

U.S.
WAR
CRIMES
IN
VIETNAM

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U.S. WAR CRIMES IN VIET NAM

JURIDICAL SCIENCES INSTITUTE
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FOREWORD

“Modern civilization has put in man’s hands weapons of immeasurable power of destruction. Mankind can no longer tolerate that in an immense field nobody is responsible before law (1)”. It was in these words that speaking over twenty years ago before the Nuremberg International Military Tribunal, Chief prosecutor Justice R. Jackson of the United States concluded to the heavy individual penal responsibility of the Nazi leaders for the war crimes they had piled up all over Europe. The same U.S. lawyer, who represented the United States on the Nuremberg Tribunal, also stated with confidence: “Certainly no lawyer or nation undertaking to prosecute crimes against the peace of the world will have to face the argument that the effort is unprecedented and, therefore, by inference, improper”.

“It is in recalling these words, said Lord Bertrand Russell, that I became certain that civilization should again be solemnly defended by a Tribunal whose duty is to investigate the crimes that a great military power is committing against a small people” (2).

(1) (2) Translated from French.

As a matter of fact, in Viet Nam now, wherever G.I's have set foot, wherever U.S. air and naval craft have passed, the land is covered with fire and blood. As early as 1950, the United States started intervening militarily in Viet Nam on the side of the reactionary French colonialists. It began sabotaging the July 1954 Geneva Agreements right after their signing. A "special war" was unleashed in 1961 against the South Vietname people, which turned in 1965 into a local war waged along with a war of destruction by massive and systematic air and naval bombardments against North Viet Nam. The biggest and most atrocious colonial war in history is still raging in Viet Nam. Monstrous crimes have been and are being committed by means of up-to-date war materiel and techniques. U.S. imperialism, the initiator of this new war of aggression, the inheritor of Hitler and Tojo, keeps flouting international law and trampling underfoot the treaties and solemn pledges they have contracted. It has even made repeated attempts to use the United Nations Organization to gain at the conference table what it has failed to achieve by brute force of arms. As their Hitlerite predecessors did, those now responsible for the illegal and criminal war of aggression in Viet Nam bank on the "might is right" thesis and on possible impunity in case victory is theirs. One still remembers the following words of the fascist ringleader A. Hitler: "When a war is started or pursued, what matters is not right, but victory". However the Hitlerite fascist leaders were finally brought to book in Nuremberg. Such will also be, but in new forms, the fate of those responsible for the Viet Nam war, who are the greatest war criminals of our times.

In effect, human conscience all over the world, from the heroic Vietnamese people, victims of an aggression, to the deceived American people, has stood up

against the American crimes in Viet Nam. Commissions for investigation on the U.S. imperialists' war crimes have been set up in both zones of this country. A number of similar commissions have also come into existence in various others, from Japan to Cuba, for the purpose of denouncing and condemning the U.S. war crimes in Viet Nam. The Bertrand Russell War Crimes Tribunal and the Democratic Lawyers' Standing International Commission of Enquiry for Viet Nam were established towards the same time. Thus many lawyers and scientists of Viet Nam and other countries including numerous Americans are carrying out investigations and drawing conclusions on the monstrous U.S. war crimes in Viet Nam.

To this important work, the Vietnamese lawyers try in this special issue of Juridical Studies of the Juridical Sciences Institute under the Viet Nam State Commission of Social Sciences, to make their modest contribution. They deal with U.S. war crimes as a whole (Essays of Accusation Act and of Indictment), then in their various aspects (crimes against humanity, genocide, crimes of chemical warfare, war crimes in a strict sense). Lastly they introduce and analyse the important works of the Bertrand Russell Tribunal (first session in Stockholm) and those of the democratic lawyers.

War crimes being imprescriptible in international penal law, all these works of lawyers and scientists in Viet Nam and other countries will always remain topical as such crimes go unpunished. It is in this sense that we have decided to publish this book. To those who, for one reason or another, still remain sceptical about the effectiveness of the penal procedure used against the greatest war criminals of our times, we repeat the very words of the American prosecutor at Nuremberg concerning the Hitlerite leaders :

“If you should say of these men that they are not guilty, it would be as true to say that there have never been casualties” (1).

True, there is no longer any doubt about the outcome of the war. In spite of the American atrocities, the Vietnamese people in both zones are carrying on their stiff, resolute and victorious resistance struggle against U.S. aggression. However, each day that passes witnesses more U.S. crimes in Viet Nam if these are not energetically denounced and condemned.

Let universal conscience be vigilant and exacting to put in the pillory U.S. imperialism with its odious crimes and criminal policy in Viet Nam, and to contribute to check the most perfidious imperialism of all times, the principal enemy of all freedom — and peace-loving peoples in the world.

(1) Translated from French.

Part one

— *Prologue*

— *Essay of Accusation Act against U.S.
war crimes in Viet Nam*

PHẠM THÀNH VINH

— *Essay of General Indictment against
U.S. war crimes in Viet Nam*

NGUYỄN VĂN LƯU

— *Evidence, testimonies and documents*

Part - One

History of the
County of Madison, Wisconsin
from 1790 to 1850
Volume 1, 1790-1850

History of the
County of Madison, Wisconsin
from 1850 to 1890
Volume 2, 1850-1890

History of the
County of Madison, Wisconsin
from 1890 to 1900



PROLOGUE

In the latter half of 1966, commissions were instituted in South and North Viet Nam for investigation on U.S. war crimes (1) They have published a series of documents to denounce the monstrous war crimes perpetrated by the U.S. imperialists and their lackeys in the two zones of this country.

Following are the main ones :

— *The greatest war criminals of our times* (July 1966, South Viet Nam Committee).

— *The U.S. war of aggression in Viet Nam — a crime against the Vietnamese people, against peace and humanity* (October 1966, North Viet Nam Commission).

— *American crimes in Viet Nam* (October 1966, North Viet Nam Commission).

— *More cruel than Hitler* (end of 1966, South Viet Nam Committee).

etc.

These documents have brought to light in a fairly systematic way the criminal acts which have been committed since the beginning of the U.S. aggression against Viet Nam. Each of them can be

(1) In South Viet Nam, it is the "*Committee for Denunciation of War Crimes committed by the U.S. Imperialists and their Lackeys in South Viet Nam*". In North Viet Nam, it is the "*Commission for Investigation on the U.S. imperialists' war crimes in Viet Nam*"

regarded as an *Accusation Act* or an *Indictment* against various U.S. war crimes. At least, they are *official documents* making public undeniable evidence about them.

Right after the end of World War II, the representatives of the Allied Powers on the Procurature of the International Military Tribunal in Nuremberg divided among themselves the task of stigmatizing the different Hitlerite war crimes in regard to international law. The Americans took upon themselves count N° 1 about "the plot of war of aggression"; the British, count N° 2 related to "crimes against peace"; the French, the third concerning "war crimes" (in a strict sense, i.e., violations of laws and customs in the conduct of war); the Soviet Union, the fourth and last count about "crimes against humanity"...

Taken in their strict meaning, the documents published by the Vietnamese Commissions of investigation in the North and in the South constitute *findings after enquiries* given by competent State bodies prior to the examination by the (national or international) Tribunals which will pass judgment on the U.S. war crimes in Viet Nam.

Following the institution of national commissions of enquiry in Viet Nam, Japan, the Democratic People's Republic of Korea, Cuba, etc., and of the Bertrand Russell Tribunal and the Standing Commission of Enquiry for Viet Nam set up by the International Association of Democratic Lawyers, there were established in various countries national committees or some forms of tribunals or commissions with an international character for investigation or judgement of U.S. war crimes in Viet Nam. These various organizations sent to Viet Nam investigation teams some of which basing themselves on international law, came out with declarations or conclusions and judgements on the U.S. war crimes.

These Vietnamese and foreign organizations through their vigilance and activities have brought and will rapidly bring to light the monstrous war crimes piled up by the U.S. imperialists and their lackeys in Viet Nam. They will surely "judge" these crimes in one form or another.

Human conscience, the best doctrines of international law, and positive international law are unanimous in condemning the savage U.S. war crimes.

Over twenty years ago, international law made it possible to hang great war criminals in Nuremberg and Tokyo. In view of the powerfully mounting movements for democracy, socialism and national liberation, and of the efforts of the lawyers and humanists all over the world, the international legal norm is now more comprehensive than in Nuremberg and Tokyo. Against the U.S. crimes with their specific features resulting from the neo-colonial character of the U.S. aggression in Viet Nam, a new, appropriate juridical conscience necessarily arises, and this is due to the requirements of the practice of the struggle for national independence, peace, democracy and social progress.

In this trial, those who will be judged before history and men are not only U.S. imperialism with its criminal plans and policies, but also, guilty persons, viz, the present leaders of the White House, the Pentagon, the Saigon puppet regime, the satellites of the United States (which have sent troops to South Viet Nam or are actively helping the United States in its war of aggression)... Under the existing international law, they are personally responsible for the war crimes they have piled up in participating in one way or another in the schemes and acts of aggressive war against Viet Nam. They are personally responsible both for the criminal acts committed by themselves and those committed by their subordinates in the course of this war of aggression.

The charges against them being numerous and complex, involving North and South Viet Nam during a long process of history, an overall accusation act and a general indictment are necessary. They link the crime of war to specific war crimes. They present and analyse the criminal facts and acts, draw juridical conclusions, and expose the criminal policy of U.S. neo-colonialism which constitutes actually the counterpart of Hitlerite Nazism and is now the cause of the monstrous U.S. war crimes

just as Nazism was at the origin of Hitler's wars of aggression and the massacres of Auschwitz, Buchenwald, Oradour...

Law is continually evolutive. It is only in this way that it subsists and adapts itself to the living realities. In this sense, these fundamental documents (accusation act and indictment) against the U.S. war crimes, on the one hand, turn to account the existing system of positive national and international law about war crimes, and on the other hand, enrich and bring it forward in view of their being established on criminal elements with new material and formal specific features. In this respect, they respond to the appeal of human conscience of our times and to the necessary movement of national and international penal law for the repression of war crimes. Meanwhile, the illegal and criminal U.S. war with the many crimes in its train keeps intensifying in Viet Nam. The dossiers of U.S. crimes will, therefore, swell further. In these conditions, these essays of accusation act and general indictment cannot claim to be final. It is clear that many important documents both in Viet Nam and in the world (particularly in the United States) cannot yet be gathered, examined and judged. If other lawyers in Viet Nam and other countries (especially in the United States) continue to work in this direction, other documents will be added to these dossiers of U.S. crimes. Only then can the condemnation and judgement of the monstrous war crimes committed by the greatest imperialism of all times be sounder and more comprehensive.

In Nuremberg, the indictment against the Hitlerite fascist leaders successively deal with the counts set out by the London Charter. For each count, it determines first the penal qualification and the legal basis, then systematically lists the criminal acts concerned. The following indictment against the U.S. war crimes will observe the same form to facilitate its study by all people — particularly lawyers — who want to examine the U.S. crimes in regard to international legal norms. However, for the purpose of a good comprehension of the incriminated fact, our indictment will sometimes mention first the criminal acts, and end up with the penal qualification and its legal basis.

ESSAY OF ACCUSATION ACT AGAINST U.S. WAR CRIMES IN VIET NAM

PHAM THÀNH VINH

I

This «Accusation Act» is primarily directed against the following principal leaders of U.S. imperialism and their accomplices :

1. L.B. Johnson, President of the United States.
2. McNamara, former Pentagon chief, U.S. Secretary of Defence
3. Dean Rusk, U.S. Secretary of State.
4. W.C Westmoreland, commander-in-chief of the U.S. invasion army in South Viet Nam.
5. H. Cabot Lodge, former U.S. ambassador to South Viet Nam.
6. E. Bunker, present U.S. ambassador to South Viet Nam.
7. Maxwell Taylor, ex-ambassador and ex-commander-in-chief of the U.S. invasion army in South Viet Nam.
8. Nguyen Van Thieu, Nguyen Cao Ky and their main accomplices the U.S. puppets in South Viet Nam.
9. The heads of U.S-satellite governments who, either by sending their expeditionary corps to South Viet Nam or by providing logistic services, have participated in the criminal U.S. aggression against the population of South Viet Nam : Australia, New Zealand, South Korea, Thailand, the Philippines, Japan.

These accrued in the course of a historical process, have, as responsible leaders or accomplice partners participated in the planning, ordering, organizing, directing or carrying out of a *plot* of aggressive war against Viet Nam in violation of international treaties and assurances. Their doings have constituted or led to *war crimes* (in the broad sense of the word) which have been condemned by humanity and international law: *Crime of aggressive war, war crimes* (in the strict sense of the word), *crimes against humanity* and *crimes of genocide*. According to international penal law (Article 6, last part of the Charter of the Nuremberg International Military Tribunal, confirmed by the Resolution of the U.N. General Assembly of December 11, 1946), the accused are held personally responsible both for criminal acts directly committed by them and for those committed by their subordinates in the course of the execution of the plot.

II

Count No 1: Plot and conduct of the war of neo-colonialist aggression against Viet Nam.

A. — THE PRINCIPAL CRIMINAL ACTS (1)

The U.S. policy of aggression, or more exactly, of neo-colonialist conquest, in Viet Nam is part of a post-war over-all plan of U.S. expansion and world domination. After World War II, a new situation was created in the imperialist camp, which was

(1) For a detailed account of facts and evidence concerning this great crime of the U.S. imperialists, official documents are available: the "Black Books" published by the Committee for the Denunciation of War Crimes perpetrated by the U.S. imperialists and their Lackeys in South Viet Nam, an organization of the South Viet Nam National Front for Liberation, and the "Commission for Investigation on the U.S. Imperialists War Crimes in Viet Nam, a D.R.V.N. organization.

favourable to U.S. expansion. On the one hand, the German, Italian and Japanese imperialists, with their defeat and unconditional surrender, had to hand over their former colonial possessions. On the other hand, the British, French, Dutch and Belgian imperialists, though victorious, were seriously weakened after immense losses in human lives and property, their economy was devastated and reduced. The U.S.A. on the contrary, had made fabulous profits during the war. They had grasped nearly three quarters of the capitalist world's gold.

Taking advantage of this particularly favourable situation, U.S. imperialism expands its cherished plan for world domination. For this purpose, on the one hand, it seeks, under cover of anti-colonialism, to take over from the old imperialist powers their former colonies Asia, Africa and Latin America. On the other hand, displaying the label of anti-communism, they assume the role of an international gendarme in an attempt to check growing socialism and the mighty national liberation movement. Thus, "anti-colonialism" and "anti-communism" have been successively used by the U.S.A. to further their neo-colonialist policy for world domination.

With "U.S. aid" based on the power of the dollar and on its postwar economic strength, the U.S.A. has also set up throughout the world, under the pretext of "common defense" or "mutual security" a whole system of military blocs and alliances and a network of military bases on foreign territories (more than 3,500 bases at the present time), with a view to encircling the socialist countries and checking the national liberation movement. In the United States itself, the economy has been militarized, the war budget continuously increased, the military potential intensively developed, particularly modern weapons of mass destruction, in preparation for a new world war. On these bases, they have started new forms of local and special wars in Korea, Viet Nam, the Congo, Santo Domingo...

In Viet Nam, during the last twenty years, the United States has been seeking to carry out their plan of neo-colonialist

expansion and domination with unavowable aims. It is a plan of uninterrupted intervention and aggression, on the one hand, covered with most deceitful labels and on the other, carried out brazenly, brutally and cruelly. For this purpose, the United States has used new methods which machiavellianly combine all means — military, political economic, psycho logical — of neo-colonialism.

Turning gradually from a stage-manager wirepulling from behind the scenes its puppets, slaves of the dollar, into the commander of an invasion army which indiscriminately massacres the Vietnamese population, the U.S.A. has become ever more seriously guilty of the “greatest international crime” in Viet Nam — that of plotting and waging a war of aggression, which is actually one of neo-colonialist conquest. Hereunder are enumerated the principal criminal acts committed at the various stages of the execution of its criminal plan since the end of World War II.

1. First attempts at neo-colonialist control :

At the end of World War II, France, an old colonial power but seriously devastated and weakened, was reduced to a second-rate role. Turning that situation to account, the U.S.A. planned, under cover of anti-colonialism” and even of defence of the peoples’ right to self-determination, to impose on Viet Nam an “international trusteeship” under itself and Chiang Kai-shek’s China. That was actually a plan for submitting Viet Nam to a camouflaged neo-colonial regime, and supplanting French colonialism by the instrumentality of U.S. — dominated Chiang Kai-shek’s China.

That neo-colonialist scheme failed in view of the triumph of the August 1945 Revolution and the establishment in Viet Nam of the new regime of national independence and people’s democracy under President Ho Chi Minh.

However, in the first days of her existence, the Democratic Republic of Viet Nam was confronted with immense internal and external difficulties (famine, internal foes who sought to undermine the new regime, the French colonialists who had started a war of

colonial reconquest). In an attempt to turn to account the situation, the U.S.A. proposed through its representatives to extend "economic aid" to the Government of the D.R.V.N. in exchange of "economic privileges to American investments in Viet Nam". In fact, that was the new method resorted to by modern imperialism, particularly U.S. imperialism, and commonly called "invisible imperialism" or "economic imperialism". This neo-colonialism overtly tries to achieve its ultimate objective of economic exploitation through a new instrument of penetration, "economic aid" with the worst conditions — economic, political... — under a philanthropic disguise.

Those were preliminary means with an anti-colonialist camouflage used by the U.S.A. during and immediately after World War II to "build up the U.S. empire on the ruins of European empires, as a notorious advocate of "U.S. aid" put it (1). "U.S. aid" was to entail not only U.S. control over Viet Nam's home market and economy, but also the establishment of U.S. bases in this country. That is the common practice of the United States throughout the world with regard not only to former colonies of European and Japanese imperialisms, but also to its West-European allies (England, France...)

2. Active participation as "Money — supplier" in the war of colonial reconquest (1950-July 1954).

When a French defeat in the war of colonial reconquest appeared imminent, the U.S.A. changed its signboard. "Anticommunism" was substituted for "anti-colonialism" On December 23, 1950, the U.S.A. France and the Vietnamese puppets signed the famous Agreement on "common defense" providing for American "aid" to the French Expeditionary corps, and which was renewed in the form of an Agreement on "mutual security" signed by the same parties on December 18, 1951, and February 3, 16 and 19,

(1) H. Navarre: *L'agonie de l'Indochine*, page 310.

1952. This time, "U.S. aid" served as a basis to seal the American money — supplier, the French colonizer and the Vietnamese puppets in a military alliance of a new type in which the U.S.A. supplied money weapons and war equipment (from 1951 to 1954, "U.S. aid" amounted to 2,600 million dollars, — over 75 percent of the total expenditures for the Indo-China war) while France and the Vietnamese puppets provided "mercenaries", "cannon-fodder", for the famous "common defense" or the "mutual security of the free world". In his book *L'Agonie de l'Indochine* (pages 137-138), H. Navarre, the last French military commander to be defeated in Indo-China, revealed the miraculous metamorphosis brought about by "U.S. aid". He wrote significantly: "Abusing the right of investigation conferred on him by his tasks of controlling the utilization of money and materiel, the Head of the U.S. aid mission tried to impose his views in all fields including that of military operations... Our position gradually changed into that of "mere mercenaries". I was led to let Paris know that I had more the impression that the actual chief in Indo-China was the Head of the U.S. Mission». From that time, this form of military alliance became a new-type war of colonial reconquest employing the strike forces of a "French expeditionary corps" and an indigenous army seemingly under a puppet administration but actually depending on the U.S.A. and directed at the Vietnamese people's national liberation movement. This "military alliance" served in fact the U.S. plan for displacing France in Viet Nam and Indo-China gradually turned into U.S. neo-colonies. In his above-mentioned book, H. Navarre refuted the U.S. pretence of "fighting against communism". He wrote: "From an impious colonial war, the U.S.A. promoted it to the status of a holy war against communism... This policy aims first of all at building up the U.S. empire on the ruins of European empires... (p. 310) U.S. intervention through "aid" at that stage actually entailed serious losses for the Vietnamese and French peoples. It prolonged the criminal French war of colonial reconquest by several years and made it more deadly by the use of modern means of massacre and destruction. Thus it caused to the Vietnamese and French peoples more losses in terms of human lives and property.

However, the U.S. intervention was once again foiled by the Vietnamese people's heroic struggle and the Dien Bien Phu victory.

3. Turning South Viet Nam into a neo-colony and a military base of the U.S.A.-Unilateral war against the unarmed South Vietnamese population (August 1954-1960):

Thu July 1954 *Geneva Agreements* were signed, and restored peace in Indo-China on the basis of the recognition of the Vietnamese people's fundamental national rights, of their right to self-determination and of their democratic liberties. Taking then the new signboard of *fighting against "communist expansion"*, the U.S.A. trampled underfoot the freshly signed Geneva Agreements which it pledged by a formal statement "to refrain from the threat or the use of force to disturb... in accordance with Article 11, Section IV of the Charter of the United Nations..." At the beginning of September 1954, it cynically set up SEATO, and by an arbitrary unilateral statement, included south Viet Nam into this military alliance prohibited by the Geneva Agreements. By cutting off its "military aid" to the French Union Forces and giving it directly to the puppet administration, it overtly put an end to the French presence which became impossible without this "aid"; it embarked on an all-round direct intervention in South Viet Nam's internal and external affairs. U.S. neo-colonialist control over South Viet Nam was cynically carried out, in defiance of the provisions of the Geneva Agreements and the strong protests raised by the Government of the Democratic Republic of Viet Nam, a signatory to the Agreements, and by the South Vietnamese people. By the instrumentality of its lackey Ngo Dinh Diem who had been brought back from the U.S.A. and installed in power in Saigon, the U.S.A. systematically sabotaged the Geneva Agreements, and prevented all consultations between North and South Viet Nam on the holding of free general elections for the reunification of the country as provided for by the Geneva Agreements. Also through "U.S. aid" — now under the guise of an "economic and financial aid" which was actually a "military aid" directly

given to the South Vietnamese puppets—it sought by every shameless and fraudulent means to set up a Vietnamese puppet administration and a Vietnamese mercenary army. Thus, Ngo Dinh Diem was brought back from America — where he had lived for several years waiting for the propitiations time. Through a series of fraudulent elections, he became “President” of the so-called “Republic of Viet Nam” separated from the northern half of the country. The Geneva Agreements were thus sabotaged in their very basis, i.e., the recognition of a single, indivisible Viet Nam from North to South, and of the Vietnamese people’s national rights, particularly the right to self-determination without foreign interference. *South Viet Nam was thus turned into a military base and a neo-colony of the U.S. under the signboard of new independent State separated from the North.* The U.S. Embassy and the “U.S. advisers” appointed in all branches and at all levels (M.A.A.G. in the military field, U.S.O.M. in the economic and financial field, M.S.U. for political and security affairs) controlled the whole of South Viet Nam, in the place of the old colonial system of administration by “governors general”, “High Commissioners”, “French governors”...

Under the signboard of “anti-communism”, the U.S. Imperialists and their Vietnamese lackeys carried out a vast criminal programme of “*denunciation and massacre of communists*” which consisted in brutal summary executions, arrests and concentrations for “reeducation” of broad sections of the population dubbed “communists” for their patriotism and dedication to peace and national reunification. They started a form of “*unilateral war*”, deploying big military forces and combining ultra-modern techniques of spiritual inquisition to medieval tortures for the repression and massacre of the unarmed South Viet Nam population. They killed people *en masse* by food-poisoning in camps or by intense bombing and shooting; they subjected innocent victims to all kinds of unconceivably atrocious tortures, for instance, gradually cutting off the limbs and other parts of the body until death happens, burying or burning alive men, women and children, torturing and killing children in the eyes of their mothers or vice versa, raping

women before killing them, disembowelling victims and plucking out their livers, gouging out their eyes, towing prisoners behind tanks... In South Viet Nam, there were established a multitude of prisons at all administrative and a whole network of concentration camps camouflaged under deceitful signboards such as "agricultural settlements, "prosperity zones", "re-education camps"... for the purpose of maintaining the entire South Viet Nam population under control. Continual mopping up operations involving big military forces were launched under the command of "U.S. advisers". A series of fascist laws were enacted, and special military tribunals set up to repress the people's movement for democratic liberties, genuine national independence, genuine peace and national reunification.

During this period, from the few French-officered puppet battalions integrated into the French Union Forces, the U.S.A. built a several hundred thousand-strong army comprising 150,000 regular troops (10 divisions), 60,000 civil guards, 45,000 militiamen, and 115,000 men on the reserve list.

— In violation of the ban on the introduction of fresh foreign military personnel, provided for by the Geneva Agreements, the U.S.A. increased tenfold the number of its "military advisers" in South Viet Nam (from 200 at the end of the Indo-China war to 2,000 in 1960) The U.S. "military advisers" took in hands the organisation, training and direction of the puppet army from the central down to the battalion and district level.

In spite of the strict prohibition provided for by the Geneva Agreements, the U.S.A. also brought into South Viet Nam hundreds of thousands tons of weapons and other war materials, at least 500 million dollars in value, according to U.S. official figures (certainly far below the truth).

The U.S.A. increased the number of military airfields (from 6 at the end of the Indo-China war to 57 in 1960, not counting the 32km long Saigon — Bien Hoa autobahn which is actually a huge camouflaged airfield for strategic planes). It also increased the number of military ports and built up a whole network of strategic roads with

bridges accessible to over 30-ton vehicles, covering all South Viet Nam from north to south and from west to east, linking Saigon to the High Plateaux and to the 17th parallel, and the Cambodian and Laotian frontiers to the sea.

U.S. aid during this period amounted to over 2 billion dollars, over 80 percent of this figure were earmarked for "military aid", the instrument of the plan for building up the puppet army and waging the "unilateral war". 75 percent were given in the form of imports of goods, the sale of which provided Vietnamese currency to finance the "defense" budget. By the same way, U.S. economic expansion in the form of control over the home market was effected instantly. This is the "secret" of "U.S aid" the Trojan horse of modern times.

These were the material basis and the instruments for the conduct of the "unilateral war" and the preparation of the "March North", so often clamoured for by Ngo Dinh Diem), under the supreme authority of the "U.S. advisers". This "unilateral war" was waged by a "mercenary" army and a puppet "government" — both created ad hoc by "U.S. aid" backed by U.S. weapons and war equipment, and placed under U.S. direction through the "U.S. advisers". In fact, this was merely a colonial war of conquest of a new type waged by U.S. neo-colonialism. It directly violated the July 1954 Geneva Agreements on Viet Nam, and completely wrecked them. However, despite the atrocious and barbarous schemes "unilateral war" entailing monstrous war crimes, despite the Satanic politico-military apparatus set up with the machiavellian "U.S. aid" by the end of 1960, the made-in-U.S.A. "Republic of Viet Nam" was threatened with pitiful collapse. A palace revolt staged by young high-ranking officers — Ngo Dinh Diem's confidential men — brought to light the deep contradictions among the puppets of the United States and the first U.S. attempt to change "horse". The people's struggle for national liberation and reunification, against U.S. — Diem domination and oppression vigorously surged up; a large part of the territory and population was liberated, and the movement was unified in the South Viet Nam National Front for Liberation (N.F.L.).

4. "Special war" of neo-colonialist reconquest (1961 — 1964).

The "unilateral war" had ended in total failure. Then, under a new signboard of "crusade against communist subversion", the U.S.A. signed a new military agreement with its puppet Ngo Dinh Diem in the form of an 8-point Johnson — Diem Joint Communiqué made public on May 13, 1961 in connection with L.B. Johnson's visit to Saigon. Under the agreement, the U.S.A. gave more "military aid" to its Saigon puppets and, at the same time, compelled them to increase their military strength and to mobilize all resources of South Viet Nam for the purposes of the war. In addition, it set up in South Viet Nam a special military command called Military Assistance Command (MAC) under an American four-star general, the deputy head of the U.S. Pacific Command. This was actually an operational command, directly responsible for the conduct of the "*special war*" against the national liberation movement of the South Vietnamese people who, under the leadership of the N.F.L., are fighting for the right to life, democratic liberties, self-determination, national independence and reunification.

During this period :

— "U.S. aid" amounted to 2,400 million dollars (not counting the expenditures directly incurred for the U.S. units supporting the puppet army) ; in 1964 there were in South Viet Nam 160 military airfields and 11 naval bases, respectively triple and double the corresponding figures for 1960) ; the strength of the Vietnamese mercenary army was raised to 600,000 men.

— At the same time, the U.S.A. considerably increased the strength of its military personnel and stepped up the introduction of weapons and war equipment into South Viet Nam. In early 1965, the strength of U.S. military personnel and combat troops in South Viet Nam amounted to 50,000 men, i.e., 25 times as many as in late 1960, with no less than 5,000 U.S. officers. By that time, 2,000 military planes and helicopters, 800 warships, and other prohibited modern weapons, including flame-throwers, napalm

phosphorus bombs, chemical weapons and toxic gases, had been put to use in South Viet Nam.

These were the material basis and means for the conduct of the "special war", another typical form of "war of conquest" invented by U.S. neo-colonialism. In this new kind of neo-colonial war of conquest, the puppet army remained the keystone, but it was backed by the U.S. Air Force (bombers, helicopters for the transport of troops...), U.S. tanks and armoured vehicles, up-to-date U.S. weapons, U.S. special combat units, and was directly placed under the authority of a U.S. operational Command — the MAC. In its new form, this neo-colonial war of reconquest was as brutal and fierce as old colonial war waged by European colonialisms. The state of war, by its intensity and by the overt U.S. armed intervention, became evident.

A series of plans of reconquest, dubbed "pacification" plans and machiavellianly combing atrocities and demagogic manoeuvres, were undertaken, for instance, the Staley-Taylor plan for pacification of the whole of South Viet Nam, and the less ambitious ones of McNamara, Henry Cabot Lodge and M. Taylor. The Staley-Taylor plan provided for three steps. The first one was to be carried out in 18 months and consisted in a) pacifying the whole of South Viet Nam, and b) setting up the necessary bases for the "March North". The second step was to be the strengthening of South Viet Nam's war potential, its economic rehabilitation and the development of sabotage activities in North Viet Nam, and the third step, the invasion of the North. In furtherance of this plan, the U.S.A. and its puppets put in effect a vast program for herding over 10 million South Vietnamese into 17,000 "strategic hamlets", and launched tens of thousands of mopping-up operations per year. They applied their atrocious "burn all, destroy all, and kill all" policy, obliterating whole hamlets and villages, decimating the cattle, destroying the crops and massacring a hostile population, mostly women, children and aged people. According to still incomplete data, by the end of 1964, the U.S. "special war" in South Viet Nam had resulted in: 170,000 persons

killed, 800,000 wounded and disabled by tortures, 400,000 detained in one million prisons and subjected to regimes of terror extraordinarily trying for their physical resistance and their morale.

However, the U.S. "special war" also met with pitiful defeat. The puppet administration and army entered an extremely critical stage and threatened to fall apart. In over one year, from November 1963 to early 1965, the puppet rulers were changed 14 or 15 times; meanwhile, the N.F.L. liberated three-fourths of the population and gained control over four-fifths of the territory. In the cities, the last refuge of the United States and the puppet administration, a mighty popular movement surged up for democratic liberties, national sovereignty and reunification...

5. "Local war" in the South, "war of destruction" in the North from early 1965 onwards.

In view of an imminent collapse of the neo-colonial regime in South Viet Nam, the U.S. engineered the "Tonkin Gulf Incident" and circulated the fable of an "aggression of the North against the South" as a pretext for a "retaliatory action" against the North and the dispatch of a big American "expeditionary corps" to South Viet Nam. Thus, two new forms of war were conducted against Viet Nam "air and naval war of destruction against the North" and "local war" in South Viet Nam. For this purpose, the U.S.A. put forward its new fallacious contention about its "commitments of honour" to defend the "independence" of the "State of South Viet Nam" and the "freedom" of the South Vietnamese people, victims of a so-called "aggression" from their northern brothers. In fact, by infringing upon the independence and sovereignty of the D.R.V.N., and other fundamental rights of the Vietnamese people who had remained united from North to South for thousands of years, and jeopardizing peace in Viet Nam, Indo-China and South-East Asia, it trampled underfoot the July 1954 Geneva Agreements on Viet Nam and many other international pledges it had made.

Thus it became apparent that a desperate war of reconquest and aggression, a brutal and most bloody one, was being waged by a big power, which boasts of having an industrial base and a military strength ranking first in the world, against a much smaller country which had just regained through struggle, its independence, freedom and national unity, and which was fighting for the implementation of an international agreement (the Geneva Agreements of July 1954), guaranteeing its fundamental national rights. For all its deceptive tricks, U.S. neo-colonialism could no longer camouflage this brutal war of reconquest and aggression jointly waged by big units of the U.S. Army, Navy and Air Force. The strength of the U.S. "Expeditionary Corps" in South Viet Nam kept increasing rapidly: 185,000 at the end of 1965, 400,000 at the end of 1966, about half a million (counting also satellite troops) in early 1967. This "expeditionary corps" has become the main force, the backbone, the strike force to conduct mopping-up operations for the purpose of annihilating the Liberation Armed Forces, "recovering" the "liberated" territory carrying out the so-called plan for "occupation of key points", "search and destroy" operations, "pacification"... Over 3,500 U.S. planes of all types (by the end of 1966) and B.52 strategic bombers based in Guam, then in Thailand... have been mobilized for round-the-clock attacks (several hundred sorties daily) against North and South Viet Nam. Day and night, the vessels of the U.S. 7th Fleet sail off Vietnamese coasts and shell Viet Nam's coastal areas. Over 2,000 heavy guns and all kinds of weapons and means of extermination, such as napalm, phosphorus bombs, pellet bombs, toxic chemicals and poison gases... have been massively used to destroy whole hamlets and villages. No distinction is made, between military and civilian targets: populated centres, towns, ports, markets, workshops, store houses, schools, hospitals, dikes and irrigation works, have been bombed, the inhabitants massacred including aged people, children, women. Attempts have been made to destroy all life: human beings, vegetation...). "U.S. aid" to the Saigon puppets for sustaining the mercenary army amounted to 1.5 billion dollars a year. In

addition, U.S. war expenditures in Viet Nam have sharply increased: 10 billion by mid 1965, 15 billion in late 1965, 25-30 billion a year (late 1966 — early 1967) (1).

It is sheer illusion to label as a “defensive war” or “support operations”, or even a “retaliatory war” so large, so atrocious and so barbarous a war waged over 8,000 miles away from the United States in a place separated from American shores by the whole Pacific Ocean, against a people with whom the American people have never been in conflict throughout history.

Thus it is obvious that this is *a war of aggression* to further covetous designs of domination and enslavement, an illicit and criminal war at variance with all established principles of law and morality in international relations. It is in the final analysis “a true war of colonial reconquest”, but of a new type. It is the biggest and fiercest war of colonial conquest of all times, waged by an “expeditionary corps” half a million strong, equipped with the latest weapons, and endowed with a power of destruction without precedent in history. It is also the most perfidious one. That “expeditionary corps” goes everywhere to sow ruins and tears in the name of a modern crusade against “communist subversion,” in defence of “independence and freedom”, on the basis of “commitments of honour.” Never before has brute force been combined to such an extent with perfidiousness and lies. The U.S. “war of aggression” is primarily a “war of colonial reconquest”, because it aims first of all at liquidating the movement and forces of national liberation, re-installing the American-dominated puppet power and making it possible for the United States to control and rule over South Viet Nam, in defiance of the Vietnamese people’s legitimate aspirations and fundamental national rights, and of the July 1954 Geneva Agreements on Viet Nam. On the other hand,

(1) U.S., satellite and puppet forces during the 1966-1967 dry season campaign:

— Effectives: over one million (440,000 G.I.’s, 54,000 satellite troops, and over half a million puppet troops.

— War means: 4,300 planes, 2,300 heavy guns, 3,300 tanks and armoured vehicles, 230 warships.

this "war of colonial reconquest" is also directed at North Viet Nam, a country which has been fully independent for over ten years, and which was peacefully building socialism; thus, it has become at the same time a "war of aggression", jeopardizing international peace and security (in Viet Nam and South-East Asia), and international agreements (concerning Viet Nam and international peace and security). This war of aggression against North Viet Nam takes, in the own words of the Americans, the character of an "escalation" whose forms, dimensions and means constitute nothing but a vast terroristic undertaking against a whole people. It is aimed at progressively and deliberately developing every means to annihilate all material resources and the very existence of a whole nation left with the only choice between extermination and submission to the American dictate.

That is the reason why for all the attempts at misrepresentation made by the huge U.S. propaganda machine, this obviously unjustifiable, illegal and criminal "war of aggression" conducted by the United States is being more and more strongly condemned by world public opinion, including American opinion. Developing then its machiavellian combination of brute force and impudent deception, the United States has, at each and every escalation step, resorted to so-called "peace moves" in addition to the absurd, slanderous fabrications mentioned above, giving a clamorous publicity to its so-called "desire for peace", "proposals for unconditional negotiations", "readiness to go anywhere at any time to seek peace" ... In point of fact, the American actions are exactly the opposite of these talks about "peace", and tend to an unceasing intensification and expansion of the war in the two zones of Viet Nam: military buildup, intensified bombings, "sweeps", increased use of inhuman and criminal means of massacre, increased war expenditures and strengthening of the alliance with the satellite countries that are participating in the war (Manila Conference in October 1966 and Guam Conference in spring 1967).

The criminal U.S. actions which amount in a nutshell to "real war and sham peace", are merely a repetition in new and

aggravated forms of the well-known methods and actions of the criminal Hitlerite aggressors. As their Hitlerite predecessors, those responsible for the illegal and criminal war of aggression now being waged in Viet Nam bank on the "might is right" thesis and on possible impunity in the event of their winning victory. The Nuremberg judgment quoted a word from the Fascist ringleader A. Hitler: "I will give a reason of propaganda to explain the unleashing of the war. Whether it is valid or not, that does not matter. We shall not be asked, later on, when we have won, whether or not we have told the truth. When a war is started or pursued, what matters *is not right, but victory...*" (1)

All acts and deeds of the U.S. imperialists in Viet Nam over the past twenty years are of the same nature. Thus Henry Cabot Lodge, the former U.S. Ambassador to South Viet Nam, when asked about the legal basis of the U.S. attack against North Viet Nam, answered that the legal aspect of the question was of minor importance (February 15, 1965). When challenged by the students and professors of Cornell University on May 11, 1965, Under-Secretary of State Harriman replied that he had no time to discuss about right.

That is to say that international law and morality are so alien and damning to them.

B — THE TRUE NATURE OF THE U.S WAR SCHEMES AND ACTS IN VIET NAM AND INTERNATIONAL LAW

An overall glance at this long record of aggressive schemes and acts of the United States against Viet Nam surely shows any objective observer its persistent, deliberate and cynical imperialist designs. To carry them out, the U.S. imperialists have, however, resorted to a host of perfidious means and methods, always covering

(1) Trial of the great war criminals at the International Military Tribunal — Nuremberg, 1947.

colonial barbarity under signboards of "humanism", "anti-colonialism", "anti-communism", and defence of "freedom"... Nevertheless, throughout that period, it is this "American-style humanism" which was at the origin of the many colonial wars of conquest, then of reconquest in different forms, wrecking peace and international agreements.

In this general indictment against the U.S. rulers who have planned, prepared, initiated and waged that series of aggressive wars against Viet Nam during so long a period of history, it is necessary now to bring together all the various links of "war escalation" and to lay bare the hideous nature of aggressive and warlike American imperialism and its crime of war in Viet Nam — which is the greatest international crime in terms of positive international law.

Thus the various links which constitute this persistent undertaking of barbarous and perfidious neo-colonial conquest and aggression take on these successive forms: "*international mandate*" or rather the scheme of replacing out-of-date French colonialism by a form of U.S. neo-colonialism, and the "*economic aid*" plan which would actually cover "*exceptional privileges for American investments*" — then the "U.S. aid" to the former colonizer and the new stooges for "*the common defence or mutual security of the free world*", which only served in practice to develop and prolong a conventional war of colonial reconquest; "*direct aid*" (to the puppet government) and the system of "*U.S. advisers*" for unleashing a "*unilateral war*" actually designed to establish a neo-colony and a military base of the United States — then "*the struggle against communist subversion*" and "*the Military Assistance Command*" to direct the "*special war*" designed simply to suppress the mounting national liberation movement and to regain control over an important part of the territory already "liberated" by the National Front for Liberation; lastly, "*the struggle against aggression from the North*" based on "*commitments of honour*" and the dispatch of a big U.S. expeditionary corps for the conduct of a "*local war*" in South Viet Nam and an "*air war of destruction*" in North

Viet Nam. Taken together, these different philanthropic "inventions" of the United States constitute an actual chain to which U.S. neo-colonialism has deliberately attempted over the past twenty years to tie the Vietnamese people. All the links of this long chain bear the stamp of a hideous, tricky and cruel imperialism whose unvarying purpose is to try by every means, and especially by force of arms, to impose a neo-colonial rule on the Vietnamese people and to frustrate them of their fundamental national rights and their varied natural resources. The most representative politicians and the press in the United States have loudly proclaimed this over a long period of history. In 1900, at the start of the century, U.S. Senator Beveridge loudly expressed the American dream of holding the unlimited market lying beyond the Philippines. In 1947, when coming to Indo-China to discuss with the French colonial "authorities" about a French-American understanding on the Bao Dai card, W. Bullitt, the former U.S. ambassador to Chiang Kai-shek, once again disclosed in unequivocal terms the cynical U.S. designs about Viet Nam by saying: "We may need that Vietnamese railroad again to help China to resist... the Soviet Union". The New York Times of February 12, 1960 also wrote: "Indo-China is a prize worth a large gamble... Even before World War II, Indo-China yielded dividends estimated at 300 million dollars per year". D. Eisenhower, former U.S. President, was even more explicit when the Indo-Chinese peoples' national resistance war for national liberation was nearing victory: "Now let us assume we lost Indo-China. If Indo-China goes, the tin and tungsten we so greatly value would cease coming... We are after the cheapest way to prevent the occurrence of something terrible—the loss of our ability to get what we want from the riches of the Indo-Chinese territory and from South-East Asia" (Statement made at the conference of State Governors at Seattle on August 4, 1953). In 1954, the late U.S. Secretary of State J.F. Dulles, famous for his bellicose disposition, expressed no less cynically the American dream of controlling Indo-China and South-East Asia in view of their economic riches and advantageous military bases: "It (South-East Asia) is rich in many raw materials, such as tin, oil, rubber

and iron ore ... The area has great strategic value ... It has major naval and air bases" (Statement dated March 29, 1954). Eleven years later, H.C. Lodge, former U.S. Ambassador to Saigon, trying to justify the unleashing of the "local war" in Viet Nam, bluntly made clear the U.S. designs against Viet Nam and even the whole of South-East Asia :

"Geographically, Viet Nam stands at the hub of a vast area of the world — South-East Asia — an area with a population of 249 million persons ... He who holds or has influence in Viet Nam can affect the future of the Philippines and Formosa to the east, Thailand and Burma with their huge rice surpluses to the west, and Malaysia and Indonesia with their rubber, ore and tin to the South ... Viet Nam thus does not exist in a geographical vacuum — from it, large storehouses of wealth and population can be influenced and undermined" (Address to the Middlesex Club of Cambridge as reported in the Boston *Sunday Globe* of February 28, 1965).

Thus, the true meaning of the war that the United States has waged in Viet Nam for a dozen years is to be found in its will for domination and enslavement with an eye to economic exploitation and spoliations. That is why the United States does not want to give up Indo-China as a whole, and more particularly Viet Nam. Under the title "It's the key to control of all Asia", the *U.S. News and World Report* of April 4, 1954 wrote: "One of the world's richest areas is open to the winner in Indo-China. That's behind the growing U.S. concern... Tin, rubber, rice, key strategic are what the war is really about. *The United States sees it as a place to hold at any cost*".

Could any difference be found in essence between these statements and those made by the great fascist Hitlerite war criminals before and during World War II? They are cynical imperialist talks ignoring the national rights of other peoples, disregarding the established laws and morality in international relations, and basing foreign policy on the "Might is right" thesis. In view of these imperialist designs, no international commitment or agreement could be respected.

Since the signing of the Geneva Agreements (July 1954), the U.S. imperialists' designs against Viet Nam have been scaled down to South Viet Nam. But they have become all the more covetous in the new context, the possible prey being smaller. The United States wants to take at any cost South Viet Nam out of the age-old sacred national and territorial unity of the country, in defiance of the Geneva Agreements and of its own pledges at Geneva. In August 1954, the late Secretary of State J.F. Dulles cynically stated: "I hope that an anticommunist defence line will be drawn and that this line will pass north of Hue city and will protect Cambodia and Viet Nam south of the 17th parallel" (Statement to the U.S. Senate Appropriations Commission).

These statements and undisputable documents bear witness to the aggressive and warlike nature of a rabid imperialist policy against Viet Nam, advocated by the U.S. rulers, the so-called "defenders" of "freedom", "peace", "democracy", etc. They reveal at the same time the *illegal and criminal character* of the succession of American wars in Viet Nam in terms of international law. In effect, international law has, on the one hand, prohibited as criminal any recourse to war in international relations (wars of aggression and wars in violation of international treaties or assurances). On the other hand, it condemned colonialism in all its forms, and has solemnly proclaimed the peoples' fundamental national rights (independence, freedom, equality among peoples, self-determination...) and the fundamental democratic rights and liberties of man.

In Viet Nam, the different forms of U.S. intervention and aggression, whose unvarying final purpose is the establishment of U.S. neo-colonial rule over the country, violate first of all the Vietnamese people's national rights, fundamental democratic rights and liberties, and their right to self-determination. They have especially hindered the reunification of Viet Nam as provided for by the July 1954 Geneva Agreements. They have prolonged for a dozen years the separation of countless Vietnamese families. They have destroyed the happiness and peaceful life of the Vietnamese people in the

two zones, South and North. As any other war, they have destroyed peace in Viet Nam, a peace that the Vietnamese people have victoriously fought for in a protracted resistance war culminating in the conclusion of the Geneva Agreements which recognize their fundamental national rights. With the intensification and extension of the Viet Nam war, peace in South-East Asia and in the whole world also is seriously threatened. In effect, U.S. imperialism has rekindled the war in Laos, and has constantly menaced the independence and neutrality, menaced the independence and neutrality of Cambodia. It has involved in its aggressive war in Viet Nam a number of its satellites in South-East Asia and the Pacific — Thailand, the Philippines, South Korea, Australia, Japan... It has perpetrated numerous acts of direct provocation against the Chinese People's Republic by having her villages and ships bombed and strafed.

The people of Viet Nam, the United States, South-East Asia and the whole world are being confronted with an aggravating war menace. The war could even be generalized in view of continual provocations by the aggressive and bellicose U.S. imperialists if the Vietnamese and American people, and the world forces of progress, democracy and peace, do not take a concerted action to check, expose, ban, and punish in accordance with the provisions of the international penal law now in force and with the requirements of justice and human conscience.

In the final analysis, these U.S. schemes and acts of aggression and war are thus illegal and criminal activities. They are *illegal* because they are at variance with all provisions of international law relating to respect for the peoples national rights and the liquidation and prohibition of imperialism and neo-colonialism in all their forms. They are *criminal* because they violate the ban on the recourse to the threat or use of force to wars of aggression and in violation of international treaties or assurances (especially the July 1954 Geneva Agreements). In terms of present international law, these plots and schemes of aggressive war (in the brutal form of a military attack or that of neo-colonialism

combining military attack with all kinds of deceptive signboards) constitute the greatest international crime or, to use the words of the Nuremberg judgment, "the supreme international crime". Since Nuremberg, international law has held responsible for such crimes not abstract entities, but statesmen who are proponents of such wars of aggression. It follows from the above that in view of the afore-said criminal actions and under the international laws and customs in force, the U.S. rulers, their accomplices in the above-mentioned satellite countries and their South Vietnamese henchmen-responsible for plotting and conducting these wars of neo-colonial aggression and piling up over many years sufferings and devastations in Viet Nam — have committed the greatest international crime against the Vietnamese people. The above analysis makes clear that the most adequate penal qualification to be given to this crime of war is "crime of aggression against the Vietnamese people's fundamental national rights, against their independence, freedom, and right to self-determination". Such a description most clearly sums up and points out the U.S. plots and manoeuvres of neo-colonial aggression in Viet Nam. In addition, under the penal description provided for by the Nuremberg Charter against the instigators of wars of aggression or wars in violation of international treaties and assurances, this crime of war perpetrated by U.S. imperialism in Viet Nam is at the same time a "*crime against peace*".

By committing such crimes, U.S. imperialism has violated or sabotaged the following declarations, treaties, regulations and fundamental principles :

1) The Declaration of Independence of the Democratic Republic of Viet Nam (September 2, 1945) which proclaimed the establishment of the Democratic Republic of Viet Nam, an independent and free State, united from North to South after nearly one century of relentless struggle by the Vietnamese people against the domination of the French colonialists and the Japanese Fascists, for national independence and freedom.

2) The July 1954 Geneva Agreements on Viet Nam which restored peace in Viet Nam on the basis of the recognition of the Vietnamese people's fundamental national rights (independence, sovereignty, unity and territorial integrity), and their democratic right and liberties, and which banned any foreign interference in the internal affairs of Viet Nam (the United States participated in that conference from the beginning to the end).

3) The Statement made by the U.S. Delegation at the closing session of the Geneva Conference on July 21, 1954.

“ The Government of the United States

takes note of the Agreements concluded at Geneva... and of paragraphs 1 to 12 inclusive of the Declaration presented to the Geneva Conference, on July 21, 1954 and declares with regard to the aforesaid Agreements and paragraphs, that it will refrain from the threat or the use of force to disturb them, in accordance with Article II, Section IV of the Charter of the United Nations dealing with the obligation of Members to refrain in their international relations from the threat or use of force...”

4) The international treaties, conventions and regulations condemning the war of aggression and all acts of violation of the national territory, air space and territorial waters, condemning imperialism and colonialism in any form, recognizing to all peoples fundamental national rights, equal rights and the right to self-determination, and solemnly recognizing and proclaiming the fundamental rights and liberties of man, *especially the following treaties conventions and regulations* :

— General Treaty for the Renunciation of war (Briand-Kellogg Pact) of August 27, 1928:

“ *Article 1*: The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn the recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another”.

— *The United Nations Charter of June 26, 1945* especially the following parts and articles :

Preamble :

“ We, the peoples of the United Nations,

Determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind.

to practice tolerance and live together in peace with one another as good neighbours ;...

to ensure by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest,...

Chapter I — Purposes and principles :

Article 1 : “ The purposes of the United Nations are :

1 — To maintain international peace and security,...

2 — To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.

Article 2 :

4 — All members shall refrain in their international relations from the threat or use of force *against the territorial integrity or political independence of any member or State, or in any other manner inconsistent with the purposes of the United Nations.*”

— *Charter of the International Military Tribunal of Nuremberg* (Article 6) and *Tokyo* (Article 5):

Article 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...

Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan”...

— *The judgment of the Nuremberg International Military Tribunal*. (passed on September 30 and October 1, 1946) unanimously adopted along with the Nuremberg Charter by the United Nations’ General Assembly on December 11, 1946 and regarded as underlying principles of International penal law for the judgment and repression of war crimes ; especially the following paragraphs :

“ War is essentially an evil thing. Its consequences are not confined to the belligerent States alone but affect the whole world.

To initiate a war of aggression, therefore, is not only an international crime ; it is the supreme international crime, differing only from other war crimes in that it contains within itself the accumulated evil of the whole ”

Universal Declaration of Human Rights of December 10, 1948 especially the following articles and paragraphs :

Preamble : “ Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind... ”

“ Whereas it is essential, *if man, is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression* that human rights should be protected by the rule of law... ”

“ Whereas Member States have pledged themselves to achieve... the promotion of universal respect for and observance of human rights and fundamental freedoms. ”

Article 2: " Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of race, colour, sex, language, religion, political or other opinion..." "

Article 4: " Everyone has the right to life, liberty and security of person. "

Article 22:

(3) The will of the people shall be the basis of the authority of Government. This will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

— *Declaration of the Bandung Conference (April 24, 1955)* especially the following parts :

Part F: Declaration on Problems of Dependent Peoples

" The Conference... agreed:

(1) In declaring that colonialism in all its manifestations is an evil which should speedily be brought to an end.

(2) In affirming that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the U.N. Charter, and is an impediment to the promotion of world peace and cooperation ;..."

10 principles :

.

(2) Respect for the sovereignty and territorial integrity of all nations.

(3) Recognition of the equality of all races and nations, large and small.

(4) Abstention from intervention or interference in the internal affairs of other countries.

(6) Abstention from the use of arrangements of collective defence to serve the particular interests of any of the big Powers ;

and abstention by any country from exerting pressure on other countries.

(7) Refraining from acts or threats of aggression or the use of force against the territorial integrity or political independence of any country.

— *Resolution passed by the U.N. General Assembly on December 14, 1960:*

The general Assembly

Solemnly proclaims the necessity of *bringing to a speedy and unconditional end colonialism in all its forms and manifestations...*

All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence and the integrity of their national territory shall be respected”.

* * *

III

Count two: War crimes, against humanity and crimes of genocide

The U.S. undertaking of neo-colonial conquest has come up in Viet Nam against a people unshakably resolved to defend their independence, freedom, unity and territorial integrity. All the U.S. plans and tricks, however atrocious and perfidious, have been thwarted. However, the ring-leader of the imperialist camp, the international gendarme of capitalism, cannot allow Viet Nam's emancipation without fearing, in its own words, a chain reaction in seething South-East Asia, and even among all oppressed peoples of Asia, Africa and Latin America. The United

States has thus been gradually led to carrying out in Viet Nam (first in the south, then in the north) a policy of "total war" against the Vietnamese people through the use of their huge and ultra-modern war machine of the most powerful capitalist State. All means and methods of destruction, however barbarous and illicit, are deemed good in its attempts to conquer the Vietnamese people. War crimes have thus been committed deliberately, massively and systematically to further the objectives of aggression and enslavement. Therefore, they are not accidentally engendered by the war, but have become the very means and conditions for pursuing it. Their scale and systematic character have turned them from *war crimes* into *crimes against humanity* and even actual *crimes of genocide* against the Vietnamese people if they are considered as a whole. Never before has any war been so atrocious and conducted with so much disregard for international law and customs. Never before have war crimes taken on so wide a range, and never have they been so closely linked to one another. It is the very colonial character of the war which links them together and gives them a special stamp which makes them different from and even worse than the Hitlerite crimes. Never before has the "*Supreme international crime*" — in the words of the Nuremberg judgement — namely the war of aggression, "*contained so totally "all" the "other" war crimes* (1)

However, the neo-colonial character of the U.S. aggression against Viet Nam has sometimes masked — particularly in the beginning — the bloody hands of the U.S.A. Under cover of "aid" and through American "advisers", the latter has supplied war means, formed puppet troops and directed them in "sweeps" and massacres against the Vietnamese population reticent to the U.S. policy of neo-colonial domination. That is

(1) Let us recall here the penal description given to the war of aggression in the Nuremberg judgement: "To initiate a war of aggression, therefore, is not only an international crime; it is *the supreme international crime, differing only from other war crimes in that it contains within itself the accumulated evil of the whole*".

the reason why before specifying in detail the various aspects of the U.S. crimes (from war crimes to crimes against humanity and genocide), it is necessary to crimes against humanity and genocide), it is necessary to point out a fundamental principle on penal responsibility in case of "complicity". Alderman, the U.S. deputy prosecutor, made the following statement in Nuremberg: "There is a well-known law in my country: if two or several persons make an understanding to plunder a bank in accordance with a criminal plan, and if in the course of the execution of this plan, one of the accomplices commits a murder, all those who have participated in the direction and execution of the plunder of the bank are guilty of murder, whether or not they have personally participated in any way in it. This elementary juridical rule has been embodied in the Charter (of the Nuremberg International Military Tribunal, Ed.) All those who have participated in a concerted plan or plot are solidary of one another, and each is *responsible as a principal author, for all the other regarded as co-authors*" (1). By unleashing and conducting various forms of war against Viet Nam through stooges and mercenary troops on the one hand, and a U.S. Expeditionary Corps and satellite troops on the other, the advocates of the U.S. neo-colonial policy against Viet Nam are thus solidary of their agents with regard to all criminal acts perpetrated against human lives and material property in Viet Nam.

* * *

A. — WAR CRIMES

Attempts have long since been made to regulate the conduct of hostilities by means of a series of conventional stipulations while lacking an effective ban on the recourse to war, the

(1) The Nuremberg International Military Tribunal, Tome II, page 256 (Translated from French).

purpose being to limit as far as possible the evils inherent in it. Laws and customs governing war have actually arisen from the 1868 Declaration of St Petersburg, the Hague Conventions (1899 and 1907), the Geneva Conventions (1929 and 1949), the Washington Treaty (1922), the Geneva Protocol (1925), the Charters of the Nuremberg and Tokyo International Military Tribunals (1945)... to mention only the main agreements. The belligerents, therefore, enjoy no unlimited right in respect of the objectives and means of war. They have also to abide by certain rules governing the treatment of prisoners-of-war and civilians in time of war. These rules in the conduct of war have been recognized by the United States as compelling and written into an official manual, published by the U.S. Defense Department in 1956 (The Law of Land Warfare, FM. 27-10).

However, the U.S.A. has defied these laws and customs in the Viet Nam war. It has attacked civilian targets and civilian populations deliberately, massively and systematically. It has put in practice a whole policy of extermination which consists in "burning all, destroying all, and killing all". It has used prohibited weapons for the only purpose of intimidating and ruling by brute force. It has tortured and massacred prisoners-of-war and civilians... All these acts undoubtedly constitute war crimes of particular barbarity in view of their numbers, their rate and the serious character of the evils entailed by them.

I — ATTACKS AND DESTRUCTIONS OF PURELY CIVILIAN TARGETS AND MASSACRES OF THE CIVILIAN POPULATION.

Article 25 of the Hague Convention IV of 1907 explicitly stipulated that "the attack or bombardment, by whatever means, of towns *villages, dwellings or buildings which are undefended, is prohibited*". Article 27 of the same Convention further said that: "In sieges and bombardments, all necessary steps must be taken to spare, as far as possible, building dedicated to religion, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not being used at the time for military purposes." In terms of the law, a

fundamental distinction has long since been made between combatants and non-combatants, in other words, between military and civilians. The Preamble to the Hague Convention IV concerning the laws and customs of war on land (October 18, 1907) explicitly said: "In the absence of a more complete codification of the international war conventions, the Principal signatories consider it opportune to establish that in cases not included in the prescribed dispositions, populations and belligerents remain under the safeguard and protection of the law of nations such as result from the established usage amongst civilised nations, the laws of humanity and the exigencies of public conscience". Article 6 of the Nuremberg Charter, when dealing with violations of the laws and customs of war, mentioned the "wanton destruction of cities, towns or villages or devastation not justified by military necessity".

The Geneva Convention of August 12, 1949 on the protection of civilian persons in time of war contains the same provisions. In particular, it prohibits the massacre and ill-treatment of civilians in time of war, the bombing and destruction of populated areas, the wanton naval bombardment of coastal areas, the plunder of public and private property, the destruction of towns and villages if it is not justified by military necessity (Articles 13, 27, 28, 29, 30, 31, 32, 33, 34, 53, 55). Furthermore, these acts, which entail atrocious homicides, barbarous treatments against men, the destruction of material property and peaceful life, are prohibited and sanctioned by the penal law of every civilised country, that of Viet Nam as well as of the U.S.A.

In South and in North Viet Nam, the U.S. aggressors and their stooges have defied these provisions which have become laws and customs of war.

In South Viet Nam:

In its document *The Greatest War Criminals of our Times*, the "Committee for the Denunciation of the War Crimes perpetrated by the U.S. Imperialists and their Lackeys in South Viet Nam" exposed the mass murders of civilians, the destruction and mopping up of whole areas:

"The U.S. aggressors perpetrated *most barbarous, large-scale massacres of civilians*, not sparing even old folk, women and children. By a combined use of the infantry, air force, and artillery, they razed to the ground villages and hamlets, and indiscriminately killed their inhabitants. In many places, the entire population were rounded up and shot dead collectively with automatic weapons. Walking exactly on the footsteps of the Hitlerite fascists, they took *reprisals against the civilian population*, whenever they were attacked by the liberation forces. The U.S. marines even received the order to burn down any village "guilty" of firing a single shot at them (Newsweek, August 16, 1965)".

In their "sweep" operations, the units of the U.S. Expeditionary Corps also applied the scorched earth method which consists in "burning all, destroying all, killing all". The U.S. Command in Saigon marks beforehand on the map the areas to be subjected to such practices, which constitute for its air force "free-strike" zones and for its troops absolutely "white", i.e., dead zones after their bloody operations.

There are in South Viet Nam countless Lidice and Oradour-sur Glane.

The villages of *Chau Son* and *Cam Le* (Hoa Vang district, Quang Nam province), 5 kilometres south of Da Nang were razed to the ground on August 2 and 3, 1965 in the course of an atrocious operation launched to clear a security zone for the great American base. The marines had been given full freedom to burn all, destroy all, kill all. They rushed on to massacre, shouting: "Kill them!" "Kill them all!", "Today I am a killer!".

The *A.P.* correspondent who had accompanied them to *Chau Son* related the following story: "A marine threw a grenade into a bunker... Moments later the shattered bodies of two children were pulled from the bunker."

At *Cam Lê*, the *C.B.S.* correspondent saw U.S. marines systematically burning down almost all dwelling-houses and preventing the inhabitants from saving their property.

After the operation, the two villages were turned into smothering ruins with charred pillars and bodies of innocent people killed, mostly women and children.

On January 6, 1966, the *A.P.* correspondent gave an account of the Duc Hoa operation carried out by paratroopers whose task was to widen the zone under control, to round up the people they came across, and bring them to regroupment camps, to burn down or destroy all life-sustaining means: homes, food... He wrote: "Every cooking utensils was smashed, every banana-tree severed, every mattress slashed".

