

AMERICAN CRIMES

in VIETNAM

DEMOCRATIC REPUBLIC OF VIETNAM
COMMISSION FOR INVESTIGATION ON THE
AMERICAN IMPERIALISTS' WAR CRIMES IN VIETNAM

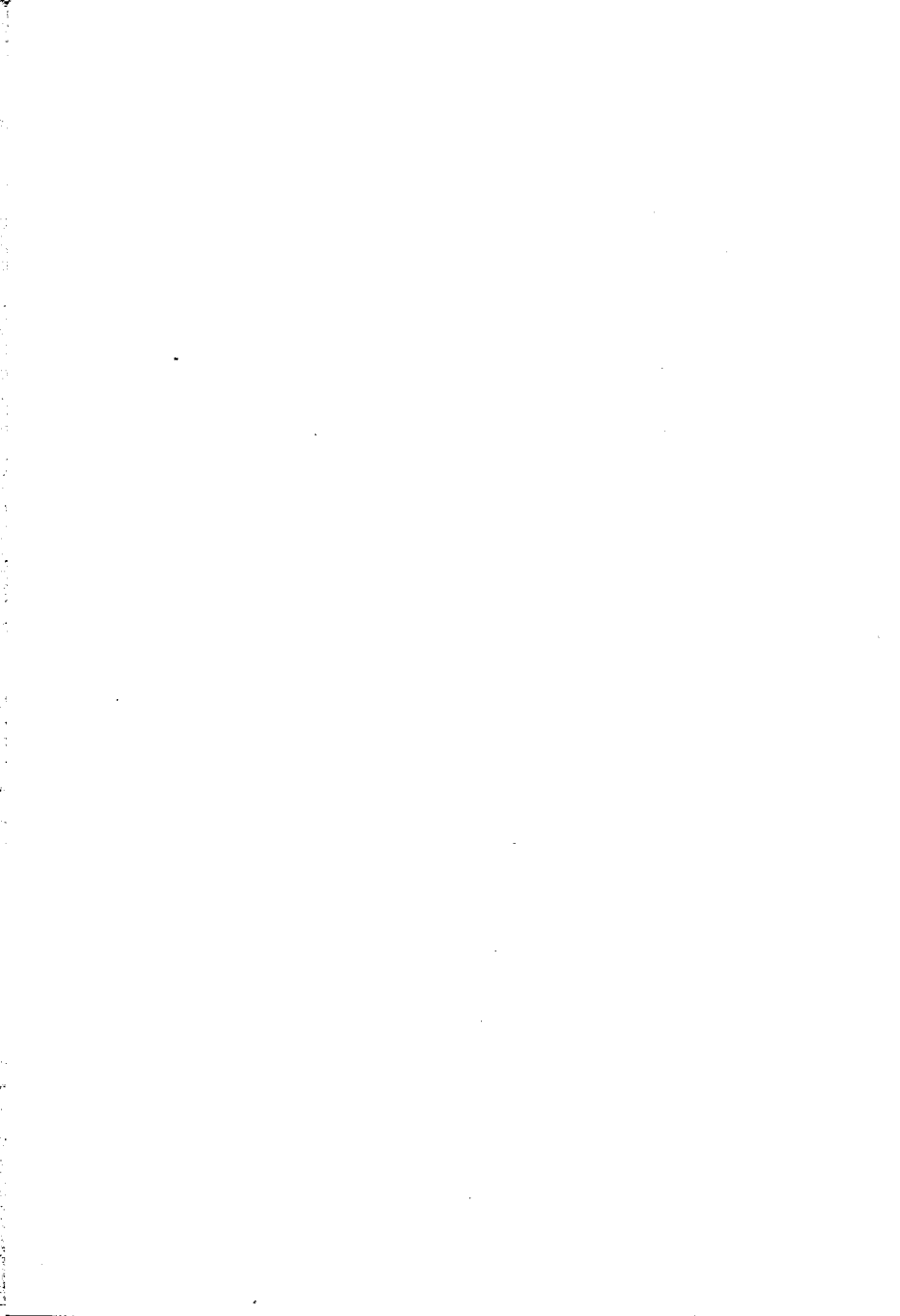
October 1966

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1969

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DEMOCRATIC REPUBLIC OF VIETNAM
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STATEMENT

OF THE DEMOCRATIC REPUBLIC OF VIETNAM
COMMISSION FOR INVESTIGATION ON THE
AMERICAN IMPERIALISTS' WAR CRIMES IN
VIETNAM

ON THE AMERICAN IMPERIALISTS' CRIMES
IN THEIR WAR OF AGGRESSION AGAINST
VIETNAM

For more than twenty years now the United States has been continuously pursuing a policy first of brazen intervention then of brutal aggression in Vietnam, negating the Vietnamese people's right to self-determination, and other fundamental rights, cynically trampling underfoot all international law, and very seriously threatening the peace and security of the world peoples.

The horrible crimes so far perpetrated daily by the American imperialists on the Vietnam soil, especially since the stepping-up of their aggressive war against Vietnam, must be brought to light in their full aspects and sequences, with a view to a sterner condemnation of the American imperialists' aggressive scheme, and denunciation of their true nature — an extremely stubborn, reactionary, barbarous and brutal one — to the world and the American peoples.

With this aim in view, the Democratic Republic of Vietnam Commission for Investigation on the American imperialists' war crimes in Vietnam will successively make known to the public at home and abroad documents relating to the American imperialists' crimes in Vietnam.

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After more than eighty years of persistent struggle against the French colonialists' domination, by their successful August 1945 General Insurrection, the Vietnamese people had smashed up all shackles of slavery, wrested back their right to be masters of their own destiny and founded the Democratic Republic of Vietnam, an independent and sovereign country enjoying territorial integrity from Langson to Camau.

From that very time, nevertheless, the American imperialists began to interfere in Vietnam and Indochina, carrying out an ever-cruder policy of intervention and aggression, taking this part of the world for an important link in the chain of their global strategy.

In the process of their struggle to safeguard independence and freedom, the Vietnamese people have many a time frustrated the perfidious manoeuvres of the American imperialists: they ousted the American-controlled Chiang Kai-shek 'militarists' from North Vietnam, defeated the French colonialists' war of aggression of which the United States defrayed

80 per cent of the expenditures, foiled the American imperialists' plot to prolong and extend war at the moment when the Dienbienphu campaign was going on and when the Geneva Conference was in session.

With the signing of the 1954 Geneva Agreements, peace was restored in Indochina on the basis of recognition of the Vietnamese, Cambodian and Lao peoples' fundamental national rights—sovereignty, independence, unity and territorial integrity—which the representative of the United States Government at the Conference had to pledge to respect.

Since then, the United States has been unremittingly applying an ever more brazen policy of intervention and aggression in an attempt to perpetuate the partition of Vietnam, turn South Vietnam into an American new-type colony and military base, systematically sabotage the 1954 Geneva Agreements on Vietnam, and prepare to rekindle war. The American imperialists' perfidious manoeuvres and neo-colonialist methods have met with strong and resolute opposition from the South Vietnamese people. But they still persist in their scheme of aggression and enslavement, trying to stay in South Vietnam and waging there a real war of aggression which now threatens to extend to the whole of Indochina: from carrying out a "special war" using puppet troops as the main forces at the beginning they have now committed to South Vietnam a 300,000-odd strong American expeditionary force; from the South Vietnam battlefield, they have extended the war to North Vietnam, mustering their air and naval forces against the Democratic Republic of Vietnam, an

independent and sovereign country, and now preparing for new, extremely dangerous steps in their escalation.

The United States Government itself has laid bare before the American people and the peoples all over the world its stubborn aggressive and extremely bellicose nature which no professions of "peace" or "humanitarianism" nor deceitful and perfidious manoeuvres can cover up.

The war waged by the United States in Vietnam is the most barbarous and brutal war in history because the whole modern war machine at the disposal of a country possessing the mightiest economic and military potential in the imperialist camp has been put into action to deny the rights to self-determination, independence and freedom to a people resolved to fight to the end for the defence of their sacred national rights. It is the most barbarous and brutal war in history because, challenging human conscience and international law, the American imperialists have shrunk from no savage and base means, including the use of poison gases that the Hitlerite fascists dared not resort to, in an attempt to bend the will for independence and sovereignty of a heroic people who had rather make every sacrifice than to surrender.

In waging an aggressive war in Vietnam and negating the fundamental national rights of the Vietnamese people, that is, independence, sovereignty, unity, territorial integrity, in repudiating the Geneva Agreements it undertook to respect, in infringing upon international law, the United States

Government has committed a *crime of aggression*, an *international crime* sternly condemned by mankind.

In waging an aggressive war in Vietnam, the United States Government has at the same time committed a *crime against peace*, because the American aggressive war has sabotaged peace in Indochina, and posed the gravest threat to peace in Southeast Asia and in the world. It has completely negated the most elementary principles of international law which rule the relations among nations.

