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PAGE 1 OF 7 PAGES

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GROUP 1
(Excluded from automatic
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241137Z

CITE

DIST 24 DECEMBER 1966

COUNTRY: FRANCE/UNITED KINGDOM/INTERNATIONAL

DOI: 7 DECEMBER 1966

SUBJECT: ACCEPTANCE OF FINAL TEXT OF "RULES OF THE INTERNATIONAL WAR CRIMES TRIBUNAL" BY THE TRIBUNAL'S EXECUTIVE COMMITTEE AT ITS PARIS MEETING 7 DECEMBER 1966.

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/18/67 BY 1674/ML/STP

ACQ

SOURCE

[Redacted Source Information]

Date 1/18/67
by 1674/ML/STP

1. THE FINAL TEXT OF THE "RULES OF THE INTERNATIONAL WAR CRIMES TRIBUNAL" WAS ACCEPTED BY THE TRIBUNAL'S EXECUTIVE COMMITTEE AT ITS MEETING IN PARIS ON 7 DECEMBER 1966. THE TRANSLATED TEXT (FROM THE FRENCH) INDICATES THE FOLLOWING:

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2. AT THE LONDON PRELIMINARY MEETING OF THE INTERNATIONAL WAR CRIMES TRIBUNAL ON 15 NOVEMBER 1966, FOLLOWING ITS FIRST

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PLENARY SESSION, A DECLARATION OF INTENTIONS GIVES THE TRIBUNAL THE TASK OF INVESTIGATING, IN THE MOST COMPLEX AND RIGOROUS MANNER, THE CRIMES COMMITTED TO THE VIETNAMESE PEOPLE SINCE 1954 AND OF DETERMINING THOSE WHO ARE RESPONSIBLE FOR THESE CRIMES.

3. COMPETENCE OF THE TRIBUNAL - ARTICLE I. DURING THE COURSE OF THE SESSION WHICH WAS HELD IN LONDON ON 13, 14, AND 15 NOVEMBER 1966, THE TRIBUNAL DEFINED ITS OWN COMPETENCE IN THE FOLLOWING TERMS: "WE CONSIDER OURSELVES... AS A TRIBUNAL WHICH, EVEN IF IT DOES NOT HAVE THE POWER TO IMPOSE SANCTIONS, WILL ANSWER THE FOLLOWING FIVE QUESTIONS:

A. HAS THERE BEEN ON THE PART OF THE GOVERNMENT OF THE UNITED STATES, AUSTRALIA, NEW ZEALAND AND SOUTH KOREA AGGRESSION AS UNDERSTOOD IN INTERNATIONAL LAW?

B. HAS THERE BEEN ON THE PART OF THE AMERICAN ARMY UTILIZATION OR EXPERIMENTATION OF NEW WEAPONS OR WEAPONS FORBIDDEN BY THE LAWS OF WAR (I.E., GAS, SPECIAL CHEMICAL PRODUCTS)?

C. HAS THERE BEEN, AND TO WHAT EXTENT, BOMBINGS OF PURELY CIVILIAN TARGETS AND PARTICULARLY OF HOSPITALS, SCHOOLS, SANITARIUMS, DAMS ET CETERA?

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IN 66014

PAGE 3 OF 7 PAGES

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b3

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D. HAVE THE VIETNAMESE PRISONERS BEEN SUBMITTED TO INHUMAN TREATMENT FORBIDDEN BY THE LAWS OF WAR AND RECEIVED TORTURE OR MUTILATION? HAVE THERE BEEN UNJUSTIFIED REPRISALS AGAINST THE CIVIL POPULATION, SUCH AS BY THE EXECUTION OF HOSTAGES?

E. HAS THERE BEEN THE CREATION OF FORCED LABOR CAMPS, THE DEPORTATION OF THE POPULATION OR OTHER ACTS TO EXTERMINATE THE POPULATION WHICH COULD BE LEGALLY CHARACTERIZED AS ACTS OF GENOCIDE?

IF THE TRIBUNAL FINDS THAT ONE OR MORE OF THESE CLAIMS HAVE BEEN COMMITTED, IT WILL BE ITS DUTY TO DETERMINE THOSE RESPONSIBLE.

