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LETTER FROM THE PERMANENT REPRESENTATIVE OF THE UNION OF SOVIET  
SOCIALIST REPUBLICS, PRESIDENT OF THE SECURITY COUNCIL,  
DATED 30 JUNE 1952

ANNEX

I

INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

Secretariat: 70 Avenue Legrand,  
Brussels

APPEAL TO THE SECURITY COUNCIL

adopted unanimously by the Council of the International Association  
of Democratic Lawyers, at its session held in Vienna from 16 to  
18 April 1952

For several months the Government of the Republic of Korea has been  
making charges concerning the repeated war crimes committed by the United  
States armies.

The International Association of Democratic Lawyers sent a commission  
of lawyers to investigate these charges on the spot.

The Commission of the International Association of Democratic Lawyers  
was in Korea, and later in China, from 3 March to 12 April.

The Council of the International Association of Democratic Lawyers  
examined the Commission's reports in full consciousness of its responsibility,  
and weighed the evidence they contain. It would have preferred not to have  
had the duty of denouncing once again crimes similar to those whose infamy  
was proclaimed by the Nuremberg verdicts.

Having completed its examination, the Council of the International  
Association of Democratic Lawyers declares that the facts reported by the

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Commission prove that atrocious crimes have been committed by the United States armies not only against combatants, but also against the civilian population. Those crimes include the use of chemical weapons, mass massacre, torture, rape, murder, air raids on peaceable inhabitants, looting and destruction of property, in particular cultural treasures, and above all the use by United States armies of bacterial weapons in Korea and China.

The Council of the International Association of Democratic Lawyers draws attention to the fact that the use of bacterial weapons is prohibited by the laws and customs of war, and that that prohibition was confirmed by the Geneva Protocol of 1925.

But the use of bacterial weapons is not only the most heinous of crimes against humanity, it also constitutes an appalling danger to mankind.

As lawyers, we protest against the violation of international law.

As human beings, we denounce this menace to the entire population of the world and vehemently condemn the abuse of science for criminal purposes.

We request the Security Council:

- (1) to take cognizance without delay of the conclusions of the Commission of Inquiry, and of all other evidence relating to bacterial warfare, to the other acts reported, and to the manufacture of bacterial weapons and the preparations for their use;
- (2) to take the necessary steps at once to put an end to the crimes which are being committed by United States armies, which are a direct threat to peace and international security.

We request the Security Council to communicate our appeal to all Members of the United Nations.

II

COMMISSION OF INTERNATIONAL ASSOCIATION  
OF DEMOCRATIC LAWYERS

REPORT ON U.S. CRIMES IN KOREA

31 March 1952  
[Original: English]

## IV.

### *Explanatory Notes*

1. The Report is published by the Commission with the authority of the International Association of Democratic Lawyers. The Head Office of the Association is Avenue Legrand 70, Brussels, Belgium.
2. The Commission has been anxious to publish this Report without delay, and expresses its regret for any incorrect transliteration of Korean names and terms which may appear in the text.
3. Korea is divided into Provinces. Each Province is sub-divided into Goons or Regions; each Goon is divided into Myen or Districts; a Myen is divided into Ris or Villages. The term Ri is however also used for a sub-district of a City.
4. A Korean Mal (weight)  
Li (length)  
Pyung (surface measurement)  
(1 km. 5/8 ths of English Mile)
5. The numbers in brackets in the text refer to the documents and principal witnesses set out in the list at the end of the Report.
6. This Report has been signed by the members in the English language only.

## Chapter 1

### INTRODUCTION

The Government of the Democratic People's Republic of Korea has repeatedly asked the United Nations to protest against violations of international law by their enemies on Korean territory, but U.N.O. has ignored these pleas.

The allegations made have been the subject of different enquiries, particularly in a report dated 27th May, 1951, made by the International Federation of Democratic Women who visited Korea.

The extreme gravity of these accusations led the Council of the International Association of Democratic Lawyers following the Berlin Congress of the Association in September 1951 to set up a Commission consisting of lawyers of different countries, to go to Korea and to investigate these allegations on the spot in conformity with legal methods of enquiry.

The Commission consisted of:

Heinrich Brandweiner, Professor of International Law in the University of Graz (Austria), President.

Luigi Cavalieri, Advocate at the Supreme Court of Rome (Italy), Vice-President.

Jack Gaster, Solicitor, London (Great Britain).

Marc Jacquier, Advocate at the Court of Appeal, Paris (France).