While carrying out their aggression against Vietnam in an attempt to subdue the Vietnamese people and attain their goal of aggression and enslavement, the American imperialists, in defiance of human conscience and ethics and of international law, have recoiled from no inhuman means of war. Their artillery, air force and navy have undertaken wanton and massive bombardments. They have been using napalm, phosphorous, fragmentation bombs, various kinds of noxious chemicals and gases. They have herded into concentration camps, persecuted and massacred civilians, be they old people, women or children. They have manhandled and tortured Liberation army men and civilians arrested by them. They have destroyed villages, townships and cities and series of public utilities, crops, dykes and hydraulic works in an attempt to starve millions of people. They have gone to such length of barbarity and cruelty as to use the Vietnam battlefield as a testing ground for the experimentation of their war strategy and tactics and modern lethal weapons. In negating

the rights to live and all fundamental national rights of the Vietnamese people *the United States Government has committed the most heinous war crimes and crimes against humanity.*

The above-mentioned crimes perpetrated by the warlike and inhuman American imperialists, have obviously surpassed those of the Hitlerite demons in gravity, barbarity and brutality. In committing a crime of aggression, crimes against peace and humanity, *the United States Government has committed the supreme international crime.*

The American imperialists are *the biggest war criminals in our times*, as the South Vietnam National Front for Liberation rightly put it. They are not only the sworn enemy of the Vietnamese people, but also the most dangerous enemy of the world peoples.

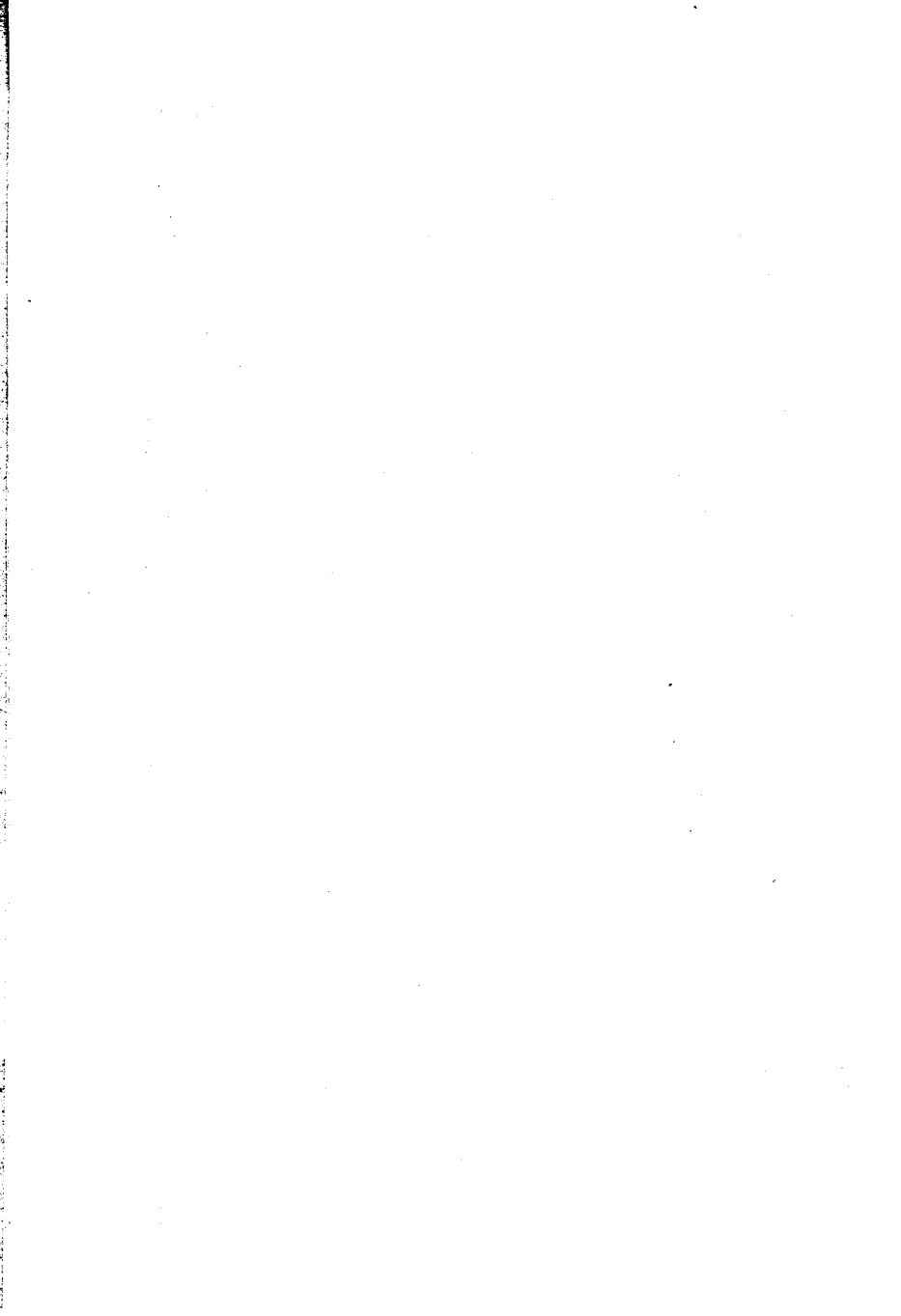
The Vietnamese nation is possessed of a millenary history, and a tradition of valiant and unbending struggle against foreign aggression to defend its independence, freedom and unity.

Today, faced with the American imperialists' brutal aggression which threatens the very existence of the nation, and confronted with the United States extremely dangerous and much advertized "peace negotiations" trick on one hand, and feverish preparations for war intensification and expansion in Vietnam on the other, the whole people of Vietnam from South to North are determined to fight to the end to frustrate the United States aggression and its enslavement scheme, safeguard the right to live in independence and freedom, and to foil the Americans' forthcoming dry season strategic counter-offensive.

The Vietnamese people, all to a man, will devote all their mental and physical energy to translate into deeds President Ho Chi Minh's appeal : "For the defence of the independence of the Fatherland and for the fulfilment of our obligations to the peoples struggling against American imperialism, our people and army, united as one man, will resolutely fight till complete victory whatever the sacrifices and hardships may be".

For the sake of peace and justice in the world, for the sake of independence, freedom of all nations, and for the sake of a genuine independence and real peace in Vietnam, the Vietnamese people and the Government of the Democratic Republic of Vietnam make an earnest appeal to the peoples and governments of the fraternal socialist countries, the peace-and-justice-loving countries, all men of conscience the world over, and to the American people who have a democratic tradition, to denounce and condemn with greater force and persistence the American imperialists' aggressive war and intolerable crimes in Vietnam, to resolutely and unreservedly support the just stand of the Vietnamese people. The American imperialists must respect the fundamental national rights of the Vietnamese people, put an end to their aggressive war in Vietnam, stop the bombing of, and other war acts against, the Democratic Republic of Vietnam, dismantle all American military bases, withdraw all American and satellite troops and weapons from South Vietnam, and leave the Vietnamese people to decide their own destiny.

Hanoi, October 31, 1966



AMERICAN CRIMES IN VIETNAM

In South Vietnam, 8,000 miles away from the United States, a 330,000-strong expeditionary force assisted by some 50,000 South Korean, Australian, New-Zealand, Filipino and Thai troops, is operating with the support of 3,400 planes and helicopters, 2,000 pieces of heavy artillery and thousands of armoured cars. Flown from the 7th Fleet and bases in South Vietnam and Thailand, U.S. aircraft day and night pound both North and South Vietnam. Never before has there been such brutal and cynical aggression by a great power against a small country.

No war has ever been conducted with more ferocity. All observers are unanimous to admit that it is reminiscent of Hitlerite crimes.

I. MASSACRE OF THE CIVILIAN POPULATION

In April 1966, U.S. Defence Secretary McNamara, testifying in U.S. Congress and answering the Senators who wondered whether the production of American bombs met war needs, affirmed that the production of aircraft bombs for 1966 would reach one million tons of which 638,000 would be poured on Vietnam during the whole year. The figures for 1965 were 250,000 tons. 61,000 tons of bombs were showered over Vietnam in June, and 91,000 in July. According to *A.P.*, McNamara further said that the monthly average in the second half of 1966 surpassed the quantity of bombs released each month all over Europe and Africa during World War II.

Apart from these bombings, we have to mention wanton poundings of villages by heavy and ultra-rapid artillery and units of the Seventh Fleet. *Reuter* reported on February 11, 1966 that in one month the U.S. troops fired in South Vietnam :

- one billion bullets of all calibres ;
- 88 million aircraft machinegun bullets ;
- 10 million mortar shells ;
- 4.8 million rockets.

In Cuchi district alone, some 25 miles from Saigon, 180,000 shells were fired from January to February 1966 by U.S. artillery.

Worth of special notice are Guam-based B.52 super-bombers, each of them carrying twenty tons of bombs for carpet bombing of localities which are to be completely razed. According to *U.P.I.*, up to September 14, 1966, B.52's had made 5,000 sorties which represented a total of some 100,000 tons of bombs.

That deluge of fire and iron does not fall on specific military objectives, but mainly on villages. On the strength of a simple piece of information or a few details revealed by some aerial photos, the U.S. Air Force goes into action, co-ordination at times with the artillery to systematically destroy villages suspected to shelter the "Viet Cong". But as the whole people stand up against the invader, which South Vietnamese village does not count "Viet Cong" amongst its population?

