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FAILURE OF THE UNION OF SOVIET SOCIALIST REPUBLICS TO REPATRIATE
OR OTHERWISE ACCOUNT FOR PRISONERS OF WAR DETAINED
IN SOVIET TERRITORY

Letter dated 25 August 1950 from the delegations of Australia,
the United Kingdom and the United States of
America, addressed to the Secretary-General

New York, 25 August 1950

We have the honour to refer to our telegram of 20 August 1950, submitting the item "Failure of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory" to be placed on the provisional agenda of the fifth session of the General Assembly.

The explanatory memorandum, referred to in the above-mentioned telegram, follows:

At the end of hostilities in Europe and in the Far East in 1945, large numbers of military personnel of various nationalities were in the hands of the Allied Powers. The prompt repatriation of these prisoners was demanded by accepted international practice and no less by the elementary principles of humanity.

The Allied Powers clearly recognized at the outset this responsibility and entered into agreements to repatriate prisoners of war (see paragraph 9 of Potsdam Proclamation of 26 July 1945; Foreign Ministers Agreement in Moscow of 23 April 1947; Agreement between the USSR and the Supreme Commander for the Allied Powers in Japan of 19 December 1946, Annexes I, II, and III).

The Soviet Union has not complied fully with these agreements. Moreover, the other Governments concerned have on various occasions requested the USSR to furnish information concerning its repatriation programmes and have even in certain cases offered transportation facilities for repatriation. However, on

* A/1327

/22 April 1950
A/1339

22 April 1950 and 5 May 1950, TASS announced that the USSR had completed the repatriation of all Japanese and German prisoners of war from its territories except for persons detained in connexion with war crimes or on account of illness (Annexes IV and V).

Evidence exists to show that these statements are not true. Moreover, the Japanese Diet on 2 May 1950 and the Bundestag of the Federal German Government on 5 May 1950 adopted resolutions protesting these announcements and appealing for every possible assistance to bring about an early settlement of the problem (Annexes VI and VII).

On the basis of the evidence of Soviet non-compliance, Governments having control responsibility in Germany and Japan have on various occasions stated to the Soviet Government their inability to give credence to the TASS announcements, and have requested it to agree to the designation of an international humanitarian body or organization which should make a thorough examination of the repatriation programme at first hand (Annexes VIII, IX and X).

Since all these efforts have been without avail, the Governments of Australia, the United Kingdom and the United States now consider it essential to place the matter before the General Assembly under Articles 10, 14 and 1, paragraph 3, of the Charter. The three Governments hope that the General Assembly will consider means whereby full information on all these persons may be obtained and the repatriation of all those now living may be secured.

Further documents will be supplied later.

(Signed) Keith C. O. SHANN
Representative of Australia

(Signed) Gladwyn JEBB
Representative of the United Kingdom

(Signed) Warren R. AUSTIN
Representative of the United States

/LIST OF ANNEX

LIST OF ANNEXES

- Annex I - Proclamation defining terms for Japanese surrender, Potsdam, 26 July 1945, paragraph 9.
- Annex II - Foreign Ministers Agreement in Moscow, 23 April 1947.
- Annex III - Agreement between the USSR and the Supreme Commander for the Allied Powers in Japan, 19 December 1946.
- Annex IV - TASS announcements concerning repatriation of Japanese prisoners of war from the USSR:
- (a) Announcement of 22 April 1950.
 - (b) Announcement of 9 June 1950.
- Annex V - TASS Announcement of 5 May 1950 regarding repatriation of German prisoners of war from the USSR.
- Annex VI - Resolution adopted by the House of Representatives and the House of Councillors of the Japanese Diet, 2 May 1950.
- Annex VII - Resolution adopted by the Bundestag of the Federal Republic of Germany, 5 May 1950.
- Annex VIII - Notes addressed by the Australian Government to the Soviet Embassy in Canberra on 5 January 1950 and 10 February 1950, concerning the repatriation of Japanese prisoners of war:
- (a) Note of 5 January 1950.
 - (b) Note of 10 February 1950.
- Annex IX - Note addressed by the United States Government to the Soviet Embassy in Washington on 9 June 1950, and reply of the Soviet Embassy on 16 July 1950, concerning the repatriation of Japanese prisoners of war:
- (a) United States Note of 9 June 1950.
 - (b) Soviet Note of 16 July 1950.
- Annex X - Note addressed by the Embassy of the United Kingdom in Moscow to the Soviet Government on 14 July 1950, concerning the repatriation of German prisoners of war.