Ko Po-nien, Director of the Research Department of People's Institute of Foreign Affairs, Peking (China).

Marie-Louise Moerens, Advocate, Brussels (Belgium).

Letelba Rodrigues de Britto, Advocate, Rio de Janeiro (Brazil).

Zofia Wasilkowska, Judge of the Supreme Court, Warsaw (Poland).

The Commission was in Korea from March 3rd to March 19th, 1952. Members of the Commission visited the provinces of North and South Piengan, Hwang Hai, Kang Won, including the towns of Pyongyang, Nampo, Kaichen, Pek Dong, Anju, Anak, Sinchon, Sariwon, Wonsan etc.

The limited time which the Commission had at its disposal, and the state of war, made it impossible for the Commission to investigate all the allegations put before it, but the Commission, who received from the Korean authorities all necessary facilities for carrying out its mission, did make careful enquiry into those cases which seemed most significant, either owing to their size and the number of victims, or owing to the special character of the methods employed by their authors.

In all these cases, after examining the reports and statements supplied by competent authorities, the members of the Commission made direct

investigations, in the course of which, they questioned more than a hundred witnesses.

The conclusions of the Commission are based on those cases proved before the Commission by direct evidence and duly corroborated together with the examination of all relevant documents.

Important evidence is analysed in this report, especially with reference to the use of bacteriological and chemical weapons, and documents of historical significance have been examined in connection with the origins of the war. The cases of bombardments of cities and protected buildings, assassinations, tortures and the murders of civil population quoted in this report are only those proved by direct evidence, duly corroborated. At the end, the Commission makes its conclusions which, the Commission considers, ought properly to be drawn from the facts proved.

The names of at least one witness in each case quoted, and a list of some of the more important documents referred to is included at the end of this Report. It is hoped to publish extracts from the evidence of the main witnesses and copies of the most important documents in a separate volume as a supplement to this Report.

After classifying the facts proved, according to their nature, the Commission then considered whether they were crimes of war, or crimes against humanity according to the definition of Article 6 of the Charter of the International Military Tribunal of Nuremberg, whether they violated International Conventions now still in force, or were contrary to the laws and customs of war.

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It would be foolhardy for a Commission of lawyers to attempt in a page to outline international law on the wide variety of matters that have come under examination during the enquiry. For the benefit of the general reader however, it thinks it right to indicate very briefly the principal treaties and agreements and customary laws which are relevant. It is not to be taken as comprehensive and cannot begin to deal with the many complex questions of interpretation and application of these and other laws which the Commission has carefully taken into account in arriving at its conclusions.

In the first place, the work of the Commission was to take as its basis the two conventions concerning the laws and customs of war on land dated July 29th, 1899 and October 18th, 1907—the Hague Regulations, for the reason that these conventions contain provisions for regulating the conduct of the fighting forces in an armed conflict, which are accepted as the expression of the customary law which binds all nations. The Hague Regulations contain the basic principles of the law of war which are that the nations engaged in war do not have unlimited freedom in the choice of the means of inflicting injuries upon the enemy; and that, among other things, they are forbidden to make direct attacks on civilian populations. The Hague Regulations distinguish between defended and undefended cities and localities, and accord privileges to certain buildings, such as churches, hospitals and schools; these conventions further forbid plundering and condemn the use of certain weapons and methods of

warfare. These forbidden weapons, particularly include the use of poison and poisonous weapons, a term which also covers chemical and bacteriological weapons. These two prohibitions were further covered in detail in the Geneva Protocol of June 17th, 1925, concerning the prohibition of the use of suffocating, poisonous and similar gas as well as bacteriological weapons in war. The Commission further takes into consideration, among other things, the Geneva Convention, dated July 17th 1929, providing for the amelioration of the condition of the wounded and the sick of armies in the field, the agreement of the same date concerning the treatment of prisoners of war, and the Geneva Convention, dated August 12th 1949, concerning the treatment of prisoners of war. With regard to the application of the last mentioned treaty, the Minister of Foreign Affairs of the Democratic People's Republic of Korea, made a declaration on July 13th 1950, confirming the observation of the condition of that treaty by the Korean People's Army.

The Commission lays special emphasis upon the Nuremberg principles which found their expression in the Charter of the International Military Tribunal of Nuremberg and the verdicts it rendered. The Nuremberg principles distinguish among others two kinds of crimes against international law.

a. War crimes:

Violation of the laws of customs of war which include, but are not limited to, murder, ill-treatment or deportation to slave labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

b. Crimes against humanity:

Murder, extermination, enslavement, deportation and other inhuman acts done against any civilian population, or persecutions on political, racial or religious grounds, when such acts are done or such persecutions are carried on in execution of or in connection with any crime against peace or any war crime.