On March 25, 1966, the *A.F.P.* correspondent spoke of U.S. atrocities in the course of another operation: "Phuong Dinh village over 13 miles south of Chu Lai 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 Marines battalions... Not a single tree without a scar by U.S. shells. Tens of decaying corpses had been dumped in ten inches of muddy water. Not a living soul was to be found in the village".

In Quang Nam province alone, on a hill of Hamlet N° 2, Phuoc Cam village, Tien Phuoc district, the South Viet Nam Liberation forces, while digging their entrenchments, uncovered 22 skeletons showing the posture of the victims at the time of their death: some were lying, others standing, others crooked or heaped on one another. Particularly shocking was the scene of a skeleton of a grown-up person holding that of a child — one mother and her suckling baby had been buried alive!

On another hill, a greater ditch contained 82 skeletons of grown-ups and children, standing or lying pell-mell. In Go Vang (Hamlet N° 4, Phuoc Son village), a similar ditch contained 55 people buried alive after being tied to one another with a rope round their necks!

All this bears out the fact that the U.S. crimes in South Viet Nam are no less atrocious than the Hitlerite massacres and barbarities.

Other methods of warfare with utmost savagery have been used by the U.S. aggressors and their lackeys to flatten whole areas and massacre the civilian population.

According to a report of the U.S. Defense Secretary Mc. Namara, the U.S. and puppet air forces flew in 1965 a monthly average of 13,000 sorties (*A.F.P.*, January 20, 1966) and dropped 250,000 tons of bombs on various targets in South Viet Nam. From January 1966 onwards, the number of sorties reached a daily average of over 400; it was 525 on January 25 and 648 on March 9 (*A.F.P.*, March 10, 1966). McNamara even announced that the tonnage of bombs to be dropped in 1966 would amount to a total of 638,000 tons, that is, nearly 91% of the total figure for the Korean war (*A.P.*, April 20, 1966).

Since June 17, 1965, the U.S. aggressors have committed the *Strategic Air Force* stationed in Guam (then transferred to Thailand) flying in usually by groups at an altitude of 6 to 8,000 metres, these B.52's carrying each 20 tons of bombs have razed whole regions with their carpet-bombings. With a view to achieving the maximum effect in terms of death and destruction, two kinds of bombs have been used: those which explode two to four metres above ground, and those which explode only at a depth of 5 metres underground, the purpose being to destroy underground shelters and to kill all people who have escaped death in the first wave.

In Cu Chi district (Gia Dinh province), a locality 6 square kilometres in area, 1,800 tons of bombs have been dumped by B.52 strategic aircraft.

On May 20, 1965, the United States started the naval shelling of coastal villages by the *heavy cannons of the 7th Fleet*. U.S. patrol-boats and destroyers have, on hundreds of occasions, fired 5-inch shells or bigger-calibre ones and killed many people. By the concentration of fire, their increasing tempo and the big quantities of ammunition utilized (thousands of shells have been fired on a small area), these bombardments have proved to be no less deadly and devastating than the massive air bombings. Thoi Thuan village (Ben Tre province) was hit on November 30, 1965 by 300 5-inch

shells which virtually flattened it. In a few coastal villages of Binh-Dinh shelled on January 25, 1966 by three warships of the 7th Fleet, 628 dwelling-houses were destroyed. On October 27, 1966, 1100 shells were fired against other villages of the same province...

On land, the U.S. and puppet troops have resorted to the use of guns of various calibres: 105, 155, 173 and 203mm. Battalion N° 1 of the 25th U.S. Artillery Division fired some 180,000 shells in the period from January 18, 1966 when it arrived at Cu Chi to February 28, 1966, that is, a daily average of 4500 (*AFP*, February 28, 1966).

The U.S. aggressors and their lackeys have not hesitated to resort to a barbarous *destruction of crops and to the burning of rice* for the purpose of starving the South Vietnamese people into submission. In addition to spraying toxic chemicals from the air (see under the heading: "Prohibited weapons") and wanton bombings, they have put into action ground troops for "sweeps" to plunder and destroy the rice stores of the population of the areas which have been liberated from their control. Many Western journalists have noted that many a time, the paddy, and not the guerilla, constitutes target N° 1 of the U.S. and puppet troops who systematically destroy rice and salt in the course of their operations: the buffaloes that cannot be brought away are killed on the spot, similarly, the means of transport—vehicles and boats—are destroyed (*AFP*, December 22, 1965).

In its document *American Crimes in Viet Nam*, the D.R.V.N. Commission for Investigation on the U.S. Imperialists' War Crimes in Viet Nam gave other undeniable proofs.

"*Reuter* reported on February 11, 1966 that in one month the U.S. troops fired in South Viet Nam:

- One billion bullets of all calibres :
- 88 million aircraft machinegun bullets :
- 10 million mortar shells ;
- 4.8 million rockets "

This deluge of fire and iron does not fall on specific military targets, but mainly on peaceful villages. All 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.

In the October 2, 1965 issue of *Match*, Larteguy related a story by Father Curien who looked after 17,000 catholic refugees near Duc Co in the High Plateaux:

"There was nobody in the village, except women, children and old people. Today there remains nothing of that area, everything has been 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".

A.P. has given the following picture of "Operation Marauder" conducted in January 1966 by U.S. paratroopers some thirty kilometres from Saigon:

"The rich, intensely cultivated flat lands south of the Vam Co 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".

From time to time, the U.S. command had to admit such crimes which it tried to justify with either fallacious or shameless pretexts. Thus, on September 14, 1966, the Lien Hoi twin villages I and II were demolished by U.S. troops. On the next day, the U.S. command in Saigon denied the fact, but the pictures shown by the N.B.C. television agency and the detailed account given 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. 1st Airmobile Cavalry Division which had destroyed the two villages on the ground that "these

two villages constitute a danger for the 1st Airmobile Cavalry Division. Our armymen 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 Viet Nam constitutes a danger for the American invader, because *the enemy is the entire Vietnamese people* who defend their land and freedom. No doubt the facts and figures quoted by official documents or mentioned by foreign correspondents constitute only pale images of reality. It is still very difficult now, while the war is raging to get complete data on the people killed or maimed, the villages, houses and other property destroyed or burnt down. However we can get some idea of the proportions of this U.S. Crime which consists in massacres of civilian populations and destructions of whole regions in South Viet Nam if we bear in mind, on the one hand, the number of years this ruthlessly fierce war has lasted, and on the other, the fabulous figures given by U.S. official sources themselves on the quantities of arms and ammunition utilized (1)

In North Viet Nam :

By a series of documents (2), the “Commission for Investigation on the U.S. Imperialists’ War Crimes in Viet Nam has

(1) The area of South Viet Nam (165,000 square kilometres) is roughly 2% that of the United States. Its population (14 million inhabitants) roughly represents one thirteenth of that of the U.S.A. In the 1966-1967 dry season, the U.S.A. put to use in South Viet Nam ; 1) 4,300 aircraft of all types ; 2) 2,300 heavy guns ; 3) 3,300 tanks and armoured vehicles ; 4) 230 warships.

(2) 1) *U.S. War Crimes in North Viet Nam* (February 1966) — 2) *American Crimes in Viet Nam* (October 1966) ; 3) *The U.S. Air War of Destruction against the D.R.V.N.* (January 1967) ; 4) *Crimes of the U.S. Aggressors against the Health Establishments of the D.R.V.N.* (January 1967) ; 5) *Crimes Committed by the U.S. Imperialists against Educational Institutions in the D.R.V.N.* (January 1967) ; 6) *War Crimes perpetrated by the U.S. imperialists Religious Institutions in the D.R.V.N.* (January 1967) ; 7) *Criminal attacks conducted by the U.S. Imperialists against Water Conservancy Works and dykes in North Viet Nam* (early 1967) ; 8) *U.S. War Crimes in Hanoi, capital of the D.R.V.N.* ; 9) *U.S. War Crimes in Nam Dinh city* ; 10) *U.S. War Crimes in Quang Binh province, etc.*

denounced *the criminal U.S. policy of deliberately, systematically and indiscriminately bombing populated centres, civilian populations, civilian enterprises, sparing not even hospitals, schools, churches, pagodas, dykes and barrages, observatories and weather stations, markets and other public places, State farms, factories, construction yards...*

The fallacious and perfidious contentions of L.B. Johnson to the effect that the United States has no desire to devastate what the North Viet Nam people had built with toil and at the cost of many sacrifices (Baltimore, April 7, 1965) or that the United States strikes only at "concrete and steel", have been given a flat rebuff in the document *American Crimes in Viet Nam* :

" U.S. aircraft have attacked the following cities and provincial capitals: Vinh Linh, Dong Hoi, Ha Tinh, Thanh Hoa, Nam Dinh, Phu Ly, Son La, Yen Bai, Lang Son, Thai Nguyen, the coal-producing towns of Ha Tu, Hong Gai, Uong Bi ; Ha-Noi and Haiphong not having been spared ; this not to count innumerable villages burnt or razed to the ground. Take for example Ngu Thuy village of Quang Binh 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 20mm-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 building are easily discernable in the midst of the vegetation and thatched houses. All the provincial and district hospitals of Vinh Linh, Quang Binh, Ha Tinh, Nghe An and Thanh Hoa provinces have been destroyed. In particular the Quynh Lap 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 Viet Nam, 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 Viet Nam coast from earning their living.

The U.S. leaders' will of destruction was most obvious when they ordered the bombing of *dams and dikes* in the D.R.V.N. 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 La Nga, Cam Ly, Bai Thuong, Do Luong and Thac Ba dams ;

— Many points on the dikes of the La, Ma, Lam, Day and Red rivers. The Nhat Tan dike protecting the northern outskirts of Ha Noi was attacked on August 13, 1966.

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

By attacking factories, dikes, dams, schools, and hospitals of the D.R.V.N., 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" (the Johnson peace means U.S.

grip on South Viet Nam and permanent partition of Viet Nam into two distinct and opposing States).

This record of purely civilian targets being hit gives an idea of the monstrous character of the U.S. bombings in North Viet Nam. It makes clear the purpose of intimidation vis-à-vis the North Viet Nam people. It cannot give in these few lines a complete picture of all the horrors wanted by the criminal instigators of these crimes. In particular, it cannot show the enormity of the U.S. crimes in this field(1). Moreover, these crimes are becoming ever more serious, U.S. ferocity being increased manifold by the telling defeats inflicted on the U.S. Expeditionary Corps in South Viet Nam by the people's liberation armed forces. Let us mention here the threat of General Curtis Le May: *Let us bomb them into the Stone Age*". Reports from American sources have pointed out the intensity of the air raids against North Viet Nam.

For instance :

The New York Times of April 13, 1966 reported that B.52 bombers of the S.A.C. had attacked "area targets" in North Viet Nam. The first of these attacks occurred at 5 A.M. on April 1 when "30 of the eight-jet heavy bombers bombed the approaches to Mu Gia Pass. More than a million pounds of bombs were reported dropped on the pass".

Newsweek of October 11, 1965 wrote : "Since February, in fact, U.S. aircraft have flown nearly 20,000 missions over Communist North Viet Nam, blasting away with bombs and napalm at military targets (?) from the 17th parallel to the very border of Communist China".

U.S. News and World Report of June 13, 1966 reported that in the course of the strongest bombing mission up to that day, 120 U.S. jets attacked a complex of store-houses from dawn to dusk

(1) See in Part Three the *Report on the U.S. War Crimes in Viet Nam* which follows the article: *The position of democratic lawyers towards the U.S. war crimes in Viet Nam.*

on May 31, 1966. They destroyed 72 stores of war materiel north of Hanoi in an area of over 8 square miles.

Le Monde of March 4, 1967 wrote: "Hongai was bombed in the dark on March 2.500-kilogram bombs were dropped on the target..."

Of course, the American communiqués speak only of "military targets", "military stores". However, many personalities all over the world, including Americans, who came for investigation in Viet Nam have pointed out the deceptive character of such statements. In a message addressed to each of the recipients of the Nobel peace prize, the representatives on the International Commission of Enquiry for Viet Nam mentioned in these terms after an on-the-spot investigation a case of U.S. bombing on Hongai:

"An official communiqué from Washington dated March 11 announced that the attack of the 10th on Hongai had destroyed as planned 12 buildings of an ammunition dump with a capacity of 3,000 tons. We saw neither the ammunition dump, nor the least trace of an explosion of such magnitude. But we did see the 60 houses destroyed and the 60 others damaged 12 hours before along the main street of the town, the families in search of something amidst the rubbles and in an emergency hospital, the little wounded, survivors of the kindergarten evacuated in the neighbourhood and bombed out on March 10.

Even if only communication centres and military targets were aimed at and hit, this, would still constitute an aggression contrary to the laws of nations. But the visit of the points struck at in Hai Phong and Hongai and the more recent statements made to us by qualified eyewitnesses have persuaded us that there just as in other places, it is a systematic action of terror and intimidation directed at the civilian population" (1)

In an article carried by *The New York Times* on December 27, 1966, Harrison Salisbury wrote that the systematic attacks on Nam Dinh city had destroyed a number of civilian buildings and caused the death of 89 persons, although he saw "no military installation" in the vicinity.

(1) Translated from French.

The serious character of the bombings and destructions of civilian targets and massacres of civilian populations by the U.S.A. in South and in North Viet Nam is shown not only by their deliberate, massive and systematic character, but also by the use of prohibited special weapons and their skilful combination for the only purpose of hitting the maximum number of people (with napalm, phosphorus, magnesium, steel pellet-bombs...) (1)

II — USE OF PROHIBITED WEAPONS : MOST DEADLY AND INHUMAN WEAPONS, TOXIC CHEMICALS AND WAR GASES

The laws and customs of war have long since laid down as a principle the limitation of means of warfare. Article 22 of the Hague Convention of 1907 stipulates: "*The belligerents enjoy no unlimited right in respect of the choice of means to injure the enemy*". Weapons designed to cause unnecessary suffering and those of mass destruction have thus been banned by international law.

The 1868 Declaration of St Petersburg banned in its Preamble "*the use of weapons which unnecessarily aggravate the sufferings of men rendered incapable of action, or make their death inevitable!*" This prohibition was also provided for by the Hague Convention of 1907 (Article 23e): "*It is particularly forbidden...*

e) *To employ arms, projectiles or material calculated to cause unnecessary suffering*". The Dum Dum bullets whose destructive effect does not differ in any way from that of the U.S. pellet bombs have thus been outlawed (the Hague Convention of 1899).

Other Conventions and stipulations have banned the use of toxic substances such as poison (Article 23a of the Hague Convention of 1907), chemical and bacteriological weapons, asphyxiating and toxic gases (Washington Treaty of February 6, 1922, Article 5); Geneva Protocol of June 17, 1925). In particular, the December 5, 1966 Resolution of the U.N. General Assembly renewed these stipulations in significant terms :

(1) See next heading : Use of prohibited weapons.

The General Assembly :

Guided by the principles of the United Nations Charter and of International Law.

Considering that weapons with a massive power of destruction constitute a danger to the whole of mankind and are incompatible with the recognized norms of civilization.

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Recalling the fact that the Geneva Protocol dealing with the use in war of asphyxiant, toxic and similar gases and of bacteriological methods, dated the 17th June 1925, was signed and adopted and is recognized by numerous States,

.

1. *Calls upon all the States to strictly conform to the principles and objectives of the protocol concerning the prohibition of the use in war of asphyxiant, toxic and similar gases and of bacteriological methods, signed at Geneva on the 17th June 1925, and condemns any act which contravenes these objectives.*

2. *Calls upon all the States to adhere to the Geneva Protocol of June 17th, 1925”.*

This Resolution was passed by 91 votes including that of the U.S.A..

Going counter to these laws and customs of war, the U.S. and puppet troops have made use of “*napalm, white phosphorus, magnesium, steel pellet bombs, flame-throwers, S.P.I.W., throwing projectiles with the properties of dum-dum bullets, explosive and asphyxiant gases, rockets, toxic chemicals...*”

All this testifies to the use by U.S. troops of these new, most deadly and inhuman weapons. They are being currently used in South and in North Viet Nam, in “sweeps”, in combat. Everywhere in Viet Nam, traces are still to be found of napalm, white phosphorus, magnesium bombs and shells, and pellet bombs. Many distinguished scientists and doctors all over the world, who are

members of Commissions of enquiry on the U.S. war crimes in Viet Nam have collected them and brought them away as evidence and exhibits. They have chemically analysed these substances and examined the victims of these weapons. Unable to deny any longer the existence and intensive use of these prohibited arms, the leaders of U.S. imperialism have resorted to another means of defense no less illusory, saying that these weapons have been used against "military targets" only. But it has been proved that these deadly arms have been used in a massive, general and deliberate way against populated centres and purely civilian targets (such as hospitals, schools, markets...) and are particularly directed at the civilian population. The many international commissions which came to Viet Nam for enquiry and which included Americans — were unanimous to bear testimony in this direction. In particular, the steel pellet bombs have been recognized as strictly anti-personnel, being ineffective against military targets. By nature, these weapons cannot be used under international law not only against civilian populations, but also in combat actions. They run counter to the fundamental principles mentioned above in respect of war weapons.

In the document *American crimes in Viet Nam*, the D.R.V.N. "Commission for Investigation on the U.S. imperialists' War Crimes in Viet Nam" exposed as follows the U.S. chemical war conducted in defiance of morality, universal conscience and international law:

"Since 1961, in South Viet Nam, the U.S. Command has been resorting to methods that Hitler himself didn't dare to use; chemical warfare has been waged 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 ricefields 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 Ben Tre province, for example, have been sprayed with various noxious chemicals which have not only 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. As early as April 1962, analyses made by the Liberation Red Cross showed that the chemicals used are as follows:

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

The area sprayed increased sharply from year to year:

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

In 1965, 150,000 persons suffered to various degrees from poisoning symptoms after these sprayings. *The New York Times* of September 9, 1966 disclosed that new C.123 planes had been sent to step up chemical warfare in South Viet Nam. 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 Viet Nam 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 Phu Lac village, Phu Yen 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, 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, G.I.'s emptied 48 containers of gas into underground shelters, killing 35 persons, mostly 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 Viet Nam.

The U.S. officials by no means try to deny the use of gas. 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 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 adamsite), and CS (thiophosgene) are extremely corrosive for the respiratory and digestive mucous membranes and are lethal in doses of a few milligrammes.

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 Viet Nam:

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

In order to justify this barbarity, Washington officials invoke the fact that the U.S. Senate did not 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? This is a purely formal defence without any value. As is known, the United States signed (and the U.S. Senate ratified) the Washington Treaty which prohibits “ the use in war of asphyxiating, toxic or analogous gases, as well as all liquids, materials or similar processes ” (Article 5).

Thus the Geneva Protocol of 1925 only goes to confirm the ban on the use of these substances as means of warfare and has extended it to “ bacteriological means ”. On the other hand, the December 11, 1966 Resolution of the U.N. General Assembly, which once again recalled the Geneva Protocol, was also voted by the U.S.A. The U.S. use of these prohibited weapons (napalm, phosphorus, steel pellet bombs, toxic chemicals and war gases) has revealed the utmost barbarity and illegal character of the U.S. war of aggression in Viet Nam. The U.S. imperialist ring-leaders have stepped in the shoes of the Hitlerite fascist chiefs, the greatest war criminals of the period over twenty years ago. They have made use of the progress of modern science, not to serve men, to “ help backward countries ” as they have so many times proclaimed to the whole world, but instead, against man, against human life. Everybody must admit that these are weapons of massive, total destruction or at least entailing serious lasting evils which are hard to cure. U.S. imperialism has resorted to such variety of means of extermination against an entire people with a view to intimidating them into surrender. That is the reason why its terrific weapons have been used everywhere, especially against hospitals, schools, churches, pagodas, villages, towns, populated centres, public places.

In this sense, this utilization runs counter not only to law, but also to morality, because it aims at using barbarity to draw back human conscience. In this respect, these "war crimes" become crimes against humanity and actual crimes of genocide.

* * *

Before passing on to the chapter on the U.S. crimes against humanity and crimes of genocide in Viet Nam, it is necessary to mention shortly other war crimes no less atrocious, but certainly broader, against prisoners-of-war and the civilian population in the zones still temporarily under U.S.-puppet control. *Medieval tortures* such as was exposed in "*The Greatest War Criminals of our Times*": gradually to cut off the limbs and other parts of the body until death happens; to bury or burn alive; to torture and kill children in their mothers' eyes; to rape women to death; to disembowel, to pluck off the liver, to gouge out the eyes of the victims, to tow prisoners behind tanks; to herd the civilian population into shelters and to sprinkle them with gas, etc. Continual *terror and reprisal* in various forms (murders, sweeps, arrests, inquisition by means of fascist laws and special military courts, campaigns of denunciation and extermination of communists, classification of the population into several categories to be subjected to different treatments...), *massive and disguised internments, deportations and concentrations* of the population with hellish regimes ("agricultural settlements", "prosperity zones", "strategic hamlets" or "new-life hamlets"...), affecting millions of people. In view of their unprecedented scale and cruelty and motivation, these are not only war crimes, but also crimes against humanity and actual crimes of genocide. In this sense they will be presented under the following heading.

These crimes seriously violate the fundamental human rights, the laws and customs of war regarding the treatment of prisoners-of-war and the protection of civilians in wartime (Article 6b of the Nuremberg Charter, the Hague Convention of 1907 on ground war Geneva Conventions of 1929 and 1949, in particular the third

convention on prisoners-of-war and the fourth on the protection of civilian in war-time). Under these stipulations, the "prisoners-of-war" in any form of war (declared or undeclared war, international or civil war) should be "respected" and "humanely treated" during his detention. He is entitled to respect for his bodily integrity (that is prohibition of mutilations and tortures), to the required food and medical care (Articles 13 and 15 of the third Geneva Convention of 1949), and to respect for his dignity (prohibition of all humiliating treatments, Article 14). Women should be treated with all the regards due to their sex...

The American policy and science of treatment with regard to South Vietnamese guerrillas are completely at variance with these legal provisions to which the U.S.A. itself has subscribed. This is clearly borne out by the confession made by Donald Duncan, an American officer who served for 18 months in South Viet Nam in the "Special Forces". Duncan was enlisted in the "Special Forces" in 1959. He underwent a training course on the struggle against guerrillas. In addition he was trained on methods of "scientific" interrogation and enquiry, for instance, "the cold water — hot water treatment", electric torture, pouring water into the nostrils, hanging the prisoner with head down, etc. Duncan saw with his own eyes these "scientific" methods being applied in South Viet Nam; moreover, even more "scientific" methods were devised by American and Saigon troops. Of the U.S. talks about "humanism", "concern for prisoners"..., D. Duncan said: "The whole thing was a lie".

B. — CRIMES AGAINST HUMANITY AND CRIMES OF GENOCIDE

Contrary to war crimes which have been defined for a fairly long time in international law, the notions of crimes against humanity and of genocide have become legal provisions only after World War II.

The crimes against humanity have thus been defined by the London Charter providing for the establishment of the Nuremberg Internationnal Military Tribunal: "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 grounds 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 the country where perpetrated" (Art. 6). They can be distinguished from war crimes by the number of victims, the clearly inhuman character of the acts perpetrated, and also their motivation. As regards the Hitlerite fascists, they constitute actual criminal policies carried out by a whole State apparatus and political organizations affillated to nazism.

Genocide is denounced by the International Convention of 1948 (December 9). It means "any of the following acts committed with *intent to destroy, in whole or part, a national, ethnical, racial, or religious group*: a) killing members of the group; b) causing serlous bodily or mental harm to members of the group; c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or part" (Article 2).

There is a fairly close parallelism between the motivations of the crimes against humanity and those of genocide. The main difference between them is that the crimes against huwanity are directed at "civilian populations" while the crimes of genocide is directed at a "group". However, these two characters exist sometimes in the same victim.

This brief analysis lead to two conclusions. First, the same facts and acts may constitute at the same time war crimes, crimes against humanity and genocide. Second, many war crimes of the U.S.A. and its accomplices as mentioned above are also crimes against humanity and actual crimes of genocide. Thus the massacres of the civilian population, destructions and "sweeps" of whole regions in South Viet Nam, deliberate, massive and systematic bombings of civilian targets, populated centres... in North

Viet Nam with the obvious purpose of enslaving by brute force the Vietnamese people, and exterminating one part of the Vietnamese population so as to subdue the other, come perfectly within the purview of Article 6c of the Nuremberg Charter and Article 2 of the 1948 Convention. They do affect the civilian population or the Vietnamese national group which fight against U.S. aggression, and are committed in execution of the crime of aggression which comes within the jurisdiction of a Nuremberg — type Tribunal for prosecuting great war criminals.

This plurality in the penal description given to a series of facts and acts perpetrated by the U.S.A. and its accomplices in Viet Nam is not new. The Nuremberg judgement put together war crimes against humanity so widely that no clear distinction was drawn between certain categories of particularly serious crimes which can be described only as “crimes against humanity”.

In this Essay of “Accusation Act “ against the U.S. crimes in Viet Nam, we have deliberately set aside a series of criminal acts which, in our view, can be described only as crimes against humanity, or even as genocide, in view of their large scale, extreme cruelty and their marked neo-colonialist motivation.

Before giving a more detailed description of these special crimes, it is important to point out that they also infringe the fundamental and general juridical norms on the democratic rights and freedoms of man, and the national rights of all peoples to independence, sovereignty, territorial integrity and self-determination (Universal Declaration of Human Right, December 10, 1948; United Nations' Charter, June 26, 1945...), the provisions of the Geneva Conventions of 1949 on the protection of civilians in war-time, Article 14 (c) of the July 1954 Geneva Agreements which reads: “Each party undertakes *to refrain from any reprisals or discrimination* against persons or organizations on account of their activities during the hostilities and *to guarantee their democratic liberties*”.

I. — POLITICAL INQUISITION UNDER THE SIGNBOARD OF "ANTICOMMUNISM" TO SUPPRESS BY BRUTE FORCE ANY RESISTANCE STRUGGLE AGAINST THE NEO-COLONIAL AND NEO-FASCIST U.S. — PUPPET REGIME

The criminal acts denounced here include: arrests, arbitrary imprisonment, murders, sweeps, enacting of fascist laws, establishment of special military courts, campaigns of denunciation and extermination of "communists", classification of the population into several categories to be subjected to different treatments... They are directed at any person whose political views differ from those of the puppet rulers, at former Resistance members, patriots, democrats, at any peace-loving persons who stand for the implementation of the Geneva Agreements and the reunification of the country...

The many documents issued by the D.R.V.N. and then the N.F.L., the findings of the International Commission for Supervision and Control in Viet Nam (I.C.S.C.), the many testimonies of Western journalists... have long since laid bare these odious crimes of the U.S. — puppet regime in South Viet Nam. Even the press and the records of activity of the Saigon regime confirmed their existence while putting them under the signboard of "anti-communism".

The following is only a short sketch about this criminal policy and these monstrous crimes. The description of these crimes cannot indeed be separated from the neo-colonial and neo-fascist U.S. — puppet system:

In South Viet Nam, the United States have come to initiate a war after trying for many years to impose a typically fascist neo-colonial regime where terror plays a role of prime importance.

The Saigon puppet regime is "assisted" by U.S. "advisers" in all sectors. For the administration and the police it was a specialized mission composed mainly of C.I.A agents under a university cover; the Michigan State University (M.S.U.) Mission provided "advisers" to Ngo Dinh Diem. In his book *How the United States got involved in Viet Nam* (Report to the Center for

Democratic Institutions, Santa Barbara, California), Robert Scheer revealed the following: With Washington's approval, the "professors" reorganized the former French Security service, turning it into a new "Vietnamese Bureau of Investigation" on the pattern of the F.B.I., but which would be responsible also for other particular measures, such as information and postal control... The police was converted into a paramilitary for the fight against civilian riots. Once the security of Saigon was achieved, it became essential to pacify the country, thus the civil guard, a rural militia 40,000-strong was set up... The monthly reports of the project listed a great variety of rifles, ammunition, vehicles, hand-grenades, tear gas equipment which the M.S.U team ordered to U.S. "official agencies" for their Vietnamese protégés. From 1955 to 1960, the M.S.U. team bore the main responsibility for the training, equipment and financing of the police apparatus in Ngo Dinh Diem's State.

With this U.S. technical and financial aid, the administration and police of Ngo Dinh Diem put into effect as early as 1954 a policy of terror in an attempt to stifle the people's movement for the implementation of the Geneva Agreements, to take back to the peasants the lands that the Resistance movement had allotted them, and to re-establish the feudals' privileges. Following are a few testimonies of the foreign press in Saigon :

"The authoritarian methods applied in South Viet Nam are related to the most orthodox fascism"

(Marchés coloniaux, December 1955).

"Everywhere there are groups of flat-helmeted policemen whose number has not decreased since the war..."

Le Monde, January 4, 1957).

"A regime among the most tyrannical ones in Asia, which has succeeded in extending its rule over the country only by force of arms and which has maintained itself against the opposition only by means of the army and police".

(France-Observateur, June 28, 1956)

"Pistol bullets silence any Vietnamese who opens his mouth against the Americans in South Viet Nam".

(Express, October 20, 1956)

Even Americans were shocked; a clergyman who had made a stay in Saigon raised an alarm in *The New York Times* on April 11, 1956.

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

The U.S. advisers and the local feudalists and other reactionaries grouped under Ngo Dinh Diem, confronted with a people who had waged for nine years the armed struggle against French colonialism, had only one intent—to do away as quickly as possible, by every means, with the patriots and democrats who had participated in the national liberation war, and who were all dubbed “Viet Cong” (Vietnamese communists). Against the “Viet Công”, all means were good: the troops opened fire on unarmed crowds, the police tortured people to death, carried out kidnappings and summary executions, jailed or deported people without any trial. A “Denounce communists” campaign compelled the population to denounce in the course of countless and endless meetings those regarded as “Viet Cong”. Hundreds, and sometimes thousands of people were forced to stand in the sun, under the rain, for hours and even for whole days, denouncing one another. In many areas, the troops mopped up villages as in war-time. The Ngo Dinh Diem Administration divided the people into three categories: the legal citizens, the illegal citizens who had participated in the Resistance war in one way or another, the semi-legal citizens who were the relatives of the latter. But who had not participated in the national-liberation struggle in one way or another? This was borne out by an official document published in *Cach mang Quốc Gia*, mouthpiece of the Ngo Dinh Diem family in September 1959, and which gave the following directives to the services of repression:

“It is necessary to review all the organizations of the Viet Cong or other organization set up by them, and proceed with a classification of persons belonging to the following organizations:

The Viet Cong founded the “Viet Minh league”, the “Democratic Party”, and the organizations of the youth, women, peasants and workers “for national salvation”, etc. In 1946, the Viet Cong founded the “Lien Viet front”, the

Socialist Party, the General Confederation of Labour, and innumerable organs of civil and military power such as the administrative committees, the people's councils, the liberation army, the relieving troops (1), etc...

During the war, from 1946 to 1954, the Viet Cong established many their organizations under the various signboards: "For national salvation", "For the Resistance", "for peace" the "Cultural Association for National Salvation", the "Association of Resistant Catholics", the "Association of the Fighters' Mothers", and such military and paramilitary formations as "the People's Army", the "Guerilla fighters" the "Self-Defence Corps", the "Shock Youth" etc.

Thus few South Vietnamese could seem "pure" in the eyes of the U.S. — Diem police. The document went on to read:

"With regard to families having their members regrouped to the North and those entertaining relations with the cadres and members of the Communist Party or Workers' Party, the government and the people will compel them to cut off all political relations with the latter — that is to say, to refrain from supplying them with food, money, medicine, and daily necessities, from giving them information and from sustaining the Viet Cong...

Those who adhere to the illegal organisation secretly left behind in South Viet Nam by the Viet Cong or set up by them after the signing of the Geneva Agreements are, without exception, elements who help the Viet Cong, and work for the interest of foreign communist imperialists, Russian and Chinese, carrying out activities of subversion, espionage and betrayal"

Thus, under the signboard of "anti-communism", the witch-hunt was conducted in a particularly bloody manner. During 1954 — 1955, many massacres were perpetrated. In its fourth Interim report, the International Control Commission noted that where investigations had been possible, 319 cases were recorded involving loss of human lives.

(1) They were the Vietnamese units which relieved the Chiang-Kai-shek troops, along with the units of the French Expeditionary Corps, under the March 6, 1946 Preliminary Agreement.

However thousands of cases had not been investigated in view of hindrances created by the Saigon authorities ; on the other hand, the feudalists reinstalled in power and their agents undertook ruthless reprisals against former Resistance members.

On the Ngan Son case which occurred on September 7, 1954, the same Report made clear that it was a "serious incident" which made about 80 killed and 46 wounded. Against a crowd of about 300 unarmed people were deployed 320 men of the Vietnamese battalion armed with rifles and automatic weapons and backed by other mobile groups.

The "Record of six years of activity of the Government" published by the Saigon Ministry of Information in 1960 mentioned the following results on the repression :

1) "Civic action" services: 893, 291 "education" sessions involving 18, 759, 111 participants ("Denounce Communists" meetings).

2) Military campaigns :

— Tu do (February 8 — March 12, 1955) in Cà Mau area

— Giai Phong (April 19 — June 1 1955) in Quang Ngai, Binh Dinh area.

— Against the Binh Xuyen (March 1955).

— Dinh Tien Hoang (June 5 — December 28, 1955) in western Nam Bo.

— Hoang Dieu (September 23 — October 21, 1955) in Rung Sat.

— Nguyen Hue (May 11 — 31, 1956) in U Minh area.

— Thoai Ngoc Hau (June 8 — October 31, 1956) on the Cambodian border.

— Truong Tan Buu (July 17 — December 15, 1959) in eastern Nam Bo.

Pacification in 1958-1959 of Minh Thanh, Dau Tieng, Loc Ninh areas (rubber plantations), the region west and northwest of An Khe (High Plateaux), U Minh forest, War Zone D (northwest of Saigon).

— 76 military operations were conducted from July 1959 to July 1960.

Thus ever since the start, the U.S. advisers and the Ngo Dinh Diem administration had put the army into action against the population in numerous regions, thereby waging an actual *unilateral war* on the unarmed people. The "Denounce Communists" campaigns conducted by the civic action service are no less violent. *Tu Do* (Freedom), a government paper, published on February 28, 1959, a report addressed by the head of the Information Service of An Xuyen province (Ca Mau) to the Minister of Information on the results of a campaign carried out from August 30, 1958 to January 30, 1959 with the following figures :

- 6,425 former communist cadres
- 3,381 communist cadres in activity
- 8,125 communists crossing over to the government side
- 21,978 fellow-travellers.

In all, 39,909 communists for a single province whereas there were 30 provinces in South Viet Nam, these "communists" who had been detected were subjected to atrocious tortures. For South Viet Nam as a whole and in the course of campaigns conducted over several years, there were hundreds of thousands of victims. On September 23, 1955, the Saigon correspondent of *La Tribune des Nations* wrote :

"The anti-communist campaign is but a sequence of persecutions which are always ferocious, often bloody. All former Resistance members are banned, discarded from public services, and even private enterprises subjected to government pressures. The Ngo Dinh Diem troops mount "mopping up" operations as in war, herd into concentration camps thousands of inhabitants living formerly in Viet Minh zone, engage in plunder, multiply summary executions".

A whole *series of laws and decrees* tend to give a legal cover to this bloody repression. Ordinance N° 47 of August 1956 stipulated :

- "Any Vietnamese or foreigner who
- voluntarily exchanges correspondence, has liaison with a communist organization or with its employees,

— directly or through an intermediary entertains purposive commercial relations with the employees of a communist organization

Will be guilty of infringement upon the external security of the State and subject to hard labour for a term of year”.

Ordinance N° 61 of 1956, stipulated :

“ Whoever

— intentionally proclaims or spreads by any means unauthorized news about prices; or rumours contrary to the truth, or distorts the truth concerning the present or future situation of markets in the country or abroad, susceptible of provoking economic or financial perturbations in the country

will be sentenced to death”.

The legislative apparatus was crowned with law 10-59 promulgated on May 6, 1959, which provided for the setting up of special military courts.

Art. 1 : Death Sentence... will be imposed on whoever commits or attempts to commit one of the following crimes with the aim of sabotage, or of infringing upon the security of the State, or injuring the lives or property of the people.

The law condemns to the same sentence those who merely “ belong to an organization ” set up for this purpose (Art. 3), admits of neither “ extenuating circumstances ” (Art. 4), nor “ appeal ” (Art. 17), dispenses the court with the need of “ preliminary ” enquiry (Art. 12), provides for an emergency procedure with the decisions of the court being immediately acted upon (Art. 18). The special military courts moved about, taking along with them an itinerant guillotine to execute the sentenced people on the spot.

The main ground for condemnations was formulated very vaguely: “ infringement upon the security of the State ”, and everything depends on the interpretation given to this term by the judges. Under Ngo Dinh Diem’s reign, it was the newspaper *Cach Mang Quoc Gia*, mouthpiece of the ruling family, which issued instructions to the administrative and judiciary machine. This paper wrote on April 28, 1959 which the Saigon « National Assembly » was discussing the content of the law :

“The law should interpret this term not in a concrete and narrow meaning, but in an extensive way. There are crimes which are very serious, very dangerous and punishable by death sentence, such as perturbing the economy of the country, circulating leaflets inciting people to rebellion, staging strikes and demonstrations in order to harm the prestige of the nation, spreading false news ... The peasants should be made to understand that to hide a communist or to follow him involves the risks of being sentenced to death. In a crime, there is usually an instigator who gives the order for the execution, an immediate promoter, a number of executants, and all those who help directly in it. All should be sentenced to death”.

To circulate a leaflet, to help directly or indirectly in a crime of “infringing upon the security of the State”, all these acts are punishable by death sentence! Again it should be known that the law 10-59 is nothing but a legal camouflage. Shootings, summary executions, tortures to death, jailing, deportation were operated without even a sham trial. Troops, policemen, thugs were ruling at discretion in the villages. The American journalist Colegrove wrote that “Shaking a fist in the general direction of the presidential palace” is an “anti-government act” punishable by a death sentence just as sabotaging a reservoir (*New York World Telegram*, July 25, 1959).

The most barbarous practices were added to the executions. The Saigon newspapers in principle said nothing about the tortures; however it happened that they mentioned some cases:

“One week after the verdict (passed by the military court), the police laid hands upon Lep ... On October 13, the order to have Lep beheaded was made known to the public and large crowds came to attend the execution ... The edge of the sword made the head fall with a dull sound in a flood of blood ... The village administration ordered the executed criminal's belly to be opened and his liver taken out, which was to be taken to Hoa Duoc, and exhibited with his head to the public”.

(*Dan Chung*, a Saigon paper — October 15, 1959).

This news was confirmed by the paper *Buổi Sang* which reported on the same day that the head and liver of the victim were being “exhibited at the communal house of Hoa Duoc”.

As these barbarous practices were increasingly opposed by the people, the operations carried out by the troops took an increasing scale under the personal command of American officers. Thus the political, then armed resistance struggle of the South Vietnamese people began and was to develop in proportion with the war conducted by the U.S. imperialists and their puppets.

This brief sketch of the political inquisition practised in South Viet Nam under the signboard of "anticommunism" makes it possible now to point out the actual criminal, instigator and promoter of all these odious crimes. That is neo-colonialism and neo-fascism now under the aegis of the men in the White House and the Pentagon. Maurice Duverger, a professor at the Paris Law Faculty, was right when he wrote the following about the origin of the U.S. cruelties against the Vietmanese people:

"... The United States action in Viet Nam has the same aim as its Santo Domingo operation. In both cases, it is a military intervention to prevent the evolution of a people. Will napalm, phosphorus bombs and other similar means enable 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 Viet Nam; it is the problem of external fascism."

(*Nouvel Observateur*, February 9-1966).

II — CAMOUFLAGED MASSIVE INTERNMENTS, DEPORTATIONS AND CONCENTRATIONS OF THE POPULATION

The measures of terror being no longer sufficient to curb the people's resistance struggle, the U.S. advisers and the Saigon puppets rapidly came to take massive internment measures against the whole population. It was first the *prisons* organized at all administrative levels from the hamlet to the centre, and which mushroomed under the Diem regime. The jails were packed. At a meeting on January 3, 1958 of the so-called "National Assembly" of Saigon installed by mock elections, deputy Tran Ngoc Ban gave the following details:

“1) 112 million (South Vietnamese piastres) for prisons as against 6 million for the Hue University; 2) 150 detainees in one room 54 square metres in area, 3 detainees per square metre; the detainees cannot even lie down, they eat, sleep and ease their bowels in the same place; 3) many detainees remain in prison 18 months without trial; for Quang Nam province, which I represent, said Tran Ngoc Ban, the small provincial prison receives no less than 2000 persons”

(Minutes of the meetings)

Then came the “*agricultural settlements*” established in the High Plateaux with a view to taking “suspect” elements away from the populated areas in the plains. Up to 1957, the official figures published in the record of the regime’s six years of activity were 189, 545 people removed to the High Plateaux, including 134, 619 from the Mekong Delta.

In 1959, the prisons and “agricultural settlements” turned out to be not enough. On July 7, 1959, Diem announced the creation of “*prosperity zones*” or “*agrovilles*”, this time no longer in the High Plateaux, but in the plains themselves. *Cach Mang Quoc Gia* explained the operation in the following words:

“Security has not returned to the villages, because the people are dispersed in the plains without grouping themselves into compact hamlets. Sometimes the houses are several hundred metres away from one another... the liaisons of the dwelling groups with the military posts are delayed... the news arrive with difficulty... and the communists turn this to account to demoralize the people by their propaganda.”

(November 10, 1959)

The solution was to herd the population into compact groups under close military and administrative control. After a visit to the Vi Thanh centre presented to the international press as a model of its kind, the French journalist Pierre Chauvet wrote:

“...The prosperity zone is the sister of the Malayan fortified village and the administrative section of Algeria”

(*Journal d'Extrême Orient*, April 4, 1960).

The British paper *Scotsman* noted:

“Peasants are obliged to walk over 10 miles a day to go to their fields, bringing with them farming implements and draught animals. That is way they are in the majority in disagreement with the programme of establishment of” zones of prosperity”.

Cach Mang Quốc Gia had to admit this peasant resistance struggle :

“ The greatest difficulty is to remove people ”

(November 11, 1959)

Washington left no stone untuned in its attempt to break the people's resistance. In May 1961, Lyndon Johnson, then Vice-President of the United States, arrived in Saigon to work out with Ngô Diem new dispositions for the “special war” ; he was followed by the economist E. Staley, then General M. Taylor who came several months later to map out the so-called Staley-Taylor plan for pacification of South Viet Nam in 18 months.

The backbone of this plan was the establishment of 17,000 *strategic hamlets* where the whole rural population of South Viet Nam was to be herded “ to reshape the pattern of life ” in the South Vietnamese villages (*New York Herald Tribune*, October 7, 1961). How? According to a *U.P.I* report of February 17, 1962 this strategy consists in fortifying a new village by means of *barbed wire*, *a system of identity cards*, *a blockhouse* commanding the entrances and exits, and *curfew*.

On September 17, 1961, Major Thompson, the British officer who had led the operation of regroupment of the populations in Malaya, arrived in Saigon with an advisory mission in the application of this strategy (Let us note that the British Government, a Co-chairman of the Geneva Conference on Indo-China, was thus among the first to violate the Agreements). Washington granted a special appropriation of 55 million dollars for the implementation of the project while Australia supplied the barbed wire (1).

(1) To the Melbourne dockers who refused to load it, the Australian authorities said in reply that this was for charitable purposes.

The operations were effected in the following way: Saigon troops under the command of American advisers mopped up a region, burnt down villages, destroyed gardens, and forced the inhabitants to settle into a strategic hamlet. Let us mention for instance "Operation Sunrise" planned by Thompson, and carried out northwest of Saigon in Ben Cat area. *The New York Times* of March 28, 1962 wrote:

"1200 families are to be moved voluntarily or forcibly from the forest controlled by the Viet Cong and resettled in new strategic villages. The abandoned villages will be burned to deprive the Viet Cong of shelter and food... Some families had been allowed to carry away beds, tables and benches before homes were burned. Others had almost nothing but the clothes on their backs... A young woman stood expressionless as she recounted how the troops burned the families' two tons of rice".

The inhabitants thus forcibly driven out of their homes *were required in addition to supply bamboos and forced labour to erect a palisade and to dig a moat round the hamlet*, and to build defense works. A ring of barbed wire flanked with blockhouses and watch towers completed the enclosure within which the inhabitants were herded. The exits were constantly guarded by armed policemen. Every inhabitant over 10 years of age was issued three identity cards with photos, the first for his movements inside the hamlet, the second for going out to his fields, and the third for movements from hamlet to hamlet. People were not allowed to go to their fields before the doors were opened, and they must come back very early. Each family was required to affix on the door of its house a collective photo with the necessary information: in the dead of night agents came to check whether it lodged strangers. Food had to be handed over to the authorities who distributed rations on a daily basis, this was a precaution against the population supplying "Viet Cong". People were forbidden to help one another in case of need. They were forbidden to go out at night without a light. Reactionary organizations — "Civil Guard", "Republican Youth" — spies and thugs closely watched on their acts, detected suspects, for after the herding came the "discovery

of the inner front, the close analysis of souls, the total offensive" (Ngon luan, a Saigon paper, August 22, 1961).

All those who were suspected of entertaining any relation with "Viet Cong" were tortured or secretly killed. In a speech delivered in Saigon on May 22, 1962, Bui Van Luong, the Home Minister of the Saigon regime, gave the following details on the operations:

"The Security services will control the local security to work out a list of pro-communist elements and of those with relatives regrouped to the North. The teams sent out on mission will have to classify people into different categories: women, grown-up men, old folk, children, and to organize them into civic groups. The civic action agents should organize sessions of civic education with a view to popularizing the concept of strategic hamlets. The regular army, the militia, the civil guard should train the youths to enable them to ensure the self-defense of the hamlet".

(Documentation française n° 1283).

We know what "civic action" means in South Viet Nam. On December 19, 1962, the Saigon Home Ministry stated that:

"4,077 hamlets shelter now 36 percent of the population, that is, 5 million out of 14, and 2,205 are being built. By the end of the year, 4,500 others will have been completed. 80 percent of the population will thus be in strategic hamlets".

The results had been exaggerated for propaganda purposes, but these figures at least made clear the intentions of the Americans and their Saigon stooges: to concentrate the whole rural population. The American paper *National Guardian* wrote on April 4, 1963 that South Viet Nam was being turned into an immense prison.

It is understandable that the herded villagers sought only to destroy the hamlets as rapidly as possible, a fierce struggle was waged by the whole population and a number of hamlets were destroyed, rebuilt then destroyed again many times. American journalists noted right from the start the weakness of the system. According to a *U.P.I.* dispatch of January 2, 1963, the most obvious result achieved by Diem was the people's hatred.

The people's struggle and the failure of the "special war" brought about the fall of Diem in November 1963. The Americans and the successors of Diem were to carry on the strategic hamlet program under a new name: the "new life" hamlets!

III — THE EXPERIMENTAL WAR

The U.S. neo-colonialists and neo-fascists strike hard at Viet Nam not only to enslave at any cost a people, but also to test in cold blood their "counter-guerilla", "anti-communist" war, or more accurately their new war of aggression and conquest to further their schemes for world hegemony. As the Hitlerite fascists did, they are testing here a whole series of new weapons and war tactics. Modern science and technology are called upon to develop the most deadly weapons which are put to the test on the Vietnamese battlefield. Efforts are being made to improve the effectiveness of the heaviest bombers, to find the best type of amphibious tanks. The United States is testing in South Viet Nam the efficiency of the latest jets — F.105's, F.5A's, F.111, helicopters of all types, hovercraft, quick-firing automatic weapons, phosphorus shells, darts having the properties of dum-dum bullets, chemical weapons, anti-vegetation substances, combat gases are made the subject of special studies. Mobile laboratory N°406 under the chemical and bacteriological warfare service of the U.S. armed forces has been moved from Saigamihara (Japan) to South Viet Nam. West German experts are helping to build installations manufacturing combat gases in South Viet Nam itself, and the U.S. command is planning to bring in some units of the Bonn army for the production and use of gases.

As early as 1961, when the "special war" was started, American newspapers immediately pointed out the experimental character that Washington wanted to give to this war. It is in Viet Nam that weapons and methods were to be developed to curb the national liberation movements in Asia, Africa, and Latin America. Even before the Staley — Taylor plan was worked out, *The New York Times* wrote that the Pentagon wanted to use

Viet Nam as a proving ground to test the new guerilla tactics of the U.S. Army in the tropical regions (March 24, 1961).

New weapons were put to the test as early as 1961. The following details were given by *Newsweek*:

Among the new weapons and equipment designed for South-East Asia, there are:

— A microjet rocket, a tiny projectile, one inch in length, which can be thrown from a plastic tube of the size of a lemonade straw. According to a guerilla expert, this weapon is a modern type of blow-pipe, almost silent, and "the most deadly of all small arms that I have seen", according to a guerilla expert.

— Light automatic weapons easy to handle.

— An explosive gas which can be released above the enemy.

— Caribou cargo planes which require only small runways and can carry 24 paratroopers or a load of 3 tons.

— Small boats for the operations on the rivers in the jungle; modern radio equipment which can operate smoothly in the conditions of the hinterland, devices making it possible to see in night combats and light vehicles for mountain areas...

(August 21, 1961).

According to *Life* of April 9, 1962, the United States supplied to the South Viet Nam Air Force a tactical force armed with rockets, bombs, napalm; it was experimenting chemicals; it was putting to the test police dogs... Finally it was applying new landing techniques both to fight against the Viet Cong bases in the South and to send counter-guerilla forces to North Viet Nam.

Since 1962, the United States has not ceased putting to use in Viet Nam new weapons developed in numerous laboratories, then tested on the field. Even the most deadly weapons have been perfected in the process of their use: thus the heavy bombs of the B. 52's are now provided with a special device which cause them to explode only after penetrating deep into the ground so that they can blast away the underground shelters of the population. Ordinary napalm and phosphorus bombs cannot burn the foodstuffs buried underground. American technicians have developed napalm

bombs which burn only underground. Never before so much refinement has been shown in the art of killing and destroying.

An instance of this is to be found in the *steel pellet bombs* used both in South and in North Viet Nam. In 1965, each of them was like a jam pot with little wings weighing 800 grammes, and contained 300 small steel pellets which were released by the blast within a range of 25 metres. The victims were riddled with a multitude of these pellets, which made impossible any surgical operation to save them. In 1966, these bombs were made smaller (weight: 400 grammes) and put into containers - "mother-bombs" - each including 300 of them. These steel pellet bombs are dumped by the thousand on markets and populated villages, one single container can release over an area of 6000 square metres tens of thousands of small balls quite harmless to military works or bridges, but capable of seriously wounding or killing all those who are in the affected area. Children, particularly, have fallen victims to these steel pellet bombs.

This experimental character takes on its most odious aspect in the *chemical warfare*. Washington is very afraid of being compelled to use the U.S. infantry for combat actions in a tropical country against the national liberation movement. That is the reason why it has sought every means to dispense the G.I.'s with the need of fighting as the infantrymen of other countries do. The American scientist Siddle of Harvard University wrote in *The New York Herald Tribune* on January 14, 1966 that the escalation of the war in Viet Nam had led to increasing pressures for an early end and for the use to this end of all means of warfare short of atomic means; as a result, the command was inclined to use more and more the chemical weapons.

Many American papers gave plenty of details on the properties of the gases put to the test. *Wall Street Journal* wrote on January 5, 1966 that the peace offensive did not in the view of the military rule out propositions tending to a more intensive use of gases.

The article described the effects of C.N.S. which can bring about vomitings, colic and diarrhoea for several weeks running,

those of B.S. wich paralyze people for days. Some have come out with the proposition of flooding villages with gas so as to paralyze the entire population ; American soldiers, with masks on, would then only to come and lay hands on the enemy fighters.

As for the indiscriminate bombings, the possibility of heavy civilian casualties does not disturb the conscience of the U.S. command which has gone so far as to affirm that *chemical warfare is more "humane"* than conventional warfare. The Japanese weekly *Gendai* gave on May 27, 1965 many details on the chemical and bacteriological war experiments conducted by the U.S. command. It said in part that Viet Nam is being used as a testing ground for B.C. weapons (bacteriological and chemical weapons), and it did not rule out the idea that the cases of plague recorded in South Viet Nam might be due to an experiment of this kind. The paper also gave details on the laboratory N° 406 initially installed in Japan, then transferred to South Viet Nam, on the presence of arsenic in the so-called "defoliants", on the use of scorpions imported from India for biological warfare experiments. Set up in 1946, the laboratory N° 406 is officially designed for the study of tropical diseases, and has requested for certain works the help of Japanese universities, a number of scientists of which have collaborated with it without knowing precisely the purposes of the results of their researches. It is obvious that the same scientific research can indifferently serve the health of the population and the purposes of biological warfare.

On March 4, 1966, *La Tribune des Nations* raised an alarm :

"Indignation is not our usual tone. But the reader will add himself the accent which suits the cold summary of a diplomatic report which we submit to his thoughts. The question is still about Viet Nam regarded as a proving ground and an experimentation field for the American science of destruction... Reports from military sources note that these "experiments" are conducted under the supervision of specialists and particularly qualified special representatives of the Pentagon... Unfortunate accidents have been recorded at times, for instance that reported by *Associated Press* from Tuy Hoa : a South Korean detachment, having detected an underground shelter of 1,500 metres on a

rocky slope, had filled it "by way of experimentation" with toxic gas and then had found the bodies of the civilians, mostly women and children, who had taken shelter there against the bombardments".

On April 5, 1966, *Newsweek* quoted various foreign papers as condemning this experiment. The British paper *New Statesman* wrote that the Americans, as Hitler and Mussolini had done formerly in Spain, were using the Vietnamese people to test their new weapons. The Japanese paper *Asahi* wrote that the U.S. bombings of North Viet Nam, and especially the use of toxic gases in South Viet Nam left the impression that Asians were employed as *guinea pigs* to experiment chemical warfare. The Indian paper *Patriot* expressed the view that the Americans had decided to use toxic gas and napalm in Viet Nam, because this is an Asian people. It added that Asia would never forget that America had used the atom-bomb against Asians, and was not surprised if she repeated her act of cruelty.

* * *

Massacre of civilian populations, deliberate, massive and systematic bombardments against purely civilian targets which are showered with steel and fire, explosive, napalm, phosphorus, and steel pellet bombs, rockets, artillery and naval shellings, chemical warfare, use of toxic and asphyxiating gases, testing of all kinds of new weapons to the detriment of an entire people, tortures, constant police terror, continual "mopping up" operations, campaign for denunciation and extermination of communists, fascist laws and special military courts, massive internments, deportations and concentrations, killing of wounded soldiers on the battlefield, extermination, tortures and inhuman treatments inflicted on prisoners of war... such is in a nutshell the grim picture of the monstrous crimes perpetrated by the U.S. imperialists and their lackeys in Viet Nam. In *South Viet Nam*, a zone with a population of 14 million inhabitants, these crimes took the following toll from 1954 to 1965:

- 170,000 killed
- 800,000 tortured and maimed
- 400,000 detained in over 1,000 prisons and camps
- 5 million herded into “prosperity zones”, “agricultural settlements” and “strategic hamlets”...

(according to the figures published by the N.F.L.)

These figures do not include the victims who have fallen since the start of the local war with massive intervention of U.S. and satellite troops.

In *North Viet Nam*, the air and naval bombardments have been systematically directed against all the towns and provincial capitals, and hundreds of district towns, most of which have been seriously devastated. An increasing number of populated centres and civilian installations — hospitals, schools, churches, pagodas, dikes, dams, factories, State farms, construction yards, villages... — have been bombed out. Attila and Hitler would not have done better.

But for their indomitable courage, their unshakable resolve to fight for independence and freedom, their age-old traditions of patriotic struggle, their ingenious and fitting measures, their prodigious military strategies and tactics of people's war, the Vietnamese people from the South to the North would have succumbed under this avalanche of steel and fire. Instead, it appears clearer than ever that the criminal U.S. aggression is doomed to defeat. More than ever, the Vietnamese people are sure to win victory.

This effective and ingenious resistance struggle has made it possible to limit to a considerable extent the losses in terms of human life, and therefore, to considerably restrict the criminal U.S. aims of genocide. This does not, however, mitigate in any way the responsibility of the men in the White House and the Pentagon who have deployed in Viet Nam all means and methods of *total war*, deliberately erasing all distinction between combatants and civilians, between military and civilian targets, massively using prohibited weapons of mass destruction, respecting no legal norm in the conduct of war, and making terror, tortures and

massacres... a systematic policy towards the populations under their control.

The U.S. war strikes at every Vietnamese as such, regardless of his status as combatant or civilian, and irrespective of age, sex, political belief, religious creed... It strikes at all aspects of life (public and private; political, economic and social; towns and country...). Its criminal acts mentioned above have been accomplished in a systematic and planned way. Terror is combined with demagoguery, bombs with "aid", war escalation with fallacious peace proposals, the utmost atrocity with pernicious perfidy. *Taken as a whole, the U.S. neo-colonial aggression in Viet-Nam and its countless monstrous crimes constitute in the final analysis an actual crime of genocide against the whole Vietnamese nation.* It is indeed a huge undertaking of extermination or attempted extermination of a part of the Vietnamese people with a view to subduing the other. It camouflages itself behind the banner of "anti-communism" to trample underfoot the people's national rights and human democratic rights and freedoms. It misuses science and technique to spread crime. It wants to drown in bomb blasts the voice of the Vietnamese as a nation, and to allow only the neo-colonial and neo-fascist U.S.-puppet regime to speak and to survive. However, the enormity and utter atrocity of its crimes only go to show clearly the colonial nature of the American war. The condemnation by the whole mankind of these heinous U.S. crimes against humanity and of genocide necessarily entails that of the U.S. war against the Vietnamese people.

IV

On the basis of the above-exposed facts and acts, we can sum up as follows the war crimes (in the broad sense of the word) committed by the U.S. imperialists and their lackeys in Viet Nam:

1. Crime of plotting and conducting a most perfidious and barbarous war of colonial aggression.

This war of neo-colonial aggression developed in various forms by the United States against Viet Nam is both illegal and criminal in terms of international law.

It infringes the Vietnamese people's fundamental national rights: peace, independence, sovereignty, unity, territorial integrity, non-interference in internal affairs..., which have been guaranteed them by the 1954 Geneva Agreements.

This violation deliberately undertaken and pursued with a view to frustrating the Vietnamese people of their rights is at variance with the principles and provisions of international law banning war of aggression and the threat or use of force as a means of external policy, and condemning colonialism and imperialism in all its forms.

It constitutes, therefore, the supreme international crime in the meaning of the Nuremberg judgement.

2. War crimes, crimes against humanity and crimes of genocide.

The means and methods used by the United States constitute as many war crimes calculated to exterminate men, wiping out all life-sustaining resources, and destroying cultural and spiritual life in Viet Nam.

By their scale, their systematic character, and their motivation, they constitute crimes against humanity and actual crimes of genocide as defined by international law.

This crime of genocide is also characterized by the very principle of war escalation whose forms, dimensions, means and methods amount to nothing but a vast terroristic undertaking against a whole people. Its purpose is to develop methodically and gradually all means to annihilate the material and moral resources and the very existence of an entire people, and to constantly threaten them with extermination with submission as the only alternative.

The following are denounced as *war crimes*:

1) *The deliberate, massive and systematic attacks and destruction of purely civilian targets and the massacres of civilian populations.*

2) *The use of prohibited weapons — most deadly and inhuman weapons, toxic chemicals and war gases.*

3) *The extermination of, and the inhuman tortures and treatments inflicted on prisoners of war; multi-form, continual terror and reprisals, “camouflaged” massive internments, deportations and concentrations of the population.*

The following are denounced as *crimes against humanity and of genocide*:

1) *The political inquisition under the signboard of “anti-communism”, suppressing by brute force any resistance to the neo-colonialist and neo-fascist U.S. — puppet regimes.*

2) *The “camouflaged” massive internments, deportations and concentrations of the population.*

3) *The experimental war.*

Taken as a whole, the U.S. war crimes in Viet Nam can be summed up into a crime of aggression against independence and freedom, a crime against peace, war crimes of special barbarity, crimes against humanity and actual crimes of genocide against the very existence of a whole people. These crimes are inseparably linked together by the colonial nature of the war.

ESSAY OF GENERAL INDICTMENT AGAINST U. S. CRIMES IN VIET NAM

NGUYEN VAN LUU

INTRODUCTION

Twenty years ago, after the victory of the Allies over the Hitlerite fascists, the world witnessed the trials by the Nuremberg International Military Tribunal of the Hitlerite fascists' heinous war crimes.

But the historical importance of the Nuremberg trials has been and remains the condemnation of Hitlerite fascism which, in its days, conceived, prepared and carried out the most ferocious aggressions ever known to humanity.

At present, all progressive people are raising their voices to vigorously denounce and severely condemn the U.S. war crimes in Viet Nam, crimes which "Heaven and Earth will never forgive", to use the words of Nguyen Trai, one of the greatest strategists and writers of Viet Nam. Here too, condemning U.S. imperialism does not merely consist in proving the crimes, however odious, of the new demons of our times, the important thing is to expose U.S. neo-colonialism in all its forms, with all its methods and practices. Only on this condition can an end be put to the atrocious sufferings that the U.S. imperialists have inflicted on the Vietnamese people.

* * *

The White House, the State Department and the Pentagon have been endeavouring to distort and oppose the ever stronger movement of progressive humanity for the denunciation, condemnation and trial, under most varied forms, of U.S. war crimes in Viet Nam. They are speaking of parody of justice! But Yankee imperialists, you should be careful! This movement marks a new awakening of human conscience and of progressive humanity in face of the U.S. imperialists' heinous crimes, an awakening which is spreading among large strata of the world masses and will soon become a material force, coordinating its action with the military front on which the Vietnamese people are fighting heroically, eventually to drive U.S. neo-colonialism out of Viet Nam! The day will come when the thunderbolt of the world peoples, including the American people, will strike the worst war criminals of our times who now occupy the White House, the State Department and the Pentagon!