ANNEX I

PROCLAMATION DEFINING TERMS FOR JAPANESE SURRENDER,
POTSDAM, 26 JULY 1945, PARAGRAPH 9

Paragraph 9. The Japanese military forces, after being completely disarmed, shall be permitted to return to their homes with the opportunity to lead peaceful and productive lives.

ANNEX II

FOREIGN MINISTERS AGREEMENT IN MOSCOW,
23 APRIL 1947

1. German prisoners of war located in the territory of the Allied Powers and in all other territories will be returned to Germany by 31 December 1948.
2. The repatriation of German prisoners of war will be carried out in accordance with the plan which will be worked out by the control council not later than 1 July of this year.

ANNEX III

AGREEMENT BETWEEN THE USSR AND THE SUPREME COMMANDER FOR THE
ALLIED POWERS IN JAPAN, 19 DECEMBER 1946

AGREEMENT reached concerning Repatriation of Japanese Prisoners of War and Japanese Nationals from Territory of the Union of Soviet Socialist Republics and from Territories under the control of the USSR to Japan, as well as Korean Nationals from Japan to Korea North of the 38° North Latitude.

All sections of this agreement have been concurred in by the member of the Allied Council for Japan from the Union of Soviet Socialist Republics and the representative of the Supreme Commander for the Allied Powers in Japan, whose signatures appear at the end of this document.

Section I. Persons subject to repatriation

1. Following persons are subject to repatriation from territory of the Union of Soviet Socialist Republics and territories under the control of the Union of Soviet Socialist Republics:

- a. Japanese prisoners of war.
- b. Japanese nationals (repatriation of Japanese nationals from territory of USSR is made on voluntary basis).

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2. Subject to repatriation from the territory of Japan are Koreans numbering 10,000 persons, who previously resided in Korea north of the 38° north latitude and who were born in the aforementioned part of Korea.

Section II. Ports and rates of movement

1. The following ports will be used for repatriation of Japanese from the territory of USSR and territories under the control of the USSR: Nahodka, Maoka, Genzan, Kanko and Dairen (Dalny). Repatriation of Koreans referred to in paragraph 2, section I, from Japan will be made through the port of Sasebo.

2. The rate of movement of Japanese from the above-mentioned Soviet ports is established at 50,000 persons per month.

3. Repatriation of Koreans from Japan to Northern Korea will be made simultaneously, by means of shuttle operations, and after 10,000 Japanese have been repatriated from Northern Korea to Japan.

4. Both parties of this agreement respectively reserve the right to change the ports designated for repatriation and the rates of movement or temporarily suspend the repatriation in case of unforeseen circumstances (climatic conditions, icing, difficulties encountered under winter conditions in transporting repatriates to ports of embarkation, etc.).

Section III. Embarkation procedure and transportation.

1. Transportation facilities, for repatriation of persons indicated in section I of this agreement from all ports designated for this purpose, will be provided by the Supreme Commander for the Allied Powers in Japan. No passengers, other than the persons of the above-mentioned categories, will be transported on ships assigned for repatriation.

2. The responsibility for assembling persons subject to repatriation in ports, as well as the responsibility for their embarkation, rests with the authorities directing the repatriation from that particular port. These authorities are also charged with the responsibility over all the details concerning selection of repatriates to be placed on board each ship, planning of the order of embarkation and supervision of same.

3. When dispatching ships for repatriation of repatriates to the Soviet ports indicated in paragraph 1, section II, the Supreme Commander for the Allied Powers in Japan will select ships whose rated capacity will accommodate the number to be lifted as shown in the notification, as mentioned in paragraph 2,

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Appendix 1, below. Under these conditions ships will be loaded to their full capacity. Ships will arrive in Soviet ports indicated in paragraph 1 of section II for repatriation of repatriates not later than fourteen days after the notification is submitted by the Soviet representatives to the Supreme Commander for the Allied Powers in Japan.

