

Functioning and Failing: Prisoners of War in North and South Vietnam

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The capture of Prisoners of War (POWs) has historically been a common occurrence in wartime. During the Vietnam War, both North Vietnam (Democratic Republic of Vietnam) and South Vietnam (Republic of Vietnam) captured POWs. North Vietnam captured soldiers from South Vietnam, as well as Americans.¹ South Vietnam captured North Vietnamese soldiers, members of the National Liberation Front (NLF) as well as civilian collaborators.² During the war, these individuals were not classified as POWs by either of the governments holding them. Instead, North Vietnam classified them as war criminals and South Vietnam classified them as political prisoners.³ This paper takes the stance that these individuals should be classified as POWs as they were captured during the war as a conflict strategy, or as presumed military opponents. This essay will begin with a literature review followed by an explanation of the Geneva Convention on POWs to determine a baseline level of expected treatment. Then it will discuss the structure of the POW system in North and South Vietnam. It will conclude with an analysis of the similarities and differences between the POW system and experiences in North and South Vietnam, and how these differ from the expected level of treatment outlined in the Geneva Convention. It will argue that captives in North and South Vietnam would have experienced fairly similar conditions, but that the structures of these systems varied significantly, with North Vietnam having created a system of hostages, and South Vietnam having a disorganized system integrated with its civilian prison system.

Historiography of POWs

¹ Tom Wilber and Jerry Lembecke, *Dissenting POWs : from Vietnam's Hoa Lo Prison to America Today*, (New York: Monthly Review Press, 2021), 8.

² Arsenault, "Modern POW Treatment in the United States: The Vietnam War, the Geneva Conventions, and the Pre-9/11 Era," 58.

³ Craig Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, (New York: Oxford University Press, 1993), 42.

Scholars writing on the experiences of POWs during the Vietnam war typically focus on either the experiences of captives held in North Vietnam or those in South Vietnam. The American POW experience in North Vietnam has been extensively studied. The main point of contention in the literature is whether or not the American government did enough to try to free their POWs. Robert Doyle's book *The Enemy in Our Hands* argues that the American government did all it could to free POWs as the Americans tried to enforce international law regarding POWs, while the Vietnamese disregarded this, and broke the law.⁴ Kirkwood and Howes all make arguments that the Americans did not do enough to free POWs. Kirkwood argues that the American government left behind POWs after withdrawal.⁵ Howes argues that POWs were often misclassified as MIA by the American government, indicating there were far more POWs than previously claimed by the Americans.⁶ It is important to note the role of the American government in controlling the narrative of POWs. It is believed that Vietnam veterans underwent debriefing upon their release.⁷ During these debriefing sessions, they were encouraged to project an image of masculine victimized soldiers, brutalized by the North Vietnamese.⁸ These narratives could then be used to promote the idea of the American government and people as victims rather than perpetrators. This essay will focus on the structures of taking and holding POWs in North Vietnam, rather than on placing blame on the American government.

⁴ Robert C. Doyle, *The Enemy in Our Hands : America's Treatment of Enemy Prisoners of War, from the Revolution to the War on Terror*, (Lexington, Kentucky: University Press of Kentucky, 2010), 290.

⁵ R. Cort. Kirkwood, "Evidence of POWs From Vietnam: After the End of the Vietnam War, It Was Widely Accepted That the United States Had Left Many POWs Behind, but High-Ranking Members of Government Said No, Despite the Evidence." *The New American* 34, no. 17 (2018): 35, https://link.gale.com/apps/doc/A553760129/AONE?u=ocul_thomas&sid=bookmark-AONE&xid=42d2da22.

⁶ Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 6.

⁷ Susan Jeffords, "Debridging Vietnam: The Resurrection of the White American Male," *Feminist Studies* 14, no. 3 (1988): 525, <https://doi.org/10.2307/3178063>.

⁸ Jeffords, "Debridging Vietnam: The Resurrection of the White American Male," 525.

In contrast, there is a significantly shorter historical tradition of the study of the POW experience within South Vietnam. As such, this essay relies primarily on primary sources regarding the conditions for POWs in South Vietnam. The secondary sources that do exist primarily debate the extent to which the American government was responsible for the conditions within South Vietnamese prisons. Elizabeth Arsenault argues that the Americans were not responsible for the conditions once prisoners were handed over to the South Vietnamese, and thus any atrocities that happened were not the fault of the United States.⁹ Comparatively, Grinberg argues that the United States was aware of and responsible for the conditions within South Vietnamese prisons.¹⁰ This argument is echoed by Carvin.¹¹ In the anti-war movement there was also focus on the conditions within South Vietnamese prisons as an effort to delegitimize US support for South Vietnam.¹² This essay will focus on the structure of American and South Vietnamese capture and detainment of North Vietnamese POWs, an issue which has been under-researched.

