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## Hanoi Defends Treatment Of Prisoners as Humane

By TILLMAN DURDIN  
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HONG KONG, Dec. 23—North Vietnam today defended its treatment of American war prisoners, which it called humane, and said their plight was a result of atrocities committed in Vietnam by United States military men and to failure of the United States to withdraw from Vietnam.

A statement by a spokesman of the North Vietnamese Foreign Ministry called American captives war criminals who in the view of the Hanoi Government are not covered by the 1949 Geneva convention on prisoners of war.

The statement referred indirectly to lists of prisoners obtained by Senators Edward M. Kennedy and J. W. Fulbright by saying that Hanoi had "handed by request the list of all United States pilots captured in North Vietnam to a number of personalities of goodwill in the United States and other countries."

### Denies It Is Duty

The statement added that "it is not incumbent upon the Government of the Democratic Republic of Vietnam to hand over such a list to the United States Government."

The Foreign Office statement was received here in a broadcast from the Hanoi radio. Its firm tone coincided with renewed declarations of determination to pursue the war to victory and with fresh evidence in statements from Peking of Chinese-Vietnamese agreement on that determination.

The Hanoi statement charged that American military men in South Vietnam had fought the war with a policy of "kill all, burn all and destroy all" and that the captured pilots had been taken "while perpetrating crimes against the Vietnamese people."

The statement said North Vietnam, in adhering to the

1949 Geneva convention, maintained the position that "prisoners of war prosecuted and condemned for war crimes or crimes against humanity, in accordance with the principles of the Nuremberg trial, shall not benefit by the provisions of this convention as stipulated by Article 85."

### 'Lenient and Humane'

Nevertheless, the statement asserted, Hanoi has "unswervingly pursued a lenient and humane policy toward the U. S. pilots." The statement said they had been allowed to correspond with families on a regular basis, enjoy adequate conditions of existence and get care for wounds or sickness.

The spokesman said that in South Vietnam "Vietnamese patriotic fighters and civilians" captured by United States troops and "their agents have unceasingly been murdered or subjected to the most barbarous tortures."

The attitude expressed in the Hanoi statement coincided with declarations during the last few days by leaders on the Communist side in both North and South Vietnam of determination to continue the war until victory and repulse any air or commando strikes by United States forces against the North.

### 2 Anniversaries Marked

The occasion for the statements has been the 10th anniversary of the formation of the National Liberation Front in South Vietnam and the 25th anniversary of the formation of the North Vietnamese military forces.

These anniversaries have been hailed in Peking, where leaders have given an elaborate welcome to a visiting Vietcong military delegation and sent congratulatory messages to Hanoi.