Western correspondents covering the operations are unanimous to admit that the war, as it is being conducted by the U.S. command, strikes chiefly at the population. Let's cite a few examples amongst a thousand others. In the October 2, 1965 issue of *Match*, Lartéguy related a story by Father Currien who looked after 17,000 catholic refugees near Ducco, in the High Plateaux:

"There was nobody in the village, except women, children and old people. Today there remains nothing of that area, everything is razed. I've seen my believers burning amidst

napalm. I've seen the bodies of children and women dismembered by bombs. I've seen all our villages levelled to the ground."

Particularly atrocious is the use of *napalm* which makes a real ocean of fire where children, women and old people are literally roasted. Those who survive get horrible burns. Never before has napalm been used on such a large scale. After air and artillery bombardments U.S. troops begin to mop-up villages, destroy what remains, blow up underground shelters in which the population have taken refuge, set fire on paddy stocks, rape women, arrest, put to torture and kill the inhabitants. *A.P.* gives the following picture of operation "Marauder" carried out by the U.S. paratroopers some thirty kilometres from Saigon :

"The rich, intensely cultivated flat lands south of Vamco oriental river are prime scorched-earth targets... Within two miles of the paratroopers' camp not a house was left standing. Constant pounding by artillery and planes had reduced every building to rubble. Every house they encountered they burned to the ground... Every cooking utensil was smashed, every banana-tree severed, every mattress slashed".

That is the "burn all, kill all, destroy all" policy. In many areas out of American control, aeroplanes bomb and strafe everything that is moving. The peasants can no longer work in their fields, do the cooking (because smoke attracts bombs) and go about on roads or rivers. From time to time, the U.S. command has to admit such crimes. On September 14, 1966, the Lienhoi twin villages I and II were demolished by U.S. troops. The next day, the Saigon-

American command denied the fact, but the pictures shown by NBC TV agency and the detailed account made by a *U.P.I.* correspondent compelled the U.S. command's spokesman to admit that it was actually the 1st battalion of the 5th regiment of the U.S. First Airmobile Cavalry Division which had destroyed the two villages on the ground that

"These two villages constitute a danger for the First Airmobile Cavalry Division. Our army men had burned them so that the enemy might not make use of them."

It is evident that according to such logic any village in South Vietnam constitutes a danger for the American invader, because the "enemy" is the people in their entirety. The U.S. rulers speak about their doles to the Vietnamese people. The G.I.'s distribute sweets to children, American physicians even take care of those burned by napalm: all the above hypocrisy only points to the horrors of a war waged in complete disregard of all international conventions, all international ethics which strictly prohibit any harm to the civilian population in the course of military operations.

In South Vietnam, day and night, under U.S. aircraft and artillery fire, entire villages are burned, razed to the ground. The inhabitants deprived of their provisions, and having lost all their property, are compelled to live in underground shelters and till their lands in night-time. But in the night, U.S. planes try to detect with flares any signs of life on immense areas. It is a fierce, merciless war waged

against an entire people with all the more ferociousness as the defeats suffered by the U.S. expeditionary force increase in bitterness. At present, it is difficult to give the full number of victims, villages or dwellings destroyed and burnt down, but to realize the size of the crimes suffice it to look at the fabulous figures published by the U.S. authorities themselves: 638,000 tons of bombs per year, the bulk of which poured in South Vietnam, a territory no bigger than Switzerland, millions of rockets per month and how many napalm and phosphorous bombs.

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Can the civilian population who live in U.S.-controlled areas escape such atrocities? The most ferocious repressions prevail there, while the herding of the people into concentration camps dubbed "strategic hamlets" in Diem's time, and now labelled "new life hamlets", is continuing!

The American advisers had set up through the Ngo Dinh Diem regime from 1954 to 1963 a typically fascist regime which tried to eliminate physically all opponents. Were accused of being "Viet Cong" (communists) and therefore liable to the most horrible tortures, to immediate execution, deportation, all those who had taken part in the liberation war waged from 1945 to 1954 against French colonialism, those who advocated the holding of general elections to reunify the country, the peasants who protested

against the grabbing of their land by the land-owners, the workers who demanded a wage-lift, the intellectuals who deplored the depravation of national culture by American films, the capitalists who complained of the glutting of national market with American goods.

Since the collapse of Diem, a new decree has outlawed not only the "communists", but also the "neutralists". Tortures, summary executions continue and the whole world still remembers the execution on October 15, 1964 of young electrician NGUYEN VAN TROI followed by so many others. In jails, penitentiaries, detainees continue to be imprisoned for years without any trial. Treatment meted out to prisoners-of-war — most often simple civilians arrested at random during terrorist raids—reaches the peak of barbarity.

Where the G.I.'s succeed in maintaining their control, the effort to herd the population into "new life hamlets" continues. Everybody knows what this appellation means: the peasants massed behind barbed-wire fences, forbidden to go out, to gather in groups of more than three persons; the administration which seizes all food reserves to distribute them day by day to the families, the strict and daily check of goings and comings, visits, daily chores. The Saigon *sbirri* and torturers daily sow terror in these hamlets. Today, the great majority of strategic hamlets have been demolished by a tenacious and heroic struggle of millions of people. The Americans savagely bomb the hamlets which have liberated themselves.

From 1954 to 1965, the number of victims amounted to:

- 170,000 killed
- 800,000 wounded or tortured to disability
- 400,000 detained in jails and penitentiaries
- 5 million people herded into concentration camps.

At present, only one fifth of the territory remains under U.S. control, but the same methods continue. American policy, military or political, is essentially directed against the whole civilian population.

II. CHEMICAL WARFARE

Since 1961, in South Vietnam, the U.S. command has been resorting to methods that Hitler himself didn't dare to use ; chemical warfare has been waged daily on an increasing scale. Officially, it is claimed that only "defoliants" aimed at destroying leaves are employed. But since 1961, many American newspapers have revealed that the chemicals used "turn the rice fields yellow and destroy all the crops," (*Newsweek*, November 27, 1961) and "must play an important role in the plans to cut off the communists from all sources of supplies," (*New York Times*, January 22, 1962). The purpose is clear: when the American and puppet troops cannot control a region, all its crops must be destroyed to starve the people into surrender. Whole regions like Bentre province for example have been sprayed with various noxious chemicals which not only have destroyed the crops but also caused many cases of poisoning among the population. Everywhere, after the passage of U.S. planes, the same scene of desolation is seen: rice turning yellow, banana-trees, coco-trees and other fruit-trees withered, poultry, fish dying, women, children, old and sick people affected by colic,

diarrhoea, vomiting and often frightful burns. The weakest victims often die because of this poisoning. Since April 1963, analyses made by the Liberation Red Cross showed that the chemicals used are as follows :

1. 2,4D or dichlorophenoxyacetic acid
2. 2,4, 5T or trichlorophenoxyacetic acid
3. arsenious anhydride or arsenic trioxide
4. arsenites of alcalin and terreous alcalin metals :
Na, Ca
5. arsenates of sodium, calcium, lead, manganese
6. 2,4 dinitrophenol DNP
7. dinitro-orthocresol DNC
8. calcic cyanamide.

The areas sprayed increased sharply from year to year :

1962	:	11,000 hectares
1963	:	300,000 hectares
1964	:	500,000 hectares
1965	:	700,000 hectares.

In 1965, 150,000 persons suffered in various degrees from poisoning symptoms after these sprayings. The *New York Times* on September 9, 1966 disclosed that new C.123 planes had been sent to step up chemical warfare in South Vietnam. The U.S ruling circles again materialize the old dream of Attila who boasted that wherever he passed, even grass could not grow.

Another particularly odious aspect of this chemical warfare is the use of *toxic gas*. Nguyen Khanh, former South Vietnam puppet prime minister, revealed that since the beginning of 1964, Saigon had

already had it at its disposal (*Reuter*, March 22, 1965). The first important operation where gas was used took place on January 25, 1965, against Phulac village, Phuyen province. The village received showers of explosive and napalm bombs, and then gas bombs to force the people out of their underground shelters. In that manner, no inhabitant could escape the bombs and shells. With this combined action of toxic gas and of air bombings and artillery shellings nobody enjoys immunity in a village under attack. We are at the height of barbarity.

World opinion was alerted when on September 5, 1965, the G.I.'s emptied 48 containers of gas into underground shelters, killing 35 persons, most of them are women and children. In face of the reaction of world opinion the Pentagon placed the responsibility for the offences on Leon Utter who commanded the operation. But since the end of September, Washington has given full powers to the U.S. command in Saigon to use toxic gases which are now part of the G.I.'s routine equipment in South Vietnam.

The U.S. officials by no means try to deny the use of the gases. They only claim that these gases are not at all toxic, and are even "humane" weapons. But on January 12, 1966, Australian Corporal Robert Bowtell fainted — and died — when he tried to enter with a mask on a shelter that he had just sprayed with gas. Six other Australians, also with masks, who came to his rescue were seriously poisoned. The seven Australians wore masks ; we can thus easily

imagine the condition of women and children without masks, literally sprinkled with toxic gas in their shelters where they were hiding.

