisoners are.









About 1,500 men, women and children arrested en masse in central Vietnam in May 1972 and deported to the prison island of Con Son, seen here waiting to be shipped back home several months later.

Part I: GRVN prisoners

The prisons administered by the GRVN (1) hold at least four categories of inmate. These are as follows:

- . Members of what the Americans call "the infrastructure" of the NLF. This organisation consists of NLF civil servants, tax collectors, village chiefs, schoolteachers, postmen, medical personnel, the farmers' association, the women's association, the youth association, cultural groups and so on. According to one source (2), the regular military element in this is rather small, and the number of full-time military forces in the NLF has probably never exceeded 60,000 men. Until March this year, when they were released, some 26,000 NLF military personnel were held as prisoners of war in separate camps; but it is very likely that others are still held in civilian camps along with large numbers of non-military NLF detainees. (For further details see page 12)
- Peasants, farmers, traders, children and other civilians who are suspected of being involved with the NLF at a very low level. Often people are held as Communist suspects because their relatives have been involved with the NLF, or because they do not have the right identity papers. Sometimes they have been conducting trade with the NLF, or happen to have found themselves in an area temporarily administered by the PRG. An extreme example of the latter was the case of about 1,500 old men, women and children deported from central Vietnam to the prison island of Con Son in May and June 1972.
- Non-Communist political opponents of the GRVN. An Appendix lists a number of typical cases including such better-known ones as:

Nguyen Long, formerly advocate at the Saigon Court of Appeal Ngo Ba Thanh, President of the Women's Movement for the Right to Live Tran Huu Khue, formerly Assistant Secretary-General of the Movement for the Free Choice of the People

Huynh Tan Mam, President of the General Association of Saigon Students Amnesty International has on record the names of more than 200 leading non-Communist students, most of them detained without trial. It also has lists of over 1,000 detained Buddhist monks and details of a large number of other non-Communist political prisoners, then detained without trial or held on after

Those convicted of common criminal offences such as theft or rape. Prisoners in this category serve as prison trustees of 'kapos' in many of the bigger prisons, including the national prisons of Chi Hoa and Con Son.

the expiry of their sentences.

The policy that the GRVN has adopted since the ceasefire of reclassifying large numbers of political prisoners as common criminals (see page 9) has made it increasingly difficult to distinguish between the first three categories and the fourth.

⁾ For PRG prisoners see Section II, page 29 (2) Alexander Casella, The Politics of Prisoners of War, The New York Times Magazine, 28-5-72.

Estimates of the total number of civilians held by the GRVN vary greatly. A recent official Saigon figure was 35,257 (1), while other estimates have put it at 200,000 or even more(2). This is a huge disparity; and it is worth going into detail over the number question.

The GRVN prison system is large and complicated. Its size is conveyed by the United States AID Project Budget Submission for the Financial Year 1974. This speaks of ensuring "a jail administration program in being and functioning in 552 facilities by the end of Financial Year 1973".

Officially there are 41 main detention centres for civilians. The largest and best-known are the four national prisons or Rehabilitation Centres (Trung Tam Cai Huan). These are Chi Hoa prison in Saigon itself, Thu Duc and Tan Hiep, both of them near Saigon, and the prison island of Con Son off the south-east coast of South Vietnam.

According to a document signed by the assistant director of Con Son and published by the Vietnamese Community in Paris in March 1973, the number of men and women officially held in Con Son is now 9,850, of whom 3,889 are being held without trial. This corresponds roughly with the figure given three years ago by the United States public safety director in Vietnam. It probably does not include about 2,000 trustee prisoners housed outside the prison's camps. In view of the fact that prison administration is far from perfect (3), and that since the cease-fire large numbers of prisoners have been transported from one prison centre to another, the figure of 11.000 or 12,000 may be more realistic.

Of the three other national prisons, Chi Hoa in Saigon seems to have housed at least 7,000 inmates at the beginning of 1973, though it was originally built for some 2,000 less. In January 1973 Saigon deputy Ho Ngoc Nhuan visited Chi Hoa and described it as follows:-

"The prison contains 7,500 inmates, of which only half are common criminals...

Over two thousand are military prisoners, draft dodgers and minor regulation violators who would normally be out of sight at the Go Vap military prison on the outskirts of Saigon. But that institution is terribly overcrowded (as are most of Vietnam's prisons now) so they are here....Chi Hoa also contains from 450 to 500 children between the ages of twelve and fifteen whose crimes are stealing, petty theft, and drug offenses. Like the military prisoners, they are the overflow, for the Thu Duc Juvenile Centre can handle no more."

Less is known about Thu Duc and Tan Hiep prisons. Thu Duc prison for women was said in 1970 to hold between 1,200 and 1,400 (4). Recently, however, it has apparently grown much more crowded, and probably now holds well over 2,000. Tan Hiep is roughly the same size as Thu Duc.

Altogether, then, the four national prisons may account for some 22,000 to 25,000 prisoners.

Apart from these four, there are officially 37 other provincial prisons - though some sources speak of as many as 58. Their capacities vary considerably. Quang Ngai prison, for example, in the north of South Vietnam (see page 23), holds

(1) The Daily Telegraph, 18-4-73

(2) See for example statement of Father Nguyen Dinh Thi, Vietnamese Catholic leader in Paris, International Herald Tribune, 13-4-73. 200,000 is also PRG's estimate.

(3) "South Vietnam's antiquated and enormously inefficient judicial system is such that a person can spend years in jail without coming to trial, his dossier perhaps lost in the dusty mountains of archives that characterise the national bureaucracy", New York Times, 23-6-72. But things are getting spruced up. US AID's Project Budget Submission for Financial Year 1974 states that "a program has been established at all correction centres to register and identify all prison inmates" - a comment on what things have been like until now.

(4) Michael Morrow, "Thu Duc Women's Prison", Despatch News Service, 1970.

around 1,000 inmates, while the interrogation centre attached houses another 600 (1). Others are much smaller. Even so, Amnesty International estimates that their total population is no less than 25,000.

Finally, there are the 500 or so other detention centres that go to make up the US AID Project Budget Submission total of 552. To start with, there are the dozens of interrogation centres attached to provincial prisons and other prison units. In 1969 the senior American adviser to the department of the Interior Ministry in Saigon that administers prisons (see page 8) estimated that these centres alone were holding ten thousand people. There are also between 150 and 200 district prisons, while in every district the police post has a detention house attached. Each of the 49 police prefectures in South Vietnam's 44 provinces and 5 municipalities has its own detention centre. There are also the military detention centres at Go Vap in Saigon and the 44 military sectors, as well as a corps of 'battle coolies', captured deserters who work under guard for the South Vietnamese Army.

The larger towns often have a whole range of prisons and prison units. In Saigon alone, there are interrogation and detention centres as the National Police Headquarters (Tong Nha Canh Sac Quoc Gia), the Metropolitan Police Headquarters (Nha Giam Doc Canh Sat Do Thanh), the Metropolitan Garrison Command (Bo Tu Lenh Biet Khu Thu Do) and the Bureau of Military Security (Cuc An Ninh Quan Doi), as well as at Ben Bach Dang, Phu Tho, Phu Lam, Hang Keo, Bang Ky and Ngo Quyen. At least ten short-term detention centres are run by the Saigon Police, while a number of smaller detention units are allegedly maintained by the Special Police (see page 13). There is also the detention centre at Cho Quan Hospital, not to mention Go Vap military prison and Chi Hoa Rehabilitation Centre.

While many police posts and district prisons house only a few dozen inmates, and are often for short-term detentions only, several detention centres such as the National Police Headquarters in Saigon hold well over a thousand people each. A big unknown quantity is the prison camp on Phu Quoc island off the south-west coast. Officially it housed only prisoners of war, now all released; in fact, however, recent reports suggest that several thousand prisoners may still be held there (2).

In all these 500 or more miscellaneous detention centres must hold between 25,000 and 50,000, if not more. Unfortunately, it is impossible to be more precise. It is likely that several thousand have been added to the prison population since the beginning of 1972. In the months following the start of the North Vietnamese-NLF military offensive in April 1972, and again when Washington and Hanoi were drawing close to agreement in October, there were massive waves of arrests.

In July 1972, 'Time' Magazine reported that "arrests are continuing at the rate of 14,000 a month". Four months later President Thieu's nephew and close adviser Hoang Duc Nha told a group of Vietnamese publishers that "40,000 Communist agents" had been arrested in the previous few weeks (3). Many of those arrested seem to have been released again shortly afterwards. A report in January 1973 maintained that of the tens of thousands of new suspects detained during the previous months, half had been released (4), while at the time of 'Tet' or lunar New Year, the GRVN announced an amnesty for 5,680 civilian detainees, many of them apparently low level political prisoners (5). Even so, Amnesty International continues to receive reports of gross prison overcrowding as well as of many new arrests since the ceasefire.

WHAT THE OFFICIAL FIGURES MISS OUT

We can see from the above that the minimum number of GRVN civilian detainees is certainly not less than about 70-75,000, while it may well be

- (1) Quaker report on Quang Ngai, Ronin Magazine, March 1973 (Ronin, Hong Kong)
 (2) In 1969 the senior American adviser to the Director of the Correctional Directorate estimated that 10,000 people were held in interrogation centres alone.
 (Report of US Study Team on Religious and Political Freedom in Vietnam, Congressional Record, 17-8-69, page 8.)
- (3) Washington Post, 10-11-72. Usually reliable sources in Saigon maintain that the figure given was in fact 50,000.

(4) The Guardian, 23-1-73.

(5) During the past few months there have also been several other smaller amnesties.

more than 100,000. In that case, why does the GRVN insist there are less than 40,000?

Cynics would say the question is not worth answering, that the business of numbers is a meaningless game, especially in the context of Vietnam, where statistics have been so mercilessly manipulated. Certainly Amnesty has received reports from reliable sources that contact between the prison administration in Saigon and many of the more distant provinces has often been virtually non-existent. Prisoner quotas submitted by a prison governor may reflect Saigon's requirements rather than the overcrowded conditions of the prison itself.

But one important reason for the discrepancy is that the section of the Interior Ministry in charge of prisons, the Department of the General Administration of Rehabilitation Centres (Nha Quan Doc Cae Trung Tam Cai Huan, run by Lieutenant-Colonel Cao Minh Tiep and located on Dinh Tien Hoang Street, Saigon) only gives figures for the 4 national and 37 official provincial prisons. Amnesty International maintains that even these estimates are far too low; but if all the civilians crowded into the hundreds of other detention centres throughout the country were included, official figures would tell a very different story. As it is, we hear nothing about the detention centres administered by the police and army. Only the tip of the iceberg is visible.

POLITICAL PRISONERS

We have seen that the population of the GRVN's civilian prisons is made up of four rough categories (see page 5). Most people would agree that both members of the NLF infrastructure and non-communist political opponents of the GRVN are "political prisoners". They might also include the peasants, farmers and so on allegedly involved with the NLF.

The GRVN, however, has very different ideas on the subject.

"If by political prisoners one means those who are arrested and detained only because their views are at variance with those held by the Government", it announced in March this year, "there are no political prisoners in South Vietnam". As for people belonging to organisations "whose chief aim is to overthrow the legal Government of South Vietnam, such as the National Liberation Front", it went on, they have been "cared for by the January Peace Agreement" (1).

Leaving aside the question of what precisely constitutes the legal Government of South Vietnam, whichever way you approach it this statement is a gross misstatement of the facts.

Let us look at things from the point of view of the GRVN, and accept for the sake of argument that the only political prisoners are NLF members, or "Communists". Just how many civilians in this category does Saigon claim to hold? In 1969 a United States study team was told by the Director of the Prison Administration Department that more than 64 per cent of the 35,000 prisoners said to be held in 41 prisons were classified as "Communists". More recently, President Thieu told a British Labour Party delegation that the GRVN holds about 41,000 "political prisoners" (2) - all of them presumably "Communist", since the GRVN says it does not have any other kind of political prisoner. Both these estimates are a far cry from the list of only 5,081 "Communist civilian detainees" that the GRVN has presented to the PRG as a first step in the negotiations on releasing civilian detainees that have followed the January Peace Agreement (3).

In other words, even in the GRVN's own terms, many thousands of detained members of the NLF have not been "cared for" by the Peace Agreement at all.

In reality, however, the situation is far more complicated than this. The facts are that perhaps 20,000 or more NLF members and sympathisers are in detention, although not all adherents to the National Liberation Front can be called "Communists". Many tens of thousands of other civilian prisoners are held because of

(1) Vietnam: Yesterday and Today, March 1973, Embassy of Vietnam (South), London. (2) The Guardian, 27-2-73.

alleged communist sympathies, but are not communists at all - most of them are simply innocent victims of faulty intelligence (see page 15). Finally, several thousand people are detained precisely because their views are "at variance with those held by the Saigon Government".