Geneva Convention

The Geneva Convention created rules and a baseline level of expected treatment for soldiers who are captured and held as POWs. In the Vietnam War, both North and South Vietnam were accused of violating the Geneva Convention. As a response, their governments denied that the individuals they had captured were POWs, and thus they denied the applicability of the Geneva Convention. As the Geneva Convention outlines the baseline of expected treatment for

⁹ Arsenault, "Modern POW Treatment in the United States," 58.

¹⁰ Daniel Grinberg, "'How Could You Forget That?': Representing Collective and Traumatic Memories in *Winter Soldier*," *InMedia* 4, 2013, 5, <https://journals.openedition.org/inmedia/674>.

¹¹ Stephanie Carvin, "Caught in the Cold: International Humanitarian Law and Prisoners of War During the Cold War," *Journal of Conflict & Security Law* 11, no. 1 (2006): 82, <https://doi.org/10.1093/jcsl/krl005>.

¹² Grinberg, "'How Could You Forget That?': Representing Collective and Traumatic Memories in *Winter Soldier*," 5.

POWs, by examining how North and South Vietnam broke the Convention the differences and similarities in conditions for POWs can be determined.

The Geneva Convention was established on October 21st, 1950.¹³ It defines prisoners of war as members of the armed forces party to a conflict which includes traditional soldiers, members of resistance movements, and civilian members of armed forces who then fall into the power of the enemy.¹⁴ It states that the detaining power, in the case of the Vietnam War in either North or South Vietnam, is responsible for the treatment of POWs.¹⁵ While in the care of the detaining power, POWs must be humanely treated, be protected against acts of violence or intimidation, they should be offered medical care and should receive sufficient rations of food.¹⁶ Additionally, prisoners are only obligated to give basic biographical information to the detaining power. This includes surname, first name, rank, date of birth, army regimental personal or serial number or equivalent information.¹⁷ This means that they are not obligated to give detailed information regarding troop movements, organization, or war strategy, which would be valuable information for the detaining power. As a result of these strict rules regarding POWs, the detaining powers, North and South Vietnam, fought against the applicability of the Geneva Convention.

Rather than viewing the individuals they detained as POWs, North Vietnam relabeled these soldiers as pirates engaging in attacks, or war criminals killing and bombing civilians.¹⁸ Additionally, they argued that since the Americans had never officially declared war, the

¹³ United Nations, "Geneva Convention relative to the Treatment of Prisoners of War," United Nations Human Rights Office of the High Commissioner, <https://www.ohchr.org/en/instruments-mechanisms/instruments/geneva-convention-relative-treatment-prisoners-war>.

¹⁴ United Nations, "Geneva Convention relative to the Treatment of Prisoners of War."

¹⁵ United Nations, "Geneva Convention relative to the Treatment of Prisoners of War."

¹⁶ United Nations, "Geneva Convention relative to the Treatment of Prisoners of War."

¹⁷ United Nations, "Geneva Convention relative to the Treatment of Prisoners of War."

¹⁸ Arsenault, "Modern POW Treatment in the United States," 62.

individuals that they captured were therefore not POWs.¹⁹ This sentiment was communicated through diplomatic channels to Washington, and to individual soldiers who tried to invoke the Geneva Convention upon being captured.²⁰ In 1965, North Vietnam declared that they would abide by the Convention.²¹ However, they would not extend POW status to anyone who they considered to be a war criminal.²² This category included American Air and Navy pilots who had participated in bombing.²³ As this was the majority of individuals who they had captured, they continued to in practice to disregard the Geneva Convention.

The motivation for not upholding the Geneva Convention is likely because this Convention limited the type and number of questions that could be asked of the POWs. Applying the Geneva Convention would have meant that they could not interrogate or torture their detainees for information regarding the war effort. However, they wished to interrogate their captives.²⁴ Thus, by denying captives POW status, they could continue interrogations.

The government of South Vietnam also did not recognize their captives as POWs. Instead, they recognized captives as either insurgents or political prisoners.²⁵ This meant that rather than upholding the conditions required by the Geneva Convention, they could maintain conditions according to domestic laws. Additionally, due to a lack of legal rights the government was almost guaranteed to get a conviction, and imprison captives for renewable periods.²⁶ They also did not wish to uphold the Geneva Convention for a fear of legitimating the North

¹⁹ Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 41.

²⁰ Alvin Townley, *Defiant : the POWs Who Endured Vietnam's Most Infamous Prison, the Women Who Fought for Them, and the One Who Never Returned*, (New York: Thomas Dunne Books, 2014), 22.

²¹ Carvin, "Caught in the Cold: International Humanitarian Law and Prisoners of War During the Cold War," 82.

²² Carvin, "Caught in the Cold: International Humanitarian Law and Prisoners of War During the Cold War," 82.