The present indictment is made in order to put in the pillory the culprit of the most odious crimes of our times, now on trial before the Tribunal of History, or the Tribunal of Progressive Humanity.

* * *

According to human conscience, which finds confirmation in international penal law, war crimes are imprescriptible. This leads to a most important consequence regarding the value and scope of the accusation acts, indictments, presentation of complaints, decisions of Investigation Committees or of Tribunals of world opinion now being set up everywhere against the U.S. war crimes in Viet Nam. As the U.S. government's criminal act is being perpetrated, it may be easily conceived that these tribunals of human conscience cannot as yet pronounce verdicts against the accused. But this does not mean that these condemnations have only a theoretical value from a politico-ethic point of view. As a consequence of the principle of imprescriptibility mentioned above, these

condemnations will always have a juridical value and a retrospective or retroactive effect when the Vietnamese people and the world peoples have defeated U.S. imperialism, this being an inevitable result of the Vietnamese people's present struggle and the common struggle of all oppressed peoples in the world against U.S. imperialism.

* * *

In the movement for the denunciation and condemnation of the U.S. war crimes in Viet Nam, the question is often posed of the basis of international law in force for these denunciations and condemnations. Nearly everybody now agrees that present positive international law is quite sufficient for condemning the U.S. war crimes in Viet Nam. Argumentation has been based on a whole system of international treaties, pacts and conventions in force between the two world wars or after World War II which forbid wars of aggression or war crimes, properly speaking, or affirm the fundamental rights of States, nations and men. The Nuremberg Charter and the Judgments of Nuremberg and Tokyo have brought their contributions to the formation of positive law with respect to the personal penal responsibility of the leaders of governments found guilty according to international penal law, and with respect to crimes against peace and crimes against humanity.

The present indictment and the general accusation act in this collection of texts as well as the accusation acts regarding each category of U.S. crimes in Viet Nam made by the Investigation Commissions of the Democratic Republic of Viet Nam and the South Viet Nam National Front for Liberation, are based largely and most closely on positive international law in force, for the condemnation of U.S. imperialism in Viet Nam. But it should be noted, even at this stage, that the present indictment will go deep into the peculiarities of the crimes of U.S. neo-colonialism, which make it differ from Hitlerite fascism, peculiarities regarding the concerted plot of the crime, the forms of the crimes themselves and lastly,

the degree of barbarity of the crime, these being the natural reflections of U.S. imperialism in our time, which must pose new problems to modern international penal law.

I — SIGNIFICANCE OF THE ACCUSATION ACTS AND INDICTMENTS AGAINST THE U.S. IMPERIALISTS IN VIET NAM

After bombing "selected targets" in North Viet Nam, vainly and with impunity, after raising to 300,000 their land forces of repression in South Viet Nam — which will soon reach the figure of 600,000 — after poisoning crops, burning forests, destroying villages, deporting the inhabitants of whole regions, torturing and executing prisoners and "suspects", after dropping on this little country, in fifteen months, a third of the tonnage of bombs (perfected since with the use of napalm, of gases said to be anodyne but which are lethal, and shrapnels) which the whole of Western Europe received during the fifty six months of World War II, after systematically bombing, since last year, roads, bridges, buildings (including hospitals and schools) of the D.R.V.N., and all that vainly, but with impunity, the United States, late in June, began bombing Hanoi and Haiphong.

"But this cannot force the Vietnamese people to capitulate — and they know it — neither the peasants-soldiers of the South who took up arms in 1959, on their own initiative, to liberate themselves from a regime imposed by a foreign country, nor the government of the D.R.V.N. which defends, alone, at a price unprecedented in history, the right — and the duty — of a socialist State to prevent the crushing of a revolution which has imposed itself without its intervention in the other half of the same country" (1).

The people of Viet Nam has an age-old tradition of stubborn resistance against the invader. In the 13th century, Tran Quoc Tuan three times defeated 500,000 Mongols. In the 15th century, Le Loi drove out 250,000 soldiers of the Chinese Ming dynasty.

(1) *Les Temps Modernes*, Paris, August 1966.

In the 18th century, Nguyen Hue defeated 200,000 troops of the Tsing dynasty. In 1945, the Viet Nam National Independence League, raising high the banner of revolution, drove out the Japanese fascists and the French colonialists and founded the Democratic Republic of Viet Nam (September 2, 1945). The Vietnamese people's resistance war (1946-1954) against the French colonialists led to the glorious Dien Bien Phu victory and the 1954 Geneva Conference on Viet Nam. From 1954, the South Vietnamese people have faced U.S. neo-colonial aggression under different forms: unilateral war with the use of a puppet army (1954-1960), "special war" (1960-1964) and limited war (from 1965). The U.S. limited war in South Viet Nam was waged at the same time as the U.S. air and naval war against the D.R.V.N. in the North. The heroic and indomitable people of Viet Nam, supported by progressive peoples and governments the world over, have inflicted on the Yankee imperialists defeat after defeat, surely advancing towards final victory.

In making an indictment against the crime of aggression, the crime against peace, the war crimes and crimes against humanity perpetrated by the U.S. neo-colonialists in Viet Nam, the Vietnamese people are perfectly conscious that this is an urgent task, which has to be done not only in their own interests and for their own cause, but also in those of the peoples of the world.

Indeed, the U.S. imperialists want to occupy and enslave South Viet Nam in order to turn it into a neo-colony and a military base; they want to perpetuate the partition of Viet Nam. That is why the struggle of the South Viet Nam people — the only alternative to enslavement — is a struggle for the freedom, independence and territorial unity of the fatherland. Thus, the struggle of the South Vietnamese people constitutes an integral part of the world movement of national liberation against the imperialists headed by U.S. imperialism. On the other hand, since 1965, as a result of the brazen extension of U.S. aggression to the D.R.V.N., an independent country, a member of the socialist camp — a desperate attempt

by the U.S. government to get out of the quagmire in South Viet Nam into which it is sinking deeper and deeper — the whole of Viet Nam is reflecting, as a drop of water reflects sunlight, the concentrated relations of force in action in our time. The Viet Nam problem has become a major problem in international political life, a problem which concerns the present-day revolutionary aspirations of the world peoples. The Vietnamese people, struggling against the U.S. imperialists for their national independence and national unity, are in the van of the anti-imperialist front of the world peoples in their struggle for peace, national independence, social progress and socialism. Reversely, the world peoples, through the Viet Nam fact, have more concretely and precisely seen the wicked face of U.S. imperialism, more deeply grasped its dangerous aggressive nature and can, at the proper times and places, inflict a well-deserved counter-blow on the common enemy. The peoples' anti-imperialist front is thus expanding with every passing day, making the ringleader of the imperialists lose ground gradually until the hour comes of final condemnation of imperialism.

If the perspective of the Vietnamese people's struggle against U.S. aggression is considered in this light, in relation with the struggles of the world peoples' anti-imperialist front, all the indictments, accusation acts, complaints which have been made up to this day by progressive opinion in the world against the U.S. crimes in Viet Nam — such as the decisions of the Russell Tribunal, sitting in Stockholm and Copenhagen in 1967 — may be regarded as necessary acts contributing to quicken the advance of the trial by History towards the final judgment of U.S. imperialism by the world peoples.

II — FROM THE U.S. IMPERIALISTS' WAR CRIMES (STRICTO SENSU) AND CRIME AGAINST HUMANITY TO THEIR CRIME OF AGGRESSION IN VIET NAM

The crimes committed by the U.S. imperialists in Viet Nam have been denounced in the particular indictments and charges by qualified Vietnamese organs and personalities, which are supported

by plenty of evidence. Though only a distant image of the harsh truth, they are notorious ones. Using the criterion of the ethics of civilized humanity and of positive international law now in force, the different categories of crimes may be classified as follows :

1. *Stricto sensu war crimes* : in South Viet Nam, measures of terrorism, destruction and mopping-up operations practised in a deliberate, systematic manner and on a great scale against whole peaceful, populous regions ; in North Viet Nam, deliberate bombing of civilian targets, churches, hospitals and schools, construction yards and public life centers ; in the North as in the South, use of illegal weapons, causing atrocious death (napalm bombs, steel-pellet bombs, phosphorus bombs, particularly in the South, toxic gases and toxic chemicals...).

2. *Crimes against humanity* : creation of concentration camps labelled "strategic hamlets" and "new-life hamlets" for the deportation, oppression and torture of millions of people, carrying out measures dubbed "Three Clean", use of means of mass killing, such as toxic gases and chemicals ; use of the Vietnamese population as guinea-pigs for experimenting new strategic and tactical weapons. These crimes increasingly take the character of genocide, that is, mass killing of sections of the Vietnamese nation, as evidenced by the extermination measures (mass murder, burning, destruction) carried out since 1961 against vast areas, the massive use of toxic chemicals to kill a large number of people and destroy vast cultivated areas, sowing death, sufferings, famine and misery.

Although these two categories of crimes have exposed the ferocious nature of the U.S. imperialists, causing them to be condemned by civilized humanity, they are not enough to explain the origin of these crimes.

We have to go back from the facts to the cause, from the act to the plotting and the criminal design, in order to fully realize the perfidious and dangerous nature of U.S. imperialism.

Besides, the U.S. imperialists have a world-wide propaganda network with modern techniques of psychological war which

camouflage more cleverly than the Hitlerite and Japanese fascists, their crimes which are in fact more heinous than those of their predecessors. It is this camouflage which has deceived a small fraction of world opinion which, consciously or unconsciously, still believes that the U.S. imperialists have been driven to the war in Viet Nam by some patriotic "motive", some "ideal of freedom", some feeling of "humanity" for the cause of a people's "national rights", and of world "peace"! As long as this mistake persists, the front of the world peoples against U.S. imperialism will be unable to stop the manoeuvres of the U.S. government to further escalate the war on the one hand, and on the other hand, to clamour about deceitful "peace negotiations". More than ever, it is now necessary to expose this camouflage and distortion by U.S. official propaganda. For this purpose, we have to understand why and to what end the U.S. imperialists are obstinately committing so heinous crimes in Viet Nam.

A close study of the U.S. imperialists' crime of neo-colonial aggression in Viet Nam will bring the answer to this question.

III — THE SUPREME INTERNATIONAL CRIME OF THE U.S. IMPERIALISTS: THE CRIME OF NEO-COLONIAL AGGRESSION IN VIET NAM

A) The criminal acts: constitutive material element of the U.S. imperialists' crime of neocolonial aggression.

For more than 20 years, the Vietnamese people have been victims of U.S. intervention and aggression. Strengthened by this experience they have paid for with their flesh and blood, they believe they can and should give the oppressed peoples the world over this warning: Humanity, beware of U.S. neo-colonialism!

As a matter of fact, for over twenty years, U.S. imperialism has carried out intervention and aggression against Viet Nam in various forms as several Vietnamese indictments have clearly shown: schemes of intervention (1945-1950); collusion with the former French colonialists (1950-1954), unilateral war waged against the South Vietnamese people through the Saigon puppet administration

after the French colonialists were driven out, turning South Viet Nam into a vast concentration camp and a new military base for the "march North" (1954-1959); "special war" with the use of 500,000 puppet troops commanded at all levels by a system of U.S. advisers (1960-1964), and finally from 1965 onwards, commitment of U.S. troops whose number has been raised from 50,000 to 500,000, war of aggression in South Viet Nam and its extension to North Viet Nam in the form of an air and naval war. All these war activities were always accompanied by frequent provocations at the Viet Nam — Chinese, Viet Nam — Lao and Viet Nam — Cambodian frontiers.

This historical reality constitutes irrefutable evidence of the U.S. imperialists' criminal acts of aggression in Viet Nam.

But what is dangerous to humanity and requires vigilance is that the U.S. intervention and aggression have been carried out with methods and means camouflaged under deceitful, hypocritical labels of U.S. neo-colonialism.

From a military point of view.

Whenever the U.S. government wants to intensify its intervention and aggression, it resorts to "foreign aid". Towards the end of the Indo-China war, "U.S. aid" supplied almost 80 per cent of the war budget of the French government. From 1955 to 1965, "U.S. aid" to South Viet Nam exceeded 7 billion dollars; during the "special war", "U.S. aid" to South Viet Nam rose from 200-250 million dollars to 500 million dollars a year. During the last two years of "limited war" in South Viet Nam, "U.S. aid" rose to nearly one billion dollars a year.

Furthermore, the U.S. government has used three new forms of "military alliance" in Viet Nam: 1) during the Indo-China war, "triple alliance uniting the U.S. government, the French colonialist government and the puppet Vietnamese government" in which the U.S. government, through "U.S. aid", assumed a leading role, with the French government retaining the command on the battlefield of an army of mercenaries which included a number of Vietnamese puppet troops; 2) after the 1954 Geneva Conference, direct

alliance between the U.S. government and the puppet government: the French expeditionary corps having been withdrawn from Viet Nam, the puppet army played the role of a mercenary army in the war of aggression in the form of a "unilateral war" against the South Vietnamese people; 3) after the Manila conferences of September 1954 and October 1966, multiple military alliance binding the U.S. government, its satellites and some imperialist governments allied to the United States, in which the leading role naturally remained in the hands of the U.S. imperialists. Another new form of alliance should be noted: the protocol annexed to the SEATO treaty of 1954 gave that alliance the right of "protection" over South Viet Nam, Cambodia and Laos.

The cement to hold together these alliances is "U.S. aid" and the ideological-political label "security of the free world", a doctrine which has precedents in history: "the Lebensraum of Hitler, "the greater East Asia Co-prosperity sphere" of the Japanese militarists. What could this "security of the free world" mean if not the security of the United States itself? Has not Article 511 of the U.S. law on general security, a legal text on which are based all military alliances concluded by the United States the world over, stipulated that no economic or technical aid should be granted to another State, which would not contribute to strengthening the security of the United States. And curiously enough, the security of the United States lies in all parts of the globe.

From a political point of view.

Through the granting of "aid", the U.S. government has made and unmade all the puppet governments at Saigon, from Ngo Dinh Diem (July 1954--October 1963) to the 14 or 15 puppet governments which succeeded Diem. The puppet army was raised, armed, equipped, fed and trained by using "U.S. aid". Washington, which handles the "counterpart fund" in the "aid" system, in fact decided all lines and directives in all matters of the puppet government's internal and external policies. As much as 80 per cent of "U.S. aid" are reserved for the military budget of the puppet government, and an important percentage for the secret budget to

finance all activities by the system of U.S. advisers, the U.S. embassy and all local reactionary political parties with their press organs, etc. What in South Viet Nam has been called since 1954 "free elections", "National Assembly", "democratic rights", and the "people's right to self-determination", is nothing but camouflage and treachery.

The puppet character of the Saigon government has been clear to all, although that regime has been "officially recognized by nearly all allies and satellites of the United States; world public opinion is almost unanimous on that point, and the Western press has often ridiculed that puppet government.

In the diplomatic field, from 1965, every time the U.S. government further escalates the war in South and in North Viet Nam, it cunningly resorted to the trick of "unconditional peace negotiations" in an attempt to force the Vietnamese people to accept U.S. terms at the conference table.

From an economic point of view.

On the basis of regulations governing "U.S. aid" and of provisions in "bilateral" agreements dictated to the puppet government, Washington has seized all monopolies and privileges regarding economic resources and information in South Viet Nam, flooded the South Viet Nam market with U.S. products, and granted special privileges to investments by U.S. monopolies in South Viet Nam. Of the 10 billion dollars of "U.S. aid" from 1951 to 1965 to South Viet Nam, 75 per cent were supplied in the form of goods, causing the ruin of the local economy in areas controlled by the U.S. army and the puppet government, where prevailed a compradore economy of U.S. monopolies. The latter have gained huge profits, merely by making the prices of products 10 to 20 per cent higher than the prices on the world market. With the extension and aggravation of the war in Viet Nam, the U.S. monopolies' profits soared in all branches of the economy — armament, transportation, construction, banking, etc. The U.S. budget for the Viet Nam war in the 1966-67 fiscal year alone amounted to 30 billion dollars, or twice as big as the budget

for the three and a half years of the Korean war. Whom did these enormous expenses profit? Certainly not the American people, the tax-payers, and not the young G.I.'s who went to Viet Nam never to return home. Whom would these expenses benefit, if not the owners of monopolies who manufactured B.52 bombers, supersonic planes, demolition bombs, napalm bombs, steel-pellet bombs, toxic gases and chemicals, etc., people who should also be condemned as war criminals, after the great war criminals at the White House, the State Department and the Pentagon.

During the past 12 years, in regions occupied by the U.S. army and the puppet government, a disordered and rotten economy prevailed. The majority of the active population have been transformed into mercenaries, gendarmes, employees in the supply services of the U.S. expeditionary corps, officials of the puppet administration, compradores, canvassers for U.S. monopolies. Out of the 4 million inhabitants living in these regions, only about 50,000 are employed in branches of industrial and handicraft production. Besides a very small minority who can afford a "U.S. way of life" because they are in the service of the Americans, the masses in the occupied areas are suffering from frequent unemployment, rising inflation and rapidly dwindling purchasing power, etc.

The true nature of the methods, means and labels used by U.S. neo-colonialism has been revealed in a striking manner by defeated General Navarre, former "comrade-in-arms" of the U.S. government in Indo-China: "The so-called American "anti-colonialism" is, therefore, only a very realistic policy which, under the label of a pious enterprise of liberating the peoples "enslaved" by others, is primarily aimed at building up, on the ruins of European empires, an "American empire" (1). About "U.S. aid", Navarre wrote forcefully: "One comes to the "assistance" of "colonized" peoples. One sets up in their countries strategic bases. One dispatches countless missions — military,

(1) Henri Navarre — *Agonie de l'Indochine*, Plon, Paris, p. 330.

economic, diplomatic, cultural, religious — which have at their disposal huge budgets. One seeks to demonstrate how life would be more pleasant and broadened — at least for the rulers — through a “free association” with the United States than under our “domination”. On every possible occasion, one shows the sympathy of the American people for the aspirations of the “colonized” and U.S. disapproval of French policy. Systematically, all our adversaries receive encouragement. One will, if necessary, appeal to the U.N.O. Gradually we are driven out. One takes our place, but in an almost invisible form which only the power of the dollar makes possible. There is no U.S. governor, Resident or High Commissioner, but there is a U.S. ambassador, without whose permission nothing could be done. The peoples feel they are free because they are governed by politicians of their respective races, without realizing that these politicians, who have been bought over, are merely U.S. puppets” (1)

From the above-mentioned criminal acts which are methods and means of aggression used by U.S. neo-colonialism, we can find the following constituent material elements of the U.S. imperialists' crime of neo-colonial aggression ;

1) Infringement upon the sovereignty, independence, unity and territorial integrity of Viet Nam, violation of the Vietnamese people's fundamental national rights, with various forms of armed aggression ; collusion with the former French colonialist aggressors ; unilateral war against the civilian population in South Viet Nam, with the use of the army and police of the Saigon puppet government ; “special war” ; and at present, limited war in South Viet Nam and war of destruction in North Viet Nam.

These forms of bloody armed aggression are camouflaged with the methods and means listed hereunder :

2) In the political field, use of a puppet government and a puppet army to justify the label of “defense of the independence

(1) Henri Navarre : *Agonie de l'Indochine*, Plon, Paris, p. 330.

of South Viet Nam and of the South Viet Nam people's right to self-determination".

3) In the political and military fields: use of "U.S. aid" and "military alliance"

4) In the field of international law: use of pacts and treaties on "aid" and "military alliance" to justify the label of "respect for the commitment to South Viet Nam" and the label of "respect for the international commitment represented by SEATO".

5) In the diplomatic field: use of the trick of "unconditional negotiations" to have an appearance of a "desire for peace".

6) In the ideological field: use of the labels of "anti-imperialism" and "anti-communism", "defense of the free world".

These methods and means are integral parts of the U.S. imperialists' criminal acts of aggression in Viet Nam. The use of a puppet government and a puppet army constitutes the *basic means* to justify all other means.

Acts of armed aggression and means for camouflaging these acts, *all* that taken together represents the constituent elements of the U.S. crime of neo-colonial aggression.

B.— U.S. GLOBAL STRATEGY — U.S. IMPERIALISM'S PLOT OF SUPREME INTERNATIONAL CRIME (intentional element of the crime)

It is known that after the end of World War II, U.S. imperialism exploited both the disaster of the defeated German, Italian and Japanese imperialists and the serious weakening of the victorious British and French imperialists, in an attempt to achieve world domination. U.S. global strategy has often been dubbed by U.S. politicians and representatives of U.S. monopolies a "mission of U.S. leadership" supposed to have the noblest moral values, in order to mislead the American people and the world peoples who

do not want to be used as cannon fodder in an extensive plot of world conquest.

Twenty years ago, the then U.S. President Truman said: The world is now looking to us for leadership... The core of our foreign policy is peace. . All men are created equal... they are equally entitled to life, freedom, happiness... we will never tolerate oppression and tyranny... We never ask for privileges which we would not grant others...

After Truman, all U.S. presidents, from Eisenhower to Kennedy and Johnson, have sung nearly the same tune in which the same words are repeated again and again: "leadership", "peace", "freedom". In this monotonous tune repeated through decades, it is a question not of imperialism, but "leadership", not of oppression, but of "a free and happy life", not of a concerted plot of aggression, but of "peace".

Unfortunately, in late 1964, when the main lines of U.S. foreign policy had been set forth, Leo D. Welch, the treasurer of one of the biggest American monopolies, the Standard Oil Company — which since the end of World War II has invested abroad one billion dollars to receive in return nearly the same amount of benefit — gave this word "leadership" an unadorned, not to say cynical, definition.

"This responsibility is positive and vigorous direction in world affairs — political, social and economic. It has to be fulfilled in the broadest sense of the term. As the biggest producer, the biggest supplier of capital and the biggest subscriber to the world mechanism, we must be a pioneer and assume the responsibility of the majority shareholders in the firm called world. It is not a burden for a definite time... It is a permanent obligation" (1)

Welch urged his fellow-financiers to get out of their lethargy, not to remain with folded arms and wait for their fall, but to

(1) Leo D. Welch at National Foreign Trade Convention Nov. 12, 1946 (Translated from French).

take the offensive: "U.S. private enterprise, consequently, is now confronted with this choice: to struggle to save its position in the world or to wait and look at its own burial. Our foreign policy in future must more than ever ensure the safety and stability of our investments abroad. A decent respect for our capital abroad is as important as respect for our political principles, and one must show care and skill to obtain these two respects at the same time" (1)

With this "philosophical" sentence, Welch has revealed the logic of imperialism: either to seek expansion by using all the State power, or to risk destruction by its own internal contradictions.

Since World War II, all U.S. political and military strategies have remained within the framework of global strategy, whether the government is Democrat or Republican—these two parties with different methods, are pursuing the same constant aim: world domination.

The external policy of "containment" going together with the military strategy of "balance of power" under Truman; "liberation" and "massive retaliation" under Eisenhower; the "strategy of peace" and "flexible response" under Kennedy; the external policy of "crusade" vis-à-vis the world in general and of "bridge building" vis-à-vis the socialist world in particular, going together with the military strategy of "escalation" of the special war into general war under Johnson; all these policies and strategies differ from one another only by the name, the concrete methods and tactics used. This change of concrete methods and techniques reflects the unstable defensive position of the U.S. imperialists and their accomplices in face of the continuous offensive of the world revolutionary forces—namely, the socialist camp, the movement of national liberation, the forces of peace, democracy, and social progress. Johnsonism, which marks a stage when U.S. imperialism is struggling desperately after repeated setbacks and defeats, is

(1) Leo D. Welch at National Foreign Trade Convention Nov. 12, 1946 (Translated from French).

characterized by its cruelty and perfidiousness. This once again proves that U.S. imperialism, although weakened and disintegrating, has not given up its dream of world domination, but on the contrary, is clinging to it with blind and ferocious tenacity, the more so as it is finding itself in an impasse. The road to its end does not follow a straight line downwards but a tortuous line.

U.S. neo-colonialism is part of U.S. global strategy as applied to the countries of Asia, Africa and Latin America. The most characteristic feature of the post-war international situation is the birth of a whole system of new socialist States, and the unprecedented growth of the national liberation movement in dependent and colonial countries. In these circumstances, the colonialists and imperialists headed by the U. S. imperialists, promptly effect compromises with the national bourgeoisies in the dependent and colonial countries, especially with the reactionary fraction of these classes, by granting political independence to these countries, in order to save their position, check the revolutionary movement of workers and peasants, and the influence of the socialist camp in these countries. In reality, they still preserve their colonial rights and privileges under new forms and by new means — direct investments, economic and military aid, military alliance, creation of new social strata to get their support, buying over of political forces in the country, subversive manœuvres, coups and even wars of aggression.

The practice of U.S. global strategy on the three continents of Asia, Africa and Latin America consists in driving out the former imperialists controlling these regions. For this purpose, the U.S. imperialists use particularly cunning and cruel methods, as befits the ring-leader of imperialism, in order to deceive at the same time the peoples of these regions, the American people and the peoples of the world, as in the Congo, in Indonesia, in the Dominican Republic and lately, in the Near East.

U.S. intervention and aggression in Viet Nam and in Indo-China are part of U.S. strategy in the Western Pacific and are within the framework of U.S. neo-colonialism.

The list of charges and the indictment of U.S. aggression in Viet Nam have given irrefutable evidence of the tenacious and continuous plot of aggression by the Americans in Viet Nam during the last twenty years and more.

U.S. neo-colonialism in South Viet Nam has peculiarities which make it different from U.S. neo-colonialism in other Asian countries or in Africa or Latin America. Indeed, the U.S. imperialists have turned South Viet Nam into a neo-colony of theirs, under the Ngo Dinh Diem puppet government, in the historical conditions of the defeat at Dien Bien Phu and at Geneva (1954) of the French colonialists and the expanding victory of the South Viet Nam people who had taken part in the August 1945 Revolution and fought during nine years against the French colonialists and the U.S. interventionists. On the other hand, unlike the bourgeoisies in power in many "nationalist" countries, which have more or less struggled against the imperialists, and carried out some democratic reforms of a symbolic character, such as agrarian reforms... the compradore capitalists and the reactionary feudalists in power in South Viet Nam have not done anything for the independence of the fatherland, for democracy and peace. The puppet government of South Viet Nam is exclusively made up of class revanchards, of traitors to their fatherland and teddy boys put in place by U.S. dollars and bayonets.

Therefore, in face of a people experienced in the struggle against the imperialists and feudalists and who are determined to preserve the rights they have won at the price of great sacrifices, the Saigon government, puppet of the U.S. imperialists, is bent on crimes, war and fascism. This explains why in South Viet Nam, U.S. imperialism has never enjoyed a period of peace and stability for economic investments and the exploitation of colonial super-profits. As soon as they came to the country, they had to invest in the war. The military bases and the puppet army which the U.S. imperialists intended to build up for use in a war of aggression in North Viet Nam and in South-East Asia, had to be used immediately for the "unilateral war" against the South Vietnamese people,

then in the "special war", and lastly in the present limited war in South Viet Nam.

The peculiarities of U.S. neo-colonialism in South Viet Nam show the barbarous, extremely cruel character of the U.S. imperialists, who after Hitler, are now the new fascists in the post-war world. Relying on U.S. dollar and technique, they do not refrain from any act, however inhuman, in their attempt to achieve at any cost world domination, to enslave the dependent and colonial countries of Asia, Africa and Latin America.

* * *

It is precisely because U.S. intervention and aggression in Viet Nam are being carried out under the forms and with the means of neo-colonialism that humanity has to be vigilant. Up to the present time, the U.S. imperialists have used some of these methods and means to gradually reduce and finally to violate the independence and sovereignty of many countries in Asia, Africa and Latin America. But they will not stop there. Indeed, have they not officially declared that they will experiment a "special war in Viet Nam" with a view to waging this kind of war later against under-developed countries which may try to resist their aggression?

Can civilized mankind remain with folded arms before this government of gangsters which is openly threatening billions of people with their crimes? No, decidedly no. The anti-U.S. front of the world peoples has been formed on the basis of a front of the world peoples supporting the struggle of the Vietnamese people against U.S. aggression. As the Vietnamese people's struggle is intensified, the anti-U.S. front of the world peoples will be broadened and strengthened. The force of the masses prompted by growing hatred for the U.S. imperialists will in the end bury them.

* * *

Attention should now be drawn to the fundamental contradiction between the acts of armed aggression and the means used to conceal or justify reactionary violence in the eyes of the American people and the world peoples. As the Vietnamese saying goes "One cannot block the view of gods with a piece of gauze" and the eyes of the Vietnamese people, the American people and the world peoples, through struggle, have become as sharp as the gods', and can see through the nature of U.S. imperialism.

Exposed further with each passing day, the U.S. Imperialists are becoming more and more frenzied and ferocious, they are sinking ever deeper into the bloody abyss of crimes against humanity, in complete disregard of international law, international ethics and human conscience. Assuming the right to world "leadership", behaving like a "world conqueror" (in the same manner as Hitler who made a State policy of the theory of a German "super-race"), the U.S. imperialists have not hesitated to use all the economic, technical and military potential of the biggest imperialist State in the world to attempt to crush a whole nation by every possible means. For instance, swarms of B. 52 super-bombers are dropping every day thousands of tons of explosive and napalm bombs on thousands of square kilometres in South Viet Nam; other swarms of planes are spraying toxic chemicals over heavily populated areas in South Viet Nam, with a view to wiping out all signs of life. All that may be done, provided that the imperialists could finally cry out: "Freedom has triumphed. Peace has triumphed". Diabolical dream of a demon on the threshold of death!

That is why it would not be enough for the world peoples to denounce the war crimes and crimes against humanity committed by the U.S. imperialists in Viet Nam. *One should also denounce the crime of neo-colonial aggression in Viet Nam*, by exposing the six constituent material elements of this crime, and directing the struggle against all these elements at the same time. Only on this condition can U.S. aggression in Viet Nam be stopped, and the

imperialist demons be prevented from engaging in madder adventures in other parts of the world.

IV – SOME FUNDAMENTAL JURIDICAL PROBLEMS

I. *About the juridical criterion to condemn the U.S. imperialists' supreme international crime.*

The list of charges and indictments mentioned above have referred to a number of juridical texts serving as a basis for the condemnation of the U.S. crime of neo-colonial aggression in Viet Nam, namely: the Declaration of Independence of the Democratic Republic of Viet Nam, dated September 2, 1945, the 1954 Geneva Agreements on Viet Nam, the U.N. Charter, the Pact of Paris, (August 27, 1928), the London Convention (July 1933), the Universal Declaration of Human Rights (December 10, 1948), the Final Resolution of the Bandung Conference (April 24, 1955), and the Nuremberg Charter.

These texts have retained their full value. But the subject should be carefully studied and the study of these texts should lead to the question of the peoples' fundamental national rights which constitute one category of supreme principles of public international law, principles that the above-mentioned texts have embodied in order to ensure their respect.

In the history of the progression of humanity, the embodiment in international law, a few centuries ago, of the people's fundamental national rights, marks a new, higher stage in the process of development of international political life. Since then, through the practice of struggle, the notion of these rights has been penetrating ever deeper into the conscience and ethics of the world peoples, and has become a constituent element of justice.

Only this criterion can clearly show the not only *illegal* but also *unjust* character of the U.S. war of aggression in Viet Nam and consequently and reversely, the *legal* and *just* character of the Vietnamese people's self-defense war against the U.S. aggressors.

The U.N. Charter itself has some progressive character only because, as a result of the struggle of world progressive forces represented by the U.S.S.R., it has embodied and guaranteed the application of the supreme principles of international law, such as: the peoples' right to self-determination, equal rights among the peoples, the right to resist aggression, etc. Without getting back to these supreme principles from which the Charter is derived, one could fall into this plot which the United States has unsuccessfully attempted many times — and will attempt again when there is an opportunity to do so: to internationalize the U.S. war of aggression in Viet Nam through U.N.O. participation, to find new allies to try to get out of the impasse of this war, to turn Viet Nam into another Korea.

The Vietnamese people, with the approval and support of many peoples and governments the world over, have been able to foil in time this crafty plot by the U.S. government. In future, they will hold more firmly than ever to this position: the U.N.O. has no right to intervene in the Viet Nam problem.

* * *

Among the juridical texts serving as a basis for the condemnation of the neo-colonial aggression in Viet Nam, two are particularly important: the Declaration of Independence of the Democratic Republic of Viet Nam dated September 2, 1945, and the 1954 Geneva Agreements on Viet Nam. These two texts are both the embodiment and affirmation of the Vietnamese people's fundamental national rights: the independence, sovereignty, territorial integrity and unity of Viet Nam. The first document is the fruit of nearly a century of political and armed revolutionary struggle of the Vietnamese people, first against the French colonialists, then against the Japanese fascists, which led to the foundation of the D.R.V.N. in 1945. The second document is the result of the Vietnamese people's war of resistance from 1946 to 1954, under the leadership of the D.R.V.N. government, against the French colonialists and the U.S. interventionists.

The victory crowning the powerful and heroic struggle of the Vietnamese people during these two stages of their revolutionary struggle in defense of their sacred fundamental rights, constitutes the material and spiritual basis of these two documents. And it is this indestructible basis which makes them of greater value than the U.N. Charter with respect to the Viet Nam problem. In the light of these documents which are shining with the sacred flame of the Vietnamese people's spirit of struggle for their fundamental national rights, and are a vivid expression of their victory after long years of struggle for these rights, how deceitful and grotesque looks the U.S. label of "support to the independence of Viet Nam", "respect for the South Viet Nam people's self-determination and opposition to the so-called aggression of North Viet Nam against South Viet Nam"!

* * *

Taking into consideration the Vietnamese people's fundamental national rights as a juridical basis for the condemnation of U.S. neo-colonial aggression in Viet Nam, one can also distinguish fake peace, "American peace" from genuine peace which for years the Vietnamese people have been longing for. President Ho Chi Minh in his appeal to the Vietnamese people on July 17, 1966, said: "It is common knowledge that each time they are about to step up their criminal war, the U.S. aggressors always resort to their peace talks" swindle in an attempt to fool world opinion and blame Viet Nam for unwillingness to negotiate ... The Vietnamese people cherish peace, a genuine peace, a peace in independence and freedom, not a sham peace, not an "American peace". If the 4-point stand of the D.R.V.N. and the 5-point statement of the South Viet Nam National Front for Liberation are getting an increasingly warm support from the world peoples and world opinion, it is precisely because the basis of these two positions is the right of the Vietnamese people to self-determination without foreign interference.

These two positions, which are those of a just cause and take into account the change in the real situation in South Viet Nam,

will certainly bring about the complete fiasco of the "peace trick" of the Johnson administration.

2. *On the appellation and the constituent elements of the U.S. imperialists' supreme international crime.*

a) The list of charges by the D.R.V.N Commission for Investigation on the U.S. Imperialists' War Crimes in Viet Nam reads: "Using armed force and aggression in the hope of enslaving the Vietnamese people, plotting to perpetuate the partition of Viet Nam, denying the fundamental national rights of the Vietnamese people— independence, sovereignty, unity, and territorial integrity —slighting the 1954 Geneva Agreements on Viet Nam which they have pledged to respect, and negating even international law which has long since prohibited wars of aggression and defended the inalienable rights of all nations, *the U.S. imperialists have committed the crime of aggression, an international crime sternly condemned by mankind.*

"In launching a war of aggression in Viet Nam, the U.S. imperialists have destroyed peace in this country, created a danger of extending the war to the whole of Indo-China, and posed a most serious threat to peace in South-East Asia and the world; this war of aggression is also a complete negation of the fundamental principles of international law aimed at ensuring peace and security for all peoples. In committing the crime of aggression in Viet Nam, *the U.S. government has at the same time committed a crime against peace*"

Thus, the D.R.V.N. Commission for Investigation on the U.S. Imperialists' War Crimes in Viet Nam has used the appellation *crime of aggression* and the U.S. crime of aggression in Viet Nam is *at the same time a crime against peace*. In the same manner, the general accusation act in the present volume uses the appellation "crime of aggression, and also crime against peace".

The question of juridical appellation of crimes has at this point a particular importance. It reflects specific political and juridical points of view. What appellation has positive international penal law given wars of aggression in general?

For a substantial answer to this question, we refer to the Judgment by the Nuremberg Tribunal which reads :

“ To initiate a war of aggression is not only an international crime, it is the supreme international crime, differing only from other war crimes in that it contains within itself the accumulated evils of the whole ”.

“ The General Treaty for the Renunciation of War, signed on August 27, 1928, more generally known as the Paris Treaty or Briand-Kellogg Treaty, bound at the moment of war declaration (1939) sixty-three nations, among which were Germany, Italy and Japan. The signatories declared in the preamble :

“ Deeply conscious of the solemn duty which befalls them of developing the well-being of humanity, persuaded that the moment has come to renounce war as an instrument of national policy, so that the peaceful and friendly relations now existing among the peoples may be perpetuated..., that any change in their present relations should be sought only by peaceful procedures... thus uniting the civilized nations of the world in a common renunciation of war as an instrument of national policy ”...

The first two articles thus read :

“ Article One — The High Contracting Parties solemnly declare, in the names of their respective peoples, that they condemn the recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

“ Article Two — The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means ”.

“ What was the juridical consequence of this Treaty? It was that the adherents renounced, unconditionally, in future, war as an instrument of national policy. After the signing of the treaty, to resort to war as a means of national policy is to denounce the treaty.

“ In the thought of the Tribunal, a solemn renunciation of war as an instrument of national policy implies that war thus anticipated is, in international law, illegal. Those who prepare or direct it, thereby determining its inevitable and terrible consequences, commit a crime. Now, war “for the solution of international controversies”, war used by a State as an “instrument of national policy”, certainly includes the war of aggression, this kind of war has thus been barred by the Treaty. As Mr. Henry L. Stimson, then U.S. Secretary of State, said in 1932 :

“ The nations signatory to the Briand-Kellogg Pact have renounced to bring war into their mutual relations. This means that war has become illegal in the whole world. After this date, when nations are involved in an armed conflict, one or both parties must be regarded as having violated the general law which is drawn from this Treaty... We denounce them as guilty of a breach of the law”.

“ Is the objection raised that the Pact has not explicitly linked to such wars the qualification of crimes, nor established tribunals to try those who conduct them? The answer should be that the Hague Conventions which contain the laws of war, have not proceeded differently. The Hague Convention of 1907 barred the use, in the conduct of war, of certain methods. Its purpose was to prevent inhuman treatment of prisoners, illegal use of the truce flag and other practices of the same nature. The illicit character of these methods had been denounced long before the Convention was signed, but it is since 1907 that they have been considered as crimes liable to sanctions, as violations of the laws of war. However, the Hague Convention never qualified these practices as criminal. Now, for many years, military tribunals have tried and punished persons guilty of infraction to the rules of war on land as established by the Hague Convention. The Tribunal also considered as illegal the behaviour of the authors of a war of aggression. This is much more serious than a mere violation of the Hague regulations. In interpreting the Pact, it should be realized that at the present time, international law is not the work of a

legislative body common to all States. Its principles result from agreements, such as the Treaty of Paris which dealt with things other than administrative matters and procedure. Independently of treaties, the laws of war are derived from customs which have been progressively and universally recognised, from the jurists' doctrine, from the jurisprudence of military tribunals. This law is not unchangeable, it is constantly adapted to a changing world. In many instances, treaties only express and specify the principles of a law which is already in force.

“ This interpretation of the Treaty is confirmed by precedents. In 1923, a draft treaty of mutual assistance was elaborated under the auspices of the League of Nations. Article One reads: “ War of aggression is an international crime, the parties pledge that none of them should commit it”. This draft treaty was submitted to twenty-nine States, half of which agreed to accept the terms. The objection in principle was about acts of “ aggression”, rather than about the criminal character of the war of aggression. The preamble of the 1924 Protocol of the League of Nations for the peaceful settlement of international disputes, the “ Geneva Protocol”, after “ recognizing the solidarity uniting the members of the international community”, declared that “ war of aggression constitutes a violation of this solidarity and an international crime”. It subsequently added that the opponents “ desired to facilitate the complete application of the system prescribed by the League of Nations Covenant for the peaceful settlement of disputes between States, and the repression of crimes”. The Protocol was proposed to the members of the League of Nations by a unanimous resolution signed by the forty eight members of the Assembly. Italy and Japan were in this number. Germany had not declared its adhesion.

“ If the Protocol has never been ratified, it was signed by principal statesmen of the world, representing the very great majority of civilized countries and peoples, it testifies to the common resolution to condemn war of aggression as an international crime. In the course of the meeting held on September 24, 1927 by the League of Nations Assembly, the attending delegations (including

the German, Italian and Japanese delegations) unanimously adopted a declaration on war of aggression. The preamble of this declaration reads:

“ The Assembly,

“ Recognizing the solidarity which unites the community of nations ;

“ Animated with a firm desire to preserve general peace, convinced that a war of aggression can never be a means to settle international disputes, and is consequently an international crime... ».

“ On February 18, 1928, at the Sixth Pan-American Conference (Havana), 21 American republics affirmed that « war of aggression constitutes an international crime against mankind ».

“ These expressions of thought, these solemn declarations — others could be cited — strengthen the meaning of the Treaty of Paris, when it affirms that war of aggression is not only illegal, but also criminal. The condemnation of the war of aggression demanded by the world’s conscience, is formulated in the series of pacts and treaties mentioned above.

“ It should also be recalled that Article 227 of the Versailles Treaty provided for the constitution of a special tribunal made up of representatives of five Allied and Associated belligerent powers during World War I for the trial of the former German emperor accused of supreme offense against international morality and the sacred character of treaties.” It was to hold trials with a view to “ensuring respect for solemn obligations and international commitments as well as international ethics”. In Article 228 of the Treaty, the German government expressly recognized to the Allied and Associated Powers “the liberty to arraign before their military tribunals persons accused of having committed acts contrary to the laws and customs of war.”

In a word, the spirit of the Judgment of the Nuremberg Tribunal is to condemn any war of aggression as an international crime. The juridical basis of this condemnation lies, besides the

Brand-Kellogg and other pacts, in universally recognized customs, the jurisprudence of military tribunals and the adopted doctrine.

However, in its proceedings, the Nuremberg Judgment used the appellation "crime against peace" and not "crime of aggression" to condemn the Hitlerite fascists' wars of aggression.

The Vietnamese people who, at the price of untold sacrifices, has been struggling for over twenty years against the perfidious and cruel aggression by U.S. neo-colonialism, have fully realized that the appellation "crime of aggression" should be used to call the supreme international crime committed by the U.S. imperialists in Viet Nam, although this appellation has never been used in international law, even at Nuremberg. We are using this appellation not only for the cause of our own liberation, but also the cause of liberation of all oppressed peoples in the world. For the U.S. imperialists are still trying to exploit pacifism in a fraction of world opinion in the interests of their dark design: with each new escalation step, they clamour about "peace negotiations" hoping that world pacifist opinion will bring pressure to bear on the Vietnamese people, and force them to come to the conference table and accept terms dictated by the U.S. government. In these conditions, it would not be enough to condemn the U.S. aggression in Viet Nam in calling it "a crime against peace". This could mislead world opinion, put into the same basket the aggressor and the victim of aggression, and affect the peoples' spirit of struggle against the U.S. imperialists to support the Vietnamese people.

A rational juridical point of view consonant with both the realities in Viet Nam and the cause of the peoples struggling against U.S. imperialism, should — as the Bertrand Russell Tribunal did in its decision of May 10, 1967 during its first session — use the appellation "crime of aggression" to call the supreme international crime committed by the U.S. neo-colonialists in Viet Nam. And one can certainly not say that the Russell Tribunal has ignored positive international law!

b) On the constituent elements of the U.S. imperialists' crime of neo-colonial aggression. — The above-mentioned long passage

from the Nuremberg Judgment has shown in a very clear and detailed manner that positive international law until Nuremberg had condemned wars of aggression.

Under the Nuremberg Charter, the crime against peace is defined as "the planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements, or assurances".

Thus the Nuremberg Tribunal did not define the concrete content of a war of aggression, that is, its constituent elements. There, positive international law is lagging behind the realities. It may be easily understood that as long as imperialist forces exist as subjects of international law in the international arena, in the category of international relations between the socialist camp, the imperialist camp and the nationalist States (1), they will try by every means to block all efforts to reach a precise definition of the constituent elements of an aggression, because their very nature is aggression and war for profit. Between the two world wars and since the end of World War II, how many words have been said in vain on this subject at international conferences?

But it is clear that the Vietnamese people in their lists of charges and accusation acts have managed to bring into the lime-light the six material elements and the intentional element constituting the U.S. crime of neo-colonial aggression, as this general indictment has shown in one of the preceding parts. This is the historical result of an experience the Vietnamese people have gained at the price of great sacrifices in their struggle during nearly a century against French colonialism and during over twenty years against U.S. neo-colonialism. The latter was born in historical conditions in the post-war world, namely: The balance of power in the international arena is increasingly tipping in favor of the forces of socialism and peace, to the detriment of the forces of

(1) See the different categories of present-day international relations in article entitled "About UNO role in the mission of defense of peace" by Nguyen Van Luu, Review of Law and the State, N° 3, 1965, Hanoi.

imperialism and war. And the constituent elements of the U.S. crime of neo-colonial aggression could not be a subjective creation by any personality or any nation. They exist materially, apart from human will, and many are those peoples who, during the last two decades, had been or are still struggling, at the price of heavy sacrifices, against one or another element of this universal crime of the U.S. imperialists.

If, as has been recognized by the Nuremberg Judgment, "law is not unchangeable, it is constantly adapted to the needs of a changing world", the Vietnamese people are firmly convinced that such constituent elements of the U.S. crime of neo-colonial aggression, as has been determined by them in the course of over twenty years of heroic struggle against U.S. aggression, will be confirmed by a new, realistic and legitimate international law.

3. *The character of the "war crimes, crimes against humanity and crimes of genocide" committed by the U.S. imperialists in Viet Nam.*

a) The obdurate character of the U.S. imperialists' scheme of aggression in Viet Nam, the extremely barbarous character of their methods and means of warfare, the scale of devastations, massacres and tortures inflicted on the Vietnamese people, all that ipso facto gives the U.S. war crimes a character of "crimes against humanity" and "crimes of genocide". These are more serious crimes than *stricto sensu* war crimes. For the target of destruction and massacre constitutes an important fraction of the Vietnamese nation and the country of Viet Nam. Against those whom they call "Viet Cong" in South Viet Nam and "communists" in the North, the U.S. imperialists arrogate to themselves the right to apply their "3 clean" policy, to use weapons for mass killing, to cause atrocious and lasting pain, to carpet-bomb with their B.52's, to spray toxic chemicals. Their "anti-communist" war in Viet Nam "for the protection of the free world" is directed against all those who love their fatherland and demand independence and freedom, that is, against virtually all the Vietnamese nation.

b) From the evidence presented in the accusation acts and list of charges, which is yet rather far from the cruel truth, it can be ascertained that "the crimes against humanity" with a tendency to genocide committed by the U.S. imperialists in Viet Nam in some respects surpass in barbarity and ferocity those perpetrated by the Hitlerite fascists who have been condemned by the Nuremberg Tribunal;

— The U.S. imperialists have used their economic and military potential, the biggest in the imperialist world, in an attempt to enslave a small and poor country which was newly freed from a colonial domination of over a century, and has endured three successive wars imposed by the Japanese, the French and the Americans.

— The U.S. imperialists have at their disposal a most modern technique to perpetrate their crimes, and an elaborate propaganda network for "psychological warfare", which is used to camouflage their crimes of neo-colonial war.

— The Hitlerite fascists, too, used toxic gases to kill inmates of concentration camps, but they did not dare to use these gases openly, as the Americans have done, as means of war and destruction in densely populated areas. What is more, the U.S. imperialists have been made so bestial by "American pragmatism" that they have cynically declared that the lethal gases used by them "give less pain than conventional weapons".

— The U.S. imperialists' acts amount to a systematic and deliberate negation — and not merely a violation — of international law, as shown by the bombing method they have used in North Viet Nam: first, incendiary bombs are dropped on shelters, then when the population are seen running out to open ground, steel-pellet bombs are dropped, which cause atrocious and lasting pain to the victims.

— In the disguised concentration camps and the prisons of South Viet Nam, many methods of torture are used, which subtly combine medieval with modern methods requiring the use of

chemicals and electricity. The imperialists seek to destroy love of the fatherland and even conjugal love (at night, in the "strategic hamlets", husband and wife must shout and not whisper affectionately to each other, otherwise they could be arrested).

The U.S. imperialists have turned a fraction of the Vietnamese population into bestial beings who take pleasure in inflicting sufferings and death.

—They have officially declared that Viet Nam, that is, the Vietnamese nation, will be used as "a testing ground for special warfare", a form of warfare which they will not hesitate to impose on any nation which dares to oppose them.

These are the characteristics of the war crimes of the U.S. neo-colonialists in their death-bed struggle. And in face of this truth, is not the appeal to humanity "Be vigilant" well founded and more urgent than ever?

CONCLUSION

During the last twenty years and more, the people of Viet Nam have victoriously fought against the U.S. imperialists, the ringleader and the most powerful, economically and militarily, of the imperialists. They have defeated them in their collusion with the French colonialists, then the unilateral war initiated by the instrumentality of the dictatorial puppet Ngo Dinh Diem regime, then in their "special war". They have inflicted on them heavy defeats in their "limited war" during the three dry-season campaigns of 1965-1966, 1966-1967 and 1967-1968. In North Viet Nam, the Vietnamese people have won glorious victories, foiling the strategic designs of the U.S. air and naval war of destruction.

At present, the people of Viet Nam standing up like a single man in enthusiastic response to the sacred appeal of President HO CHI MINH, are more determined than ever "to fight against U.S. aggression, for national salvation", for another five, ten, or

even twenty years, if necessary, whatever the sacrifices, because they are penetrated with this great truth that "nothing is more precious than independence and freedom".

The defeat of U.S. neo-colonialism in Viet Nam is inescapable. The fundamental reason is that the Americans are relying on a puppet government traitor to the fatherland and enemy of the people. The South Viet Nam National Front for Liberation, the only genuine representative of the South Viet Nam people, is growing stronger and stronger in struggle and through struggle, and is enjoying the support of progressive people the world over. It now controls three-fourths of the territory and half of the population of South Viet Nam — the rest of the population living in the cities under U.S. control also support the Front. This proves that the prestige of the National Front for Liberation in the country and abroad is unrivalled and absolute.

But the U.S. imperialists, in spite of their defeats, are still clinging to Viet Nam, in an attempt to avert the collapse of their positions in other parts of the globe. Does not the White House's domino theory indicate apprehension over the eventual failure of U.S. imperialism? It would be a total collapse of U.S. global strategy. That is why the U.S. imperialists are nurturing new designs in order to find an escape. The process of accelerated defeat of their neo-colonialist policy will inevitably bring about the process of returning cynically, shamelessly to the methods of wars of conquest and enslavement. Inevitably in this process, their war crimes will gradually take the forms of crimes against humanity and genocide.

Therefore, progressive humanity is now faced with a most urgent problem: how to deal with each and every U.S. escalation move in Viet Nam or in another part of the globe to stay the imperialists' bloody hands?

The support of the world's working class and peoples for the Vietnamese people's struggle is an important factor which has contributed to our victories. The international significance and

repercussion of this fact should not be underestimated. In future, only the strengthening of the solidarity of the world peoples' anti-American front for increased support and aid to the Vietnamese people now fighting more valiantly than ever on the battlefield, can stay the aggressor's hands.

Glorious victory will belong to the Vietnamese people and the world's peoples!

The U.S. imperialists' rabid armed aggression in Viet Nam will be defeated!

Before the people of Viet Nam, before humanity, before history, before international law and ethics, the new fascists in this era will be duly punished!

EVIDENCE, TESTIMONIES AND DOCUMENTS

- *Chronology*
- *Documents*
- *Opinions*

CHRONOLOGY

I. — FIRST ATTEMPTS OF NEO-COLONIALIST ANNEXATION

1941

July 19.— Admiral William D. Leahy, ambassador of the United States of America to France, conveyed a verbal message from President Franklin D. Roosevelt to Marshal Pétain, Chief of the Vichy Government, declaring that the United States would take charge of Indo-China after the victory of the Allies over Japan.

1944

January 20.— President Franklin D. Roosevelt confirmed at a meeting with Lord Halifax, ambassador of the United Kingdom to the United States, that a year before he had suggested that Indo-China could not fall back into the hands of the French and should be placed under international trusteeship.

1945

August 12.— Jean Sainteny, Chief of the "Mission 5" (French Intelligence Service) in Kunming (China), reported in a message to the French Government that the Chiang Kai-shek clique, with the support of certain American high-ranking officers, were seeking all ways and means to oust the French from Indo-China.

August 19.—Triumph of the August Revolution. The people of Viet Nam victoriously carried out the general insurrections, smashing the double colonial yoke of the French and Japanese imperialists, and set up the people's revolutionary power throughout the country.

September 2.—President Ho Chi Minh, Head of the Provisional Government of the Democratic Republic of Viet Nam, solemnly proclaimed before the nation and the world the Declaration of Independence of the Democratic Republic of Viet Nam.

August and September.—Three American missions arrived in Hanoi, a military mission led by General Philip E. Gallagher, another by Colonel Nordlinger, in charge of investigation of the needs of prisoners of war, and a third belonging to the O.S.S. (Office Strategic Services), headed by Major Archimedes L. Patti.

September 13.—British troops under the command of General D.D. Gracey landed on Saigon with the official mission of disarming, in the name of the Allies, the Japanese troops in Indo-China south of the 16th parallel.

September 14.—Chiang Kai-shek troops, under the aegis of the United States, entered Indo-China with the official mission of disarming, in the name of the Allies, the Japanese troops north of the 16th parallel.

September 23.—The French colonialists, under the protection of British troops, launched a war of reconquest in Nam Bo (formerly Cochinchina).

October.—Major A. L. Patti, of the O.S.S., proposed to the Government of the Democratic Republic of Viet Nam to let the United States take charge of the construction of railways, roads and airports in exchange for economic privileges to his government. The offer was declined.

1946

January 6.—Election by universal suffrage to the National Assembly of the Democratic Republic of Viet Nam throughout the country; more than 90% of the voters went to the polls.

On March 2.— President Ho Chi Minh was elected President of the Democratic Republic of Viet Nam and was entrusted with forming the new government.

November 9.— The National Assembly of the Democratic Republic of Viet Nam adopted the first Constitution of the Democratic Republic of Viet Nam.

December 19.— The French colonialists launched their colonialist war of reconquest all over Viet Nam.

1947

August.— The special envoy of the United States, William Bullitt, went to Hong Kong and conferred with Bao Dai, puppet of the French colonialists.

September 22.— William Bullitt sought detailed information from Emile Bollaert, High Commissioner of France in Indo-China, on the Indo-Chinese commercial and industrial situation.

1948

September.— William Bullitt conferred with Bao Dai in Geneva with a view to taking him directly in hand.

1949

January 26.— The government of the United States informed the French government that it supported the latter's efforts to create in Viet Nam a "government" with Bao Dai as head.

March 8.— Under pressure from the United States, President of the Republic Vincent Auriol signed in Paris with Bao Dai the "French-Vietnamese agreement" granting a so-called "independence" to the Bao Dai administration: the latter was represented by France in diplomatic relations; France had the right to establish bases and garrisons on the territory of Viet Nam and had the freedom of movement between them.

2.— ACTIVE PARTICIPATION AS FUND-SUPPLIER
IN THE COLONIALIST WAR OF RECONQUEST
(1950 — 1954)

1950

February 7.— The government of the United States formally recognised the Bao Dai puppet government.

February 11.— Philip Jessup declared in Bangkok that the United States could conclude agreements directly with Bao Dai.

March 6.— An American economic mission led by Robert Allen Griffin arrived in Saigon to study the possibilities of American investments in Indo-China and of American economic aid to the Bao Dai puppet administration.

March.— The aircraft-carrier Boxer and the two cruisers Stic-kell and Anderson of the 7th Fleet, U.S. Navy, called at Saigon port. 71 American planes circled over Saigon at very low altitude. On March 19, 500,000 Saigon citizens turned out in protest demonstration compelling these 3 American warships to leave Saigon.

July 15.— An American mission led by John Melby, Director of the South-East Asia Department of the State Department, and General Graves B. Erskine, Commander of the U.S. 1st Marine Division, arrived in Saigon to seek information on the combat capacity, the needs in military assistance of the French troops in Indo-China, and on the possibility of utilizing certain military bases in Indo-China.

On July 20.— General G.I. Erskine declared at a press conference that the programme of American military aid was well on its way of realization and that it was necessary to set up the Bao Dai army, the French troops in Indo-China being not strong enough to carry on the war.

August 10.— The first cargo of American war materiel arrived in Indo-China.

October 4.— The Pentagon installed in Saigon a Military Aid Advisory Mission headed by General Francis L. Brink.

November 14.— Donald Heath, U.S. ambassador to Indo-China, conferred with Bao Dai and Letourneau, High Commissioner of France in Indo-China, on the forming of 4 puppet divisions. The United States would provide all the armament and one-third of their expenses.

December 23.— The United States signed with France and the “3 Associated States” of Indo-China (Viet Nam, Laos and Cambodia — Ed) a “treaty of joint defence.” Under this treaty, the United States “will provide equipment, materials to the Associated States of Indo-China in accordance with their needs; the Indo-Chinese States” will have to facilitate the production, transport and transfer to the government of the United States of raw materials and semi-finished products which the United States will need” (article 1); France and the Indo-Chinese States “undertake to utilize effectively the American aid only within the framework of joint defence in Indo-China” (article 2). The M.M.A.G. was officially installed in Saigon.

1951

January 30.— Joint communique of President H. S. Truman and French Prime-Minister René Pléven following the French-American talks in Washington. The United States promised to provide urgently additional aid in war materials to the French Expeditionary Corps in Indo-China.

March 16.— The National Council of French industrialists sent to the French government a memorandum protesting against the overt interference of the American economic mission led by Robert Blum in the internal affairs of Viet Nam. The said mission, under the pretext of controlling the distribution of American aid, constantly obliged the French authorities in Indo-China to issue directives approving the activity of the American industrialists in this country. The memorandum also protested against the establishment of American control over the exploitation of tin ores, the production of rubber and rice in Indo-China. Consequently, the volume of trade between France and Indo-China

dropped considerably, whereas that between the United States and Indo-China increased notably.

September 7.— The United States signed with Bao Dai puppet administration an "agreement on economic cooperation".

According to this agreement:

"The Government of Viet Nam (Bao Dai administration — Ed.) will communicate detailed information necessary for ensuring the carrying out of the provisions of the present Agreements including a quarterly report on the utilisation of the funds received..., as well as other appropriate information which the United States may need." (article 3).

"The Government of Viet Nam will give its full cooperation to the special mission, including the granting of all the necessary facilities for the survey and control of the utilisation of the aid supplied" (article 4).

"The Government of Viet Nam will facilitate the production, the transport by the means at its disposal and the transfer to the Government of the United States of raw materials and semi-finished products which the United States will need" (paragraph I, Section A).

September 18.— General De Lattre de Tassigny, High Commissioner of France and Commander-in-Chief of the French Expeditionary Corps in Indo-China, went to the United States to ask for additional aid.

December 29.— Jean Letourneau, French Minister of the Associated States, revealed before the French National Assembly that during the years 1950 and 1951 the United States supplied 73,000 tons of war materials worth 60,000 francs for the war in Indo-China.

1951

Ngo Dinh Diem went to the United States. The U.S. government brought him up at the Mary Knoll Junior Seminary,

Lakewood (New Jersey State), under the care of American Cardinal Spellman.

1952

March 13.— Before the U.S. Congress, Robert Lovett, Defence Secretary of the United States, insisted on the importance of Indo-China. He said that in view of its strategic and geographical position and the raw materials of vital importance supplied by it, such as tin and rubber, this zone is of such importance that the United States should efficaciously support the French government.

October 25.— President of the French Republic Vincent Auriol declared that the war in Indo-China had cost France 1,600,000 million francs, or twice the amount of aid given by the United States. Besides, France had to suffer irretrievable losses in human lives and French soldiers had sacrificed their lives not in the interests of France.

1953

March 28.— President of the United States D. D. Eisenhower and French Prime-Minister Rene Mayer issued a joint communique according to which the United States promised to increase aid to France, whereas the latter undertook to intensify the war in Indo-China.

May.— The government of the United States approved the "Navarre plan" whose objective was to "pacify" Indo-China in 18 months. General Henri Navarre, Commander-in-Chief of the French Expeditionary Corps in Indo-China, personally went to the United States to expound the plan.

June 20.— The American military mission led by General John O'Daniel, commander of the U.S. ground forces in the Pacific, arrived in Saigon.

July 14.— Closing of the Foreign Ministers conference of the United States, Great Britain and France, on the war in Indo-China.

At this conference, J. F. Dulles subordinated the supply of American aid to two conditions :

1. The French government must carry out the "Navarre plan."

2. The U.S. government might confer directly with the Bao Dai government on the military and economic aid which would be granted to it.

Bidault accepted these two conditions.

July 17.— In a speech on the world situation, J. F. Dulles declared that what the United States was doing in Indo-China spared it much more costly expenses in the defence of its vital interests in the Pacific.

July 31.— The U.S. Congress decided to grant France an aid of 400 million dollars for the war in Indo-China.

July.— In his report at the House of Representatives, 83rd legislature, 1st session, the Investigation Committee of the U.S. Aid Commission disclosed that the aid supplied by the United States to France began in April 1948 and had increased considerably since June 1950.

August 4.— At a conference of the governors of the federal States of the United States held in Seattle, President D. D. Eisenhower declared: "Suppose we lost Indo-China. If that happened, tin and tungsten, to which we attach such a high price, would cease coming... That is why when the United States decides to give an aid of 400 million dollars to this war, it does not make a gratuitous offer.

In reality, we have chosen the least costly means to prevent one of the most terrible things for the United States for its security, its strength and its possibility to obtain what it needs among the riches in Indo-China and South-East Asia."