The analyses and revelations of the press showed that the gases in use bear conventional denominations CN, CS, DM, VX, LSD25. Such gases as CN (chloroacetophenone), DM (diphenyl aminoarsine or adam-site), and CS (thiophosgene) are extremely corrosive for the respiratory and digestive mucous membranes and are lethal in doses of a few milligrammes.

In order to justify this barbarity, Washington officials invoke the fact that the U.S. Senate didn't ratify the 1925 Geneva protocol which prohibited the use of gases as means of warfare. Will a murderer who does not recognize a law accepted by all honest people, be less criminal?

The U.S. command has also resorted to poisons to render unusable food reserves, salt, water in the regions that it cannot control. The French paper *Express*, January 10, 1966, described how the U.S. Air Force dealt with numerous regions of the High Plateaux in South Vietnam:

"The water wells will be poisoned, the cattle slaughtered, the maize fields napalmed."

Never has such a variety of means of extermination been used against an entire people in an attempt to bring them to their knees.

III. AN EXPERIMENTAL WAR

All the weapons and toxics abundantly supplied by modern technology are also used on an experimental basis by the Americans in Vietnam. When "special warfare" was launched in 1961, after Lyndon Johnson's visit to Saigon, the experimental character of the war was immediately emphasized, for it is in Vietnam that weapons and tactics to be employed in other countries against national-liberation movements must be tested. Constant research is done to increase the efficiency of the heaviest bombers and to achieve the best type of amphibious tanks; test is made on the effectiveness of a series of jets, helicopters, flying boats, ultra-rapid machine-guns, and phosphorous bombs.

Chemical weapons, defoliants and combat gases are paid special attention. A Mobile Research Team belonging to the Bacteriological and Chemical Warfare Institute No. 406 was transferred from Japan to South Vietnam, and the U.S. command plans to introduce some West German army special units to perfect the production and the utilization of chemicals in South Vietnam. Harvard University's American scientist Dr Siddle wrote that to

bring the war to a quick end, the U.S. authorities would lay increasing emphasis on chemical weapons. Psychic-effect gases are thus tested in South Vietnam.

Each weapon of destruction or extermination is carefully studied after use and given the desired improvements by technicians. The big bombs released by B.52's destroy dwellings but don't hit underground sheltered inhabitants. Napalm can't reach provisions cached in the earth. That's no problem! American factories immediately turn out explosive and napalm bombs that only explode after having gone deep into the ground.

Particularly significant is the example of fragmentation bombs. In 1965, they were small containers provided with small wings, weighing 800 grammes each; inside were packed several hundred small steel balls which the explosion would project within a radius of 25 metres, thus riddling the victims with a multitude of steel grains, which made all surgical rescue impossible. In 1966, these bombs have been improved in such a way as to contain the same quantity of fragments within a smaller space (400 gr), and a dispenser-bomb consists of as many as 300 of them, and can project tens of thousands of small fragments over an area of 6,000 square metres. Those small bombs are perfectly harmless to military works, but when dropped on a village, a market place, or a school, they cause a lot of casualties. Thus they are especially meant to kill civilians. Children most frequently fall victims to these fragmentation bombs.

Every passing day therefore witnesses the atrociousness of the U.S. war grow for every day the U.S. command tests a new weapon in Vietnam. *Le Figaro* wrote on April 25, 1965 :

“Vietnam has become the testing ground of all inventions made by military engineers. The aim is to test on a living target those inventions which may be utilized later in other operation theatres.”

The Japanese paper *Asahi* and the Indian journal *Patriot* emphasized that the Americans were using an Asian nation as a “Guinea-pig” for their war experiments. The Nürnberg Tribunal most sternly condemned experimentation of weapons on human beings.

IV. CRIMES AGAINST NORTH VIETNAM

On August 5, 1964, aircraft from the Seventh Fleet bombed a series of coastal localities of the Democratic Republic of Vietnam; since February 7, 1965, air raids have become just daily occurrences, on a daily widening scale. The U.S. rulers keep on saying: Accept our peace offer and we'll stop bombing you. What would mean peace in such conditions for the Vietnamese people if not a mere capitulation?

To soothe down world opinion President Johnson in his April 7, 1965 Baltimore speech affirmed that the United States had no desire at all to devastate what the North Vietnam people had built with toil and at the cost of many sacrifices.

What is the truth in it?

U.S. aircraft have attacked the following cities and provincial capitals: Vinhlinh, Donghoi, Hatinh, Vinh, Thanhhoa, Namdinh, Phuly, Sonla, Yenbai, Thai-nguyen, the coal-producing towns of Hatu, Hongai, Uongbi; Hanoi and Haiphong not having been spared; this, not to count innumerable villages burnt or razed to the ground. Take for example Nguthuy village of Quangbinh province. On July 15, 1966 it was showered with napalm, while those inhabitants

who were rushing out of the village were the targets of a 20 mm gunfire from the raiding aircraft. Thousands of fragmentation bombs were released upon the village.

U.S. aircraft fiercely attack hospitals and schools of which the red-tiled and new-walled buildings are easily discernable in the midst of the vegetation and thatched houses. All the provincial and district hospitals of Vinhlinh, Quangbinh, Hatinh, Nghean and Thanhhoa provinces have been destroyed. In particular, the Quynhlap leper sanatorium where 2,600 lepers were being treated was bombed for ten days running in June 1965. Its 160 buildings were destroyed, 139 lepers and medical staff members were killed, many others wounded.

In North Vietnam, the U.S. Air Force has so far destroyed :

- 296 schools,
- 80 hospitals, health stations and maternity houses,
- 80 churches and 30 pagodas.

A particularly barbarous practice is to strafe fishing boats along the sea-shore to prevent the inhabitants of North Vietnam coast earning their living.

The U.S. leaders' will of destruction was most obvious when they ordered the bombing of dams and dikes in the Democratic Republic of Vietnam. As is known to everyone, the disastrous floods of the Red river and other waterways, have made necessary the building and maintenance of a network of over two thousand kilometres of dikes. The break of these

dikes in flood time would entail the inundation of whole provinces, destruction of all crops, and famine. Besides, in the dry season, a prolonged drought would also bring about crop failure, hence the necessity of dams and water reservoirs. All these water-conservancy works are achieved at the cost of enormous efforts by the people. U.S. aircraft have launched hundreds of attacks against dams and dikes, particularly

— the Langa, Camly, Baithuong, Doluong and Thacba dams;

— many points on the dikes of the La, Ma, Lam, Day and Red rivers. The Nhattan dike protecting the Northern outskirt of Hanoi was attacked on August 13, 1966.

It was due to the solidity of the dikes which the Government and people of the Democratic Republic of Vietnam had been maintaining with particular care for the last twelve years, and it was due to the means put into operation that no catastrophes occurred despite the above-mentioned attacks during the 1966 rainy season.

By attacking factories, dikes, dams, schools, and hospitals of the Democratic Republic of Vietnam, the U.S. command intends both to intimidate the Vietnamese people and to destroy their quick works, checking their progress to a better future. And day by day, the same threat is reiterated by Washington: we shall cease the bombings only if you accept to make "peace".

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The 1954 Geneva Agreements on Vietnam formally recognize the independence, sovereignty, unity and territorial integrity of Vietnam, prohibit all foreign interference in Vietnam's internal affairs, all introduction of foreign troops and military personnel, all construction of foreign military bases in Vietnam... At the 1954 Geneva Conference, the U.S. Government undertook to respect the said agreements. But it has been violating them ceaselessly and brutally.

International accords, from the 1868 Saint-Petersburg Declaration, the 1899 and 1907 Hague Conventions and the 1949 Geneva Convention and numerous resolutions of the League of Nations prohibit attacks, in case of war, against civilians, cultural works, hospitals, schools, churches, undefended cities, villages and works; they prohibit the use of means of mass destruction and mass extermination. The 1922 Washington Treaty and the 1925 Geneva Protocol prohibit the use of toxic chemicals and means of bacteriological warfare, combat gases, and a resolution of the League of Nations in 1932 prohibits the use of all gases and poisons, even tear gas. In 1943, President Roosevelt solemnly declared that the United States would not be the first to use gases.

After World War II, the Hitlerite crimes stirred up such a feeling of horror that world opinion urged the trial of the culprits, and the Nürnberg International Tribunal gave a clear definition of war crimes and crimes against humanity. The Nürnberg Tribunal particularly insisted upon the responsibility of the State leaders who had till then escaped from all jurisdiction.

All these international conventions have been flagrantly and cynically violated by the U.S. Government in its war of aggression in Vietnam. It has been waging a ruthless war on a small country, resorting to most varied and ferocious means, which it seeks to improve day by day, with the ulterior motive to use them later elsewhere. World opinion has begun to be aware of these crimes and to be concerned about them, and a fraction of American opinion has begun to be anxious.

For the Vietnam conflict is one between U.S. imperialism and a nation fighting for its independence and freedom, it is part of the big movement of national liberation now sweeping all the continents. Washington makes no bones that the weapons and methods tested in Vietnam will be used in other countries. There is no one who does not feel concerned. It is no exaggeration to say that the fate of Asian, African and Latin American peoples is at stake in Vietnam. A stern and universal condemnation of American crimes becomes as imperative as the Nürnberg trial of the Nazi leaders.

