

## UNITED NATIONS TEMPORARY COMMISSION ON KOREA

SECOND INFORMATION REPORT ON THE  
WORK OF THE COMMISSION\*\*

(Period 26 January - 7 February 1948)

## I. GENERAL

1. During the two-week period covered by this report, five plenary meetings of the Commission were held (seventh to eleventh, inclusive) and the three Sub-Committees, established at the fifth and sixth plenary meetings on 17 and 19 January 1948, continued with their programmes of work, as provided for in the terms of reference contained in the resolutions adopted by the Commission.\*\*\*
2. Plenary meetings of the Commission were held on the following dates:
 

Seventh	-	31 January 1948
Eighth	-	4 February 1948
Ninth	-	5 February 1948
Tenth )	-	6 February 1948
Eleventh)		

## II. PLENARY MEETINGS OF THE COMMISSION

- A. Report on credentials of representatives of El Salvador and China (seventh meeting)
3. The credentials of Mr. Miguel Angel Pena Valle, representative of El Salvador, Mr. Hugo Lindo, alternate, and Mr. Gung-Hsing Wang, alternate of China, were accepted by the Commission.
- B. Hearings of Korean personalities by Sub-Committee 2 (seventh meeting)
4. A discussion in the Commission took place on the question whether Korean officials and experts, as distinct from political and other personalities, should be heard by Sub-Committee 2. Dr. Chough, Director

\* First issued at Seoul as document A/AC.19/37.

\*\* For the first information report, see document A/523.

\*\*\* Document A/523, paragraphs 13-15 and Annex 12.

of National Police, was among those listed for consultation, and the advisability of including Dr. Chough in the hearings was considered, in view of the terms of reference of the Sub-Committee.

5. It was decided that Sub-Committee 2 should invite Dr. Chough together with other high officials.

C. Election of the Chairman (eighth meeting)

6. At its first meeting, the Commission decided to elect a Temporary Chairman until such time as the Commission might decide to elect a permanent Chairman.

7. Mr. K.P.S. Menon (India), Temporary Chairman, was unanimously elected Permanent Chairman.

D. Chairmanship in the absence of the Permanent Chairman (eighth meeting)

8. It was decided, by five votes to one, with two abstentions, that, in the absence of the Chairman, acting chairmanship should be assumed by members of the Commission for a period of fifteen days, and that the order of rotation should be left to the decision of the representatives themselves.

E. Election of the Rapporteur (eighth meeting)

9. The office of Rapporteur was created and Mr. Liu Yu-Wan (China) was unanimously elected Rapporteur.

F. Exchange of communications with the Union of Soviet

Socialist Republics and the Ukrainian Soviet Socialist Republic\*  
and communications to Soviet authorities in North Korea\*\* (seventh  
and eighth meetings)

10. At the seventh meeting, the Secretariat of the Commission reported that the letter addressed to the Commanding General of the Soviet Forces in North Korea, requesting exchange of courtesies, as well as other United Nations Commission documents, had arrived in Pyongyang, North Korea, but had not been accepted by the Soviet authorities.

11. Up to 7 February 1948, no reply to the letter addressed to the Commanding General of the Soviet Forces in North Korea had been received.

12. At the eighth meeting, the situation concerning the non-co-operation of the military authorities in North Korea and the absence of a representative from the Ukrainian Soviet Socialist Republic to the Commission, was discussed briefly.

13. At the tenth meeting, a statement concerning non-co-operation from

\* Document A/523, paragraphs 8 and 12.

\*\* Document A/AC.18/21.

the military authorities in North Korea was adopted by the Commission\*.

G. Question of consultation with the Interim Committee (eighth to eleventh meetings inclusive)

14. The question of consultation with the Interim Committee arose out of the inability of the Commission to enter North Korea for the purpose of implementing its terms of reference provided for in the resolutions adopted by the General Assembly on 14 November 1947. The question was fully examined during the course of the eighth, ninth, tenth and eleventh meetings, in order to determine what further steps the Commission could take in carrying out its mission.

15. At the conclusion of the debate, a vote was taken on the resolutions to consult the Interim Committee of the General Assembly. Resolution I\*\* was adopted by four votes to three, with one abstention. Resolution II\*\*\* was adopted by five votes to none, with three abstentions.

H. Survey of information collected by Sub-Committee 2 (eleventh meeting)

16. The representative of Australia introduced a resolution that a survey be made of information collected by Sub-Committee 2 for the guidance of the Chairman during the discussion with the Interim Committee.