September 2.— At a meeting of the National Committee of American War Veterans held in Saint Louis, Missouri, J. F. Dulles declared :

“ ... Meanwhile in Indo-China a desperate war, whose consequences are affecting our vital interests in the Western Pacific, has entered its eighth year. We have largely contributed, in material and money, to the common efforts of France, Viet Nam, Cambodia and Laos. ”

November 3.— U.S. Vice-President Richard Nixon declared at a gathering of French officers and those of the Bao Dai puppet army: Whatever the circumstances, negotiations are out of the question.

1954

January 13.— John Foster Dulles declared :

Strategically speaking the interests of the U.S. in the Far East are closely linked to what is usually called the chain of coastal islands, which comprises two continental bases — Korea in the north and, if possible, Indo-China in the south. Between these bases lie Japan's islands of Ryu-Kyu and Okinawa, Formosa, the Philippines, Australia and New Zealand.

January 27.— The U.S. embassy in Saigon announced that from 1950 to 1953 the U.S. supplied to France, for the latter's needs in the Indo-China war, over 400,000 tons of war materiel including 1,400 tanks, 340 aircraft, 350 war vessels, 15,000 radio sets, 150,000 light weapons, 240,000,000 small arms rounds, and 15,000,000 of other kinds.

February 4.— American General O' Daniel made an inspection tour of the fortified position at Dien Bien Phu.

February 6.— The U.S. Defence Department announced its decision to send post-haste to Indo-China a number of B26 bombers and 200 Air Force technicians.

March 13.— The Viet Nam People's Army launched its offensive on the Dien Bien Phu fortified position.

March 15.— The American magazine “ Time ” wrote :

Since 1950 the U.S. has spent 500 million dollars a year in Indo-China, topping by 2 billion dollars the total expenditure for the four years of war there.

March 16.— Christian Pineau of the French National Assembly's Finance Committee, revealed that 78.25 per cent of the war expenditures in Indo-China had been covered by the U.S., and the rest by France.

March 22.— General Ely, Chief of Staff of the French army, went to Washington to ask for help to the garrison at Dien Bien Phu.

The plan for an operation code-named "Vautour" was prepared by French and American staff officers, which provided that 60 B29 bombers based in the Philippines and 300 from the 7th Fleet would conduct massive attacks on areas around Dien Bien Phu to relieve the French troops (1).

April 4.— In a letter addressed to British Prime Minister Winston Churchill, U.S. President Dwight D. Eisenhower spoke of his country's decision to form, with the U.K., France, Thailand, the Philippines, Australia and New Zealand, a military alliance whose purpose was to suppress the movement of national liberation in Indo-China and Southeast Asia, under the pretext of "containing communist expansion".

April 4.— "U.S. News and World Report" wrote: One of the richest regions of the world will lie open to those who win Indo-China... To the U.S., Indo-China must be kept at all costs.

April 13.— Announcement of a communique on the talks between J. F. Dulles and A. Eden in London on the setting up of SEATO.

May 7.— Fall of Dien Bien Phu.

(1) Later U.S. President Kennedy admitted that at the time of the Dien Bien Phu battle the U.S., realizing that the whole of Southeast Asia might be involved, began contemplating the possibility of a direct military intervention (Strategy of Peace, Calman Lévy, Paris 1961, P.86).

General James Gavin, the then chief of the Plans and Operations Office of the Army Department, disclosed that General Mathew B. Ridgway, U.S. Chief of Staff, had demanded that careful study be made of the situation in view of the eventual dispatch of U.S. forces to the delta of Hanoi. Gavin recalled that the contemplated deployment would involve 8 divisions with engineering battalions and other support units.

June.— Sent by the U.S. Government, Colonel Lansdale of the C.I.A. arrived in Viet Nam to investigate into the political situation with a view to rigging up a puppet administration. As suggested by Lansdale and the C.I.A the U.S. government picked up Ngo Dinh Diem, and sent him back to Viet Nam on June 18, 1954. Lansdale then kept close contacts with Diem to plan the establishment of a puppet administration with Diem at the head, and the activities of this administration.

July 7.— Under U.S. pressure the French government had to recognize Ngo Dinh Diem as prime minister of the Bao Dai regime, in replacement of Buu Loc.

3.— WRECKING THE JULY 1954 GENEVA AGREEMENTS AND TURNING SOUTH VIET NAM INTO A U.S. COLONY AND MILITARY BASE. UNILATERAL WAR AGAINST SOUTH VIETNAM'S DEFENCELESS POPULATION (AUGUST 1954 — END OF 1960)

1954

July 21.— Closing of the 1954 Geneva Conference, with the signing of the following agreements :

- Agreement on the Cessation of Hostilities in Viet Nam,
- Agreement on the Cessation of Hostilities in Cambodia,
- Agreement on the Cessation of Hostilities in Laos,
- Final Declaration of the Conference,

— Statements of governments taking part in the Conference, including :

— Statements by the French government pledging itself to evacuate its troops from Viet Nam, Cambodia and Laos, and to respect the sovereignty, independence, unity and territorial integrity of these countries.

— Statement by Bedell Smith who, on behalf of his government, acknowledged the documents of the Conference, and declared not to sabotage these agreements by means of threat or the use of force, in keeping with Paragraph 4, Article 2, of the U.N. Charter.

July 21.— U.S. President D. D. Eisenhower declared that the U.S. itself had not taken part in the decisions of the Conference, therefore was not bound by these decisions. The agreements contained provisions which he said were not to the liking of the U.S. which consequently, was actively working with other “free” countries to set up quickly a collective defence in Southeast Asia.

July 22.— President Ho Chi Minh called on the Vietnamese people to strictly observe the provisions of the 1954 Geneva Agreements on Viet Nam, and demand that the other party do the same.

August.— Diem troops opened fire at the people in Kim Doi area, Thua Thien province, who were celebrating the return of peace. 17 were killed, 67 wounded on August 2, and 8 killed and 200 wounded on August 16 (1).

September 8.— Signing of the Manila Treaty of the SEATO, which arbitrarily and illegally put South Viet Nam, Cambodia and Laos under its protection.

September 13 — 18.— A terrorist operation by Diem troops against former members of the resistance in Mo Cay district, Ben

(1) These are but a few illustrations of the terrorist raids and reprisals typical of this administration. The asterics indicates that the raid has been investigated into by the International Commission for Control and Supervision and conclusion has been arrived at that the Saigon administration has actually violated Article 14C of the Geneva Agreement.

The province, during which over 500 persons were killed or wounded and more than 300 others arrested.

October.— The Ngo Dinh Diem administration, for the first time in South Viet Nam, launched a campaign of “Denunciation and Extermination of Communists” in Quang Nam, a free province during the Resistance to the French colonialists.

October 22.— The Foreign Ministry of the Democratic Republic of Viet Nam declared that the Manila Treaty “constitutes a gross violation of the Geneva Agreements”, that it “tramples underfoot the independence and sovereignty of Viet Nam, Laos and Cambodia, and threatens the peace and security of the peoples in Southeast Asia”.

October 23.— U.S. President Dwight Eisenhower informed Ngo Dinh Diem that the American Ambassador in Saigon had been ordered to put into operation a programme of direct assistance to the Diem administration.

November 11.— U. S. Secretary of State J.F. Dulles declared that South Viet Nam ought to have a strong “government” supported by an effective police and security forces, and that American General L. Collins at that moment was in South Viet Nam to help work out necessary measures and, if need be, to “take such measures himself.”

November 19.— The French paper “La Tribune des Nations” disclosed the contents of the Mansfield Plan: obstruction to the holding of free general elections to decide the peaceful reunification of Viet Nam as provided for by the 1954 Geneva Agreements.

November.— Senator Richard, Democrat, declared: “The United States does not take the trouble to judge whether or not such or such acts it takes constitute a violation of the Geneva Agreements.”

November 20.— J. F. Dulles informed French Premier Mendès France that beginning from 1955 the U.S. would give direct aid to the Diem administration.

December 15 — Le Trung Chi, governor of Quang Tri province, gave a 3 months' notice to the wives and parents of former resistance members to divorce their husbands or deny their children, whether regrouped to the North or staying in the South.

This gave the start to series of "husband-divorcing" or "son-denying" weeks in the province.

December 25.— In a report to the Co-Chairmen of the 1954 Geneva Conference for the period from August 11, 1954 to Dec. 10, 1954 the International Commission for Control and Supervision concluded that the Saigon administration had violated Article 14 (c) of the Geneva Agreement on the Cessation of Hostilities in Viet Nam by conducting the following massacres and terrorist raids, causing losses to the people in lives and property:

1. — Ai Nghia, Aug. 16, 1954
2. — Ha Lam, Sept. 7, 1954.
3. — Chi Thanh, Sept. 7, 1954
4. — Cam Lo, Sept. 10, 1954
5. — Tam Ky, Sept. 27, 1954
6. — Cho Ben. Oct. 25 to 28, 1954.

December.— The State Department issued a communique announcing that from Jan. 1st, 1955, U.S. aid would be directly supplied to the Diem administration.

December.— With its policy of "Population Classification", the Diem administration divided South Viet Nam's population into three categories: the legal, the illegal and the semi-legal.

Category A comprised "Illegal Citizens", the majority of them having taken part in the war against French colonialism, who naturally stood for the Geneva Agreements.

The "Semi-legal Citizens" — Category B — included the parents or friends of the citizens of Category A, and of those who had regrouped to the North.

January 21.— The police arrested and tortured 116 former resistance members of Vinh Trinh area, Duy Xuyen district, Quang Nam province. 47 of these were later taken to Vinh Trinh Dam where their torturers bound them up hand and foot with wire, plucked off their eyes, cut off their ears and noses, poured gasoline on their bodies, burned them alive, and dumped their corpses into the water.

February 4.— The Government of the Democratic Republic of Viet Nam declared that it would do everything in its power to encourage and facilitate all kinds of exchange between the two zones, in the economic, cultural and social fields, which would help normalize the life of the people. The D.R.V.N. Government also expressed the hope that the South Vietnamese authorities would agree with it on the question of re-establishing normal relations between the North and the South.

February 19.— The SEATO treaty, which arbitrarily put South Viet Nam, Cambodia and Laos under its protection umbrella, came into force.

February 28.— Saigon Radio openly declared: "In fact, there could be no general elections in 1956."

March.— Setting up in South Viet Nam of the American Training Reorganisation Inspection Mission (TRIM).

April 19.— The Diem administration and the Michigan State University signed a contract on organizing, strengthening and developing the police and security forces of the Saigon regime.

April 26.— Launching of "sweep" campaigns by the Diem army against the armed forces of Binh Xuyen and the religious sects of Cao Dai and Hoa Hao. Balance sheet: 7,000 persons were killed, 14,000 wounded, and 20,000 houses destroyed.

June 6.— The D.R.V.N. Government declared its readiness to sit with the Saigon authorities in a consultative conference to

discuss the holding of general elections with a view to reunifying Viet Nam.

July 8.— The Diem regime virtually exterminated the population of Huong Dien (Quang tri province) which was a free commune during the Resistance. 92 inhabitants among them 31 children and 32 women (7 of them pregnant) were slaughtered.

July 10.— The Diem administration arrested and tortured to death Mme Nguyen Thi Dieu, teacher at Duc Tri School in Saigon. A statement by the doctor in charge of the post-mortem autopsy revealed that the blows received by the victim had broken her skull. The regions behind the ears were all swollen, and marks left by cord could be found on the wrists. Both the kidneys were smashed, and the bladder was torn. At the time she died Mme Nguyen Thi Dieu was five months gone. She left behind 3 children, all very young.

July 16.— Ngo Dinh Diem declared: "We did not sign the Geneva Agreements. Therefore we are not bound by them."

July 19.— The D.R.V.N. in a letter to the Diem administration, proposed the holding of a consultative conference on July 20, 1954.

July 20.— Diem's agents ransacked the Majestic and Gallieni hotels in Saigon, headquarters of the I.C. (1).

August 9.— The Diem administration made public a statement rejecting the Geneva Agreements and turning down the offer by the D.R.V.N. Government for the holding of a consultative conference.

August 30.— J. F. Dulles declared that conditions were not ripe for elections in Viet Nam, and approved of the Saigon administration's refusal to consult with the D.R.V.N. Government on this matter.

(1) A special report on the incident was sent by the I.C. to the Co-Chairmen of the Geneva Conference (Fourth Interim Report, paragraph 47).

October 7. — The Diem administration sent a note to the British government — Co-chairman of the Geneva Conference — declaring its rejection of the 1954 Geneva Agreements and its refusal to sit with the D.R.V.N. Government in a consultative conference (Document N°29).

October 23. — Fraudulous “referendum” organized by Ngo Dinh Diem in South Viet Nam to oust Bao Dai — pawn of the French colonialist — and proclaim himself “Head of State”.

October 20. — Ngo Dinh Diem declared South Viet Nam to be a “Republic”.

October. — The Ngo Dinh Diem administration demanded membership of the U.N. with a view to legalizing and perpetuating the partition of Viet Nam by the U.S.

December 29. — General Tran Van Ty, Chief of Staff of the Saigon army, called on his troops “to fill up the Ben Hai River” (on the 17th parallel) and “to march into the North”.

December. — According to then still incomplete statistics the Diem administration, in violation of Articles 14 (c) and 15 (d) of the Geneva Agreement on the Cessation of Hostilities in Viet Nam, conducted, from July 1954 to Dec. 1955, 4, 584 terrorist acts against former resistance members, killing 2,042 persons, wounding 4,555 and arresting 31,176 others.

1956

January 8. — In its Fifth Interim Report (for the period from August 11 to Dec. 10, 1955) to the Co-Chairmen of the Geneva Conference the I.C. pointed out:

“The Saigon government keeps preventing I.C. mobile teams from investigating into acts of terrorism and reprisal in South Viet Nam” (Paragraphs 10 and 11, Chapter III).

January 11. — The Diem administration promulgated Decree N°6 under which all former resistance members considered “dangerous for national defence and public security” would be sent to concentration camps.

February 20. — Ngo Dinh Diem promulgated Decree N^o13 banning the freedom of speech.

March 4. — The Diem administration resorted to fraudulent elections to set up a so-called "National Assembly" (1).

April 30. — J. F. Dulles told the Senate Foreign Relations Committee:

"The U.S. must stay in South Viet Nam as well as in South Korea and Formosa, these three regions being of a decisive importance to the U.S. position in Southeast Asia."

May. — Setting up in South Viet Nam of the CATO (Combat Army Training Organ) of the U.S.

May 8. — The Soviet Union and Great Britain, as Co-Chairmen of the 1954 Geneva Conference on Viet Nam, sent separate messages to the authorities in North and South Viet Nam, asking them to state as quickly as possible their respective views on the date for the general elections to reunify Viet Nam.

May 11. — The D.R.V.N. Government sent another note to the Diem administration proposing the holding of a consultative conference.

May 22. — In another note to Great Britain the Saigon administration again rejected the 1954 Geneva Agreements and refused to hold general elections in Viet Nam.

June. — Arrival of TERM (Temporary Equipment Recovery Mission) which comprised over 400 American officers (80 of them highranking), despite the opposition of the I.C. and a reminder telling this mission to stop its activities and leave South V.N.

June 1st. — U.S. Under-Secretary of State W. Robertson declared that the Saigon administration would continue to receive necessary aid from the U.S. for the repression at home and for

(1) Diem's collaborators later denounced these elections as "deceitful and fraudulent" (Decrees N^o1 and N^o2 of the self-styled "Revolutionary Military Committee," Nov 2, 1963).

the development of the puppet army with its 150,000 regular troops, 15,000 civil guards, its police and its militia forces.

John F. Kennedy, then Senator, declared: "If we are not the father of the small Viet Nam, we surely are its foster-father. We presided over its birth, helped affirm its existence, and contributed to shaping its future."

He also said that the U.S. would never approve of "premature" general elections, as provided for by the Geneva Agreements.

December.— In 1955 and 1956 the U.S. spent 93 million dollars on "agrovilles", real concentration camps for former resistance members and other patriots in South Viet Nam.

In 1956 alone, according to still incomplete statistics, 82 cargoes of weapons and other war materiel of the U.S. were unloaded at Saigon port.

The same year, 12 American military missions arrived in Saigon.

1957

May 13.— Ngo Dinh Diem declared in New York that "the borders of the U.S. extend as far as the 17th parallel (provisional demarcation line between North and South Viet Nam — Ed)."

August 9.— Ngo Dinh Diem announced the construction of the "Saigon-Bien Hoa autoroute". The autoroute, 32 kilometres long by 100 metres wide, with a 950m-wide band on either side, is in fact a gigantic air base of the U.S. in South Viet Nam.

July 18.— The D.R.V.N. Government sent another message to the Diem administration inviting it to a consultative conference to discuss general elections to reunify Viet Nam (Document N^o43).

July 26.— The Diem administration made public a statement again rejecting the holding of general elections.

1958

March 7.— The D.R.V.N. Government sent a letter to the Saigon administration proposing that representatives of the two

zones meet to discuss a simultaneous reduction of their respective military effectives, and trade exchanges, so as to create favourable conditions for a rapprochement and mutual understanding between the two zones, with a view to reunifying the country by peaceful means.

April 26.— The Diem administration made public a statement squarely turning down the proposals of March 7, 1958 of the D.R.V.N. Government.

December 21.— Massive poisoning of 6,000 political prisoners in Phu Loi concentration camp (Thu Dau Mot province) which resulted in the instant death of over 1,000 detainees. Many others, crying for help, were gunned to death.

Following this massacre, Diem troops, commanded by the chief of the MAAG, General W. Samuel, conducted a terrorist raid against the population in Phu Loi area.

December 22.— The D.R.V.N. Government sent a letter to the Saigon administration proposing a meeting of representatives of the two zones to discuss various questions — military, economic, propaganda and movement — concerning the two zones.

In 1958:

— Construction and strengthening of a whole network of strategic highways including.

— Highway 14 from Saigon to Ban Me Thuot,

— Highway 19 from Qui Nhon to Pleiku,

— Highway 21 from Ban Me Thuot to Ninh Hoa.

The work was undertaken by the American companies “Johnson, Drake and Piper” and “Capital Engineering Corporation”, and financed by “U.S.Aid”.

Arrival of 20 U.S. military missions.

The U.S. government provided the puppet police and security with supplementary aid in arms and materiel totalling 5.5 million dollars.

Besides, 114 cargoes of weapons and other war materiel were sent to South Viet Nam.

1959

February 6. — After an investigation into the massacre of former resistance members in Duy Xuyen district (Quang Nam province) the I.C. came to the following conclusion :

“ Following the ceasefire, former resistance members in Duy Xuyen were recorded on separate lists and closely watched. They were compelled to give an account of their activities during the resistance, and a number of them consequently had to report, at a fixed time, to the Security Service. The I.C. maintains that these measures constitute an act of discrimination and a violation of Article 14 (c) of the Geneva Agreement ”.

March 10. — In its Ninth Interim Report to the Co-Chairmen of the Geneva Conference (for the period from May 1st, 1958 to Jan, 31st, 1959) the I.C. pointed out that in view of the non-cooperation of the Diem administration it could not fulfil its functions of control and supervision concerning the coming and going of weapons and war materiel in South Viet Nam.

April. — Ngo Dinh Diem declared South Viet Nam to be in a “ state of war ”.

April 4. — D. Eisenhower declared that the loss of South Viet Nam would have very grave consequences for the U.S. which, therefore, had to give all necessary assistance to the Saigon regime.

April 8. — The SEATO met in Wellington to consider the participation by its members in the war in Viet Nam.

May 6. — Ngo Dinh Diem promulgated the fascist “ Law 10-59 ” which set up “ special military tribunals ” with a view to destroying former resistance members in South Viet Nam under charges of “ sabotage or other activities detrimental to the security of the State ”.

July 7. — Ngo Dinh Diem declared that the establishment of "Prosperity Zones" (concentration camps in disguise) was the main task for 1959.

September. — By the end of the month there had been in South Viet Nam 46 U.S. military airfields (as against 6 after the return of peace)

— 5 for jet aircraft — and 11 U.S. naval bases.

In the course of 1959, 15 U.S. military missions entered South Viet Nam.

1960

February 8. — W. Brucker declared that the Chiefs of Staff of the U.S. Air Force, Army and Navy had completed a plan for military operations in South Viet Nam.

March. — Up to March 1960, the "military tribunals" set up following the coming into force of the fascist "Law 10-59" had operated in 9 provinces in Nam Bo (South Viet Nam proper) and had sentenced to death 20 patriots (by guillotines), and condemned 27 others to hard labour.

May 31. — A ministerial conference of the SEATO military bloc was held in Washington to study the situation in South Viet Nam and Laos.

July. — The U.S. and Saigon regime began strengthening and enlarging the strategic highways linking South Viet Nam to Laos.

December 20. — The South Viet Nam National Front for Liberation came into being. It advocated the mobilization of the people of all strata, all social classes, nationalities, political parties and groupings, organizations, religious communities, and patriotic personalities, without distinction of political leanings, to throw off the rule of the U.S. imperialists and their henchmen and set up a national, democratic coalition government with a view to achieving independence, democracy, peace and neutrality, and the peaceful reunification of the Fatherland.

In the course of 1960, according to still incomplete figures,
— 13 American military missions came to Saigon,
— 235 cargoes of arms and other war material were brought to South Viet Nam,

— 21,858 “mop-up” operations were conducted by Diem troops.

Also according to incomplete figures, from 1954 to late 1960, the Diem administration jailed and tortured 527,000 persons, and killed 77,500 others.

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4.— “SPECIAL WAR” OF NEO-COLONIALIST AGGRESSION

1961

March 19.— Ngo Dinh Diem signed a decree calling up all the reserves in South Viet Nam.

March 27.— The SEATO met in Bangkok to discuss the war in Viet Nam.

May 7.— The U.S. National Security Council met to discuss an increase in the aid in arms, ammunition and money to the Diem regime, and the introduction into South Viet Nam, if need be, of troops from the U.S. or SEATO countries.

May 17.— U.S. Vice-President Lyndon B. Johnson arrived in Saigon, bringing with him a letter from J. F. Kennedy to Ngo Dinh Diem.

May 13.— L.B. Johnson and Ngo Dinh Diem signed an 8-point joint communiqué laying the groundwork for the U.S. “Special war” against the South Vietnamese people.

May 14.— Senator M. Jackson, member of the Senate Armed Forces Committee, declared that the “U.S. must defend South Viet Nam at all costs, even if it has to send its troops there.”

June 19.— An American mission led by Eugene Staley came to South Viet Nam to work out a plan for aggression against Viet Nam. The “Staley Plan”, endorsed by the White House, comprised 3 stages :

— To pacify South Viet Nam in 18 months and set up bases for spying and sabotage activities against North Viet Nam.

— To boost up the economy and strengthen the puppet army in South Viet Nam, and step up sabotage activities against North Viet Nam.

— To develop South Viet Nam's economy and attack North Viet Nam.

The first stage, considered to be the most important, provided for the following concrete measures :

— To bring, by the end of 1961, the effectives of the puppet army from 150,000 to 170,000.

— To increase by 32,000 the strength of the 68,000-strong civil guard which eventually would be turned into a regular force,

— To double the 45,000-strong police force,

— To herd the population into concentration camps dubbed “strategic hamlets”,

— To increase U.S. aid to the Saigon administration so that the above said plan could be materialized.

July 2.— At 00.15 hrs a U.S. C47 transport plane parachuted a 10-man spy squad, led by an individual named Dinh Nhu Khoa, on To Hieu State Farm in Kim Son district, Ninh Binh province, North Viet Nam. According to these spies' depositions they had been trained by U.S. and Diem officers who had ordered them to carry out spying and sabotage activities in North Viet Nam.

(These men were tried on Nov. 17, 1961 by the Central Military Tribunal of the Democratic Republic of Viet Nam).

July 12.— Gardiner, Chief of the U.S.O.M. in Saigon, declared that the U.S. would give all necessary aid to the Diem administration to help it pursue the war in South Viet Nam.

July 22.— Ngo Dinh Diem signed a decree providing that civil servants, doctors and pharmacists would be called under arms, and that young people aged from 20 to 33 with a 1st-part Baccalaureat degree or an equivalent degree would have to attend a training course for officers.

July 24.— General Arthur D. Trudeau, chief of the Research and Development Service of the U.S. General Staff, author of the plan for sabotage and subversive activities in Eastern Europe and North Viet Nam, arrived in Saigon.

September 11.— Answering an American newsman's question at a press conference, Ngo Trong Hieu, Secretary of State for Civil Action of the Diem administration, declared: "Infiltration into North Viet Nam is also a good tactic. Just wait, gentlemen... Such a thing will happen soon."

September 17.— At the invitation of the U.S. government and the Saigon administration the British government sent to South Viet Nam a permanent mission headed by General R.G.K. Thompson, former permanent Secretary for Defence in Malaya. The aim was to apply to South Viet Nam the experiences gained from the repression of the Malayan people.

October 18.— General Maxwell D. Taylor came to Saigon to consider the question of dispatch of U.S. troops to South Viet Nam. After a week of inspection of the future battleground and of discussion with senior officials of the MAAG, with American Ambassador F. Nolting, and the Saigon ruling circles, Taylor proposed to J. Kennedy a series of concrete military measures for the implementation of the "Staley Plan".

November.— Arrival of the first units of U.S. "Special Forces" in South Viet Nam.

Ngo Dinh Diem declared a "state of emergency" in South Viet Nam.

November 11.— The U.S. government provided the Diem administration with 150 million additional dollars of aid.

December 16.— A conference was held in Honolulu, with the participation of several high-ranking U.S. officials including McNamara, L. Lemnitzer, Harry Felt, and F. Nolting, to discuss the war of aggression in South Viet Nam.

In the course of 1961, 41 American military missions came to Saigon.

1962

January 10.— Ngo Dinh Diem declared that the U.S. government together with his administration, had laid out a program to study the use of chemicals in the war in Viet Nam.

January 14.— Several high-ranking U.S. officials among them McNamara, L. Lemnitzer, Harry Felt, and F. Nolting, met in Honolulu to discuss the Viet Nam war.

February 8.— The U.S. government set up in South Viet Nam the M.A.C.V. (Military Assistance Command, Viet Nam) headed by General Paul D. Harkins, which in fact, was responsible for the U.S. war in Viet Nam.

February 20.— Another conference was held in Honolulu to discuss the Viet Nam war with the participation of McNamara, L. Lemnitzer, Assistant Secretary of State A. Harriman, and W. Rosson, Chief of the U.S. Department for Special Military Operations.

March 21.— Still another war conference in Honolulu, attended, among others, by McNamara, L. Lemnitzer, and Harry Felt.

March 22.— U.S. and Diem troops conducted a large-scale operation dubbed "Sunrise" against Zone D, former resistance base in Thu Dau Mot province. The plan of this operation was worked out by Colonels William N. Osborne and Carl Schaad.

April 16— Sixteen American intellectuals and personalities including scientist Linus Pauling addressed an open letter to President Kennedy protesting the war of aggression conducted by the U.S. in Viet Nam.

March 23. — The Diem authorities sentenced to death Professor Le Quang Vinh and three students and condemned to hard labour eight other students.

July 22. — Another war conference was held in Honolulu presided over by McNamara.

October 8. — The U.S. convened another war conference in Honolulu, with the participation of McNamara, General E. Wheeler, Chairman of the U.S. Joint Chiefs-of-Staff, General P. Harkins, Commander-in-Chief of U.S. forces in South Viet Nam; General Theodore T. Conway, chief of the MAAG in Thailand, and K. Young, U.S. Ambassador to Thailand.

November 20. — The USAF completed the installation of Back Porch I, a telecommunication system linking all the administrative and military centres in South Viet Nam, and also of Back Porch II, connecting the U.S.A.F. to the puppet air force.

December 12. — Speaking of the situation in South Viet Nam, President J. Kennedy said that the number of U.S. troops there was ten or eleven times bigger than what it was a year before. He also stated that the U.S. was giving a strong impetus to the realisation of the "strategic hamlet" program.

J. Kennedy, however, admitted that the U.S. was meeting with many difficulties. That was why the Americans could not yet see the other end of the tunnel, he added.

December. — The U.S. troops strength was brought to a total of 11,000. In the course of 1961 :

30 U.S. military missions came to South Viet Nam.

27,000 mop-up operations were conducted.

U.S. aircraft made 50,000 sorties in South Viet Nam.

1963

February 8. — General P. Harkins declared that the South Viet Nam battlefield had become to U.S. troops a laboratory for anti-guerilla tactics.

March 1. — 62 American intellectuals and personalities sent a letter to J. Kennedy protesting the U.S. war in South Viet Nam.

March 22. — Answering a question on the use of toxic chemicals in South Viet Nam, Ngo Dinh Diem declared: "This is a good weapon, very effective in this war."

April 8, 9, 10. — Ministerial conference of the SEATO to discuss the U.S. aggression in South Viet Nam.

May 6. — War conference in Honolulu, attended by General E. Wheeler, Assistant Secretary for Defence A. Sylvester, Admiral Harry Felt, Assistant Secretary of State W. Bundy, Ambassador F. Nolting, and General P. Harkins.

May 8. — 10,000 monks and nuns and Buddhist followers demonstrated in Hue against the Diem administration for banning the celebrations of Buddha's birth anniversary and demanding freedom of worship.

Puppet police and motorized troops were mobilized against the demonstrators. 12 civilians were killed, many others wounded. A great number were arrested.

June 11. — Superior Thich Quang Duc burned himself to death to protest the fascist repression of Buddhist believers.

June 16. — A mammoth demonstration was staged by 700,000 people in Saigon to protest the dictatorial regime of Ngo Dinh Diem.

June 17. — U.S. Secretary of State Dean Rusk called on SEATO countries to contribute more to the U.S. war in South Viet Nam.

July 30. — 15,000 Buddhists demonstrated in Hue to protest the Diem administration.

August 14. — 1,500 American priests sent a letter to the U.S. president protesting the aid given by the U.S. to the Diem administration.

August 20. — Ngo Dinh Diem put South Viet Nam under martial law.

August 22. — Henry Cabot Lodge was sent to South Viet Nam to replace F. Nolting as ambassador.

September 2. — “The Times of Viet Nam”, mouthpiece of the Diem administration, charged that the CIA had spent 24 million piastres (South Viet Nam’s currency) on a coup to overthrow Ngo Dinh Diem on August 27.

September 9. — In connection with the U.S. war in South Viet Nam J. Kennedy said what annoyed him was the impatience of those Americans who wanted the U.S. government to quit South Viet Nam because neither the events in Southeast Asia nor the government in Saigon pleased them. “Nonetheless, we have to stay,” he stressed.

October 22. — The U.S. Defence Department issued a communique saying that the U.S. would stop giving aid to those elements in the puppet armed forces who did not fight or attend training courses.

November 1. — Assisted by the CIA, the Saigon military junta staged a coup d’état, toppling and killing Ngo Dinh Diem, and installing in the stead of Diem’s nepotic dictatorial regime a “Revolutionary Military Council” headed by General Duong Van Minh.

This committee appointed Nguyen Ngoc Tho, vice-president under Diem’s regime, as prime minister.

November 20.— The U.S. called a war conference in Honolulu, with the participation of General H. Krulak, Vice-Admiral D. Riley, Admiral Harry Felt, General Maxwell Taylor, Ambassador Cabot Lodge and General P. Harkins.

1963.— In 1963, according to still incomplete figures :

— 40 U.S. military missions arrived in Saigon.

— 37,000 raids were conducted by U.S. and Ngo Dinh Diem troops.

1964

January 30.— Coup d’état staged by General Nguyen Khanh who took over as prime-minister in replacement of Nguyen Ngoc Tho.

February 1st.— Nguyen Khanh promulgated a decree-law outlawing all communist and neutralist persons and organisations.

February 24.— Setting up of an inter-ministerial Committee in Washington led by William Sullivan to co-ordinate the war activities of the U.S. in Viet Nam.

March 8.— McNamara and M. Taylor arrived in Saigon.

March 9.— The American weekly Newsweek disclosed the "Rostow Plan 6" to widen the war in North Viet Nam. The plan called for the naval blockade of Haiphong port, naval bombardment of coastal installations in North Viet Nam and air bombing of North Viet Nam.

April 17.— L. Johnson declared: "We must pursue the guerillas up to their sanctuary (i.e. North Viet Nam—Ed.) and modify the rules of war."

April 23.— L. Johnson declared: "I would like to see other flags there (in South Viet Nam—Ed) as a result of the meeting of the SEATO and other conferences which we have held."

April 25.— Appointment of General William C. Westmoreland, Chief of the U.S. Military Command in Saigon, in replacement of General P. Harkins.

May 12.— Dean Rusk made an appeal to all member-countries of the NATO to give assistance to the United States and the Saigon administration in the war in South Viet Nam.

May 12 and 13.— McNamara and M. Taylor again arrived together in Saigon to study on-the-spot the military situation in South Viet Nam.

May 14.— McNamara declared: "The United States does not rule out the possibility of carrying the war to North Viet Nam."

June 1st.— Honolulu conference on the war in Viet Nam. The question of bringing the war to North Viet Nam was one of the main problems on the agenda of the conference.

June 23.— Maxwell Taylor, Chairman of the U.S. Joint Chiefs of Staff, was appointed ambassador in Saigon in replacement of H. Cabot Lodge.

June.— By the end of June, the United States had built in South Viet Nam 169 military airbases and 11 naval bases.

July 27.— M. Taylor and Nguyen Khanh agreed on the increasing of the effective of American officers in the ground, naval and air forces of the puppet army particularly in the army battalions ; on the introduction of new units of U.S. Special Forces into South Viet Nam and on the increasing of the number of Americans in the provinces to officer regional troops.

July 30.— Violation of the territorial waters of D.R.V.N. and shelling by U.S. warships of her islands : Hon Ngu (Nghe An province) and Hon Me (Thanh Hoa province) respectively 4 and 12 kilometres off the coast.

August 1st.— 4 U.S. T.28 aircraft bombed and strafed the Nam Can border guard post and Noong Do village, respectively 7 and 20 kilometres inside the Viet Nam — Laos frontier.

August 2:— Second bombing of the Nam Can border guard post by 7 U.S. T. 28 and AD. 6 planes.

August 2nd.— The U.S. destroyer Maddox opened fire on coastal areas of the D.R.V.N.

August 3rd.— Naval shelling of Ron region and Deo Ngang area (Quang Binh province) by U.S. warships.

August 4.— Following two meetings of the U.S. National Security Council, President L. Johnson spread the fictitious story about an “unprovoked” attack by torpedo-boats of the D.R.V.N. on the American destroyers Maddox and Turner Joy in the “international territorial waters” (1)

(1) On the occasion of debates in the U.S. Senate relating to the capture of the “Pueblo” by the D.P.R. of Korea, AFP reported from New York on January 28, 1968: Senator William Fulbright, Democrat, Chairman of the Senate Foreign Relations Committee, went back to the question of American destroyers which had been attacked in the Tonkin Gulf by the North Vietnamese: “I do not think”, W. Fulbright declared, “that it would be question of revealing secrets of national security when saying that U.S. warships were in North Viet Nam’s territorial waters at that moment... partly for spying activities and other reasons.”

August 5.— U.S. aircraft bombed and strafed the vicinity of Hon Gai, Vinh—Ben Thuy and the region of Lach Truong (Thanh Hoa province, the Giang rivermouth).

August 7.— Nguyen Khanh declared a “state of emergency” in South Viet Nam.

August 16.— Backed by the U.S., Nguyen Khanh staged a coup d’etat, overthrowing Duong Van Minh, then proclaimed himself “President of the Republic” and prime-minister. He concurrently assumed the post of commander-in-chief of the armed forces.

August 17 and 25.— Tens of thousands of people demonstrated in Saigon to demand the resignation of Nguyen Khanh and the liquidation of his military dictatorship.

In Da Nang (Tourane), the population launched a general strike in protest against the dictatorship of Nguyen Khanh, creature of the United States.

August 27 and 28.— In face of the people’s high indignation, Nguyen Khanh had to resign as President, Prime-Minister and Commander-in-chief, giving way to the dictatorship of the triumvirate Duong Van Minh—Nguyen Khanh—Tran Thien Khiem.

September 13.— Abortive coup d’etat staged by a group of officers of the puppet army including Duong Van Duc, Lam Van Phat, Huynh Van Ton, Duong Hieu Nghia...

September 18.— The U.S. government invented another “Tonkin Gulf incident”, seeking a pretext to carry the war to North Viet Nam.

On the same day, the Foreign Minister of the Democratic Republic of Viet Nam sent a message to the Co-Chairmen and the participant countries of the Geneva Conference of 1954 on Indo-China, denouncing this manoeuvre of the U.S. government aimed at perpetrating a new act of war against the Democratic Republic of Viet Nam.

September 27.— Nguyen Khanh staged a new coup d’etat ousting Duong Van Minh and Tran Thien Khiem (the triumvirate

was overthrown) and setting up a "civilian government": Khanh appointed Tran Van Huong prime-minister and installed a "High National Council" headed by Phan Khac Suu, Duong Van Minh was sent abroad in exile.

December 20.— Young generals of the Saigon-puppet army staged a new military putsch, liquidating the "High Assembly".

5. — "LOCAL WAR" IN SOUTH VIET NAM, WAR
"OF DESTRUCTION" IN NORTH VIET NAM
(from the beginning of 1965)

January 8.— Landing of 2,000 South Korean mercenaries on South Viet Nam.

January 17.— Senator W. Morse said: "The involvement by the U.S. in Viet Nam is a form of post-war American colonialism in Asia."

January 27.— The "Young Turks" of the puppet army staged a new coup d'etat, toppling Tran Van Huong, and replaced him by Phan Huy Quat as "prime minister". Phan Khac Suu was appointed "Chief of State."

February 7.— U.S. President L. Johnson, under the pretext of reprisals, against the attack on the U.S. Camp Holloway in Pleiku by the armed forces of the South Viet Nam National Front for Liberation, ordered U.S. aircraft to bomb the urban centre of Dong Hoi and Vinh Linh area, marking the new period of systematic war of destruction against the D.R.V.N.

February 8.— H.C. Lodge, former ambassador of the U.S. in Saigon, declared: "The United States should stay in South Viet Nam even if the government of this country urges its departure."

February 15.— H.C. Lodge, in an interview by the American weekly "U.S. News and World Report", declared: "I am absolutely against negotiations... For us, the juridical aspect of the

question (the U.S. war in Viet Nam — Ed) is of little importance.”

February 20.— Coup d’etat by a group of “young generals” of the puppet army headed by Nguyen Van Thieu: Nguyen Khanh was overthrown and sent abroad as roving ambassador.

March 16.— In Detroit (U.S.A.) an American citizen Mrs. Helga Alice Hertz, 70, burned herself to death in protest against the war of aggression conducted by the Johnson government in Viet Nam.

March 22.— The Central Committee of the South Viet Nam National Front for Liberation issued a statement denouncing the crime of aggression and the war crimes committed by the United States in South Viet Nam. The statement said in part:

“Over nearly the past 11 years, they have launched 160,000 raids of different sizes, massacred 170,000 persons, detained 400,000 others in more than one thousand jails, raped tens of thousands of women including old women, girls and nuns; disembowelled to pluck out livers, and buried alive more than 5,000 persons; razed to the ground whole villages; herded more than five million persons into 8,000 concentration camps camouflaged under the names of ‘prosperity zones’, ‘agricultural resettlement centres’ and ‘strategic hamlets’; spread toxic chemicals on many regions, devastating hundreds of thousands of hectares of crops and fruit trees, intoxicating tens of thousands of persons.”

April 4.— Bombing of Bai Thuong dam (Thanh hoa), key work of one of the most important hydraulic systems of the D.R.V.N.

April 7.— In his speech at the John Hopkins University in Baltimore, President L. Johnson made his fallacious proposal for “peace negotiations without pre-conditions”, inaugurating a series of perfidious “peace offensives” to cover up the intensification of the U.S. war of aggression in Viet Nam.

April 18.— L. Johnson declared that U.S. aircraft only carried out attacks on “iron and steel targets and not on human life.”

April 19.— The U.S. conference in Honolulu decided to send new reinforcements of American troops to South Viet Nam, beef up the puppet army by another 160,000 men and intensify the war of destruction against North Viet Nam.

April 24.— L. Johnson took a decision integrating in the combat area of the American forces all the territory of the D.R.V.N. and the adjoining maritime zone with a breadth of 100 miles from the coast, as well as part of the territorial waters of the People's Republic of China near the Paracels islands.

June 11.— Coup d'état by Nguyen Cao Ky and Nguyen Van Thieu, overthrowing the Phan Huy Quat "civilian government". Nguyen Cao Ky and Nguyen Van Thieu respectively assumed the posts of prime minister and chairman of the "national leading committee".

June 12.— For 10 days in a row, from June 12 to 22, 1965, U.S. bombers attacked the Quynh Lap centre for treatment of and research on leprosy in Nghe An province (North Viet Nam), razing it to the ground, demolishing 160 houses, killing 169 patients and medical workers and wounding 80 others (1).

June 18.— Use for the first time by the Americans of Guam bases B.52 strategic aircraft to carry out carpet bombing in South Viet Nam. 29 stratoforts showered bombs on the region north of Ben Cat (Thu Dau Mot province).

July 8.— H. C. Lodge again appointed ambassador in Saigon to replace M. Taylor.

40 U.S. jets poured more than 100 bombs, completely destroying the 600-bed T.B. hospital in Thanh Hoa province: 50 houses were demolished; 5 physicians, 7 patients and 25 civilians killed.

(1) On December 31, 1966: U.S. aircraft bombed and strafed 92 hospitals and sanitary installations in the D.R.V.N. In 1967, 63 other establishments were bombed.

July 14-21. — McNamara and Cabot Lodge arrived in Saigon to discuss with M. Taylor, Westmoreland and puppet leaders on the increasing of American troops in South Viet Nam.

July 25. -- L. Johnson declared: " We must prove our strength on the ground, in the air, at any necessary moment. This is what we have done "

July 28. — While recalling his proposals on " peace negotiations without conditions ", L. Johnson ordered the immediate dispatch of 50,000 American troops as reinforcements to South Viet Nam and declared that the United States would stay in South Viet Nam.

August 1st. — High-level American conference in Honolulu on the war in Viet Nam.

August 2nd. — 6,000 U.S. Marines with 60 M.113 armoured cars, 85 cannons, supported by more than 100 aircraft, raided the regions of Chau Son and Cam Le, Hoa Vang district, Quang Nam province. Applying the " three all " policy (kill all, burn all, destroy all), they deployed M.113 cars in horizontal columns to crush the houses, burned whole agglomerations by flame-throwers; drove crowds of people into houses, then set fire to them to burn people alive; threw gas grenades into air-raid shelters of the people; gathered 800 women among whom were many pregnant or old women and even little girls, and took turns in raping them.

An American reporter accompanying this operation revealed that during the raid many G.I's with arms in hand ran yelling: " Today I'm a murderer! ", " Kill' em! Kill'em all! "

The Chau Son and Cam Le villages, 3 kilometres south of Da Nang, were completely razed.

August 16. — General M. Taylor made public the 4-point strategy of the U.S. in Viet Nam :

a — maximum concentration of efforts to smash the liberation armed forces in South Viet Nam,

b -- bombing of North Viet Nam,

c — stabilisation of the puppet administration in Saigon.

d — stepping up of the "peace negotiation" campaign.

August 23. — Publication by the U.S. government of the pamphlet "Why Viet Nam?" aimed at justifying the U.S. aggression in Viet Nam.

August 24. — The U.S. Senate Armed Forces Committee called for 10 billion dollars for the U.S. war expenses in Viet Nam in 1965.

September 5. — According to a communique of the Air Force, in August 1965, U.S. aircraft demolished 3,493 houses and damaged 2,400 others; monthly, aircraft of the U.S. Navy, Marines and the puppet army made more than 11,000 sorties.

September 22. — McNamara, Secretary of State for War, gave official permission to American soldiers in South Viet Nam to use toxic gases, considered as part of the standard weapons of the U.S. expeditionary corps.

October 12. — U.S. Senator John Stennis, Chairman of the Senate Credit Committee, declared that even after the end of the war in Viet Nam, American soldiers will stay there for 15 years or more.

October 15, 16. — Demonstrations of people in all major cities of the U.S. to demand that the Johnson government put an end to the war in Viet Nam.

October 20. — U.S. Senator Stephan M. Young, member of the Senate Armed Forces Committee, back from South Viet Nam, revealed: A member of the C.I.A. (in South Viet Nam) affirmed that the C.I.A. the personnel of which had increased by some hundred men, had ordered its agents to disguise themselves as "Viet Cong" and commit murders and rapes with the aim of discrediting the South Viet Nam National Front for Liberation.

November. — First U.S. strategic dry-season counter-offensive in South Viet Nam with the participation of 250,000 U.S. and satellite troops, and 400,000 puppet soldiers.

November 2nd.— Norman R. Morrison, a 32-year-old American citizen, burned himself to death in front of the U.N.O. office in New York to protest against the war of aggression conducted by the Johnson government in Viet Nam.

November 10.— Celene Jankowski, American citizen, burned herself to death in South Bend (Indiana State, U.S.A.) in protest against the war of aggression waged by the Johnson government in Viet Nam.

November 25.— General Curtis Lemay, former Chief of Staff of the U.S. Air Force, threatened North Viet Nam with total destruction by massive bombings which would drive it “back to the Stone Age”, in case it did not bow to the U.S. diktat.

From December 31 to January 7, 1966.— 9 battalions of U.S. troops and Australian and New Zealand mercenaries conducted Operation “Marauder” in the southern region of Eastern Vam Co, practising the “three all” policy, under the cover of B.52 strategic aircraft which carried out carpet bombing. Napalm, phosphorus bombs, C.N. and C.S. chemical products were used to massacre the civilian population.

December.— By the end of 1965, the effectives of the U.S. expeditionary corps in South Viet Nam increased by 185,000 men. The quantity of bombs dropped on North Viet Nam during that year reached 250,000 tons.

1966

January 2nd.— For the first time, U.S. troops used Mightymite, an apparatus for dousing toxic gas with high concentration in Bau Trai village (Long An province), to massacre the civilian population.

January 4.— The U.S. War Department authorized the soldiers of the U.S. expeditionary corps, satellite countries and South Vietnamese puppets to cross the Cambodian frontier in pursuit of the enemy.

January 19.— L. Johnson requested from the Senate an additional appropriation of 12.26 billion dollars for war expenses in Viet Nam.

January 23.— 1,000 religious personalities published a statement condemning the U.S. war in Viet Nam. The American religious circles organized an "International Commission to call on Americans' conscience for the cause of Viet Nam."

February 6.— General W.C. Westmoreland made public the 5-point strategy of the U.S. in Viet Nam:

- a) To strengthen the U.S. control over populated regions;
- b) To ensure communications by railways and roads;
- c) To defend U.S. military bases;
- d) To increase the mobility of American troops;
- e) To continue the bombing of North Viet Nam.

February 7.— L. Johnson summoned Nguyen Van Thieu and Nguyen Cao Ky to the Honolulu conference on the intensification of the war in Viet Nam.

February 7.— McNamara asked the Senate for a supplementary appropriation of 7.8 billion dollars for the purchase of munitions destined to Viet Nam.

February 9.— Bombing by American aircraft of the Huong Phuc primary school in Huong Khe province: the school was completely destroyed, 35 pupils killed, 24 other pupils and teachers wounded (1).

March 22.— American Senator W. Fulbright, Chairman of the Senate Foreign Relations Committee, declared that the foreign policy of the United States was brutal and bellicose.

March 24.— 3 battalions of U.S. Marines conducted the terrorist operation "Texas" north of Son Tinh district (Quang Ngai

(1) Up to December 31, 1966, American planes had bombed and strafed 391 schools in the Democratic Republic of Viet Nam. In 1967, 241 schools were raided.

province) ravaging numerous villages among them Phuung Dinh; the entire population of this village totalling 167 persons, from the aged to the nurslings, was massacred.

March 31.— The first American strategic military dry season counter-offensive ended in a flop: 40,000 American soldiers and 70,000 puppet troops were wiped out; the liberation forces held the initiative of operations.

April 14.— McNamara declared that the quantity of bombs dropped by American planes on Viet Nam in 1966 would be 638,000 tons, that is 91% of the amount used during the 37 months of war in Korea.

April 17.— For the first time American warplanes bombed suburban areas of Hanoi, capital of the Democratic Republic of Viet Nam.

April 26.— Declaration of the State Department according to which American planes in pursuit of enemy planes might cross the Viet Nam — China frontier.

May 9.— General John P. McConnel, Chief of Staff of the Air Force, declared about air raids in South Viet Nam that it was "better to bomb wantonly than to miss the targets".

May 31.— Agreement signed by the United States and the South Korean puppets in the terms of which the Pak Jung Hi government undertook to send additional mercenaries to South Viet Nam in return for more American aid.

June 18.— In one year beginning from June 18, 1965, American B.52 planes carried out 350 raids releasing 70,000 tons of bombs on South Viet Nam.

July 12.— Ratification by the U.S. Senate of a sum of 17.4 billion dollars for war expenditures in Viet Nam.

July 27.— According to a statement of the War Department, toxic chemical products were sprayed during the first half year on 59,000 acres of land in South Viet Nam.

July 30, 31.— By July 31, the United States had withdrawn from Europe 40,000 of its troops to send them to the U.S. military operations in South Viet Nam.

August 14.— According to Reuter, 90% of napalm bombs and most of the military equipment of the American expeditionary corps in South Viet Nam were produced in Japan.

September 5.— The American magazine "Newsweek" disclosed a plan of the U.S. War Department for the landing of American troops in North Viet Nam.

September 11.— Arrival in South Viet Nam of 2,000 Filipino mercenaries.

September 19.— 22 American scientists among them 7 Nobel prize winners sent a letter to Johnson protesting against the use of chemical weapons by the U.S. government in South Viet Nam to exterminate human beings and destroy vegetation.

September 21, 22.— The dikes along the right bank of the Ma River which protected Thanh Hoa province from flood were bombed 8 times by American planes.

September 22.— McNamara declared that a supplementary 700 million dollars would be spent on orders for new aircraft for the war in Viet Nam.

American planes sprayed chemical products on the Demilitarized Zone (between North and South Viet Nam).

October 10.— For the 8th time since 1962, MacNamara arrived in South Viet Nam to inspect the situation of the American war there.

October 15.— 30,000 American soldiers launched the large-scale terrorist operation "Attleboro" in Tay Ninh, second campaign of the dry season counter-offensive. The 196th light infantry brigade having sustained heavy losses, was out of action. General de Saussure, deputy commander of the brigade, was removed from his post.

October 24.— Conference in Manila between the U.S. and the representatives of the satellite governments: South Korea, the Philippines, Australia, New Zealand, Thailand and those of the Saigon administration to discuss the intensification of the aggressive war in Viet Nam.

October 25. — The U.S. War Department officially announced that the 7th Fleet was authorized to bombard the coastal regions of North Viet Nam.

November 17. — President Johnson declared that the American expeditionary corps in South Viet Nam took charge of military operations while the puppet troops assumed the role of pacification.

December 3. — The government of the United States decided to place at the top of every tactical zone in South Viet Nam an American civil functionary directly under the U.S. vice-ambassador in Saigon.

December 17. — L. Johnson summoned his high-ranking advisers to discuss the sending of new American combat troops to occupy the Mekong river delta.

December 26. — General W.C. Westmoreland declared that the sending of new American reinforcements to South Viet Nam proved necessary.

December 27. — The U.S. War Department admitted that American air raids in North Viet Nam had caused losses to the civilian population.

December 28. — Mendel Rivers, Chairman of the Senate Armed Services Committee, clamoured for the destruction of Hanoi, capital of the D.R.V.N., and declared that „the life of an American is worth the whole of North Viet Nam.”

December 29. — Students of more than 100 American universities sent a letter to President Johnson demanding the cessation of the war in Viet Nam and stressing that the American youths had rather go to prison than to the war in Viet Nam.

December 31. — By the end of 1966, the strength of the American expeditionary corps in South Viet Nam had reached 390,000 men.

1967

January 2. — In 1966, the U.S. spent 15 billion dollars for the “mini-war” in Viet Nam. The war expenditures for 1967 might reach

at least 24 billion dollars... In 1966, the U.S. dropped 637,000 tons of bombs, or approximately the quantity of bombs dropped by the U.S. on the Pacific front during World War Two (656,000 tons), and used 500,000 tons of munitions. The quantity of munitions used by the U.S. in Viet Nam exceeded that used by it during World War Two... From 1951 to 1966, the war in Viet Nam cost the U.S. some 40 billion dollars. The present expenditures amounted to some two billion dollars a month, or 24 billion a year.

January 9. — The number of American combat troops in Viet Nam exceeded that of U.S. fighting forces used in Korea :

473,000 men (the peak figure for Korea was 472,000) were serving either in South Viet Nam, or in support units stationed near Viet Nam.

January 28. — B.52 planes dropped explosive magnesium bombs on the former Resistance Zone C.

February 7. — Spraying of toxic chemicals south of the Demilitarized Zone and withdrawal of about 3,000 American and puppet soldiers (among 5,000) from this zone.

February 24. — The U.S. military command announced that it was using artillery pieces positioned south of the Demilitarized Zone to shell North Viet Nam.

February 26. — The U.S. designated a "free-bombing zone" in the southern part of North Viet Nam (from Thanh Hoa down to the 17th parallel stretching for 350km in length and 80km in width).

February 28. — The U.S. further escalated the war in Viet Nam by ordering its Navy to mine rivers and canals in North Viet Nam. At a press conference on February 27, however, President Johnson not only denied this act as a step of war escalation, but even said cynically that these new attacks by the Navy only aimed at "hastening the return of peace."

March 10. — The 7th Fleet reinforced the Navy units in charge of bombarding the coast of North Viet Nam (about 70 to 75 among the 175-200 vessels of the 7th Fleet were in combat activity off the coast of North Viet Nam).

March 14.— The spraying of toxic chemicals cost the U.S. about 50 million dollars and might reach 100 million by mid-1968. (According to AP, it cost 10 million dollars in 1966).

March 16.— President Johnson was developing a strategy of maximum force in the political and military sphere against what he called the communists in Viet Nam. This strategy included the intensified bombing of North Viet Nam.

March 29.— The U.S. War Department made known that during the fiscal year 1966 and up to February 1967, American planes had used 837,000 tons of bombs and ammunition, or 32% more compared with the 635,000 tons used by the Air Force, the Navy and the Marines in the Korean war.

April 22.— According to American civilians in Saigon, the best method consisted in attacking objectives (in North Viet Nam) the destruction of which would affect the daily life.

April 26.— In 1966, U.S. planes dropped 512,000 tons of bombs on North Viet Nam, or one-third of the total of bombs used throughout World War Two in North and South Africa and in Central and Western Europe. During the 37 months of the Korean war, U.S. aircraft dropped 700,000 tons of bombs.

April 28.— The New York Times wrote: "The U.S. might conduct massive attacks against Haiphong and Hanoi, then bomb dykes and dams along the Red River if North Viet Nam did not accept negotiations."

U.S. News and World Report wrote: "The present objective of the U.S. is to render the situation so tense as to force the communists into submission. At least 60,000 GIs would by the end of the year come to reinforce the 440,000 GIs now in Viet Nam."

May 1.— American aircraft made a new performance in tactical bombing in South Viet Nam, with 625 sorties on May 1.

May 6.— The U.S. War Department admitted having used steel pellet bombs in North Viet Nam, but it did not regard them as "anti-personnel weapons."

May 25.— American troops withdrew from the Demilitarized Zone so as to bomb this zone freely.

May 27.— The Philippines put the Mactan airbase at the disposal of the U.S. as a staging base during the whole period of the war in Viet Nam.

May 31.— Australian troops used toxic gas in Ba Ria.

American troops in South Viet Nam totalled 453,000.

June 1st.— A plant producing toxic gas was being built in South Viet Nam by the German Federal Republic (A.D.N.).

June 9.— B. 52 strategic planes conducted more than 10,000 flights in South Viet Nam during the past two years (A.P.).

June 29.— After having ordered the bombing of Hanoi, L. Johnson said to his daughter: "... so that your name might go down into history as the one who started World War Three". (Daily Mail of May 13, 1967 and Newsweek of May 22, 1967, quoting the Washington Post and Washington Daily News).

— *July 2.*— H. Cabot Lodge declared that American troops could stay 25 years in South Viet Nam.

July 7.— 80% of the air raids against North Viet Nam came from new American bases in Thailand.

July 10.— The U.S. War Department signed contracts with 8 companies on the purchase of 57.69 million dollars of chemical substances as "defoliants" for the war against forests and crops in South Viet Nam.

July 18.— From January 1966 to May 1967, American troops fired about 15 million shells of 90 and 155mm calibers, according to Pentagon sources.

August 3.— According to the "International Herald Tribune". American aircraft were preparing a new systematic night bombing by button.

August 7.— According to AP, General John Norton, commander of the U.S. 1st Airborne Division, declared that the U.S.A. would stay in Viet Nam at least for a generation.

August 9.— The Australian War Ministry estimated that Australia would spend in this fiscal year for the war in Viet Nam more than 40.3 million U.S. dollars (1966: 29 million dollars). Australia's monthly expenditure for the war in Viet Nam was 3.36 million dollars.

G. Ford disclosed that only 1,000 out of 100,000 sorties conducted by American planes against North Viet Nam in 1966 aimed at strategic objectives.

August 15.— Curtis E. Lemay, retired Chief of Staff of the U.S. Air Force, declared that it was necessary to destroy every factory, every industrial base (in North Viet Nam) and never to stop so long as there remained bricks stuck together.

Mid August.— Extraordinary Congress of the South Viet Nam National Front for Liberation to discuss and adopt the new Political Program of the Front.

August 25.— AP gave the following figures concerning the number of missions carried out by U.S. aircraft against North Viet Nam: 1965: 24,570 missions; 1966: 23,575 missions; 1967 (up to August): 23,000 missions (one mission involved on the average 3 or 4 planes).

September 9.— Meeting of over 500 Saigon students denouncing the fraudulent character of the "elections" of September 3.

September 11.— In Saigon, Truong Dinh Dzu, Phan Khac Suu and other civilian candidates "to the presidency" called for an "alliance against Thieu and Ky."

September 14.— Meeting of Saigon students and pupils to boycott exams in protest against the Thieu-Ky fraudulent elections. Demonstrations took a thoroughly anti-U.S. character.

September 24, 30.— In Saigon, Hue, Da Nang, demonstrations of thousands of students and Buddhist monks against the U.S. and the Thieu-Ky clique. AP reported that those were "the gravest anti-government actions in a year."

October 24 and several following days.— Extremely cynical escalation by the U.S. in North Viet Nam: repeated air raids on Hanoi; many populous quarters of the D.R.V.N. capital and its suburbs were savagely bombed.

1967.— In 1967, the U.S. continued its savage bombing of centres and purely civilian targets in North Viet Nam:

1. By the end of 1967, all the 5 cities, 26 out of 30 province capitals, 84 out of 111 district capitals had been bombed. Some of them were bombed hundreds of times.

Villages were not spared. 131 villages in Quang Binh province, 254 villages in Ha Tinh were bombed without exception...

In 1967 the U.S. bombarded coastal villages 1,400 times (1966: 142 times).

2. In 1967, 63 hospitals and sanitary stations, 241 schools (On November 17, 1967 the Polytechnic Institute in the centre of Hanoi was showered with thousands of steel pellet bombs), 154 churches (with 3 convents) and 52 pagodas were bombed.

Anti-personnel steel pellet bombs were dropped on 6 cities (out of 6), 25 province capitals (out of 50) and 69 district capitals (out of 111).

1968

February.— Following bitter defeats, the U.S.A.F. reacted furiously with an unparalleled barbarity against urban centres in South Viet Nam under the control of the P.L.A.F. and the revolutionary people.

Indiscriminate, savage bombing raids aimed at sowing white terror on 12 major urban centres: Saigon, Hue, Da Nang, Qui Nhon, Nha Trang, Ban Me Thuot, Dalat, Can Tho, My Tho, Ben Tre, Binh Long, Ca Mau, some of which were half or even 80% destroyed (according to Western sources). Civilian dwellings, churches, pagodas, schools, historic monuments, etc. were bombed.

Mass murders in certain towns (My Tho, Ben Tre, Vinh Long, etc).

Napalm, phosphorus bombs and gas were used in Hue — B.52s bombed the outskirts of Saigon.

Hundreds of thousands of citizens were made homeless and concentrated by force.

February 7.— AP correspondent Peter Arnett quoted an American commander as declaring: “ We had to destroy the city (Ben Tre — Ed) in order to save it. ” (!)

DOCUMENTS

I. — DECLARATION OF INDEPENDENCE OF THE DEMOCRATIC REPUBLIC OF VIET NAM SEPTEMBER 2, 1945

(*Excerpts*)

“All men are created equal. They are endowed by their Creator with certain inalienable rights, among these are Life, Liberty and the pursuit of Happiness”.

This immortal statement was made in the Declaration of Independence of the United States of America in 1776. In a broader sense, this means: All the peoples on the earth are equal from birth, all the peoples have a right to live, to be happy and free.

The Declaration of the French Revolution made in 1791 on the Rights of Man and the Citizen also states: “All men are born free and with equal rights, and must always remain free and have equal rights”.

Those are undeniable truths.

Nevertheless, for more than eighty years, the French imperialists, abusing the standard of Liberty, Equality, and Fraternity, have violated our Fatherland and oppressed our fellow-citizens. They have acted contrary to the ideals of humanity and justice.

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From the autumn of 1940, our country had in fact ceased to be a French colony and had become a Japanese possession.

After the Japanese had surrendered to the Allies, our whole people rose to regain our national sovereignty and to found the Democratic Republic of Viet Nam.

The truth is that we have wrested our independence from the Japanese and not from the French.

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We are convinced that the Allied nations which at Teheran and San Francisco have acknowledged the principles of self-determination and equality of nations, will not refuse to acknowledge the independence of Viet Nam.

A people who have courageously opposed French domination for more than eighty years, a people who have fought side by side with the Allies against the fascists during these last years, such a people must be free and independent.