4. COMPOSITION OF THE TRIBUNAL - ARTICLE 2. THE TRIBUNAL IS COMPOSED OF THE FOLLOWING MEMBERS WHO HAVE AGREED TO TAKE PART: ~~BERTRAND RUSSELL, JEAN-PAUL SARTRE, VLADIMIR DEDIJER, GUNTHER ANDERS, MEHMET ALI AYBAR, LELIO BASSO, SIMONE DE BEAUVOIR, LAZARO CARDENAS, STOKELY CARMICHAEL, DAVE DELLINGER, ISAAC DEUTSCHER, AMADU HERNANDEZ, MAHMUD ALI KASURI, KINJU MORIKAWA, SHOICHI SAKATA, LAURENT SCHWARTZ.~~

ARTICLE 3. THE TOTAL MEMBERSHIP OF THE TRIBUNAL WILL

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PAGE 4 OF 7 PAGES

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NOT BE MORE THAN (DASH DASH DASH). [Redacted] COMMENT:

PRESUMABLY THE ORGANIZERS HAVE NOT AGREED ON A MAXIMUM NUMBER OF TRIBUNAL MEMBERS. THE EXECUTIVE COMMITTEE WILL PROPOSE TO THE PRESENT MEMBERS THE NAMES OF THE NEW MEMBERS. THE LATTER WILL BE ADMITTED IF THERE IS NO OPPOSITION WITHIN FIFTEEN DAYS FOLLOWING THE RECEPTION OF THE LETTERS OF RECOMMENDATION.

ARTICLE 4. EACH MEMBER MAY DESIGNATE A SUBSTITUTE WHO WILL SIT IN THE TRIBUNAL IN HIS ABSENCE. THE SUBSTITUTE MEMBER WILL HAVE ALL THE AUTHORITY TO TAKE PART IN THE DEBATE, HOWEVER, HE MAY NOT VOTE.

ARTICLE 5. THE TRIBUNAL CAN MEET IN PLENARY SESSION ONLY IF A QUORUM OF HALF THE MEMBERSHIP PLUS ONE IS PRESENT.

5. ORGANS - ARTICLE 6. THE ORGANS OF THE TRIBUNAL ARE:

A. THE PRESIDENCY: BERTRAND RUSSELL, HONORARY PRESIDENT; JEAN-PAUL SARTRE, PRESIDENT; VLADIMIR DEDIJER, PRESIDENT OF THE SESSIONS.

B. THE SECRETARIAT: RALPH ~~SCHOENMAN~~, SECRETARY GENERAL; RUSSELL ~~STETLER~~, ASSISTANT SECRETARY GENERAL; SETSURE ~~TSURUSHIMA~~ AND CLAUDE ~~CADART~~, SECRETARIES; YVES ~~JOUFFA~~, LEGAL COUNSEL.

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PAGE 5 OF 7 PAGES

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C. THE TECHNICAL COMMISSIONS: LEON MATARASSO, HEAD OF THE JUDICIAL COMMISSION; LAURENT SCHWARTZ. (PORTION MISSING, BEING SERVICED.)

COMMISSION; YVES JOUFFA, HEAD OF THE FINANCE COMMISSION; ISAAC DEUTSCHER, HEAD OF THE PUBLIC RELATIONS COMMISSION.

D. THE FIVE COMMISSIONS CORRESPOND TO THE FIVE QUESTIONS SUBMITTED TO THE TRIBUNAL AS WELL AS TO THEIR MISSIONS.

ARTICLE 7. AN EXECUTIVE COMMISSION IS ALSO CREATED WHICH INCLUDES: PRESIDENT DEDIJER, THE MEMBERS OF THE SECRETARIAT AND THE PRESIDENTS OF THE TECHNICAL COMMISSIONS.

6. RULES OF ORDER - ARTICLE 8. ALL OF THE DECISIONS OF THE TRIBUNAL MUST BE MADE BY THE PLENARY SESSION. THE FIRST PLENARY SESSION WAS HELD IN LONDON ON 13, 14, AND 15 NOVEMBER 1966. THE TRIBUNAL DECIDED THAT IT WOULD HOLD THE NEXT ONE IN PARIS IN THE SPRING OF 1967 ON A DATE WHICH WOULD BE SET BY THE EXECUTIVE COMMITTEE. THE THREE SESSIONS WOULD BE HELD AT A TIME AND PLACE WHICH WOULD BE SET BY THE TRIBUNAL DURING ITS SECOND SESSION. IN CASE OF AN EMERGENCY, HOWEVER, THE TRIBUNAL MAY BE CONVENED BY ONE OF THE THREE PRESIDENTS OR BY THE EXECUTIVE COMMITTEE AT THE REQUEST OF HALF OF ITS MEMBERSHIP PLUS ONE.