17. The resolution was adopted by five votes to none, with three abstentions.

III. WORK OF THE SUB-COMMITTEES

A. General

18. The three Sub-Committees established by the Commission at its fifth and sixth plenary meetings, continued their work during the period 26 January - 7 February 1948. Summaries of the work of each of the Sub-Committees for the period 20 January - 2 February 1948 are presented in Annexes 1 to 3.

19. Sub-Committee 1 did not meet between 3 - 7 February inclusive and Annex 1 therefore summarizes the activities of this Sub-Committee to date. The work of the other two Sub-Committees up to and including 7 February, is summarized below:

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\* Document A/AC.18/23. To date (7 February 1948) the Secretary-General of the United Nations had not yet received a reply to his communication reminding the Soviet Government of his previous letter of 24 November 1947. (See document A/523, paragraph 9).

\*\* The text of resolution I reads as follows:

THE UNITED NATIONS TEMPORARY COMMISSION ON KOREA,

HAVING CONSIDERED that the Commission may consult with the Interim Committee with respect to the application of the resolutions of the General Assembly of 14 November 1947 in the light of developments;

RESOLVES that the Commission shall consult with the Interim Committee of the General Assembly in the light of developments.

\*\*\* For the text of resolution II see document A/AC.18/16.

B. Sub-Committee 2

20. The Committee held its fifteenth and sixteenth meetings between 3 - 7 February. CHANG KUN-SANG, Chairman of the Labouring People's Party, and Lieutenant General JOHN R. HODGE, Commanding General, United States Army Forces in Korea, were heard by the Sub-Committee.

21. At the eleventh plenary meeting of the Commission, the Sub-Committee was asked to make, with the assistance of Sub-Committees 1 and 3, a survey of the information collected by the Sub-Committee to date (see paragraph 16).

C. Sub-Committee 3

22. The Secretariat of the Sub-Committee continued informal discussions with representatives of the Korean Interim Legislative Assembly, with other Korean officials, and with American experts, concerning the provisions of electoral laws and regulations for North and South Korea. It is expected that documentary papers resulting from these discussions, as well as from an analysis of opinions expressed by Korean personalities on questions relating to elections, will be available later.

IV. SPECIAL CONSULTATIONS

23. On 6 February 1948, a special consultation took place with leading Korean personalities, namely, Mr. Kim Koo, head of the Korean Independence Party, and Mr. Kim Kyu Sik, Chairman of the Interim Legislative Assembly.

24. Mr. Kim Koo and Mr. Kim Kyu Sik initiated the consultation, and discussion centred primarily on the possibility of bringing about a conference of Korean leaders of the North and South as a step toward the attainment of Korean independence.

25. The consultation was reported to the members of the Commission during the course of the debate at the eleventh plenary meeting.

ANNEX 1\*

SUMMARY OF THE WORK OF SUB-COMMITTEE 1 DURING THE PERIOD  
21 JANUARY TO 2 FEBRUARY 1948

1. Sub-Committee 1 was established at the fifth meeting of the Commission, held on 17 January 1948, its terms of reference being "to consider ways and means of ensuring a free atmosphere for elections in Korea".\*\*
2. At its first meeting on 21 January 1948, the Sub-Committee, which is composed of the representatives of Canada, France and Syria, elected Dr. Z. Djabi of Syria as Chairman.
3. The Sub-Committee met three times during the period covered by the report, namely on 21, 23 and 28 January.

Programme of Work

4. The following programme of work was adopted:
  - (a) Definition of the term "a free atmosphere for elections" in the light of the United Nations Charter, of existing particular cases of implementation of the Charter and other relevant documents;
  - (b) Examination of laws, regulations and ordinances in force in Korea bearing on the question of freedom of elections;
  - (c) Co-ordination of the work of the Sub-Committee with that of Sub-Committee 2 in the interests of securing from Korean personalities their opinion with respect to the present conditions in Korea which bear on freedom of elections.
  - (d) Hearing of responsible authorities on the interpretation and application of laws and regulations referred to in paragraph (b).

Proceedings

5. At the second meeting, the Sub-Committee defined the "minimum requirements" for a free atmosphere for elections as follows:

"Freedom of expression, freedom of the press and information, freedom of assembly and association, freedom of movement, protection against arbitrary arrests and detention and protection against violence or threats of violence."