The main responsables must be mentioned by name: U.S. President Lyndon B. Johnson, Defence Secretary McNamara, Dean Rusk, responsible for U.S. foreign policy, and Westmoreland, Commander-in-Chief of U.S. forces in Vietnam.

They must be tried and condemned, together with their close collaborators.

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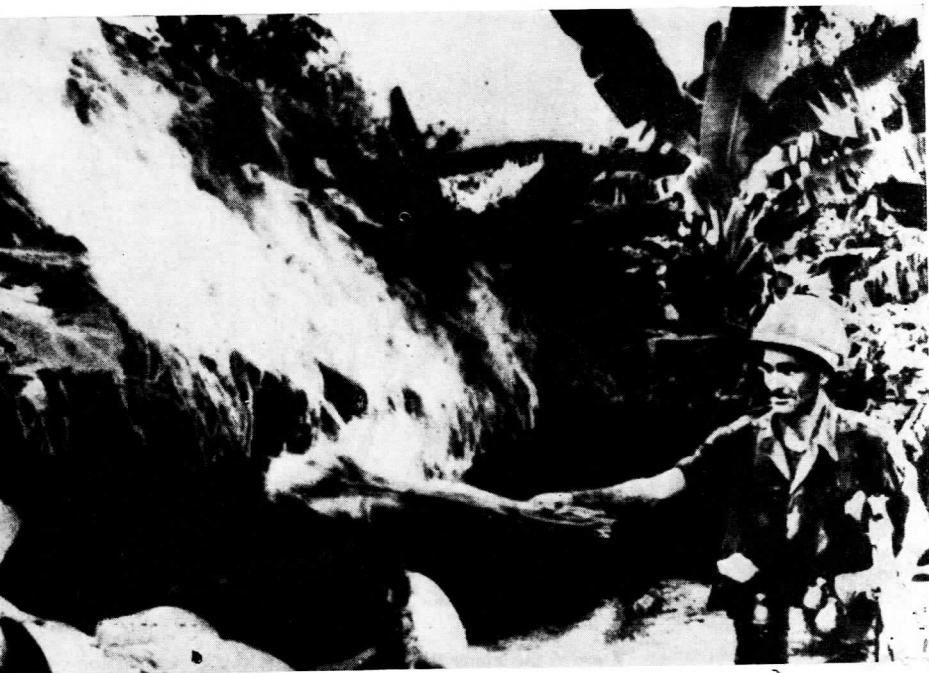
IN SOUTH VIETNAM



One of the many thousands of disguised concentration camps dubbed "new life hamlets" — formerly "strategic hamlets" — into which millions of people have been herded

Outside the "new life hamlets"

THEY BURN ALL



"They burn down any house on their way. Every kitchen utensil is destroyed, every banana-tree felled, every mat shattered (A.P., January 6, 1966)

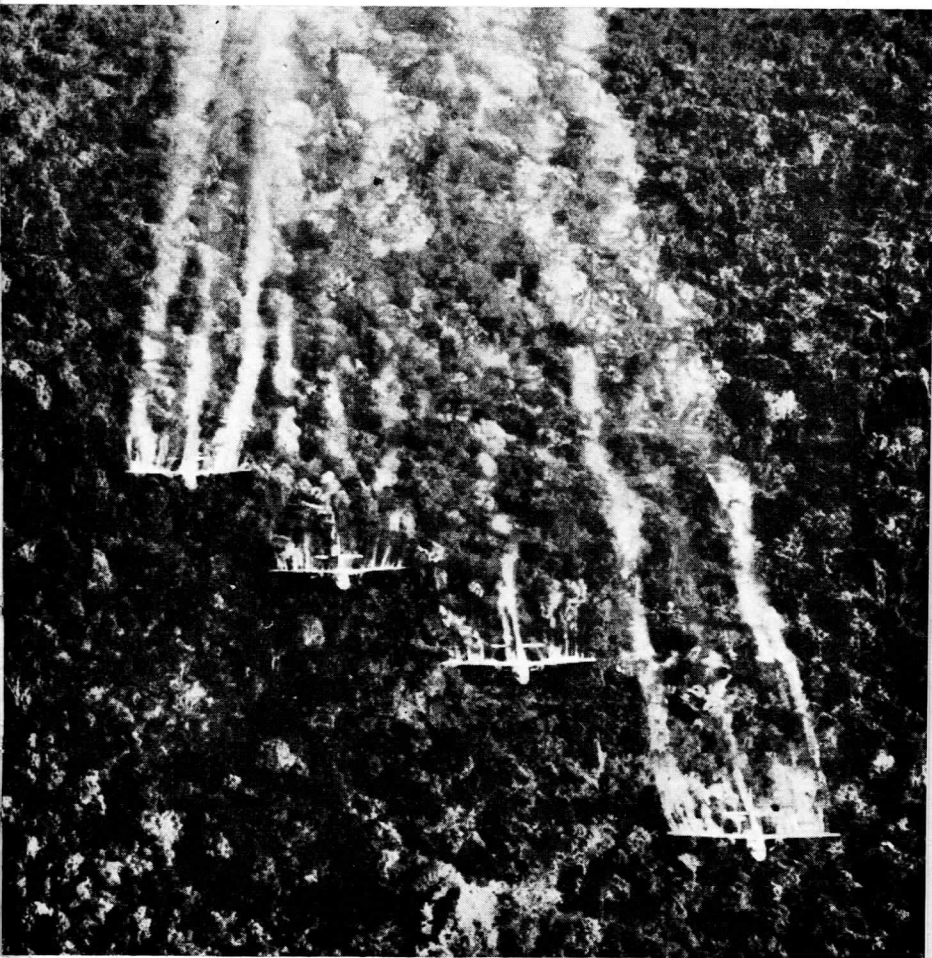


They even use flame-throwers in their terrorist raids

THEY DESTROY ALL



...plundering and destroying paddy



... spraying noxious chemicals on cultivated land (700,000 hectares in 1965)

THEY KILL ALL



... massacring the population en masse



... dragging "suspects" on stretches of land,
tied to armoured vehicles



... burning with napalm inhabited areas. Remains of Mrs Chin, 82, Apbac, Mytho province, killed on February 14, 1965



... atrociously mutilating women

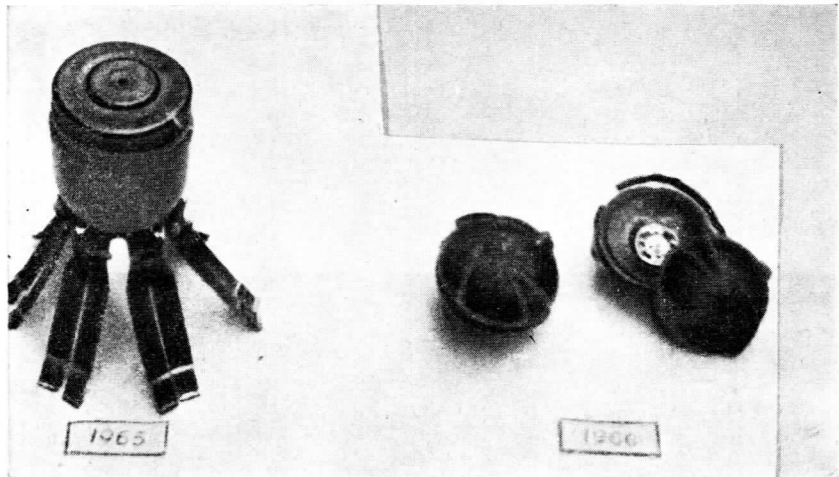
IN NORTH VIETNAM



U.S. Air Force units undertake wanton bombings every day



Mrs Le Thi Keo and all of her four children were killed in a raid against Phuxa hamlet in Hanoi outskirts, August 13, 1966



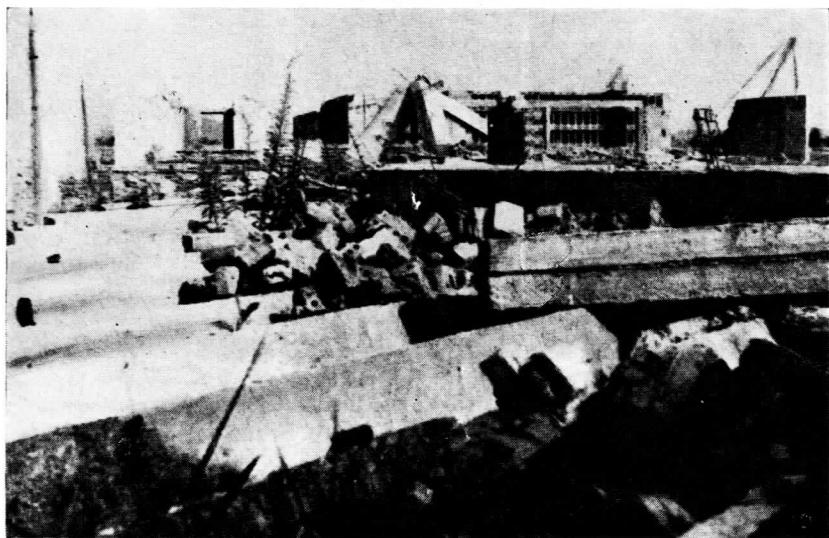
Fragmentation bombs (above) and one of their victims : Nguyen Van Viet living at No. 48A, Second Quarter, Thicau town, Habac province



