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For: L/EA-Mr. Johnson

From EA/VN:LHHydle

July
Operative
Phoenix

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY SS DATE 3.27.86

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ΦA.1 22-Pls

DEPARTMENT OF STATE TRANSMITTAL SLIP		CLASSIFICATION SECRET
		DATE October 28, 1971
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REFERENCE		
(A) Saigon 15018 EA (B) State 190209 EA/VA: L.L. Ly		
ITEMS/REMARKS		
We believe that the English translation of GVN Circular 1042 may not have been pouched, due to an Embassy oversight. Attached is another copy.		
IN REPLY REFER TO FILE NUMBER AND DRAFTING OFFICE		
FILE NO.	SIGNATURE Henry S. Sizer	
CLASSIFICATION SECRET	OFFICE Political Section	

FORM 12-64 DS-4

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REPUBLIC OF VIETNAM
PRIME MINISTER OFFICE
NO: 1042-TT/Th.T/PC1/1/M

Saigon, Aug 2, 1971

THE PRIME MINISTER

TO: Prefect Mayor
City Mayors
Province Chiefs

SUBJECT: An Tri Procedures

In order to properly implement the 1971 Local Community Self Defense and Development Plan, many improvements have been made in style of work and procedures of PHUNG HOANG Campaign and PSCs.

Annex 1-D, paragraph IIIA6. This plan requires officials to observe the law while treating the populace and VCI, and it doesn't allow the abuse of power while performing one's duties. However, in spite of the said measures, the people and those who oppose PH Plan still criticize the fairness and impartiality of PSCs and PH Plan. Therefore, the people should be aware of the essential objective of PH Plan which is "to protect the people against terrorism". If the Plan is carried out fairly and impartially, then it can get the full support from the people and become more effective.

Thus, the management of Prefecture, Province and City Security Committee should be changed as follows:

I. - Three principal members of the Committee:

- Prefect Mayor, Province Chief or City Mayor
- Public Prosecutor
- Chairman of Prefecture, Province, City Council or Representative

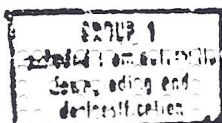
must vote in every case and its decision is final.

In case the ballots given are equal, the chairman voting is decisive.

Other participants should take part in discussion, give information, etc. but have no right to vote.

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II. - As of the date the Security Committee receives dossiers from the NP Command and prior to trial, the subject offender can prepare a plea by himself or with assistance with his lawyer for submission to the Committee.

For the preparation of the plea, the lawyer will be authorized by the Public Prosecutor, the Advisor of the Committee to consult the dossiers and meet the subject offender.

No security measure is inflicted upon any offender by the local Security Committee if he is not brought before the Committee to justify his action.

While considering the cases of offenders, the Committee should pay a special attention to the following points:

1/- Village and District Screening Committees should be established in legal order and operated properly to ensure a quick release of innocent people (Re: Circular 105-TT/ThT/PC2/1 dated June 1, 1970);

2/- Village Chiefs and District Chiefs are fully conscious of the arrest and reason of arrest of offender and they have handled the case within the limit of their competence (Re: Circular 0040-URPH/TU/UBTT/NK dated April 13, 1970);

3/- Procedures of provisional liberty have been correctly applied to suspects pending the Committee decisions. If they are released on bail, they will report themselves to the authorities on the fixed date (Re: Circular 3897/PTTh/BDPT/UBTP dated Dec 16, 1970);

4/- Time of detention of offenders has been strictly respected (Re: Circular 1206/PTTh/BDPT/HC dated Apr 24, 1970).

To show leniency, the Security Committee also decides to adopt the following policy:

a) Low level elements (Class C) committing offences for the first time should be granted with a provisional liberty (if notables vouch for them). Or after a period of time for the application of security measures the Security Committee should suspend its implementation provided that no only the application of suspended security measures will be restored but new sanction measures be applied to offenders if they repeat offenses.

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b) Barring specific cases, tolerance should be given to low level elements (Class C) who only support the VCI by suspending security measures.

c) Provisional liberty be given to offenders subjected to security measures if they have demonstrated that they have changed their behavior (Re: Circular 3897/PThT/BDPT/UBTP dated Dec 16, 1970).

III.- Prior to trial, a copy of accusations against the subject offender should be sent to the concerned as well as the decisions of the Security Committee.

IV.- This decision should be published at the Province Center, if possible.

V.- No extension of security measure is inflicted upon offender unless there are new factors in the decision of extension.

VI.- All the above mentioned measures should be carried out immediately to demonstrate that PHUNG HOANG procedures put much emphasis on the harmony of citizen's rights with national war requirements and public security, especially at this juncture.

Signed and Sealed

TRAN-THIEN-KHIEM

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