RECLASSIFICATION

Not content with denying the existence of all political prisoners except 5,081, since late in 1972 the GRVN has been systematically reclassifying large sections of their prison population, so that prisoners once detained under various "political offender" classifications now appear to be held under ordinary criminal charges.

Evidence of this practice has come from a variety of sources. Early in 1973 lawyer Nguyen Long (see Appendix) smuggled a letter out of Chi Hoa prison in which he described his own experience. Long wrote:

"...Recently a Saigon Government spokesman declared that in South Vietnam there are only two categories of prisoner, those who have been sentenced for their involvement with the Communist Party, that is NLF collaborators, and those who are common criminals. This arbitrary analysis discounts those non-Communist members of the opposition who, according to the Treaty and Agreements signed in Paris on 27 January should be represented as the third party in the National Council of National Reconciliation and Concord...

This constitutes a flagrant derogation of the treaties and agreements reached; it ignores the true situation and disregards the most fundamental legal rights.

In 1964 to 1965, as a result of having called for the right of the people to make their own decisions and for peace in Vietnam, I was condemned to ten years' hard labour and five years' exile for having attacked 'the morale of the army and the population'. This so-called crime has never appeared in the South Vietnamese Penal Code and has never figured in civilian courts. Only military courts have the right to invoke this special law to indict those charged under it, even if and crimes. This procedure is used only in the case of political offences

In addition, the prison number that has been assigned to me clearly indicates the group of detainees to which I belong. My number is 314-MTCT, the last four letters being the initials of the words Mat Tran Chinh Tri, which means 'Political Front'.

Indeed, in 1965 as at the present time I was classed as a political detainee. After the Paris Treaty was signed on 27 January 1973, in all South Vietnamese prisons the title 'political prisoner' was changed to 'special common prisoner'...

I take the liberty of appealing to you to take up my case with the International Commission for Control and Supervision in order that I am immediately be preserved and justice done."

In other words, until January 1973, Long was without doubt detained and classified as a non-Communist political prisoner. Soon after his classification was altered, apparently to conceal the true reason for his detention.

In another letter smuggled out of Chi Hoa prison on February 15 1973, Nguyen Duy Thong, a student leader involved in the protests against President Thieu's uncontested re-election in 1971, and detained without trial since that time, wrote:

"In Con Son, those political prisoners who are considered important are forced to deny their political crimes and stripped of their classification badges - MTLD (Mat Tran Luu Dong - 'Mobile Front') or MTCT (Mat Tran Chinh Tri - 'Political Front') as worn by political prisoners. They are then reclassified as ordinary criminal offenders. The aim of all this is to destroy in a legal way all their

⁽³⁾ The only further concession the GRVN has made to date is to offer to hand over to the PRG "21,007 jailed criminals if the Communists will accept them as being part of the insurgent movement" (Daily Telegraph, 18-4-73).

possible rights under a ceasefire and an exchange of prisoners."

Since the January 1973 Peace Agreement and Ceasefire, the prisoner category Gian Nhan Hiep Dang has apparently been coming back into common use. The term is usually translated as 'Group of Evil Doers', and has connotations of 'organised crime' and 'large-scale theft'. It was originally used to refer to persons involved in racketeering and secret society activities during the 1957s, when such gangster groups were prevalent in South Vietnam.

According to reports from a reliable source, the term *Gian Nhan Hiep Dang* is now being used to designate prisoners accused of various types of political offences, though in general it seems to be reserved for those involved in or suspected of being involved in NLF activities. Since *Gian Nhan Hiep Dang* is a common criminal category, it is a convenient means of reclassification.

In a letter to the Chairman of the International Commission for Control and Supervision of the ceasefire in South Vietnam dated 19 March 1973, Catholic priest Father Chan Tin has reported that:

"The Government of the Republic of Vietnam is doing everything possible to fake judiciary files, changing political prisoners into common criminals. Many prisoners in prisons such as Con Son, Tan Hiep, Chi Hoa, Thu Duc, etc, are being forced to sign papers proving their allegiance to the Government. Many military field tribunal sessions (52e page 18) are being staged inside prisons in order to give sentences to many prisoners already detained for a long time without receiving any sentence. In these court sessions, neither the detainee-suspect nor the lawyer is present. In a few hours the fake tribunal is capable of giving sentences to hundreds of detainees by just recording the sentences in fake files, disregarding any basic judicial procedure."(1)

By reclassifying a large number of its political prisoners in this way, the GRVN is apparently trying to conceal the fact that it is holding many political prisoners (both NLF and non-NLF) who it is unwilling to release.

Another way in which the GRVN is confusing the issue of civilian detainees is illustrated by the plan announced early in March this year for three of the GRVN's best-known political prisoners. According to this, Tran Ngoc Chau, Tran Ngoc Hien and Huynh Van Trung have been included in the list of 5,081 "Communist civilian detainees" that are to be returned by the GRVN to the PRG. In other words, these three men are NLF members who if they are released at all must leave the jurisdiction of the GRVN and go over "to the other side".

But as a Washington Post correspondent put it, it isn't quite that simple. Hien and Trung, an ex-member of the Government in Saigon, were jailed as Communist spies in 1969. Chau was a member of the National Assembly in Saigon with close ties to American officials. He was often heard to criticise President Thieu; and since he is also Hien's brother, this was determined after a controversial trial to be sufficient grounds for convicting him of assisting the Communists. He was sentenced to ten years' hard labour, and even though the Supreme Court later ruled that his conviction was unconstitutional he remains in Chi Hoa prison to this day.

"What if Chau doesn't want to be turned over to the other side?" an American official was quoted as asking last March. "This is going to be a troublesome

(1) Father Tin is Co-Chairman of the Committee campaigning for the Reform of the Prison System in South Vietnam, which is based in Saigon. The Committee numbers among its members a judge, senators, academics, students and Buddhist and Catholic intellectuals. Father Tin is an example of a very special category of prisoner—the political prisoner who is convicted but not arrested. Tin was convicted in November 1972 of printing articles considered to be "Communist propaganda and detrimental to national security" and sentenced to five years' imprisonment and a large fine. In a letter to Senator William Fulbright dated 7-12-72, the United States Department of State confirmed that Tin "had been sentenced...but remains at liberty". No explanation of this curious state of affairs was given. Other leading Catholic intellectuals (including Father Truong Ba Can of the Young Christian Workers) have had exactly the same treatment.

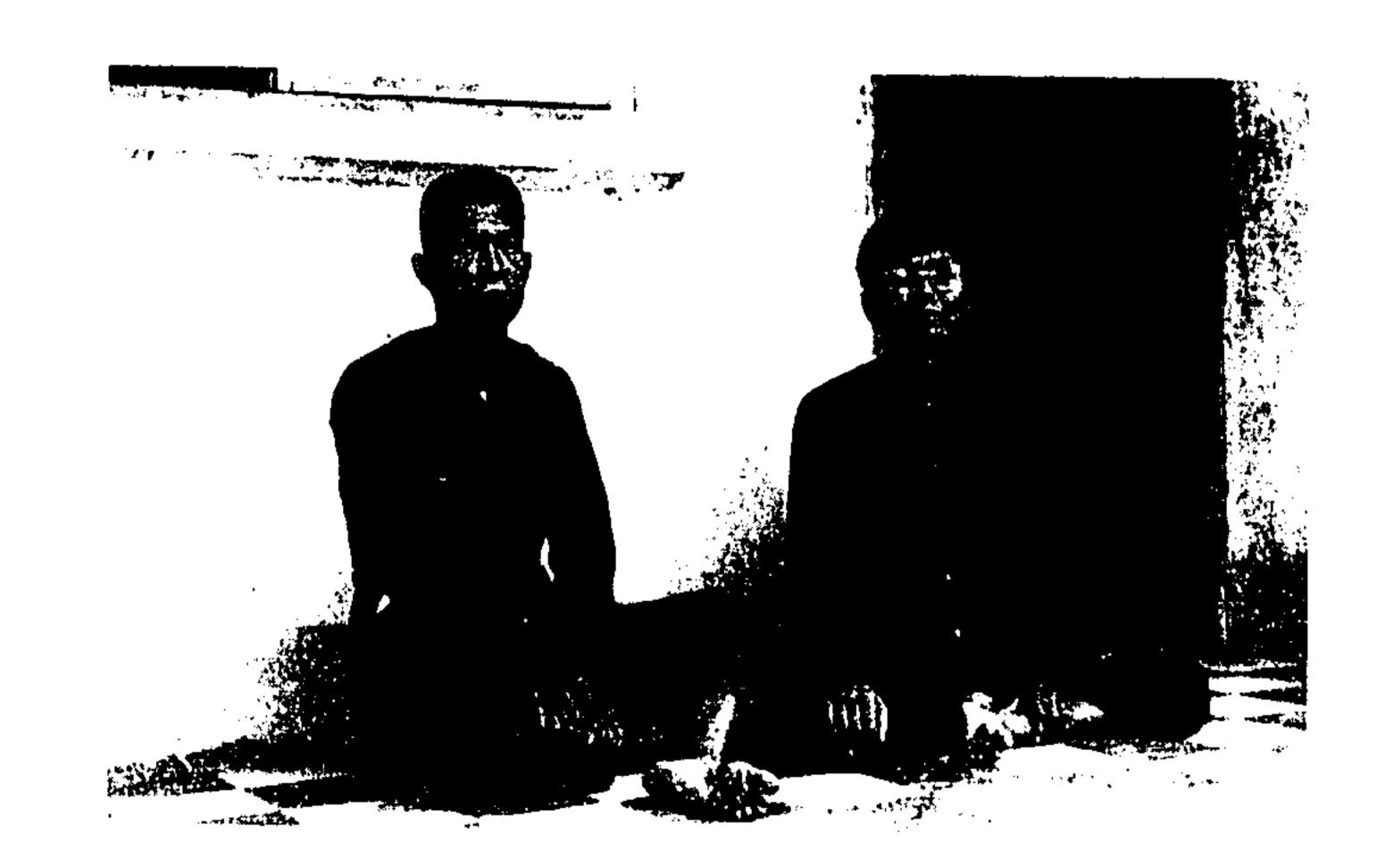
issue for quite a while."(1)

Nor is Chau the only case of this kind. Other leading non-Communist political prisoners that the GRVN proposes to hand over to the PRG include student leader Huynh Tan Mam and woman lawyer Ngo Ba Thanh. Such prisoners and their families in Saigon are bitterly opposed to the GRVN's attempts to release them in this manner (2).

One possible ground for guarded optimism might be the bill that President Thieu presented to the Saigon National Assembly on 26-3-73. The bill is aimed at all those prosecuted or sentenced by ordinary or special courts up until 26-10-73 "with the exception of elements directly or indirectly working for the Communists... The purpose of the bill is to restore citizenship rights to all types of prisoners belonging to the national ranks".(3) One reliable source has told Amnesty International that the bill is designed to release a number of Buddhist detainees with a view to winning political support from them. Eligible categories apparently will be highly restricted, and most political prisoners are unlikely to be affected by it.

- (1) Washington Post, 7-3-73.
- (2) Le Monde, 15-5-73, 17-5-73.
- (3) BBC Summary of World Broadcasts, 28-3-73.





These ex-prisoners, released from Con Son island prison in February 1973, are all crippled in the lower parts of their logs as a result of prolonged shackling.

Arrest and detention

We have seen (on page 5) that many inmates of Saigon's civilian prisons are members of the NLF who have not been granted prisoner-of-war status. The whole question of the treatment and classification of captured armed combatants in a non-international armed conflict has been thrown into relief by Vietnam, and has not yet been satisfactorily resolved.

The basic difficulty has been that according to the Geneva Conventions of 1949 a combatant must fulfil certain minimum conditions to qualify as a prisoner of war, and thus be accorded certain internationally accepted standards of treatment in captivity. He must belong to a unit, carry arms openly and wear a fixed identification sign.(1) These conditions could obviously not be met by the majority of the NLF, especially since the distinction between military and civilian has been far slighter in the case of the NLF than in that of a conventional political movement backed by the force of arms.

In fact until 1965, when the International Committee of the Red Cross began working in Vietnam, the NLF were simply treated as common criminals by the Administration in Saigon. As the war escalated in 1965, the International Committee of the Red Cross sent an appeal to all four parties to the conflict - Washington, Hanoi, Saigon, and the NLF - urging them to respect the Geneva Conventions and stating that every prisoner "captured in uniform or wearing a distinctive sign which clearly indicates his belonging to the armed forces" should be treated as a prisoner of war. Washington and Saigon agreed to comply, but the NLF demurred on the grounds that it had not signed the Geneva Convention. In February 1966 the NLF further stated that it did not consider the International Committee of the Red Cross (which is based in Geneva) to be impartial - so the ICRC started visiting prisoner of war camps in South Vietnam, but only on the US-Saigon side (2).