6. The Sub-Committee has prefaced the question it desired to be put to Korean personalities (in Sub-Committee 2) with a statement embodying

\* Document A/AC.19/20.

\*\* See document A/523, paragraph 13.

this definition. The question itself has been phrased as follows:

"Are there any laws, regulations and ordinances now in force or any conditions now prevailing in Korea which, in your opinion, are incompatible with this free atmosphere and, if so, what are they and what provisions, legal or practical, are required, in your opinion, to improve this situation."

7. In the third meeting, the Sub-Committee discussed a number of secondary questions, logically following from the general definition. Among these were the question of an equitable distribution of available news-print during the election period, and the free access to the Commission (lifting of censorship on incoming and outgoing mail dispatched through the Korean postal system). Other questions and problems of a similar nature will be added to the list of minimum requirements for a free atmosphere for elections. Among these is the question of a general amnesty for political prisoners.

8. The Sub-Committee has requested the Secretariat to submit a report on laws and ordinances in force in Korea bearing on the question of the freedom of elections.

9. The Sub-Committee has been closely following the testimony given by Korean personalities before Sub-Committee 2. It has in mind to summon before it in due time Korean and American authorities to question them about the application of laws and ordinances and their general attitude towards the problem of public order during the pre-election period.

ANNEX 2\*

SUMMARY OF THE WORK OF SUB-COMMITTEE 2 DURING THE PERIOD  
20 JANUARY TO 2 FEBRUARY 1948

1. Sub-Committee 2, consisting of the representatives of Australia (Chairman), China, France and the Philippines, was established by a resolution adopted by the Commission at its fifth meeting on 17 January 1948. The representative of El Salvador was elected to the Sub-Committee at the seventh meeting of the Commission on 31 January. Up to 2 February inclusive, the Sub-Committee held fourteen meetings of which five were concerned with the Sub-Committee's methods of work and nine were devoted to hearings of Korean personalities.\*\*

Examination of documents received from Korean sources

2. On 21 January, the Sub-Committee invited "individuals and organizations, religious, cultural and political, to express their views in writing and, if they so desire, to recommend a representative for personal interview. This should be done before 28 January".\*\*\* On 28 January, the Sub-Committee announced its desire to continue to receive written statements.

3. At its first meeting the Sub-Committee decided that the Secretariat should classify and summarize for examination by the Sub-Committee documents and communications received by the Commission. In accordance with this decision the following procedure has been adopted:

- (a) After registration and acknowledgement, classified lists of all communications received, giving the date, language, origin and a brief summary of the subject, are issued at regular intervals.\*\*\*
- (b) A more detailed analysis of the contents of communications is made on a standardized analysis sheet prepared by the Secretariat;
- (c) On the basis of these analyses, substantive communications are referred to the Sub-Committee for examination.

\* Document A/AC.19/21

\*\* In accordance with paragraph (b) of the terms of reference of the Sub-Committee: "to secure statements from Korean personalities whose views may be helpful to the Commission in the discharge of its duties" (see document A/523, paragraph 14).

\*\*\* See document A/523, Annex 13.

\*\*\*\* The total number of communications received from 1-28 January 1948 was 98: 34 from organizations and 64 from individuals (of which 35 are similar in contents but signed by different individuals).

Hearings of Korean personalities

4. At its first and second meetings, the Sub-Committee considered methods of inviting Korean personalities to express their views before the Sub-Committee. It was decided that the Sub-Committee would prepare a list of persons to be heard, based on:

(a) A tentative list drawn up by the Sub-Committee "composed of individuals and representatives of right, moderate and left political parties and of important organizations not directly political in character".

(b) Applications for hearings submitted in response to the invitation of the Sub-Committee.\*

5. At the fourth meeting it was decided:

"that the Chairman, with the assistance of the Secretary, should further classify the lists (of persons to be invited to hearings) in order to secure a balanced representation of the main trends of public opinion and arrange for the order of invitations."

6. To assist in the preparation of further lists for consideration by the Sub-Committee, the Secretariat was asked to obtain relevant data regarding organizations and their representatives which had applied for consultation with the US - USSR Joint Commission. A standard letter of invitation to all persons invited to hearings was approved at the fourth meeting.

7. In order to make public the above decisions, the Sub-Committee on 21 January issued the invitation mentioned in paragraph 2 above.