These principles are further developments of the Hague Regulations as well as customary international law and are generally recognized.

Lastly, the Commission has taken into consideration the Convention concerning the prevention and punishment of the crime of genocide, which was adopted on December 9th 1948 by the General Assembly of the United Nations. By genocide is meant acts done or attempted against national ethnic, racial or religious groups with the intention of annihilating them. This includes also murder of members of these groups, grave attacks against the physical and mental integrity of these members and subjecting them to conditions of life which lead to their total or partial destructions.

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As to the origin of the Korean war, though the Commission did not make a detailed examination of this question, it feels bound to make a few general remarks on this subject.

According to international law, a third party has in general no right to intervene in a civil war. This is reinforced by Article 2, Clause 4 of the Charter of the United Nations which prohibits members from employing force against the territorial integrity of any state, or in any manner inconsistent with the purposes of the United Nations and by Article 2, Clause 7, which precludes the United Nations from intervening in the domestic affairs of a country except in certain circumstances under Chapter VII of the Charter.

The United Nations decision to intervene was in itself contrary to the Charter, by virtue of the fact that the said decision was not taken with the concurring votes of all the permanent members of the Security Council in accordance with Article 27 (3) and was also in breach of Article 32.

The fact that President Truman had immediately ordered the American Navy and Air Force to intervene before the United Nations had taken the said unlawful decision mentioned above indicates that the intervention of the United States was unlawful, apparently prepared, premeditated and constitutes an aggressive act.

The intervention of other member states of the United Nations was also contrary to the United Nations Charter.

It is necessary also to point out that the forces contributed to the support of South Korea by member states of the United Nations were, on the recommendation of the United Nations, placed under the High Command of the United States Forces.

Besides making the above general remarks, the Commission hopes to include photostat-copies of some important documents examined by the Commission in Korea pertaining to the origin of the Korean War in the Supplement to this Report.

## *Chapter 2*

### **BACTERIOLOGICAL WARFARE**

On its arrival in Korea the Commission found itself faced with the unexpected task of investigating a most serious allegation that the American forces in Korea were using bacteriological weapons against the army and the civil population. Members of the Commission went to different regions of the country and took evidence on the spot, interrogated witnesses who found insects in unusual circumstances, examined and obtained evidence concerning the remains of containers found, examined experts, obtained data concerning health conditions during recent years and as to the outbreaks of disease from health service officials and experts and also examined official documents and other material put before them. The Commission was impressed by the clarity and obvious sincerity and veracity of the many simple peasants and others who gave evidence as to the facts.



The results of the Commission's inquiries are as follows:

According to the reports of observation posts of the Korean People's Army, the Chinese People's Volunteers and the Local Anti-aircraft Detachments, different kinds of insects were found in 169 areas of North Korea (1). The results of 15 typical cases in which expert examinations were carried out and insects found identified between 28th January and 12th March, 1952 are as follows:

1. January 28th, Peng Kang Goon, Kang Won Province, flies, fleas and spiders; (2)
2. February 11th, Chol Won Goon, Kang Won Province, flies and fleas (mosquitoes); (3)
3. February 17th, Pengang Goon, Kang Won Province, spiders;
4. February 18th, Anju Goon, S. Pyengan Province, flies and fleas;
5. February 23rd, Peng Won Goon, N. Pyengan Province, flies and fish;
6. February 25th, Dok Won Goon, Kang Won Province, fleas and other insects;
7. February 26th, Dia Dong Goon, S. Pyengan Province, flies and fleas;
8. February 27th, Kang Dong Goon, S. Pyengan Province, flies;
9. February 27th, Hwang Hai Province (military unit), lice;
10. February 27th, Senchen Goon, S. Pyengan Province, flies;
11. February 29th, Suan Goon, Hwanghai Province, flies and other insects;
12. March 1st, Chelsan Goon, S. Pyengan Province, flies and fleas;
13. March 1st, Yandog Goon, S. Pyengan Province, fleas and other insects;
14. March 2nd, Kowon Goon, Ham Kyeng Province, fleas and other insects;
15. March 4th, Pyongyang City, Middle District, flies.