The Americans and South Vietnamese in Saigon set up a joint procedure for dealing with prisoners taken on the battlefield. The prisoners were interrogated and divided into prisoners of war, civil defendants, defectors and innocents. In fact this classification seems often to have been arbitrary; a prisoner might be classified as prisoner of war or civil defendant depending on his interrogator. Non-military members of the NLF 'infrastructure' were classed as civil defendants.

Many prisoners would have to pass through a whole series of interrogation centres before their status was finally established. The interrogations, often extremely brutal, were handled by the Americans and South Vietnamese.

Those established as prisoners of war were sent to six prisoner of war camps, the largest of which was on the island of Phu Quoc off the south-west coast of South Vietnam. Civil defendants went into the civilian prisons, where many of them have remained to the present day, often without trial.

As a result of the Vietnamese prisoner of war exchanges that took place

(1) Article 4A (2) of the Third Geneva Convention Relative to the Treatment of Prisoners of War. See Alexander Casella's articles in New York Times Magazine, 28-5-72, The Guardian 31-10-72 and 16-1-73, and Le Monde 9-12-72. The article in Le Monde is a well-balanced discussion of the shortcomings of the International Committee of the Red Cross when dealing with the unprecedented complexities of the conflicts in Indochina.

(2) The DRVN had ratified the Third Geneva Convention, but made reservations on Article 85. According to this reservation, the DRVN was excluded from honouring the Convention in the case of "war crimes or grave crimes against humanity in accordance with the principles laid down by the Nuremberg Tribunal". This was said to apply to the captured US pilots held in North Vietnam.

during the 60 days following the January Ceasefire (see page 1) most if not all the prisoners of war held in the six prisoner of war camps were released (1). There have, however, been persistent reports that thousands of prisoners are still held on Phu Quoc (see page 7). Whether or not this is true, it hardly needs pointing out that since it was brought into force, the Vietnamese Ceasefire has been observed more in the breach than in the observance. Fierce fighting has continued in many parts of South Vietnam, and this has led to fresh detentions of military personnel. Whether or not such men will be accorded prisoner of war status as before, remains to be seen.

THE POLICE

Apart from those captured like this in the field, a large proportion of civilian detainees, especially students, intellectuals, Buddhists and so on, have been arrested by the police and paramilitary police networks operating from the towns and villages. Since April 1971, the structure of the police has been altered so that it is now 'militarised', that is, police officers are now army officers en service detache. The United States is intimately involved in the funding and training of the police. According to official US documents originating in the Agency for International Development's Office for Public Safety in the State Department, Washington plans to maintain and enlarge the GRVN police force during the coming few years (2). Under President Ngo Dinh Diem in 1962, there were only 19,000 men in the Saigon Government's police force. By January 1972, the United States had financed and trained another 95,000 men. During Fiscal Year 1972, Washington planned to increase this number to 122,000, with the same overall target for Fiscal Year 1973 (and until 1979) although with an increase in the number of police serving at the village level (see National Police Field Force below) from 11,000 in 1972 to 31,000 by the end of this year (3).

The main police network is the National Police (Canh Sat Quoc Gia), the ordinary police in white shirts and black trousers. Branches of the National Police include the Riot Police and the National Police Field Force, a paramilitary unit "engaged primarily in combatting the Vietcong Infrastructure in rural areas" (4). The huge National Police Headquarters on Tran Hung Dao, Saigon, houses two large detention centres (said to hold more than 2,500 people), one of them part of the Central Bureau of Investigation. It is here that some of the most brutal torture is apparently carried out during interrogation.

The Bureau is run by the Special Police (Canh Sat Dac Biet). This plain clothes special branch of the National Police is the leading secret police force in South Vietnam, although other special units include the so-called Mat Vu, or secret service under President Thieu, and the Central Intelligence Service, alle-

- (1) The prisoners of war held in these camps before January 1973, was officially numbered around 35,000. On 8-2-73, however, President Thieu's Minister of Information announced that 10,600 of them had "written to President Thieu asking to be reclassified as returnees". In spite of the provisions of the Peace Agreement, these people were released unilaterally on the grounds that they made their "request" before the Agreement was signed.
- (2) See Michael Klare, "New Documents Reveal US Plans for Continued Police Presence in South Vietnam", Guardian, 15-11-72; and Fred Branfman, "Future US Involvement in Indochina" published 1973 by The Indochina Resource Centre, 1322 18th Street, Washington DC 20026, USA.
- (3) US Agency for International Development Program and Project Presentation to the Congress for Fiscal Year 1973, Washington 1972: see box on facing page.
- (4) 22nd Report by the Committee on (US) Government Operations, 17-10-72 quoted by Luce and Brown, op.cit.

gedly controlled by the United States Central Intelligence Agency.

The Special Police work in co-operation with the security department of military intelligence, the Bureau of Military Security (An Ninh Quan Doi). Both the Bureau and the Special Police - which allegedly runs eight special detention centres in the Saigon area - have the reputation of showing considerable ruthlessness and lack of discrimination when making arrests.

PRISONS AND POLICE: U.S. AID

Of the 9,000 or so US civilian advisers officially remaining in South Vietnam after the Ceasefire, nearly 1,000 of them are employed by the US Agency for International Development (USAID). Since the Ceasefire, USAID has been under the civilian authority of the newlyformed Resettlement and Reconstruction Directorate, whose personnel have been drawn "primarily from the former pacification program, including a number of retired military men who have been around South Vietnam for years. Virtually all of the senior civilians in the Pentagon's Civil Operations and Rural Development Support apparatus (CORDS) ... are being kept on". (Washington Post, 9.2.73. CORDS was said to be closely linked to the US military). A small number of AID's employees are said to be direct hire CIA personnel who supervise the activities of a larger number of US prison and police experts employed by AID. According to the State Department, last year the United States had five full-time senior advisers working in the GRVN's 41 provincial and national prisons, including one full-time at Con Son. A large number of junior advisers work with them.

The USAID Project Budget Submission for Fiscal Year 1974 bears out that the United States will remain intimately involved in the training of GRVN police and the maintenance and administration of GRVN prisons. The Project Budget Submission states that the United States has "obligations" for National Police Support and Public Safety Telecommunications until June 1978. These are that USAID will:

- (Ensure) a jail administration program in being and functioning in 552 facilities by end of FY 73.
- Design and centralise communications facilities during FY 72 and FY 73.
- Continue operational activity against the Vietcong Infrastructure in areas where responsibility for security is assigned to National Police in FY 72 and FY 73.
- Establish by the end of FY 75 a central records system containing 12 million individual bio-data documents and 11.5 million dossiers.
- Provide in-service training for 18,000 (police) personnel annually from FY 72 through FY 75.
- Increase National Police inspections during FY 72 and FY 73 to ensure that US/GRVN policies are implemented down to the lowest level to help identify and counter activities of subversive organisational cadre.
- Implement measures during FY 72 and FY 73 that will ensure closer co-operation in the development of and the exchange of intelligence information between regular police, special police and Phung Hoang (that is, Phoenix Program).
- Maintain a (police) force level of 122,000 through FY 78.
- (Develop) a systems analysis and computer programming capability. This is scheduled by mid FY 72, as an indigenous police data management organisation for collecting, preparing and editing data for electronic data processing and providing systems analysis and computer programming services for the National Police Command.

THE PHOENIX PROGRAM

Another special branch of the National Police is now in charge of the Phoenix Program, which together with the "F6 plan" put into action in 1972, has been responsible for the arrests and executions of tens of thousands of "suspects". Uniformed Phoenix/F6 special agents are common sights today in the streets of Saigon. The Phoenix Program was revised by the United States Central Intelligence Agency in 1967 as the most efficient method of "rooting out the Vietcong Infrastructure". The aim of the Program was to eliminate rivalries between different army and police units and centralise the anti-NLF intelligence operation. In its conception and execution the Program has recreated "much the same instrument of civilian terror that the Diemist laws for the suppression of Communism had created in 1957-58"(1). In theory it was designed to apprehend high level NLF cadres as a result of intelligence accusations from three separate sources. A regular quota was set for the number of NLF agents to be "neutralised" (2). In practice, the fact that province chiefs have always been anxious to fulfill their quotas, while plenty of people have always had private scores to settle, has meant that the "neutralisation" process has been extremely haphazard.

The result has been that at least 20,000 Vietnamese have been killed by Phoenix according to official estimates. A large proportion were undoubtedly the subject of what might at best be described as "false intelligence". To take just one of the many testimonies severely criticising the Phoenix Program, we give here the closing exchanges between New York Congressman Ogden Reid and K. Barton Osborn, a former intelligence agent in South Vietnam, during US House of Representatives Foreign Affairs Committee hearings two years ago.

Mr Osborn, one other question. The piece in the Sunday paper, the New York Times, entitled: 'This Phoenix is a bird of death', next to the last paragraph says: "At high level US insistence an inventory of all those imprisoned under the Phoenix program is being conducted. American officials contend they do not know how many such prisoners there are; they are scattered in jails and interrogation centers all over the country. The purpose of the inventory is to weed out the real Vietcong suspects from others who are framed, imprisoned and whatever".

Do you have any knowledge of the inventory and prior to your departure from Vietnam was there anything representing accurate reports as to where the Vietcong Infrastructure detainees or insurgents are being held? Mr Osborn: No: as I said before, I never knew in the course of all those operations

any detainee to live through his interrogation. They all died.

Mr Reid: They all died? Mr Osborn: They all died. There was never any reasonable establishment of the fact that any one of those individuals was, in fact, co-operating with the Vietcong, but they all died and the majority were either tortured to death or things like being thrown from helicopters.

Mr Reid: Could some of those have been incarcerated or interrogated for political reasons as General Minh has suggested, that Phoenix has been used politically? Mr Osborn: Very definitely. I would say this: with a program as treacherous as that, with as little control as that, it could be used to whatever ends were indiscriminately applied to it; yes, definitely.

The committee notes that, according to official figures furnished by Ambassador Colby, a total of 20,587 suspected VCI were killed from the beginning of 1968 through May 1971. It is impossible not to wonder how many of those person were the innocent victims of faulty intelligence. The committee can think of no other US-funded or supported program in which the consequences of inefficient management are so extreme

If sufficient confessional evidence is extracted during interrogation the suspect is brought before a military court. As ex-US Ambassador to South Vietnam

- (1) Francis Fitzgerald, "Fire in the Lake" (Macmillan, 1972).
- (2) "Neutralisation", which replaced the earlier term "elimination", is ambiguous. It can mean anything from arrest to execution.
- (3) 22nd Report by the Committee on (US) Government operations, 17-10-72.

William Colby has confirmed (1), however, the great bulk of people apprehended under the Phoenix Program who survive interrogation never come before a court. Instead they are brought before a Provincial Security Committee. According to a document entitled "An Analysis of Provincial Security Committees", produced for the use of US military advisers in South Vietnam,

"Provincial Security Committees were created in 1957 to provide the Government of (South) Vietnam (in Saigon) with an administrative method of settling the status of political detainees considered threats to the national security...against whom sufficient evidence for trial is lacking...Suspect detainees may appear before the Committee but do not have the right to demand such appearance....The Provincial Security Committees are, by definition, political tools, and are governed from province to province by the political 'facts of life'. Provincial Security Committee existence is extra-constitutional and non-judicial, based upon the right of a State to survive." (2)

These Committees can condemn suspects to up to two years' administrative detention, *renewable*, as a result of an old 1966 detention law revived by the GRVN in 1968.

THE F6 PLAN

When the North Vietnamese and the NLF launched their new offensive in April 1972, a new plan called F6 was put into operation which effectively replaced Phoenix during the emergency period. It was again carried out when a ceasefire appeared imminent in October 1972, but seems to have gone into abeyance around Christmas 1972. As one correspondent has put it, "What set F6 apart from routine political arrests was its scope, and the change in the standing practice (of the Phoenix Program) that had required three separate accusations of a suspect before he was picked up. Under F6...only one accusation - a casual denunciation by an aggrieved neighbour, for instance - was all that was needed for an arrest".

The correspondent quotes one senior United States "intelligence source" as saying that the number of civilians arrested in the organised, military-style sweeps of F6 was 26,000, of whom just over half were later released (3).