For these reasons, we, members of the Provisional Government of the Democratic Republic of Viet Nam, solemnly declare to the world that :

Viet Nam has the right to be a free and independent country — and in fact it is already. The entire Vietnamese people are determined to mobilize all their physical and mental strength, to sacrifice their lives and property in order to safeguard their independence and liberty.

II. — THE 1954 GENEVA AGREEMENTS ON VIET NAM

1. Final declaration of the 1954 Geneva Conference on Indo-China. (*Excerpts*)

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4. The Conference takes note of the clauses in the Agreement on the cessation of hostilities in Viet Nam prohibiting the introduction into Viet Nam of foreign troops and military personnel as well as of all kinds of arms and munitions...

5. The Conference takes note of the clauses in the Agreement on the cessation of hostilities in Viet Nam to the effect that no military base under the control of a foreign State may be established in the regrouping zones of the two parties, the latter having the obligation to see that the zones allotted to them shall not constitute part of any military alliance and shall not be utilized for the resumption of hostilities or in the service of an aggressive policy...

6. The Conference recognizes that the essential purpose of the Agreement relating to Viet Nam is to settle military questions with a view to ending hostilities and that *the military demarcation line is provisional and should not in any way be interpreted as constituting a political or territorial boundary*. The Conference expresses its conviction that the execution of the provisions set out in the present Declaration and in the Agreement on the cessation of hostilities creates the necessary basis for the achievement in the near future of a political settlement in Viet Nam.

7. The Conference declares that, so far as Viet Nam is concerned, the settlement of political problems, effected on the basis of respect for the principles of independence, unity and territorial integrity, shall permit the Vietnamese people to enjoy the fundamental freedoms, guaranteed by democratic institutions established as a result of free general elections by secret ballot. In order to ensure that sufficient progress in the restoration of peace has been made and that all the necessary conditions obtain for the free expression of the national will, general elections shall be held in July 1956, under the supervision of an international commission composed of representatives of the Member States of the International Supervisory Commission, referred to in the Agreement on the cessation of hostilities. Consultations will be held on this subject between the competent representative authorities of the two zones from July 20, 1955 onwards.

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12. In their relations with Cambodia, Laos and Viet Nam, each member of the Geneva Conference undertakes to respect the sovereignty, the independence, the unity and the territorial integrity

of the above-mentioned States, and to refrain from any interference in their internal affairs.

2. Agreement on the cessation of hostilities in Viet Nam *(Excerpts).*

Article 1.— A provisional military demarcation line shall be fixed, on either side of which the forces of the two parties shall be regrouped after their withdrawal, the forces of the People's Army of Viet Nam to the north of the line and the forces of the French Union to the south.

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It is also agreed that a demilitarized zone shall be established on either side of the demarcation line, to a width of not more than 5 kms from it, to act as a buffer zone and avoid any incidents which might result in the resumption of hostilities.

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Article 16.— With effect from the date of entry into force of the present Agreement, the introduction into Viet Nam of any troop reinforcements and additional military personnel is prohibited...

Article 17.— a) With effect from the date of entry into force of the present Agreement, the introduction into Viet Nam of any reinforcements in the form of all types of arms, munitions and other war material, such as combat aircraft, naval craft, pieces of ordnance, jet engines and jet weapons and armoured vehicles is prohibited...

Article 18.— With effect from the date of entry into force of the present Agreement, the establishment of new military bases is prohibited throughout Viet Nam territory.

Article 19.— With effect from the date of entry into force of the present Agreement, no military base under the control of a foreign State may be established in the regrouping zone of either party; the two parties shall ensure that the zones assigned to them do not adhere to any military alliance and are not used for the resumption of hostilities or to further an aggressive policy.

3. Declaration of Mr W. Bedell Smith, United States Representative, in the closing session of the Geneva Conference (July 21, 1954).

The Government of the United States being resolved to devote its efforts to the strengthening of peace in accordance with the principles and purposes of the United Nations,

Takes note.

Of the Agreements concluded at Geneva on July 20 and 21, 1954 between.

a)

b)

c) the Franco-Vietnamese Command and the Command of the People's Army of Viet Nam,

And of paragraphs 1 to 12 inclusive of the Declaration presented to the Geneva Conference on July 21, 1954.

The Government of the United States declares

With regard to the afore-said Agreements and paragraphs that:

1. It will refrain from the threat or the use of force to disturb them, in accordance with Article Two, Section Four of the Charter of the United Nations dealing with the obligation of Members to refrain in their international relations from the threat or use of force...

III.— THE FOUR POINTS OF THE D.R.V.N.

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 Viet Nam all U.S. troops, military bases there, cancel its "military alliance" with South

Viet Nam. The U.S. Government must end its policy of intervention and aggression in South Viet Nam. In accordance with the Geneva Agreements, the U.S. Government must stop its acts of war against North Viet Nam, cease all encroachments on the territory and sovereignty of the Democratic Republic of Viet Nam.

2. Pending the peaceful reunification of Viet Nam, while Viet Nam is still temporarily divided into two zones, the military provisions of the 1954 Geneva Agreements on Viet Nam 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 Viet Nam must be settled by the South Vietnamese people themselves, in accordance with the programme of the South Viet Nam National Front for Liberation, without any foreign interference.

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

IV.— THE FIVE POINTS OF THE N.F.L.

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 Viet Nam, achieve independence, democracy, peace and neutrality, and eventual reunification of the Vietnamese Fatherland.

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

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.

OPINIONS

I.— ON THE U.S. WAR OF AGGRESSION IN VIET NAM

British philosopher Lord Bertrand Russell :

“I am speaking to you American soldiers in order to explain how your government has abused your rights in sending you to occupy a country whose people are united in their hatred of the United States as a foreign aggressor...

When the United States first began to intervene militarily in South Viet Nam, the pretence was made that the United States was merely helping a government in Saigon put down subversion from outside. But you American soldiers have seen for yourselves what kind of governments have existed in Saigon. They are brutal, corrupt, dictatorial and completely despised by the people. Why is it that these governments have been able to continue, one after another, in Saigon, despite the fact that the students, the women, the villagers, everyone risks life itself to overthrow them? The sole answer is that the United States is using its enormous military force to impose on the people of Viet Nam puppet governments which do not represent them.”

Broadcast on National Liberation Front Radio
to American soldiers (May 24, 1966)

General De Gaulle, President of the French Republic :

“One may see the political and military power of the United States set up in its turn in South Viet Nam and war rekindle there

under the form of a national resistance. Afterwards, illusions about the use of force led to the continuous reinforcement of the expeditionary corps and to an escalation ever broader in Asia, ever closer to China, ever more provocative against the Soviet Union, ever more reproved by numerous peoples of Europe, Africa, Latin America, and in the long run, ever more threatening for world peace.”

Speech in Phnom Penh, September 1, 1966

American Senator Wayne Morse :

“ In Viet Nam, we have totally flouted the rule of law, and we have flouted the United Nations Charter...

Ever since our first violations of the Geneva Accords, starting with the imposition of our first puppet regime in South Viet Nam, the Diem regime, we have violated one tenet after another of international law and one treaty obligation after another, and the world knows it. For more than ten years, we have written on the pages of history with the indelible ink of U.S. violations of the Geneva Accords of 1954, as well as article after article of the United Nations Charter and even article 1, section 8 of the Constitution of the United States, a sad and shocking chronicle of our repudiation of the rule of law in our foreign policy practices.”

(September 23, 1965 in United States Senate)

American Senator Ernest Gruening :

“ The United States is the aggressor in Viet Nam.”

(A.P. May 7, 1966)

Felix Green :

“ It would probably come as a painful surprise to many Americans to realize how universally the war in Viet Nam is viewed not as a “ complex issue ” but as a simple and blatant act of aggression by the United States...

It was to wage a struggle against a foreign-appointed regime that the National Liberation Front of South Viet Nam was formed in the first place. There is no war as such between South and North Viet Nam precisely because the struggle is neither the result of "aggression from the North", nor a "civil war" but a war against military invasion. To call it a "civil war" is as misleading as to call it "aggression from the North". It remains — despite every effort to conceal it — essentially a war by the Vietnamese people against the military invasion of their country by the United States".

Viet Nam! Viet Nam in photographs and text (Fulton Publishing Company, California, 1966).

Philippe Devillers :

" Viet Nam is suffering from the inexecution of the (Geneva) agreements. Let's discuss to find how correctly implement them now... But, first of all, we must be sure that everyone is firmly resolved to implement the agreements already concluded.

It is thus quite true, we repeat, that the say is now to be expected from Washington and it is the White House and not Hanoi that holds the key to peace".

(Le Monde, September 15, 1966)

— Moscow Statement (March 31, 1967) of the International Commission of Enquiry for Viet Nam :

" The United States has gradually engaged in a war of intervention and aggression against the whole people of South Viet Nam... The United States has committed a direct aggression against the D.R.V.N. "

— Conclusions drawn by the Bertrand Russell Tribunal in its sessions in Stockholm (May 2-10) and in Copenhagen (November 20 — December 1, 1967):

" The United States Government has committed acts of aggression against Viet Nam in terms of international law... " The

governments of Australia, New Zealand, South Korea, Thailand, the Philippines, Japan are accomplices of the United States in the aggression against Viet Nam”.

— **Declaration of the Secretariat of the International Association of Democratic Lawyers** (Mamaia, Rumania, September 15-17, 1967).

“The colonial war of aggression waged by the United States against Viet Nam is both illegal and criminal in terms of international law”.

II.— ON U.S. CRIMES IN VIET NAM

— **Professor J. Bernal, Chairman of the World Peace Council (March 1965):**

“Napalm and toxic gas have been used against the South Viet Nam population. The peoples of the world note with repugnance the U.S. Government’s violation of all principles of international law. They demand that an end be put to all these barbarous acts. Such an aggression is threatening South-East Asia as a whole, and peace all over the world”.

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

“The situation in Viet Nam 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.”

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

“We cannot keep silence while our foreign policy becomes daily more inhuman. Our leaders must recall to mind that by their

actions in Viet Nam, in the Dominican Republic, they are violating international law, the U.N. Charter and naturally the spirit of our Constitution. ”

— **British philosopher Lord Bertrand Russell :**

“ The United States has committed all sorts of crimes liable to an international tribunal for war crimes. ”

(January 14, 1966)

“ In violation of solemn international agreements signed by American Presidents and ratified by the American Congress, this Johnson Government has committed war crimes, crimes against humanity and crimes against the peace. ”

(*Appeal to the American Conscience*, June 18, 1966)

“ The United States are losing the war. The peoples of the five continents know it. The Pentagon, out of despair, is spending even more dollars — one million on each guerrilla killed. It barbarously unbridles all its power, still the heroic partisans of Viet Nam resist ”
(Closing message to the Copenhagen session).

— **Japanese Professor Mitsuo Taketani of Rikkyo University :**

“ The use of toxic gas reflects the current policy of the United States. The Americans have resorted to gases which Hitler himself dared not use. ”

(March 26, 1966)

— **Lord Brockway :**

The U.S. war in Viet Nam is “ the greatest crime against humanity since the bomb was dropped on Hiroshima. ”

(Labour Party Congress, October 1966)

— **John Powel, a member of the Canadian delegation to the International Commission for Supervision and Control in Viet Nam from June 1964 to June 1965 :**

“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 prisoners 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 has 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.”

(Speech at Toronto, February 19, 1966)

— **Philippe Devillers :**

“Could the whole world indefinitely continue to witness this escalation, a torture inflicted upon a whole people for the reason that their leaders refuse to capitulate? Could this case of gigantic and unprecedented torture be further protracted without anyone attempting to call to reason the all-powerful torturer?”

Le Monde, September 15, 1966)

— **Excerpt from a letter sent to President L.B. Johnson on September 19, 1966 by 22 American scholars, including seven Nobel prize recipients: Kleix 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 Viet Nam.

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)

— **Moscow Declaration (March 31, 1967) of the International Commission of Enquiry for Viet Nam :**

“ In the course of our enquiry, our indignation kept increasing at crimes of which we noted the effects. As lawyers, we are of the view that the United States has committed in Viet Nam a crime of aggression, a crime against peace, war crimes and crimes against the laws of humanity and their acts take, in the process of the escalation, the character of a crime of genocide. ”

— Conclusions of the Bertrand Russell Tribunal (Stockholm session, May 2-10, 1967, and Copenhagen session, November 20 — December 1, 1967) :

The United States bears responsibility for the use of force in Viet Nam, and has, therefore, committed against that country a crime of aggression, a crime against peace... In subjecting the civilian populations and civilian targets of the D.R.V.N. to an intense and systematic bombardment, the U.S.A. has committed a crime of war.

These is on the part of the U.S. armed forces utilization or testing of weapons prohibited by the laws of war (C.B.U's, napalm, phosphorus bombs, combat gases, toxic chemicals).

The prisoners of war captured by the U.S. armed forces are subjected to treatments prohibited by the laws of war.

The U.S. armed forces subject the civilian populations to inhuman treatments prohibited by international law...

The U.S. government is guilty of genocide vis-à-vis the Vietnamese-people.

— Declaration of the Secretariat of the International Association of Democratic Lawyers (Mamaia, Rumania, September 15-17, 1967) :

“ Viewed in their entirety, American war crimes in Viet Nam can be summed up as a crime of aggression against liberty and independence, a crime against peace, crimes of war of an especially barbarous nature, crimes against humanity, and the authentic crimes of genocide against the very existence of a people. These crimes are indissolubly linked together by the colonialist nature of the war ”.

Part two

- *The Crimes against humanity perpetrated by the U.S. aggressors in Viet Nam.*

ĐINH GIA TRINH

- *U.S. Crimes of Chemical Warfare in South Viet Nam.*

ĐỖ XUÂN SẴNG

- *U.S. War Crimes (Stricto sensu) in Viet Nam.*

NGUYỄN VĂN HƯỞNG

THE U.S. CRIMES AGAINST HUMANITY AND OF GENOCIDE IN VIET NAM

DINH GIA TRINH

The U.S. imperialists are waging their war of aggression against South Viet Nam with a nearly half a million-strong expeditionary corps reinforced by tens of thousands of mercenaries from satellite countries. In North Viet Nam, they have been since 1965 carrying out round-the-clock air strikes against villages, cities, schools, hospitals, and other civilian targets, killing thousands of people and causing incalculable damage to property, thus defying all moral principles and all norms of international law. In the implementation of their plan of armed aggression against both zones of our country, they have committed bloody crimes whose monstrosity is beyond words. Our people and the peoples of the socialist countries are not alone in exposing them. In all places on earth, goodwilled people concerned with justice and humanity angrily curse these "greatest criminals of our times", who outstrip Hitler in savagery in many respects. On the occasion of the commemoration of Hiroshima's day, Lord Bertrand Russell, referring to the Viet Nam events, stated that the Americans were perpetrating in Viet Nam crimes beyond human imagination by their extreme gravity, and he appealed to the American people to stand up and demand that an end be put to this war which constitutes one of the most barbarous and base wars of aggression recorded by human memory.

From the viewpoint of international law, the Americans have committed in Viet Nam a crime of aggression, war crimes and crimes against humanity. The U.S. crime of neo-colonial aggression in Viet Nam is by its nature a crime directed at the fundamental national rights of the Vietnamese people. In this article, we especially consider the U.S. crime from the angle of the horrible crimes against humanity which are being sternly condemned by world public opinion.

Right after the signing of the Geneva Agreements on Viet Nam, the Americans began committing crimes against humanity against the South Vietnamese people by the instrumentality of their puppets. Since they started an open war of aggression against the South, then against the North, they have been systematically violating all the laws and customs of war and committing a host of war crimes which have at the same time the character of crimes against humanity.

How has the problem of the crime against humanity arisen historically before human conscience and law? What crimes against humanity have the Americans committed in Viet Nam? Is a conclusion to U.S. genocide to be drawn on the basis of this examination of the U.S. crimes against humanity? Such are the problems to be considered in this study.

PART ONE

**THE PROBLEM OF THE CRIME AGAINST
HUMANITY BEFORE HUMAN CONSCIENCE
AND INTERNATIONAL LAW**

A.— HOW DID THE JURIDICAL NOTION OF CRIME
AGAINST HUMANITY TAKE SHAPE IN THE FIRST
HALF OF THE XXth CENTURY ?

As early as at the beginning of this century, before the 1928 Paris Pact (Briand — Kellogg Pact) had condemned the recourse to war as an instrument of national policy for the settlement of international disputes, the will of safeguarding the fundamental rights of the human person in time of war was clearly expressed in a well-known document of international law — the Preamble of the Rules concerning the Laws and Customs of War on Land annexed to the Hague Convention IV of 1907. That document reads in part : *“ In all cases which are not provided for in the Rules concerning the Laws and Customs of War on Land, the populations and belligerents remain under the safeguard and the empire of such principles of international law as result from the practices established among the civilized nations, from the laws of humanity and from the requirements of public conscience ”*.

In the history of the regimes of exploitation, the encroachments on the fundamental rights of the human person have made numerous victims within national borders, in the relations between the

ruling authorities and the masses. But wars of aggression are for the aggressors opportunities to make the most serious encroachments on these rights to the detriment of the people of the aggressed countries. Before and during World War II, the inhuman Hitlerite regime and the Nazis' crimes in the course of the aggressive wars waged by Germany on the European peoples set before mankind the urgent task of intensifying the struggle against brand-new forms of barbarous crimes infringing most seriously the very foundations of universal civilization. The Hitlerite Fascists savagely persecuted thousands of Germans hostile to the Nazi regime, and exterminated millions of Jews of all nationalities along with large masses of population — Russians, Polish and others. The juridical conscience of the civilized world has already condemned as crimes in terms of international law the wars of aggression and the violations of the current laws and customs of war (war crimes in a strict meaning). But with the coming into existence of the Hitlerite regime and the conduct of aggressive wars by the Nazis the criminal action, as the Soviet lawyer Trainine put it, “*goes beyond the limits of the crimes of aggression and war crimes as usually conceived*” (1). Human conscience was deeply shocked by the scope and savagery of the Hitlerite crimes, which seriously hurt the human person and tended to destroy the most sacred values of civilization. That gave rise to the notion of a new category of international crimes — *the crimes against humanity*, though the acts constituting such crimes were nothing new, and already existed in history during previous centuries.

The conception of crimes against humanity has been regarded by certain lawyers as “a revolution in international penal law, one of the most significant constructions of international law in the twentieth century” (2). The notion of crime was posed and

(1) Trainine: Defence of peace and struggle against crimes against humanity — Moscow 1956.

(2) Albert de la Pradelle: A revolution in international penal law. New Review of International Private Law. 1946. N°2.

recognized at the July 31, 1945 meeting of the United Nations' War Crimes Commission (in broad meaning), and subsequently embodied in Article 6, para (c), of the Charter of the Nuremberg International Military Tribunal, and also in Article 5, Para (c) of the Charter of the International Military Tribunal for the Far East dated January 19, 1946. Referring to the Charter of the Nuremberg International Military Tribunal, the prosecutors and judges in Nuremberg used the word "crimes against humanity" in their indictment and in the verdict concerning many accused. In most cases, crimes against humanity were recognized at the same time as war crimes in a strict meaning (violations of the laws and customs of war). In the verdict passed by the Tribunal on many accused, the incriminated actions were termed "*war crimes and crimes against humanity*".

The Charter of Nuremberg listed actions constituting crimes against humanity, but it neither gave a general definition nor indicated the juridical elements. Among them, some were the same as those actions constituting war crimes in a strict meaning. Article 6b considered to be war crimes "*murder, ill-treatment or deportation to slave labour, or for any other purpose, of the civilian population of, or in, occupied territory*" (non-limiting enumeration), while Article 6c regarded as crimes against humanity "*murder, extermination, enslavement, deportation, and other inhuman acts committed against any civilian population, before or during the war*". Consequently, *with regard to the crimes committed against civilians in war*, there is no clear-cut line between war crimes and crimes against humanity. In this respect, the notion of crime against humanity remains vague.

In the postwar period, many jurists on international penal law have studied the problem of the crime against humanity and striven to define it juridically, and to determine its nature and the specific features making it possible to distinguish it from the ordinary war crime which is often linked to it. Mankind has also increasingly condemned these crimes whose barbarous character outrages to the

highest extent universal conscience at a time when fascism increasingly constitutes a danger to many peoples living under the capitalist yoke, when imperialism and especially U.S. imperialism are committing countless crimes all over the world in the process of their intervention in the affairs of other countries, and aggression against them.

The United Nations' Organization, too, has tried to work out a juridical definition of the crimes against humanity. Immediately after World War II, a Resolution of the U.N. General Assembly dated December 11, 1946, taking note of the London Agreement of August 8, 1945 and of the Charter of Nuremberg, confirmed the principles of international law recognized by the Charter and the Judgment of Nuremberg. An international commission was appointed to consider the problem of the "*crimes against the peace and security of mankind*" including the crimes against humanity, and to work out a draft code as a legal basis for the struggle against them in the international field, and eventually for the repression of the criminals before a Standing International Tribunal the setting up of which is urged by the peoples. The draft code which was worked out at that time devoted specific provisions to the crimes against humanity (1). The U.N.-sponsored International Association of Penal Law also worked out several drafts of an international penal code. In 1948 a Convention on Genocide was signed (2). Owing to internal contradictions within the U.N.O. and to the imperialists' manoeuvres of sabotage, no text of progressive international law capable of serving as a juridical instrument for the struggle against major international crimes has been passed so far. The United States of America has not only prevented the drafting of such a text, but also shamelessly trampled underfoot even the agreements to which they are party.

(1) Article 2, para 10 and 11. Under the draft, genocide is regarded as a form of crime against humanity.

(2) The Convention which was signed on December 9, 1948 came into force on January 12, 1951. Fifty States have become party to it.

B.-- THE NOTION OF CRIMES AGAINST HUMANITY DEVELOPING ON THE BASIS OF THE LAW OF NUREMBERG

Article 6, para (c), of the Charter of the Nuremberg International Military Tribunal has embodied the notion of crimes against humanity. The following are considered to be crimes against humanity “ *murder, extermination, enslavement, deportation, and other inhuman acts committed against any civilian population before or during the war; or persecutions on political, racial or religious grounds.*” The victims of crimes against humanity are civilians who are practically defenceless against the forces of oppression and destruction. Therefore, the misdeeds perpetrated against them have a character of barbarity and cowardice which horrifies human conscience. Committed in time of war, the above-mentioned acts usually infringe the laws and customs of war. They are first and foremost war crimes in the narrow meaning of the word, but at the same time, and under certain conditions, they are also crimes against humanity. Speaking of the Nazi crimes, the Judgment of the Nuremberg I.M.T pointed out that “ *since the start of the hostilities, actions had been committed on a large scale, which have the double character of war crimes and crimes against humanity.*”

We have previously pointed out that the provisions of the Charter of the Nuremberg I.M.T. are not worded in such a way as to clarify the notion of crimes against humanity or to give it a precise juridical content. It is thus necessary to work out criterions which make it possible to state that such or such act, falling under the charge of war crime *stricto sensu* (because they violate such or such provision of the laws and customs of war), constitutes at the same time a crime against humanity.

The doctrinal effort made to this effect during the postwar years has led to the more or less generally admitted conclusion that the crimes against humanity can be distinguished by the following features :

1. The acts of murder and ill-treatment against the civilian population are directed at a great many people. There are murder, extermination, ill-treatment and persecution against a considerable number of persons. Speaking of murder on grounds of national, racial or political hatred, Pella stated that the first distinctive feature of the crimes against humanity is "the scale and number of the victims which may include entire collectivities suppressed as inferior or opposing ones" (1). The Commission set up by the International Association of Democratic Lawyers to investigate into the U.S. crimes in Korea expressed in its 1952 report the view that the U.S. war crimes, by their *extent* and other features, constituted at the same time crimes against humanity in terms of Nuremberg.

2. The criminal acts have a character of specific cruelty and barbarity. These are *inhuman* acts infringing the most essential human rights. The butchers kill, wound, mutilate, ill-treat their victims, cause them great physical and moral sufferings, and grossly hurt their dignity.

3. The criminal acts are perpetrated pursuant to a conscious and systematic policy of the State that orders them. Trainine spoke of the Hitlerite "bandit State", and Aroneanu, of a "murderous public order." Pella wrote: "In many circumstances, these crimes are committed by persons acting as organs of the State, and are the manifestation of a policy which raises murder, suppression of individual freedom and other infringements on human dignity to the status of methods of government" (1). Wars of aggression bring about favourable conditions for these crimes to be committed against the civilian population of the aggressed countries.

It is precisely the organized and systematic character of the crime committed pursuant to a State policy that turns the crime

(1) Pella: The International Association of Penal Law and the Protection of Peace (International Review of Penal Law—1946-N^o3 and 4)

against humanity into an international crime of exceptional gravity (1)

C.— THE PROBLEM OF THE CRIMES AGAINST HUMANITY IN THE PRESENT CIRCUMSTANCES OF HISTORY

The notion of crime against humanity in the law of Nuremberg has developed on the practical basis of Nazi criminality. Hitler and his agents massacred many civilians in the course of their military operations, and during the occupation of the vanquished countries, they set up murderous concentration camps, built crematories, condemned millions of men and women to enslavement, imposed on them forced labour resulting in exhaustion and death, deported tens of thousands of people from one country or one region to another and subjected them to inhuman living conditions. Out of racial hatred, they exterminated Jews on an unprecedented scale. With a view to overcoming all obstacles to the maintenance and consolidation of their power within their country and to the carrying out of their schemes for European hegemony, the Hitlerite Fascists resorted to mass persecution of the communists and those who opposed their regime, not sparing even the undesirable religious sects.

Article 6 (c) of the Charter of the Nuremberg IMT was conceived to serve as a basis for the prosecution and trial of the Nazi war criminals guilty of such acts.

But since Nuremberg, the times have changed. It is necessary to complement the law by proceeding from the new realities. In the post-World War II period, there have been a mighty upsurge of the ideas of democracy and socialism among the world's peoples,

(1) Cf. Poltorak: "It may be said that war crimes become crimes against humanity when they are committed under an order given beforehand, and have accordingly a State-organized character, and when they are aimed at mass extermination" (The Nuremberg Trial. Fundamental Juridical Problems — Moscow, 1966)

and a tempestuous growth of the national liberation movement. In face of this, the fascisation of the capitalist regimes and the danger of the imperialist forces unleashing aggressions in an attempt to suppress the peoples' aspirations for freedom, independence, democracy and social progress have become outstanding characteristic features of international life. The crimes committed by the new oppressors of the peoples have taken on new forms and new features.

The U.S. imperialists are now striving for world hegemony in a historical juncture which marks the decline and disintegration of imperialism as a system of oppression and plunder of the peoples. This explains the rabidity of their criminal behaviour. All means are good for them to achieve their dark designs. They do not shrink from any barbarity. Nor do they hesitate before any norm of law and ethics. They behave like ferocious beasts in death-bed throes. The U.S. imperialists' criminal practice over the past decades has brought to the notion of international crimes elements which did not exist before.

Let us speak first about wars of aggression and crimes against peace. Before and during World War I, the imperialist powers made war to one another for a new division of the world. The German, Italian and Japanese imperialists unleashed World War II for the same purposes. In their aggressive attempts, they also attacked other peoples including the Soviet Union whose regime was a danger to them and the enslavement of which could have met their designs of plunder and exploitation. In the face of the aggressiveness of bellicose fascism, the contented West-European and American imperialists deemed it necessary to condemn the wars of aggression aimed at modifying the existing order. But the imperialist powers of the other camp did not think the same way. They disapproved of the order that their adversaries wanted to establish. They had their own reasons, their own right which they wanted to cause to prevail, and of which they upheld the legitimacy. War as an instrument of national policy remains inevitable despite the existence of a document outlawing

it (Briand-Kellogg Pact of 1928), and there are talks of "humanizing" it so as to lessen as far as possible the sufferings it inflicts on innocent populations. War, if it is to break out, should be waged according to certain norms!

But in the present international juncture when wars of aggression are waged by the imperialists — first and foremost, the U.S. imperialists — against peaceful peoples newly freed from the colonial yoke and still at the initial stage of their development, who neither aggress nor threaten anybody, the illegal and criminal character of aggression is beyond doubt for universal conscience. *The U.S. crime of aggression against Viet Nam is by nature a crime against the Vietnamese people's fundamental national rights, against their right to life.* It is not only a menace to peace. Aggression in itself is a criminal action, and any act helping to perpetrate it has the character of a crime. What right have the Americans to set foot on Vietnamese soil, arms in hands? What right have the U.S. air and naval craft to fly in the sky and to roam about the seas of Viet Nam for murderous and predatory purposes? The mere presence of an American soldier on Vietnamese territory, the mere flight of an American bomber in our skies already constitutes a crime. The mere killing of one countryman of ours, whether combatant or not, even with a rifle shot, the mere destruction of a hut, of a bush in our countryside is enough to turn the American pirate into a criminal in the worst meaning of the word. Since the Yankees carried their war of aggression to North Viet Nam with their murderous air raids, the mere fact of separating families, frightening old folk and children, troubling the rest of the people after their work, compelling pupils to run for cover during air alerts constitutes already a crime, whether or not there is violation of the laws and customs of war. In terms of classical international law, we speak of U.S. war crimes (*stricto sensu*) in Viet Nam, but it should not be forgotten, as we have pointed out, that war of aggression itself being a crime, and the greatest one in international law, especially in the present international juncture when it is directed mainly at the peoples' freedom, all actions of the aggressors partake of the criminal character of the crime of aggression which

embraces them. From this viewpoint, the classical notion of war crimes and crimes against humanity is worth re-thinking. The content of these crimes should be broadened to such an extent that it would be difficult to conceive limits to the constituent acts.

We will however, conform ourselves to the current notions of international law which, in our opinion, seem to be insufficiently adapted to the present international realities, and we speak here of war crimes and crimes against humanity conceived on the basis of universally-recognized texts of positive international law and of the current juridical theory which it is out of the question to contest. It is undeniable that on such a platform, the odious U.S. crimes in Viet Nam are likely to shock universal conscience.

According to a widely-accepted doctrine, the crime against humanity is by nature an offence against the human person in his most essential rights, viz., the right to life, health, bodily integrity, enjoyment of the material and moral conditions required for a decent human existence.

The United Nations' Charter has affirmed the principle of respect for these rights in its Preamble and Article 1 (para 3). This assertion is even more explicit in the famous *Universal Declaration of Human Rights* of December 10, 1948. It is pointed out therein that "disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief, freedom from fear and want has been proclaimed as the highest aspiration of the common people" (Preamble), that "Everyone has the right to life, liberty and security of person" (Art. 4), that "No one shall be subjected to torture or to cruel inhuman or degrading treatment or punishment" (Art.6), that "No one shall be subjected to arbitrary arrest, detention or exile" (Art. 10), that "Everyone has the right to freedom of thought, conscience and religion" (Art. 19), that "Everyone... is entitled to the realization... of the economic, social and cultural rights indispensable for his dignity and the free development of his personality (Art. 23). The Declaration formally bars

any State, group or person from engaging "in any activity" or performing "any act aimed at the destruction of any of the rights and freedoms prescribed herein (Art. 31).

Consisting by definition in acts which infringe the fundamental rights of the human person as a member of the international collectivity, the crime against humanity even within the current juridical limits, should not be narrowly conceived as being directed only at the civilian population; nor should one think that it takes on only the forms indicated in the official texts of law. Besides, the Charter of the Nuremberg IMT itself has pointed out that the list of acts mentioned in its Article 6, para (c) does not have a limiting character. The present historical realities make it possible to complement the concrete content of the crime on the basis of the criminal activities of the new butchers of our times. Genocide, too, should be conceived in a broader and more realistic way since the 1948 Convention signed on this subject several decades ago presents, as is well-known, imperfections and shortcomings due to the historical conditions of the period when it was adopted. Civilians are the main, but not necessarily exclusive, victims of the crimes against humanity committed in time of war. The massacre and ill-treatment inflicted *en masse* on fighters of the other camp, if they have the scale and voluntary continuity recognized as distinctive features of the crimes against humanity, should also be condemned as such like similar actions committed against the civilian population not directly involved in the fight. The deliberate, systematic infringements on the fundamental spiritual rights of large masses of people in the aggressed country, the wilful and systematic destruction of the bases of the cultural life of a people should also be regarded as crimes against humanity just as massacres and physical ill-treatments. Genocide presents spiritual and cultural forms which should be condemned besides the physical and biological forms recognized by the 1948 Convention.

We are of the view that in the present struggle of progressive mankind against imperialist criminality, particular attention should

be paid to the denunciation of the crimes against humanity perpetrated on an increasing scale by the imperialist forces — the sworn enemies of the civilized world. The imperialist aggressors, first and foremost, the U.S. imperialists, do not only violate the current laws and customs ; they give the crime against the peoples an unprecedented character of barbarity. The U.S. imperialists practise the jungle law in their relations with the peoples, and show the darkest bestiality served by the latest achievements of modern science and technology. The crimes committed by the imperialist aggressors against the human person are directed not only at individuals and property as such, they hit not only particular and local interests, but also infringe universal values, and damage the common interests of the whole human collectivity whose fundamental conditions of existence are undermined by them. These are *crimes against humanity*. The progressive masses should raise their voices to strongly expose these monstrous crimes which, as our President Ho Chi Minh put it “arouse the indignation and anger of the whole world”.

PART TWO

**THE U.S. IMPERIALISTS ARE THE GREATEST
CRIMINALS AGAINST HUMANITY IN OUR TIMES**

Since 1954, violating the Geneva Agreements on Viet Nam and trampling underfoot the most elementary principles of international law, the U.S. imperialists have perpetrated in our country abominable crimes denounced and condemned by the whole mankind. They have committed in Viet Nam crimes against humanity which are no less, and even more barbarous in many respects than those of the Nazis. Facts and acts in this connection have been reported in many texts and documents of the South Viet Nam National Front for Liberation and the Democratic Republic of Viet Nam, in the reports and other documents of the Committees for the Denunciation and Investigation of the U.S. crimes, which have been established in both zones, and in various international documents as well. It is not our intention to give here a detailed list of these acts and facts, but to examine the character of the criminal and the nature of the crimes, and to try to point out their specific features.

I. First, unlike the Hitlerites who more or less publicly disclosed their murderous and predatory purposes of which they made a national policy, the U.S. aggressors try to conceal from the world the criminal character of their misdeeds. Hitler loudly proclaimed the right of the Germans, a "superior nation", to subjugate other peoples, to conquer the necessary vital space, and to lay claims to

European hegemony. Johnson and his ilk kill and plunder while trying to appear as angels who want to bring happiness to their victims! This is because they practise neo-colonialism whose policy consists in deceiving the masses who abhor old colonialism, and in concealing their odious features as a devil under a mask of hypocritical philanthropy.

Carrying out a neo-colonialist policy of the most dangerous and dubious kind, the U.S. imperialists illegally installed in South Viet Nam, right after the signing of the Geneva Agreements a puppet power with an army and a police of their creation, and used it to achieve their designs of conquering and enslaving the country while hiding their bloody hands. From 1955 to 1961, before they were compelled, in view of the Ngo Dinh Diem clique's failure to conquer our people, to send in troops and unleash a "special war" in South Viet Nam, they were already guilty, though in a veiled way, of a series of barbarous crimes against the South Vietnamese civilian population.

The massacres, mass arrests and incarcerations, odiously inhuman tortures and ill-treatments inflicted by the Ngo Dinh Diem administration on former Resistance members and South Vietnamese patriots who demanded peace, independence and national reunification in the course of so-called "Denounce Communists" campaigns undertaken in flagrant violation of Article 14(c) of the Geneva Agreements, were inspired and organized by the Americans who helped to plan and finance them, and provided the means to carry them out. The Ngo Dinh Diem army and police involved in those murderous campaigns, which aroused angry indignation in the world at the time, were advised by Americans.

With a view to detaining, torturing and ill-treating all those considered dangerous to the carrying out of their plans to prolong the partition of the country, to turn South Viet Nam into a neo-colony and a military base of the United States, Ngo Dinh Diem and his agents, and subsequently the puppet authorities that succeeded them from 1963 onwards, established in South Viet Nam over 1,000 prisons and concentration camps, detained there about

half a million persons, most often in defiance of all judicial procedures, and put into practice a penitentiary regime of the most barbarous kind with up-to-date instruments and techniques of inhuman treatment "made in U.S.A."

It was in the process of carrying out that so-called "Denounce and Suppress Communists" policy that the U.S. imperialists and their lackeys trained in South Viet Nam a numerous gang of thugs ("ac ôn") having no human feelings left, whose sinister job was daily to kill and disembowel people, to eat their livers, to rape women and cut off their breasts, to tear small children to pieces or throw them into the fire, etc.

It is also to be noted that during the operations of regroupment of the opposing forces on either side of the seventeenth parallel in 1954, the Ngo Dinh Diem Administration with U.S. help in dollars, means of transport and other things, forcibly brought tens of thousands of civilians from the North to the South, taking them away from their homes and fields, and subjecting them in their new place of residence to the most miserable living conditions. From 1955 onwards, Ngo Dinh Diem and his successors applied in South Viet Nam a policy of regrouping the rural population into "agricultural settlements", "prosperity zones", then "strategic hamlets" with a view to better enslaving them to their aims. In 1961, pursuant to the Staley-Taylor plan for "pacification of South Viet Nam in eighteen months"(!), the U.S.—Diem clique planned to herd 10 million peasants into 17,000 strategic hamlets, and actually concentrated about 5 million into those prison-hamlets. In those camouflaged concentration camps, the inhabitants were denied the most elementary individual liberties, and subjected to an extremely harsh police control with utter contempt for human dignity. To force the rural population out of their villages, into those abhorred hamlets, the Ngo Dinh Diem army and police, assisted by U.S. advisers, set fire to houses, destroyed kitchen utensils and food reserves, and moved people out of their homes at gun-point.

The above-mentioned misdeeds indisputably constitute crimes against humanity under international law; the Americans are the culprits as they are the instigators and co-authors with their lackeys, the South Vietnamese puppet authorities.

Since they started an open war of aggression against South Viet Nam with the commitment of an expeditionary corps, now about half a million strong, and against North Viet Nam in the form of an air and naval war of destruction, *the U.S. imperialists have been perpetrating a series of odious crimes which have the dual character of war crimes and crimes against humanity.*

But the U.S. neo-colonialists have sought every means to conceal all these crimes from the peoples. They have been speaking about a so-called "aggression" of the North against the South, and about their being "anxious to live up to their pledges" to the South Vietnamese puppets in an attempt to justify their intervention. But American lawyers themselves have given the lie to their contentions, and proved that the aggressors are no other than Johnson and his ilk. The recent decision of the first session of the Bertrand Russell International War Crimes Tribunal sitting in Stockholm in May 1967 is very explicit on this point. While sowing death and devastation by large-scale chemicals-sprays in South Viet Nam, the U.S. aggressors have sought to deceive the people by affirming that they are using only harmless "weed-killers" and "defoliants". While savagely bombing the civilian population in both zones, they shout on top of their voices that they are striking only at "steel" and "concrete"! A laborious work is thus required to unmask the U.S. criminal and bring his crimes to broad daylight. This is being done by the justice-and peace-loving peoples of the world joining their lofty efforts to ours.

2 — In the present period of history when an overwhelming majority of the world's peoples are actively struggling for the ideals of socialism, and when the great movement for the national liberation of the oppressed peoples is surging ahead with an invincible force, international imperialism with the U.S.A. as its ring-leader, clinging desperately to its threatened interests, and

trying with all its forces to ward off an inevitable collapse, has become more and more ferocious and barbarous in its behaviour. The U.S. imperialists dream of world hegemony. To carry out this scheme, the question for them is not only to suppress specific peoples and to persecute specific races, as Hitler did, but to stifle the revolutionary movements wherever they break out or threaten to break out, to draw experience from the practice of murder and oppression against such or such people for future application in the repression of others. That is the way U.S. imperialism is actually playing its sinister role as an international gendarme!

The U.S. aggressors do not shrink from any barbarity in their attempt to achieve their dark designs. Panic-stricken in the face of the advance of socialism whose ideal unceasingly conquers the hearts of ever broader masses, they frenziedly go into battle against all progressive forces in the world under the signboard of "anti-communism". *As a matter of fact, their anti-communist "crusade" is in essence a "crusade against the peoples' freedom.* Frightened by progressive thoughts, they and their lackeys inflict on those who have fallen into their hands inhuman treatments, resorting to physical tortures designed to destroy the people's will to fight for freedom. using systematically, on a large scale, and by means of the most refined techniques savage corporal persecutions combined with attempts to buy souls and with the most odious psychological persecutions. They practise brand-new methods of torture designed to force their victims to relinquish the ideals that make the value of any moral life worthy of man. Such practices are to be found everywhere in the jails and prisons of South Viet Nam; one of the most sinister samples is the Poulo Condore island prison. It is safe to say that the penitentiary system existing in South Viet Nam over the past ten years outstrips in barbarity any regime ever known in human history. In this connection, the story *Bat Khuat* (The Indomitable) by Mr Nguyen Duc Thuan who lived from 1960 to 1964 in the "tiger cages" of Poulo Condore constitutes no doubt a great testimony in our times. The methods, means and techniques that

are used there to cause sufferings to man visibly bear the American stamp. In comparison with the modern U.S. butchers, Hitler and his ilk would appear as green-horn torturers! To the U.S. imperialists belong indisputably the merit of having invented brand-new forms of crimes against humanity, with unmatched barbarity.

3— The U.S. crimes against humanity committed in Viet Nam is more serious in many respects than the Hitlerite crimes.

Like Hitler, Johnson and his ilk practise the policy of total war which consists in "*killing all, burning all, destroying all*". On such a tiny territory as South Viet Nam whose area and population are smaller than those of France, there have occurred not one or two, but hundreds of Oradours and Lidices. Chau Son, Cam Le, Binh Son, Son Tinh, Ben Suc and other villages and population centres in South Viet Nam will for ever remain in the memory of men as evidence of what human ferocity and barbarity brought to the extreme limit can lead to. In South Viet Nam, the G.I.'s have been ordered by their commanders to obliterate entire regions, and to turn them into desolate "no man's land" in the course of "sweeps".

On the same tiny territory, there exists a whole network of prisons and concentration camps of all kinds. In addition to thousands of prisons in the ordinary meaning of the word, thousands of disguised concentration camps have been set up. With regard to the methods of torture which are applied there, the Nazi hangmen would have much to learn from their American masters.

As for the means and methods of warfare, there are some which Hitler did not venture to resort to — at least openly — but of which the U.S. butchers have made a large-scale use in defiance of world public opinion: toxic chemicals, poison gases the use of which has been banned by international law, steel pellet bombs, anti-personnel weapons designed solely to kill or wound civilians, which appear for the first time in the history of wars and whose generalized use in Viet Nam has deeply shocked the world... During the last world war, the Nazi criminal Ohlendorf was much

gratified by the development of the Becker gas chamber and stated that the new method of extermination was more humane than any other one, since it spares the condemned people "useless throes" and makes it unnecessary for the executioners to shoot at women and children! The U.S. executioners speak no different language. They deem it more "humane" to kill with gas than with guns! Johnson is a modern Ohlendorf, much more dangerous than the German Ohlendorf as he is the President of a great imperialist power having at its command much more powerful means of murder.

In terms of frenzied massacre, we must say that the men in the White House and the Pentagon are leaving Hitler far behind them. From the own admission of the aggressors, everybody knows that the tonnage of U.S. bombs dropped on Viet Nam has reached fantastic figures. In 1966, 712,000 tons of bombs were rained on Viet Nam, that is, one third of the aggregate total of bombs dropped on North Africa and Central and Western Europe during the last war. Franz Schurmann, quoting the *New York Times*, wrote that in March 1966, the Americans dropped 50,000 tons of bombs on the Democratic Republic of Viet Nam, while during World War II the monthly average tonnage of bombs released on Europe and Africa was only 48,000 tons. U.S. General Curtis LeMay cynically stated that the United States would like to "bomb North Viet Nam back to stone age"! If the savage designs of the Americans have failed to be carried out due to the heroic riposte of the Vietnamese people who know how to defend themselves, that is not because their authors lack criminal intention!

More barbarous than Hitler, the U.S. aggressors have put to the test on a large scale in Viet Nam their war strategies and tactics, and new weapons with a view to perfecting them for use in future wars of aggression, and in the first place, causing death and destruction to the greatest extent possible in Viet Nam in the hope of rapidly winning the war. The Vietnamese people constitute the living target chosen for the test. The successive improvements brought to the U.S. steel pellet bombs used in Viet Nam over the past period

constitute a typical illustration of this fact. Not long ago, the mobile laboratory N^o 406 for researches on chemical and bacteriological warfare was moved from Japan to South Viet Nam. The U.S. ruling circles, who are well known for their inhuman policy of racial discrimination and persecution, have the obvious intention of using the Asian populations as Guinea pigs in this criminal test which can be useful to them in future wars of aggression directed against the peoples unwilling to submit to their rule.

A measure of U.S. barbarity can be found in the following fact: in this savage aggression against Viet Nam, the huge war machine of the first power of the imperialist world has been put into action in an attempt to break the will for freedom and independence of a people liberated only recently from the colonial yoke, and whose military and economic potential cannot bear comparison with that of the aggressor. A new factory, a new cooperative farm, a new health establishment, a new school, a new flat, are for our working people invaluable property, the fruits of great sacrifices and hardships accepted of their own free will with a view to preparing for a better life. But the Americans in their frenzy have spared nothing!

It is up to everybody to draw his conclusion as to whether the Yanks, the new hangmen of the peoples, actually outstrip Hitler in the path of crime.

* * *

The U.S. crimes in Viet Nam, described above in their general, still incomplete features, are *crimes against humanity in terms of current international law*. By their crimes, the U.S. aggressors have caused the Vietnamese people serious losses on a scale never seen in history since Hitler's misdeeds. For over ten years, they have been deliberately and systematically committing mass murders, and seriously damaging the health, property and moral interests of millions of people subjected to living conditions which seriously impede their development as a nation. They want to

destroy one part of the Vietnamese people in an attempt to subjugate the other. In this respect, they have indisputably committed a *crime of genocide* against our people even in the most restrictive interpretation of the provisions of the December 9, 1948 International Convention. With the increasing intensity of the war of aggression, the U.S. crimes are taking an ever heavier toll in terms of human lives, and damaging the health and physical and moral integrity of broad masses of the Vietnamese people. In South Viet Nam alone, according to still incomplete figures, there were from 1954 to 1965 at least 170,000 killed and about one million wounded or maimed as a result of about 160,000 terrorist operations. Out of the 14 million South Vietnamese, about 400,000 have been detained in prisons, and 5 million herded into disguised concentration camps labelled "Strategic hamlets" (1). In 1965, toxic chemicals were sprayed over 700,000 hectares of lands in 26 South Vietnamese provinces, causing incalculable damage to plantations, forests and crops, and poisoning about 140,000 people (2). In the past few years, while carrying out their "Search and destroy" plans and "rural pacification" program, the U.S., puppet and satellite troops have caused the South Vietnamese civilian population increasingly serious losses in terms of human life and property. Countless murders and destructions have been perpetrated in North Viet Nam in the course of the air and naval war waged by the United States since 1965.

In committing the crime of genocide in Viet Nam, the U.S. imperialists aim not only at the physical extermination of one part of our people, but also at the destruction of our national life in its economic, social and cultural elements. They practise not only physical genocide, but also various forms of biological and socio-cultural genocide going beyond the letter of the provisions of the 1948 Convention, a still imperfect juridical document which presents limitations due to the historical circumstances attending its conclusion.

(1) and (2) Figures given in Black Books N° 1 and 2 issued by the Committee for Denunciation of the U.S. Crimes in South Viet Nam.

In its criminal activities, U.S. imperialism has trampled underfoot the principles of international law and the most elementary moral norms of civilized mankind. The wrath and indignation of the peoples are increasing daily in the face of its monstrous crimes, which not only cause damage to the Vietnamese people, but also infringe the most sacred rights of the justice, freedom-and peace-loving peoples of the world. Fighting a heroic resistance war in the forefront of the world-wide struggle against U.S. imperialism, our people have been inflicting ever heavier defeats on the aggressors, thus driving them to an impasse. With the support of the world's peoples, our just cause will triumph, and the criminals will be put in the pillory of history.

U.S. CRIME OF CHEMICAL WARFARE IN SOUTH VIET NAM

DO XUAN SANG

I.— ACCUSING FACTS

On September 19, 1966, 22 American Scientists including seven Nobel prize recipients (Felix Bloch, Stanford University, Konrad Bloch, Harvard University, Robert Hofstadter, Stanford University, Arthur Kornberg, Stanford University, Fritz Lipmann, Rockefeller University, Severo Ochoa, New York University, and E. L. Tatum, Rockefeller University) addressed to President L. B. Johnson an open letter earnestly demanding "the cessation of the use by U.S. forces of defoliants and anti-personnel chemical weapons in Viet Nam" and "a review by the White House of the U.S. Government's policy concerning bacteriological and chemical weapons" (*A.P.*, September 19, 1966).

Earlier, in 1964, a statement dated June 19 of the American Scientists Federation had protested against the use (in South Viet Nam) of defoliants to destroy protecting covers and the use by the United States of Viet Nam as a testing ground of chemical and biological warfare.

Thus public opinion right in the United States is aware of the fact that means of chemical warfare have been and are being

used by the U.S. imperialists in their aggressive war in South Viet Nam.

U.S. chemical warfare is known and undeniable. The accusing facts mentioned hereafter will only serve to better establish its unmatched scale and barbarity.

According to materials available to us, the first toxic chemicals-spray by U.S. planes in South Viet Nam was effected in mid-August 1961; war gases made their first appearance in the "sweeps" carried out in South Viet Nam in late 1964. Napalm and white phosphorus had been used even earlier and nobody could forget the massive food-poisoning of 6,000 patriots detained in the Phu Loi camp, Thu Dau Mot province; this case which happened on December 1, 1958 resulted in over 1,000 people killed instantly and about 4,000 others seriously affected. Considering the kinds of means put to use and the scale of their utilization, a double escalation can be noted in the U.S. chemical war:

1. With regard to the means utilized :

- 1958 : massive food-poisoning
- From 1961 onwards: toxic chemicals-sprays accompanied or followed by napalm or white phosphorus-bombings.
- From 1964 onwards: use of war gases along with increased chemicals-sprays, intensified napalm and white phosphorus-bombings and isolated but most frequent cases of poisoning of people and sources of water in numerous areas on the High Plateaux of South Viet Nam.

2. With regard to the scale of utilization:

In regard to chemicals-sprays, the following table has been established on the basis of the information collected from 1961 to 1965:

YEAR	Number of affected provinces	Number of victims	Area affected (in hectares)
1961 (four months and a half)	6	182	560
1962	12	1,220	11,030
1963	16	9,000	320,000
1964	19	11,000	500,000
1965	26	146,247	700,000

This escalation in the chemical warfare corresponds to that in the aggressive war in general and may be completely explained by the requirements of the U.S. neo-colonialist policy in South Viet Nam.

As a matter of fact, the United States, which had coveted Viet Nam and Indo-China for a long time and had actively intervened in the Indo-China war from 1950 onwards, took purely and simply the place of the French colonialists in 1954 after the signing of the Geneva Agreements. It thought it could conquer South Viet Nam and turn it into a neo-colony and a military base by the instrumentality of a puppet, Ngo Dinh Diem, trained in an American monastery and imposed by Washington on the French as Prime Minister of the puppet State of Viet Nam on July 7, 1954. From 1954 to 1958, U.S. neo-colonialism attempted mainly through ordinary channels, that is, the use of the police and that of regular troops in "mopping-up" operations, to establish and maintain its rule. But it met with dismal failure in the face of the South-Vietnamese people's will of patriotic struggle. Thus it had to use extraordinary ways including the massive food-poisoning of 6,000 patriots detained in the "Central Camp for Political Re-education" of Phu Loi which was simply a concentration camp. In Phu Loi there were people from all social strata in South Viet Nam: former Resistance members, workers, peasants, small traders,

handicraftsmen, professors, students, artists, journalists, intellectuals who had worked in the Saigon-Cholon peace movement in 1954 and the War Victims Relief Committee in 1955. All political tendencies and religious beliefs were represented, and there was a high percentage of women. In short that was a miniature South Vietnamese society, a faithful image of the South-Vietnamese people proud of their patriotic traditions and their nine years of victorious resistance war against French colonialism and not willing in any way to become slaves to U.S. neo-colonialism even under the gilded yoke of a puppet "Republic". How could the Americans and Ngo Dinh Diem persuade such men and women that "the frontiers of the United States extend as far as the 17th parallel separating North from South Viet Nam"? A Hitler-type measure of extermination was necessary, and that was the Phu Loi food-poisoning case of which *La Tribune des Nations* of January 6, 1959 gave in a few lines a striking story:

"Lieutenant Ho Van Tan, trained in America in matters of counter-espionage, achieved the sinister deed of decimating by food-poisoning the Phu Loi concentration camp (Thu Dau Mot): 1,000 dead, 4,000 out of 6,000 political prisoners seriously ill... It is by far the most serious case of reprisal against former Resistance members since the Geneva Agreements".

Phu Loi was followed by the Fascist Law 10/59 and the Special Military Courts, that is, judicial murder. All means were good in the eyes of the U.S. imperialists and their lackeys who emulated one another to march in Hitler's footsteps. However the South Vietnamese people carried on their resistance, and unwilling to take it lying down, they took up arms in an unquestionably legitimate self-defence struggle. The U.S. aggressors then hurriedly concluded with the Ngo Dinh Diem puppet regime a treaty of military alliance in the form of a Johnson-Ngo Dinh Diem joint communiqué dated May 1961, and immediately afterwards, unleashed the "special war".

It is common knowledge that the "flexible response" theory which replaced the "massive retaliation" theory as soon as the

United States had lost the monopoly of atomic and thermonuclear weapons envisions several kinds of wars: unlimited world war with the use of A and H bombs, local war and "special war" (also called sub-limited war by U.S. Defense Secretary McNamara) — the last two kinds being marked with the use of conventional weapons and chemical and bacteriological means which do not involve the risks of a world conflagration. M. Taylor, the theoretician of the special war, cynically defines it as a military conflict in which the existence of the United States as a nation is not menaced (The Uncertain Trumpet, page 62)

Special warfare was thus put to the test in South Viet Nam, and with a view to increasing the chances of success, M. Taylor was sent there to replace Cabot Lodge as "ambassador" to the Saigon regime after the November 1, 1963 coup d'etat (which overthrew Diem and brought to power presumably more efficient generals).

Chemicals-sprays, which began with the "special war" in August 1961, were designed to destroy crops, starve the South Vietnamese people and terrorize them into accepting to be herded into new-type concentration camps dubbed "strategic hamlets". The Staley-Taylor plan provided for "the pacification of South Viet Nam in 18 months", precisely by means of large-scale military operations and the herding of all South Vietnamese, including the urban population, into "strategic hamlets" in the countryside and "strategic quarters" in towns.

As is clear from the above table, between 1961 and 1964, the area affected by toxic chemicals was multiplied by nearly 900 times and their toll by 60 times. This vertical escalation gives an idea of the U.S. war effort and the ferocity shown both by the "U.S. advisers" — whose strength was also more than centupled as compared with 1954 — and by the mercenary South Vietnamese army, more than half a million strong in terms of regular troops, regional forces and civil guards.

According to a communiqué issued on April 3, 1963 by the South Viet Nam Liberation Red Cross after one year of patient

on-the-spot investigations, the U.S. aggressors put to use the following toxic chemicals, classified hereafter according to the dates of utilization :

1) Dichlorophenoxyacetic acid $C_8 H_6 O_3 Cl_2$, also known as 2-4 D. In a pure state, these are small, white, inodorous crystals which melt at $141^\circ C$ and boil at $160^\circ C$ under a pressure of . 4mm of mercury. U.S. planes sprayed the 2-4 D in the form of a greyish mixture smelling of chlorophenol.

2) Trichlorophenoxyacetic acid $C_8 H_5 O_3 Cl_3$, also known as 2-4-5T. In a pure state, it is a colourless and inodorous substance, which melts at $158 - 159^\circ C$. The 2-4-5T sprayed in the form of a cloud by U.S. planes is a grey mixture smelling of trichlorophenol. Its particles are soluble in ligroïne.

3) Dinitrophenol $(NO_2)_2 C_6 H_3 OH$. There are six isomers of this substance and the most frequently used, the 2-4 D.N.P. exists in the form of yellow crystals melting at $114^\circ C$. The 2-4 D.N.P. used by the Americans is of dirty yellow colour and smells of powder.

4) Dinitro-orthocrésol $CH_3 - C_6 H_2 OH (NO_2)_2$, also known as DN OC. In a pure state, it exists in the form of yellow crystals. The DNOC used by the Americans is of orange colour, smells of powder and gives an indelible yellow colour to the victims' clothes and the uncovered parts of their bodies.

5) Calcic cyanamide $Ca CN_2$, white in a pure state, and ash-grey in operational state.

6) Arsenic trioxyde $As_2 O_3$ commonly known as white arsenic and used as rat-killer,

7) Arsenites of alkaline and alcalino-earth metals : sodium and calcium arsenites.

8) Arsenates of sodium, calcium, lead, manganese, etc.

The eight chemicals mentioned and described above are well known in agriculture. The first five are used as weedkillers ; in particular, calcic cyanamide is used to defoliate cotton-plants

before mechanized harvesting. Arsenic and its compounds are used as pestkillers.

This made it possible for American propaganda to play to the outraged girl and shout: But these are mere weed-killers! The brokers of the White House and the Pentagon simply forgot to mention the great doses utilized. According to an article of W.M. Beecher, correspondent of *The New York Times*, dispatched from Saigon and dated September, 8, 1966 (*New York Times* of September 10 and 11, 1966), each U.S. C. 123 carries at each flight 1,000 gallons of chemicals to be sprayed on 300 acres of land, that is to say, an average of 30 litres per hectare, while in agriculture the prescribed dose per hectare is .5 to 1.5 kilogramme for arsenic, 5 to 7 kg for dinitrophenol and dinitroorthocresol, 2 kg for dichlorophenoxyacetic acid and trichlorophenoxyacetic acid, and 15 to 30 kg for calcic cyanamide which causes the fall of all leaves of cotton plants.

However, the frenzied sprays of toxic chemicals failed in the same way as all other barbarous means of "special warfare" in the face of the unshakable fighting will of the South Vietnamese people supported by their North Vietnamese brothers and the people of the whole world, including ever greater numbers of progressive elements among the American people. War gases made their appearance in the course of "sweeps" and their extensive use in 1965 and 1966 coincided with the arrival, deployment and commitment of the U.S. expeditionary corps as the main force in the special war which became a local war retaining its neocolonialist objectives and its strategy of using indigenous mercenary forces concurrently with G.I.'s and satellite troops from Australia, New Zealand, South Korea, the Philippines, etc.

Various kinds of gases have been put to use. Firstly there is C.N. or chloro-acetophenol $C_6H_5COCH_2Cl$, synthetically produced since 1869 and effectively used by the G.I.'s against the Germans during World War I. This is a tear gas in small doses (.3mg/m³) which becomes dangerous and lethal with doses of 1.5mg/m³ upwards. Blown in very strong doses into air-raid

shelters of the South Vietnamese civilian population, as was the case on September 5, 1965 at Vinh Quang village, Tuy Phuoc district, Binh Dinh province, it killed a lot of defenceless women, old folk and children. It is so lethal that mercenary soldiers entering subsequently those shelters to see their easy victory were themselves hit. Thus Reuter reported not without humour that in the course of a "sweep" in January 1966, smoke and non-lethal gases used against the guerillas hidden in their underground shelters in an area northwest of Saigon cost the life to an Australian company officer, six Australian soldiers who came to his rescue had to be hospitalized. The company officer Bowtell Robert, 24 years old, native of Sydney died asphyxiated though he had a gas-mask on."

Then comes adamsite or diphenylaminochloro-arsine, also known as phenarsazine chloride $\text{NH}(\text{C}_6\text{H}_4)_2\text{AsCl}$. Synthetically produced in 1914, it was put at the service of the U.S. Army by Dr Adams — hence the name of adamsite — and used against the Germans during World War I. Its combat dose is 5mg per cubic metre for three minutes. With this dose, it causes lethal lesions to the lungs and a general poisoning with the same symptoms as those provoked by lewisite.

Thirdly mention is to be made of C.S. or Chlorobenzalmalonitrile, an exciting, emetic and paralyzing gas with doses of 1 to 6mg/m³. It burns uncovered skin and conjunctiva and provokes lethal suffocation with doses of 20mg/m³ upwards.

American and other Western sources have reported that the U.S. murderers in South Viet Nam have also used noxious gases such as C.N.S. which is a tear, emetic and paralyzing gas, B.Z., a gas affecting the nervous system, V.X., and an incapacitating gas L.S.D. 25 which is lysergic acid diethylamide.

1965, which marked a turning point in the U.S. war of aggression with the landing, deployment and commitment of over 200,000 G.I.'s, was also a turning point in the U.S. chemical war. While war gases were more and more frequently used in "sweeps", the

area affected by chemicals-sprays increased from 500,000 hectares in 1964 to 700,000 hectares in 1965. The number of victims reached 146,247, i.e., 14 times the figure for 1964. In the meantime, the use of napalm and white phosphorus bombs was intensified and became a "routine" operation.

In 1966, these record figures were likely to be surpassed in view of the new escalation in the aggressive war with the presence of over 400,000 U.S. and satellite troops in South Viet Nam in early November 1966. The complete figures are not yet available, but there is every reason to believe that the chemical war was notably stepped up in comparison with 1965.

Tremendous damage was caused to the Vietnamese civilian population. In the case of the food-poisoning at Phu Loi, over 1,000 patriots were killed instantly, and more than 4,000 others fell seriously ill with most of them dying subsequently from after-effects or weakness in secret U.S. - Diem jails. Since then, other food-poisoning cases have occurred on a smaller scale but with high frequency, they are directed at minority people or children; poison is mixed with rice rations distributed, small bags of lethal sweets are dropped from the air, or offered to children as "friendship gifts" in the course of "sweeps"!