In many cases special kinds of flies, fleas, spiders, beetles, bugs, crickets, mosquitoes and other insects were found, many of which were hitherto unknown in Korea. Insects were found in different cases far from human habitation, on snow, on the ice of rivers, on grass and among stones.

Considering the very low temperatures prevailing at the time (In January the maximum was 1° and in February 5°, but only for a few hours, the average temperatures being far below zero centigrade) which normally prevent the appearance of insects, and also considering that the insects were often found in great quantities and even in mixed groups or clusters consisting of different varieties of insects which would normally never be found together, like flies and spiders, the appearance of these

insects roused suspicion. The results of the expert examination showed that great quantities of insects were infected.

In many cases it was also found that the insects were carrying eggs. In the opinion of experts it may be assumed that these insects were bred artificially. On 23rd February 1952, in Peng Won Goon, S. Pyengan Province, on a mountain not far from Suk Shun Myen Village, in addition to flies, a great quantity of fishes of a species which live in the regions between fresh water and salt water, were found. The fish were found in a half rotten state and infected with cholera. It is assumed that these fishes were dropped by mistake on the mountains.

The kinds of bacteria found were: *Vibrio cholerae*, *pasteurella pestis*, *Eberthella typhosa*, *Bacillus paratyphi A* and *B*, *Rickettsia prowazeki* and *shigella dysenteriae*. The examinations confirmed the local reports that different kinds of insects were being dispersed, and also established that the insects dropped were infected with plague, cholera and other epidemic diseases. (1)

The Commission particularly investigated the following cases:

1. On the 30th January 1952, southeast of Chon, Kang Won Province, flies, bugs and spiders were found alive on the snow and among stones. Though the place had been burnt immediately after discovering the insects, 20-30 specimens per square metre could still be found in an area of 600 to 700 m. in diameter.

Expert examination showed that the flies had been infected with the germ of cholera. At a distance of about 300 to 400 m. from the point where the insects had been discovered, remains of containers like leaflet bombs have been found with a special appliance that caused them to break open as soon as they touched the ground. An eye-witness identified this kind of bomb on the photos No. 8 and 9 (4) which is of the same type as the remains the Commission personally inspected. (5)

2. On 18th February 1952, in Bal Nam Ri, Anju Goon, Dai Ri Myen region, S. Pyengan Province, flies, spiders and bugs were found crowded into 1 yard square in 3 separate lots on open ground, each spot being about 1 metre from the next. One spot was covered with snow, others not. All the insects were alive. By the time the Investigation Group reached the spot, the insects had scattered over an area around. The flies were unusual, compared with the familiar Korean ones. The fly that was found had longer wings which were slightly spread; the body was bigger; the head was comparatively bigger in proportion to their body than those familiarly known. As to the spiders the familiar ones can be divided into 2 groups, large size and small size, and black in colour. Those found were of middle size with a little white on the body. As to the bugs, while the familiar ones have a rounded body and a little yellow colour, those found had flat bodies and were black. At this time of the year no flies or spiders have ever been found in this area before. The ground temperature was 20 degree below zero centigrade.

Towards midnight on the day before the discovery of the insects airplanes had been seen above this place, circling several times very low, without dropping any explosive or incendiary bomb, or machine-gunning. Expert examination showed that the insects were infected with plague bacteria. On February 25th, plague broke out in that village. 50 persons were taken ill of whom 36 died (in a population of about 600) up to March 11th, and the disease had not then run its course. Plague has never previously occurred in this region. (6)  
(7)

3. February 22nd, in Jong Dong Hwang Hai Province, Pong San Goon, Cho Wa Myen region, flies were found in clusters, lying on ice and snow, over about an area of 200 meters in diameter, with 5 to 10 flies to the square meter. They were lying in the open field, far from human habitation.

Also in Wol San, same Goon and region flies were found 700 metres from the nearest house. In both cases, the flies had a smaller head, longer wings and hairier body than normally known. In the whole province 36 cases have been established up to March 12th, in which flies, mosquitoes, spiders and unfamiliar insects similar to fleas were found. (8)