The quota system imposed under F6 led to a number of extraordinary incidents. According to one reliable source, for example, district authorities in the Mekong Delta village of Phuong Hiep near Can Tho:

"assigned each house in the village a colour: red, blue or white. After all the houses were so designated, the villagers were told that those families with red markers had associated with the Communists, those with white were not aligned, and those with blue were pro-Government. It became known that all one had to do to change the colour was to pay a sufficient bribe to the district authorities. Anyone with red or white designation was in danger of arrest and imprisonment (since...to be neutral is to be pro-Communist)" (4).

Since the January Ceasefire the Phoenix Program has continued in operation, while being adjusted to the political needs of the post-ceasefire period. This was born out by an official telegram sent out by the head of the Phoenix Program in May 1973, the text of which is as follows:-

In response to official telegram no. 497/BNV/ANCT/1/B/M dated 29-3-73, from the Ministry of the Interior:

- 1. With regard to persons disturbing the public order, apart from house arrest, certain other measures of confinement can be applied under the terms of Decree
- (1) Answering a question posed by Congressman Paul McCloskey during the hearings cited above.
- (2) Congressional Record 22-4-71, cited in Luce and Brown, op.cit.
- (3) Washington Post 1-18-73.
- (4) Private report in Amnesty International's files.

- no. 020-TT/SLU dated 25-11-72, if a sufficient amount of evidence to bring them before a field military tribunal is lacking.
- 2. The Security Council should be convoked for a decision on the confinement of such individuals and their records should be transmitted to the Ministry of the Interior as in the past. The expression 'charged with being a communist or an agent for the communists' should not be used and instead 'disturbing the public order' should be substituted.
- 3. In order to carry out the above order strictly we ask the Security Council:
 - a) to continue its efforts to neutralise those persons disturbing the public order so as to achieve the objectives set out in the programme for the protection of the population as published in the communication of 3-4-73, no. 0258/UBQG/VPTT/B;
 - b) to act in close co-ordination with the local security councils in order to convoke meetings as rapidly as possible in order to bring all those persons arrested for disturbing the public order before the provincial military tribunal, to put them under house arrest or otherwise put them in confinement. End.

By order of the Commander in Chief of the National Police, the Secretary General of the National Council for Operation Phoenix (signed) the chef-de-cabinet Colonel Nguyen Van Giau (1)

Generally speaking, since the January 1973 Ceasefire President Thieu has given his province chiefs wide latitude in making political arrests. On one occasion he also instructed them to "shoot troublemakers" on the spot.

(1) Le Monde, 17-5-73. Unofficial translation - Amnesty's emphasis.



Women inmates of Tan Hiep national prison undergoing treatment for acid burns at Cho Ray Hospital in Saigon. They alleged they received these burns when the prison authorities forcibly suppressed a prisoner demonstration for better conditions.

MILITARY COURTS: DETENTION

Those who are finally brought to trial after arrest and interrogation - as opposed to the high percentage held without trial - may have been charged with a wide variety of political offences such as "endangering the national security", "demoralising the army", organising gatherings detrimental to the national security, advocating Communism, pro-Communism, pro-Communism neutralism or neutralism, and so on, all made by a series of decrees promulgated during the past decade. (Article 4 of the First Chapter of the 1967 Constitution itself states that "every activity designed to publicise or carry out Communism is prohibited".)

Martial law being in force, political offences are normally tried by ordinary military courts; but an increasing number are also tried by Field Military Courts, in spite of the fact that the findings of these courts have been declared unconsti-

tutional by the Supreme Court in Saigon several times.

Field Military Courts were originally established by Decree Law 11-62 of 21 May 1962, during the last days of Ngo Dinh Diem. The hearings of these travelling courts are cursory, and they are infamous for the arbitrary manner in which they have dispensed the law (1). Recently for example, Amnesty International learnt that a Field Military Court had begun sittings inside the national prison of Tan Hiep on 11 February 1972, considering a large number of cases in rapid succession and handing down convictions on those pending trial in the prison without notifying defendants' lawyers - in those comparatively rare instances where they have lawyers.

Even ordinary Military Courts are not noted for the care with which they con-

sider cases. Most Military Court hearings last less than five minutes.

On occasion Military Courts will find a defendant innocent. In some cases, however, this does not mean that he is set free (2). It is also very common for prisoners to be held on in prison for years after they have served out their sentences (see for example Truong Van Bai in Appendix), on the grounds that they are 'obstinate', refuse to salute the GRVN flag and so on. Amnesty has on record cases of prisoners held for five years and more in this way. Finally, it is also common for prisoners to be detained after they have been given suspended sentences (see for example Luu Ngoc Tran, Appendix). In January 1973 Saigon deputy Ho Ngoc Nhuan described the status of prisoners in the Saigon prison of Chi Hoa as follows:

"The 'dac biet' (special category) prisoners ... make up the political prisoners in the narrow sense. Arrested and detained for no criminal activity under the authority of the Security Committees, few have ever been tried, though many have been here considerable lengths of time.

Many of the inmates of Chi Hoa have already completed the sentences given them in court, but have not yet been released. One man I saw had been sentenced to five years, later reduced in the courts to four. That was over five years ago, and he continues to be imprisoned. Another was sentenced to three years' imprisonment over four years ago.

In 1967 three students were arrested on phoney charges, amid mass arrests at that time. Several assemblymen, including myself, intervened on their behalf, and the courts found all of them innocent and ordered their release. During my (recent) visit to Chi Hoa I was astonished to come across these same three students in cells where they have been for the last five years.

A group of 25 other students in Chi Hoa had been arrested for demonstrating.

(1) They are similar to Ngo Dinh Diem's notorious Special Military Tribunals. For these "mobile guillotines" see Dennis Duncanson, 'Reason and Revolution in Vietnam', Oxford University Press, 1968, pages 234-235.

(2) As for example in the case of Nguyen Viet Tuan and three other Catholic Chaplains arrested in May 1972 and brought before a field military tribunal in November 1972. They were all acquitted of 'troubling the public order', but shortly afterwards they were deported to Con Son. They were finally released several months later following repeated protests from the Young Christian Workers' headquarters in Brussels and Amnesty International in England, Germany and Australia. Many other such cases have not been so fortunate.

Ten had been tried and found innocent, but were still in jail. The remaining 15 had not been tried yet. Five of these had been held without trial since the oneman presidential 'election' in October 1971."

In a very high proportion of cases, prisoners are not even told why they have been arrested, or even charged with a specific offence, while the use of a legal warrant is the exception rather than the rule. As Saigon Judge Tran Thuc Linh has put it:

"The 'reconversion' system (1) is both illegal and inhuman, and 'reconversion' is merely a pretence to hide what is really going on.

"It is illegal, because Article 8 of the Constitution stipulates that 'no person may be arrested and detained without a legal warrant issued by the competent authorities', that 'the accused is presumed innocent until judged guilty by a court verdict', and that he 'must be judged publicly and with minimum delay'. However, according to published official documents, out of 37,871 person undergoing 'reconversion', only about 17 percent of civilian detainees and 15 percent of military detainees were arrested with a legal warrant. At the Saigon 'reconversion'center, out of the 4,687 and 5,376 persons interned respectively in October and December 1969, only 13 and 18 have been officially imprisoned as recognised by the Ministry of the Interior."

(1) That is, the rehabilitation or prison system.



(left)Prisoner showing shackle sores. Prisoners are shackled in a variety of ways: standing, sitting, and lying prone.

Prison conditions

Deputy Nhuan has also described the conditions in Chi Hoa. His is only one of the more recent accounts of the corruption, maltreatment and negligence that are commonplace in GRVN prisons today (1). According to Nhuan,

"Conditions within the prisons are abysmally bad. Washing and sanitation facilities are lacking or totally inadequate. Overcrowding is so bad that one room approximately 25 feet by 60 feet contained almost 300 adults. There was barely enough room to sit, let alone lie down.

Prisoners are often shackled for extended lengths of time, sometimes for months on end, resulting in paralysis of their limbs. Unless one has a wealthy family, visits from family or friends are out of the question. Without outside 'contributions', sufficient food and medication of any kind are impossible to get. The prison budget provided by the Government of Vietnam (in Saigon) allots 40 piastres per day for each inmate's food...The price of a single egg in Saigon is 35 piastres...No one can exist on such a diet for long without suffering permanent damage, or death."

From the point of view of a prisoner himself, a full account of Chi Hoa has recently been given by two Frenchmen, Andre Menras and Jean-Pierre Debris. They were detained there in 1970 after being involved in a pro-NLF demonstration in Saigon, and finally released after representations by the French Government in December 1972. Andre Menras takes up the narrative:-

"In principle prisoners in Chi Hoa have the right to spend one half-hour each day in the courtyard. In practice it depends on the struggles of the prisoners for better conditions. This is turn depends on the food ration. If the food ration is lessened the prisoners struggle to have it increased to the level which they consider a necessary minimum. There is a 'repression', and after that prisoners' rights are cut back. In the OB Sector of Chi Hoa, for example, the authorities forbade the prisoners from going out into the yard for four months. On the other hand, Sector ED was recently under a Colonel who was not engaged in the repression of prisoners at all because he was corrupt and his only aim was to get money. In this case, we saw prisoners going out in the morning for a quarter of an hour. Later the outing was reduced to twice a week, we really don't know why...in the end it was only once, on Fridays...

After that under Colonel Nguyen Van Ve (2) it was completely suppressed. The rice was brought to the prisoners at lunch time, the warder opened the cell door and pushed the metal plate or basket of rice inside and that was all.

In the prison there is a ledger in which is written that prisoners have the right to get pork two or three times a week or fresh fish, vegetables, 600gm of rice. This is set down precisely.

In fact there is absolutely no fish, vegetable, pork, only 400/450gm of rice, badly cooked with little stones (sand and gravel), salt, but not enough for all the cell considering that 60 to 70 prisoners are in it. For each prisoner 400gm of red rice per day - and you must live with that to understand what it means, and only

(1) See Cry of Alarm, the Situation in Chi Hoa Prison, Political Prisoners in South Vietnam, and other pamphlets distributed by the Vietnamese Community in Paris, (18 rue du Cardinal Lemoine, Paris 5e); also Luce and Brown, op.cit.

(2) Nguyen Van Ve was in charge of Con Son island prison until 1970, when the 'tiger cages' were publicised. He was then relieved of his post ("because of public opinion" as a GRVN spokesman was recently quoted as saying), later to be put in charge of Chi Hoa. In the spring of 1973 he went back to his old job on Con Son.

with rice. After a while your skin gets diseased, of course, from the food. Some of the young prisoners have completely white hair. Their teeth - you should see the state of their teeth - this is the result of long endurance of these conditions. We have seen one of our friends who is paralysed who told us that in 1969, in the infirmary, all the paralysed prisoners started a struggle for four days, shouting slogans, asking to speak with the Colonel in charge to explain the food problem and ask for an increase of the ration. And they told us how they were beaten for that. One of the paralytics opened his belly with a razor in protest. They were struggling to get only vegetables. This is a famous Chi Hoa story - the fight of the paralytic for vegetables."

The most infamous prison conditions in the Republic of Vietnam are those in Con Son prison on Con Son island, site of the human "tiger cages" discovered by two American Congressmen in 1970. Following an international outcry, the GRVN announced that these crippling detention cells (originally built by the French) would be done away with. On 7 January 1971, however, the United States Department of Navy awarded a \$400,000 contract to the US combine Raymond, Morrison, Knudson-Brown, Root and Jones (RMK-BRJ) to build 384 new 'isolation cells' to replace the tiger cages. The new cells are two square feet smaller than the old ones. The new cells are made of concrete, and in place of grills overhead have two openings in the ceiling. According to prisoner reports, at least 400 people are still held in shackles in such cells.

In an interview early in 1973 Colonel Dao Van Pho, the then director of Con Son, indicated in an interview with the Vietnam News Agency in Saigon that since he had taken over administration of the prison in July 1972 there were no signs of abuse of prisoners, who, he said, now lived ten times more comfortably than before.

CRIPPLED FROM SHACKLING

The extent to which treatment of prisoners in Con Son tiger cages has improved was amply demonstrated by the 124 or more sick and crippled detainees set free from Con Son in February this year. (Over forty of them had already served out their sentences months or years earlier.) Although they were scattered by the police in areas outside Saigon, apparently to avoid detention, a few journalists have managed to locate them and interview them.

It is not really proper to call them men any more, ran the account in Time Magazine on 19 March this year. 'Shapes' is a better word - grotesque sculptures of scarred flesh and gnarled limbs. They eat rice, fried pork and bananas, and as their chopsticks dart from bowl to mouth, they seem almost normal - but they are not. When lunch is over, they do not stand up. Years of being shackled in the tiger cages have forced them into a permanent pretzel-like crouch. They move like crabs, skittering across the floor on buttocks and palms.

