

DEC 15 1970

U.S. ACCEPTS ROLE ON VIETNAM JAILS

Assumes Responsibility for
Civilians Handed to Saigon

By **ROBERT M. SMITH**

Special to The New York Times

WASHINGTON, Dec. 14 —

The United States has told the International Committee of the Red Cross that the American Government has a "residual" responsibility for South Vietnamese civilian detainees whom it turns over to the Government of South Vietnam.

In a note, the United States said that this responsibility was to work with the South Vietnamese authorities to make sure the civilian prisoners were not mistreated or tortured. The note was forwarded to the International Committee last week by Idar Rimestad, head of the American Mission to the United Nations in Geneva.

According to some American officials, the move could have a broader impact. Because the civilians the United States detains end up in the same jails as those seized by the South Vietnamese, officials here maintain that the United States has in effect assumed "residual" responsibility for all of South Vietnam's civilian jails.

The move—approved at high levels of the Executive branch—comes at a time when Vietnamization is supposed to be reducing American responsibilities.

Two Qualifications

The legal responsibility of the United States to South Vietnamese prisoners it takes is qualified in two ways. First, it is "residual" — that is, the United States has an obligation for their welfare only if the Government of South Vietnam fails to treat them humanely, in accordance with the provisions of the Geneva Convention. Second, the United States is required to act only if it becomes aware that South Vietnam is mistreating prisoners.

This means that if there are allegations in the future similar to recent charges that prisoners were being held in "tiger cages" at Con Son Prison, the United States has officially committed itself to taking action.

According to officials here, such action could theoretically take two forms. First, the United States could ask South Vietnam to return prisoners captured by American troops; this would seem impossible, however, since they are not segregated from others. Second, the United States could put pressure on South Vietnam to improve its treatment of the prisoners.

Government officials said they do not know how many civilian prisoners the United States has turned over to South Vietnam, but they said the number has been declining since American forces stopped carrying out "sweep" missions.

The American note to the Red Cross said that the prisoners should be treated in accordance with Article 3 of the Geneva Convention on protection of civilians in war. Among other things, that article prohibits murder, mutilation, cruel treatment and torture.