4. At the Soviet ports and ports which are under the control of the USSR Japanese repatriates will be transferred by representatives of the Soviet authorities, according to rosters and acts written in the Russian language, to the masters of ships arriving from Japan for repatriates. Upon arrival of ships bearing Koreans from Japan at Genzan and Kanko (Northern Korea), the repatriates will be transferred by the master of the ships, according to rosters and acts written in the English language, to the Soviet authorities.

5. In the waters of the Soviet Union and in those under the control of the USSR, ships operating under the control of the Supreme Commander for the Allied Powers and used in repatriation will follow routes and regulations prescribed by the Union of Soviet Socialist Republics, as stated in Appendix 1.

6. Regular navigation communications will be maintained in accordance with the regulations, stated in Appendix 2.

Section IV. Supply for repatriates and ships assigned for repatriation

1. It is the responsibility of the Supreme Commander for the Allied Powers in Japan to see that the following is provided by the Japanese Government:

a. All food supply necessary for the feeding of repatriates from the time of embarkation until their arrival to the port of destination.

b. Medical service and supply for repatriates for the entire length of trip aboard ship.

c. Ship stores, including fuel, etc., as well as fresh water supply for ships sailing for the port of Nahodka, for the entire round trip and the time while ships are docked or harbored at ports of embarkation.

2. All expenses connected with the repatriation of Japanese prisoners of war and Japanese nationals from the territory of the Union of Soviet Socialist Republics and from territories under control of the USSR, as well as the expenses covering repatriation of Koreans from Japan, will be charged against the account of the Japanese Government.

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3. The Soviet party agrees to render in case of emergency (damaged ship) possible assistance and aid to the damaged ship which arrived for repatriates. In such cases, the masters of the ships must sign the bills presented for the rendered assistance, which shall be paid without any delay in United States dollars by the Supreme Commander for the Allied Powers.

Section V. Sanitation and medical measures

1. Both parties are bound to fulfil in their respective ports the following requirements for medical processing of all repatriates:
 - a. Small-pox vaccination to be given to all repatriates.
 - b. Typhoid vaccine to be given to all repatriates.
 - c. Cholera vaccine to be given to all repatriates (either in spring or fall).
 - d. Disinfestation of all repatriates and disinfestation of their baggage.
2. No repatriates with contagious diseases will be allowed to embark.
3. The fulfilment of all the above-mentioned measures must be stated in a clause written into the act covering the transfer and acceptance of repatriates which is signed by the representative of the Union of Soviet Socialist Republics and the captain or master of the ship.
4. Ships assigned for repatriation will be cleansed and disinfested in Japan.

Section VI. Possessions of repatriates

1. Japanese prisoners being repatriated are permitted to take with them such personal belongings, in hand baggage, as are allowed for exportation by customs regulations.
2. Japanese nationals subject to repatriation will be permitted to bring with them their personal belongings not exceeding 100 kilograms per person, with the exception of such items as are not allowed for exportation by customs regulations.
3. Japanese prisoners of war and Japanese nationals will be permitted to bring with them their person papers as well as Japanese yen not exceeding the following amounts per person: 500 yen for officers; 200 yen for soldiers; and 1,000 yen for nationals. All repatriates will be permitted to bring with them their personal postal savings pass book, bank pass books, and other personal

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documents, issued by Japanese financial institutions, which are payable in Japan.

4. Koreans being repatriated from Japan will be permitted to bring with them, unimpeded and duty-free, their personal things and household belongings not exceeding 200 kilograms per person, as well as some light machinery and handicraft equipment belonging to them, in excess of not more than 1,000 kilograms per person.

5. Korean repatriates returning to Northern Korea will also be permitted to bring with them the following:

- a. 1,000 yen per person.
- b. Postal savings pass books and bank pass books issued by financial institutions in Japan and Korea.
- c. Insurance policies issued in Japan and Korea.
- d. Checks, drafts and certificates of deposit drawn on and issued by financial institutions in Japan, payable in Japan.