²³ Carvin, "Caught in the Cold: International Humanitarian Law and Prisoners of War During the Cold War," 82.

²⁴ Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 42.

²⁵ Doyle, *The Enemy in Our Hands : America's Treatment of Enemy Prisoners of War, from the Revolution to the War on Terror*, 270.

²⁶ Brown Holmes and Don Luce, *Hostages of War: Saigon's Political Prisoners*, (Indochina Mobile Education Project, 1973), 11.

Vietnamese state.²⁷ If they had recognized those they captured who were part of the North Vietnamese Army (NVA) as POWs, this would indicate that they were the soldiers of a legitimate army. This would have legitimised the NVA, as well as the state in the north, which they did not recognize.²⁸

Similarly to the North Vietnamese, a denial of the Geneva Convention also meant that the South Vietnamese could interrogate their detainees. This would have provided information regarding the war efforts of the North Vietnamese army or the NLF. Additionally, by not upholding the Geneva convention they could maintain lower standards in their prisons and provide insufficient care.²⁹ Thus, by not accepting the applicability of the Geneva Convention to POWs, they could avoid applying Geneva-level standards for captives.

Neither of these states upheld the Geneva Convention in practice. However, during the conflict, there was significant pressure from the American government for both to uphold Geneva standards.³⁰ This push for Geneva standards was driven by US President Lyndon Johnson.³¹ It was driven by a belief that by demonstrating support for the Geneva Convention, the US would win the support of the American people and the international community.³² Additionally, they hoped that through voicing their support for the Geneva Convention, they would receive reciprocal treatment for their soldiers.³³ However, as demonstrated by the denial of North Vietnam to label captives as POWs, this American pressure was unsuccessful.

Despite vocal support for the Geneva Convention from the American government, their actions were counter to the Convention. One of the aspects of the Geneva Convention is that

²⁷ Arsenault, "Modern POW Treatment in the United States," 60.

²⁸ Arsenault, "Modern POW Treatment in the United States," 60.

²⁹ Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 55.

³⁰ Arsenault, "Modern POW Treatment in the United States," 58.

³¹ Arsenault, "Modern POW Treatment in the United States," 58.

³² Arsenault, "Modern POW Treatment in the United States," 58.

³³ Arsenault, "Modern POW Treatment in the United States," 58.

POWs can only be transferred to a detaining power who is willing to uphold the requirements of the Convention.³⁴ Throughout the war, American forces and their allies transferred POWs into the care of South Vietnam.³⁵ These transfers continued despite the awareness of the American government of the conditions in South Vietnam's prisons.³⁶ These conditions were not up to the standard of the Convention's requirements, and despite this awareness of these conditions American transfers into South Vietnamese prisons occurred.

The Geneva Convention was never fully implemented during this conflict. None of the parties involved, North Vietnamese, South Vietnamese, or the United States, fully accepted the conditions of the Geneva Convention. By either denying the application of the definition of POW regarding their captives or ignoring the conditions that the Convention required, they were able to avoid applying it to their practices. The conditions that POWs would have experienced were the conditions of the Convention upheld would likely have been far more favourable. POWs would have received more and better quality food, and immediate medical care, and they would not have been exposed to repeated interrogations and torture designed to extract information. However, as the Geneva Conventions were not upheld, it is important to discuss the conditions which POWs experienced.

POWs in North Vietnam

The POW experience in North Vietnam has been highly documented through the writings of Americans. Upon release, many POWs produced memoirs and made public appearances to talk about their experiences in North Vietnamese prisons. Additionally, the memory of American

³⁴ United Nations, "Geneva Convention relative to the Treatment of Prisoners of War."

³⁵ Carvin, "Caught in the Cold: International Humanitarian Law and Prisoners of War During the Cold War," 83.

³⁶ Nguyen Thi Binh and Huynh Thi Hoa, Letter, April 12, 1971, In *Hostages of War: Saigon's Political Prisoners*, edited by Holmes Brown and Don Luce, Indochina Education Project, 1973, 107.

POWs was used by conservatives to rally support for veterans and the war efforts. The main aspects of the POW experience for Americans revolve around their capture, where they were held and the interrogations they experienced. While it is likely that North Vietnam also captured South Vietnamese soldiers during the war, there is no mention of their presence in POW prisons within the literature. This is likely due to the war being framed as an anti-imperial effort by North Vietnam, meaning there was only value in speaking about American captives. Additionally, much of the recent research focus has been on Americans held as POWs, and this category excludes the stories and experiences of South Vietnamese POWs.

The North Vietnamese would capture American POWs from the battlefield or shot-down military planes. Career aviators were the most likely to be captured.³⁷ These soldiers would have been shot down while bombing.³⁸ They would eject from planes with parachutes, and be captured by people on the ground.³⁹ After capture, their parachutes would often be concealed so they would be classified by the US as Missing in Action (MIA) rather than captured POWs. Ground troops were also captured, although at lesser rates.⁴⁰ After capture, POWs would be transferred to a prison.