Napalm and white phosphorus have caused thousands of fires and burns which either are lethal or leave horrible scars on the survivors' bodies.

Up to the end of 1965, chemicals-sprays had caused about one thousand cases of death; war gases took a similar toll during the last months of 1964 and in 1965. In addition, mention is to be made of thousands of gas victims and hundreds of thousands of people affected to various degrees by poisoned clouds spread from U.S. planes. Many of these have become blind or otherwise incapacitated.

The experience of World War I has shown that toxic chemicals cause fewer cases of instant death than of slow death with sometimes atrocious pains for the victims. The Health Commission of the N.F.L. and the South Viet Nam Liberation Red Cross

Society have made a survey of the people's health in a number of areas most affected by toxic chemicals-sprays. Following are the first results made public; in some areas, the death rate among the people poisoned increased by 30 per cent; in other places, 60 percent of the inhabitants suffered from various diseases in the alimentary canal and 70 percent presented symptoms of bronchitis. Many mothers suckling their babies saw their milk run dry, and many foetuses died in maternal wombs. In An Nghia village, Can Tho province, six women were delivered at the same time of still-born children. The losses resulting from American barbarity against the South Vietnamese people keep increasing as chemical war gains in scale and cruelty.

In addition to human losses, tremendous damage has been caused to property: crops were destroyed, fruit or industrial trees dried up then burnt, cattle and fowls killed, houses reduced to ashes... In many places of South Viet Nam, all animals were killed as a result of a single chemicals-spray. 5, 7 or even 10 years are required to bring the coco and other plantations back to their former state, etc.

Let us mention the case of Ben Tre, one of the 31 South Vietnamese provinces seriously affected by U.S. chemical warfare (out of a total of 43 provinces). This is an island comprised between two arms of the Mekong river and possessing 195,400 hectares of fertile alluvial lands. Its coco-plantations are hundreds of years old, and its orchards abound in mangoes, durians, oranges, lemons, tangerines, etc.

U.S. toxic chemicals destroyed or damaged entire rice crops and millions of fruit trees. They also dried up trees in the forests and prepared the way for napalm which kindled big fires, thus seriously affecting the other two sources of income of the province, namely, the felling of wood and cutting of palm-leaves and the fabrication of charcoal.

Over one hundred thousand inhabitants of Ben Tre were more or less seriously poisoned and suffered from lasting after-effects such as cough, headaches, fever and respiratory troubles.

Ben Tre was the scene of a particularly shocking tragedy on July 8, 1964 when U.S. planes furiously bombed and strafed Linh Phung school and Giông Trôm market. Burning napalm hit the shelters where pupils had run for cover. In spite of the heroic attempts made by the teachers and the parents to save the children, many were charred to death. In this "war operation" bragged as a victory over the Viet Cong, the U.S. Air Force massacred without any loss 43 pupils and 19 grown-ups.

* * *

U.S. chemical warfare caused untold sufferings to the South Vietnamese people, but it succeeded neither to shake their morale nor to smash their combat potential. The South Vietnamese managed in the worst moments of adversity to maintain and promote the Vietnamese nation's age-old tradition of struggle against foreign aggression and natural calamities. In washing their polluted fields to grow rice or other crops, reconstituting their live-stock and replanting their orchards, the South Vietnamese people sharpened their hatred for U.S. imperialism, a poisoner and a murderer, and strengthened their determination to fight till final victory. It's no use talking about "winning the hearts" after chemicals have been sprayed and napalm bombs dropped. The entire South Vietnamese people under the clear-sighted leadership of the National Front for Liberation drew from their sufferings and wrath decupled energy to step up the sacred struggle for liberation in the military and political field and deal stunning blows at the Yankees and their stooges, thus irresistibly driving them to final defeat.

II — U.S. HALF-ADMISSIONS AND PLEAS

It is difficult to deny the material fact of chemical war which causes wholesale massacres and devastations; on the other hand, the criminal, when he turns out to be a big power proud of her

military superiority and feeling sure of impunity, can afford to disclose minor aspects of his crime while trying to excuse himself. That is the reason why hard pressed by public opinion at home and abroad, U.S. imperialism made half-admissions accompanied by more or less cynical pleas regarding its chemical warfare operations in South Viet Nam.

On the massive food-poisoning case at Phu Loi.

A People's Commission of Investigation (which the author of the present article had the honour of presiding over), basing itself mainly on the official documents that the South Viet Nam puppet authorities sent by way of excuse to the International Commission for Supervision and Control in Viet Nam, managed to prove by the analysis and confrontation of documents and facts :

1. That the charges levelled by the High Command of the Viet Nam People's Army against the South Viet Nam puppet authorities were confirmed as to the date and place of the crime of massive food-poisoning,

2. That the massive food-poisoning actually occurred on December 1, 1958,

3. That the camp managing board and the puppet chief of province took inhuman repressive steps against the poisoned people shouting for help and demanding to be cared for, and

4. That the survivors were evacuated on the night of December 2, 1958 with a view to leaving on the spot no witness of the crime.

(Ref. First Report of the People's Commission of Investigation into the Phu Loi massacre in South Viet Nam. Pages 19 to 23).

The analysis of "new" documents, namely, a letter sent subsequently by the South Viet Nam puppet authorities to the International Commission and their White Book issued in July 1960, made it possible to confirm and point out the responsibility of the Americans and their puppets in the Phu Loi crime.

(Ref. Second Report of the People's Commission of Investigation. Pages 4 onwards).

On chemicals-sprays.

As early as March 10, 1963, the U.S. rulers hard pressed by world and American public opinion, were compelled to admit in a broadcast of *The Voice of America* that toxic chemicals had been sprayed on vegetations along some trails usually followed by guerrillas. But they hurried to add that those chemicals caused no harm to people, cattle and the fertility of the land. They were allegedly substances similar to the weed-killers used in agriculture in almost all countries in the world.

This claim about harmless weed-killers is misleading because everybody knows that the chemicals used in agriculture as weed-killers or insecticides are poisons whose use is subject in all countries to strict regulations to prevent accidents to those who manipulate them and to people in the surrounding area. On the other hand, with the highly concentrated doses used by the Americans, as pointed out in the first part of this document, the weed-killers have become killers of human beings as well as crops and vegetations.

But the most piquant feature is that the Saigon puppets through over-zeal and loquacity, took upon themselves to destroy arguments of their American bosses.

Thus, only one week after the above-mentioned broadcast of *The Voice of America*, Ngo Dinh Diem gave the correspondent of the same official U.S. radio an interview wherein the toxic chemicals that Washington had admitted to have been sprayed were bluntly described as "effective means of warfare against the Communists, that the under-developed countries could put to the test with a view to defending themselves against so-called wars of liberation".

On March 20, 1963, Phan Van Tao, Head of the General Office of Information of the U.S. - Diem regime, held a press conference in Saigon and gave the following details:

1) Toxic chemicals had been sprayed in 15 different areas in South Viet Nam,

2) They were a mixture of 2-4 D and 2-4-5-T powders,

3) The mixture was used to destroy the crops of the Viet Công (Vietnamese Communists, that is to say the patriotic South Vietnamese population according to the official terminology of the U.S. - Diem regime) on the 2nd and 23rd of October 1962 and on the 18th and the 27th of February 1963 over a total area of 312 hectares in the two provinces of Thua Thiên (Central Viet Nam) and Phuoc Long (South Viet Nam proper).

The Saigon puppets thus "let the cat out of the bag". They had to admit, directly or indirectly, not only the existence of chemicals-sprays, but also the purposes of those operations of chemical warfare and the identity of most of the substances sprayed (2-4 D, 2-4-5 T, arsenites, arsenates, etc.)

For its part, the U.S. Government, too, was compelled to make admissions in the following circumstances: an American architect-landscapist Robert B. Nichols, a veteran of World War II, and a member of the White House Maintenance Commission, was shocked by American press reports on crop destructions in South Viet Nam. He sent to L. B. Johnson a moving letter dated February 19, 1966 to ask for explanations and threatened to go on a hunger strike until a satisfactory answer was given.

He received a telegram signed L.B. Johnson informing him that the chemicals sprayed in South Viet Nam had only defoliated trees in a number of carefully selected places to drive out the guerillas.

Robert B. Nichols was not satisfied and started a hunger strike in the Greenwich parish on February 28, 1966.

On the ninth day, feeling the case to be serious and undesirous of having another death on its conscience following the series of living torches: Helga Hertz, Norman Morrison, Roger Laporte and Helen Jankowsky who had deeply moved American and world

opinion, the U.S. Government had to draw back. A State Department Statement dated March 9, 1966 admitted in reply to R.B. Nichols's query that the chemicals had actually destroyed crops, and that the area affected was 20,000 acres (8,000 hectares) according to the latest data (*Reuter*, March 9, 1966 from Washington).

As a matter of fact, the area affected by the chemicals was 700,000 hectares in 1965. Thus the U.S. rulers admitted only one 900th part of the damage caused by them to the crops, not counting that caused to human beings and domestic animals. A criminal is hardly to be expected to tell the whole truth. The main point, however, was established: after their Saigon lackeys, the U.S. rulers were compelled in their turn to confess their crime of chemical warfare in South Viet Nam.

True, they tried at the same time to shift the blame on the Saigon puppets who had allegedly taken the initiative of the chemicals-sprays. Such a cowardly contention is absolutely inoperative for the chemicals are not sprayed from ordinary planes, but from specially-equipped, American-manned C.123's under the direct authority of the U.S. Command (this was disclosed by Malcolm W. Browne, correspondent of *Associated Press* in Saigon). It is well-known that the said C.123 squadron led by W. Arrington is regarded as the unit of the U.S. Pacific Forces which has been awarded the greatest number of medals for its easy victories over crops, cattle and defenceless civilians! It is also known from M.W. Beecher's article, already quoted in the first part of this document, that Cabot Lodge personally directed the chemicals-sprays in South Viet Nam and supervised each plan of operation!

On war gases

War gases were used as early as at the end of 1964, but it was the Phu Lac case which shed the most glaring light on the new barbarous method used by the U.S. murderers. For three days on end (25th, 26th and 27th of January 1965), the U.S. Air Force dropped gas bombs along with explosive and incendiary bombs on Phu Lac village, Phu Yen province, killing a lot of civilians,

mostly old folk, women and children. The gases alone made several hundred victims, among them 80 dead.

Confronted with the deepest indignation of world public opinion, the U.S. Command in Saigon tried to excuse itself in the following way: its spokesman admitted on March 22, 1965 that gases had been used on repeated occasions but by the puppet army and not by the U.S. forces !

That excuse which was a mockery of common sense failed to deceive anybody. McNamara had to hold a press conference at the Pentagon. According to *Newsweek* of April 5, 1965, the U.S. Defense Secretary cunningly showed to the journalists a catalogue of the Federal Laboratories which sell tear gases, thus hinting that the gases put to use in South Viet Nam were only non-lethal tear gases. Also according to *Newsweek*, Dean Rusk in his turn claimed in a broadcast statement on the following morning that gas war had not started in Viet Nam, and that gases were not used in current military operations.

Of these two excuses, the first is as trivial as the claim about harmless weed-killers. In point of fact, the three gases C N., D. M. and C.S. whose use in South Viet Nam have been admitted by U.S. officials, are genuine war gases as appears from many scientific works, among them, the book on war gases by Dr Mario Sartori. On the other hand, the tear gases of current type are likely to cause mortal accidents among old folk, children and sick people according to American Scientists, such as Drs Sidel Victor and Goldwin Robert from Harvard University.

The second claim has been refuted by facts themselves. In effect, on September 5, 1965, in the course of a "sweep" in Vinh Quang hamlet, Tuy Phuoc district, Binh Dinh province, U.S. Marines commanded by Lieutenant Colonel Leon Utter blew 48 bottles of poison gas into air-raid shelters of the civilian population.

As a result, 35 people were killed and 19 others seriously poisoned. These 54 victims comprised 28 children under 10 years of age and 26 women, among them 18 old women.

To soothe public opinion, Westmoreland instituted an enquiry as if Leon Utter had acted at his own initiative and not on authority from his superiors.

But the sham enquiry had not yet started when on September 8, 1965, G.I.'s tossed gas grenades into the shelters of the civilian population at Ba Lang An, Quang Ngai province, killing 76 people, more than double the death toll at Vinh Quang.

The French Press Agency reported from Saigon on October 8, 1965 that several battalions of the U.S. 173rd Paratroop Brigade started on Friday morning an operation southeast of Ben Cat and for the first time, the officers from the rank of second lieutenant upwards were authorized by General William C. Westmoreland to use "tear gases" at discretion!

The truth having been brought to light, there was no point sacrificing Leon Utter even fictitiously: he was purely and simply absolved!

Any camouflage having become superfluous, U.S. officers bluntly declared combat gases to be part of the basic standard equipment of the U.S. Forces in Viet Nam and chemical warfare elements provided with masks and protecting clothes openly participated in "sweeps" with their gas bottles, tear-grenade throwers and an apparatus called Mightmite operating by compression and capable of propelling the poison in powder or in a gaseous state at a speed of 285 kilometres per hour.

On napalm and white phosphorus

U.S. officials have never made any attempt to deny or justify the use of these incendiary substances, no doubt regarding them in their own way as "conventional" and "routine" weapons. True, napalm had been used by the Americans in the Korean war and supplied by them to the French as part of their military aid for use during the last years of the dirty war in Indo-China. But this does not mean in any way that napalm and still less, white phosphorus which can infiltrate perfidiously and burn slowly in the wounds, have ceased to be

chemical weapons which cause unnecessary sufferings and are accordingly condemned by international law.

On the allegedly humane character of chemical weapons :

In disclosing the authorization given by William C. Westmoreland to U.S. troops to use gases, the French Press Agency also reported on October 8, 1966 that the Commander-in-Chief of the U.S. expeditionary corps had affirmed that his decision was based on humanitarian grounds and that it was better to neutralize an adversary for ten or fifteen minutes than to seal him up for ever in his underground refuge. Such disclosure which has never been denied gives an idea of what the humanism of the criminal U.S. aggressors is like.

Westmoreland's assertion was a shameless lie: his numerous victims and even his accomplice in aggression Bowtell Robert have been "neutralized" not for "ten or fifteen minutes", but "for ever". This lie being laid aside, this humanism is based on the concept of the absolute superiority of U.S. imperialism. The latter believes that it has every right, even that of aggressing a people who live peacefully eight thousand miles away from American shores and have never done any harm whatsoever to America. The right of aggression has as a corollary that of wholesale massacre of all those who dare to refuse the "American peace" in the "American century". Scruples come to the killer's mind only with regard to the way of sending his fellow-beings to the other world.

One cannot help draw a parallel between the U.S. brand of humanism and the Hitlerite one which was exposed at the Nuremberg tribunal. Thus Gruppenfuhrer SS Otto Ohlendorf, acting head of "Einsatzgruppe D", who had exterminated in one year 90,000 civilians in Southern Ukraine preferred wholesale massacre to individual or small-group murder "because in the case of massive fusillade, the victims' nerves were not so strongly tried". The gas-chamber was "humane" in his eyes

because it spared the victims "useless pangs" and dispensed the executioners from shooting at women and children"... The Hitlerites "charitably" murdered not only millions of foreigners, but also tens of thousands of their own nationals guilty of being useless mouths with regard to the Nazi war machine.

It is precisely this humanism and this charity that are again to be found in L.B. Johnson's April 7, 1965 speech at John Hopkins University in Baltimore and in all other master-pieces of this good apostle who speaks with emotion of the sight of healthy children on school benches, but sends his jets to massacre the pupils of Linh Phung in South Viet Nam and those of Huong Phuc and Thuy Dân in North Viet Nam.

To the malodorous literature of L.B. Johnson and W.C. Westmoreland, it is more than ever necessary to oppose the true American voice, that of U.S. Prosecutor Telford Taylor at Nuremberg:

"We are fighting something enormous, horrible and permanent. The tree that bears these fruits is German militarism. Militarism inevitably leads to cynically and hatefully flouting the rights of others, the fundamental principles of civilization" (1).

It would be enough to change the words "German militarism into "U.S. imperialism" and the indictment again assumes its topical character. U.S. imperialism is indeed a cynical inheritor of Nazism in the post-World War II period.

Legal view-point

U.S. imperialism has a last argument left. This "ultima ratio" is not the gun, since the gun has been used from the first hour, but legal bad faith. As a matter of fact, the U.S. State Department has claimed that the 1925 Geneva Protocol banning the use of asphyxiating and toxic gases, and analogous substances has not been ratified by the U.S. Senate, and therefore, the United States is not bound by this prohibition (*U.S. News and World Report*, April 5, 1965).

(1) Translated from French.

This bad faith is even premeditated since the Field Manual of the U.S. Army, Chapter about the Laws of War on land, says that the United States is not party to any treaty in force which prohibits or restricts the use in war of toxic or non-toxic gases, smoke or incendiary substances or bacteriological means.

Thus U.S. imperialism claims for itself the right of resorting at will to chemical and bacteriological warfare. That is the reason why the U.S. Senate, which to the same extent as the House of Representatives expresses the opinions of the oligarchy of the trusts, has ratified neither the 1925 Geneva Protocol nor the Convention on Genocide of December 9, 1948. Let us add that this is neither from "omission" or "senatorial slowness" but by virtue of a deliberate policy. The 20th Congress of the International Red Cross held in Vienna in October 1965 solemnly recommended the United States to ratify without delay the Geneva Protocol. It met with a wall of silence.

However, U.S. representatives have incessantly professed their sham aversion for chemical and bacteriological weapons: in 1932, Herbert Charles Hoover, President of the United States, proposed to the Commission for Universal Disarmament a draft resolution banning war gases — which was passed. On June 9, 1943, while World War II was raging, another President of the United States, Theodore Roosevelt, solemnly states the U.S. policy with regard to chemical and bacteriological weapons: "The use of such weapons has been outlawed by universal opinion. I unqualifiedly declare that we will not resort to them in any circumstance unless they are used by our enemies first" (1).

In 1952, while the U.S. Air Force rained gas bombs, toxic chemicals and germs of infectious diseases on Korean villages, the U.S. representative on the U.S. Security Council "confirmed" that his country would not use any kind of gas in any circumstances! It will also be recalled that in April 1965, three months after the Phu

(1) Translated from French.

Lac massacre, Dean Rusk still stated that gas war had not yet started in Viet Nam!

The duplicity of the U.S. imperialists is indeed matched only by their voracious appetite or their conception of the "security of the United States" which, according to the State Department Bulletin, begins north of the "polar circle"... on the other side of the Atlantic... in North Africa..., in Asia, in Australia and in Latin America...!

Nevertheless it does not guarantee any impunity to the poisoners, since the 1925 Geneva Protocol is not the only provision of international law banning chemical warfare, and this prohibition has long since become a customary rule of international law.

As a matter of fact, from the remotest Antiquity, poison has been banned as a means of warfare. Roman law stipulated: *Armis bella non venenis geri*. In the East, Manu's laws and versified Indian history Ramayan also condemned the use of poison and the destruction of crops. Having become at a very early date a universally accepted international custom, the prohibition of poison was mentioned as a rule of the law of nations in the seventeenth century. It was embodied in Article 23 of the Regulations on the Laws and Customs of War on land, annexed to the Hague Convention N° IV of October 18, 1907. The said article 23 explicitly banned in its paragraph (a) the use of "poison or poisoned weapons", and extended in its para (b) this specific prohibition to the use of "arms, projectiles or material calculated to cause unnecessary suffering".

The 1919 Treaty of Versailles contained an Article 171 formally banning the use of asphyxiating, toxic or similar gases as well as all similar liquids, substances or methods. The U.S. Senate did not ratify this treaty signed by Woodrow Wilson, President of the United States. However, two years later, a separate U.S. - German peace treaty was signed in Berlin on August 25, 1921 and duly ratified, which contained a provision similar to the above-mentioned Article 171.

Thus the ban on chemical warfare is not in any way alien to the United States. The latter, while negotiating with the United

Kingdom, France, Italy and Japan the Washington Treaty of February 6, 1922, signed Article 5 of the said Treaty which reads: "The use in war of asphyxiating, toxic or analogous gases, as well as all liquids, material or similar processes, having been condemned by the opinion of the universal, civilized world, and the prohibition of the use of these having been formulated in treaties of which the majority of world powers are signatories, the Signatory Powers, in order that this prohibition be universally recognized as embodied in international law, which imposes itself no less upon the conscience than upon the policy of nations, declare that they unanimously recognize this prohibition and invite all the other civilized nations to join the present agreement".

As will be seen, the Washington Treaty did not provide for anything new, it only confirmed an existing law. It is the more so with the Geneva Protocol of June 17, 1925 which reads in part "The undersigned Plenipotentiaries, in the name of their respective Governments:

In view of the fact that the use in war of asphyxiating, toxic or similar gases, as well as of all liquids, substances and processes of this nature has been rightly condemned by the general opinion of the civilized world;

In view of the fact that the prohibition of this practice has been laid down in agreements of which the majority of World Powers are signatories;

In view of the fact that the prohibition, which imposes itself no less upon the conscience than upon the policy of the nations, has been universally recognized as embodied in international law,

Declare:

That the Principal Signatories, in so far as they are not already signatories of agreements prohibiting this practice, recognize this prohibition, accept the extension of this prohibition to the use of bacteriological methods of warfare, and agree to consider themselves bound to the terms of this Declaration."

Non-ratification by the United States of the Geneva Protocol does not, therefore, change anything to the legal position, all the more so in view of the fact that it has already been a "signatory of agreements prohibiting this practice".

On the other hand, the United States is a signatory to the U.N. Charter whose preamble prescribes respect for the obligations arising from "treaties and other sources of international law", which necessarily included universally-accepted international customs. It signed the London Agreement of August 8, 1945 on the repression of Nazi war criminals, to which the Charter of the International Military Tribunal is annexed. It also participated in the capacity of prosecutors and judges in the Nuremberg Tribunal in which the Nazi were recognized guilty of war crimes and crimes against humanity for having exterminated Jews and Displaced Persons from various European nations in gas chambers and wagons.

Now, the principles of the Charter and judgement of the Nuremberg Tribunal which Justice R. Jackson, the U.S. Chief Prosecutor, described as embodying the wisdom, sense of justice and will for implementation of 19 Governments representing the quasi-totality of civilized nations, were reaffirmed and embodied in the Resolution N^o 95 passed by the U.N. General Assembly in December 1946, which gives them the character of norms of positive international law.

It follows that the U.S.A. — as a subject of international law — is fully bound by the prohibition of chemical and bacteriological warfare, though it ratified neither the Geneva Protocol nor the Convention on Genocide.

This view is shared by eminent authors, both in the West and in the East. Thus the Anglo-Saxon jurist Oppenheim, after approvingly quoting Spaight who described the prohibition of toxic substances as one of the oldest and unanimously recognized customs of war, has expressed his own views as follows:

"The cumulative effect of international customs and existing agreements with coercive force, such as the Hague Declaration and Conventions, Article 171 of the Versailles Treaty and other Peace

Treaties signed in 1919, the corresponding provisions of the Washington Treaty and the 1925 Protocol, would be to give force of law to such a prohibition in respect of practically all States" (Treatise of International Law, Book II, Third Edition, 1957).

Mr Yoshito Hirano, a famous Japanese jurist and a member of the Scientific Council of Japan, also wrote: "... the U.S.A. and Japan have not yet ratified the Geneva Protocol—an act which they should perform without delay. (Recommendation of the 20th Congress of the International Red Cross, Vienna, October 1965). But even though they have not yet ratified the Protocol, the ban on toxic gases has become universal practice endowed with the authority of international law, and it is clear that the use of toxic gases is at variance with the provisions of the Hague Regulations on Ground War (Message to a meeting of Japanese Scientists on the occasion of the 12th World Congress against A and H bombs held in Hiroshima, August 5, 1965).

III.— U.S. WAR CRIMES AND GENOCIDE

Article 6 of the Charter of the Nuremberg International Military Tribunal has defined crimes against peace, war crimes and crimes against humanity.

Chemical warfare being used as an instrument of U.S. aggression in violation of universally accepted international customs and of the laws of war and directed mainly at the South Vietnamese civilian population, it follows that in South Viet Nam the U.S. imperialists are guilty of crimes against peace, war crimes and crimes against humanity.

The U.S. crime of chemical warfare against the South Vietnamese people is attended by a series of aggravating circumstances, namely:

1. *Premeditation and planning:*

Chemical warfare, as an instrument of U.S. aggression, has been premeditated and planned. It has been intensified in proportion to the requirements of the war of aggression. Further, as

revealed by the U.S. press, a plan for chemical warfare was approved by the White House as early as in 1962. The "*New Republic*" (of March 23, 1963) wrote that the plan was not only designed to unearth the guerillas but also to disrupt their supplies by the destruction of crops. The "*New York Times*" (of August 10-11, 1966) also disclosed that the execution of this program was supervised personally by U.S. Ambassador H. Cabot Lodge.

2. *Experiment on human beings:*

If the U.S. war of aggression in South Viet Nam in its various forms—special war with puppet troops as the main force; local war with the simultaneous use of a U.S. Expeditionary Corps and puppet troops — is a test of the Pentagon's theory of "flexible response", chemical war constitutes in itself an experiment to develop U.S. chemical weapons for use against the national liberation movements. This was disclosed by Ngo Dinh Diem in an interview given to the *Voice of America* on March 17, 1963. In fact, the U.S. imperialists and their successive henchmen — from Ngo Dinh Diem, to Nguyen Cao Ky—have "tested" a variety of "weed-killers" and "insecticides" used in doses lethal for human beings and tear, vesicant, asphyxiating, paralysing and incapacitating gases in the same way as they have tested new types of tanks, guns and aircraft. *Le Figaro* of April 25, 1965, rightly pointed out:

"Viet Nam has become a proving ground for all the inventions of (U.S.) military engineers. The aim is to experiment on living targets inventions which could be subsequently used in other theaters of operations".

Nazi war criminals were indicted by the International Military Tribunal of Nuremberg for massacres of concentration camp inmates under the pretext of conducting pseudo-scientific experiments such as the sterilization of women at Auschwitz and Ravensbruck, the study of the development of uterus cancer at Auschwitz, of typhus at Buchenwald, bone grafting and muscular ablations at Ravensbruck, etc.

(Count N^o 3, Section A: Murder and ill-treatment of civilians in occupied territories or on the high seas).

The indictment against the former military officers of the Kwantung army by the U.S.S.R. Military Tribunal, held in Khabarovsk (1949) stated that the Japanese war criminals had conducted experiments on human beings — Chinese patriots and Soviet citizens — resulting in hundreds of deaths per year.

As compared with the above, the U.S. imperialists' crimes are indeed much more atrocious and barbarous as they involve the experimentation of chemical weapons upon hundreds of thousands of human beings, solely to the benefit of neo-colonialist science of extermination.

3. *Perpetration of repeated crimes:*

This is not the first time that U.S. imperialism is guilty of chemical warfare.

After the atom-bombing of Hiroshima and Nagasaki, Korea was from 1952 onwards a theater of chemical and bacteriological warfare during the cruel U.S. war of aggression against that nation. From January to March 1952 alone the U.S. Air Force dumped on more than 700 occasions in over 400 places in North Korea noxious chemicals as well as bacteriological bombs and various things containing micro-organisms.

An Enquiry Commission composed of jurists from 8 countries under the chairmanship of Heinrich Brandweiner, professor of international law at Graz University (Austria) was sent to Korea by the International Association of Democratic Lawyers. In its report of March 31, 1952, the Commission drew the following conclusions:

“2. In making use of toxic gas bombs and other chemicals against the civilian population in North Korea, the U.S. armed forces have been guilty of deliberate and premeditated violation of Articles 23 (a) and 6 of the Hague Convention of 1907 and the Geneva Protocol of 1925...”

The Report added:

“In view of the fact that the mass killings do not result from individual excesses but stand as an example of the conduct of U.S.

forces throughout the territories under their occupation, and also of the fact that the use of bacteriological and chemical weapons in wide areas of a country constitute an attempt at total or partial destruction of a people, the Commission is of the view that the U.S. forces are guilty of genocide as defined by the 1948 Convention on Genocide."

In Indo-China the U.S. imperialists had supplied napalm and enormous quantities of arms, ammunition and other war materials to the French Expeditionary Corps which, as admitted by the French Commander-in-Chief, General Henri Navarre, had become a kind of mercenary army in the service of the U.S.A.

Since 1954, from the mass food-poisoning in the Phu Loi concentration camp down to the flooding of civilian shelters with noxious gases, the U.S. imperialists in the course of their direct intervention and subsequent military aggression in South Viet Nam, have been deliberately perpetrating chemical warfare crimes on hundreds of occasions and on a widening scale.

The above features of the U.S. crimes lead to the conclusion that U.S. imperialism has been and is guilty of war crimes and crimes against humanity, under Article 6, paragraphs (b) and (c) of the Nuremberg Charter, and also of genocide as defined by the 1948 Convention on Genocide, i.e., killing or causing serious bodily or mental harm to members of a national group with intent to destroy it, in whole or part.

By U.S. imperialism, we mean not an abstract entity but definite individuals. Likewise, the Nuremberg Judgement specifically pointed out that it is human beings, and not abstract entities which are guilty of crimes and should be punished as a matter of sanction under international law.

The "U.S. war criminals" — to include (these words being taken in a broad meaning) all those individuals guilty of crimes against peace, war crimes proper, crimes against humanity and crimes of genocide — are in the first place, President L.B. Johnson, and his close associates and accomplices, viz, McNamara, Dean

Rusk, Cabot Lodge, W.C. Westmoreland whose position as Head of State or high-ranking officials cannot be considered as "freeing them from responsibility or mitigating punishment" (Nuremberg Charter, article 7).

Then come all those who have plans for chemical warfare or have developed and manufactured chemical weapons of mass destruction.

Are also to be indicted all those executants at various levels, whether Americans or non-Americans, i.e., satellite or puppet agents, military or civilians, and the culprits cannot put forward any directive from above as an excuse. In point of fact, Article 8 of the Charter of the Nuremberg Tribunal points out that "the fact that the defendant acted pursuant to the orders of his government or a superior shall not free him from responsibility", but may be considered a reason for mitigating sanction if the tribunal decides that justice so requires. In applying this article to the Nuremberg defendants, the International Military Tribunal pointed out in its judgement that the provisions of the said article are in conformity with the law common to all States. The order received by a soldier to kill or to torture in violation of international law on war, has never been regarded as an excuse for acts of violence. Under the Charter, the said order can only be put forward to ask for a remission of the sanction. The real criterion of penal responsibility, as is found in one form or another in the criminal law of most countries, is in no way related to the order received, but lies in the moral freedom and the possibility of choice of the author of the incriminated act.

From this viewpoint, one cannot but approve the legal character of a communique of the South Viet Nam National Front for Liberation which warns that any member of the U.S., satellite or puppet forces caught in the act of spraying noxious chemicals shall be treated as a war criminal.

* * *

The "Black Book", part I, issued by the Commission for the Denunciation of the U.S. Imperialists' War Crimes in South Viet Nam has described the U.S. aggressors as the greatest war criminals of our times. The second part, which has just been issued, is devoted to the U.S. Imperialists' crime of chemical warfare, and bears the title: "More Cynical than Hitler". Such descriptions are fully justified and entirely in line with the views held by world opinion revolted by the "frightful American barbarity" as Mrs E. Cotton, President of the Women's International Democratic Federation, put it in her statement of March 23, 1965.

The U.S. rulers — L.B. Johnson, McNamara, Dean Rusk, Cabot Lodge, etc. — not only used war gas which even Hitler had not dared to resort to, but continue to do so in defiance of worldwide protests; they are even preparing for a new escalation of the chemical war which could turn into a chemical-bacteriological war as was the case in Korea from 1952 to 1953.

Back in early 1966, an AP dispatch of January 4 reported that the U.S. army was trying to make a more effective use of gases in South Viet Nam. The "*New York Herald Tribune*" of January 14, 1966 carried an article by Dr Sidel of Harvard University saying that along with the escalation of the war in Viet Nam, there had been increasing pressures for a prompt military victory; the author further wrote that as the U.S.A. had already resorted to all means of war short of atomic weapons, it was possible that the military commanders in the field would be inclined to make a more intensive use of toxic chemicals.

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Besides the intensified use of the means already in the field, "suggestions" have been made for a recourse to new ones. In this connection, U.S. Brigadier General (retired) Jacquard H. Rothschild wrote in the April 1966 issue of "*Science and Mechanics*" an article with a sensational headline: "Let's use gas warfare in Viet Nam." A former commander of chemical warfare units under the U.S.

Pacific Command, J. H. Rothschild played an outstanding part in the U.S. aggression against Korea and in the chemical and bacteriological war crimes committed in 1952 - 1953, and is regarded as a fervent advocate and a theoretician of chemical and bacteriological weapons. In his book entitled "*To-morrow's Weapons*", he recommended such arms as triply advantageous : strategically (they do not necessarily entail an all-out response as in the case of atomic and thermonuclear weapons), tactically (they can be used where artillery, armour and even helicopters cannot) and logistically (low cost of production and easy transport), etc.

In the above -quoted article, the unpunished war criminal, J. H. Rothschild, after noting that tear gases and other "non-lethal" chemicals are being used on a wide and routine basis in South Viet Nam, brazenly claimed that the U.S.A. is not bound by any international commitment prohibiting or restricting the recourse to chemical or biological weapons. He then set about recommending in earnest the use of such arms, pointing out that if lethal or incapacitating chemicals were ever to be used in South Viet Nam, the U.S.A. would have many of them ready for use. Among the lethal gases, the G.B. gas which affects the nerves is the most efficacious one. A very small quantity — resulting from the evaporation of a little drop and coming down in the form of a gust of wind — is quite deadly. V. X., another agent, which causes the same general effects as G. B. on the human body is a liquid which does not evaporate rapidly but lingers for a while on the vegetation and the ground. A small quantity of such chemicals reaching the skin and absorbed in this way can cause death.

Mustard gas, the memory of which has been alive in all minds since World War I, is also ready for use, and is also a very effective war means, particularly in hot climates, thus writes J.H. Rothschild.

This theoretician of bacteriological and chemical warfare also recommends biological agents likely to have "highly lethal effects", possibly up to 30% in terms of death rate, and famine warfare,

i.e., destruction of crops or cattle or of both these sources of food supplies.

In a recent article published in the "*Chicago Tribune*" J.H. Rothschild lauded the properties of mustard gas or yperite regarded as the best gas against underground shelters.

Another rabid advocate of mass destruction weapons — Lieutenant-General Bruce Medaris, former Head of the logistic services of the U.S. Army — pleads for the use of neurotic gases because, to his great regret, atomic and thermo-nuclear weapons cannot be utilized against the Vietnamese people (U.P.I., October 13, 1966). It is to be noted in this connection that U.S. propaganda has vaunted this category of incapacitating gas as an ideal weapon capable of putting out of action without killing the enemy, which is "a dream as old as mankind." Now the Field Manual F.M. 3-10 of the U.S. Army indicates that in view of the narrow margin between the incapacitating and the lethal doses, G.B. and V.X. gases should not be used when only an incapacitating effect is required. The same manual is absolutely unable to indicate which chemicals would have an incapacitating effect only, except for the compound of mustard gas H.D. which has a rather small effect but is a vesicant, causes blindness and results in systematic poisoning, nausea and vomiting fever, heart and blood troubles (J.H. Rothschild, *To-morrow's Weapons*).

According to Western press reports, all these new gases have been put to the test in South Viet Nam. On the other hand, the "Giai Phong" Press Agency (South Viet Nam) has denounced the air-dropping by mid-September 1966 of larvae of a highly devastating worm of black, yellow and red colour on the rice-fields of Huong My, Minh Duc and Cam Son villages (Mo Cay district, Ben Tre province), which resulted in the destruction of about 50 hectares of crops.

This information has cast a revealing light on the activities of the mobile laboratory N° 406 which was transferred from Japan to South Viet Nam in 1965. This unit, whose official name is "Research Unit N° 406, Health Service of the U.S. Army in

Japan" and which was previously stationed in Kamigawa, near Tokyo, is actually a centre for experimentation on biological and chemical weapons. It took part in the war of aggression in Korea under the command of the notorious General J.H. Rothschild. It employs a number of Japanese war criminals as assistants. The presence of this mobile laboratory in South Viet Nam is an indication of intensive U.S. preparations for bacteriological and chemical warfare.

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The U.S. imperialists are thus openly preparing for a new escalation of the war, which will be an actual escalation of genocide against the Vietnamese people and particularly against the people of South Viet Nam.

Therefore, it is the duty of all jurists and intellectuals, and of all men and women of good-will in all countries, to unite their efforts and struggle jointly with the Vietnamese people in order to stay the bloody hands of the Yankee murderers and serve on them a supreme warning. Gases secured victory neither to the German militarists in 1914-1918 nor to the German, Italian and Japanese fascists in 1939-1945. Chemical and bacteriological warfare did not save the U.S. aggressors from shameful defeat in Korea.

In the present situation when socialism has triumphed on one third of the earth, when the oppressed nations have risen up in an irresistible struggle for liberation and when the balance of power is tipping more and more in favour of the socialist camp and the peace forces standing against warlike imperialism, weapons, however terrible, cannot decide the course of wars. The final say belongs to the peoples with their unshakable will of struggle and their invincible strategy of people's war.

As regards the Vietnamese people's struggle against the U.S. aggressors and their means of chemical and bacteriological warfare,

we deem it proper to quote here the conclusion of the second part of the Black Book issued by the Commission for the Denunciation of U.S. War Crimes in South Viet Nam :

“ The entire Vietnamese people nurture an unquenchable hatred for the U.S. aggressors. All peace-, freedom-, and justice-loving peoples of the world including the American people are indignant at the barbarous crimes committed by these invaders. If the use of means of chemical warfare should make it possible to subdue the South Vietnamese people, the U.S. imperialists would widely apply this experience to suppress other peoples who stand up for their national independence and freedom.

Prompted by a seething hatred, the Vietnamese people are struggling with determination to completely thwart all the criminal schemes of the U.S. imperialists. They are firmly convinced that all men of good-will in the world will stand up and join them in sternly condemning the U.S. aggressors and staying their criminal hands ”.

U.S. WAR CRIMES IN VIET NAM

NGUYEN VAN HUONG

I

SUMMARY OF THE MAIN PRINCIPLES OF THE LAWS AND CUSTOMS OF WAR

War was born with the emergence of antagonistic classes, and its very existence is closely linked with the division of society into antagonistic classes. After the Great October Revolution, Lenin drew a masterly conclusion on the question of war and peace in the context of the establishment of the new proletarian State. "If socialism does not triumph, peace among the capitalist States will be only an armistice, a truce, the preparation of a new slaughter among peoples ... That is why, the victorious socialist revolution in Russia is only the beginning of the world socialist revolution. Peace and bread, the overthrow of the bourgeoisie, the revolutionary means to heal the wounds caused by the war, the total victory of socialism — such are the objectives of the struggle" (1).

After World War II, the world socialist system has steadily strengthened and developed, and exerts a growing influence on the international situation, in favour of peace, social progress,

(1) Lenin — Complete Works — Book 26.

and the peoples' freedom. But, on the one hand, the imperialist powers headed by the United States use the policy of military blocs and "economic aid" as principal means to put the recipient countries under their domination. They compel these countries to abolish the democratic liberties that the workers have won through struggle and to repress the progressive forces, the ultimate aim they hope to achieve is to break the great national liberation movement. On the other hand, under the pretence of "rolling back" or "containing communism", they feverishly prepare for a new world war. That is the reason why "as long as imperialism exists, there will be soil for wars of aggression", (Statement of the Communist and Workers' Parties, Moscow, November, 1960). These are unjust wars, and the peoples have always struggled to eliminate them from social life and to prohibit them by means of international conventions. For the first time in the history of mankind, a State, the Soviet State, made the following solemn Declaration in its Decree on Peace: "By annexations or conquests of foreign lands, the government means, in accordance with the *consciousness of the rule of law* among the democracies in general and the working classes in particular, any integration of a small or weak nation into a great or powerful State, if the agreement and the desire of this nation have not been expressed precisely, clearly and freely... If a nation is maintained by force within the frontiers of a given State... then, its integration constitutes an annexation, i.e., a conquest and an act of violence. According to the government, to pursue this war with a view to knowing how to divide among the stronger and richer nations the weaker peoples they have conquered is *the greatest of all crimes against humanity...*" (1). The above-mentioned ideas of Lenin had a most important influence when the question arose of condemning wars of aggression from the political point of view, with the formal recognition of a new principle of law under which "to initiate a war of aggression is not only an international crime, it is the supreme international crime,

(1) Lenin: Complete Works, Book 26. Underlined by the author (Nguyen Van Huong)

differing only from other war crimes in that it contains within itself the accumulated evil of the whole" (Judgement of the Nuremberg International Military Tribunal). These ideas have also a great influence in the struggle to further humanize the laws and customs of war, and to reduce to a strict minimum the losses in terms of human lives and property during wars of aggression.

The working people who bear the heaviest burdens in terms of human lives and property during wars of aggression, have long since realized that the exploiting classes utilize the achievements of science and technique to develop ever better weapons capable of massacring people in growing numbers or wounding them more grievously. They demand that the civilian population, who do not directly participate in armed struggles, should not suffer any direct consequence of the war, that on the battlefield, war should be "humanized" and not turned into mutual extermination by means of barbarous weapons and war methods, without any limitation (laws and customs of war *stricto sensu*). On the other hand, as war upsets many international relations established in peace time, and as only a number of countries take part in the conflict, it is necessary to lay down rules concerning the declaration of war, the rights and duties of the belligerents, the neutral countries, etc.

Nearly a century ago, on November 29, 1868, the Declaration of St. Petersburg specified a number of humanitarian principles to be followed by the belligerents, but which have been deliberately violated by the aggressor States... "that the effect of the progress of civilization ought to be to diminish as far as possible the calamities of war; that the sole aim undertaken by States during war ought to be the weakening of the enemy's military forces;... that this aim would be exceeded by the use of weapons which unnecessarily aggravated the sufferings of men rendered incapable of action or made their death inevitable; that the use of such weapons would be henceforth contrary to the laws of humanity..." The Declaration of St. Petersburg went on to say

that there exist technical limits within which the requirements of war must be superseded by humanitarian exigencies.

From the Declaration of St. Petersburg, the laws and customs of war adopted by international conferences and congresses (the Hague Conventions of 1899 and 1907; the Geneva Conventions of 1929 and 1949, the Washington Treaty of 1922; the Geneva Protocol of 1925, the Charters of the International Military Tribunals of Nuremberg and Tokyo of 1945...) and the works of lawyers, we can draw the following general principles:

1) The aim of war (so long as war is not excluded from social life) can only be *the weakening of the enemy's military forces*: it should not be to kill or to wound as many combatants as possible, and to destroy as much enemy property as possible.

2) The belligerents enjoy no unlimited right in respect of the choice of means to injure the enemy.

From the above-mentioned principles, there arise three consequences that the belligerents must observe:

a) In any circumstance, it is forbidden to cause unnecessary sufferings to the fighters or to make their death inevitable. A given military operation is considered to have attained its aim when the men of the enemy's military forces *are no longer able to participate in the fighting* because of their wounds. From a strictly military viewpoint, it is, therefore, not necessary to cause very serious wounds. This particularly important point is related to the questions of manufacturing and using weapons: all new discoveries or achievements in science and technology cannot be used for the manufacture of new weapons, still less of weapons of mass destruction.

b) In a given military operation, the *force* used must be in proportion to the *military victory* to be achieved. Therefore, the use of force in a given military operation must not cause to the enemy disproportionate losses in terms of human lives and property.

c) War can *directly* involve only *military forces and military targets* of the belligerent States ; no hostile act, no war means can be directed or used against civilians and their property. It is strictly forbidden to use any offensive method directly aimed at the civilian population with a view to causing suffering and human losses, and destroying the property of the population or public utility installations.

All these principles and juridical consequences had been universally recognized prior to the first World War, but during that war, the imperialist countries (in particular German imperialism) revealed their cruel nature by systematically violating the laws and customs of war. That was not fortuitous. In fact, by the end of the 19th century, certain German military writers and lawyers put forward a new "theory" according to which "the reason of the war (or the needs of the war-Kriegsrasen) prevails over the laws of war" (Kriegsmanier). The laws of war are normally applicable to the conduct of the hostilities, but in certain exceptional circumstances, such as in case of necessity to defend the interests of the whole nation or to ward off an immediate danger to the security of a military unit involved in a combat, one belligerent (or the officer in charge of the endangered unit) has a right to infringe the laws and customs of war or to violate the rights of innocent third parties. It was pursuant to this "theory" that the German Government used prohibited weapons (particularly war gases) and many other barbarous war methods, during the first World War.

During the armed intervention by 14 capitalist countries against Soviet Russia, Lenin denounced the countries in question for waging war on Russia with the most barbarous means, in defiance of all laws" (1)

It was in such conditions that after the first World War, the Soviet Union, on the basis of the principles of socialist humanism, unremittingly struggled on an international level to make the laws and customs of war more and more humane and concrete. For

(1) Lenin, Complete Works, Book 30.

instance, the prohibition of chemical and bacteriological warfare ; the proposal for the organization of the workers' control over chemical industry, amendments to the laws and customs of war protecting civilian populations from the evils of war... After World War II, the socialist camp stood in the van of the struggle to have genocide recognized as an international crime (December 5, 1948), to improve the plight of the wounded, the sick, and the prisoners in land and naval wars, to afford better protection to civilian populations (Geneva Conventions of 1949), to safeguard cultural values in case of armed conflict (The Hague Convention of 1954). With regard to the prohibition of the atom and hydrogen bombs, and other weapons of mass destruction, the socialist camp has unceasingly called on the world's peoples to be vigilant in face of the threat of use of nuclear weapons by the imperialists in their wars of aggression. It has also unremittingly struggled in international conferences for the prohibition of the manufacture, stockpiling and use of the aforesaid weapons.

In a word, the laws and customs of war are necessary so long as there exist antagonistic classes and wars of aggression. And they must be more and more concrete and humane because, on the one hand, the progress of science and technology makes it possible to develop more barbarous weapons and methods, killing more people and destroying more property. On the other hand, human conscience raises ever greater demands concerning the protection of human life, property and natural resources.

Proceeding from the principles of socialist humanism, the proletarian States have always scrupulously observed progressive principles of international law and readily assumed the obligations arising from the agreements signed, whenever they have to wage a defensive war against imperialist aggression. During World War II and in the course of the self-defence wars in Korea and Viet Nam, the socialist countries took no reprisal, although the German, Italian, Japanese fascists and the other imperialists have disavowed their signatures on treaties and conventions regarding the laws and customs of war. To protect the laws and customs of

war from violation, to develop them and make them more and more humane, is a whole process of hard struggle against the barbarous and cruel exploiting classes which are being swept away from the political arena, particularly against U.S. imperialism, the international gendarme who seeks world hegemony by all possible means, including wars of aggression and systematic violation of the laws and customs of war.

* * *

THE U.S. IMPERIALISTS' WAR CRIMES AGAINST THE VIETNAMESE PEOPLE

The peoples of the world have clearly realized that " U.S. imperialism is the chief bulwark of world reaction, and an international gendarme, ... an enemy of the peoples of the whole world " (1).

The Vietnamese people with the experiences they have got at the price of their own blood, see more clearly than anyone else the unprecedented barbarity of the U.S. imperialists' policy of aggression and war directed at a small people, still poor as a result of over 80 years of plunder and exploitation by the French colonialists, and over 20 years of resistance war against foreign aggression imposed upon them successively by three imperialist countries — Japan, France and the United States.

In Viet Nam, U.S. imperialism has not only *planned an aggression* in various forms and using different methods, it has also *planned the use of the most modern weapons* for the massacre of the Vietnamese population, and the destruction of their property, *deliberately, systematically and continuously* trampling underfoot all the laws and customs of war.

In the conduct of its war of aggression in Viet Nam, U.S. imperialism has put to use more and more war means and methods

(1) Statement of Communist and Workers' Parties — Moscow, Nov. 1960.

to massacre the civilian population as well as the combatants, and to cause great material losses in both North and South Viet Nam. These criminal acts are utterly at variance with international law: *Imperialism has no right to use any war means or methods (including the so-called conventional ones) against any Vietnamese citizen (including the soldiers of the Liberation Army or the Viet Nam People's Army) or against any target (including military targets) because the war waged by the United States in Viet Nam is a war of aggression.*

To wage a war of aggression with conventional weapons against Vietnamese combatants, to bomb military targets constitutes already a highly serious crime; yet, U.S. imperialism is going ever further on the road of crime. It has been and is using prohibited war methods, it has been and is ill-treating the wounded or captured combatants; it has been and is massacring civilians; it has been and is devastating numerous Vietnamese cities and villages, though these devastations are not justified by any absolute military necessity... All these acts are utterly *at variance with the laws and customs of war*, particularly with the Hague Conventions of 1899 and 1907, the Geneva Conventions of 1929 and 1849, the Geneva Protocol of 1925, the Charters of the International Military Tribunals of 1945, the 1948 Convention on Genocide and the 1954 Convention on the Protection of Cultural Values in case of armed conflict. We shall deal hereunder with three main categories of crimes perpetrated by the United States against our people.

1) A particularly significant confession made by Corporal Donald Duncan who served 10 years in the U.S. army and 18 months in South Viet Nam, and participated in the command of the puppet "Special Forces", gives us an evidence (although incomplete) of the U.S. Government's policy of massacre and the acts perpetrated by the U.S. and puppet armed forces against the fighters of the Liberation Army wounded or captured in combat. Duncan was enlisted in the "Special Forces" in 1959. He underwent a training course on the struggle against guerillas. In addition

he was trained on methods of "scientific interrogation and enquiry, for instance, the cold water-hot water treatment", electric torture, pouring water into the nostrils, hanging prisoners with head down, etc. Duncan saw with his own eyes these "scientific" methods being applied in South Viet Nam; moreover, even more "scientific" methods were devised by American and Saigon troops. Of the U.S. talks about "humanism", "concern for prisoners", Duncan said: "The whole thing was a lie".

It is crystal-clear that the U.S. policy towards the fighters of the Liberation Army is utterly contrary to the laws and customs of war, as well as the most elementary principles of humanity. In fact, these men who defend their invaded fatherland have inflicted heavier and heavier losses on the U.S. aggressors. How in these conditions can they be considered "communist rioters" (as the Americans and their lackeys call them) and treated as common law criminals? They are actual fighters belonging to the regular armed forces of the South Viet Nam National Front for Liberation. Under international law, each "belligerent" has a right to decide which forces belong to its army, and is fully competent on all organizational matters regarding it. The army of the South Viet Nam National Front for Liberation is composed of three principal types of forces: the mainforce units whose responsibility is to accomplish strategic tasks on the principal battlefields; the regional army, an integral part of the standing army, which is to fight in a given area; and the guerillas entrusted with the defence of their villages and the protection of production. These three types of forces have completely defeated the U.S. special war, and partially thwarted the local war. The U.S. Government is grossly mistaken in thinking that cruelty against captured Vietnamese combatants could curb the South Vietnamese people's fighting will. In fact, opposite effects have been brought about: the cruel methods used by the U.S., satellite, and puppet troops against Liberation Army fighters and civilians in South Viet Nam only serve to strengthen their unshakable determination to inflict still more crushing defeats on the enemy.

2) The U.S. imperialists have been using many kinds of weapons which have long been condemned by the peoples and strictly prohibited by international law, such as poisons, war gases, toxic chemicals, white phosphorus bullets, steel-pellet bombs (CBU), etc. In particular, since October 6, 1965, war gas has been considered by the U.S. Government a standard weapon for U.S. troops, and General Westmoreland has authorized the G.I's to use C.N. (which violently excites the mucous membranes and causes photophobia, acute pains, a sharp feeling of burn, and lachrymation), and C.S. (which irritates the skin and the conjunctiva, and causes vomiting and asphyxia). The State Department has issued a statement claiming that as the U.S. Senate had not ratified the Geneva Protocol of 1925 prohibiting the use of asphyxiating, toxic and similar gases, the United States is not bound by it (*U.S. News and World Report*, April 5, 1965).

This statement has no juridical value since the Washington Treaty of February 6, 1922 was signed by the United States and ratified by the U.S. Senate. After noting that "the use in war of asphyxiating, toxic or analogous gases as well as all liquids, materials or similar processes having been condemned by the opinion of the universal civilized world", the Signatory Powers, "in order that this prohibition be *universally recognized* as embodied in international law, which imposes itself no less upon the conscience than upon the policy of nations, declare that they unanimously *recognize* this prohibition" (underlined by the author).

The signatories to the Geneva Protocol of June 17, 1925, once more laid stress upon the general opinion of the civilized world condemning "the use in war of asphyxiating, toxic and similar gases", declared that they *recognized* this prohibition, accept the extension of this prohibition to the use of bacteriological methods of warfare... (underlined by the author).

In other words, the various States did not question in any way *the existence in law in the past* of a ban on the use of chemical and bacteriological weapons. Instead, they recognized it formally and specifically before progressive mankind. The 1922

Washington Treaty and the 1925 Geneva Protocol *did not create any new juridical relation; all they did was to recognize an existing one.* The U.S. Government which claims to represent a "civilized" country cannot unilaterally ignore the norms already recognized by human conscience and international law. The fact that the U.S. Senate did not ratify the 1925 Geneva Protocol can neither free the U.S. Government from all obligations, nor give it freedom to use any chemical or bacteriological weapons, at any time and any place according to its "necessities". The recognition of the existence of an international juridical relation, particularly in the field of laws and customs of war, is the result of a long process of struggle to develop the juridical consciousness of progressive mankind and give it an ever more concrete form. Strictly speaking, the prohibition of the use of chemical and bacteriological weapons is only the concretization of a general principle of international law embodied in the Declaration of St Petersburg of 1868, and the Hague Conventions of 1899 and 1907... under which: "The belligerents enjoy no unlimited right in respect of the choice of means to injure the enemy". It is not allowed to utilize all the achievements of science and technology in the conduct of war. Humanity is duty-bound to stay the hands of the warmongers, it has a right to demand that its conceptions of international ethics be recognized in time in international law. This implies that when an act is considered dangerous to humanity and punishable by public conscience, international law must *recognize* in time that the said act constitutes an international crime. Scientists and lawyers, together with the world's peoples, bear the heavy responsibility of severely condemning each and every attempt and act of the warlike imperialists which runs counter to an ever higher international morality and an ever more progressive international juridical conscience.

The Judgement of the Nuremberg International Military Tribunal expressed the following view on the process of development of the laws and customs of war: "Quite apart from treaties, the laws of warfare evolve from generally accepted principals and customs, from jurisprudence and from military tribunals. These laws are not

unchangeable, they must be constantly adapted to the needs of a changing world. More often than not treaties only clarify and express in new terms the principles of the existing laws... ”

... Besides the use of asphyxiating and toxic gases and toxic chemicals in their war of aggression in Viet Nam, the U.S. imperialists have also used many other weapons which unnecessarily aggravate the sufferings of Vietnamese combatants put out of action, and the civilian population in both zones of our country. White phosphorus contained in artillery shells takes oxygen on impact, automatically flames up, puts forth a thick smoke, heats up to 1200°C, penetrates the wounds where it burns slowly. The smoke itself is toxic, this makes the burns more difficult to heal. Napalm firmly sticks to the skin, burns for a long time, heats up to 1000° – 2000°C and reduces everything to ashes. Steel pellet bombs are quite harmless for wooden or brick structures or protected persons; they are solely designed to do the greatest harm to the civilian population. In many cases, the number of steel pellets wounding a person is so great that it is impossible for surgeons to take out all of them. The trajectory of the steel pellets through the victim's body is long, irregular and causes different internal lesions, when they do not kill.

The above-mentioned examples testify to the U.S. imperialists' barbarous will of causing unnecessary sufferings to the wounded, making their death inevitable, and testing on the Viet Nam battlefield and on the Vietnamese population new weapons and techniques with a view to improving them and using them on other battlefields, against other peoples in the world.

During World War II, the U.S. imperialists used A bombs (atom bombs) against the Japanese people, during the Korean war, they used B bombs (bacteriological bombs); they are now using C bombs (chemical bombs) as well as other weapons of mass destruction against the Vietnamese people. The crimes perpetrated by the U.S. imperialists against the Asian peoples, against humanity by widely and deliberately making use of prohibited weapons are extremely serious and barbarous.

3) War can be at most a struggle between the armed forces of the belligerents; *the civilian populations, their property, public utility installations can never be taken as direct targets for attacks of the opponent armed forces.* This minimum humanitarian principle is violated in a systematic and planned way by the U.S. imperialists, for the evident purpose of causing to civilians as many losses as possible in terms of human lives and property, of menacing millions of inhabitants of the Red River delta with death and famine, of massacring all living creatures; of burning all, destroying all in numerous regions of South Viet Nam.

How can we forget the fire kindled by U.S. troops in Lien Hoi villages N^o 1 and 2 (Binh Dinh province) on September 13, 1965 on orders of the Command of the First Air Mobile Division under the pretext that those villages allegedly constituted a "threat" to that Division?

How can we forget the complete destruction by U.S. troops of Chau Son and Cam Le villages, five kilometres from Da Nang, on August 2 and 3, 1965 under the pretext of extending the security limits of their military base at Da Nang, or the devastation of Ben Suc, a centre with a population of 10,000 inhabitants, or the destruction of 49 square kilometres of thick forests near Ben Suc by hundreds of magnesium bombs.

How to list all the peaceful and densely populated hamlets and villages in South Viet Nam which have been savagely shelled by the long-range guns of the 7th Fleet, or by the heavy guns of the infantry spitting fire together with airplanes dropping explosive and incendiary bombs? The district of Cu Chi alone was hit by 180,000 artillery shells in 40 days, a sector of Cu Chi with an area of 6 km² was showered with 1,800 tons of bombs dumped by B. 52 superfortresses.

Many demonstrations of peasants against the indiscriminate bombing of their villages, the forcible herding of the population into strategic hamlets... were repressed by the U.S. aggressors and the puppets by means of rifles and machineguns. Fields and rivers were stained with the blood of these unarmed demonstrators.

The murder of people being of little avail, the U.S. imperialists want to starve those who remain alive. The systematic destruction of the crops in South Viet Nam with toxic chemicals and explosive and incendiary bombs led many Western journalists to conclude that in many cases "paddy, not the guerilla, is the target N° 1" of the U.S. and puppet forces."

In North Viet Nam, the U.S. Air Force has deliberately struck at health establishments, sometimes 9 to 10 km away from the main highways as the crow flies. Red cross signs were always visible from afar on the roof of these hospitals. The Quynh Lap leprosa-ri-um was attacked for 10 days and nights running. Schools, churches, pagodas, crowded markets, water conservancy works, dams, densely populated villages... have been and remain targets for the U.S. Air Force and 7th Fleet. Particular stress must be laid on the vital importance of dykes in Viet Nam for the population. A bomb destroying a section of dyke in flood time can have the same destructive effect as an atomic bomb on human lives and property. The terroristic U.S. air raids are all the more odious as the U.S. air pirates often fly in at the times when children are in class, people are in church, or working in the fields, fishing at sea, or when workers are changing shifts in factories... and simultaneously use explosive, napalm and steel pellet bombs, dumped in increasing quantities on small areas with a view to killing as many people as possible and making death inevitable for the wounded. The victims are mostly aged people, women, pupils and children including new-born babies. Is it possible that the devastation of villages, the extermination of their inhabitants, the destruction of all life in many populated areas are required by an "absolute military necessity"? In fact, this *terror* through bombing against the civilian population is entirely contrary to the laws and customs of war, such as the 1923 Hague Regulations, the September 30, 1938 Resolution of the League of Nations, Article 6 of the Charter of the International Military Tribunal of 1945, the 1949 Convention on the protection of civilian population in war time.

All the above-mentioned criminal acts are part of an overall plan calculated in cold blood. They began with cynical threats "to

bomb North Viet Nam back to the Stone Age" (Curtis LeMay, *A.P.* November 25, 1965), or "to bomb by chance rather than leave out targets" (McConnell, U.S. Air Force Chief of Staff, *U.S. News and World Report*, May 9, 1966). A leaflet air-dropped over North Viet Nam in 1,500,000 copies contained the following threat: "The *inhabitants* of North Viet Nam shall pay dear if the war continues, and their property shall be destroyed" (*A.P.*, September 20, 1966—underlined by the author).

These threats have been put into practice with more and more cruel and destructive effects. The policy of terror systematically pursued against the inhabitants in an attempt to shake our people's will to defeat the aggression is an application, on an unprecedented scale, of the ultra-reactionary doctrine under which "the necessities of war supersede the laws of war" and to defend the "security" or "the interests of the State", it is possible to apply the "right of self-preservation" and to trample underfoot all laws and customs of war. According to the advocates of this doctrine, the "right of self-preservation" should be regarded as an exception, but for the U.S. imperialists operating in Viet Nam, it has become a rule. In fact, the U.S.A. has adopted and put into practice in the conduct of the Viet Nam war the following lines written by Lueder at the end of the 19th century: "one has a right to plunder, to burn, to destroy wide areas and parts of the territory of a country *when one wants to prevent the enemy's advance, or even when one wants to make the enemy realize how terrible the war will be if he wants to fight on...*" (underlined by the author).

As planes are unceasingly perfected and more and more widely used in wars, theoreticians in the imperialists' pay-roll deny the necessity to divide the inhabitants of a belligerent country into two categories: combatants and civilians. In their view, this division has become out-of-date because in a modern war, in view of the sweeping transformations of military technique, it is impossible to respect the old distinction which provides for inviolability of the civilian population. In a *total war*, "the target for attack is not only the enemy's military forces, but also the enemy people

themselves", "the morale of the population" becomes a "military target". That is why in war one may and must widely use any weapon or war method against the enemy military forces and civilian population, against all targets without any distinction between military targets and those prohibited under international law, provided that the enemy can be made to surrender as quickly as possible with minimum losses for the aggressor country.