8. Further, on 23 January, the Sub-Committee announced that it considered it "of the greatest importance to hold discussions at the earliest possible date with political personalities of both North and South Korea"\*\*\* and mentioned the following names:

Cho Man Sik,  
Huh Hun,  
Kim Doc Bong,  
Kim Koo,  
Kim Kyu Sik,  
Kim Il Sung,  
Kim Sung Soc,  
Pak Heun Young,  
Rhee Syng Man.

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\* Up to 28 January 8 requests for hearings had been received: one from individuals (in the form of a joint letter) and 7 from organizations.

\*\* See document A/523, Annex 14.



9. At the tenth meeting, on 28 January, the Sub-Committee approved a programme of hearings for 29 January, which included the Director of National Police. As the result of the dissent of one member of the Sub-Committee, the matter was referred to the Commission; the latter, at its seventh meeting, confirmed the programme as envisaged by the Sub-Committee.

10. The Sub-Committee gave considerable attention to ensuring the widest possible publicity for its announcements regarding the projected hearings. It was decided to forward the Press Communiqués issued regarding the procedure for hearings to the authorities in North Korea, requesting their good offices in making public the announcements. The broadcasting station in Seoul made special announcements over a period of several days and the press communiqués were telegraphed to the country newspapers. A report on the effectiveness of such publicity was requested from the Secretariat.

11. The procedure for conducting hearings was discussed at the fourth meeting and it was decided that, as a general rule, persons appearing before the Sub-Committee would be invited first to make a general statement and then to reply to questions. For this purpose a questionnaire was approved which included questions submitted by Sub-Committees 1 and 3, in response to an invitation from Sub-Committee 2. The Sub-Committee agreed that all hearings should be confidential and that no press communiqués would be issued concerning the persons heard or the matters discussed. The Sub-Committee, on 29 January, publicly announced that responsibility for any statements regarding proceedings at a hearing rested solely with the persons making such statements.

12. The Sub-Committee, in attempting to ensure that representatives of all sections of Korean public opinion would be heard, experienced considerable difficulty in making contact with left-wing organizations, certain of whose representatives were found to be either in prison, under order of arrest or some form of police surveillance. While having in mind the need for ensuring the personal safety of such persons, the Sub-Committee decided to make every effort to hear their views under such conditions as might be appropriate in each particular case.

13. In view of the above difficulty, the Sub-Committee decided at the tenth meeting to refer the question to the Commission. A resolution incorporating a draft letter from the Chairman of the Commission to the competent authorities requesting appropriate action to ensure freedom of interview for persons at present prevented from having access to the Sub-Committee, was submitted on 30 January for inclusion in the agenda

of the next meeting of the Commission:

14. The following personalities, in order of appearance, have been heard by the Sub-Committee:

Dr. Rhee Syng Man (Chairman, National Association for the rapid realization of Korean Independence)

Mr. Kim Koo (Chairman, Korean Independence Party)

A representative of a moderate left organization.

Dr. Kim Kyu Sik (Chairman, Interim Legislative Assembly)

Rev. Han Kyung-Chik (Christian pastor, formerly in North Korea)

Mr. Lyuh Woon Hong (Chairman, Socialist-Democratic Party)

Mr. Kim Sung Soc (Chairman, Hankook Democratic Party)

Mr. Cho Pyung Chai (Secretary-General, Civil Liberties Union)

Mrs. Esther Whang Park (President, Federation of Womens Clubs)

Mr. Ahn Chai Hong (Civil Administrator)

Mr. Kim Yung Moo (Chief Justice of the Supreme Court)

Dr. Chough Pyung Ok (Director, National Police)

ANNEX 3\*

SUMMARY OF THE WORK OF SUB-COMMITTEE 3 DURING THE PERIOD  
20 JANUARY - 2 FEBRUARY 1948

1. Sub-Committee 3, which was established at the sixth meeting of the Commission, held on 19 January 1948, held two meetings up to 2 February.
2. At its first meeting, on 21 January 1948, the Sub-Committee, which was composed of the representatives of Canada, France, the Philippines, and Syria, elected as its Chairman, Mr. Melecio Arranz (Philippines), and as Rapporteur, Mr. Patterson (Canada). It considered an outline of its methods of work as prepared by the Secretariat, and approved the following programme:

- (i) Consideration of reports and other technical and documentary studies prepared by the Secretariat on the electoral laws and regulations in North and South Korea with observations as to:
  - (a) Their compatibility with the General Assembly's recommendations;
  - (b) Their consistency with democratic practices generally accepted in elections held in territories of Members of the United Nations;
- (ii) Examination of the particular requirements for Korea as they will appear from consultations which Sub-Committee 2 will hold with representatives of Korean public opinion;
- (iii) Hearing of views of Korean, Soviet and United States officials and experts.