4. Since 25th February in Kaichen Goon, S. Pyengan Province, flies and other insects were found in 9 cases. Some of them were discovered on snow. The insects found were of a type hitherto unknown. Flies do not usually appear before April in this county. No outbreak of diseases had occurred up to the time of the visit of the members of the Commission.
5. On February 26th, in Buk Myen, same Goon, a great quantity of flies and fleas were found on the snow, which later on spread from the village Nam Shin II to Nam Shin I. 2 km. away, clusters of insects were found, wrapped in yellow paper, crowded on a patch of wet earth where the snow had melted. (9)
6. On February 28th, near Song Ri, Kang Don Goon, Won Tan Myen region, S. Pyengan Province, on the ice of the bank of Puk Kang river (which serves the water supply of Pyongyang), ant-like insects were found in clusters of about 30 cm. diameter, with about 3 to 5 m. between each cluster. By the next day, the insects had already spread over an area of 800 m. The day before the insects were found, 5 American planes had been seen circling over the place for half an hour, without dropping explosive or incendiary bombs or machine-gunning. The witness stated that the expert examination disclosed that the insects were infected with bacteria which caused a disease of the intestines. (10)
7. On March 3rd, flies of unusual appearance, crowded in one spot about 1 yard square, were found at Ko Eup, Jan Shan Myen, Soonchen Goon, S. Pyengan Province. They were still alive, though lying on the snow at 10 degree below zero centigrade. The head of the fly was smaller than a Korean fly's, the wings closed, the body longer

than that of the familiar fly. Flies are not normally to be seen alive in the open at this time of the year in the district. (11)

8. On March 4th, the same kind of flies was found under similar conditons in the same county in the village Ma Don, Sin Chen Myen. (11)
9. On the same day, several groups of mosquitoes were found near Anju City. A container similar to that described above, and which was identified by photograph No. 8, was found. (4) (12)
10. On the same day, mosquitoes were found in the village Cha Jang, Anju District. The insects were found in groups in various spots of this area. They were of an unusual type; while the familiar ones are covered lightly with fair hair from head to body, these were much more hairy. (6) (7)
11. On March 5th in Pyongyang City, Choong Koo District Quarter Hammoon Ri, large and small groups of flies were found in the street, spread over an area of about 1.5 to 5 m. The next day, cholera broke out in the neighbouring street. (13)
12. On March 11th, in Bek Dong Goon, a few kilometres from a POW Camp, some flies and other insects were found in clusters on the snow.

These groups of individual cases, proved by the Commission, represent only a small part of the real facts for it was not possible for the Commission to visit all the places affected. Where containers like leaflet bombs have been found it should be made clear that no leaflets have been found in the neighbourhood.

In North Korea there have been no previous epidemics for at least 4 years and no case has up to the time of the Commission's visit been reported except in the immediate area where clusters of insects have been found as described above. The fact that no widespread epidemic has occurred in consequence of the deposits of infected insects is, from our own observation, undoubtedly due to the careful and strict anti-epidemic measures that have been taken by the authorites with the fullest and closest co-operation of the people.

The first case of cholera was diagnosed on February 20th. This was 40 year-old Kim Hak Mun of the Puk Myen region, Chel Won Goon, Kang Won Province, who died on February 23rd. On February 25th, 35 year-old Kim Shul Sun fell ill in the same village. In the S. Pyengan Province, Suk Chan Myen, two persons in the same village fell ill on March 5th, and both died on the following day. On March 8th, 3 more persons fell ill, one of whom died the same day and another on March 9th. In Pyongyang City (as mentioned above) 2 persons fell ill on March 6th, and another one on March 8th. Two of them died on March 8th. The quarter has been isolated. In Hwang Hai Province, where the local register (as mentioned above) showed 36 cases of discovery of insects, in Suan Goon, Su Gu Myen, Sok Dal Ri village, 2 persons fell ill on March 8, one of whom died on March 9. No soldier fell ill of cholera. Total number of cholera cases is 13, 9 of whom dieg. (1)

The first case of plague was diagnosed on February 25th Hwang Li Shai, aged 29, of Bal Nam Ri, Anju Region. The case took a mortal turn. On February 29th, Pak Sun Ok, aged 26, of the same village, fell ill. In this case it was established that plague-infected fleas had been found on February 8th. The number of plague cases in the village amounted to 50, 36 of whom died, up to the time of the Commission's visit to Anju.

3 cases of plague have been proved in the army:—

In Kang Won Province, Tan Wan Goon, Dong Ha region, on March 4th, one soldier fell ill and died on March 6th. In S. Pyengan Province, Jong Don Goon, Shoang I Dong village, one soldier fell ill on March 7th, and died the following day. In Han Kyon Nam Do Province, Ka Won Goon, Seng Nam Ri village, one soldier fell ill on March 11th, and died the following day.

The total number of plague-cases is 53, 39 of whom died. (1)

In a number of cases there is a local and temporal coincidence between the cases of cholera and plague and the discovery of infected insects.