It is evident that the above-mentioned theories run counter to the interests of mankind and to human conscience which demands that suffering and destruction caused by war be reduced to a minimum, so long as wars of aggression cannot be eliminated from social life. War is never a struggle between an aggressor people and a people victim of aggression because peoples have no hatred for one another; the target for armed attacks can never be "the enemy people themselves"; war can be at most a fight between the military forces of the aggressor country and those of the victim of aggression. The Nuremberg judgement severely condemned the Nazi concept of "total war" applied to a war of aggression: This concept denies all value to the moral principles inspiring the conventions aimed at making armed conflicts more humane. Everything was subordinated to the imperative requirements of the war. The laws and regulations governing it, assurances and treaties no longer counted; freed from the constraint of international law, the war of aggression was conducted by the Nazi leaders with the utmost barbarity. In the U.S. imperialists' war of aggression in Viet Nam, if the peoples of the world do not strongly raise their voices in time and ever more broadly against the above-mentioned cannibal theories, threats, and barbarous acts, then these theories and acts will pave the way for a wider and more cynical use, on the Viet Nam battlefield, of weapons of mass destruction, including chemical weapons with a greater destructive effect, bacteriological and tactical atomic weapons. Then the U.S. imperialists will even more barbarously massacre the civilian population in both zones, North and South. They will devastate larger and larger regions with dense population, they will annihilate all life, destroy dykes, so as to inflict the greatest losses possible on the Vietnamese people.

However, whatever the sacrifices, the Vietnamese people fighting for a just cause under the clear-sighted leadership of the Viet Nam Workers' Party will vanquish the U.S. aggressors and victoriously defend their independence and freedom.

CONCLUSION

The greatest crime committed by U.S. imperialism is the crime of aggression against Viet Nam.

To perpetrate their crime of aggression, the U.S. imperialists have deliberately, continuously and systematically trampled under foot all laws and customs of war concerning belligerent countries, neutral countries, war theatres, the armed forces, the prisoners of war, the sick and the war wounded, the civilian population, the prohibited weapons and war methods, military targets and prohibited targets, etc. This is actually a total war waged not only against the Vietnamese people, who have never submitted to any aggressor, and against the Democratic Republic of Viet Nam, a member of the socialist camp, but also against a country which stands in the forefront of the national liberation movement and represents the inexorable trend of development of human society.

In view of the unjust character of its war of aggression, U.S. imperialism, the ringleader of imperialism, which rallies behind himself the most reactionary forces of the capitalist world and which is confronted with our people's stiff resistance, entertains the illusion of curbing our unshakable determination to fight by drowning us under a deluge of steel and fire never seen before in any war. It has used the Vietnamese people as Guinea pigs to test their new tactics, strategies and weapons, heedless of the losses in human lives and property we have to suffer.

The size of the U.S., satellite, and puppet forces, the quantity of war means put to the test on a narrow but densely populated

theatre of operation, the increasing variety and tonnage of bombs and other projectiles, the savage and cruel *character* of the war methods employed (tempo and intensity of the attacks, unceasing raids on purely civilian targets : wide application of the "kill all, burn all, destroy all" policy, non-discrimination between military and civilian targets ; direct and deliberate attacks against the civilian population...), all this warrants the conclusion that *the crimes committed by the U.S. imperialists in Viet Nam are more monstrous than those perpetrated by Hitler.*

In view of their scale and character, these crimes are *not only war crimes* (stricto sensu) because they infringe all existing laws and customs of war, but essentially *crimes against humanity, and genocide*. In fact, these are not acts committed by individuals or small groups of G.I.'s in the fire of battle, but they result from the execution of a policy, of a plan worked out in cold blood by the White House and the Pentagon and gradually amended to suit the "necessities of the war" with the ultimate aim of physically destroying part of the Vietnamese people. What justification can U.S. imperialism give of the almost simultaneous and systematic destruction of the greatest hospitals of the Democratic Republic of Viet Nam in June and July 1965, among others, the 2,600-bed leprosarium of Quynh Lap (the greatest in South-East Asia), the 600-bed T.B. hospital of Thanh Hoa, the medical complex of Yen Bay comprising an hospital and a medical workers' training school, etc. McNamara boasted that every inch of land in North Viet Nam had been meticulously photographed, then how explain the bombing of numerous schools, churches and pagodas with their peculiar architecture? Why have many towns, such as Ha Tu and Phu Ly, been razed to the ground, why have many vulnerable sections of dyke become targets for air raids during flood season? Why the unceasing attacks on many water conservancy works? How can peasants, men and women, peacefully working on the field, children looking after buffaloes, fishermen working at sea become "selected targets". Is it possible that the policy of pacification, the herding

of people into strategic hamlets, the devastation of wide areas of forests in South Viet Nam with magnesium bombs dropped by B.52's are not aimed at exterminating part of the Vietnamese people and are not acts of genocide?

The *leaders* who have planned and started the war, conducted the war operations (such as Johnson, McNamara, Dean Rusk, Taylor, Cabot Lodge, Westmoreland...) are not only penally responsible for the crimes that *their group* and *each of them* have plotted and executed, but also for those committed by the satellites, the leaders of the South Viet Nam puppet administration and army, as well as for those perpetrated by all other executants. The penal responsibility of the U.S. leaders is much heavier than that of Hitler and his ilk not only because they could and should have drawn excellent lessons from the judgements passed after World War II against the principal war criminals, but also because they have been severely warned many a time by the Government of the Democratic Republic of Viet Nam and the South Viet Nam National Front for Liberation that they must bear full responsibility for the serious consequences arising from the criminal acts they are committing daily on our soil.

The responsibility of *the U.S. satellite governments and puppet chiefs* is also very heavy because they have purposely and docilely executed the criminal policy dictated by their U.S. masters and have compelled the mercenaries to sow death and destruction in both zones of Viet Nam.

The responsibility of the other *executants* is strictly individual. It is to be borne by those who seriously infringe the laws and customs of war and is proportional to the gravity of the acts committed and their consequences.

The prosecution and judgement of war criminals before a national or international tribunal lie completely within our people's competence. The Vietnamese lawyers deem it their duty to carefully study the plots and acts for an intensification and extension of the

war by the U.S. imperialists, their satellites and puppets in Viet Nam with a view to contributing to expose thoroughly and in time their crimes to our people, sharpening our hatred for them, and increasing our people's capability in production and fighting. At the same time, it is our duty to work jointly with the lawyers and peoples of the world to thwart the U.S. imperialists' attempt to destroy the most elementary principles of international law, to arouse and enhance the political and juridical consciousness of the peoples, to fight for the cessation of the war of aggression in Viet Nam and against the U.S. imperialists' global strategy.

Part three

- *International War Crimes Tribunal. (Decision of the First Session held in Stockholm from April 30 to May 10, 1967).*

PHẠM VĂN BẠCH

- *Position of Democratic Lawyers concerning the U.S. War Crimes in Viet Nam. (A sum-up of the work of the International Commission of Enquiry for Viet Nam and the Secretariat of the IADL in Mamaia, Rumania, 15-17 September 1967).*

TRẦN CÔNG TƯỜNG – PHẠM THÀNH VINH

INTERNATIONAL WAR CRIMES TRIBUNAL

*(Decision of the First Session held in Stockholm
from April 30 to May 10, 1967)*

PHAM VAN BACH

Editor's note:

Our special issue (N° 5) was in the press when the International War Crimes Tribunal commonly called Bertrand Russell International Tribunal, held its first session in Stockholm, Sweden. In ten days running, this Tribunal heard in open court more than 40 reports and speeches, examined reports of rapporteurs, experts and witnesses, including Vietnamese witnesses, and members of the four investigation teams it had sent to Viet Nam.

The documents submitted for discussion as well as the hearing and chiefly the decision of the Tribunal have an inestimable value, theoretical as well as practical. That is why we have requested Comrade Pham Van Bach, First President of the Supreme Court of the Democratic Republic of Viet Nam, and Vice-President of the Commission for Investigation on the U.S. Imperialists' War Crimes in Viet Nam, who attended the Stockholm session, to give a general account of the working of the Tribunal and his appraisal of the results, especially from the point of view of juridical science.

* * *

The setting up of the International War Crimes Tribunal, its activities and especially its first session in Stockholm, bear a historical significance at the present international juncture. The Viet Nam war has a double aspect: on the one hand, it is a

cruel war of aggression waged with up-to-date weapons of mass destruction by a big imperialist power, ringleader of world imperialism; on the other, it is a war of self-defence and national liberation of a rather small people who have just thrown off the colonial yoke and started building their armed forces practically from scratch. This war opposes the most reactionary and most malignant but actually declining forces of modern times to the most revolutionary forces in full progress. In the last two decades, the U.S. policy of aggression against, and enslavement of, other peoples has created in Viet Nam an extremely serious political and military situation which compels the attention of all peoples and men of good will on earth and forces them to take sides. Every man of conscience ought to make a choice between war and peace, between the unjust, illegal and criminal war of aggression and the war of legitimate self-defence, consistent with international law and certainly victorious; between neocolonialism with its hypocritical claims to safeguard the independence of the peoples and its creation of puppet governments, recruitment of mercenary troops, control of markets, intensive exploitation of natural resources and manpower, and genuine independence, sovereignty, unity and territorial integrity of nations, true democratic liberties, respect for human dignity and joy for all to live a healthy and happy life free from want. In fact, it is transparent that on the one side there is the barbarous aggression with all its concomitants: bloody repression, massacre, torture, bribery, travesty of the truth, stratagem, and deception, and on the other, lofty patriotism and revolutionary heroism which make one look at the enemy in the face with the resolve to never submit and oppose the most lofty humanism to savage oppression, moral fortitude and a just political line to frenzied material force, the will of the people and the legitimacy of the cause to injustice and bad faith. "Indomitable Viet Nam is our ultimate freedom" (Jean Paul Sartre). In the eye of international law and especially of international criminal law, the Viet Nam war is also regarded as a struggle to the death between the light of truth and the shadow of death cast by the aggressors and enslavers.

Together with the struggle of the Vietnamese people for national liberation, progressive international law which condemns the war of aggression, champions the fundamental national rights, peace, civilization and censures illegal acts of war, the use of prohibited weapons, the massacre of civilians, will also win final victory.

Twenty two years after the setting up of the Nuremberg and Tokyo International Military Tribunals, the recent session of the International War Crimes Tribunal in Stockholm has revived, and given a new purport to, an important category of international penal law, "the war crimes". Owing to the nature and characteristics of the war which is now raging in Viet Nam, this juridical category not only revives but acquires a richer content and clearer criteria to stigmatize the bloody crimes of the present-day enemy of mankind and effectively serve the legitimate struggle of the peoples for their right to live in independence and freedom.

It is in this spirit that we deem it advisable on the one hand to relate the whole proceedings of that historic session of the Bertrand Russell International Tribunal and on the other, to examine and judge in the light of progressive politico-juridical conceptions the enquiry made and the decision taken at the session.

This study is divided into three parts :

1. — Composition of the Tribunal — questions submitted to its consideration — significance of the Tribunal and its lawfulness.
2. — Hearings and decision of the Tribunal.
3. — Appraisal of the results in the light of international public law and international criminal law.

PART ONE

**SOME REMARKS ON THE COMPOSITION
OF THE TRIBUNAL, QUESTIONS CONSI-
DERED AT ITS FIRST SESSION, ITS
SIGNIFICANCE AND LAWFULNESS**

After ten days of extremely painstaking and hard work, the International War Crimes Tribunal successfully ended its first session in Stockholm, capital of Sweden, on May 10, 1967

It was set up on the initiative of the world-famous British philosopher and peace-fighter, Lord Bertrand Russell.

It was presided over by the French philosopher and writer, Jean Paul Sartre, assisted by two vice-presidents: Laurent Schwartz, professor of mathematics at Paris University and Vladimir Dedijer, Yugoslav historian, author of several books on the law of war.

Other members of the Tribunal present at the session number fourteen:

1. — Lelio Basso, doctor of laws and philosophy, professor of social sciences at Rome University, Italian M.P., President of the Italian Socialist Party of Proletarian Unity, and barrister in Milan;

2. — Dave Dellinger, American peace-fighter, editor of the "Liberation" magazine, founding member of the "Spring Mobilization" movement in the U.S.A.;

3. — Simone de Beauvoir, French authoress and philosopher;

4. — Peter Weiss, well-known Swedish playwright;
5. — KInji Morikawa, Japanese jurist, vice-president of the Human Rights Commission of the Japanese Council of Barristers;
6. — Gunther Anders, Austrian writer and philosopher;
7. — Amado Hernandez, President of the Democrat Labour Party in the Philippines, president of the National Council of Filipino Workers Organizations, literature prize winner in the Philippines;
8. — Laurence Daly, President of the Scottish Miners' Trade Unions, member of the Executive Committee of the United Kingdom Miners' Trade Union Federation;
9. — Isaac Deutscher, British professor of history and writer;
10. — Mehmet Ali Aybar, doctor of laws, M.P., President of the Turkish Workers' Party;
11. — Mahmud Ali Kasuri, president of the Bar at the Supreme Court of Pakistan;
12. — Melba Hernandez, Cuban political personality;
13. — Carl Oglesby, American writer;
14. — Courtland Cox, American peace-fighter, as substitute for Stockely Carmichael, leader of the Afro-Americans' movement for Civil Rights.

Also present at the session were more than twenty members of various investigation teams sent by the Tribunal to Viet Nam and Cambodia to carry out on-the-spot inquiries, and many well-known historians, jurists and physicians invited to the Tribunal to make reports or to give evidence. Let us mention for instance the names of Gabriel Kolko, American historian, Jean Chesneaux, French historian, Director of Ecole des Hautes Etudes (Sorbonne), Joë Nordmann, French barrister, General Secretary of the International Association of Democratic Lawyers (I.A.D.L.), Rosenwein, American jurist, Charles Fourniau, French journalist and writer, Madeleine Riffaud, French journalist, Saburo Kugai, Japanese professor of social sciences, etc. The gathering was also covered by many

correspondents of newspapers, press and T.V. agencies and attended by hundreds of delegates of mass organizations from Sweden, America, Italy and other countries as guests among whom were the delegation of the D.R.V.N. Commission for Investigation on the U.S. Imperialists' War Crimes in Viet Nam and the delegation of the N.F.L. Commission for the Denunciation of U.S. Crimes in South Viet Nam. Also present were the delegation of the Royal Government of Cambodia and delegates of the Japanese and Cuban people's committees for investigation on U.S. war crimes in Viet Nam.

The U.S. Government was invited by the Tribunal to send a representative to expound its point of view, but abstained from responding to the request, no doubt for fear that the truth would out in the light of the debate.

The Tribunal examined first the following two questions mentioned in the list of the five questions on the agenda worked out in London on November 13, 1966:

1.— Have there been, acts of aggression under international law, on the part of the U.S. government (and the governments of Australia, New Zealand and South Korea)?

2.— Have there been, and to what extent, bombardments of targets of purely civilian character and more especially of hospitals, sanatoriums, hydraulic dams, etc.?

The Tribunal also decided to examine the question of the U.S. Government's use of steel pellet bombs, a new weapon of mass murder, against the civilian population in Viet Nam.

In his opening speech, President Jean Paul Sartre defined the mission and objectives of the Tribunal in concise and incisive terms. He demonstrated the necessity and lawfulness of the setting up in present-day circumstances of a tribunal of world opinion and human conscience to investigate, and, if possible, to try, war crimes in order to safeguard the ethical and juridical rules trampled underfoot and to fight jungle law. With fervour, he expressed the hope that "the masses would ratify our judgment" which

thus, will become "a truth" upheld and defended by the peoples all over the world.

The Tribunal read out Lord Bertrand Russell's statement which stressed among other things that starting from the concept of morality, the Tribunal has the right to uncover before world opinion the truth on U.S. criminal aggression against Viet Nam.

The Tribunal also made public the telegrams of congratulations sent by President Ho Chi Minh, Samdech Norodom Sihanouk, Head of the State of Cambodia, and the President of the Japanese Communist Party.

President Ho Chi Minh's telegram read in part:

"The holding of this first session of the International Tribunal just at a moment when the American imperialists are intensively stepping up their escalation and striking at the port of Haiphong and our capital Hanoi, assumes a paramount significance. It is a powerful inspiration not only for us, Vietnamese people, but also for all peoples fighting for national independence, freedom and peace".

PART TWO

HEARINGS AND DECISION OF THE TRIBUNAL

The court inquiry began by a general introductory report by Mr. Leo Matarasso, President of the Tribunal Juridical Commission.

After recalling the rules of international law applicable to war crimes, Mr. Leo Matarasso stated the crimes with which the U.S. Government was charged, crimes which can be classified in the following four categories :

- 1.— Crime against peace, crime against the fundamental national rights of the Vietnamese people.
- 2.— War crimes proper
- 3.— Crimes against humanity
- 4.— Crime of genocide.

The Tribunal heard over 40 reports and speeches, questioned rapporteurs, specialists and many witnesses, including twenty members of the four investigation teams sent by itself to Viet Nam.

On the first question: Have there been acts of aggression?

The Tribunal's attention was directed at the "historical account of American aggression in Viet Nam" given by Gabriel Kolko, American professor of history. Basing himself on official

documents of the State Department, the Pentagon and American Congress, G. Kolko charged the U.S. Government with having plotted and carried out intervention and aggression in Viet Nam for more than two decades, first in an indirect form, then in a direct form; he mentioned many specific facts in each given period of time, from the end of World War II to the present escalation made under cover of anti-communism, and defence of the free world... He refuted the U.S. Government's denial of its crime of aggression against the Vietnamese people; more particularly, he demonstrated from the historical and juridical point of view the unity of the Vietnamese territory and nation against which was spearheaded the American plot of aggression against, and partition of, Viet Nam, and of sabotage of the 1954 Geneva Agreements. On the other hand, he devoted an important part of his report to bring out into relief the puppet character of the Saigon regime, the lawfulness of the resistance movement of the South Viet Nam people against the American aggressors and their quislings as well as the correct behaviour and good will of the D.R.V.N. Government in regard to the implementation of the Geneva Agreements with a view to reunifying the national territory by peaceful means.

In his speech on "U.S. aggression and international law" Rosenwein, American jurist, emphasized that the U.S. Government transgressed international law in Viet Nam just at a time when the American people boasted of their regime of legality. He exposed the underhand dealings of various administrations from Truman to Johnson aimed at checking all movements for social progress in the "third world" and making the U.N. an instrument of U.S. policy. With regard to Viet Nam, he denounced the U.S. Government as standing against the reunification of Viet Nam as stipulated in the Geneva Agreements, slighting international law by resorting to force to realize its dark designs. He also disposed of the distorted allegations of the American leaders and consequently condemned the war waged by them in South and North Viet Nam since 1961 as illegal, contrary to international law and detrimental to the people's right to self-determination.

Regarding the question of aggression, there were many other reports and speeches. The report of the Japanese Committee for investigation on U.S. war crimes in Viet Nam denounced American aggression as a whole as a flagrant violation of the Vietnamese people's fundamental national rights, and laid particular emphasis on its neo-colonial character. The two speeches made by the French historians and writers Chesneaux and Fourniau supplied additional details on the origins of the war in Viet Nam, the aims of the U.S. Government in helping the French colonialists protract and expand the war in Indo-China, the U.S. scheme of aggression against, and partition of, Viet Nam since 1954, and the U.S. economic penetration in South Viet Nam. Furthermore, the same speeches shed light on the lawfulness of the patriotic movement of the South Vietnamese people, against the violation of the Geneva Agreements and the bankruptcy of the U.S. special war in South Viet Nam. Both Chesneaux and Fourniau refuted the so-called "appeal for help from the Vietnamese ally" and the alleged "aggression of South Viet Nam by North Viet Nam" allegations aimed at covering up U.S. naked aggression. In this connection, they also denounced the plots and crimes of the Americans in the piratic raids on August 5, 1964 against North Viet Nam and in their escalation since the beginning of 1965.

The speech delivered by Madeleine Riffaud, French journalist and authoress, was particularly moving. Speaking of the unity of the Vietnamese nation, she produced vivid facts she had gathered during her trips South as well as North of the 17th parallel to testify to the keen patriotism and the will for national reunification of all the sections of the population in South Viet Nam, the failure of the U.S. special war there in 1964 and the odious crimes committed by the U.S. aggressors in their air and naval war of destruction against the Democratic Republic of Viet Nam.

To sum up, the U.S. aggression against Viet Nam was made clear to the Tribunal under various forms. Reports and speeches completed one another with respect to the historical unfolding of facts, the present situation and international law. In the whole,

they constitute a comprehensive and cogent indictment of the policy of aggression which has been pursued by the United States in Viet Nam for more than two decades.

On the second question : Have there been, and to what extent, bombardments of targets of purely civilian character?

This question was also carefully considered. The two general reports made by Dr Behar and Lawyer Gisèle Halimi (France) systematically exposed the crimes perpetrated by the American imperialists in striking at civilian targets in North Viet Nam and chiefly in the provinces of Thanh Hoa and Nghe An, cited as examples. The two rapporteurs based themselves on their own investigations as well as on the documents of the D.R.V.N. Commission for Investigation on the U.S. Imperialists' War Crimes, documents recognized as factual by the Tribunal investigation teams which had visited 36 per cent of localities hit by U.S. bombs.

About twenty speeches made by investigation team members as well as other witnesses invited by the Tribunal (Cuban, Japanese, American personalities...) completed the general reports. Particularly remarkable were the speeches by the French doctors Krivine chef de clinique at Paris Faculty of Medicine, and Francis Kahn, professor agrégé at Paris Faculty of Medicine. Dr Krivine spoke of the odious U.S. crimes he had witnessed during his fact-finding trip from Hanoi to the 17 th parallel and vice versa. Dr Kahn who had especially visited the Quynh Lap leper-sanatorium, Nghe An province, gave a detailed account of the crimes committed in cold blood by the U.S.A. in the barbarous destruction of this lepro-sarium, one of the most important establishments of the kind in South-East Asia.

The well-known French physicist Jean Pierre Vigier stigmatized the U.S. criminal use of steel pellet bombs (called C.B.U. by the Americans), a prohibited weapon, against the civilian population of Viet Nam. The audience's attention was also arrested by the speeches of Saburo Kugai, Japanese professor of social sciences, Marcello Gini, professor of physics at Rome University, of John

Takman, Swedish physician, Neiland, American biologist, Joe Nordmann, General Secretary of the International Association of Democratic Lawyers (IADL), Birnsting, British physician, Hughes Manes, American jurist, and many Cuban writers, journalists and jurists, including Marta Rojas, Carpentier, Tabio, Valduvivo...

On the reports of the Delegation of the D.R.V.N. Commission for Investigation on the U.S. Imperialists' War Crimes and the Delegation of the South Viet Nam N.F.L.

The Tribunal listened with the greatest attention to, and highly appreciated, the reports made by the two Vietnamese delegations. In his capacity as Vice-president of the D.R.V.N. Commission for Investigation on the U.S. Imperialists' War Crimes in Viet Nam, Comrade Pham Van Bach gave a general description of the scheme of the U.S. imperialists and their successive and systematic acts of aggression in the last two decades to subdue the Vietnamese people, perpetuate the partition of Viet Nam and turn South Viet Nam into a U.S. military base and neo-colony in order to rekindle the war in Indo-China and South-East Asia under U.S. global strategy. He brought to light the cruel and barbarous character of the U.S. war of aggression in Viet Nam, pointed out the refusal of the U.S. imperialists to abide by international laws guaranteeing the fundamental rights of peoples and men, and demanded that the Tribunal condemn U.S. imperialism for committing the crime of aggression against the Vietnamese peoples' fundamental national rights and against peace, war crimes, crimes against humanity and the international supreme crime. In the concluding part of his report, Comrade Pham Van Bach spoke of the determination of the entire Vietnamese people to fight until final victory as a response to President Ho Chi Minh's appeal to struggle against U.S. aggression, for national salvation.

Comrade Ha Van Lau, standing member of the D.R.V.N. Investigation Commission, drew a comparison between the two diametrically opposed lines followed by the D.R.V.N. Government and people and by U.S. imperialism in regard to the implementation of the 1954 Geneva Agreements on Viet Nam. He threw

light on the unqualified sincerity and correct position of the Vietnamese Government and people concerning the implementation of the Agreements. He energetically denounced the U.S. criminal systematic wrecking of the Geneva Agreements and laid bare the U.S. "return to the Geneva Agreements" and "peace negotiations" swindle. He dismissed the U.S. aggressors' claim to "keep their commitments" to the puppet regime of their Saigon lackeys and stressed that so long as the U.S. government did not give up its designs and stop its activities against the independence and freedom of the Vietnamese people, the Geneva Agreements will remain the juridical basis for the peoples all over the world to condemn the U.S. imperialists' aggression and attempt to enslave Viet Nam. In conclusion, he recalled the four points of the D.R.V.N. Government based on the fundamental principles of the Geneva Agreements on Viet Nam and aimed at finding a peaceful solution to the Viet Nam problem.

Nguyen Van Dong, representative of the South Viet Nam N.F.L., strongly denounced the U.S. imperialists' war crimes which were worse than those of the Hitlerites, and emphasized the U.S. Government's full responsibility for all criminal acts committed by it or its valets in South Viet Nam. He made clear that the American policy of "strategic hamlets" and the "pacification" plan were merely designed to step up and expand the war in South Viet Nam. He denounced the use by the U.S. imperialists of toxic chemicals to destroy crops, cause famine and physical pains in order to gradually impair the health of the South Vietnamese people. He said in conclusion that U.S. imperialism was the greatest war criminal of our times, and stressed the resolve of the South Vietnamese people to fight till final victory for independence and freedom. He firmly insisted that the aggressor troops of the U.S. and its satellites be withdrawn from South Viet Nam and that the U.S. Government recognize the South Viet Nam N.F.L. as the sole genuine representative of the South Vietnamese people and respect the Vietnamese people's right to decide their own destiny.

On witnesses and exhibits :

A wave of emotion and indignation surged in the room when appeared four victims of the U.S. war of aggression, who had come from North and South Viet Nam to denounce the U.S. imperialists' criminal use of steel pellet bombs, napalm and phosphorus bombs against Vietnamese civilians without sparing women and children.

Miss Ngo Thi Nga, aged 23, a teacher of the 4th form of a primary school at Cam Pha town, Quang Ninh province, related that American aircraft had bombed her school, killing two of her pupils and wounding her in the head. A medical film shown on a screen erected in the court room revealed the existence of a pellet embedded 5 centimetres deep in her skull causing her permanent mental disorder and a great weakening of her sight. She ended her deposition by saying, "I am young and passionately fond of my calling. I would like to return as soon as possible to my school and my dear and sweet pupils, were it not for that cursed ball of the U.S. imperialists which is tying me to my hospital bed and causing me a lot of trouble now. You see how cruel and barbarous U.S. imperialism is!".

After Miss Ngo Thi Nga, Doan Van Ngoc, a 9-year-old schoolboy, from Vinh Tuy hamlet, Vinh Ninh village, Quang Ninh district, Quang Binh province, climbed on the witnesses' platform and showed the scar of a burn running from his abdomen to his knees. His intelligent eyes were glowing with resentment; in a steady voice, he told how U.S. phosphorus bombs had burnt him and two of his classmates, gutted his family's hut and killed many of his co-villagers. The audience was still more moved and incensed at American barbarity when several physicians came to the bar to denounce the harmful effects of phosphorus which burns the flesh to the bones, destroys haemoglobins and leaves permanent sequels.

On May 8, 1967, the Tribunal heard two South Vietnamese victims — Thai Binh Dan, 17, native of Huu Thanh Ha village,

Duc Hoa district, Long An province, and Hoang Tan Hung, 45, native of Pho-Minh village, Duc Pho district, Quang Ngai province—denounce the use of napalm and phosphorus bombs by the U.S. imperialists against the civilian population of South Viet Nam. Better than words, the big choleidian scars on their bodies were cogent accusations against the U.S. imperialists. U.S. napalm had burnt the face, hands and legs of young Thai Binh Dan, leaving scars in the form of big swellings on the parts affected. As for U.S. phosphorus, it corroded one ear of Hoang Tan Hung and burnt part of his scalp. His neck became stiff, his back was abnormally swollen by scars and his left arm stuck to his left shoulder and side. Many people in the room could not suppress their tears while listening to his report: how the wounds got infected for months on end so that at each of his steps maggots dropped on the ground: how he suffered from acute pains and had in cold weather to sprinkle himself with cold water to alleviate the burning sensation which was torturing him.

These four Vietnamese victims who expressed their indignation against U.S. imperialism, behaved with the calm and dignity of victors and won the affection and admiration of the audience.

Many photos and films were shown on the screen, such as a film summing up the U.S. war crimes in North and South Viet Nam, a film on the barbarous weapons used by the Yankees to exterminate the Vietnamese people, a film on the activities of the International Tribunal investigation teams in Viet Nam, a film shot by the Japanese Investigation Commission on the U.S. war crimes in Viet Nam, the recapitulatory film of the Tribunal on steel pellet bombs, napalm and phosphorus bombs and other U.S. weapons used massively against children, women and old people and systematically against hospitals, schools, churches, pagodas, dykes, hydraulic works, dwelling houses, etc. The Tribunal was also shown statistics and charts giving figures and facts and other convincing proofs of U.S. war crimes.

The Tribunal objectively and scientifically examined the above-mentioned facts. Each description of facts was illustrated by photos and films. The Tribunal asked many questions and received detailed answers from the witnesses and victims. To each report were attached material proofs. The deposition of each victim of U.S. barbarity was accompanied by a case history, and the conclusions in this respect were confirmed through word of mouth before the Tribunal by a medical experts' commission composed of prominent professors of medicine of various nationalities: Swedish, Finnish, French, etc.

On the recapitulatory final report:

After hearing reports and speeches, the Tribunal appointed one of its members, Mr Lelio Basso, Italian professor of law and barrister to sum up the court debates and submit draft conclusions to the Tribunal. The final report made by the Italian professor was based on unassailable historical and juridical foundations and in conclusion held the U.S. Government entirely responsible for the crime of aggression and war crimes in Viet Nam.

Starting from sound, progressive juridical conceptions on aggression and quoting undeniable facts from the process of U.S. intervention and aggression in Viet Nam, the final report brought to full light the U.S. scheme for world hegemony and enslavement of peoples. Under cover of "defence of the free world", U.S. imperialism has been committing the crime of "concerted plan of aggression against the fundamental national rights of the Vietnamese people right since before the end of World War II. U.S. imperialism has been carrying out aggression against Viet Nam under various forms — systematic sabotage of the Geneva Agreements, especially the hindrance of general elections to reunify Viet Nam, the creation of an illegal State in South Viet Nam, the neo-colonialist method of enslaving the South Viet Nam people, and preparation for a resumption of the war, armed intervention and aggression in the form of an escalation in South Viet Nam, and expansion of the aggressive war to North Viet Nam. In a close knit analysis

of facts and laws, Lelio Basso demolished the deceptive justification put forward by the U.S. Government in its White Books and Memorandums in 1961, 1965 and 1966 for its war acts in Viet Nam. He demonstrated U.S. full responsibility for the present situation in divided Viet Nam. From the historical and juridical point of view, it is absolutely incontestable that Viet Nam is a unified State: the South Viet Nam authorities, successors of the French High Command in the implementation of the Geneva Agreements, are not entitled to carve out a separate State: the latter is but a creation of the U.S.A. to serve its imperialist interests. It furthermore does not have any shred of real authority and cannot subsist without the protection of American weapons and dollars. In these conditions, there cannot be any question of aggression of South Viet Nam by North Viet Nam, and the so-called commitment of the U.S. Government to defend the independence of South Viet Nam is utterly deprived of juridical foundation and is flagrantly at variance with the 1954 Geneva Agreements on Viet Nam. Lelio Basso also proved in an irrefutable manner how de facto and de jure the U.S. Government had no right to avail itself of Article 51 of the U.N. Charter authorizing under certain conditions the lawful individual or collective defence against armed attack. Furthermore he pointed out that there has never been a civil war in South Viet Nam but only a resistance war of the South Vietnamese people for independence and national unity against the war of aggression waged by the U.S. imperialists, successors of the French colonialists, in an attempt to enslave the Vietnamese people. He concluded, therefore, that the U.S. Government should be held responsible for the present situation in Viet Nam and guilty of aggression and odious war crimes as mentioned above.

Concerning the air raids on North Viet Nam, Lelio Basso confirmed that U.S. bombings of schools, hospitals, churches and pagodas... were carried out under a concerted plan. "It is clear", he said, "that by making war on a people who defend their fundamental rights, who reject the fist law and who want to defend their historical personality, culture, historical values, living traditions,

their will to advance on the road they have chosen, the U.S. Government deliberately attacks the Vietnamese people as a whole — men and women, children and old folk — in an attempt to shatter their moral and destroy them bodily. That is why insofar as the victimized people fight with more resolve, as is the case of the Vietnamese people, this war of aggression necessarily becomes more and more criminal. The crime of aggression against the fundamental national rights of a people and the war crimes are linked together ; to quote the Nuremberg sentence, the first crime “ contains within itself ” all others.

The Tribunal highly appreciated Prof. Lelio Basso's recapitulatory report as most valuable for the Tribunal and adopted it wholly as the basis of its decision.

On the decision of the Tribunal :

In the light of all these reports, speeches, cross examinations and answers of witnesses and victims, photos, films and other exhibits, and after 10 days of painstaking and zealous work with an objective and scientific method, the Tribunal unanimously passed the following conclusions :

1. The U.S. Government has committed the crime of aggression against Viet Nam specified as a crime against peace and against the fundamental national rights of the Vietnamese people, in virtue of international law.

2. The U.S. Government and its armed forces are guilty of deliberate, systematic, large-scale bombardments of civilian targets”, including the civilian populations, dwelling houses, villages, dams, dykes, health centres, leprosariums, schools, churches, pagodas, historical and cultural monuments.

Under the very terms of the decision of the Tribunal, the U.S. Government “ has given these war crimes extensively and frequently committed the character of crimes against humanity ” ; and as its crime of aggression contains within itself all others in the

words of the Nuremberg judgment, the U.S. Government has thus committed the supreme international crime.

Furthermore the Tribunal declared that the fragmentation bombs of C.B.U. type (steel pellet bombs as called by the Vietnamese) which are used only to play havoc among the civilian populations should be regarded as weapons banned by the laws and customs of war.

Besides, the Tribunal came to the conclusion that "the U.S. Government is guilty of repeated violations of the sovereignty, neutrality and territorial integrity of Cambodia" and that "the U.S. is guilty of attacks against the civilian population of a number of Cambodian towns and villages."

The Tribunal also concluded that "the governments of Australia, New Zealand and South Korea are accomplices of the U.S.A. in the aggression against Viet Nam in violation of international law."

PART THREE

**POLITICAL AND JURIDICAL SIGNIFICANCE
OF THE INTERNATIONAL TRIBUNAL, OF
ITS WORK AND DECISION**

In his message to Lord Bertrand Russell on the occasion of the opening of the first session of the International War Crimes Tribunal President Ho Chi Minh wrote that it was "an international event of great importance especially at a moment when the United States is frenziedly escalating the war and striking at Haiphong port and Hanoi capital city". This remark from the eminent leader of the Vietnamese people who fight U.S. aggression with arms in hand is not only a well-deserved encouragement to the Tribunal; it brings home to us the great political significance of the International Tribunal set up on the initiative of Lord Bertrand Russell to draw a line for the sake of justice and peace between right and wrong in the most important shooting war in the world today. As the Tribunal declared on November 15, 1966, in London, "Our purpose is to establish, without fear or favour, the full truth about this war. We sincerely hope that our efforts will contribute to the world's justice, to the re-establishment of peace and liberation of the oppressed peoples".

In fact never has an aggressive imperialist power deployed so big a psychological war machine as the U.S. at present to cover up the inhuman and illegal nature of its policy. It has repeatedly tried

to misrepresent its aggression as a "struggle for freedom", its criminal activities in close collusion with its quislings as the fulfilment of an "international commitment", and the legitimate struggle for liberation of the Vietnamese people as an "aggression of South Viet Nam by North Viet Nam" and a threat to the security of the United States of America! If we believe the aggressors, their criminal activities would become humanitarian acts, their violation of the Geneva Agreements and international law, actions to defend the rights of nations, their bellicose policy, a will of peace, and their war escalation, the most recommendable means to end the hostilities! The action of the International Tribunal to help make a difference between right and wrong and shed light on the truth on the basis of a serious and objective inquiry is thus of paramount importance especially at a moment when U.S. imperialism on the one hand, persists in distorting the truth and trumpets about a fake peace and on the other, unceasingly steps up and expands its war of aggression in the most ferocious and brazen manner.

It is with such considerations in mind that we have to appraise the significance of the Tribunal in its existence and work and carefully analyse the content and meaning of its documents, of all declarations and depositions made before it to denounce the American aggressor and stigmatize the crimes it has perpetrated in Viet Nam. On the other hand, we know why the U.S. Government has left no stone unturned to slander the International Tribunal and tried to undermine its first session and ignore its decision.

Let us examine more carefully the significance of the Tribunal and the value of its work from the double political and juridical point of view:

1. Nature and lawfulness of the International Tribunal:

From the time Lord Bertrand Russell made known his initiative to set up an International Tribunal to the opening and end of the first session, passing through the preparatory meeting of the Tribunal in London and the sending of investigation teams to Viet Nam, the U.S. imperialists did their best to deny the lawfulness

of the International Tribunal and pretended to consider it to be "a judicial farce" by biased people.

Lord Bertrand Russell, then Jean Paul Sartre, have directly answered this calumny. As one remembers, the British scientist unequivocally declared that he did not at all claim that those invited to take part in the Tribunal did not have any opinion on the war in Viet Nam. On the contrary, and it is precisely because they had the passionate conviction that Viet Nam was at the present time the theatre of odious war crimes that they morally had the obligation to set up a tribunal of human conscience. Was it necessary to be an empty mind to be a free mind? And the scientist did not believe that, to be fair, one must not have any conviction.

Replying to the refusal of U.S. State Secretary Dean Rusk to come to the Tribunal and bear witness under the pretext that he did not want to play with a 94-year-old Englishman, the President of the Tribunal Jean Paul Sartre immediately castigates that ignominious attitude by observing that the U.S. Government had had to refer for its defence to the mediocrity of that "poor man and his poor defence" and that it was a proof that it was high time to examine U.S. policy in all fairness but without forbearance. In his opening speech, Jean Paul Sartre made known the origin, duty, aims and authority of the Tribunal and meant to supply the straightforward explanations of what was called its "lawfulness". He said, "the Nuremberg Tribunal opens a cycle of the future by creating a precedent, the embryo of a tradition". Before Nuremberg, "the relations among the powers were governed only by jungle law". Jean Paul Sartre mentioned a historical fact: "Have there not been any more war crimes since 1945? Has there not been any more recourse to violence, to aggression? Have there not been any more "genocidal" practices? Has not any big country tried to suppress by force the sovereignty of a small nation? Hasn't there been any occasion to denounce all over the earth Oradours and Auschwitz? You know the truth in the last two decades: the great historic fact has been the struggle of the Third World for its liberation: the colonial empires have collapsed; in their

place sovereign countries have emerged or recovered an old and traditional independence which was shattered by colonization". Hence, he drew this sensible conclusion: "All that has been done with suffering, sweat and blood. A tribunal similar to that of Nuremberg has become a permanent necessity."

The Bertrand Russell International Tribunal has sprung from a "vacuum"—left by the disappearance of the Nuremberg Tribunal and from an "appeal", that is, from the necessity of an institution to inquire into war crimes and, if possible, to try them. Its lawfulness derives from its "utter powerlessness" (it has not been commissioned by any State) and from its "universality". In this regard, it would be even more "universal" than the Nuremberg Tribunal which, appointed by the allied powers, assumed consequently the character of a dictate of the victors, that is why the lawfulness of the Nuremberg magistrates and their sentences have been so far challenged by some people.

Jean Paul Sartre went on to say: "Thanks to the co-operation of the press, we hope to be able to maintain a regular contact with the masses who in all parts of the world live painfully the Viet Nam tragedy. We wish that they would get enlightened as we are. He thought that "judges are everywhere to be found: they are the peoples, particularly the American people. And it is for them that we are working."

In short, it is surely the world's peoples who ought to be and are the judges of U.S. war crimes in Viet Nam. This conception of the people's role as judges common to founders and members of the Tribunal is thus the juridical and ethical basis for the establishment of that international institution.

According to this conception, the power of the Tribunal comes directly from the people, from an embryo of tradition, an urgent necessity of history and the conscience of progressive mankind. Such a conception not only is consistent with progressive thinking, but fully conforms to the revolutionary and progressive notions of law. It could be claimed that power derives from two sources only: the State and the people. However as the State is nothing but the

creation and the representative of the people, the genuine source of power is in the final analysis the people themselves.

Formerly the setting up of the International Military Tribunal, its Charter, and the trial of the leading Hitlerite and Japanese war criminals at Nuremberg and Tokyo primarily met an urgent need of mankind outraged by the war crimes piled up by Hitlerism and Japanese fascism.

The Charter and Judgement of Nuremberg have substantially improved international law, especially international penal law. Let us quote, among other things, the following points :

1. The definition and classification into three categories of war crimes: crimes against peace, war crimes proper and crimes against humanity.

2. The affirmation of personal responsibility under international law of the heads of State and other leaders who take advantage of their authority to commit crimes in violation of international law and universal conscience, as well as the affirmation of the responsibility of all persons acting on the orders of a government or of a superior.

3. The actual holding of the Nuremberg and Tokyo trials and trials of war criminals of lesser importance before allied tribunals in the occupied zones of Germany and in Japan, and military courts of the victor powers: U.S.S.R, China, United Kingdom, France, etc., have brought to light the crimes of the Nazis and Japanese Fascists.

As a Tribunal set up by the Allied Powers, victims and victors of Nazi aggression, to try the defeated aggressors, the Nuremberg Tribunal had all authority and efficacy of an international jurisdiction. Its constitution conforms to that juridical conception which recognizes no other subjects of international law than the States and no other sources of international law than the inter-State provisions: treaties, agreements, conventions, declarations or customs recognized by the States.

Speaking more than twenty years ago to affirm the juridical value of the provisions of the Charter of the Nuremberg Tribunal,

the U.S. Chief Prosecutor Justice R. Jackson declared that international law is more comprehensive than a complete book of abstract and immutable principles. It includes treaties and conventions between the States and customs and practices recognized by them. But each custom has its source in a unilateral text, and for each agreement, there must be somebody to blaze the trail. Unless we object to all progress of international law, we cannot deny the fact that in our time, new customs can be established and new agreements can be reached to serve as a steady basis for international law. This dialectical conception of international law has obviously a progressive character. It explains the process of inevitable advance of international law in correlation with the changes in international life and international relations. It is to be regretted, however, that in his mind, R. Jackson saw only States as subjects and sole makers of international law. Now, contemporary practice has proved two contradictory things: on the one hand, it is the people who are ultimately the source of power, while the State is only its mandatary; consequently, besides the States, there are other large entities representing the will of the peoples who can also be subjects of international law; on the other hand, if the concept of international law is narrowly confined to the powers of the States and inter-State relations, U.S. imperialism which is at present the greatest reactionary force in the world, will certainly not fail to believe for ever that it has the right to disregard all international law, and to totally release itself from all international commitments and supersede international law with jungle law.

It is undeniable that at present there exist national, racial, religious, political, economic, etc., collectivities which go by far beyond the framework of a State. However these collectivities have established international relations from various points of view (political, military, economic, cultural) sometimes more extensive than those of a State. Thus the Arab collectivity has over 90 million people living side by side in thirteen different States but jointly solidary in terms of certain unified political and military lines on the basis of common national interests and common defence

against foreign aggression. Another is the World Federation of Trade-Unions (W.F.T.U.) which has about one hundred million members placed under the leadership of the international working class in political and economic struggle, swayed by concrete organizational constitutions. In its present international relations, the W.F.T.U. has signed agreements and created customs serving as basis for the defence of the interests of the international working class. Such examples are numerous and show that it is not only the States but also the national, racial, religious, political and economic collectivities — whose size often oversteps the boundaries of a State — which are subjects of international law and the initiators of practices and customs in international relations. Furthermore some established forms of national collectivities which do not have the form of a State and do not yet have a government are publicly recognized as subjects of international law. Such is the case of the South Viet Nam National Front for Liberation which unites all the patriotic sections of the people in South Viet Nam to fight for liberation against the U.S. imperialists and their Saigon stooges. Though it is not, or has not organized itself into, a real government in South Viet Nam, the N.F.L. maintains relations with a great number of socialist and non-socialist States, and has established in many capitals official permanent representations enjoying diplomatic status and privileges. For instance, the Republic of Cuba has agreed to raise the N.F.L. permanent representation in Havana to embassy level. The N.F.L. sends its delegations to international congresses and conferences dealing with various political, economic and social problems, and is member of executive committees of many international organizations. Unquestionably, as a national grouping, the N.F.L. is a subject of international law.

In view of these considerations, when international law is flagrantly violated as it is in the present barbarous war of aggression waged by the U.S.A. against the Vietnamese people, but for one reason or another the States or inter-State organizations fail to act or take actions which prove ineffective, the national, racial, religious, social, political groupings have the right and obligation to

use all means in their power to react against, and stop, the criminal acts, and defend the flouted international law. An absolutely lawful form of this popular reaction is the setting up of commissions of enquiry to denounce and try in the name of international law and human conscience, serious breaches of international law and of norms of international ethics. Thus, at the present international juncture in which a number of powers (the United States supported by the United Kingdom and helped by satellite States) commit crimes in the international field, the setting up of international mass bodies to investigate, denounce and try these crimes, in one form or another, is regarded as a social necessity and an action fully consonant with the demands of universal conscience and fundamentals of law. In fact, at the present time, there is no permanent international tribunal to enforce the respect of international legality. Suppose that such a tribunal exists, if its most influential members happen to be imperialist States like the U.S.A., it will be quickly diverted from its destination to become an instrument of domination in the hands of these member States. An international tribunal of the peoples appears at the present international juncture to be a fortunate formula to raise the voice of human conscience and civilization in face of the offences committed by barbarism. In their legal proceeding, the International Military Tribunals of Nuremberg and Tokyo proved to be objective and undoubtedly meant to observe the fundamental guarantees of an unprejudiced justice. Nevertheless, as most of their members were representatives of imperialist States victors of the Hitlerite-Japanese coalition, these tribunals depended mostly on the policy of these imperialist States and their existence was therefore shortened. It was the U.S.A. which, backed by the United Kingdom, put an end to the activities of the Nuremberg Tribunal after its first and last judgment passed only on 22 topmost war criminals whose activities were not geographically localized. This made it possible for other war criminals — they were not in small number — to slip through the net of justice and many of them who had never been worried, came back to power and are now clamouring for a revenge in the Federal Republic of Germany.

At the present international juncture when two differing social systems co-exist and the imperialist States subsist consequently, investigation, denunciation and judgment by the *world's peoples* is the most adequate and most effective formula to "give a juridical proportion to acts of international politics", as Jean Paul Sartre put it, and to combat definitively the war crimes of our times. It is in these conditions and in this spirit that the International War Crimes Tribunal was set up on the initiative of Lord Bertrand Russell; it is now composed of 22 members belonging to 14 different nationalities including three American citizens (two white and one black). Other institutions such as the Standing Commission of Enquiry for Viet Nam set up on the initiative of the International Association of Democratic Lawyers (I.A.D.L.), the Commissions for Investigation on the U.S. Imperialists' War Crimes in Viet Nam created in many countries such as Japan, Cuba, the D.P.R. of Korea, the G.D.R., the U.S.S.R., the P.R. of Hungary, the P.R. of Mongolia, the Republic of Algeria, etc.; or the Tribunal of U.S. War Crimes recently held in Tokyo (Japan), are concrete replies to an urgent appeal from world opinion in the absence of a permanent international tribunal, and all that shows how much the peoples feel the need to take the initiative of an adequate action in order to arraign and censure that "big power" which flouts international law and commits in Viet Nam intolerably atrocious crimes. It is in these conditions and only in these conditions that, it seems to us, international law can be enforced in time and enjoy a development which meets the new needs revealed by practice.

Surely, the jurisdiction of such international people's tribunals as the Bertrand Russell Tribunal and the Tokyo Tribunal to try U.S. war crimes in Viet Nam could not pass any sentence on such and such subject found responsible for certain illegal acts and guilty of such and such crimes under international law. Nobody could think of such an eventuality because these tribunals have no means to carry out such a sentence. They confine themselves to conducting inquiries into charges according to the rules of normal criminal investigation

which can be applied under the prevailing circumstances with, if necessary, appropriate amendments, in order to ensure complete objectivity and accuracy, and try to get a thorough knowledge of the facts of the case, then, to compare the act so verified with international law in order to express in all objectivity and freedom of mind, the "soul and conscience" of the "jurymen" on the question whether such and such subject has violated or not the juridical and ethical rules and consequently, whether he is guilty or not of such and such a crime. Such tribunals have not defined their function and role otherwise, and have practically worked in the above-mentioned fashion and limits.

Fifty three years ago, the great French writer Romain Rolland, felt the need to set up an international people's tribunal to try war crimes when he launched his moving appeal to the world's peoples to pool their efforts in order to establish a "Permanent Tribunal of World Opinion", a "Supreme Council of Ethics", a "Tribunal of human conscience to denounce and judge violations of international law."

The sound activities of the Bertrand Russell International Tribunal and the brilliant results it obtained at its first session in Stockholm, the approval it has received from many States, from progressive people and personalities in many countries including the U.S., the warm welcome of world public opinion to its decision, substantiate that the Bertrand Russell War Crimes Tribunal is a vivid and effective expression of the struggle of the world's peoples against U.S. aggression and in support of the Vietnamese people. We think that the Bertrand Russell International Tribunal has been established in time and that it has an undeniable significance, role, and political influence. In his speech on the occasion of the National Day of the D.R.V.N. (September 2, 1967), Premier Pham Van Dong said, "The Bertrand Russell International Tribunal is a positive proof that broad sections of world opinion and the conscience of progressive mankind are with us."

On the documents produced before the Tribunal and its decision :

The introductory general report, more than 40 other reports and speeches, the recapitulatory final report as well as the decision of the Tribunal constitute as a whole a mighty indictment of the war crimes of our times generated by the bellicose and aggressive policy of U.S. imperialism, ringleader of colonialism, international gendarme and last stronghold of imperialism, with their distinctive marks and peculiar nature.

In order to accurately appraise the great success of the first session of the Tribunal in Stockholm as well as its effective contribution to the progress of international law and international penal science, we shall try to draw from the files and documents of the Tribunal a number of significant observations.

a) *Regarding the first question*: "Have there been, according to international law, acts of aggression committed by the U.S. government (and the governments of Australia, New Zealand and South Korea)?"

The study of the whole proceedings of the Tribunal's first session gives rise to the following considerations :

The Tribunal unanimously replied "yes" to this question. This unanimity was also expressed in all the reports, speeches, depositions of witnesses before the court. The Tribunal members reached a unanimous decision on U.S. acts of aggression in examining the global strategy and the activities of the U.S.A. in the world, its strategy and activities regarding Viet Nam as well as the development of the revolutionary struggle for liberation of the Vietnamese people in the light of international law and in refuting the deceptive and arrogant allegations advanced by the U.S. Government to defend its cause.

This unanimity of views of personalities belonging to various nationalities (three of them being American) and various political and social tendencies, is first of all a staggering blow dealt at American imperialism and its psychological war machine so

expert in the art of lying and twisting the truth. During the debate, such U.S. labels as "disinterested aid", "anti-communism", "defence of the independence and freedom of Viet Nam and the world" as well as the pitiful quibbles of the U.S. on "Viet Cong subversion", "aggression against South Viet Nam by North Viet Nam", "obligation of the U.S. to keep its commitments" were exposed, and in the process so were the plan for aggression and enslavement of the U.S. imperialists and their aggressive activities directed against the fundamental national rights of the Vietnamese people and the peace in Viet Nam, Indo-China and South-East Asia, in flagrant violation of international law.

In his objective, conscientious and courageous report, a large-size 94-page document — G. Kolko, American historian, based himself on the official documents of the State Department and those in the American press to show that the U.S. has been acting more and more resolutely since 1943 to dominate the world and oppose all revolutionary movement of national liberation which rises against the U.S. policy of expansion. He also denounced the extremely bellicose policy of the U.S.A., and concluded, all objective and conscientious study of the history of Viet Nam necessarily comes to the conclusion that the U.S. is solely and entirely responsible for raising doubts again about the existence of a whole State since World War II... The war which is raging there cannot be regarded as a civil war nor a by-product of the civil war; were it a civil war, it could not have lasted in the presence of a national revolutionary movement which has always enjoyed the support of the great majority of the Vietnamese people.

Another no less serious document, the report of the "Japanese Commission for Investigation of War Crimes in Viet Nam" entitled "Juridical point of view from which to consider the U.S. war of aggression in Viet Nam as a war crime", is the fruit of the valuable collective work of scientists who are well conversant with the methods and tricks of aggression of U.S. neo-colonialism.

Its preamble "On the new form of war of aggression" denounces the objectives and means of enslavement and aggression of the neo-colonialists." The report said, "with this new form, the imperialists and colonialists aim at:

1. Actually controlling the economic and military organisms of the States which are newly independent by means of economic, military and technical aid ;

2. Politically leading these States by setting up puppet governments and wirepulling the quislings ;

3. Establishing military bases in these States and involving them in military blocs. In order to camouflage as far as possible the true nature of colonial oppression, the imperialist and colonialist powers take advantage of the procedure of "recognition" of States or governments provided for by international law. They suppress the will of the people by using terrorist methods, threat and cheat or rigged elections. They misuse the theory of "collective defence" recognized by international law and carry out political and military repression against the genuine national liberation movements through puppet governments and armed forces. Consequently they resort to direct cruel large-scale military actions under the pretext of answering to an "appeal for aid and assistance" from the quislings. In conclusion, the report read among other things: "*The policies and activities of the U.S. Government and its armed forces betray quite clearly the characteristic features of neo-colonialism, and the war they are conducting is nothing but a war of aggression in every sense of the word.*"

Thus all those present at the Stockholm sittings not only unanimously made no question of the existence of an American plot against the independence and territorial integrity of Viet Nam since before 1945 and of the aggressive character of the war waged as a result of that plot, but also exploded the fallacious U.S. allegations about the so-called "aggression against South Viet Nam by North Viet Nam", the "civil war in South Viet Nam where the U.S. has allegedly intervened merely to help one side at its request." Better still, they examined the problem thoroughly and denounced

the new forms and methods of aggression by U.S. neo-colonialism. This is an important contribution to the conception and definition of aggression in international law, especially from the view point of jurisdictional practice, because, as is known, the imperialist powers are now forced to camouflage themselves and make use of neo-colonialist methods for aggression and enslavement of other States and other peoples.

In his final report which was highly valued by the Tribunal, Mr. Lelio Basso sketched the process of twenty years of U.S. plots and acts of aggression in Viet Nam, under two "fundamental guiding lines":

1. "Check all new socialist revolutions", and

2. Secure U.S. preponderance in each country in the capitalist sphere to the detriment of other capitalist countries. It is this second "guiding line" that has led the U.S.A. to outwardly adopt an anti-colonialist attitude, which in fact is merely a means to "pave the way for U.S. penetration through neo-colonialist methods", said Lelio Basso.

Lelio Basso thought that these two "guiding lines" are the deep root and direct motive of U.S. plots and acts of aggression, from the plot against the fundamental national rights of the Vietnamese people (period from 1945 to 1954) to "indirect aggression" under the terms of international law — carried out by means of systematic sabotage of the political and military provisions of the 1954 Geneva Agreements in order to make the temporary division of Viet Nam permanent, by the granting of economic aids, installation of a network of American military advisors and military bases, creation of an illegally separated State and a mercenary army in South Viet Nam, and finally by the preparation for a war of aggression against North Viet Nam (period between 1954 and 1960), to direct aggression by means of direct and more and more massive military actions (period from 1961 and chiefly from 1965 to date). All these aggressive schemes and acts of the U.S. under these various forms aim at the same purpose, that is, to achieve U.S. neo-colonialism in Viet Nam.

With such far-reaching conclusions, the first session of the International Tribunal held in Stockholm has drawn near the truth and laid bare the nature and specific features of U.S. imperialism. For the enlightenment of world public opinion, especially in the European and American countries which have not been able up to now to realize clearly all the political, military, economic, cultural and social methods employed by U.S. imperialism, the work of the Tribunal was doubtlessly a substantial step forward. In other words, one can say that Vietnamese revolutionary practice and the summing up of the practical experiences of the Vietnamese people's struggle against U.S. imperialism for national salvation, should advantageously serve as a basis of study for men of good will in the world who wish to have an accurate conception of the true nature of the underhand dealings of U.S. imperialism, the enemy Number one of all peoples at present.

It is precisely by starting from these correct points of view that after dealing with the historical development of U.S. aggression in Viet Nam, the D.R.V.N. Commission for Investigation on the U.S. Imperialists' War Crimes in Viet Nam, in its indictment of October 29, 1966, made the following statement on the whole process of U.S. plots and acts of aggression :

“ Throughout the last two decades, the U.S. imperialists have been constantly carrying out schemes for aggression and enslavement against Viet Nam and her neighbours, Laos and Cambodia.

For over five years, and more particularly for a year and a half now, they have been waging here the greatest war of aggression in the world in pursuance of their attempt to achieve neo-colonialism in South Viet Nam. From the form of aggression under the forms of “aid”, “advisors”, carried out through the medium of a puppet army and administration to which an outward appearance of “national independence” is given, to the outright commitment of a U.S. expeditionary force of hundreds of thousands of men) the U.S. war in South Viet Nam has been and remains a neo-colonial war of aggression.

After suffering bitter failures in South Viet Nam, the U.S. imperialists have openly stepped up their air and naval war in North Viet Nam which is now subjected to round-the-clock attacks; at present they are scheming new dangerous escalations. The air and naval war of destruction against the D.R.V.N., an independent and sovereign country, is de jure and de facto a war of aggression against the Vietnamese people."

The speech made by the Delegation of the D.R.V.N. Commission for Investigation on the U.S. Imperialists' War Crimes in Viet Nam at the Tribunal's first session has split the process of U.S. intervention and aggression in Viet Nam into the following stages:

First stage: From the end of World War II to July 1954. The U.S. plots to occupy Indo-China and takes part in the war of aggression conducted by the French colonialists in this part of the world."

Insofar as Viet Nam is concerned, the U.S. begins to nurse designs and hatch schemes of aggression and consequently takes part in the French colonialists' war of aggression.

Second stage: from July 1954 to 1960. The U.S. ousts the French colonialists, sabotages the Geneva Agreements, wages a unilateral war of repression against the South Viet Nam people and torpedo the peace and unity of Viet Nam.

This second stage marks the beginning of U.S. aggression in Viet Nam and the unleashing of an open war of aggression in South Viet Nam by neo-colonialist methods and in the form of a unilateral war.

Third stage: From 1961 to the end of 1964. The U.S. makes a war of aggression on the South Viet Nam people in the form of a "special war" and contemplates carrying it to North Viet Nam.

It is the stage of continuation of neo-colonial aggression under a more visible form, that of special war.

Fourth stage: From 1965 up to now. The U.S. steps up its war of aggression against Viet Nam under the double form of massive

invasion of South Viet Nam by American troops and a systematic air and naval war of destruction by escalation against the D.R.V.N.

This is the continuation of U.S. neo-colonial aggression in a more serious and more brazen form.

The condemnation of the "acts of aggression" and "war of aggression" of the U.S. in Viet Nam by the International Tribunal obviously contains new elements with regard to international law and international penal science.

It is common knowledge that despite its very progressive character the Nuremberg International Military Tribunal based its sentences solely on Article 6 of its Charter which stipulated that the "war of aggression" or "war in violation of international agreements" was a "crime against Peace". In fact the presence among the Allies of nations belonging to differing social systems made it impossible to do better than call the war of aggression a "crime against Peace." But war of aggression is, so to speak, the inseparable fellow-traveller of imperialism and is inherent in the regime of oppression of man by man. It has always and at first infringed the peoples' right to national existence, and sapped their independence, sovereignty, unity, territorial integrity and self-determination. It inevitably leads to the violation of democratic liberties and of the fundamental human rights. And when the fundamental rights of the nation and man no longer exist, peace is nothing else than the peace of the oppressor. This was formerly the Pax Romana and this is now the Pax Americana. This would be also a kind of peace at all costs, wished for by some people, but which could certainly not meet the legitimate aspirations of the subjugated people. That is why, to condemn U.S. aggression as a crime against peace is not enough. Such a condemnation is unable to bring out the true nature and fundamental content of the aggressive policy of the U.S. in Viet Nam.

In this regard, it is of importance to note that in all reports and speeches dealing with the U.S. war of aggression in Viet Nam in the juridical field, there appeared, apart from the notion

of crimes against Peace as defined in the Nuremberg trial, the notion of crime of aggression against the fundamental national rights of the peoples. The introductory general report of the French jurist Leo Matarasso said :

“ Stress should be laid on the fact that the notion of war of aggression has since Nuremberg undergone some change. The U.N. Charter mentions in two different paragraphs of its articles 2, on the one hand, the necessity of resorting to peaceful means to settle international disputes and on the other, the ban on the use of force against the territorial integrity or political independence of any State. As for the resolution adopted at the December 14, 1960 session of the U.N. General Assembly, it has proclaimed the necessity to allow all peoples to peacefully and freely enjoy their rights to complete independence and integrity of their national territory ”. It seems that a distinction should be made between a war waged to settle by force an international dispute and a war which jeopardizes the national existence of a State. In the latter case, one certainly finds oneself in front of a more serious international crime and one can even wonder whether it is not a crime of aggression of a particular nature, quite different from the ones cited above ”.

The decision of the International Tribunal concluded :

“ It is clear from the above that the U.S. bears responsibility for the use of force in Viet Nam and has consequently committed against that country a crime of aggression, a crime against peace...

The U.S. has furthermore committed a crime against the fundamental national rights of the Vietnamese people. ”

The other documents of the Tribunal were also at one to qualify the U.S. crime as a “ crime of aggression against the fundamental national rights of the Vietnamese people ”.