The Sub-Committee requested the legal adviser to the Commission, Secretary of Sub-Committee 3, to present the reports referred to under paragraph (1) above and authorized him to obtain information and consult with United States and Korean experts, including some of the authors of the electoral laws and regulations in force in North and South Korea.

3. At its second meeting, held on 23 January, the Sub-Committee considered a request from Sub-Committee 2 for items which Sub-Committee 3 might wish to have included in the list of questions then being considered by Sub-Committee 2 for use in the hearings of Korean personalities. The Sub-Committee decided to transmit the following questions to Sub-Committee 2:

\* Document A/AC.19/22

(i) The voting age for the Legislative Assembly in the South Korean Public Act No. 5 has been fixed at twenty-three years and the age at which a citizen can be elected at twenty-five. The North Korean regulations provide that twenty-year old citizens can vote and be elected.

Sub-Committee 3 requests that the opinion of Korean personalities be sought by Sub-Committee 2 on the voting age and the age of candidature best suited for the whole of Korea in the light of the General Assembly's recommendation for elections to be held "on the basis of adult suffrage".

(ii) Section 2, paragraph (a) of Public Act No. 5 for South Korea reads:

SECTION 2.(a) Persons to whom any of the following categories are applicable are not eligible to vote or to be elected:

(1) Incompetents, quasi-incompetents, mentally deranged persons and drug addicts.

(2) Persons who are sentenced and serving prison sentences, or who are under suspended sentence, or are fugitives from justice.

(3) Persons who have received a sentence of one or more years penal servitude or imprisonment; provided, however, that if three or more years have elapsed since the completion of the sentence, or since the time when final decision was made not to execute the sentence, or if the sentence was imposed for a political offense, the person concerned will not be included in this category.

(4) Persons who have been forbidden to vote by law and persons who have been classified by law as "traitors", "collaborators" or "profiteers".

Section 1, paragraph (1) of the Election Regulations of North Korea reads:

1. Exclusive of mental patients and men who have been stripped of their franchise by the verdict of the Court of Justice, all twenty-year old citizens of North Korea shall have the franchise and be qualified for election regardless of their financial status, education, residential zone and their religion.

Do you consider these provisions as adequate?

- (iii) (a) Should persons who have held official positions during the period of Japanese domination be deprived of their right to vote and/or to be elected? If so, to what official positions should this apply and by what authority is this decision to be taken in individual cases?
- (b) Should persons who were guilty of pro-Japanese acts during the period of Japanese domination be deprived of the right to vote and/or to be elected? If so, to what types of acts should this apply and by what authority is this decision to be taken in individual cases?
- (iv) In your opinion should persons who cannot read and/or write be given the right to vote?
- (v) Of approximately how many members, should, in your opinion, the National Assembly of Korea be composed?

4. As a result of the decision of the Sub-Committee, the Secretariat undertook to prepare the documentation referred to above. Informal conversations were held with a group of representatives of the Korean Interim Legislative Assembly, designated by the President of the Assembly, Mr. Kim Kyu Sik:

Mr. Yun Ki Sup (Vice Chairman of the Interim Legislative Assembly)

Mr. Pak Kim Oong (Chairman of the Legal Committee)

Mr. Kim Poong Choong (Chairman of the Electoral Committee)

Mr. Chung Hong Kyu (Secretary of the Interim Legislative Assembly)

as well as with Mr. Lo Chin Sul, Justice of the Supreme Court and Mr. Kim Do Sung, Chairman of the Korean Press Association, designated by the Military Governor from among the authors of the regulations implementing the electoral law for South Korea, and finally, with General John Weckerling, Dean Charles Pergler, and Dr. Ernest Fraenkel, designated by the Military Governor as American experts.

5. The Secretariat expects to be in a position to present documentary papers to the Sub-Committee by the end of the week, in order that Sub-Committee 3 may hold further meetings as early as possible.

6. At its seventh meeting, the Commission decided that the representative of El Salvador, who had been unavoidably absent from the earlier meetings, would take the place of the representative of France in Sub-Committee 3. Sub-Committee 3, therefore, comprises now Canada, El Salvador, the Philippines and Syria.