In view of these facts the Commission states that it is beyond doubt that great quantities of insects, oftentimes of species unknown in Korea, were found under very low temperatures on the snow, on the open field or on the ice of rivers. The insects were proved to be infected in great number with plague, cholera and other contagious diseases. Close by the places where insects were discovered containers have been found whose construction permits the conclusion that they served for the carrying of great quantities of insects.

On a part of one of them a marking in English was discovered. In several cases a local and temporal coincidence between the objects found and the appearance of airplanes, which circled low above the place without firing or strafing was proved. Shortly after these discoveries cases of plague and cholera occurred. The cases investigated by the Commission which are only a few of the cases reported, have been set out above. These alone disclosed a serious and widespread deposit of such insects. In all the circumstances, the Commission must reach the conclusion that insects infected with epidemic diseases have been dropped over Korea by American airplanes.

### *Chapter 3*

#### CHEMICAL WEAPONS

American planes have on various occasions used asphyxiating and other gases or chemical weapons at least since 6th May, 1951.

According to evidence given to the Commission by the Head of the Health Section of Nampo City People's Committee (1) on the 6th May 1951, the city was bombarded four times, between 5.05 p.m. and 6.30

p.m. The bombardments took place in good weather and in a temperature of 23 degrees Centigrade 13 districts were attacked. In the course of the last attack when the inhabitants had taken shelter, 3 B29s attacked the districts of Sam Hwa Hoopo Ri, Yong Chong Ri, Chook Dong Ri and a part of Yong Soo Ri, over an area of 0.3 square k.m. with gas bombs. There were 1,379 casualties of whom 480 died of suffocation and 647 others were affected by gas. By other means during the raid, 76 people were killed and 176 injured.

The evidence of eye witnesses and of experts (2) (3) (4) (5) (6) (7) (8) (9) taken by the Commission and the verification of materials and documents presented to the Commission establish the following facts: the gas spread immediately after the explosion of the bombs which produced first a black smoke, then green-yellow and yellow, and then colourless; the smoke had a disagreeable smell, resembling the smell of chlorine; its poisonous effect lasted until it evaporated, within about two hours; people in the shelters (including many children) were particularly affected. The symptoms of the victims were described as follows: Difficulty in breathing, hoarse voice, fainting, coughing, watering of the eyes, running nose, headache, feeling exhausted, the skin feeling hot, vomiting, spitting foam and blood, fever, cyanosis, feeble pulse, the symptoms of acute bronchitis and photophobia. Examination of blood showed an augmentation of white and red corpuscles and of haemoglobin from 100 to 115%. Post-mortem examination showed an augmentation of volume and weight of the lungs which carried on the periphery marks of the ribs, and a red-black liquid mixed with exudates flowed out of the parenchyma. The surface of the bronchial tubes became clear grey in colour and came away easily. The kidneys and the heart showed signs of loss of blood, and points caused by dilation of the capillary structure; the meninges were smoothened and their structures dilated; the spinal marrow which was dissected showed ecchymoses in the white matter. When the Commission was in Nampo, it examined the results of the autopsy.

In the affected area of the city it was noted that grass became yellow brown, objects containing an alloy of copper became blue green and rings of silver became black. The Commission saw some of these articles identified by witnesses.

At 8 a.m. on 6th July, 1951, two American "Jets" flew over the village of Poong-Po Ri to the south of Wong San from northeast to southwest. The temperature was about 27 degrees, a light wind blew from northwest, and the air was relatively wet. The sky was clear. Gas or some other unidentified chemical product spread over an area of about 100 to 200 m. at a point approximately 200 m. east of the village. (10) Two farmers, An Young Hwa and his wife Yang Choun Ok on their way to plough their land suffered burns on the skin, had difficulty in breathing, their ye'es watered and could not remain open.

The scientific committee of the Ministry of Health sent a mission of inquiry (11) (12) (13) and witnesses and experts (14) (15) and case histories (16) (17) examined by the Commission established that the two victims were in good health up to 6th July 1951. Shortly after

the planes had passed they (the victims) felt an itching on the exposed parts of the body (face, hands and feet); they observed red spots which grew to a size like haricot beans, which then swelled and were filled with pus. These injuries could not have come from any sickness whatsoever and resembled second degree burns but with a much more serious erosive action and taking a longer time to recover. The man had to remain in hospital from July 15th to August 15th, and the woman until August 21st. While they were in hospital, the blisters containing the pus or liquid broke and the dead skin fell off after the application of Pomatum, but leaving light scars.