There were two types of prisons in North Vietnam, city prisons and jungle prisons. The city prisons are believed to have had better conditions than the jungle prisons. The most famous of the city prisons was the Hỏa Lò Prison, known to the American soldiers as the “Hanoi Hilton”.⁴¹ Fatality rates, while challenging to calculate, were low within the city prisons. Within the Hỏa Lò Prison, during the eight years American POWs were held, only eight deaths

³⁷ Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 4.

³⁸ Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 4.

³⁹ Townley, *Defiant : the POWs Who Endured Vietnam's Most Infamous Prison, the Women Who Fought for Them, and the One Who Never Returned*, 3.

⁴⁰ Wilber and Lembcke, *Dissenting POWs : from Vietnam's Hoa Lo Prison to America Today*, 8.

⁴¹ Wilber and Lembcke, *Dissenting POWs : from Vietnam's Hoa Lo Prison to America Today*, 11.

occurred.⁴² In city prisons, captives were typically kept in solitary isolation to prevent them from communicating to organize an uprising.⁴³ As a result of this separation they created tap codes which allowed for communication while in solitary confinement.⁴⁴ These prisoners received medical care, with Howes arguing they received better medical treatment than most North Vietnamese civilians.⁴⁵ However, this medical treatment would often be withheld until they had resolved their “political problems.”⁴⁶ This meant that POWs who were deemed uncooperative would receive insufficient care. The degree of medical care that they received is particularly important as many POWs had suffered battle injuries, or had become hurt while ejecting from planes.⁴⁷ While they received insufficient medical care, they were unlikely to die within the city prisons. These prisoners were not executed and had a remarkably low fatality rate

Jungle prisoners were exposed to worse conditions. These prisoners would be held in bamboo cages, with their feet in wooden stocks.⁴⁸ These POWs received starvation diets of nothing but rice and manioc.⁴⁹ This led to some dying from profound malnutrition.⁵⁰ Poor conditions and lack of food lead to deteriorating health including significant weight loss, dysentery, fevers, respiratory ailments and chronic skin infections.⁵¹ George Smith, a jungle POW reported receiving sufficient food, as well as more food than the soldiers holding him.⁵²

⁴² Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 6.

⁴³ Townley, *Defiant : the POWs Who Endured Vietnam's Most Infamous Prison, the Women Who Fought for Them, and the One Who Never Returned*, 19.

⁴⁴ Townley, *Defiant : the POWs Who Endured Vietnam's Most Infamous Prison, the Women Who Fought for Them, and the One Who Never Returned*, 4.

⁴⁵ Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 55.

⁴⁶ Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 55.

⁴⁷ Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 55.

⁴⁸ Carvin, “Caught in the Cold: International Humanitarian Law and Prisoners of War During the Cold War,” 82.

⁴⁹ Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 55.

⁵⁰ Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 55.

⁵¹ Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 55.

⁵² “Winter Soldier Investigation: Prisoner of War Panel Part I,” *Internet Archive Wayback Machine*, January 31, 1971, February 1 and 2, 1971, https://web.archive.org/web/20080405175047/http://www3.iath.virginia.edu/sixties/HTML_docs/Resources/Primary/Winter_Soldier/WS_23_POW.html.

These conflicting reports show the variance that existed between conditions in jungle prisons.

Despite this variance in experience, jungle prisoners had higher fatality rates than captives held in cities.⁵³

While they did experience poor conditions, American POWs were typically not in danger of death. The North Vietnamese intended to keep their captives alive for their value as hostages and as leverage in negotiations.⁵⁴ This practice allowed for these prisoners to be involved in prisoner swaps.⁵⁵ While they were not in direct danger of death, they were frequently interrogated and tortured. POWs were captured to gain information on American war efforts.⁵⁶ As such, interrogation and torture were designed to extract this information.

The code for American soldiers was that if they were captured they would only provide limited biographical information about themselves.⁵⁷ This would prevent essential information about troop movement or war planning from getting to the enemy North Vietnamese. However, under torture, many POWs broke and provided more information.⁵⁸ Once this information had been provided, the North Vietnamese interrogators would then use the POW's sense of duty against them.⁵⁹ They would say that since they had already violated the code they may as well provide additional information.⁶⁰ These POWs would then be tortured into providing more information, producing incriminating statements, or admitting to war crimes.⁶¹ Torture and interrogation methods broke POWs down physically and mentally so that they would believe

⁵³ Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 6.

⁵⁴ Al Santoli, *Everything We Had: An Oral History of the Vietnam War*, (New York: Random House, 1981), 234.

⁵⁵ Doyle, *The Enemy in Our Hands : America's Treatment of Enemy Prisoners of War, from the Revolution to the War on Terror*, 287.