They are of all ages and backgrounds. One arrested in 1966 during Buddhist riots. Another was caught in the 1968 Tet offensive. Now all are united by deformity. 'I was arrested one day in the park with my wife and children', one man says as he rubs the shackle sores on his legs. 'The police attached electrodes to my genitals, broke my fingers, and hung me from the ceiling by my feet. They did these things to my wife too, and forced my children to watch. But I never did give in'.

Those who refused to denounce the Communists were carted off to the French-built Con Son...Due to a steady diet of beatings as well as sand and pebbles in the rice, dysentery, tuberculosis and chronic stomach disorders were common. Water was limited to three swallows a day, forcing prisoners to drink urine. Those who pleaded for more food were splashed with lye or poked with long bamboo poles.

Things have been especially bad since the ceasefire. When told of the Paris settlement, the prisoners cheered, only to be stopped by doses of lime and bamboo... So far the government response to these accounts has been one of complete denial....

Only a comparatively small proportion of those held on Con Son are living in cages. But a number of different reports have suggested that ill-treatment of prisoners in Con Son is almost universal. Amnesty International has received numerous allegations that when prisoners arrive on the island they have to run the gauntlet between 'trustee' prisoners (that is, common criminal prisoners) armed with clubs; that beatings and the use of blinding lime are common; and that prisoners protesting against inadequate food or poor conditions are ferociously put down.

Several of those recently released from Con Son, for example, still sustained scars from tear-gas cannisters exploding at very close range.

Generally speaking, the physical condition of prisoners released by the GRVN has been very poor. Prisoners are frequently partly paralysed or crippled as a result of torture during interrogation or shackling during confinement (see below under 'Torture').

Contagious diseases such as tuberculosis are widespread, and exacerbated by the crowded and unhygenic conditions in which prisoners are kept. It is common for prisoners to urinate blood; liver and kidney diseases resulting from inadequate water supplies (and, as Con Son prisoners have alleged, drinking urine), are widespread.

NO IMPARTIAL INSPECTION

Rebutting criticisms of its prison conditions, the GRVN has frequently (1) maintained that the International Committee of the Red Cross has had free access to civilian detention camps in South Vietnam, including Con Son island. On 21 March 1973, however, the ICRC made the position quite clear. It stated publicly that its last visits to the civilian camps on Con Son took place on 11 January 1969 (at which time, as on all other occasions, its delegates apparently failed to detect the tiger cage compounds). The ICRC went on to say that since then its delegates have visited Con Son several times, but were only able to see the few dozen prisoners of war held there, and not the civilian detainees making up the great majority of the prison population. The ICRC recalled in its statement that it was "precisely because of the restrictions imposed by the Saigon Government on visits by its delegates to places where civilians are interned ... that the ICRC decided in March 1972 to suspend these visits".(2)

(1) Most recently on 14-3-73 in response to publicity about prison conditions put out by the Vietnamese Community in Paris.

(2) Le Monde Diplomatique, April 1973.



(left) Women in a tiger cage on Con Son, seen from above: photo taken by US Congressmen inspection team in 1970. (below) Prisoner released from Con Son in February 1973; he has lost the use of his legs through being confined to a tiger cage, and has to pull them along with his hands.



Torture

When a British television team from the Granada company visited South Vietnam in March 1973, it managed to interview nine of the 124 prisoners released in February from Con Son (1). According to the film's commentary:

We tracked down another group of nine prisoners in a police compound, who had been released from Con Son prison island. They were now in a village 70 miles from Saigon. Unfortunately for the nine released prisoners, they had promptly been imprisoned again by a local police chief, who did not want them talking to his villagers. We told the police chief he was acting contrary to the peace agreement and he reluctantly released the nine prisoners into our custody on condition that they were taken to a local Buddhist pagoda away from the villagers. Of the nine prisoners, seven were paralysed and all alleged they had been tortured on Con Son island. They also complained of a variety of diseases including TB, heart conditions, and malaria, that they had contracted in the tiger cages.

We asked the nine prisoners about their personal histories. Lam Hung, farmer, alleged torture with electricity, water forced into his lungs, hung by his arms. In the tiger cages since 1967, legs now paralysed. He did not say what his politics were.

Huynh Van Chinh, declared communist cadre, alleged that pins were forced under his toe nails and electrical wires were attached to his penis. In the cages since 1969, legs now paralysed.

Nguyen Tai, farmer arrested by Phoenix. Never accused of being a communist has no idea why he was jailed. Alleges beatings. He was not put into the tiger cages. His legs function normally.

Phan Van Co, communist cadre. Alleges torture with electricity, hung by his arms for 2 hours. Not put in a tiger cage, so his legs function normally.

Pham Van Mau, non-communist student arrested at a protest demonstration. Alleges torture with electricity, ribs broken. In the tiger cages since 1969. Legs now paralysed.

Ny Van Than, communist cadre. Alleges torture with electricity, hung up by his arms, tied behind his back. In the tiger cages since 1969. Legs now paralysed.

Son Ut, Cambodian studying in Vietnam. Alleges water forced into his lungs, hung by the arms. Arrested in 1962, held in the tiger cages since 1969. Legs now paralysed.

My Van Minh, non-communist student-activist, alleges being placed in a barrel of water which was beaten on the outside until he urinated blood. In the cages since 1968. Legs now paralysed.

The TV team also interviewed two Quakers working in the northern city of Quang Ngai. The Quakers had been looking after a hospital ward full of prisoners brought from the interrogation centre attached to the provincial prison at Quang Ngai. The TV team asked the Quakers:

Question How long have you had access to the prison ward? Answer We've been working at this hospital on the central coast of Vietnam for over 2 years, and during that two year period we have had access to what is known as the prison ward of the hospital.

- In what capacity were you working in the hospital?
- We worked in a rehabilitation programme at the hospital and many of the prisoners
- (1) Granada Television (British Independent Broadcasting Authority) 'World in Action' film entitled South Vietnam: A Question of Torture, broadcast 7-5-73.





Inmates of Quang Ngai prison hospital. Quaker doctors say the one above was beaten on the head at Quang Ngai interrogation centre, causing a fractured skull and brain haemorrhage. As a result she is paraplegic.

that we have seen on the prisoner ward have...various ailments, some ailments that we attribute to torturing. We've seen people with paralysis...and people that have been beaten on the head, causing a brain haemorrhage and paralysis to one side or other of their body.

A People come to the prisoner ward at the hospital often immediately after they've been tortured ... there are times when the prison officials are afraid that they might die in the interrogation centre, and they would prefer not to have a dead body at the interrogation centre, that they would have to get rid of, and thus they allow the prisoner to come to the hospital. But often people only come for a long enough period of time, so that they would pass through what would be considered a critical point, and they they would be brought back to the interrogation centre for more interrogation.

Q Can you both describe the kind of state people are in, when they leave the interrogation centre....

A It varies considerably, but I have seen as recently as 3 months ago, two people that were suffering from nerve damage, because they'd been beaten so badly, and covered with black and blue marks, vomitting, blood and perhaps blood coming out of their ears, and noses; two of these people died on the prisoner ward, and never made it back to the interrogation centre. Other people are suffering from medical problems, which come from natural causes...

Q Do you deduce any picture about the reason people are being picked up and arrested in your area?

The reasons vary a great deal, and most of the reasons are quite arbitrary, either they are not carrying proper identification papers, or they're going toward an area which is under the control of the National Liberation Front, or they have simply had relatives that have also been picked up...One case that we ran into last year, she was first picked up last summer and beaten very badly, so that she, this particular girl suffered from a brain haemorrhage, that caused her to become paraplegic... and we wanted to treat her for her paraplegic problem. In doing that we brought up the question of her capture to the Americans. The Americans investigated and when they questioned her...she admitted that she had been tortured, ...when they looked into her reasons, it turned out that her story was true, in fact what happened, that she had a boyfriend who was an officer in the Army, and she'd had a romance with him, but at a later point had rejected him, and he in turn had friends with the secret police, so being jilted he then told his police friends to pick her up, because her father a long time ago, had in some way supported the other side, and had been in jail for a few years, because of this vague connection they were able to pick her up without pressing any specific charges against her, and she was in prison for almost a year, before we were able to secure her release, and she is in fact now not well, she's crippled...

Q Would you say that the majority of people in the prison hospital, the prison ward, are people who just happened to be in the wrong place at the wrong time, or are

the majority hard core ...

A ... The majority of the people... are not actively working for the National Liberation Front, but they're simply people, older men, older women, younger women with children, or young children, that are 10-12 years old, that have been picked up for some arbitrary reason, going towards an area controlled by the National Liberation Front, especially since the Ceasefire, there have been lots of people picked up, simply for movement back and forth, from the areas controlled by the government side, the areas controlled by the National Liberation Front.

Q ... Could you describe from your experience the degree and range of torture

which the patients have got in the interrogation centre?

A Well the torture that we see the results of most frequently, is the torture that results from people having been given electricity, they usually attach the electrical wires to people's toes, or fingers, or sensitive parts of their body. People say that they go unconscious when they're given the shock, and then when they recover consciousness, this will be repeated three or four times, and then the person will be allowed to rest for a certain period of time, perhaps to think about it, and to dread its happening again, and then it will be repeated one or two more times, after that until the interrogator is satisfied that the prisoner is innocent or in fact may need other types of torture.

- What is the lasting effect of this electrical shock.
- Well...phenomena that we've seen is that the women seem to suffer from a kind of fit or seizure, very difficult to determine exactly what it is, we've had several doctors that have worked with us, that have observed these seizures, and they've had differing opinions about what to call the seizure and what the medical cause of the seizure is, but all of them have agreed that the seizures come from the fact that people have been tortured, and the ones that have been tortured the worst, tend to have the worst seizures.
- Could you describe the seizure?
- A They also vary in intensity, there are times when I've seizures that look as if the people were having epileptic fits, they convulse, they tremble, they seem to have involuntary muscle spasms...things like foam at the mouth, in many of these cases, people try to put things in their mouth, to keep them from swallowing their tongues...
- Q Through your experience, would you say that the majority of people who enter that prison ward have been tortured?
- A I would say that perhaps half the people that have entered the prison ward, have expressed to us directly that they had been tortured. I think many prisoners do not feel free to express whether they have been tortured or not, after all we are Americans, we could be CIA, they do not always trust us...
- Q How aware do you think are the US authorities in your province of what is going on at this prison?
- A We've talked to the US authorities during our two-year stay, and we have talked to them about the fact that various prisoners have been tortured, they have never flatly denied this...I think that they were very aware of this torturing going on. Also we know that the CIA does advise and support the interrogation centre...
- Since the cease fire has torture been going on?
- We've only asked other prisoners, if there has been torturing going on, and they have told us that it hasn't let up at all...We've seen, in fact since the Ceasefire, I've seen one particular woman, that was beaten so badly that she was just black and blue all over her arms, were covered with black and blue marks, and red raw marks as well, both on her arms, and her chest and her legs, it was literally painful for her to breathe or move...

TORTURE CHRONOLOGY

These are only a few of the latest allegations that torture is carried out both during interrogation and within GRVN prisons themselves. Between 1969 and 1972, the number of detailed descriptions or torture practices in GRVN detention centres has been very great. To select just a few examples:

17 June 1969 - United States Study Team on Religious and Political Freedom in South Vietnam, just back from South Vietnam, reported that "the sheer weight of witnesses' statements" on torture "seemed overwhelming and conclusive to Team members". The Report went on to describe different methods of torture in detail. The Report was published in the US Congressional Record on 17-6-69. 17 June 1970 - Fifteen students held press conference in Saigon at which they showed marks of torture and made a number of detailed torture allegations. They had been arrested, interrogated and brought to trial before a military court in the spring, but the Supreme Court later quashed their convictions and had the students released.

July 1970 - Dr Marjorie Nelson, a Quaker doctor working at Quang Ngai, testified before a sub-commission of the US House of Representatives, describing conditions in prisoners she had treated in a hospital ward which she alleged were due to torture. In particular, she said that hysterical fits resulting from torture and electricity are very common.

Dr Nelson testified that the torture took place at the interrogation centre at Quang Ngai, where American advisers were in evidence.

17 August 1970 - Seventeen members of the Mission on Repression in Vietnam from the United States, Australia and New Zealand, including Bishop Paul Moore of the diocese of New York, published a report charging mass arrests and torture in South Vietnam. This followed a visit there during which the members of the Mission

interviewed former political prisoners.

August 1970 - Five women recently released from Thu Duc prison (Truong Thi Kim Lien, Vo Thi To Nga, Cao Thi Que Huong, Truong Hong Lien) gave a first-hand account of torture practices inside Thu Duc. At least one of them (Miss Que Huong) is now back in prison.