Where the gas had spread 10% of agricultural plantations and more specially the leaves of beans showed round white spots which were about one cm. apart from one another, similar to the red spots found on the exposed parts of the victims' bodies.

The witnesses testified that there was no sound of any explosion of bombs, nor was there any machine-gunning.

On August 1st 1951, about 3 p.m. two bombs were dropped on the villages of Yen Seug Ri and Won Chol Ri, (Province of Hwanghai) one in each village. They broke in the air with an unusually feeble sound and produced a black smoke, and a yellow green cloud spread on the ground. Four civilians were killed and 40 poisoned with similar symptoms and results to these found during the bombardment of Nam-po on 6th May, 1951. The leaves of trees fell, cereals on the ground were damaged; brass objects became black. (18) (19) (20) (21)

On January 9th, 1952, at about 4 p.m. in clear sky and at temperature of at least 5 degrees, the small mountain village of Hak Seng north of Won San was bombarded by two planes. After bombardment, 83 persons were poisoned and showed similar symptoms to those found after the Nam-po bombardment. They had, in addition, itching in the throat and felt a sweet taste in the mouth. These facts were established by witnesses including doctors examined by the Commission (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) and were corroborated by the information supplied by the Director of the Kang Won (32) Province Department of Health, and by a report made by many doctors of the Won San Central Hospital (33).

The facts set out above prove beyond question that the American Forces in Korea have in their possession chemical weapons of various kinds and that these have been used on many occasions against the civilian population, causing numerous casualties.

## *Chapter 4*

### **MASS-MASSACRES, MURDERS AND OTHER ATROCITIES**

The evidence of mass-murders, individual murders and bestialities committed by the military forces of the U.S.A. against Korean civilians

including women and children is overwhelming both in the quantity of the crimes committed and in the variety of methods employed.

The Commission in this section of its report has dealt only with cases investigated in two of the provinces visited namely:

1. The Hwanghai Province where the members of the Commission visited three cities: Sinchon, Sariwon and Anak.

2. The South Pyengan Province where the members of the Commission visited 6 localities: Pyongyang city, Soonchown, Anju, Kaichen, Koon Woo Ri and Nampo.

## PART I. MASS-MASSACRES

### 1. Hwanghai Province

The cases investigated (but a few of the many put before the Commission) disclosed the following:-

#### A. Sinchon

According to the evidence of Pyong Won Goon, the Chairman of the People's Committee, 35,383 civilians (19,149 men and 16,234 women) were murdered in the district of Sinchon during the American occupation, which lasted from October 17th till December 7th 1950 i.e. for less than two months. The number includes a substantial number of refugees who were in the district. (1) On the evidences examined, the following facts can be established beyond doubt:

On 18th October 1950 in the city of Sinchon behind the building of the People's Committee, a mass murder of about 900 men and women including about 300 children was committed. Some of the women were pregnant.

The murder was committed by order of the commander of the American occupying forces in the city—Harrison (described by one witness as Halison). Harrison was present when his order was fulfilled and took photographs of the execution.

The murder was committed as follows. All the people were pushed into an open deep grave. Harrison ordered them to take off their clothes, then ordered fuel-oil to be thrown over the victims who were set on fire. Those who tried to get out of the grave were shot.

A witness declared: "The cries and shrieks of these people were heartbreaking. Those who were not burnt to death were buried alive. Harrison came the next day and took photos."

On October 20th 1950 about 500 men and women including about 100 children were murdered. Harrison was again present.

All the people were forced into an air raid cave shelter, which had 2 entrances. This shelter was cut in rock in the city of Sinchon behind the police headquarters. On Harrison's orders, American soldiers put explosives in the shelter with a fuse leading outside. Then



both entrances were sealed with sacks of earth. Harrison ordered the fuse to be lit. All the people in the shelter were killed by the explosion.

In mid November 1950 another mass murder took place. About 500 people, including women and children were killed. Here are the facts of this case: Harrison had sent an expedition to the Koo Wol mountains in Sinchon district, where he stated guerilla fighters were hiding. The expedition was fruitless. The American officer in charge thereupon ordered the seizure of all the inhabitants of the neighbouring villages. On the way back to Sinchon, in the village of Min Chon-ri the commanding American officer gave orders that those people be killed. They were shot by American soldiers with machine-guns.