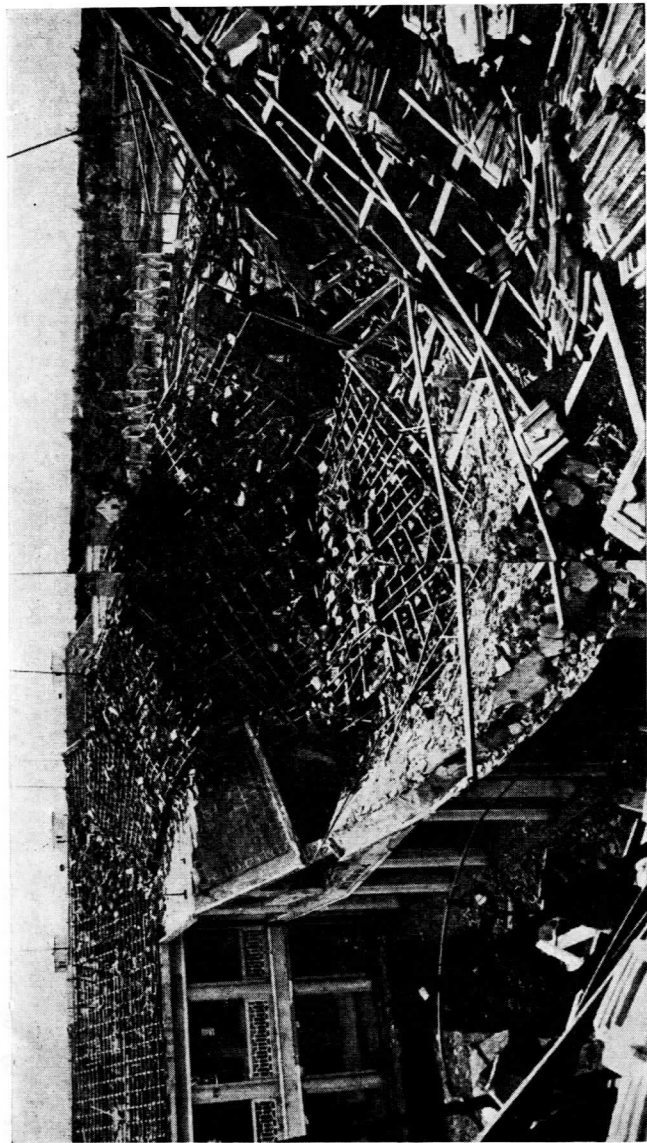
Bao Ngoc was wounded before she was born on July 31, 1966 at Hiep Hoa, Habac province. She was saved thanks to an urgent surgical operation on her mother



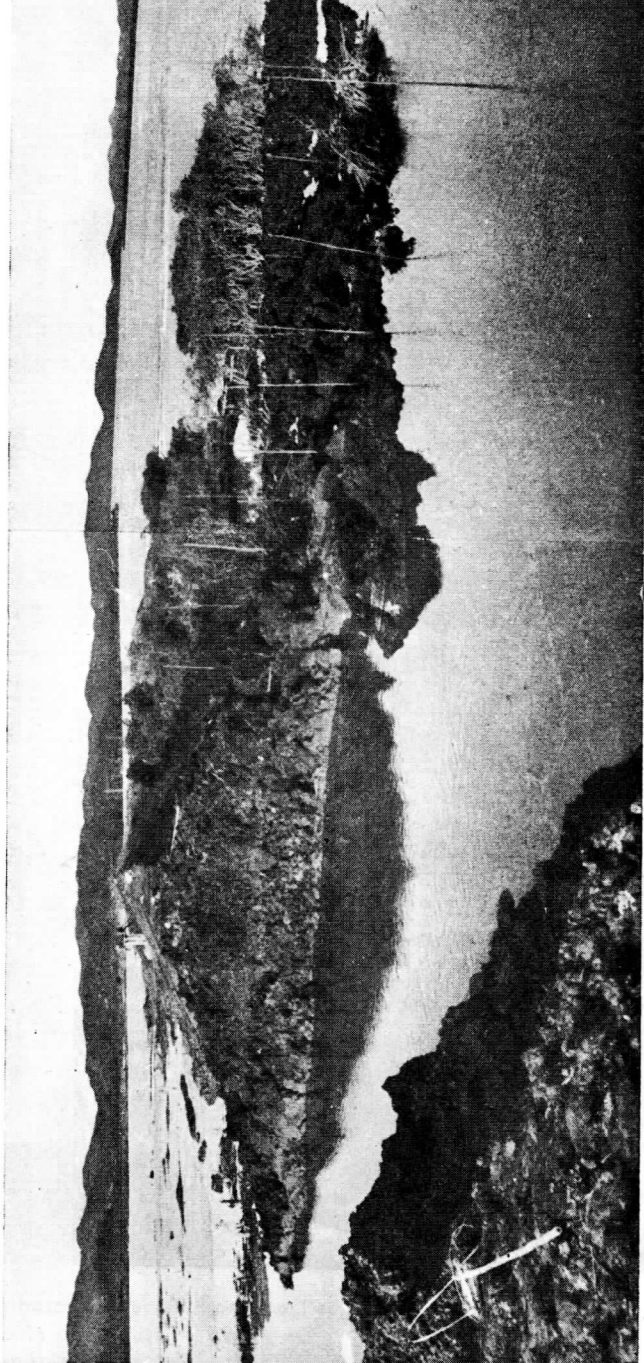
Yenbay town church after a raid on May 31, 1966



Vinh hospital — a gift from the People's Republic of Poland — after a bombing on August 14, 1966



The kindergarten of the Namdinh textile combinat was also a target for the U.S. Air Force



The Hadong dike, Tienyen district, Quangnhinh province, was blasted by American bombs on August 6, 1966

All these crimes must naturally be traced back to their very source so that an end might be put to them. Carrying out an aggressive war against an entire people resolved to defend their independence, the U.S. imperialists have come inevitably to use every most barbarous means to crush the people's resistance. But facts prove that they have not been able to extricate themselves from their South Vietnam politico-military morass nor to shake the D.R.V. Government and Vietnamese people's iron determination. Contrary to their expectations, the South Vietnam National Front for Liberation is stronger and better equipped than ever, which has enabled it to win tremendous victories. Never before has the D.R.V. military potential been so powerful, which has enabled it to shoot down 1,525 U.S. planes up to now, while successfully waging the battle of production. Despite those failures, the U.S. imperialists persist in the use of blind force and strike with ever-increasing ferociousness, in South and North Vietnam as well. Colonial wars are always accompanied by atrocities, but U.S. neo-colonialism, with all the means at its disposal and with a more systematic policy as it is, has reached limits unknown to old colonialism. That a power arrogates itself the right to bomb round-the-clock a country 8,000 miles from its own frontiers and to commit hundreds of thousands of its troops to terrorist raids on vast regions there, the aggression is so obvious that no quibble would be able to gloss it over. To allow such an aggression to remain unpunished, and to fail to denounce it under the

pretext not to make bad worse, is to pave the way for still more dangerous adventures and to tolerate the most abominable crimes.

The national rights of the Vietnamese people must be respected.

In his July 17, 1966 appeal, President Ho Chi Minh clearly pointed out :

“Let the United States end its war of aggression in Vietnam, withdraw all U.S. and satellite troops from this country, and peace will return here at once. Vietnam’s stand is clear : it is the four points of the Government of the Democratic Republic of Vietnam and the five points of the South Vietnam National Front for Liberation.*”

* A — D.R.V. 4 points :

1. Recognition of the basic national rights of the Vietnamese people : peace, independence, sovereignty, unity and territorial integrity. In accordance with the Geneva Agreements, the U.S. Government must withdraw from South Vietnam all U.S. troops, military personnel and weapons of all kinds, dismantle all U.S. military bases there, cancel its “military alliance” with South Vietnam. The U.S. Government must end its policy of intervention and aggression in South Vietnam. In accordance with the Geneva Agreements, the U.S. Government must stop its acts of war against North Vietnam, cease all encroachments on the territory and sovereignty of the Democratic Republic of Vietnam.

2. Pending the peaceful reunification of Vietnam, while Vietnam is still temporarily divided into two zones, the military provisions of the 1954 Geneva Agreements on Vietnam must be strictly respected : the two zones must refrain from joining any military alliance with foreign countries, and there must be no foreign military bases, troops and military personnel on their respective territory.

3. The internal affairs of South Vietnam must be settled by the South Vietnamese people themselves, in accordance

The Vietnamese people cherish peace, a genuine peace, a peace in independence and freedom, not a sham peace, not an "American peace".

These are fundamental principles without which all normal international life would be impossible. Nowhere else can a solution be found.

with the programme of the South Vietnam National Front for Liberation without any foreign interference.

4. The peaceful reunification of Vietnam is to be settled by the Vietnamese people in both zones, without any foreign interference.

B — South Vietnam N.F.L. 5 points :

1. The U.S. imperialists are the saboteur of the Geneva Agreements, the most brazen warmonger and aggressor and the sworn enemy of the Vietnamese people.