Section VII.

This agreement is made or written in the English and the Russian language. In interpreting this agreement, both texts are considered being identical and authentic.

(Signed) K.N. DEREVYANKO, Lt. Gen.
Member of the Allied Council
for Japan from the Union of
Soviet Socialist Republics

(Signed) Paul J. MUELLER, Maj. Gen.
Representative for the Supreme
Commander for the Allied Forces

19 December 1946
Tokyo, Japan

19 December 1946
Tokyo, Japan

Appendices

Appendix 1 - Procedure covering harboring of ships in Soviet ports and in ports under control of the USSR.

Appendix 2 - Navigation communications

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Appendix 1 - Procedure covering harboring of ships in Soviet ports
and in ports under control of the USSR

1. Harboring facilities at the ports:

a. Port of Nahodka can harbor ships of any tonnage with draught up to 7 meters. The daily harboring capacity is 1 - 2 ships simultaneously.

b. Port of Maoka can harbor ships with draught up to 6 meters. Daily harbor capacity is 2 - 3 ships simultaneously.

c. Ports of Genzan and Kanko (Northern Korea) can harbor ships up to 10,000 tons. Daily harbor capacity of each of these ports is 2 ships simultaneously.

d. Port of Dairen can harbor ships up to 10,000 tons. Daily harbor capacity is 3 ships simultaneously.

2. The notification that a contingent is ready for repatriation and the ships may be dispatched from Japan for their transportation, will be given to the Supreme Commander for the Allied Powers each time in advance through the member of the Allied Council for Japan from the USSR, indicating name of the port from which repatriates are to be repatriated, the number to be repatriated, the approximate time of repatriation, and the exact location of the point (with indication of latitude and longitude) where ships en route to ports of embarkation will be met by Soviet craft and will proceed further under their escort into the ports.

3. Taking into account the statement in paragraph 2 above, the Supreme Commander for the Allied Powers will notify the member of the Allied Council for Japan from the USSR in advance of each ship leaving Japan on a repatriation trip, giving the estimated date of departure, name of the ship, type, estimated time of arrival in the port of destination and the shipmaster's last name.

Appendix 2 - Navigation communications

1. Navigation messages may be received by means of establishing communications with the following radio stations:

a. Maritime agency of foreign navies in Vladivostok via radio station in Nahodka Bay. This radio station maintains observation of the sea from 0100 to 0500 hours, from 0600 to 1000 hours, from 1100 to 1300 hours and from 1500 to 1700 hours (Moscow time). Call sign is UKI; frequency 500 KC.

/b. Maritime

b. Maritime agency at the port of Maoka. Call sign is UFO; frequency 500 KC. Observation of the sea maintained 24 hours per day.

c. (1) Port of Kanko - radio station will maintain observation of the sea 24 hours a day. Call sign - UWG - 2; frequency 500 KC.

(2) Port of Genzan - radio station will maintain observation of the sea 24 hours a day. Call sign - UWU - 2; frequency 500 KC.

d. Port of Daizen - radio station maintains observation of the sea (Moscow time) from 0100 to 0200; from 0230 to 0300; from 0330 to 0500; from 0530 to 0900; from 0930 to 1600; from 1630 to 1900 and from 2000 to 2400. Call sign - UWU; frequency - 500 KC.

2. Russian language will be used in all navigation messages issued by Soviet ports and ports controlled by the USSR.

3. English language will be used in all navigation messages issued from aboard ships arriving at repatriation ports in Soviet or Soviet-controlled areas

ANNEX IV

TASS ANNOUNCEMENTS CONCERNING REPATRIATION OF JAPANESE
PRISONERS OF WAR FROM THE USSR

A. Announcement of 22 April 1950

It was communicated in the statement of the Representative of the Council of Ministers of the USSR on Repatriation Affairs on 20 May 1949 that by May 1949 the overwhelming majority of the Japanese war prisoners had been repatriated from the Soviet Union to Japan and that the remaining war prisoners, numbering 95,000 men, were subject to repatriation during the year 1949, with the exception of persons who are under investigation in connexion with war crimes committed by them.