⁵⁶ *John McCain : For Whom the Bell Tolls*, Film, George Kunhardt, Peter W. Kunhardt, Teddy Kunhardt, Kunhardt Films, United States, 2018.

⁵⁷ Townley, *Defiant : the POWs Who Endured Vietnam's Most Infamous Prison, the Women Who Fought for Them, and the One Who Never Returned*, 23.

⁵⁸ Santoli, *Everything We Had: An Oral History of the Vietnam War*, 233.

⁵⁹ Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 44.

⁶⁰ Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 44.

⁶¹ Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 8.

they were going to die and would thus provide information to get the torture to stop. As many POWs broke under this pressure, these interrogation methods were successful for the North Vietnamese.

POWs in South Vietnam

POWs held in South Vietnam were also held in poor conditions, but the structure surrounding their capture and containment was more complex. The POW system in South Vietnam was characterized by a combination of POWs and civilian prisoners, as well as disorganization.

During the war, there were four categories of prisoners as classified by South Vietnam. This included those part of the infrastructure of the NLF, those suspected of low-level involvement in the NLF, non-communist political opponents, and those convicted of common criminal offenses.⁶² While these categories appear clear, in practice during different periods of the war the South Vietnamese would change the categorization of individuals in prisons. In particular, after the ceasefire they began reclassifying political prisoners as common criminals.⁶³ Individuals captured in the process of battlefield fighting by the Americans also received classifications. These classifications labeled individuals as prisoners of war, civil defendants, defectors, and innocents.⁶⁴ The classification of individuals by Americans was arbitrary.⁶⁵ Issues with classification lead to problems surrounding the separation of civilians and POWs. Despite a variety of labels for prisoners, as these classifications were arbitrary, in treatment, civilians and POWs were combined. They were imprisoned together, and treated similarly.

⁶² Amnesty International, *Political Prisoners in South Vietnam*, (London: Amnesty International Publications, 1973), 5.

⁶³ Amnesty International, *Political Prisoners in South Vietnam*, 5.

⁶⁴ Amnesty International, *Political Prisoners in South Vietnam*, 12.

⁶⁵ Amnesty International, *Political Prisoners in South Vietnam*, 12.

Estimates of the number of people imprisoned for political or military purposes vary widely. Estimates range from the most conservative numbers provided by the South Vietnamese government at 20,000 to the highest estimates at 200,000 prisoners.⁶⁶ There was also a broad swath of South Vietnamese citizens arrested as POWs. This would often include students, and political, religious, and cultural leaders.⁶⁷ These individuals would be arrested for supporting the NLF.⁶⁸ This could include a broad range of accused levels of support, from being a fighter for the NLF, to simply paying taxes to them while they were occupying the village.⁶⁹ This broad categorization of who was a political prisoner likely means that vast numbers were wrongfully imprisoned. The category of POW can also be expanded to include non-communist political opponents of the government of South Vietnam.⁷⁰ Additionally, it included members of the North Vietnamese forces.

Despite the presence of North Vietnamese soldiers as POWs, there is significantly less mention of them within historical accounts. However, reports from the Rand Organization indicate that in their interviews of individuals held in South Vietnamese prisons, they included both North Vietnamese soldiers held as well as members of the NLF, political opponents and civilians.⁷¹ This indicates that North Vietnamese soldiers were being held as POWs. The Rand Organization points to low rates of defection for the North Vietnamese forces.⁷² This indicates a potential explanation as to why there were fewer North Vietnamese POWs in South Vietnam's

⁶⁶ Pham Tam, "Imprisonment and Torture in South Vietnam," File, Created 1969, Trent University Archives, P351.

⁶⁷ Fellowship of Reconciliation, "America's Political Prisoners in South Vietnam: A "White Paper" on the Total Suppression of All Political Dissent by the Government of South Vietnam," File, Created 1969, Trent University Archives, P311.

⁶⁸ Tam, "Imprisonment and Torture in South Vietnam."

⁶⁹ Tam, "Imprisonment and Torture in South Vietnam."

⁷⁰ Amnesty International, *Political Prisoners in South Vietnam*, 3.

⁷¹ J. C. Donnell, Guy J. Pauker and Joseph Jeremiah Zasloff, "Viet Cong Motivation and Morale in 1964 A Preliminary Report," Rand Memorandum, 1965, https://www.rand.org/pubs/research_memoranda/RM4507z3.html, XI.

⁷² Anders Sweetland, "Rallying Potential Among the North Vietnamese Armed Forces," Rand Memorandum, 1970, https://www.rand.org/pubs/research_memoranda/RM6375-1.html, XI.

prisons. They estimate that between 1962 and 1970 about 150,000 members of the NLF defected, while 2,000 North Vietnamese forces defected.⁷³ As defectors would be collected as POWs, this is a possible explanation as to why there are few reports of North Vietnamese POWs.

