

## United States, Former Prisoner of War on a Mission to Hanoi

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**N.B. As per the disclaimer, neither the ICRC nor the authors can be identified with the opinions expressed in the Cases and Documents.** Some cases even come to solutions that clearly violate IHL. They are nevertheless worthy of discussion, if only to raise a challenge to display more humanity in armed conflicts. **Similarly, in some of the texts used in the case studies, the facts may not always be proven;** nevertheless, they have been selected because they highlight interesting IHL issues and are thus published for didactic purposes.

### Former POW on a Mission to Hanoi; U.S. Ambassador Seeks Reconciliation

There was a time when Pete Peterson never imagined returning to Vietnam, certainly not to live and work.

An Air Force pilot shot down on a bombing mission in 1966, Peterson endured 6 ½ years of torture and isolation, living on grass soup and rice in the dank North Vietnamese prisoner-of-war camp known as the Hanoi Hilton.

Freed in 1973, he vowed to leave Vietnam and its torment buried in his past. It was a conscious act of self-preservation, like preparing for another mission, Peterson says.

“I had enough hate in my life for (the) 6 ½ years that I sat in a cell,” he said in a recent interview. “Had it continued, I would not have been able to function. I essentially put it behind me on the day I walked out of that cell.”

Peterson, 61, will be going back to Hanoi, where he once was taken in shackles, as the first U.S. ambassador since the war.

The Senate approved his nomination last Thursday, ending a year-long delay that left Peterson in limbo while lawmakers squabbled over restoring ties with a former enemy.

The U.S. has never had an ambassador in Hanoi, capital of reunited Vietnam. On April 29, Peterson will be sworn in and he will assume his post in early May.

President Clinton's choice of the ex-POW and three-term Florida congressman has been widely praised by veterans groups that oppose normalization of relations, by career diplomats at the State Department and even by Vietnam's communist leaders.

The support is recognition that it may take someone like Peterson, who has every reason to harbor hatred, to be the agent for reconciliation between former enemies.

"The experience that he went through led him in the direction of healing and reconciliation, as it did in my case," said Sen. John McCain (R-Ariz), who spent six years in the same POW camp.

Peterson is "the only person we would have supported for the job, and the reason is that he's been there and he knows the issues that affect Vietnam veterans," said George Duggins, national president of Vietnam Veterans of America.

The last American ambassador in Vietnam, Graham Martin, made a frantic helicopter departure from Saigon, capital of the south, barely ahead of the North Vietnamese troops encircling the city. It was an ignominious close to America's involvement in the conflict, one of many painful images burned in the national psyche.

Peterson's hand sometimes still goes numb, and his elbows bear the scars of rope burns inflicted by his torturers. But he is determined to leave a different mark.

"I really hope that I can use this relationship to bind the hurt that still exists in the populations of both countries," he said. "We're not the only ones who were hurt here. The Vietnamese lost whole age groups of men."

Peterson's first priority is to make further progress in dozens of unresolved cases of U.S. prisoners of war and those listed as missing in action. The Vietnam Veterans of America opposed Clinton's decision to normalize relations last July, saying it would remove leverage in Hanoi for full disclosure.

Peterson disagrees with critics of normalization. He notes that many of the dozens of remaining cases involve servicemen who were operating in mountainous jungle or other remote parts of Vietnam along the border with neighbouring Laos. Hanoi is cooperating, he says, adding that his presence will help speed the identification of remains.

He insists that Hanoi will not get what it really wants – U.S. investment and full commercial ties – unless there is progress.

Despite his years of captivity, Douglas “Pete” Peterson never set out to become an advocate for POWs.

Peterson was piloting his 67<sup>th</sup> bombing mission Sept. 10, 1966, when his F-4 Phantom was hit by a surface-to-air missile. After ejecting, he landed in a tree, with injuries to his right arm, shoulder and leg. Captured by local militiamen, Peterson was taken to Hoa Lo prison, known as the Hanoi Hilton.

Denied shoes, adequate food, medical treatment and contact with other American prisoners, he was kept in a 12-by-20 foot cell with a board to sleep on. Torture sessions were regular and brutal. Peterson kept his sanity by focusing on imaginary projects, like building a house.

He was transferred twice during his imprisonment.

Peterson's wife and three children waited three years for word of his fate. Then they saw him on a propaganda film released by Hanoi during Christmas 1969. In a package of his belongings the Air Force sent to Peterson's family, there was a jade bracelet and carved wooden cat that Peterson had intended to give his daughter, Paula Blackburn, after returning from his tour. [...]

Now Peterson has a new challenge – bringing the war that he once submerged in his subconscious to a more satisfying conclusion for the country.

Discussing his motivations for accepting the job with his daughter, Peterson said he “could not be a free man without knowing what happened to the other MIAs [missing in action] who did not come home.”

## Discussion

1. Were the conditions in which Ambassador Peterson was described as living while a prisoner of war consistent with the provisions of IHL? (GC III, Arts 22, 25, 26 and 29) Was the treatment to which he was subjected? (GC III, Arts 13, 17(4), 87(3) and 130; P I, Art. 85(2)) Did the family have a right to be notified of his whereabouts and state of health? Did he have a right to receive correspondence? (GC III, Arts 70 and 71)
2. What responsibilities under IHL do States Parties have with regard to prisoners of war and the missing – thus in aiding Ambassador Peterson in his first priority of resolving cases of US prisoners of war and those still missing? What action does IHL require of States party to the Conventions regarding those missing? (GC I, Arts 15-17; GC III, Arts 118, 120, 122 and 123; GC IV, Arts 26 and 136-140; P I, Arts 32-34)
3.
  - a. Should the US refuse to normalize relations with Vietnam if it believes that full disclosure about prisoners of war and the missing has not been made? Even after over twenty years? Would reconciliation perhaps facilitate disclosure? Does reconciliation often depend upon the efforts of former victims? Does reconciliation impact the obligations under IHL of States Parties with respect to prisoners of war and those missing?

- b. Does application and enforcement of IHL provisions depend upon individuals with experiences and insight such as Ambassador Peterson's? Is such an outlook typical of a victim? Does the strength of IHL depend upon such individuals?

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