TASS has been authorized to communicate that at present the Soviet agencies have completed the repatriation of the remaining Japanese war prisoners mentioned in the statement of the Representative of the Council of Ministers of the USSR on Repatriation Affairs dated 20 May 1949. There have not been repatriated 1,487 Japanese war prisoners sentenced or under investigation for war crimes committed by them, 9 Japanese war prisoners who are subject to repatriation after the completion of their medical treatment and 971 men, Japanese war prisoners, who committed serious crimes against the Chinese people and who are placed at the disposal of the Central People's Government of the Chinese People's Republic.

Since Japan's capitulation, there have been repatriated from the Soviet Union to Japan 510,409 Japanese prisoners of war in all, besides 70,880 men, prisoners of war, who were immediately released in 1945 in the zone of combat operations.

B. Announcement of 9 June 1950

In connexion with the repeated statements of official American and Japanese circles and the spreading of all kinds of false communications in the reactionary press abroad concerning the number of Japanese war prisoners who are in the USSR, TASS has been authorized to state the following.

It was communicated in the statement of the Administration of the Representative of the Council of Ministers of the USSR on Repatriation Affairs dated 20 May 1949 that of the total number of 594,000 soldiers and officers of

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the Japanese Army taken prisoners by 1 May 1949, there were repatriated to Japan 418,166 men, not counting 70,880 men released immediately in the zone of combat operations, and that on 1 May 1949 there remained in the Soviet Union, unrepatriated, 95,000 men.

In the communication of TASS dated 22 April 1950 "concerning the completion of repatriation of Japanese war prisoners from the Soviet Union" it was officially stated that the repatriation of the 95,000 Japanese war prisoners, who remained by May 1949 in the territory of the Soviet Union, has been completed with the exception of 1,487 war prisoners sentenced or under investigation for war crimes committed by them, as well as 9 war prisoners who are subject to repatriation after the completion of their medical treatment and 971 men, war prisoners, who committed serious crimes against the Chinese people and who are placed at the disposal of the Central People's Government of the Chinese People's Republic. It was indicated in the communication of TASS in this connexion that the repatriation of Japanese war prisoners from the USSR had been completed in full.

In spite of the exhaustive facts quoted in these official statements, there are spread in the United States of America and in Japan invented communications concerning a large number of Japanese war prisoners who have allegedly remained in the territory of the USSR.

TASS has been authorized to declare that the said communications of foreign circles are of a maliciously slandering nature with respect to the Soviet Union and that they aim to distract the attention of the Japanese people from the policy of the USA directed toward the economic and political enslavement of Japan.

ANNEX V

TASS ANNOUNCEMENT OF 5 MAY 1950 REGARDING REPATRIATION
OF GERMAN PRISONERS OF WAR FROM THE USSR

In communication TASS of January 1949 it was shown that vast majority German prisoners of war were repatriated from Soviet Union to Germany by end 1948 and that repatriation remaining prisoners of war being conducted according plan adopted by Soviet Government and should be concluded during 1949.

TASS is authorized to state that last group prisoners of war numbering 17,538 has now been repatriated.

Thus repatriation German prisoners of war from Soviet Union to Germany now completely finished. Since Germany's capitulation there have been repatriated from Soviet Union to Germany 1,939,063 German prisoners of war, including 58,103 turned up during 1947-49 among prisoners of war of other nationalities found in Soviet Union.

Of number German prisoners of war on Soviet Union territory there remain 9,717 persons convicted grave war crimes, 3,815 persons whose war crimes in process investigation, and also 14 persons now detained owing illness who will be repatriated after treatment.

ANNEX VI

RESOLUTION ADOPTED BY THE HOUSE OF REPRESENTATIVES AND THE HOUSE OF
COUNCILLORS OF THE JAPANESE DIET ON 2 MAY 1950

Resolution for request for acceleration of repatriation of
unrepatriated Japanese and investigation into their
actual situation through the United Nations

Since the termination of the war, the people of Japan have to this day faithfully carried out the provisions of the Potsdam Declaration.