2. The heroic South Vietnamese people are resolved to drive out the U.S. imperialists in order to liberate South Vietnam, achieve independence, democracy, peace and neutrality, and eventual reunification of the Vietnamese Fatherland.

3. The valiant South Vietnamese people and the South Vietnam Liberation Army are resolved to accomplish to the full their sacred duty to drive out the U.S. imperialists so as to liberate South Vietnam and defend North Vietnam.

4. The South Vietnamese people express their profound gratitude for the wholehearted support of the peace-and-justice-loving people all over the world and declare their readiness to receive all assistance including weapons and all other war materials from their friends in the five continents.

5. United as one man the whole people in arms continue to march forward heroically and are resolved to fight and to defeat the U.S. aggressors and the Vietnamese traitors.

ANNEXES



BOMBINGS, TERRORIST RAIDS IN SOUTH VIETNAM

It is still impossible to give complete figures on bombings, terrorist raids by the American troops since their massive intervention in South Vietnam. We can only provide below some most typical facts.

- From March to November 1965, terrorist raids were carried out chiefly around the U.S. bases and Danang, Chulai in particular, in order to create a “no man’s land” in the neighbourhood. Thousands of hectares of rice-fields were seized, whole villages were burnt and razed to the ground. On August 2, 1965, Chauson and Camle villages, near Danang, were destroyed : 3,500 houses burnt and destroyed by tanks.
- From November 1965 to April 1966, 250,000 U.S. soldiers, 50,000 troops of satellite countries, 400,000 men of the puppet army, all in all 700,000 troops were thrown into the “dry season offensive” in several regions :
 - Quangnam, Quangngai, Binhdin, Phuyen provinces.
 - Saigon-Cholon region, Northwest of Saigon.

It is quite difficult to mention all the destruction and victims of these operations combined with air bombings, artillery shelling, devastation caused by armoured cars and

troops taking part in the operations, sprayings of noxious chemicals. In the first quarter of 1966, in the Saigon-Cholon region alone, 10,000 dwelling houses were destroyed. In Binh Dinh province, at least 8,000 houses and in Phuyen province, 5,000 houses were burned. In Cuchi district with a population of 60,000, 25 miles from Saigon, not a house remains intact.

*
* * *

In 1965, in South Vietnam :

— 99,000 air sorties, 250,000 tons of bombs dropped.

(*Washington Post*, February 7, 1966)

— 480,000 tons of bombs dropped in North and South Vietnam in 1965.

(*A.F.P.*, Washington, June 2, 1966)

— 50,000 tons of bombs per month in the 1st quarter of 1966.

(*A.P.*, June 2, 1966)

— Replying to *U.S. News and World Report*, McConnell, U.S. Air Force Chief of Staff, declared that in March 1966, U.S. aircraft made 30,000 sorties in South Vietnam, and that it was better to bombard indiscriminately than to miss a target.

— The U.S. Air Force revealed that in August 1965, it destroyed 5,349 houses and damaged 2,300 others.

(*New York Times*, September 5, 1965)

— On January 17, 1966, 404 sorties, 530 houses destroyed, 300 damaged.

(*U.P.I.*, January 18, 1966)

-- On March 10, 1966 : 648 sorties.

(A.F.P. March 11, 1966)

-- On April 2, 1966 : 524 sorties.

(A.F.P., April 2, 1966)

-- In December 1965 alone, U.S. aircraft destroyed 5,000 dwelling houses and damaged 2,400 others.

(Communiqué of the South Vietnam N.F.L.)

From press dispatches we could make an endless list of property destroyed by the U.S. aircraft in South Vietnam.

II

CHEMICAL WARFARE

Spraying of noxious chemicals

Let us recall the total numbers :

300,000 hectares in 1963, 500,000 hectares in 1964 and 700,000 hectares in 1965.

Let us mention some important operations :

- *March 12, 1965* : 17 people killed, many poisoned in several villages of Binh Dinh province.
- *From June 7 to June 20, 1965* : In Travin province, many thousands of hectares under crop destroyed, 30,000 people poisoned.
- *August 1965* : Spraying of noxious chemicals on 32 villages of Binh Dinh province : 100,000 fruit trees destroyed, many thousands of hectares under crop devastated, 25,000 people poisoned.
- *September 3, 1965* : Spraying of noxious chemicals on a 180 km² area in Kontum province.
- *From October 8 to October 18, 1965* : 3 million cassava plants destroyed in Thuathien province.
- *From December 7 to December 30, 1965* : 20,000 hectares under crop destroyed, 2 million pine-apple trees destroyed, 46,000 people and 5 million head of poultry poisoned in Bentre province.

- *December 28, 1965*: 10,000 hectares under crop and 13,000 people poisoned (among them 12 children killed) in Cantho, province.
- *From January 10 to January 20, 1966*: One thousand people poisoned, 12,000 hectares under crop destroyed in Vinhlong province.
- *February 26, 27, 1966*: Thousands of people poisoned in Quangngai province.
- *March 12, 1966*: Spraying of noxious chemicals on a 100 km² area in Darlac province.
- *From March 20 to March 24, 1966*: 2,000 people poisoned in Quangtri province.
- *April 24, 25, 1966*: A 200 km² area under crop destroyed in Bentre province.
- *May 14, 1966*: A 60 km² area under crop destroyed in Soc-trang province.
- *Between the end of May and the beginning of June 1966*: 6,500 people poisoned in Bentre province.
- *First fortnight of June 1966*: 5,000 people poisoned, 100 people killed (including children, old folk, pregnant women) in Gocong and Mytho provinces.
- *June 1966*: 3,200 hectares under crop and thousands of people poisoned in Binhdinhh province.

III

SOME EXCERPTS FROM WESTERN PRESS

Marc Hutten, *A.F.P.* correspondent, March 23, 1966

"Phuongdinh village over 13 miles south of Chulai no longer exists save on the map. It has been levelled to the ground under a deluge of fire, so have been two others which were the targets of operation Texas conducted by three marine battalions... a heap of ruins buried under shattered vegetation. Not a single tree without a scar by U.S. shells. Tons of decaying corpses had been dumped in ten inches of muddy water. Not a living soul was to be found in the village.

Sitting in a ditch, at a distance from his mates, a G.I. was mumbling, his head in his hand, "I'm fed up, I can't carry on any longer."

He added, exhausted, in utter dejection, "When we've pulled out of this place, the villagers will only find ruins. I can't help thinking what I would do if I were one of them..."

Twenty steps farther, General Westmoreland C-in-C of U.S. Forces in Vietnam who had joined us in the afternoon was congratulating General Lowell English: "The operation has been a success... I'm proud of you, I congratulate the glorious Marine Corps..."

On Monday, before the Marine Artillery went into action, the Air Force had pounded the two villages in the valley for two hours... To the credit of the 2nd Battalion of the 4th Regiment there were 167 dead in Phuongdinh village alone."

A.P. correspondent, August 2 and 3, 1965

Camle village, near Danang was set on fire after marine artillerymen had poured in nearly 1,000 rounds into it. Then the marines went on a manhunt in underground shelters.

The A.P. correspondent wrote: "A marine threw a grenade into a bunker... Moments later, the shattered bodies of two children, one with half his head blown away, were pulled from the bunker and roughly thrown on the ground like so many sacks of grain."

A Reuter correspondent reported on January 6, 1966 :

"American marines burned down a Vietnamese village in a sweep through Viet Cong-controlled rice lands yesterday Southwest of here.

According to eyewitnesses, the village of Vinhphuong, 10 miles (16 kms) from Danang was completely destroyed."

Max Clos in *Le Figaro*, February 28, 1966

"The magnificent pacification program published with so much ballyhoo at Honolulu suffers from a very serious shortcoming: it is associated with the intensification of the most cruel form of war, the air-bombings. On an average, 400 air-sorties are flown everyday in South Vietnam. Theoretically, these are attacks against Viet Cong's military targets. In fact, large delta sectors considered *a priori* as Viet Cong zones are systematically air-pounded. The real aim of this tactics they dare not admit, is to compel the civil population to evacuate the zones where the (puppet, Editor) government cannot reestablish its power... The peasants cannot work any longer in their fields in daytime."

From *l'Express*, August 7, 1966

"The South Koreans have quickly readjusted themselves to this jungle war. A *Time* special envoy reported for example: one of their lieutenants recently saw a woman and her children taking dinner in a hut. He immediately noticed —

what a G.I. would not — that the rice ration was too big for three persons. He inferred that Viet Congs were expected. At once, the rice was poisoned. Another expeditious method is to attempt to make prisoners talk by seating them on the edge of a tomb dug under their feet and firing a blank shot right behind the ear. It is also the *Time* special envoy who reported that in a village suspected of Viet Cong sympathies, South Koreans took a rebel soldier, skinned him alive, and hanged him in the middle of the village...

For the Australians, an adversary is considered dead only if an Australian soldier has walked on his corpse; he is considered wounded only if he leaves behind a blood trace being dragged over 300 metres."