2 December 1970 - Former US Army Intelligence operators in South Vietnam (including Stephen Noetzel, Edward Murphy and K. Barton Osborn), described to a war veterans' enquiry how NLF suspects were tortured and assassinated, and how Vietnamese agents who had possibly been compromised were "terminated with prejudice". As reported in the London "Times", Noetzel told how at Con Son prisoners often spent the night in a room with an eight-foot python. "I could hear them screaming in there all night long", he added. Most witnesses described instances where they had personally observed prisoners being pushed out of helicopters, or being tortured by having electric wires attached to ears, breasts or genitals (The Times, 3-12-70). During the next two years war veterans and intelligence operators continued to describe such experiences (as in the book and film "Winter Soldier"). 12 April 1971 - 117 relatives of political prisoners in Saigon published a letter to President Richard Nixon alleging torture and appalling prison conditions in South Vietnam. Signatories included Nguyen Thi Binh, mother of two young girls held without sentence on Con Son who are Amnesty Prisoners of Conscience. June 1972 - Letter smuggled out of Chi Hoa detailed torture allegedly inflicted on a number of students during interrogation after recent arrests. Those named included Nguyen Thi Yen, Trinh Dinh Ban, Vo Thi Bach Tuyet and Nguyen Thi Hue, all of whom

13 August 1972 - New York Times published a special report by Sydney H. Schanberg in Saigon detailing torture allegations. Schanberg quoted the Saigon police motto, "Khong, danh cho co" - "If they are not guilty, beat them until they are". According to Schanberg:

"the two top American advisers to the South Vietnamese on police and prison matters, Michael G. McCann and Theodore D. Brown, director and deputy director respectively of the American mission's public safety directorate, do not deny the widespread use of torture; they simply refuse to comment". October 1972 - The Vietnamese Community in Paris published the document "The Situ-

ation in the Prison of Chi Hoa", based on information smuggled out by inmates. Details of corruption, ill-treatment, drug-trading, imprisonment of children and inadequate food and medical facilities. Names of several 'trustee' prisoners known for their brutality were given. In August the Community had published "Cry of Alarm", a collection of documents on prisons, including specific cases of torture and illtreatment, initially compiled by the Committee Campaigning for Improvement of the Prison System in Saigon.

25 December 1972 - Time magazine reported that torture of civilian prisoners was widespread. Cited such practices as inserting rubber sticks into women's vaginas, electricity, dropping lime into tiger cages.

29 December 1972 - Two Frenchmen, Andre Menras and Jean-Pierre Debris, were released from Chi Hoa. They detailed torture procedures and alleged that torture during interrogation was a standard practice. During interviews with Amnesty International, they gave a series of instances in which various tortures had been used on specific detainees, both in interrogation centres and inside Chi Hoa itself (in particular in the so-called "cinema room").

KINDS OF TORTURE: SUMMARY

remain in detention.

Of the various forms of torture, beating appears to be the most common: and it is carried out in both prisons and interrogation centres, of which the most infamous is perhaps the National Police Headquarters in Saigon. (However, numerous allegations have also been made of a wide variety of torture techniques being used inside the prisons themselves.)

Beating is generally done with wooden sticks or clubs. The blows are applied to the back and to the bony party of the legs, to the hands, and in a particularly painful form, to the elevated soles of the feet when the body is in a prone position. Beating of the genitals also occurs.

A particularly damaging form of beating is when prisoners are immersed in

tanks of water which are then beaten with sticks on the outside. The resulting reverberations are said to be especially painful, and while leaving no marks can cause severe internal injury.

Another type of water torture is common, in which a soaked cloth is placed over the nose and mouth of a prisoner tied back on a bench. The cloth is removed the last minute before the victim chokes to death and is then reapplied. Alternatively, water or salty or soapy water is forced into the victim's mouth and nose until it is absorbed into the lungs and stomach, which are then beaten. Prison guards are said to call this "taking the submarine".

In another procedure the victim is hung by rope or wire from his toes or feet and beaten. This is sometimes called "the plane ride". Electricity and sexual torture are also often used in a variety of ways, especially on women.

Victims are also tortured in front of their wives or relatives. This was undoubtedly the case with, for example, Nguyen Ngoc Phuong and his wife Cao Thi Que Huong, in March 1970. Both Phuong and Que Huong have alleged that they were tortured in full sight of one another. (36-year-old Phuong finally died in mysterious circumstances on 5 January 1973. He had apparently been refused medical treatment in Chi Hoa prison, after going on a hunger strike in December.) (1)

WHY TORTURE?

We have already seen (on page 15) that according to K. Barton Osborn - not to mention others not cited here - many of those rounded up by the Phoenix Program were "innocent victims of faulty intelligence". As we now know, a large number of these victims have been killed or tortured to death. According to the Quakers in Quang Ngai, victims are tortured to discover their innocence or guilt, and then to extract information, not simply to extract information after guilt has been established.

It is clear, moreover, that the brutalising effects of the Vietnam war have become so entrenched that some of the time the use of torture during interrogation, or as a disciplinary measure within prisons (for example, beatings, tiger cages), is no longer even motivated by a desire to gather "intelligence". An Administration defending itself against what it or its major ally construes to be an insurrectionary movement may regrettably find it hard to resist the expedient of torture in its efforts to crush its elusive opponent (2); but there can be no doubt that torture is now also widely used in the areas controlled by the GRVN not only as an instrument of intimidation but as an end in itself. Torture has become a standard part of the interrogation not only of NLF suspects, but also a wide range of non-Communist political dissidents; and as we can confirm from expressions like "Khong, danh cho co"(3), it is applied with an extraordinary degree of cynicism. As for the brutally repressive measures taken against prisoners within prisons themselves, GRVN officials might conceivably try and justify them as a means of "rehabilitating" prisoners. "These are very bad people", Colonel Nguyen Van Ve, then Director of Con Son, explained to the two American Congressmen when they discovered the crippled prisoners shackled into the tiger cages in 1970. "They will not salute the flag." But from the many accounts available it seems clear that in many instances torture has become no more or less than a matter of habit. The question "Why torture?" is often no longer asked.

(1) For the full and tragic history of Phuong, see "The Life and Death of Nguyen Ngoc Phuong", Despatch News Service International, 16-2-73. His case, which has come to be considered something of a symbol by many critics of the GRVN prison system, has been widely quoted in Le Monde and other European newspapers.

(2) Theoretically speaking, since the Peace Agreement this sort of attitude is out of date. Practice, however, remains utterly divorced from theory.

(3) Another common saying of this kind is "If you are not a Vietcong, we will beat you until you admit you are; and if you admit you are, we will beat you until you no longer dare to be one".

Part 2: PRG prisoners

We are concerned in this section with civilians held in detention by the PRG after being arrested or captured in South Vietnam by either military officers of the (NLF) People's Liberation Army or the People's Army of (North) Vietnam, or by civilian officers of the NLF. There have been reports that certain kinds of Vietnamese detainee have in the past been sent north to prison camps in Hanoi or other parts of North Vietnam (1). But in spite of intimate links between the PRG and the DRVN, and the presence of a large number of DRVN troops in South Vietnam, there seems no reason to accept the contention of some hostile critics that a large number of South Vietnamese civilians captured by the NLF have been "deported" to the North.

As a result of the January Peace Agreement, the PRG turned over just less than 5,000 soldiers of the Army of the Republic of (South) Vietnam (ARVN) in exchange for nearly 27,000 North Vietnamese and NLF prisoners of war held by the GRVN. The continued fighting since the Ceasefire will have ensured that fresh ARVN detainees have replenished the old stocks of military prisoners held by the PRG. This process of course will have applied equally to both sides.

As for civilian detainees, the PRG originally presented a list of 137 as part of the initial bargaining that would lead to civilian prisoner exchanges. It increased this number to 400, and just before an initial exchange was agreed on 24 April, it increased it again to 637. (At the time of writing, most of these had been released.) The GRVN has claimed that the figure 637 is a gross underestimate, maintaining that the PRG is accountable for some 67,500 GRVN cadres (that is, Saigon Government field workers) and civilians "abducted by the Communists since 1954". The GRVN has published the names of the 16,754 GRVN cadres on this list in the form of a paperback book more than three hundred pages long (2). A majority of the names on this list are people who were allegedly abducted by the NLF in 1972. As a report in the Financial Times of London put it on 24-5-73.

"Even if the PRG suddenly found some more prisoners, it is hardly likely to run up the total to 67,000...Most observers in Saigon feel that the NLF hold nothing like 67,000. This may be an accurate figure for those missing, but many will now be dead, and others assimilated into the NLF forces".

MISSING PERSONS

Certainly, the number of missing and displaced persons in South Vietnam is huge. The International Committee of the Red Cross has estimated that the number of refugees and displaced persons in South Vietnam may now exceed one million, while others have put the figure far higher. Many of these people had their homes in the areas where bitter fighting took place in the spring of 1972, especially the northern provinces of Quang Tri and Thua Thien. It is just such areas which feature

(1) This was certainly true of some detained Americans.

(2) List of Civil Servants, Cadres and Civilians of the Republic of Vietnam abducted by the Communists since 1954, published by the Republic of Vietnam on 24-3-73.

most in the GRVN list. Indeed, the list might be more useful to the office concerned with tracing lost persons that has been set up by the GRVN National Red Cross in Saigon, and that works with technical assistance from the International Committee of the Red Cross Tracing Agency. By 15 April 1973 more than 6,000 requests to trace persons had been received by this office. "Out of this total", the ICRC reported in April 1973, "29 per cent were for persons presumed missing in the territory of the National Liberation Front of South Vietnam or in the Democratic Republic of Vietnam; these requests have already been forwarded to the North Vietnamese Red Cross in Hanoi".

POLICY TOWARDS PRISONERS

As with the GRVN, it is impossible to say precisely how many civilians the PRG holds. In view of the bargaining that has taken place over the issue of civilian detainees, 637 people is probably not a final estimate. Like the GRVN's list of 5,081 "Communist civilian detainees", it may represent the PRG's "first bid". Bearing in mind the NLF's traditional policy towards prisoners, however, it is unlikely that the total number of PRG prisoners (including military personnel detained since the Ceasefire) now exceeds a few thousand. This policy has been clearly described by Douglas Pike in the analysis he wrote of the NLF in 1966 (1). Pike, who now works for the United States Information Service, and who takes a critical view of the NLF, wrote then that:

"all prisoners (held by the NLF) were eventually released provided no one brought charges against them as an 'enemy of the people'...(A captured) NLF army handbook instructed cadres to treat both captured prisoners and defectors and deserters - called returnees by the NLF - in the same manner: 'They should be blindfolded and tied and their weapons removed. When travelling do not permit them to see the path you are taking...volunteer returnees must be treated in the same manner, even if they bring weapons with them...'

The handbook...ordered cadres to release eventually even the most obstinate prisoners even if they refuse to confess their guilt before the people and to ask for forgiveness...because this encourages others to return to the people and it overcomes the enemy slander that we shoot all prisoners...(Military) officer prisoners, however, are not to be released but are to be sent to provincial head-quarters where their cases will be handled."

Pike expressed the view that "NLF treatment of prisoners was not nearly as generous as was publicly claimed. A villager or other person having a grievance against an individual prisoner could cause him to be tried by an NLF court, and quy chanh (returnees) indicated that virtually all who were tried were convicted and executed".

There can be no doubt that for many years the NLF has had a two-edged attitude towards prisoners. As Alexander Casella put it in 1972, "It is extremely hard with a minority of 'irreducible' enemies and extremely lenient towards the majority of less motivated foes" (2). Casella believed then that the NLF was executing GRVN-appointed village chiefs, and other police and government personnel "at the rate of about 4,000 to 5,000 a year". He was quick to point out, however, that most reports on NLF prisoners are circumstantial or come from hostile sources.

The North Vietnamese-NLF military offensive last April gave rise to a number of accusations and counter-accusations about NLF treatment of those captured during the fighting. Perhaps the best-known story of NLF executions was publicised by the 'New York Times' in August 1972, and later circulated by the United States Information Service (3). According to this:

"Allied Intelligence Officers had learned that, during the occupation (of Binh Dinh

(1) Douglas Pike, "Vietcong", MIT 1966

(2) Alexander Casella, "The Politics of Prisoners of War", The New York Times Magazine, 28-5-72.

(3) USIS Backgrounder 3-10-72.

Province by the NLF) 250 to 500 Saigon Government officials in the province had been killed by the Communists, and another 6,000 persons imprisoned in... 'People's Prisons' in remote areas of Communist-held An Lao Valley".

The USIS account refers to prisoners being buried alive, beheaded and hacked to pieces.