Yet today, after the lapse of almost five years since the end of the war, there still remain in the Soviet Union and in the areas under Soviet influence (including Siberia, Saghalien, Northern Korea, Dairen and Chinese Communist areas) more than 300,000 Japanese whose fate is unknown.

Notwithstanding the repeated request made to the Soviet Union through the Allied General Headquarters for an official report, the Soviet Union has made no official response, and the whole people of Japan have been deeply pained in heart and mind. Representing this feeling of our people, by means of this resolution taken by this House, this House is resolved to request the Supreme Commander for the Allied Powers to appeal to the justice and public opinion of the world through the United Nations Organization and to afford every possible assistance for bringing about the early settlement of this question and especially for his highest consideration with regard to the realization of the following:

1. That all of our nationals still remaining in the Soviet Union and in the areas under Soviet influence (including Siberia, Saghalien, Northern Korea, Dairen and Chinese Communist areas) be repatriated as early as possible.
2. That it be arranged to announce the names of those among the internees in the Soviet Union and in the areas under Soviet influence who have died, who have been associated with war crimes, who are serving sentence and who are detained for illness.
3. That it be arranged for an investigation team of the United Nations or neutral or humanitarian body to investigate in the Soviet Union and in the areas under Soviet control the situation of life and death of our interned nationals.

ANNEX VII

RESOLUTION ADOPTED BY THE BUNDESTAG OF THE FEDERAL
REPUBLIC OF GERMANY ON 5 MAY 1950

In the name of the German people, the Bundestag rejects the assertion disseminated yesterday by the Soviet radio that the repatriation of German prisoners of war from the Soviet Union has been completed. It is just as untrue as the long-since disproved statement of the Soviet News Agency TASS which asserted in early 1947 that there were at that time only 890,000 prisoners of war in the Soviet Union.

The Soviet Union has repeatedly broken all its promises to release German prisoners of war by a given time. Even today, five years after the end of the war, hundreds of thousands of German prisoners of war in the Soviet Union await return to their homes. Moreover, thousands of deportees, men and women, who never were soldiers, are held in the Soviet Union and are damned to slave labour there. Even in very recent days the number of these unfortunates has been again increased by mass shipments from the allegedly de-activated concentration camps of the Soviet occupation zone.

The Bundestag requests the Federal Government immediately to take the necessary steps with the Allied High Commission to bring about the following results:

- (1) The publication of the names, crimes and whereabouts of the detained prisoners of war and deported civilians.
- (2) The naming of those who have died in prisoner-of-war camps under Soviet control.
- (3) A search for the missing.

In our distress we call upon the world and appeal to the conscience of every individual: Help free these unfortunate people.

The freely elected representatives of the German people, the Bundestag, protest most solemnly against this injustice, and expect that the solidarity of all democratic peoples, especially the United Nations, will lead them to endorse this protest and co-operate, so that the hour of liberation may soon strike for the last prisoner of war of all nations.

ANNEX VIII

NOTES ADDRESSED BY THE AUSTRALIAN GOVERNMENT TO THE SOVIET EMBASSY
IN CANBERRA ON 5 JANUARY 1950 AND 10 FEBRUARY 1950*

A. Note of 5 January 1950

The Department of External Affairs presents its compliments to the Embassy of the USSR and has the honour to inform the Embassy that the Australian Government is concerned at the large number of Japanese prisoners of war who appear to be still detained by the USSR.

The Embassy will remember that paragraph 9 of the Potsdam Proclamation of 26 July 1945 states, "The Japanese military forces, after being completely disarmed shall be permitted to return to their homes with the opportunity to lead peaceful and productive lives". The Embassy will also be aware that the repatriation of Japanese prisoners of war held by Allied Powers other than the USSR was virtually completed in 1947.

TASS News Agency reported on 20 May 1949 that 95,000 Japanese prisoners of war were still held by the USSR. According to figures carefully compiled by the Japanese Government and checked from every available source, this large figure given by TASS does not account for the additional 376,929 prisoners still in areas under Soviet control. The Australian Government is forced to conclude that if the TASS figure is correct, the discrepancy between that and the Japanese Government estimate can only be accounted for by an abnormally high death rate among Japanese prisoners awaiting repatriation by the USSR. In this connexion, the Australian Government has observed that the USSR has continually refused to furnish notifications of the deaths of Japanese prisoners and feels bound to point out to the Government of USSR that failure to provide such information, as well as the prolonged detention of prisoners after the cessation of hostilities, is contrary to the accepted international concepts of fundamental human rights and the humanitarian principles contained in the Geneva Convention of 1949 which has been signed by the USSR.