From *La Tribune des Nations*, May 4, 1962, concerning chemical warfare

"The injurious action has by far exceeded the foreseen limits and has provoked generalized reactions extremely harmful to the realization of the new strategy of undeclared war. Two too conspicuous facts have aroused very sharp protests not only on the part of the victims but also from organizations and personalities impressed by the scene of utter desolation. First, many cases of poisoning with hæmorrhage and prolonged loss of consciousness, then the serious damage caused to rubber plantations and orchards over an area of some fifty square kilometres, have rallied against the government tens of thousands of inhabitants ranging from the underdogs now completely ruined, to the owners of agricultural and handicraft exploitations, of whom many are even army officers or high-ranking civil servants."

From *Wall Street Journal*, January 5, 1966

"Most rural huts have underground shelters, designed to protect residents from tropical storms (and from war — the Vietnam fighting has been going on for more than 20 years). Now, when U.S. or South Vietnamese soldiers move through a village containing enemy troops, they often will drop a

shrapnel grenade into such a hiding place rather than risk being blasted by its occupants. No doubt, a lot of innocents become casualties in the process..."

Maurice Duverger, in *France Observateur*, February 9, 1966

"The United States action in Vietnam has the same aim as its Santo Domingo operation. In both cases, it is a military intervention to prevent the evolution of a people. Have napalm, phosphorous bombs and other similar means enabled a foreign power to achieve from without what the Gestapo and concentration camps enabled a government to achieve from within? Such is the question posed by the U.S. intervention in Vietnam: it is the problem of external fascism."

IV

DESTRUCTION IN NORTH VIETNAM

— Provincial and district towns destroyed or seriously damaged :

Hoxa, Donghoi, Badon, Hatinh, Ductho, Vinh, Doluong, Caugiat, Thanhhoa, Hamrong, Phuly, Namdinh, Yenbai, Thainguyen, Sonla, Dienbienphu, Viettri, Hongai, Hatu, Uongbi.

Not counting many villages burned or razed.

— 80 hospitals and medical establishments, among them :

+ The Quynhlap leprosy research and treatment centre with 160 buildings, 2,600 beds, located on a sea beach far from populous centres, lines of communication and military targets.

+ The TB hospital 71 in Thanhhoa with 600 beds, an important research and treatment centre.

+ Medical establishments of Yenbai province : 30 buildings.

— 296 schools with many pupils killed or wounded. The Huongphuc primary school alone had 57 pupils killed or wounded on February 9, 1966.

— 80 churches and 30 pagodas :

The Hathach church alone in Phutho province got 63 persons killed on March 4, 1966.

— *Attacks against dams and dikes* :

+ From February to June 1966: 55 attacks; 69 attacks in July.

+ The dam of Langa (Vinhlinh district), Camly (Quangbinh province), Doluong (Nghean province), Baithuong (Thanhhoa province), Thacba (Yenbai province).

+ The dikes of the La river (Hatinh province), Lam river (Nghean province), Ma river (Thanhhoa province), Day river, (Hatay province), Cau and Thuong rivers (Habac province).

+ Dikes of the Red river: at Minhchau and Huubi (Namha province), Thutri (Thaibinh province), Nhattan (Hanoi suburb).

+ The Hadong coastal dike (Quangninh province). Result: 1,200 hectares of rice fields overflowed by sea water.

+ "*Lazy dog*" fragmentation bombs have been extensively used against villages, market places and towns.

V

SOME U.S. AND WORLD VIEWS

— Excerpt from a declaration by 579 American writers and artists published in the June 27, 1965 *New York Times* issue :

“We cannot keep silence while our foreign policy becomes daily more inhuman. Our leaders must recall to mind that by their actions in Vietnam, in the Dominican Republic, they are violating international law, the U.N. Charter, and naturally the spirit of our Constitution.”

— Excerpt from a declaration signed by a thousand professors and lecturers of American universities, published in the May 13, 1965 *New York Times* issue :

“The situation in Vietnam poses serious moral problems which are not merely diplomatic or tactical. Our nation is possessed of an immense power. To permit its utilization for unreasonable and barbarous purposes endangers the very foundation of American influence.”

— As early as in 1956, an American clergyman raised an alarm to the public on April 11, in the *New York Times* :

“If there is a lesson we should have learned in Asia, it is that one cannot check a people’s movement by killing men.”

— Excerpt from a letter sent to President Johnson on September 19, 1966 by 22 American scholars, including seven

Nobel prize winners: Félix Bloch, Konrad Bloch, Robert Hofstadter, Arthur Kornberg, Fritz Lipman, Severo Ochoa, E.L. Tatum :

"The group earnestly demands the President to order the cessation of the use by U.S. forces of defoliant and anti-personnel chemical weapons in Vietnam.

The group demands a review by the White House of the U.S. Government's policy concerning bacteriological and chemical weapons."

(A.P., September 19, 1966)

— From Professor J. Bernal, President of the World Peace Council :

"Napalm and toxic gas have been used against the South Vietnam population. The peoples in the world note with reluctance the U.S. Government's violation of all principles of international law. They urge that an end be put to all these barbarous acts. Such an aggression is threatening Southeast Asia as a whole, and peace all over the world."

(March 1965)

— From the British philosopher Lord Bertrand Russell, on January 14, 1966 :

"The U.S.A. has committed all sorts of crimes liable to an international tribunal for war crimes."

— From the Japanese professor Mitsuo Taketani of Rikkyo University, on March 26, 1966 :

"The use of toxic gas reflects the current policy of the U.S.A. The Americans have resorted to gases which Hitler himself dared not use."

— From Mrs Eugénie Cotton, President of the Women's International Democratic Federation, on March 23, 1965 :

"The bombings of South and North Vietnam constitute a violation of the 1954 Geneva Agreements; the use of napalm and gases displays a frightful barbarity."

— At the congress of the Labour Party of Great Britain in October 1966, Philip Noel Baker, an M.P. and Nobel prize winner, drew a parallel between the U.S. bombings in North Vietnam and the Nazis' destruction of Guernica in Spain. He moreover declared that even if the United States could defeat the Vietnamese people "it would leave such a legacy of hate not only in Vietnam but throughout Asia that the result would be the opposite of what the Americans hoped for?"

At the same congress, Lord Brockway denounced the Vietnam war as "the greatest crime against humanity since the bomb was dropped in Hiroshima."

— Excerpt from a speech by Mr. John Powel who was a member of the Canadian Delegation to the International Commission for Supervision and Control in Vietnam from June, 1964 to June 1965, at the Toronto conference on "Canada's Role in Vietnam" attended by approximately 1,000 persons on February 19, 1966:

"An American military man told me about prisoners of war (!) they had captured, and that night they nailed their hands to trees so they wouldn't escape. I know a case of two Viet Cong prisoners who were bound hand and foot and were loaded aboard a helicopter. They thought they were going to go back to a prisoner of war camp. No. Just before they got back to the base the two men were kicked out of the helicopter, to their deaths...

Our side have dragged prisoners of war — they've been dragged by their feet across rice paddies. This is an attempt to make prisoners talk, but of course, by the time the tractor stops moving the guys are dead anyway."

VI

SOME INTERNATIONAL CONVENTIONS

1. Provisions concerning the laws and customs of war on land

(The Hague 1907)

Art. 22.— The belligerents enjoy no unlimited right regarding the choice of means to harm the enemy.

Art. 23.— Apart from prohibitions provided for by special conventions it is forbidden

- a) to use poison or poisoned weapons
- b) to use weapons, missiles or matters capable of causing superfluous harm.

Art. 25.— It is forbidden to attack or bombard by any means whatsoever cities, villages, dwellings or buildings which are not defended.

Art. 27.— During sieges and bombings every necessary measure must be taken to spare as many as possible buildings devoted to worship, arts, sciences and charity, historical monuments, hospitals and centres of assembly for sick and wounded persons, on condition they are not concurrently used for a military purpose.

(translated from French)

2. Protocol concerning the prohibition of the use in time of war of asphyxiating toxics or similar gases and bacteriological means

(Geneva 1925)

The use in time of war of asphyxiating toxic or similar gases as well as that of all liquids, materials or analogous products, having been rightly condemned by universal opinion in the civilized world,

.....
the plenipotentiaries undersigned on behalf of their respective governments

Declare that the High Contracting parties (.....) recognize this prohibition, accept to extend this interdiction to means of bacteriological warfare and consider themselves as bound to this respect.

3. Charter of the Nürnberg International Military Tribunal set up in 1945 by the victorious powers: U.S.S.R., U.S.A., Great Britain, France :

(excerpts)

Art. 6. — The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility :

- a) Crimes against peace namely planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements, or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.
- b) War crimes namely violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas,

killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity.

- c) Crimes against humanity namely murder, extermination, enslavement, deportation and other inhuman acts committed against any civilian population, before or during the war, or persecution on political, racial or religious group in execution of or in connection with any crime within the jurisdiction of the tribunal, whether or not in violation of the domestic law of country where perpetrated.

Leaders, organizers, provocateurs or accomplices who have taken part in the elaboration or execution of a common plan or conspiracy for the accomplishment of any of the foregoing are responsible for all acts accomplished by any person in execution of the said plan. *

Art. 7.— The official position of the accused either as a chief of state or as a high-ranking official will not be regarded as an absolatory excuse, nor a motive for lessening the punishment. *

* Translated from French.

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