These individuals would be arrested or captured by South Vietnamese forces, the police, the Americans, or their allies.⁷⁴ South Vietnamese officials would collect individuals from villages under the classification of political prisoners, deeming them to be part of the NLF.⁷⁵ However, they would often be arrested on a grudge basis.⁷⁶ American troops would brutally collect POWs, and create better numbers for themselves. As such, they would accuse anyone who had weapons of being part of the “Viet Cong” or NLF, a resistance group against the South Vietnamese government.⁷⁷ American soldiers were also allowed and instructed to abuse POWs. They undertook a variety of interrogation methods which would result in potential death for their POWs.⁷⁸ As all bodies were counted as combatants there was a motivation for the Americans to be able to count as many war dead as possible, even at the expense of killing people who they captured as POWs, and who may have been civilians.⁷⁹ Any allied forces who captured individuals as POWs would follow similar processes, and would transfer individuals into the care of South Vietnam.⁸⁰ Once these individuals were captured, they would be held in prisons operated by South Vietnam.

⁷³ Sweetland, “Rallying Potential Among the North Vietnamese Armed Forces,” IX.

⁷⁴ Arsenault, “Modern POW Treatment in the United States,” 58.

⁷⁵ January 31, 1971, February 1 and 2, 1971.

⁷⁶ January 31, 1971, February 1 and 2, 1971.

⁷⁷ “Winter Soldier Investigation: 1st Marine Division,” *Internet Archive Wayback Machine*, January 31, 1971, February 1 and 2, 1971, https://web.archive.org/web/20080322223937/http://www3.iath.virginia.edu/sixties/HTML_docs/Resources/Primary/Winter_Soldier/WS_03_1Marine.html.

⁷⁸ “Winter Soldier Investigation: 1st Marine Division.”

⁷⁹ Grinberg, ““How Could You Forget That?”: Representing Collective and Traumatic Memories in *Winter Soldier*,” 14.

⁸⁰ Grinberg, ““How Could You Forget That?”: Representing Collective and Traumatic Memories in *Winter Soldier*,” 14.

These prisons held a mix of individuals. Most of the prisons in South Vietnam had been inherited from the French regime.⁸¹ Initially, POW and civilian prisoners were separated, with most POWs being held in the prison on Phu Quoc island.⁸² However, as the number of people incarcerated increased, the division between political and non-political or POW and civilian prisons eroded. As the prison designated for POWs became overcrowded, political and military prisoners were transferred to and housed in civilian prisons.⁸³ This system consisted of tens of thousands of prisons, some large, and some small provincial jails.⁸⁴ Captives would often start in provincial jails, and then if deemed to be uncooperative they would be transferred into the larger prisons.⁸⁵ There were five major prisons within this system. These include Chi Hao, Phu Quoc Island, Thu Duc, Tan Theip, and Con Dao Polo Condor on Con Son Island.⁸⁶ This overcrowding and mixing of prisoners is indicative of the number of individuals held within these prisons, and the lack of clear organizational structure within the South Vietnamese prison system.

This disorganization also continued in the criminal justice system in the form of courts. Political prisoners would be brought to trial at military courts.⁸⁷ At these courts, the government of South Vietnam was likely to get a successful conviction as there was a lack of individual legal rights.⁸⁸ This lack of rights meant that trials were considered unfair.⁸⁹ Additionally, the sentences that these courts mandated would be arbitrarily extended. Captives would often be held for an

⁸¹ National Commission for Information, "The Republic of Viet Nam Penitentiary System and The Civilian Prisoner Question," June 1973, Box 03, Folder 11, Douglas Pike Collection: Unit 11 - Monographs, Vietnam Center and Sam Johnson Vietnam Archive, Texas Tech University, <https://www.vietnam.ttu.edu/virtualarchive/items.php?item=2390311003>, 16.

⁸² Amnesty International, *Political Prisoners in South Vietnam*, 7.

⁸³ Amnesty International, *Political Prisoners in South Vietnam*, 6.

⁸⁴ Fellowship of Reconciliation, "America's Political Prisoners in South Vietnam: A "White Paper" on the Total Suppression of All Political Dissent by the Government of South Vietnam."

⁸⁵ Doyle, *The Enemy in Our Hands : America's Treatment of Enemy Prisoners of War, from the Revolution to the War on Terror*, 285.

⁸⁶ Tam, "Imprisonment and Torture in South Vietnam."

⁸⁷ Tam, "Imprisonment and Torture in South Vietnam."

⁸⁸ Holmes and Luce, *Hostages of War: Saigon's Political Prisoners*, 11.