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PAGE 6 OF 7 PAGES

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ARTICLE 9. BETWEEN SESSIONS, THE EXECUTIVE COMMITTEE HAS THE POWER TO PUT INTO OPERATION THE ORGANS OF THE TRIBUNAL AND TO SEE TO THE STRICT EXECUTION OF THE LATTER'S DECISIONS AS WELL AS TO INSURE THE SPIRIT IN WHICH THEY HAVE BEEN TAKEN. THE EXECUTIVE COMMITTEE WILL MEET IN PARIS EVERY TWO WEEKS.

ARTICLE 10. THE SECRETARIAT WILL HAVE THE TECHNICAL RESPONSIBILITY TO ASSURE THAT MEASURES TAKEN BY THE EXECUTIVE COMMITTEE FOR THE EXECUTION OF THE DECISION OF THE TRIBUNAL ARE CARRIED OUT. THE SECRETARIAT WILL MAINTAIN OFFICES IN LONDON, PARIS, TOKYO, NEW YORK AND LIUBLIANA (YUGOSLAVIA). THE DIVISION OF WORK AMONG THESE OFFICES WILL BE MADE BY THE EXECUTIVE COMMITTEE.

ARTICLE 11. TECHNICAL COMMISSION. THE LEGAL COMMISSION WILL ASSEMBLE ALL THE LEGAL DOCUMENTATION PERTAINING TO THE WAR CRIMES AS WELL AS THE CRIMES AGAINST PEACE AND THE CRIMES AGAINST HUMANITY. IT WILL TAKE CARE THAT ALL THE ELEMENTS OF EVIDENCE ARE LEGALLY ADMISSIBLE. THE SCIENTIFIC COMMISSION WILL ASSEMBLE ALL THE SCIENTIFIC DOCUMENTATION CONCERNING QUESTIONS SUBMITTED TO THE TRIBUNAL AND JUDGE IT FROM A SCIENTIFIC POINT OF VIEW.

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PAGE 7 OF 7 PAGES

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THE FINANCE COMMISSION WILL ASSEMBLE ALL THE NECESSARY FUNDS FOR THE FINANCING OF THE TRIBUNAL. IT WILL DISBURSE THESE FUNDS UNDER THE DIRECTION OF THE EXECUTIVE COMMITTEE AND WILL MAINTAIN CORRECT ACCOUNTS IN SUCH A WAY AS TO SUBMIT THEM TO THE TRIBUNAL. THE PUBLIC RELATIONS COMMISSION WILL STUDY MEANS TO PUBLICIZE THE ACTIVITIES OF THE TRIBUNAL. IT WILL PROPOSE TO THE EXECUTIVE COMMITTEE USEFUL SUGGESTIONS AND MAY BE CHARGED BY THE COMMITTEE TO FULFILL THESE RECOMMENDATIONS.

ARTICLE 12. THE FIVE COMMISSIONS CORRESPONDING TO THE FIVE QUESTIONS SUBMITTED TO THE TRIBUNAL WILL BE COMPOSED OF PERSONS CHOSEN FOR THEIR COMPETENCE AND AUTHORITY. EACH COMMISSION WILL BE PRESIDED OVER BY A MEMBER OF THE TRIBUNAL AND WILL INCLUDE ONE MEMBER OF THE LEGAL COMMISSION. THE COMMISSION MAY ASSIGN CERTAIN OF ITS MEMBERS TO MAKE ON-THE-SPOT INVESTIGATIONS. EACH COMMISSION WILL ASSEMBLE ALL OF ITS EVIDENCE AND DOCUMENTS PERTAINING TO ITS SUBJECT AND WILL PREPARE A DETAILED REPORT WHICH WILL BE SUBMITTED TO THE TRIBUNAL.

7. FIELD DISSEM: STATE (SENT [REDACTED])

8. * [REDACTED] COMMENT: MISSING PORTION WILL BE DISSEMINATED ONLY IF IT MATERIALLY AFFECTS THE SENSE OF THIS REPORT.

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