The Australian Government expresses the hope that the Government of the USSR will accept the principle that an international humanitarian organization should be designated as protecting power to conduct full and impartial investigations into the position of those Japanese detained in areas under the control of the USSR since the end of the war. The representative of the British Commonwealth

* No reply to these notes had been received at the time of presentation of this memorandum.

countries on the Allied Council for Japan put forward such a proposal at the Council's meeting on 21 December, and its acceptance by the USSR would undoubtedly greatly assist in clarifying the present unsatisfactory position.

B. Note of 10 February 1950

The Department of External Affairs presents its compliments to the Embassy of the Union of Soviet Socialist Republics and has the honour to refer to the Department's Note of 5 January 1950 regarding the Australian Government's concern at the large number of Japanese prisoners of war who are apparently still detained by the Union of Soviet Socialist Republics.

The Australian Government hopes that the Government of the Union of Soviet Socialist Republics will soon be in a position to reply to the suggestion contained in the Department's Note of 5 January that an international humanitarian organization should be designated as protecting power to conduct a full and impartial investigation into the position of the remaining Japanese prisoners of war now estimated at 371,929.

ANNEX IX

NOTE ADDRESSED BY THE UNITED STATES GOVERNMENT TO THE SOVIET EMBASSY
IN WASHINGTON ON 9 JUNE 1950, AND REPLY OF THE SOVIET EMBASSY
ON 16 JULY 1950, CONCERNING THE REPATRIATION OF JAPANESE
PRISONERS OF WAR

A. United States Note of 9 June 1950

The Secretary of State presents his compliments to the *Chargé d'Affaires ad interim* of the Union of Soviet Socialist Republics and refers to the Secretary's Note of 30 December 1949, requesting the co-operation of the Soviet Union in the matter of repatriating or otherwise accounting for over 370,000 Japanese nationals who, according to figures considered reliable, are in areas under Soviet control, dead or alive.

The Note under reference alluded to the repatriation obligations of the Soviet Union under the Potsdam Declaration of 26 July 1945, and pointed out that the prolonged detention of prisoners after the cessation of hostilities is in patent conflict with accepted international concepts of fundamental human rights and freedoms and with humanitarian principles as set forth in the Geneva Convention of 1949 relative to the treatment of prisoners of war which was signed by some sixty Powers, including the Soviet Union. In the interests of resolving a problem of long-standing concern to the Allied Powers and Japan, the Note specifically requested that the Soviet Government agree to the designation of an international humanitarian body or organization charged with making a complete first-hand survey of the situation with a view to obtaining exact information on Japanese held in Soviet areas since the cessation of hostilities.

The Embassy is reminded that the Note under reference has not been answered or acknowledged, directly or indirectly, since its delivery over five months ago and that an early indication of the reaction of the Soviet Government to the United States Government's proposal would be appreciated.

B. Soviet Note of 16 July 1950

The Embassy of the Union of Soviet Socialist Republics presents its compliments to the Department of State of the United States of America and, referring to the Note of the Department of State dated 9 June and received by the Embassy on 12 June, has the honour to communicate that the question raised in the Note has been fully exhausted by the published communication of 22 April and

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the statement of 9 June by the Telegraph Agency of the Soviet Union (TASS), the texts of which are enclosed.

[For texts of these statements, see Annex IV above]

ANNEX X

NOTE ADDRESSED BY THE EMBASSY OF THE UNITED KINGDOM IN MOSCOW,
TO THE SOVIET GOVERNMENT OF 14 JULY 1950 CONCERNING
THE REPATRIATION OF GERMAN PRISONERS OF WAR*

His Majesty's Embassy present their compliments to the Ministry of Foreign Affairs for the USSR and under instructions from His Majesty's Principal Secretary of State for Foreign Affairs in the United Kingdom have the honour to invite reference to a Soviet press announcement of 5 May 1950 stating that repatriation of German prisoners of war from the Soviet Union had been complete with the exception of 9,717 persons convicted of grave war crimes, 3,615 persons whose alleged war crimes are under investigation and 14 persons detained owing to illness.