⁸⁹ Tam, "Imprisonment and Torture in South Vietnam."

additional six months to a year due to a lack of organization in the system, or to issue excess punishment.⁹⁰ While initially, promises to release prisoners early on good behavior or for cooperating were made, administrative disorganization led to these promises being disregarded.⁹¹ Those that protested this failure to release prisoners on time would also face retaliation, discouraging many from resistance.⁹² This failure to maintain a fair trial and fair imprisonment further speaks to a disorganization of South Vietnam's prison system. Additionally, it is a demonstration that this justice system was not one operating on civilian prisoners, but rather was a wartime system designed to convict and imprison those who were seen to pose a threat to the government of South Vietnam.

Upon entry into the prison system in South Vietnam, captives would experience intensive interrogation. The typical questions that they would be asked included; what unit of the resistance are you a part of, where is that unit, and where do they store weapons.⁹³ If prisoners were uncooperative, they were tortured, with torture only ending in confession or death.⁹⁴ This torture would occur for interrogation purposes, but could also be done capriciously, or to settle grudges.⁹⁵ After periods of torture, prisoners would be placed for long periods in solitary confinement.⁹⁶ These captives would be held in squalid conditions, including in the notorious Tiger Cages, a form of solitary isolation inherited from French rule.⁹⁷ Additionally, they would often be executed.⁹⁸ The goal of these interrogations and conditions was to gain information

⁹⁰ Tam, "Imprisonment and Torture in South Vietnam."

⁹¹ Tam, "Imprisonment and Torture in South Vietnam."

⁹² Holmes and Luce, *Hostages of War: Saigon's Political Prisoners*, 12.

⁹³ Tam, "Imprisonment and Torture in South Vietnam."

⁹⁴ Tam, "Imprisonment and Torture in South Vietnam."

⁹⁵ Tam, "Imprisonment and Torture in South Vietnam."

⁹⁶ Truong Nhu Tang, *A Viet Cong Memoir*, (New York: First Vintage Books, 1986), 117.

⁹⁷ National Commission for Information, "The Republic of Viet Nam Penitentiary System and The Civilian Prisoner Question," 21.

⁹⁸ Carvin, "Caught in the Cold: International Humanitarian Law and Prisoners of War During the Cold War," 83.

regarding the North Vietnamese or NLF's war efforts, and interrogations were held for military and political purposes.

This category of POW experienced incredibly poor conditions. The process of collecting POWs was driven by grudges, quotas, and a fear of political opponents.⁹⁹ The justice system was incredibly unjust and served to provide convictions rather than determine guilt.¹⁰⁰ Additionally, the sentences were not upheld due to disorganization and overcrowding. Torture was designed for military purposes of information extraction, and was a significant contributing factor to the poor conditions that POWs experienced while in the care of South Vietnam.¹⁰¹ The combination of prisoners from a variety of backgrounds and crimes led to large, overcrowded prisons.

Comparison of Captives in North and South Vietnam

While POWs in both North and South Vietnam fall into the same category of 'prisoner of war', their experiences and the structures surrounding their experiences varied greatly. Neither of these experiences or structures resembles the preferred POW system as outlined in the Geneva Convention. Instead, the organization of the POW structure in South Vietnam is one that most closely resembles a disorganized combination of the POW prison and civilian prison systems. In comparison, the organization for POWs in North Vietnam resembles a hostage situation.

Neither of these POW systems met the conditions set out in the Geneva Convention, as they both interrogated and tortured prisoners and did not uphold its standard of care. In both North and South Vietnamese POW prisons, captives were exposed to torture methods.¹⁰² These methods were employed as a way of extracting information from the captives. The Geneva

⁹⁹ Grinberg, "'How Could You Forget That?': Representing Collective and Traumatic Memories in *Winter Soldier*," 14.

¹⁰⁰ Holmes and Luce, *Hostages of War: Saigon's Political Prisoners*, 11.

¹⁰¹ Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 8.

¹⁰² Tam, "Imprisonment and Torture in South Vietnam." Howes 56

Convention clearly outlines that prisoners are not to be tortured.¹⁰³ Additionally, it states that prisoners do not have to provide more than basic biographical information about themselves.¹⁰⁴ The presence, and prevalence, of torture within both of these systems is a way in which they are shown to have violated standards set out by Geneva.

Additionally, the similarities between the torture and interrogation techniques are a way in which the experiences of POWs were similar between North and South Vietnam. Captives in both POW systems reported experiences of torture, and the types of torture they experienced is comparable. While torture methods differed, both systems focused on psychological and physical torture for the purposes of information extraction.¹⁰⁵ Additionally, it is shown to be a common occurrence for most POWs in both systems.

The POW systems in both North and South Vietnam can also be seen to be violating the Geneva Convention through the level of care they offer to their captives. In both of these systems, captives report experiencing poor food quality, insufficient food amounts, and insufficient medical care.¹⁰⁶ While there are debates that exist regarding the degree to which this care was insufficient, the prevalence of insufficient care being mentioned in memoirs and reports from the time indicate that POWs were exposed to insufficient care.¹⁰⁷ The Geneva Convention outlines that all efforts should be taken to care for POWs, including offering sufficient medical care, and enough food to maintain good health.¹⁰⁸ The systems in both North and South Vietnam can be seen to be offering comparably poor levels of care to their POWs. Both systems are reported to offer insufficient food, and medical care, and they placed their captives in poorly

¹⁰³ United Nations, "Geneva Convention relative to the Treatment of Prisoners of War."