However, there is considerable cause for scepticism. In a subsequent article
in 'Newsweek' Ron Moreau, one of two American correspondents left in Vietnam and who
speaks Vietnamese, reported that:

"There was little doubt that the Communists had, in the merciless tradition of this war, consolidated their control of Binh by executing some civilians. But the evidence...did not support the almost gleeful talk among American officials of the 'bloodbath' in Binh Dinh....In my interviews, I could not substantiate these allegations...in checking on many of the cases mentioned to me by US officials, I found that the stories differed as to the number of people killed - and many deaths appeared to have been counted more than once".

One US Army officer was quoted as saying, "Certainly the Communists did execute local officials, but probably 25 people were killed", among them, it has been alleged, some Phoenix agents.

Tom Fox, the other Vietnamese-speaking correspondent, went even further. Writing about the incident in 'American Report' he wrote:

"No refugee was found who had seen a trial. None spoke of 'mass execution'. The refugees were most upset by ARVN looting...American officials of Saigon and Washington have deliberately waged a campaign to maximise the public impact of the alleged killings and have distorted facts to do so".

Fox was formerly correspondent for the 'New York Times'.

No one can doubt that atrocities have been committed by both sides in South Vietnam. The mass graves discovered in Hue in 1968 after the NLF had withdrawn from the city, the US Army massacres at My Lai, Kieh Hoa, and elsewhere (1), as well as the numerous atrocities committed by troops from South Korea (2), bear witness to what Moreau chose to describe as the "merciless tradition of the war". The atrocity story from Binh Dinh, however, bears out how partial and unreliable information about NLF prisoners remains.

AMERICAN DETAINEES

The torture and ill-treatment of a number of American prisoners of war held in North Vietnam have been well publicised, but fall outside the scope of a report on South Vietnam. However, among the Americans released by Hanoi after the January Ceasefire were several who had been captured by the NLF in South Vietnam and later taken North. There were also a small number of American military personnel (as well as foreign civilians) released by the NLF from South Vietnam itself. Several of these NLF captives have related their experiences in some detail; and while we have not hitherto been concerned with military personnel, it may be of interest to recollect them.

Major F. Harold Kushner, an Army doctor, was held by the NLF for 5½ years, and has given one of the fullest accounts of his experiences. According to Kushner, 10 out of the 27 Americans held at the NLF camp at Quang Nom in the Central Highlands died because of inadequate food and medicine. He said that the typical prisoner of war in the camp lost between forty and fifty per cent of his normal weight, suffered from acute malaria, defecated 30 to 100 times a day due to acute and chronic dysentery, bled at the gums from scurvy and suffered intense pain from a swollen liver, spleen and scrotum, conditions associated with acute malnutrition. The basic meal, he said, was about three cupfuls of "red rotten moldy rice" per day, peppered with sand, rocks, vermin and rats' faeces from being hidden in the

(1) For detailed resume see Le Monde, 30-6-72.

(2) For a massive indictment of Korean troops in Vietnam, see the Rand Corporation study dated 6-12-66

jungle. Prisoners also suffered from acute itching of the skin (1).

In February 1971 Kushner and 11 others were marched up the Ho Chi Minh trail to Hanoi, where their treatment seems to have radically improved. In a special briefing in April this year, Dr Roger Shields, Special Assistant to the Secretary of Defence on Prisoner of War Matters, announced that "With regard to the men who were captured in the South, there were the problems we expected with regard to malaria, (but) much of this had been treated before the men were released". Dr Shields also referred to "problems with regard to internal parasites" with reference to men who had been held in the South, and a number of other ailments due to malnutrition (2).

Allegations of inadequate diet have also been made by several of the prisoners actually released from South Vietnam, though more than one of them noted that the NLF told them they were getting exactly the same as NLF soldiers. Malaria, dysentery and ulcers were also common. American prisoners were frequently shackled in leg-irons and confined to very small areas, or locked to a metal chain with a short reach. Several suggest that conditions improved in 1971, "when it seemed to the prisoners that the Vietcong had an active interest in keeping them alive, possibly as being of value in some future negotiations". (3)

Without having access to a detailed debriefing (4) it is thus apparent that US prisoners were often given inadequate food and medical facilities, though they may not have been very different from those of their captors themselves. They were also sometimes subject to unduly harsh and cramped conditions of detention.

Dr Roger Shields' overall comment on those released from both North and South Vietnam was that "the prognosis is good for the return to good health of most of the men". A far more detailed report of the experiences of American and other foreign prisoners held by the PRG will be necessary before a full assessment of their conditions can be made. Even then, it may be hard to relate them to the NLF's present treatment of Vietnamese civilian detainees (5).

- (1) International Herald Tribune, 5-4-73.
- (2) US Department of Defence Briefing, 12-4-73.
- (3) US Major Schrump in The Sunday Times, 1-4-74; another full and interesting account.
- (4) The Office of the Assistant Secretary of Defence, Washington, has told Amnesty International that such "comprehensive data" has not been produced. Letter to Amnesty International, 7-5-73.
- (5) In this context it is a matter of regret that the Canadian Red Cross has been unable to visit PRG detention centres, as it wished to do under the terms of the Peace Agreement.

Appendix: Some individual GRVN prisoners

HUYNH TAN MAM

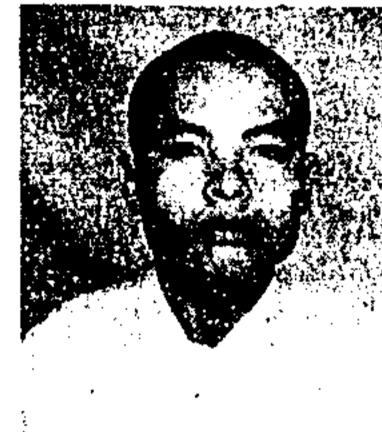
Huynh Tan Mam is President of the General Association of Saigon Students, and the best-known student spokesman in South Vietnam. His family live in Saigon. He has persistently opposed the policies of the Saigon Government and voiced his criticism of the American presence in Vietnam. As a result he has been constantly in and out of jail during the past few years.



The reason for his latest arrest on 5-1-72 seems to have been a statement Mam made on January 2nd which opposed American policy in Indochina in outspoken terms. According to the Press Committee of the Saigon Student Association, (members of which have since been arrested), Mam was detained at 11 a.m. on the 5th after attending a meeting at the Saigon University Faculty of Medicine. According to an eye-witness account, as he left the University building on the back of a motor scooter driven by his companion Dr. Nguyen Van Lang, "four men in plain clothes, also on Hondas, arrested Mam handcuffed him, hailed a passing Military Police jeep and pushed him inside". Mam was taken to the National Police Headquarters in Saigon and apparently subjected to a brutal series of interrogations. Allegations to this effect have been received from three reliable sources. In the early summer of 1972 a student released from the National Police Headquarters said that he had seen Mam being tortured by the police. Mam was described as having "blood flowing from his eyes and ears. A liquid had been injected into his veins, and he had been conscious only intermittently for seven days". He was later seen in transit from the Police Headquarters to Chi Hoa in a severely disabled state, apparently suffering paralysis of the legs. Since being transferred to Chi Hoa, Mam has smuggled out several letters to the International Commission for Control and Supervision and other international bodies, pointing out that a large number of students are in detention either without trial or convicted of political offences, and asking for their release under the terms of the January 1973 Peace Agreement. In May 1973 the GRVN announced that Mam was included on the list of prisoners to be exchanged with the PRG (see page,,). Mam's family is strongly contesting this proposal.

NGUYEN VAN SU and LUONG VAN DAN





Su and Dan are part of a contingent of Buddhist monks arrested at Long Thanh orphanage on February 5th, 1972 and charged with draft resistence. They are members of the Buddhist Movement Campaigning for Peace, and apparently resisted military conscription on both political and religious grounds. Dan is held without sentence at Chi Hoa. Su has been tried on two separate charges concerned with opposing the war and advocating civil disobedience (i.e. opposing conscription) by the civil Court of First Instance in Bien Hoa, and by the Field Military

Court in Saigon. He is now serving sentence in Bien Hoa.
Amnesty International has the names of 46 other Buddhist monks arrested at the same place at the same time, all of whom have been held in Chi Hoa, the great majority without trial.

NGUYEN CAM HUONG



Miss Cam Huong was a high school student until arrested on the 10th March, 1970. She is reported to have been tortured so gravely during interrogation that she is now partly paralysed and suffering from continual headaches. She is held without trial in Tan Hiep.

NGUYEN THI HUNG



A housekeeper until she was arrested on the outskirts of Saigon on May 19th, 1970, Miss Hung is held without trial in Con Son.

TRINH DINH BAN

Ban, like Huynh Tan Mam and many other student in Amnesty's files, has been in and out of prison during the past few years. He is a student of law at the Saigon University and Chairman of the South Vietnamese Federation of Students' Unions. He is detained without charge, trial or sentence at either Tan Hiep or the Metro-



politan Police Command, Saigon.

The first record Amnesty International has of Ban was when he was detained in August 1968, charged "with having disseminated printed material harmful to the anti-Communist struggle". The General Association of Saigon Students protested vigorously, and he was released shortly after. The following May he was arrested again and held with ten other students in the National Police Headquarters in Saigon. The precise reason for this arrest is not know, though a letter smuggled out of the Police Headquarters at the time, spoke of opposing the war, and sharply criticised the Saigon Government for "interfering in the autonomy" of Saigon University. In 1970 he was set free from the prison he had been transferred to and founded the "Movement for University Autonomy".

His latest arrest took place on 19th May, 1972, during a general round-up of student leaders. At least two allegations have been received that he was tortured during interrogation at the National Police Headquarters. One source specified that the ends of his fingers had been pierced with nails, and that he had been beaten on the face, chest and soles of the feet.

TRUONG VAN BAI



Born in 1946, Bai was a high school student at Nguyen Tri Phuong High School in Hue when he was arrested and sentenced to five years' imprisonment for 'pro-Communist activities' in 1964. He has now served out his sentence in full, but in spite of this he remains on Con Son Island. According to a letter from the General Secretary of the Ministry of Justice in Saigon to an Amnesty Group in West Germany, dated 28-7-71, "after serving his sentence (Bai) was confined for twelve months - extended another twelve months. The prisoner finished his sentence on 10-7-71 but he had to be brought before a Security Committee for reconsideration after the end of his sentence as, while serving his sentence, he was obstinate, disobeyed discipline and internal rules and was very difficult to reform".

Bai's'obstinacy' was that he refused to salute the GRVN flag in the prison camp. In an effort to "rehabilitate" him the prison authorities put him in leg-irons in a tiger cage so that, when he spent three months in Tan Hiep prison in 1969 his sister (who is a Buddhist nun) could confirm after visiting him that his legs had become paralysed. He now also suffers from tuberculosis and a liver disease.

NGUYEN HUU THAI

34 year old Thai was arrested on 21-10-72 after receiving an invitation to visit the Military Security Police on Nguyen Binh Khiem Street, Saigon. At the time he was captain in the Army of the Republic of Vietnam, and worked as an instructor at the Army Centre for Political Warfare located in the Nguyen Trai Military Compound, Le Van Duyet Street, Saigon. He was held at the station on Nguyen Binh Khiem Street at least until February this year. His present whereabouts are not known.

Before being called into the army, Thai studied architecture at Saigon University. He was imprisoned in 1964, and again from 1966 to 1968, apparently because of his involvement in the student peace movement. He has written articles for several prominent Saigon newspapers that have reflected his non-violent, anti-war views, and has been widely regarded as an anti-war leader since his student days in spite of his subsequent army work.

After his latest arrest the military police apparently questioned Thai about his anti-war activities as a student, and about his relationship with five former student friends who were among those recently released from Con Son. One of the five, Vu Quang Hung, was charged by the Saigon police in May 1972 with the murder of a well-known politician and critic of the GRVN, Nguyen Van Bong. Thai's name was apparently one of those that Hung mentioned during interrogation. Bong's wife has denied publicly that Hung was involved in her husband's death.

LUU NGOC TRAN

Born in 1942, Tran was a pharmacy student until his arrest on the night of 7-5-68 at his home in Saigon. For a week he was reportedly tortured wuth electricity and the water-torture in a detention centre on Le Van Duyet Street, Saigon. He was then transferred to the Saigon National Police Headquarters. For the first fortnight there he was held in solitary confinement. After three months he was transferred to Chi Hoa national prison in Saigon. In September 1968 he was brought before a military court charged with "endangering the national security". The Saigon police claimed he had ontoped into polations with the NUT.

had entered into relations with the NLF. However, the court only found against him sufficiently to hand down a two-year suspended sentence.

In spite of this sentence Tran was then held for two years at Tan Hien, after which he was

In spite of this sentence Tran was then held for two years at Tan Hiep, after which he was transferred to Con Son, where he has remained ever since.