2. The claim that only 13,546 German prisoners remain in Soviet custody has been received with shock and grave concern in Germany and throughout the civilized world since it stands in manifest contradiction to the fact that large numbers of German prisoners of war known to have been held by the Soviet Government have not yet returned to their homes. In this connexion His Majesty's Government in the United Kingdom wish to draw to the attention of the Soviet Government a recent census carried out in the German Federal Republic which has shown that several tens of thousands of Germans have not yet returned from the Soviet Union although their relatives have information that they were in Soviet custody.

3. In failing to complete the repatriation of German prisoners of war and to furnish information regarding them, the Soviet Government has demonstrated complete disregard for the principles of common humanity. It has, moreover, failed to honour the following explicit undertakings:

- (A) At a meeting of the Council of Foreign Ministers at Moscow in April 1947 the four Occupying Powers undertook to repatriate, by 31 December 1948 at the latest, all German prisoners of war in their

* A similar Note was addressed by the United States Embassy in Moscow to the Soviet Government on the same day. No reply to either of these Notes had been received at the time of presentation of this memorandum.

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custody. The Governments of the United Kingdom, United States and France have respected this undertaking.

- (B) No satisfactory reply has yet been received to enquiries by His Majesty's Government regarding Soviet action in respect of this agreement. In acknowledging one of these enquiries, the Soviet Government, while admitting in a Note of the 24 January 1949 that an unspecified number of German prisoners, about whom no information was furnished, was still held in the Soviet Union, gave a clear undertaking that their repatriation would be completed by or during 1949.

4. The Soviet Government alone bear the heavy responsibility for the suffering and distress which their conduct in this matter has brought to the many Germans still in Soviet custody and to their relatives and friends at home. In the earnest desire that this suffering might be mitigated His Majesty's Government now urge the Soviet Government to take the following measures:

- (A) To furnish detailed information regarding the identity of 9,717 persons allegedly convicted of war crimes, the 3,315 persons whose alleged war crimes are under investigation, and the 14 persons said to be under treatment for illness. Such information should include the places of imprisonment, charges preferred against, and sentences imposed on, those who have been convicted, the present state of the investigations being undertaken, and the whereabouts and treatment of those who are sick.
- (B) To guarantee to prisoners accused of or condemned for war crimes the right accorded by all countries to correspond with their families.
- (C) To give full details of any persons whom the Soviet Government, by classification as civilian workers or in any other way, have deprived of prisoner-of-war status and have thereby excluded from their prisoner-of-war statistics.

/(D) To

- (D) To supply information on the number, identity, date of death and place of burial of Germans who have died in captivity in the USSR or in transit.
 - (E) To agree to the establishment of an impartial international body which would undertake an investigation in the Soviet Union designed to determine the position of prisoners of war known to have been in Soviet custody, in accordance with the Geneva Convention of 27 July 1929, to which the Soviet Government is a party. This body might take the form of an ad hoc commission designated by the United Nations, or of a group composed of the representatives of the four Occupying Powers in Germany, or of representatives of neutral Powers, or of any other group mutually acceptable. It should be noted in this connexion that the United Kingdom, United States and France, at the time when they still had German prisoners of war in their custody, furnished full information concerning them and permitted full and impartial access to prisoners of war by international agencies.
5. Although confining themselves at present to the question of German prisoners of war, His Majesty's Government cannot disregard, and are likewise disturbed by, the failure of the Soviet Government to repatriate or to account for numerous nationals of former German occupied countries taken prisoner or brought to the Soviet Union as civilian internees during the war.
6. His Majesty's Government request that the Soviet Government will inform them of the action they are prepared to take in this matter. His Majesty's Government are, for their part, prepared to lend their co-operation to the Soviet Government in any appropriate way in order to bring to an end the present unsatisfactory state of affairs.