The Japanese report “ Juridical point of view from which to consider the U.S. war of aggression in Viet Nam as war crime ” mentioned above as well as the speech sent to the Tribunal by Y. Hirano, Japanese academician, on “ the Vietnamese people’s fundamental rights and their violation as a result of the U.S. war of aggression ” have shed a bright light on the notion of this new

war crime called "crime of war of aggression against the fundamental rights of a people".

Thus, with regard to the above-mentioned problem alone, the juridical conclusion of the first session of the International Tribunal in Stockholm has already recorded a new advance. Here, there have been no contradictory views. The true nature and the proper substance of the U.S. crime of aggression in Viet Nam have been laid bare: it is a violation of the fundamental national rights of the Vietnamese people as formally written into the September 2, 1945 Declaration of Independence and explicitly recognized by the July 1954 Geneva Agreements on Viet Nam. And there lies the unswerving juridical position of the D.R.V.N. Government, the D.R.V.N. Commission for Investigation on the U.S. Imperialists' War Crimes in Viet Nam, the N.F.L. Commission for the Denunciation of U.S. War Crimes in South Viet Nam and the Vietnamese jurists. Vietnamese revolutionary practice and the high sense of purpose of the Vietnamese people regarding the fundamental objectives of the national liberation struggle of Viet Nam against the U.S. imperialists' criminal acts in Viet Nam, are thus an important contribution to international penal law: adequate definition of neo-colonial war crime and creation of a new category of international crimes: the crime of war of aggression against the fundamental national rights of the peoples.

Everyone knows that these fundamental national rights are expressly recognized and protected by international law and international practice. Their observance constitutes the fundamental basis of world peace and international co-operation under many declarations and resolutions of the U.N. The Charter of that international body, many of its international agreements and resolutions to which the U.S. is a party have severely condemned colonialism in all its forms, military intervention and intervention in other forms, direct or indirect, and the threat to use force against the national independence, political, economic or cultural sovereignty, and territorial integrity of a State. In this connection, it is to be cited chiefly the Charter of the Organization of American States

signed at Bogota in 1948 and the December 21 1965 U.N. Declaration which have expressly *condemned* all direct or indirect intervention under whatever form likely to prejudice the sovereign personality and political independence of States. In consequence, not only the launching of a war of aggression is, as a form of "military intervention", condemned as an international crime, but all forms of intervention to prejudice the fundamental rights of a people are also condemned by international law.

The notion of "crime of aggression against the fundamental rights of a people" which has emerged from the realities of U.S. neo-colonial aggression in Viet Nam is a category of international crime entirely conforming to the spirit and letter of positive international law. Thus, as far as the U.S. acts of aggression in Viet Nam are concerned, the Bertrand Russell International Tribunal has sufficient practical and juridical grounds to pass sentence not only on the crime against peace, but also on the crime against the fundamental national rights of the Vietnamese people.

This new definition of crime, with its specific content and object, also conforms to the evolution of the international situation since the end of World War II and fully meets the urgent need of defending the liberation movement of oppressed peoples against various forms of colonialism, old and new. Each democratic-minded jurist in the world is duty-bound to approve the verdict of the Bertrand Russell International Tribunal.

The extremely cruel facts of the U.S. war of aggression in Viet Nam have, furthermore, made it possible for the International Tribunal to determine the relation between the three categories of war crimes: crimes of aggression, war crimes proper and crimes against humanity already classified by the Nuremberg and Tokyo tribunals. The merit of the decision of the first session of the Bertrand Russell International Tribunal is to grasp the content and specific features of each of them and in particular of the crime of aggression, and in consequence, to delve into and bring into relief the internal relations between these different categories. The decision of the Tribunal on this subject is unequivocal. Faced with the resistance

of a people who want to exercise peacefully and freely their right to complete independence and territorial integrity (December 14, 1960 U.N. Resolution), the United States government has given these war crimes, in terms of *size* and *frequency*, the character of crimes against humanity (Article 6 of the Nuremberg Tribunal Charter).

These crimes could not be regarded as the sole outcome of a war of aggression; they are the conditions of its prosecution.

Owing to their systematic performance to prejudice the fundamental rights of the Vietnamese people, their unity and will for peace, the crimes against humanity of which the U.S. Government is guilty, *become a fundamental constitutive element of the crime of aggression*, the supreme crime which contains within itself all the others, in the words of the Nuremberg judgement?

Such far-reaching and penetrating conclusions which faithfully reflect the perpetration of odious U.S. war crimes in Viet Nam, are in our opinion a valuable theoretical contribution to the concept of war crimes at present; they delve into the notions of war crimes and particularly of the crime of aggression as the supreme international crime of which cruel and odious U.S. imperialism is guilty.

On the second question: Have there been and to what extent, bombardments of targets of purely civilian character and more particularly of hospitals, sanatoriums, dams, etc?

The biggest war crime committed by the U.S. imperialists in North Viet Nam after the crime of aggression is the bombing of civilian targets. From the juridical point of view, the bombing of civilian targets aimed at killing the civilians is a main criterion of all-out war, according to the Nuremberg judgement, that is to say, the violation and complete negation of the laws and customs of war. The Bertrand Russell International Tribunal has duly cited the laws of war to conclude that the U.S. government and troops have deliberately violated all these laws.

At the Stockholm session, the comprehensive reports on the U.S. war crimes, the declarations of members of various investigation

teams back from Viet Nam, the depositions of witnesses, including four Vietnamese witnesses whose bodies were covered with scars and other wounds, as well as the show of photos and documentary films taken on the spot, were irrefutable proofs which aroused a justified anger and indignant censure against the U.S. criminals.

The Tribunal has taken note of the "massive, systematic and deliberate" character of the bombardments of civilian targets in North Viet Nam and stressed the extreme gravity of the American crimes. Its conclusions have disposed of the hypocritical assertions of the American leaders on the so-called limited character of the war which allegedly hits only concrete and steel. The tragic truth on the bombing of hospitals, schools, churches, pagodas, fisher men's hamlets, historical relics and works of art, densely populated areas in town and countryside, was amply established at the sittings of the Tribunal. In its decision, the Tribunal has particularly censured the U.S. plots and deeds aimed at destroying "dykes and other hydraulic works". It has taken note of the vital importance for the Vietnamese people of the dykes and other hydraulic works and the great danger of famine caused to the civilian population by the criminal attacks on these targets.

Though the question of employment and experimentation by American forces of prohibited weapons was not slated on the agenda of the Tribunal, the latter has asked its experts to consider it and has stated its view point on the weapons banned by international law and used by the U.S. in Viet Nam, particularly napalm, phosphorus and fragmentation bombs. In its decision, the Tribunal held that these weapons "are obviously aimed at hitting the defenceless civilians" — particularly steel pellet bombs, a new weapon whose aim it is solely to "cause the heaviest casualties among the civilian population" — and should be regarded as weapons prohibited by international law.

From the summing up of all the U.S. war crimes aimed at hitting civilian targets and population, it is clear that there is unmistakable will of genocide on the part of the U.S. imperialists to suppress the will of resistance of an entire people who refuse to

accept their neo-colonialist rule. Specifically motivated by this will of genocide, the U.S. aggressors have not made any distinction between civilian and military targets and have systematically bombed urban centres and populated villages, dykes and other hydraulic works and all other civilian targets which are the resources and instruments serving the material, moral, cultural and spiritual life of the Vietnamese people. It is also this criminal will that has induced the U.S. aggressors to use napalm and phosphorus bombs, steel pellet bombs, toxic chemicals and war gases whose purpose it is to sow death and devastation, cause atrocious lasting sufferings to the people, thereby striking at their morale and physical strength. In his introductory general report, the French jurist Leo Matarasso had already made a strong condemnation of genocide which has been and is being committed in Viet Nam and which will be considered by the Tribunal at its second session.

* * *

The setting up of an International War Crimes Tribunal, its smooth functioning and the success it achieved at its very first session, are an important and meaningful political event. It was in fact the first time in the history of mankind that a barbarous war of aggression abhorred by world public opinion, was brought to trial before an International Tribunal at the very time when it continued and stepped up its devastation. This is enough to give a historical significance to the International Tribunal set up on the initiative of Lord Bertrand Russell. The arraignment by universal conscience of the most powerful State, ringleader of the imperialist camp, is on the one hand a severe moral sanction against the criminal aggressors, and on the other, a great political victory and a valuable encouragement for the people victim of the aggression, who, with arms in hand, fight heroically to defend their sacred national rights and also to fulfil their duty of solidarity towards all oppressed peoples struggling for freedom, justice and peace all over the world. Such a Tribunal has no State power, but possesses a great

moral force. It is in fact a forum of jurists, historians, philosophers, scientists, writers, journalists, as well as workers, all upright men of high repute who are not invested with great powers, but have intellectually and morally contributed to what we call with optimism the civilization of mankind (Bertrand Russell) — belonging to many nationalities, including American, and representing an important part of world progressive opinion. The observations of that Tribunal are an incisive verdict exposing the aggressive, bellicose and ruthless nature of U.S. imperialism, the enemy Number one of the peoples, the sole force responsible for the war which is raging in Viet Nam and jeopardizing peace in Indo-China and South-East Asia, the most odious war criminal of our times. The conclusions expressed in the decision and documents of the Tribunal give the lie to the hypocritical and deceitful allegations advanced by the U.S. imperialist aggressors to hoodwink the world's peoples and their own people and cover up their dark designs and heinous crimes against the Vietnamese people and against humanity.

The B. Russell International Tribunal is a good medium of expression for human conscience (B. Russell), and is an adequate form of struggle in the world peoples' movement against the U.S. war of aggression in Viet Nam and in support of the just cause of the Vietnamese people. Nobody could reproach the Tribunal with partiality, or lack of objectivity. The audience was impressed by the dignified attitude of the Tribunal. The hearing was conducted in a very serious and objective manner and according to normal methods of judicial procedure, which has given to the proceedings and decision of the Tribunal a great intrinsic value and has had an incontestable persuasive influence on world public opinion.

The conduct of the hearings, the high conscience and fairness of the Tribunal members in the search of the truth, the great sense of responsibility of the witnesses before public opinion... all that belied from the very beginning the slanderous allegations spread by the U.S. Government with a view to undermining the influence of the Tribunal on public opinion in the world and in the U.S. From the juridical point of view, the proceedings and conclusions

of the Tribunal not only represent a correct observance of current international law, but are also likely to contribute to some extent to the progress of international law in comparison with the Charter of the Nuremberg International Military Tribunal and other juridical texts on war crimes. The juridical studies made an important conclusions unanimously adopted by honourable personalities from various countries representing broad social strata in the world, are effectively, in our opinion, a useful contribution to the comprehensive study and development of international law at a moment when imperialism is operating a strategic retreat and undergoing a partial collapse in face of the onslaught of the peoples throughout the world.

The participation of many personalities in the Tribunal, the warm welcome given to it and the trust reposed in it by broad sections of world public opinion, its sensible conclusions and its fine successes, are indications that the just cause of the Vietnamese people is enlisting ever deeper sympathy and stauncher support from the world's peoples while U.S. imperialism is meeting with greater and greater failures in all fields and its political isolation is growing in proportion to the escalation of its war of aggression and its universally condemned war crimes.

It is important to point out finally that the conclusions of the Tribunal specifying the aggressor directly and most obviously support the 4 points of the D.R.V.N. and the 5 points of the South Viet Nam N.F.L. As an aggressor, the U.S. cannot in fact put forth any condition for the cessation of the bombing raids and all other acts of war against North Viet Nam, for the complete withdrawal of U.S. and satellite troops from South Viet Nam, for the recognition of the South Viet Nam N.F.L. as the sole genuine representative of the South Vietnamese people; it must let the Vietnamese people settle themselves their own affairs. If an end is to be put to its war crimes, to its crimes against humanity, to its crime of genocide against the Vietnamese people, the U.S. Government must definitely end its policy of war of aggression. Because of its serious

work, and sound conclusions, the Bertrand Russell International Tribunal has given a valuable support to the heroic struggle of our people against U.S. imperialism ; it will contribute a great deal to making the peoples, chiefly the American people, alive to the truth in Viet Nam and consequently help promote a world-wide movement of support for the Vietnamese people, and the world peoples' front against U.S. imperialism ; with the great inspiration it has given to us as well as its part in the development and strengthening of the forces of international solidarity, it will make an effective contribution to our final victory, to the victory of peace, independence of the peoples, democracy and social progress.

August, 31, 1967.

POSITION OF DEMOCRATIC LAWYERS CONCERNING THE U.S. WAR CRIMES IN VIET NAM

(A sum-up of the work of the International Commission of Enquiry for Viet Nam and the Secretariat of the IADL in Mamaia, Rumania, September 15-17, 1967).

TRAN CONG TUONG – PHAM THANH VINH

The Secretariat of the International Association of Democratic Lawyers (IADL) meeting from the 15th to 17th of September 1967 in Mamaia (Socialist Republic of Rumania) devoted the major part of its work to the lawyers' actions against the war of aggression conducted by the United States in Viet Nam. On this occasion, in the first place, a general report was made by the General Secretary dealing particularly with the multiple and diversified activities of the IADL in solidarity with the just struggle of the Vietnamese people against the U.S. aggression. The delegation of the Viet Nam Lawyers' Association through two important documents, retraced on the one hand the present situation of the war in Viet Nam in the light of substantial changes in favour of the people in the South, and the North and on the other, denounced the war crimes piled up by the Americans in Viet Nam. Then, on behalf of their national sections, the delegates members of the Bureau and the Secretariat (Bulgaria, France, Hungary, India, Italy, Poland, U.A.R., G.D.R., Rumania...) reported on the remarkable activities and

manifestations of their national sections in solidarity with the Vietnamese people. Finally, important decisions were taken to underscore again the position of the world's democratic lawyers against the aggression conducted by the U.S.A. in Viet Nam, and also to step up the activities of international democratic lawyers in support of the Vietnamese people in the North and the South, in their just struggle and their determination to carry it through to final victory. A Resolution on the whole of the Viet Nam problem was adopted in unanimity,

All these reports and statements constitute at the same time a real dossier and a precise verdict against the U.S. war crimes. Together with the documents of Stockholm (May 1967) and Copenhagen (November 1967) of the Bertrand Russell International War Crimes Tribunal, they condemn the shameful and criminal U.S. aggression in Viet Nam and at the same time underline the just and glorious struggle of the Vietnamese people. They bring to dock before history the present enemy of the peoples — U.S. neo-colonialism with its new criminal means and methods. They also show the path to a correct settlement of the Viet Nam problem.

In view of their importance we deem it necessary to reproduce here some of the fundamental documents preceded by a brief general analysis of the whole of that dossier relating to the position of the democratic lawyers concerning the U.S. war crimes in Viet Nam.

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The *general report* presented by the General Secretary sums up the various activities of the IADL in its campaign against the U.S. war of aggression in Viet Nam. It especially stresses the founding and multiple activities of the "Standing Commission of Enquiry for Viet Nam" (installation of a delegation in Viet Nam, meetings and press conferences, making of a film relating the on-the-spot investigations in Viet Nam, conference in Nice on the occasion of the Congress of the International Law Institute, contacts

with American lawyers...), the participation of the IADL in the Bertrand Russell Tribunal, the contribution of the IADL to the Stockholm World Conference on Viet Nam...

On the juridical plane and with regard to the U.S. war crimes in Viet Nam, the founding and activities of the Standing Commission of Enquiry for Viet Nam and particularly the Moscow Declaration of March 31, 1967 hold a special place. In March 1967, this Commission sent to Viet Nam a mission which stayed in the D.R.V.N. from March 10 to 27. The mission included, without distinction of political opinion, lawyers and scientists from different parts of the world (France, Britain, Belgium, Chile, DPR of Korea, People's Republic of Mongolia...). It visited Hanoi and other areas, towns and provinces in different parts of North Viet Nam: Haiphong, Hon Gai to the east, and the coast, Thanh Hoa and Vinh to the south, not far from the demilitarized zone, Vinh Phuc and Viet Tri to the northwest, and Thai Nguyen, the big industrial centre and steel city to the northeast. It heard witnesses and saw many documents, photos and films. Following this on-the-spot investigation, on its way home, through a press statement issued in Moscow, the mission gave a general conclusion on the war in Viet Nam and the U.S. war crimes in Viet Nam. It concluded, in the first place and after a judicious historical analysis of the U.S. activities in Viet Nam, that the United States has conducted "*a war of intervention and aggression against the population of South Viet Nam and a direct aggression against the D.R.V.N., a sovereign and independent State*". With regard to the "American escalation", the investigation mission further affirmed, in the light of the investigations conducted on the spot, that "*obviously it aims at annihilating the administrative centres, the economic life and transport and hurting the population in all its social and cultural needs, intimidating it through the massacre of innocent victims. Terrorism has been made a political weapon against a peaceful people.*" With regard to international penal law, the Moscow Declaration (1) of March 31 said: "During

(1) See text on page 332.

our investigation, our indignation did not cease to grow against the *crimes* of which we observed the effects. In our capacity as lawyers, we hold that the United States has committed in Viet Nam *the crime of aggression, a crime against peace, war crimes, crimes against the laws of humanity, and that its acts take, in the process of the escalation, the character of a crime of genocide.* This is a violation of general international law, the Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925, the Geneva Convention of 1949, the principles of Nuremberg and Tokyo, the United Nations Charter, the 1948 Convention on Genocide and the 1954 Geneva Agreements. ”

Thus, through its Moscow Declaration, the Standing Commission of Enquiry for Viet Nam, in its capacity as a popular and international organisation grouping lawyers of different countries, particularly Western countries, has made a timely and correct, juridical appraisal of the American war in Viet Nam in the light of international public and penal law. The Commission has applied to the U.S. war and its acts the juridical norms which have been recognized and accepted even by American laws. The fallacious U.S. talk about a “fight of honour” prompted by the U.S. “commitments” to the so-called “free State of Viet Nam” has been refuted by a profound examination of historical reality. For historical reality has demonstrated that there exists only one Viet Nam unified for centuries from the North to the South and explicitly recognized as such by the 1954 Geneva Agreements. Therefore, the U.S. war ranges in the categories of “wars of intervention and aggression” in South Viet Nam and “direct aggression” in North Viet Nam, which are illegal, forbidden and condemned by international law. Likewise, the inhuman acts perpetrated by the different U.S. and puppet armed services constitute war crimes in all their latitude, ranging from the “crime of war” called “crime against peace” and “supreme international crime” in the Charter and Judgement of the Nuremberg Tribunal and called here more exactly “crime of aggression”, to the “war crimes” (in the strict sense of the word, viz. crimes committed in violation of rules of war), “crimes against the laws of humanity” and “crime of genocide.”

Through its juridical conclusions on the war crimes in the strict sense of the word, the Moscow Declaration constitutes a first and important manifestation of the application by an international Commission of Enquiry of a popular character, of the fundamental principles of international public and penal law concerning war and war crimes worked out following World War II. Moreover, on the basis of on-the-spot investigations and studies (1), the authors of the Declaration have also adopted the Vietnamese definition of "war of aggression" to designate the "crime of war" which the documents of Nuremberg called only "crime against peace". It is public knowledge that the U.S. war in Viet Nam not only violates chiefly and simply peace, but is essentially a naked aggression committed by U.S. imperialism with a view to carrying out its dream of neo-colonialist domination. What is more, the American strategy of hot war in Viet Nam goes alongside a permanent campaign of diversion in the form of fallacious manoeuvres of "unconditional peace". Therefore, to call the "crime of war" committed by the U.S.A. in Viet Nam a «crime against peace» as defined by Nuremberg is obviously inadequate. U.S. neo-colonialism is at present using both war and fallacious peace manoeuvres to attain the same objective of neo-colonialist domination in Viet Nam. Thus, the correct penal definition of the U.S. war crime bears a major significance, not only juridical, but also political.

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The second recent important juridical document of the democratic lawyers regarding the U.S. war crimes is the Resolution unanimously adopted by the latest session of the Secretariat of the IADL at its closing meeting. The Resolution was adopted on the basis of the discussion of two important reports by the Delegation

(1) The Moscow Declaration notes that the Mission has conducted elaborate discussions with representatives of the South Viet Nam National Front for Liberation (in Hanoi), the D.R.V.N. Commission for Investigation of U.S. War Crimes and with leaders of the Viet Nam Lawyers' Association.

of the Viet Nam Lawyers' Association. The reports deal in a systematic and topical manner with two primordial questions: the war in Viet Nam (1) and the U.S. war crimes in Viet Nam (2). No doubt, the first report on the war in Viet Nam, concerning major military, political and juridical problems, goes beyond the framework of the war crimes systematically dealt with in the second report. However, the "supreme international crime", as the biggest war crime, lies in the plot and moves of wars of aggression or wars in violation of international treaties and assurances. This report on the biggest and the most ferocious colonial war of all times has provided just the necessary elements for the assessment of this crime of war. It is in this sense that it is mentioned here together with the report on the U.S. war crimes on the occasion of our analysis on the I.A.D.L. Resolution of last September.

This Resolution (3) begins with a remark on the whole of the present situation of the war in Viet Nam.

This war is described on the one hand as "a characteristically neo-colonialist war", and on the other, a "heroic struggle of the Vietnamese people in defence of their fundamental rights". The character of the war is thus made quite distinct for the two sides, "aggression" on the part of the Americans and "legitimate self-defence" on the part of the Vietnamese. On the juridical plane, this distinction is fundamental. It involves, in addition to the military, political and moral considerations, a personal penal responsibility on the part of the U.S. leaders, criminals of this atrocious war, in the light of the Nuremberg principles. In defining the American war in Viet Nam a "neo-colonialist war," the Resolution of the I.A.D.L. has, moreover, exposed the really odious nature of the U.S. war which has all along been presented to the world and particularly the American people, as a "fight of honour" in defence of the "free world," first against "Communist subversion,"

(1) This report was made by Tran Cong Tuong.

(2) This report was made by Pham Thanh Vinh — See page 337.

(3) See page 349.

then against "aggression from the North". Only such a definition fits the U.S. war moves in Viet Nam which are on the one hand extremely ferocious, with the utilisation even of prohibited weapons of mass destruction, and on the other infinitely perfidious with the use of multiple deceitful signboards of neo-colonialism. The U.S. policy of war intensification and extension has always been combined with that of fallacious peace manoeuvres. The Vietnamese lawyers have contributed to this work of determining the real nature of the U.S. war in Viet Nam. Let us cite here a passage of the important report on the war in Viet Nam :

"Never has a war of aggression been so atrocious and so perfidious. The United States has deployed a huge war machine of the most developed and economically the richest industrial power of the capitalist world. The war methods of untold barbarity, products of past colonial wars, augmented by many others of U.S. neo-colonialism, are being applied. In South Viet Nam: sweeps, "search and destroy" operations, "pacification" operations, camouflaged concentration camps called "strategic hamlets" and more perfidious still, "new life hamlets" "scorched earth" policy, bombings by B.52 strategic aircraft, uninterrupted bombardments by the 7th Fleet, use of napalm and white phosphorus bombs, chemical substances and prohibited toxic gases... In North Viet Nam, massive, deliberate and systematic bombings of populous centres from the most important cities such as Hanoi and Haiphong to district capitals, roads and means of communication and transport, industrial centres, dams, dikes, hospitals, schools, pagodas, churches, temples,... also use of napalm, phosphorus, steel pellet bombs designed exclusively to massacre the population.

Never has an imperialist country deployed such an enormous psychological war machine to camouflage the real nature of its policy. The United States presents its war undertaking in Viet Nam under the label of anti-communism and fight for freedom, and its criminal manoeuvres contrived together with its puppets as the accomplishment of a commitment of honour, and the just fight for liberation and legitimate self-defence of the Vietnamese people

as an aggression from the North against the South, its crimes as humane acts, its violations of the Geneva Agreements and international law as the defence of international legality, its war-mongering policy as a desire for peace, its war escalation which has not ceased to intensify and broaden as a desire for "unconditional negotiations" to put an end to the war."

Close relation between these normally antagonistic aspects, extreme ferocity and machiavellian perfidy are the characteristics of U.S. neo-colonialism. It explains the denomination of "neo-colonialist war" given it by the democratic lawyers.

The criminal acts perpetrated by the U.S. war machine in South and North Viet Nam have also been largely underlined in the September 1967 Resolution of the democratic lawyers. They reflect the unprecedented gravity of the war crimes deliberately committed by the U.S.A. in Viet Nam.

This criminal aspect of the U.S. aggression in Viet Nam is described in the Vietnamese report as "*a tactical aspect of the Viet Nam problem, but it is closely linked to the U.S. political and military strategy against Viet Nam and conditions its execution*". "*The U.S. crime of aggression is inseparable from its crime of genocide, the latter being in some way a means of aggression, a means which would help the U.S.A. to attain its objectives of neo-colonial domination*".

On the basis of a judicious appraisal of the war in Viet Nam and the magnitude of the criminal acts committed by the United States in Viet Nam, the Resolution of the I.A.D.L. has made an appropriate sanction against the American crimes :

"*The colonial war of aggression waged by the United States against Viet Nam is both illegal and criminal in terms of international law*". That is an appraisal in both points of view of international public law and international penal law. On the plane of international public law, "*it (the colonial war of aggression) is an attack on the fundamental national rights of the Vietnamese people*". The fundamental national rights have been rightly made

the centre of the violations committed by the U.S. neo-colonial war of aggression. These are: "independence, peace, sovereignty, unity, territorial integrity, non-interference in the domestic affairs" "which are guaranteed them (the Vietnamese people) by the 1954 Geneva Accords". The Resolution also refers to positive international law which has been violated: "This attack, deliberately undertaken and pursued in order to prevent the Vietnamese people from enjoying these rights, is contrary to the rules and provisions of international law which bans wars of aggression and resort to force or the threat of force, and which has condemned colonialism and imperialism in every shape or form". This reference to international law is obviously an allusion to the Briand-Kellogg Pact of 1928, the principles of Nuremberg, the United Nations Charter, particularly its article 2, section 4, and to the Resolution of the U.N. General Assembly of 1960 (December 14)...

The Resolution of the I.A.D.L. has also used the terminology of the Nuremberg Judgement to describe the U.S. war of aggression in Viet Nam: "It constitutes the supreme international crime under the terms of the judgement of the Nuremberg Tribunal itself."

Concerning "war crimes" (stricto sensu), the Resolution concluded that "the means and methods employed by the United States, moreover, designed for the mass extermination of human lives, the destruction of all the resources for supporting existence as well as cultural and intellectual life in Viet Nam, also constitute crimes of war." That is a total and comprehensive condemnation of the inhuman means and methods of war used by the U.S.A. It reveals the real objectives of the U.S. operations and bombings. In view of the magnitude and planned character of the U.S. war crimes, the Resolution of the I.A.D.L. has raised them to the notions of "crimes against humanity" and "crimes of genocide".

"By their magnitude and systematic application, they constitute crimes against humanity and the crime of genocide as defined in international law."

The U.S. genocide in Viet Nam has been the chief subject of the report on the U.S. war crimes presented by the Vietnamese lawyers' delegation. This report laid bare the U.S. acts of genocide and the real purposes of the U.S. government concealed behind them. The report seeks to give a logical explanation to this heinous crime by proceeding, on the one hand, from the characteristics of the U.S. policy of world hegemony, and on the other, from the characteristics of the Vietnamese people's age-old tradition of patriotic struggle against foreign aggression. The U.S. genocide is, therefore, linked to the U.S. aggression. It actually constitutes a means of aggression. This report concludes by an analysis of a juridical basis for the condemnation of the U.S. crime of genocide and the incapacity of the U.S.A. to reach its goal, considering the firm will of struggle of the Vietnamese people, their energetic ripostes, their appropriate and ingenious preventive measures.

It is important to underline the condemnation on the juridical plane of the U.S. war escalation by the Vietnamese lawyers and by the Resolution of the I.A.D.L. This escalation is regarded as a "torture of national scale" and as such is a crime of genocide. By its principles, forms, proportions, means and methods, this escalation is rightly considered as a crime of genocide. The Resolution said:

"This crime of genocide is equally implicit in the principle itself of a war of escalation. Its forms, its magnitude, its means and methods force its definition as a terrorist enterprise designed for the progressive methodical development of all available means for the destruction of the material and moral resources, indeed the existence itself of a whole people, and to subject them to the constant threat of extermination, offering surrender as the only alternative."

Concerning the penal definition of the U.S. war crimes, the Resolution of the I.A.D.L. has given the following general conclusion:

Viewed in their entirety, American war crimes in Viet Nam can be summed up as a crime of aggression against liberty and independence, a crime against peace, crimes of war of an especially barbarous nature.

crimes against humanity and the authentic crime of genocide against the very existence of a people. These crimes are indissolubly linked together by the colonialist nature of the war."

This juridical systematisation of the U.S. war crimes strengthens and makes clearer the Moscow Declaration. The U.S. crime of war is described here both as a "crime of aggression" and a "crime against peace". The object of the "crime of aggression" is clearly specified: independence and freedom. The gravity of the "war crimes" is also underlined by its "especially barbarous nature". The close relation between these different criminal characters lies in the "colonialist nature of the war". Between the crime of aggression and the war crimes and the crime of genocide, there is a close and indissoluble link. Once again the *colonialist* character of the war lies in the centre of the criminal U.S. manoeuvres. It exposes not only the criminal character of the U.S. war in Viet Nam, but also the hideous face of imperialism and colonialism condemned by history and law.

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This brief analysis of the "Position of democratic lawyers with regard to the U.S. war crimes in Viet Nam" has thus allowed us to present the activities and militant attitude of progressive lawyers in the world concerning the Viet Nam problem. It has particularly helped us to highlight their contribution on the plane of international public law and especially international penal law in the judgement of the U.S. war crimes in Viet Nam.

However, before concluding, we would like to underscore also that, in their declaration and resolution, in addition to their severe judgement against the U.S. war crimes, the democratic lawyers have also unreservedly manifested their sympathy with, and admiration for, the glorious fight for national liberation of the Vietnamese people and their support to the Vietnamese demands.

In the Moscow Declaration, the Investigation Mission, back from Viet Nam, affirmed, in unequivocal terms, the justice of the Vietnamese cause and the certain triumph of the Vietnamese people :

“ On this people, the heaviest sacrifices have been imposed all along these 20 years because *they are determined to win and safeguard their freedom and independence. They eagerly long for peace, but they refuse to be pushed to the conference table through bombing.*

“ *Our trip has convinced us that the aggressor has not reached his objectives.*

“ We have found this people resolved, calm and disciplined under the bombings, united with their government in an admirable impetus, *achieving miracles of ingenuity and surprising progress, on the military plane as well as in the production field. It is evident that this can only be the work of an entire people who so defend their gains, their dignity as well as the improvement of their living conditions.* ”

The September Resolution of the I.A.D.L. is still more explicit.

“ *The Secretariat of the I.A.D.L. warmly welcomes the brilliant successes achieved by the Vietnamese people. It reaffirms its unchangeable support for the Vietnamese people in their just fight and in their unflinching determination to carry the struggle to final victory. It especially welcomes the new Political Programme of the National Liberation Front which expresses the profound and justified aspirations of the Vietnamese people in the new circumstances...* ”

It once again expresses the conviction that the heroic struggle of the Vietnamese people, supported by progressive forces throughout the world, will end in victory, and thus make a great contribution to the liberation of the peoples of the world and the consolidation of world peace.

ANNEXES :

- Declaration of the Delegation of the International Commission of Enquiry for Viet Nam (Moscow, March 31, 1966).
- Report on the U.S. war crimes in Viet Nam, made by Pham Thanh Vinh at the Mamaia Session (Rumania) of the Secretariat of the I.A.D.L.
- Resolution of the Secretariat of the I.A.D.L. in Mamaia, Rumania (September 15-17, 1967).

DECLARATION

of the delegation of the International Commission of Enquiry for Viet Nam, at a press conference held in Moscow on March 31, 1967.

The Standing Commission of Enquiry for Viet Nam which bases its work on the national committees of different countries include, without distinction of political opinion, lawyers decided to condemn the American aggression in Viet Nam, and to urge an immediate end to it. The Commission, first presided over by the late Attorney Thorn of Paris, is now headed by the Belgian Minister of State Henri Rolin.

After undertaking preliminary studies on the situation in Viet Nam and examining the reports of the Delegation of the Viet Nam Lawyers' Association in 1965, the Commission sent a mission which stayed in the D.R.V.N. from the 10th to 27th of March 1967. The mission included :

Barrister Maurice Cornil of Brussels, Damdine Korloo, President of the Supreme Court of the Mongolian People's Republic, Georges Fisher, research lawyer at the National Centre of Scientific Researches in Paris, Joe Nordmann, General Secretary of the International Association of Democratic Lawyers, Pak Il Kun, General Secretary of the Korean Lawyers' Association, José Rodriguez, Professor of the Santiago University, Chile, and Dr. Philip Harvey of London, medical counsellor.

The mission visited Hanoi and other localities including Haiphong, Hon Gay, Thanh Hoa, Vinh, Vinh Phuc, Thai Nguyen and

Viet Tri. It heard witnesses, saw numerous documents, photographs and films. It was received by President Ho Chi Minh and Prime Minister Pham Van Dong. It had substantial discussions with representatives of the South Viet Nam National Front for Liberation, the Viet Nam Commission for Investigation on the U.S. Imperialists' War Crimes, and leading officials of the Viet Nam Lawyers' Association. It wishes to extend warm thanks to all governmental and non-governmental organs of Viet Nam which have unreservedly and effectively provided it the assistance and facilities needed for the accomplishment of its work. It expresses its admiration for the considerable work already accomplished by the Vietnamese investigation commission.

The members of this first mission, after exchanging views among themselves, declare the following:

“The United States, which had earlier intervened in Viet Nam, has, since 1954, installed itself politically and militarily in the southern zone of Viet Nam in flagrant violation of the Geneva Agreements. It has imposed there a regime which have been refusing to respect and implement these agreements. It is against this state of things that the people in the South has at first launched a political struggle, then, since 1959-1960, a political and military struggle. In this way, the United States has gradually been engaged in a war of intervention and aggression against the entire population of the South. Unable, even with the use of the most inhuman methods such as herding the civilian population into concentration camps, systematic destruction of whole regions, and utilisation of weapons of mass destruction, to vanquish a people struggling for their legitimate rights, the United States has undertaken a direct aggression against the D.R.V.N., a sovereign and independent State.

The investigations we conducted on the spot have shown us whole towns of 60,000 or 70,000 inhabitants like Thanh Hoa and Vinh razed to the ground. The coastal region has been bombarded by U.S. naval artillery. U.S. planes have unceasingly bombed workers' residential quarters, villages, dikes and hamlets.

Schools, hospitals, churches and pagodas have been systematically attacked and destroyed. On this score, we have given concrete details in earlier communiques. Peasants are pursued in their fields, fishermen on their boats, the wounded up to the first aid stations and the children in their new, camouflaged class-rooms. New weapons are designed to inflict more atrocious wounds. We collected on the scene a few hours after the bombing, and we saw in hospitals surviving victims of these weapons containing balls which were projected in a helicoidal trajectory and steel cubes with cutting edges.

We heard accounts and examined proofs of the use, not only in the South, but also north of the 17th parallel, of napalm and phosphorus bombs.

These acts demonstrate the true character of the talk of peace made again and again by the President of the United States, even at a moment when new steps were taken in the escalation. This obviously is aimed at annihilating the administrative centres, the economic life, transport, hit the population in all its social, cultural, spiritual needs, intimidate it through the massacre of innocent victims. Terror has been made a political weapon against a peaceful people.

On this people, the heaviest sacrifices have been imposed all along these 20 years because they are determined to win and safeguard their freedom and independence. They eagerly long for peace but they refuse to be pushed to the conference table through bombing.

Our trip has convinced us that the aggressor has not reached his objectives.

We have found this people resolved, calm and disciplined under the bombardments, united with their government in an admirable impetus, achieving miracles of ingenuity and surprising progress in the military field as well as in production.

Dispersion and decentralisation constitute remarkable successes. All the services are functioning. The means of communication are,

generally speaking, quickly restored. Agricultural production is on the upgrade. Education at all levels is being ensured, scientific researches are going on. The public health service, among other things, has proved admirable to us. Hygienic latrines have been installed everywhere; sanitary stations are multiplying; preventive measures against epidemics have proved fully efficacious.

It is evident that this can only be the work of an entire people who are defending their gains as well as their dignity and seeking the improvement of their living conditions.

In the South as well as in the North, U.S. imperialism is held in check and has sustained defeats. Facts have justified the unshakable confidence which is visible in every Vietnamese. At the same time, the Vietnamese people are conscious that their fight is contributing to world peace and the cause of freedom of all peoples. Their efforts and sacrifices have demonstrated that aggression does not pay in face of a nation determined to defend itself and that a big power cannot, with impunity, commit acts of brigandage against a small people and trample underfoot the rules of international law.

During our investigations, our indignation did not cease to grow against the crimes of which we observed the effects. In our capacity as lawyers, we hold that the United States has committed in Viet Nam the crime of aggression, a crime against peace, war crimes, crimes against the laws of humanity, and that their acts, in the process of the escalation, has taken the character of a crime of genocide. This is a violation of general international law, the Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925, the Geneva Conventions of 1949, the principles of Nuremberg and Tokyo, the United Nations Charter, the 1948 Convention on Genocide and the 1954 Geneva Agreements.

We consider that the bombings carried out against the D.R.V.N. must cease immediately and unconditionally. The ensuing negotiations must bring about a solution based on the 1954 Geneva Agreements and the main principle of self-determination of the peoples proclaimed by the United Nations Charter, principle under which

the Vietnamese people must be left alone to choose and build their own destiny. We think that the five points of the Statement made by the N.F.L. on March 22, 1965 and the four points of the Statement made by the D.R.V.N. on April 8, 1965 conform to these agreements and this principle.

We call upon all lawyers to enlighten public opinion in the world and particularly in the United States, to defend with zeal these demands, thus contributing to the defence of the rules of law, world peace and a small and heroic people to whom we wish to express here our solemn tribute and our total solidarity.

We invite all persons and organisations which are interested in this cause to correspond with the Standing Commission of Enquiry for Viet Nam and to send it all available documents at the following address :

19, *Quai de Bourbons*
PARIS

REPORT ON
U.S. WAR CRIMES IN VIET NAM

*Delivered by Pham Thanh Vinh of the Viet Nam
lawyers' delegation to the Session of the
Secretariat of the I.A.D.L. held in Mamaia,
Rumania (September 15, 1967)*

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Following the general report, on behalf of our delegation and of Vietnamese lawyers, I deem it my duty to stress here the *unprecedented gravity of the war crimes* deliberately committed by the United States in Viet Nam.

This is a tactical aspect of the Viet Nam problem, but it is closely linked to the political and military strategy of the United States against our country and conditions its execution.

In its statement to the press on March 31 this year in Moscow on its way back from a long and careful investigation in Viet Nam, the Standing International Commission of Enquiry for Viet Nam made the following conclusion :

“ During our investigation, our indignation did not cease to grow against the crimes of which we observed the effects. In our capacity as lawyers, we hold that the U.S. has committed in Viet Nam the crime of aggression, a crime against peace, war crimes, crimes against the laws of humanity, and that its acts take, in the process of the escalation, the character of a crime of genocide. ”

The general report has given you elements for an adequate appraisal of the biggest international crime perpetrated by the U.S. in Viet Nam, the "crime of aggression against the fundamental national rights of our people, against their independence, freedom and their right to self-determination" and which is at the same time a "crime against peace" defined in the Nuremberg judgement as the "supreme international crime".

It remains to me to give some more precision *on the crime of genocide which is now at the centre of world public opinion* since the war crimes and the crimes against the laws of humanity perpetrated daily and deliberately by the U.S. in Viet Nam have now been almost unanimously recognized and reprovved.

The aforesaid conclusion of the Standing International Commission of Enquiry for Viet Nam has referred to "acts which take, in the process of the escalation, the character of a crime of genocide". What then are these acts and what are the real designs of the U.S. government contained and hidden behind them?

I must tell you immediately that these U.S. acts of genocide in Viet Nam are part and parcel of a very vast criminal record encompassing many aspects of life in our society, if not all its vital aspects.

Here below is the general view of these acts of modern genocide of the U.S. and a few related figures.

A. — ACTS AIMED AT THE EXTERMINATION OF HUMAN LIVES AND THE DESTRUCTION OF THE PEOPLE'S HEALTH

1. Massive, systematic and deliberate bombings of urban centres conducted with the sole aim of killing en masse without discrimination and for intimidation purposes:

I cite only one example: all the six important towns of North Viet Nam (Hanoi, Haiphong, Nam Dinh, Thai Nguyen, Vinh, Viet Tri) have been bombed many times. The town of Vinh in

particular has been bombed 617 times (up to March 31, 1967). 90% of the structures in the town have been completely destroyed.

2. *Systematic and deliberate attacks on sanitary installations :*

According to still incomplete statistics, up to June 30, 1967, 112 sanitary establishments had been attacked, some of them were bombed dozens of times. For instance, the provincial hospital of Quang Binh has been attacked 12 times, that of Ha Tinh 17 times, and the Quynh Lap leprosarium 39 times.

3. *Deliberate bombing of dikes during the flood season.*

I will deal in detail with this crime later. Let us underline right now that the destruction of dikes during the flood season poses a serious threat to the life of hundreds of thousands of persons. Mr Kugai, a Japanese lawyer, has notably said that to destroy a dike during the flood season would be tantamount to dropping an atomic bomb.

B. — ACTS AIMED AT THE DESTRUCTION OF ALL RESOURCES FOR EXISTENCE

1. *Attack on agriculture :*

Nearly 90% of our population are peasants. The U.S. imperialists, in attacking agriculture, aim to bend the will of the Vietnamese masses and seek to destroy our chief resource for existence.

Let us cite in particular the case of Vinh Linh and Quang Binh where all the co-operatives have been attacked, and the case of the provinces of Ha Tinh, Nghe An and Thanh Hoa where almost all co-operatives have also been bombed.

61 State farms have been attacked (up to December 31, 1960): the Le Ninh State farm (Quang Binh) was attacked 626 times, that of Quyet Thang (Vinh Linh) 1,616 times; in the Northwest, the State farms of Moc Chau, To Hieu and Dien Bien were bombed each from 100 to 150 times.

In South Viet Nam, the spraying of toxic chemicals on whole regions is aimed at nothing other than destroying agriculture and starving the resisting population.

I now deal with the gravest American crime in this field. That is the attack on dikes and water conservancy works. Due to its geographical outlines, its climate and the number of its rivers and their flow, North Viet Nam is permanently exposed to two opposite threats: flood and drought which might bring about disastrous consequences for our agriculture if we do not succeed in bringing these natural forces under control. That is why the dikes and hydraulic works bear a vital importance for us.

In the Democratic Republic of Viet Nam, the system of dikes extends to 17 provinces and in all these 17 provinces, the Americans have bombed the dikes. U.S. warplanes aim in particular at the most important sections in such provinces as Nam Ha, Thai Binh, Hai Duong, Ha Bac, Thanh Hoa... well known for the density of their population and their agricultural production.

More cruel still, the U.S. Air Force mostly attacked the dikes during the season of biggest floods.

In 1965: 68 attacks against dikes.

In August and September 1966 alone: 136 attacks

First half of 1967: 99 attacks.

The hydraulic works ensure irrigation in 20 provinces, in all these provinces, hydraulic works have been attacked. Neither big nor small work were spared but the key ones are particularly aimed at.

In 1965 there were 500 attacks against hydraulic works, in 1966 the number rose to 800, and these attacks were chiefly made during the drought season (between October and May).

2. Attacks against forests and forestry exploitation:

American bombs and shells have devastated tens of thousands of hectares of forest land and thousands of hectares of nursery.

3. *Attacks against fishery and destruction of salt-marshes :*

Fishery is one of the main activities of our people and fish is part of our staple food.

Day and night, American planes and warships have relentlessly attacked our coasts through all its length. Whole fishing villages have been destroyed, thousands of fishing junks sunk, hundreds of fishermen killed or kidnapped and fish tackle destroyed.

4. *Attacks against industrial bases :*

Our fledgling industry, hardly 12 years old, has succeeded, however, in meeting the essential of the needs in ordinary consumer goods of the people and the requirements of agriculture.

By attacking the industrial bases, the U.S. imperialists seek to destroy one of the pillars of our economic life. By their own admission, they have been attacking all the industrial targets.

Let us cite as examples the Nam Dinh textile mill which had been attacked 20 times (up to December 31, 1966) and the Viet Tri light industry centre, 89 times (up to July 18, 1967).

5. *Systematic, massive attacks on lines and means of communication :*

Under the pretext of stopping the flow of supplies to the South, the U.S. imperialists have attacked in a systematic and extremely brutal manner our lines and means of communication with the aim of disrupting our economy.

It should be underlined that they have attacked even village lanes, foot-pontoons, small sampans and carts...

C. — ACTS AIMED AT SAPPING THE CULTURAL AND SPIRITUAL LIFE

1. *Massive and deliberate attacks on schooling establishments :*

By December 31, 1966, 391 schooling establishments had been attacked. In the first six months of 1967, 170 establishments were attacked.

Some of these establishments were attacked repeatedly.

It is significant to have a look at the time-table of their attacks: in order to kill as many pupils and teachers as possible, U.S. aircraft have chosen the class-time to commit their crimes.

2. *Attacks on churches and pagodas :*

By December 31, 1966, 149 churches, 3 seminaries and 83 pagodas had been attacked.

In the first six months of 1967, 87 churches and 7 pagodas were bombed.

3. *Attacks on historical monuments and places of scenic beauty.*

*
* *

L.B. Johnson has time and again declared that the bombing was directed only at steel and concrete structures.

The truth is quite opposite: the U.S. imperialists have sought to destroy en masse human lives, gravely threaten the health of an entire people, annihilate the conditions of their material and spiritual existence. Chiming in with other warmongers of the Pentagon, U.S. General Curtis LeMay once declared that they would "bomb North Viet Nam back to the Stone Age".

Johnson has also affirmed that it is not his intention to destroy the Hanoi regime. In reality, by deliberately and systematically attacking the physical, economic, and cultural life of our people, the U.S. actually aims at destroying our State, our political and social regime, or at least disintegrating it.

Why then this unprecedented cruelty, ferocity, barbarity and finally criminality directed against an entire sovereign people?

First of all, it is because this war of aggression is being conducted by U.S. imperialism in an epoch when imperialism headed by the United States is in full process of disintegration. It is struggling wildly in an attempt to impose by all means its domination. It is in these historical conditions that with a view to

carrying out its policy for world hegemony, the U.S. **Government** has brought into action its military and political potential of the most powerful capitalist country, weapons of mass destruction and up-to-date means of war. That is why their satanic schemes and their criminal means are on a world scale. On the other hand, one should recall the odious and criminal racialism, well known to the whole world and now historical, which has been and is rampant in the United States. Everybody is aware that the United States has been founded on the basis of the extermination of the native population of Indians across a whole continent stretching from the Atlantic to the Pacific. We are still witnessing a policy of segregation against the Black people who represent nearly 20 million souls. Nobody can have forgotten the monstrous massacres of Hiroshima and Nagasaki against the Japanese people...

The criminal aggression being pursued by the United States against Viet Nam still bears all the characteristics of this tradition of a monstrous criminal racist colonisation. The banner of "anti-communism" and "mutual security" of the "free world" unfolded by the U.S.A. in its crimes in Viet Nam, only serves as a label for a real war of neo-colonial conquest accompanied with heinous crimes against an entire people who are fighting without shrinking from any sacrifice for their liberty and independence.

We come here to *the other side of the "why"* of this unprecedented massive criminality. In Viet Nam, rampaging imperialism has been confronted with a people united, having an age-old tradition of struggle against foreign aggression. On the other hand, it has to cope here, concerning the northern part of Viet Nam, with the Democratic Republic of Viet Nam, a socialist **country** endowed with a steady political, military and social **structure and** supported by all the other countries of the socialist camp and the progressive forces all over the world. All this explains *why* in this war, the U.S. imperialists have sustained defeat after **defeat**. The U.S. obstinacy in its criminal aggression explains the **bellicose** and aggressive character of U.S. imperialism, and hence, its **systematic** criminal undertaking aimed at imposing its will at all **costs**.

These are the two aspects of the "why" of this cruelty, this barbarity, this ferocity, this criminality, against an entire people, this *crime of genocide*.

We understand, therefore, and to speak the juridical language, that it is impossible to separate the U.S. crime of aggression from its crime of genocide, the latter being in some way a means of aggression, a means which would help the U.S.A. to attain its objectives of neo-colonial domination. A great many lawyers from all parts of the world have come to this conclusion, particularly those who have visited Viet Nam and observed on the spot the crime and acts of the U.S.A.

This U.S. crime of genocide is aggravating along with the intensification and extension of the war with banned means and methods. I am certain that those who have seen Auschwitz, Dachau, Buchenwald and other Nazi camps of extermination in Europe, can imagine the modern genocide of U.S. imperialism in its form of escalation. This escalation means not only the continual and deliberate violation of the fundamental national rights of the Vietnamese people, but also the negation, pure and simple, of their right of legitimate self-defence against aggression and against genocide. This tactic of escalation is nothing but a torture on a nation-wide scale and "nation-wide torture" is genocide.

With regard to the *juridical basis* for the condemnation and punishment of this crime of genocide, I cannot help, especially at this conference of lawyers, saying a few words about the international right violated or more exactly denied by the United States.

The aforesaid Moscow Declaration said that this is a violation of general international law, the Hague Conventions of 1899 and 1907, the Geneva Protocol of 1925, the Geneva Conventions of 1949, the principles of Nuremberg and Tokyo, the United Nations Charter, the 1948 Convention on Genocide and the 1954 Geneva Agreements". I base my arguments on these texts and think that one can cite others concerning the banning of the wars of aggression and the elimination of colonialism and imperialism in all their forms.

With regard to the particular case of the *crime of genocide* which we are dealing with, we want to underline the Convention for the prevention and repression of the crime of genocide (adopted by the General Assembly of the United Nations on December 9, 1948). This convention stipulates:

“ *Article 1.*— The Contracting Parties confirm that genocide, whether committed in time of peace or of war, is a crime under international law which they undertake to prevent and punish.

Article 2.— Genocide means any of the following acts committed with intent to destroy, in whole or part, a national, ethnical, racial, or religious group:

- a) killing members of the group ;
- b) causing serious bodily or mental harm to members of the group ;
- c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or part. ”

Lemkin, author of the draft convention, defined its substance in the following terms :

“ Genocide does not necessarily mean the immediate destruction of a nation or a national group, or the massive extermination of all its members. It also involves a concerted plan tending to the destruction of this group itself. Such a plan is aimed at the disintegration of the political and social institutions, the economic existence, culture, language, health, religion, personal security, freedom and dignity of the individuals belonging to this group. ”

The U.S. Government has signed this convention. Yet it has systematically perpetrated the above-mentioned criminal acts which indisputably constitute the most significant crimes of genocide.

However, it should be pointed out that the crimes of genocide committed by the U.S. imperialists against the Vietnamese nation and people are multiform and go beyond the framework of positive law: genocide against human lives, against the physical and mental

integrity, subjection to conditions which make life impossible, genocide in all fields, cultural, religious, political...

Thus, the genocide committed by the Americans affects all aspects of life in our society. The destruction of the whole of these aspects would, in the mind of the American strategists, destroy our society, or at least disintegrate it.

The U.S. imperialists are making the Vietnamese nation and people objects for the testing of their weapons, war methods, tactics and strategy, in order to carry out their scheme for world hegemony and repression of the national liberation movement. Thus, in committing the crime of genocide against the Vietnamese people, they are preparing for a genocide of a much wider scale against other peoples.

When one examines the U.S. crimes in Viet Nam, one naturally thinks of the crimes committed by Hitler. The Nazi genocide shocked human conscience. Nevertheless, it must be pointed out, the U.S. genocide in certain respects has surpassed the Nazi genocide, because, as was said earlier, by its nature and its schemes and in view of its economic and military power and its scientific and technical standard as well as the quantity and perfection of its weapons, U.S. imperialism is of a much larger scope.

It must be said that the Nazi genocide was committed during and on the occasion of war, whereas the U.S. genocide is an integral part of the war of aggression of which it is one of the methods of realization and one of the characteristic features.

U.S. imperialism intends to destroy the existence of our people as an independent and free people enjoying their fundamental rights. But it has not attained and will never attain this objective. This does not in the least diminish the gravity of the crime it has committed and the heavy burden of its responsibility, because if we have been able to foil its criminal acts and limit to a minimum the losses and damage caused by the enemy, it is solely thanks to our will of struggle, our energetic riposte and our appropriate preventive measures. Genocide is one of the most odious

crimes under international law. The prevention and repression of this crime constitute not only a moral obligation, but also a juridical obligation defined by the international Convention of December 9, 1948.

The crime of genocide, as well as the war crimes and the crimes against humanity committed by U.S. imperialism in Viet Nam, is a crime perpetrated by the Americans with a view to carrying out their crime of aggression. Therefore, to put a definite end to this crime, it is necessary to struggle energetically and effectively against the crime of aggression and put an end to it.

The entire Vietnamese people are firmly determined to struggle against the covetous aims and the criminal acts of the U.S. imperialist aggressors. In our struggle, we are fully aware of our international duty, our effective contribution to the common struggle against the most ferocious and most perfidious enemy of the whole mankind. We are conscious that should the U.S. genocide which is linked to the U.S. aggression be not denounced and condemned in Viet Nam, it will be renewed elsewhere against other peoples, against the Congolese people, against the Arab peoples... We are enjoying the approval and support of the progressive forces of the whole world. Strong with our just cause, we are confident in our final victory.

Having long suffered from war and the crimes committed by the aggressors, we greatly appreciate the moral and material support given us by our brothers the world over, and at this conference, by vanguard lawyers of the world.

Before concluding, allow me to say a few words about our «life under bombs» as has often been said these days, because we know that progressive men and women in the world, while supporting us, have also shown their concern about the effects of American cruelty. I will cite here only some instances which moreover have been chosen by lawyers who have visited our country and who have been able to see the courage, ingenuity, optimism and faith in the future with which the Vietnamese

people are carrying out production and fighting abreast. G. Fischer, a French lawyer, member of the Standing International Commission of Enquiry for Viet Nam, gave to the journalists at a press conference on March 24, 1967, his impressions after a trip to the town of Vinh in Nghe An province. He said, "allow me to tell you that in going to Vinh and in coming back from there, we have been terribly shaken. But we have been still more strongly shaken during our stay in our habitual categories of thought. We have seen an exceptional and determined people, capable of all ingeniosities to solve in the most appropriate manner each new problem which the aggression poses to it."

Other lawyers such as Pak Il Kol, General Secretary of the Lawyers' Association of the D. P. R. of Korea, J. Rodriguez, a Chilean lawyer... have spoken in the same vein.

Thus, all the criminal manoeuvres and acts of the United States, whatever they may be, will never be able to bend the will of the Vietnamese people, nor prevent them from carrying on their just fight for national liberation till final victory and their vast undertaking of building socialism in the North and achieving the people's democratic revolution in the South.

DECLARATION

of the Secretariat of the I.A.D.L. on Viet Nam

Mamaia September 15-17, 1967

The Secretariat of the International Association of Democratic Lawyers, meeting in Mamaia (Rumania) September 15-17, 1967, devoted a major part of its proceedings to the activities undertaken by lawyers against the war of aggression on the Vietnamese people waged by the United States.

After hearing the reports of the delegation from the Association of Vietnamese Lawyers, it has concluded that this war, which is directed by the U.S.A. against Viet Nam, and which is a characteristically neo-colonialist war, has for over two years now been directly waged by them with an American expeditionary force amounting at present to half a million men, and troops from satellite countries. Waged by the most savage methods under the pretext of the so-called defence of the freedom of South Viet Nam, and accompanied by proposals for "unconditional negotiations", this war casts a threatening shadow over the peace and security of the peoples of South-East Asia and the world as a whole.

It has aroused the ever-growing indignation of the peoples of the world. Contrary as it is to the interests and prestige of the American people, it has called up an unequalled movement of protest in the United States itself which is steadily spreading.

The heroic struggle of the Vietnamese people in defence of their fundamental rights has been rewarded with increasingly brilliant successes, particularly in the breaking of two counter-offensives in the dry seasons of 1965-1966 and 1966-1967 and the escalation of the war against North Viet Nam. This struggle is effectively supported by an ever-expanding movement of international solidarity.

Despite the quandary in which they find themselves, the aggressors are taking new steps to intensify the war, sending fresh troops to South Viet Nam, stepping up the bombing of North Viet Nam, particularly in densely populated zones, such as Hanoi and Haiphong, and carrying out bombing attacks with B52's for the mass destruction of whole villages in the demilitarised zone north and south of the 17th parallel, taking them to the very frontier of the People's Republic of China. These new acts of war once more stress the illusory character of the proposals for "unconditional negotiations" put forward by the United States.

The American war machine has made use of napalm bombs, white phosphorus, magnesium and anti-personnel bombs. In the South it has resorted to the use of chemical products and toxic gases, to continuous clearing operations and so-called campaigns of pacification, to the herding of millions of people in concentration camps camouflaged under the names of "strategic hamlets" or "New Life hamlets", to the indiscriminate massacre of men, women, old people and children, to the systematic destruction of crops and property. In the North it has resorted to the deliberate, systematic mass bombing of non-military objectives (in particular vital industrial and economic centres, hospitals and medical institutions, schools, cultural monuments, churches, pagodas, etc...) and of particularly densely populated centres, dykes and hydraulic works.

The colonial war of aggression waged by the United States against Viet Nam is both illegal and criminal in terms of international law. It is an attack on the fundamental national rights of the Vietnamese people — independence, sovereignty, unity and

territorial integrity, non-interference in its domestic affairs which are guaranteed them by the 1954 Geneva Accords.

This attack, deliberately undertaken and pursued in order to prevent the Vietnamese people from enjoying these rights, is contrary to the rules and provisions of international law, which bans wars of aggression and resort to force or the threat of force, and which has condemned colonialism and imperialism in every shape or form. It constitutes the supreme international crime under the terms of the judgment of the Nuremberg Tribunal itself.

The means and methods employed by the United States, moreover, designed for the mass extermination of human lives, the destruction of all the resources for supporting existence, as well as cultural and intellectual life in Viet Nam, also constitute crimes of war. By their magnitude and systematic application they constitute crimes against humanity and the crime of genocide as defined in international law.

This crime of genocide is equally implicit in the principle itself of a war of escalation. Its forms, its magnitude, its means and methods force its definition as a terrorist enterprise, designed for the progressive, methodical development of all available means for the destruction of the material and moral resources, indeed the existence itself, of a whole people, and to subject them to the constant threat of extermination, offering surrender as the only alternative.

Viewed in their entirety, American war crimes in Viet Nam can be summed up as a crime of aggression against liberty and independence, a crime against peace, crimes of war of an especially barbarous nature, crimes against humanity, and the authentic crime of genocide against the very existence of a people. These crimes are indissolubly linked together by the colonialist nature of the war.

The recent operation undertaken by the United States in the form of counterfeit "elections" for President and Senate is nothing more than a stage set designed to give the appearance of popular representation to their puppets. An election claimed to be general and democratic carried out in South Viet Nam under the guns of

foreign troops waging war there, by agents of the United States not even in control of that part of the territory in which the elections are being held, has no meaning at all.

The unreality of these elections emphasises that effective power and a genuinely representative character belong to the National Front of Liberation alone.

The Secretariat of the I.A.D.L. warmly welcomes the brilliant successes achieved by the Vietnamese people. It reaffirms its unchangeable support for the Vietnamese people in its just fight and in its unflinching determination to carry the struggle to final victory. It especially welcomes the new political programme of the National Liberation Front, which expresses the profound and justified aspirations of the Vietnamese people in the new circumstances. It also warmly welcomes the activities undertaken by progressive lawyers in every country, and particularly in the United States, in protest against the American war of aggression, in defence of the rights of nations to self-determination, and for the enforcement of international law.

It calls upon lawyers throughout the world to multiply their activities in order to contribute by all the means at their command to the denunciation of American crimes of aggression, to intensify their support for the struggle waged by the Vietnamese people, and to demand that the Government of the United States

— finally and unconditionally stop the bombing and all other acts of war against the Democratic Republic of Viet Nam.

— withdraw all American and satellite forces from South Viet Nam.

— recognize the National Liberation Front of South Viet Nam as the only valid representative of the people of South Viet Nam, and leave the Vietnamese people to settle their own affairs.

It once again expresses the conviction that the heroic struggle of the Vietnamese people, supported by progressive forces throughout the world, will end in victory, and thus make a great contribution to the liberation of the peoples of the world and the consolidation of world peace.

ERRATA

PAGE	LINE	INSTEAD OF	READ
22	17 from top	I had more the ipression	I had more and more the impression
24	5 —	propitions	propitious
28	16 —	combing	combining
30	12 from bottom	of	off
30	6 —	magets	makets
36	11 —	key strategic are	key strategic raw materials are
44	11 —	war crimes, against humanity	war crimes, crimes against humanity
46	3 + 4 from top	To crimes, against humanity and genocide it is necessary	Delete these words — —
54	5 from bottom	Imperialist-Religions institutions	Imperialists against Religious Institutions
62	12 from top	2 - 4	2 4-D
62	20 —	ares	areas
63	12 —	it face	In face
70	1 from top	Democratic Institutions	The study of Democratic Institutions
70	7 —	paramilitary for	paramilitary force for
72	6 —	their	other
73	8 —	Vietnamese battalion	Vietnamese 10th battalion
75	2 from bottom	April 28, 1959 which	April 28, 1959, during the week in which
79	3 from top	way	why
79	10 —	untuned	untuned
79	13 —	Ngo-Diem	Ngo-dinh-Diem
84	1 + 2 —	Never before so much refinement has been	Never before has so much refinement been
89	2 —	war of colonial aggression	war of neo-colonial aggression
89	15 —	all its forms	all their forms
258	21 —	1849	1949
316	5 —	made an important	made and the important
339	5 from bottom	1960	1966