NGUYEN LONG

Before his re-arrest in 1972, Nguyen Long was a leading lawyer in Saigon who acted as defence counsel in a number of political trials. He was counsel, for example, for his fellow-lawyer Mrs Ngo Ba Thanh. He has been been a respected critic of the GRVN, and has persistently advocated negotiations between Saigon and the NLF. Long was originally arrested in 1965, when as leader of an organisation known as the Movement for the Free Choice of the People he tried to hold a press conference jointly with various other groups of differing political complexions. The purpose of the conference, which was broken up by the police on the grounds that it had not been correctly registered with the appropriate authorities, was to suggest that Saigon and the NLF hold discussions aimed at bringing the war to an early end. Shortly afterwards all its organisers were arrested. As a result of a military court trial, three of them were deported without appeal to the DRVN, while at least one other, TRAN HUU KHUE, (who was served a 20-year sentence, later cut by half), has remained in prison ever since. Long, like Khue, was charged with "destroying the morale of the people and army" and "forming an illegal organisation". In August 1965 he was sentenced to 10 years' imprisonment followed by 5 years' "exile", and he was

enced to 10 years' imprisonment followed by 5 years' "exile", and he was sent to Chi Hoa. Following repeated protests by a number of international organisations, including the International Commission of Jurists in Geneva and Amnesty International in London, his sentence was suspended "on health grounds" by the GRVN Defence Minister 2 years later.

After his release Long resumed his work as a lawyer. Then on 21-7-72, President Thieu rescinded the Defence Ministry order and decreed that Long serve out the rest of his sentence. This step was undoubtedly taken because of Long's vigorous professional defence of political critics of the GRVN

of Long's vigorous professional defence of political critics of the GRVN — Tran Huu Khue during a time of military and political crisis. He is now back in Chi Hoa prison. His health is poor, and he suffers near-blindness in one eye. (For further details see page?).

LE CONG GIAU



Aged 28, Giau was a science student at Saigon University until his arrest on 5.8.72 in Vung Tau. His family live in Saigon. Since his arrest he has been held without charge, trial or sentence in Chi Hoa prison and the National Police Headquarters in Saigon.

According to a letter smuggled out of Chi Hoa in October 1972, as well as more recent reports from reliable sources in Saigon, Giau has been subject to severe torture during interrogation, resulting in partial paralysis and a serious inflammation of the lung.

The October letter states that under the supervision of Duong Van Chau and Lieutenant-Colonel Nghia (Assistant Director of the Special Police). Giau was "subjected to tente to the supervision of Duong Van Chau and Lieutenant-Colonel Nghia (Assistant Director of the Special Police).

of the Special Police), Giau was "subjected to torture and forced to admit to having participated in NLF organisations. Giau protested vigorously against these accusations. Nevertheless, he...suffered persistent beating with a club on the head, chest, shoulders, hands, thighs, knees, legs and feet. Burning cigarettes were placed on his nipples, navel and penis; pins were driven into the ends of his fingers...

"A large quantity of soapy water was forced through his nostrils and mouth until he fainted; then he was kicked in the stomach to force water out (this torture was carried out...by second lieutenant Duong). His hands were tied behind his back, and he was suspended by his feet and beaten savagely with clubs (this torture carried out by Cu Lu Nhi, a torturer well-known in (Chi Hoa) prison since 1970). Chopsticks were forced up his rectum (torture carried out by Ngoc). The torture was applied from 10 p.m. to 4 a.m. After each session Giau was carried on a board to cell number 2. This particular treatment was imposed every day for the first week of his detention. He is now so weak that he cannot move any of his limbs, and he can only eat food by being fed spoonfuls of soup by another prisoner. With only a few days' break, this interrogation and torture has been systematically carried out for two months. During the week of August 19th to 26th (1972), Giau was taken away and hidden in a closed truck so that he would not be seen by an International Red Cross inspection team".

TON THAT BINH MINH

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A freelance journalist in Saigon until his arrest on 25-5-72, Ton That Binh Minh is crippled as a result of having polio as a child. He can walk only with the aid of braces and crutches. His arrest and long-term detention in the National Police Headquarters in Saigon is apparently connected with his work of translating a book called "The Indochina Story", which is critical of the GRVN and of US involvement in Indochina. His translations were being serialised in one of Saigon's daily papers, *Doe Lap*. Amnesty International last had news of Mr Binh Minh in February 1973, when it learnt from a reliable source in Saigon that his crutches had been removed, and that as a result his body is badly ulcerated from lying on the floor of his cell.



Arrested on 8th June 1972 in her home in Vinh Long, Miss Yen is now held in Thu Duc Prison. She was a student and Treasurer of the General Association of Saigon Students. During the interrogation at the National Police Headquarters that followed her arrest, and that lasted on and off until January this year, she was allegedly severely beaten and tortured with burning cigarettes on her nipples and other sensitive areas of her body. (New York Times, 12-8-72: confirmed by other sources). In March 1973 she was brought before the Military Court in Saigon and given a two-year sentence for "hooliganism". That is to say that while common criminal. The court hearing lasted less than seven minutes.

MRS. NGO BA THANH

Mrs. Thanh became a lawyer after studying at the Universities of Paris and Barcelona. She received a Masters Degree in comparative law from Columbia University in New York, where she was offered an honorary post in June 1973. After returning to Saigon she became the first director of the Institute of Comparative Law. During the unopposed re-election in October 1971, of President Thieu, she took charge of an organisation called The Vietnamese Women's Movement for the Right to Live, and worked in support of General Duong Van "Big" Minh, Thieu's major opponent, who withdrew from the election maintaining that it was rigged. Mrs. Thanh has been arrested a number of times. Her most recent arrest took place on August 17th 1971. At that time she was charged by the senior investigating magistrate in Saigon with assaulting a judge on June 22nd 1971, in the Saigon suburb of Giadinh. On that occasion she and a group of Buddhist nuns had gathered outside the courthouse to protest a ruling of Judge Nguyen Van Tho. Judge Tho had decided in a controversy between nuns and monks that only the monks had the right to live in the local pagoda. Reports about what happened to the judge as he left the courthouse differ. He apparently tripped and fell, and the investigating magistrate in Saigon claimed that Mrs. Thanh



Mrs. Thanh suffering an asthmatic fit at her trial.

was responsible. Witnesses have asserted that Judge Tho slipped of his own accord. One report mentions that Mrs. Thanh was originally held simply for abusing Judge Tho verbally, but this On August 19th 1971. Mrs. Thanh was detailed to a second.

On August 19th 1971, Mrs. Thanh was detained in Thu Duc prison near Saigon pending trial. On September 16th she was released again following a court order. Two days later she was re-arrested and taken to the National Police Headquarters in Saigon after being involved in a demonstration engaging in "activities harmful to the national security", for organising an "illegal organisation" (The Vietnamese Women's Movement for the Right to Live), and for distributing printed matter that During the following months. Mrs. Thanh's physical conditions

During the following months, Mrs. Thanh's physical condition deteriorated badly. When she was brought to trial before the Military Court in Saigon on March 22nd 1972, she was carried in on a stretcher and suffered a severe asthmatic attack which broughton heart failure. Her doctor was with her in court and announced she was in "immediate danger of dying". The judge agreed to post-to bring her to trial.

In late December Mrs. Thanh was transferred from Chi Hoa to a prison in Bien Hoa near Saigon, where she was reportedly held in a prison unit for common criminals. On April 14th she went on a hunger strike, and on the 21st she was transferred to a police hospital in Saigon. In May the GRVN announced that she had been included in the list of prisoners to be exchanged with the PRG(see page II). Thanh's husband and family live in Saigon.

NGUYEN HOANG

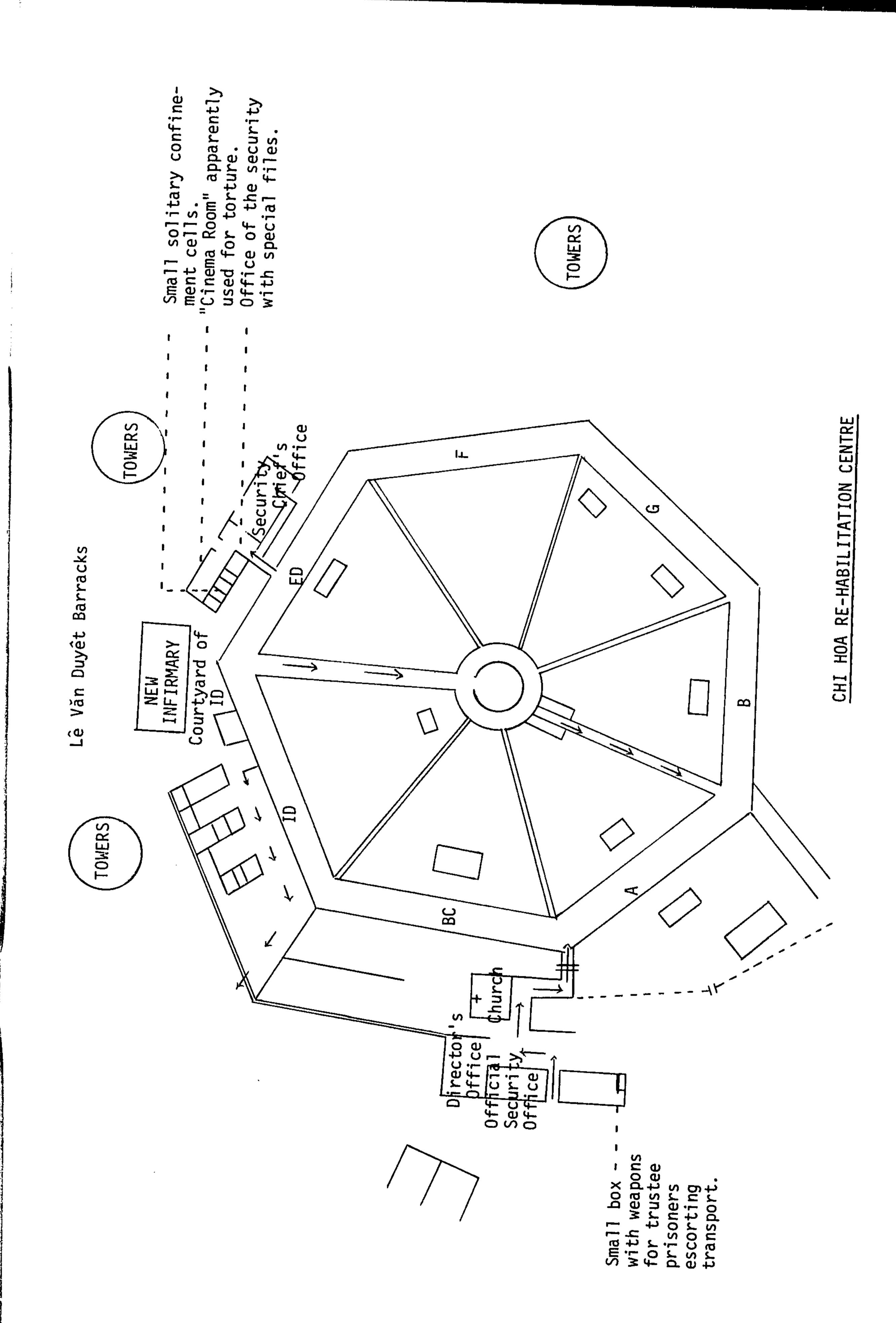


Born in 1914 in Nam Dinh in N. Vietnam, Hoang was a draughts-man till his arrest at home in Saigon in August 1972. Held without charge, trial or sentence on Con Son, no reason for his arrest has been given.

NGUYEN PHUOC QUYNH TIEN



Born in Hue in 1951, Quynh Tien was a high school student when arrested on 14-1-69. He was taken to a Saigon police station, after which his family lost touch with him. Nothing has been heard of him since.



amnesty international



AMNESTY INTERNATIONAL is a worldwide human rights movement which is independent of any government, political faction or religious creed. It acts on behalf of men and women who are imprisoned for their beliefs, colour, ethnic origin or religion, provided they have neither used nor advocated violence.

AMNESTY INTERNATIONAL opposes the use of torture in all cases and without reservation. It is now conducting an international Campaign for the Abolition of Torture.

AMNESTY INTERNATIONAL has consultative status with the United Nations, UNESCO, the Council of Europe and the Organisation of American States and is recognised by the Organisation of African Unity.

AMNESTY INTERNATIONAL, in its work for Prisoners of Conscience, seeks observance throughout the world of the Universal Declaration of Human Rights, particularly Articles 5, 9, 18 and 19:

Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 9: No one shall be subjected to arbitrary arrest, detention or exile.

Article 18: Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or beliefs, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.