¹⁰⁴ United Nations, "Geneva Convention relative to the Treatment of Prisoners of War."

¹⁰⁵ Howes 54, Tam, "Imprisonment and Torture in South Vietnam."

¹⁰⁶ "Winter Soldier Investigation: Prisoner of War Panel Part I."

¹⁰⁷ *John McCain : For Whom the Bell Tolls*, Film.

¹⁰⁸ United Nations, "Geneva Convention relative to the Treatment of Prisoners of War."

maintained prisons and long periods of solitary isolation.¹⁰⁹ Thus, in the level of care provided in the prisons, both of these systems operated similarly.

To avoid directly violating the Geneva Convention both North and South Vietnam claimed that the captives held were not POWs.¹¹⁰ This is another similarity between the two systems. In their administrative efforts, both systems denied individuals the rights of POWs, which then permitted them to operate prisons which tortured and provided insufficient care to POWs.

Despite many similarities, these systems also had two main differences; the likelihood of death, and the combination of prisoners. In North Vietnam, POWs were unlikely to die.¹¹¹ They were being held as hostages, and hostages are of more value alive. In comparison, in South Vietnam captives were often executed.¹¹² These individuals were not being held as captives and thus had no specific value for the state. Additionally, prisons were overcrowded, and executions would have been a way to decrease the burden of a burgeoning prison system.

In South Vietnam, prisoners were often held with a mix of individuals.¹¹³ This is a marked difference from the system in North Vietnam, which held POWs separately from the general prison population.¹¹⁴ This mixing of prisoners in South Vietnam demonstrates how overcrowded, and disorganized the POW system was. While South Vietnam was disorganized in this way, North Vietnam was able to maintain the separation of POWs by holding some in jungle prisons, rather than transferring these prisoners to civilian prisons.¹¹⁵ The structure and

¹⁰⁹ Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 55. Holmes and Luce, *Hostages of War: Saigon's Political Prisoners*, 64.

¹¹⁰ Doyle, *The Enemy in Our Hands : America's Treatment of Enemy Prisoners of War, from the Revolution to the War on Terror*, 270. Arsenault, "Modern POW Treatment in the United States," 62.

¹¹¹ Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 6.

¹¹² Arsenault, "Modern POW Treatment in the United States," 67.

¹¹³ Donnell, Pauker and Zasloff, "Viet Cong Motivation and Morale in 1964 A Preliminary Report," XI.

¹¹⁴ Carvin, "Caught in the Cold: International Humanitarian Law and Prisoners of War During the Cold War," 82.

¹¹⁵ Carvin, "Caught in the Cold: International Humanitarian Law and Prisoners of War During the Cold War," 82.

organization of the prison system and the survival or death of prisoners, demonstrate the differences in POW systems between North and South Vietnam.

While the POW system in both North and South Vietnam was not an enjoyable or healthy place to be, there were better conditions for some POWs in the Vietnam War. The best place to be a POW was likely in a city prison in North Vietnam. These prisoners received the best food, and medical care, and were not exposed to harsh jungle conditions.¹¹⁶ Jungle prisoners in comparison experienced worse daily conditions.¹¹⁷ Additionally, POWs in North Vietnam, were not likely to be executed, as prisoners would have been in the overcrowded prisons of South Vietnam.¹¹⁸ While it should be noted that no POW experience would have been pleasant, as they were still imprisoned, tortured, and far from home, these differences in conditions demonstrate the variability of experiences within each system.

Conclusion

North and South Vietnam had some similarities in their POW systems, and the daily experiences of POWs would have been similar in both countries. However, these systems were directed toward different purposes. North Vietnam's system was primarily one of information extraction and hostage-taking. In comparison, South Vietnam's system was very disorganized and was combined with their civilian prison system. Both systems violated the Geneva Convention in similar ways, torturing captives and offering insufficient care. To violate this Convention both countries took the same approach of denying the applicability of the Convention to the captives that they were holding. While differences exist in the likelihood of death and location of these prisons between the two countries, experiences within these systems,

¹¹⁶ Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 55.

¹¹⁷ Howes, *Voices of the Vietnam POWs Witnesses to Their Fight*, 6.

¹¹⁸ Arsenault, "Modern POW Treatment in the United States," 67.

and the POW systems themselves were relatively comparable. Despite these similarities, the vast differences within the existing historical research on these topics should serve as a space for increased study on the POW structures that existed during the Vietnam War, and how these POW systems functioned.

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