When the American forces were about to withdraw from the area on 7th December 1950, Harrison addressed the officers of the American units and of the Syngman Rhee Auxiliary troops under his command. In a characteristic speech he is reported to have said the withdrawal was "temporary" and for "strategic reasons" and declared that the inhabitants who were still free should be told they should go south with the American troops. "Whoever stays will be treated as an active enemy, and an atom-bomb will be dropped on them. He ordered that all the dependents of the "reds" must be annihilated; all the families of soldiers of the Korean People's Army and of all those working for the state should be considered as "red" for this purpose. His order was executed.

Further mass-murder of about 900 people, men and women took place on that day in two warehouses in the Won-An-Ri ward of the Sinchon city. There were over 200 children in one of these buildings. The American soldiers threw fuel-oil over the people's clothes and set fire to them. Hand grenades were thrown into the buildings through the windows. One of the Korean woman who was in the building with two children pushed the children out of the window. One child was shot. One fled. The mother was burned. Harrison and his officers were present. (2) (3) (4)

The members of the Commission have seen the grave in which the murder of October 20th was committed and the warehouses one was partly open, in the presence of the members of the Commission.

The members of the Commission also saw the shelter in which the murder of October 20th was committed and the warehouses one of which was subsequently destroyed by bombardment. On the walls of the shelter and the warehouse there are traces of burning.

Mass murders were also committed in other parts of the Sinchon district. For instance:

On the day of their entry into Sam-Song-Ri, Yong-Chin-Myen region Sinchon Goon—the American soldiers forced about 400 people into an open grave. Among them was a young girl, who gave evidence, who was there together with her family consisting of 15 people. All these people were buried alive. Afterwards the witness and another

young girl managed to extricate themselves from the grave and fled to the mountains. (5)

On October 17th, 1950 in the locality of Boo-Jung-Ri the Americans forced 400 women and men into a cellar. According to the deposition of an eye witness the cellar was so crowded, that it was not possible to move in it. On October 18th 1950 about 7 p.m. the Americans put fuel-oil on the people and burned them alive. The burned bodies remained in the cellar till the locality was liberated and were then discovered by their families.

The witness managed to get out through a ventilation opening and in spite of the wounds he sustained, he escaped and saved his life. (6)

In the locality Sol-Ma-Ri, Sinchon district, 2,000 people (men and women) were seized and murdered by various methods during the American occupation. These included children of 1 year old and old people over 70. An eye witness gave evidence of the horrible conditions in the jail. People were constantly beaten. A number were killed with knives or clubs. The witness was in a group of 80 which had to be murdered. He heard a shot and was hurt with a spear. He lost consciousness and after recovered he managed to escape. On many occasions he saw groups of people murdered and put into a grave. (7)

The Commission could not examine all the eye witnesses of mass murders who were available. But having regard to the facts proved, the Commission concluded that the number of over 35,000 murdered in the district of Sinchon declared by the Chairman of the People's Committee and based on the data of the Korean Commission for investigation into war crimes corresponds to reality.

## B. Sariwon

An eye witness (8) told the Commission how about 950 people including many women, were shot on the mountains of Mi Ra (8 k.n. from Sariwon) on December 5th 1950 by order of an American officer commanding a military unit.

The shooting took place by machine-gunning just before the American troops were forced to leave the city. The members of the Commission have seen the pass in which the execution took place and the graves of the victims, which were opened for inspection by the Commission.

Immediately after the American troops entered the locality of Dai-Won-Ri district of Sariwon many inhabitants were seized including all the families of people serving in the Korean People's Army. An eye witness (9) a young girl who was also seized with a group of about 50 women and 30 men, including children of 1-2 years old told how horribly the American soldiers tortured the prisoners. The prisoners were beaten ceaselessly. The most frequently used method of torture was to put people on a table and to pour water through the nose. Every day people were killed in the prison. Some

were hung by the hair and the American soldiers shot at them as at a target. Or they were beaten till they died. Or they were stoned to death. 29 people including 3 women were killed in this way. Other prisoners were forced to watch the murders.

Just before the Americans had to leave the city, the prisoners who were still alive were taken out of the prison, and shot. The father and brother of the witness were killed. She managed to escape when the people were being led out to execution.

Another witness (10) was for 20 days, with a group of about 700 people in the prison of Sariwon. All the prisoners were beaten. Water was poured into their throats. Among the prisoners there were many women with small children. One pregnant woman was beaten so much that she had an abortion. Every evening the American soldiers came to the prison and chose several women who returned after several hours crawling on all fours, their clothing torn to pieces, crying half-mad.

On December 5th 1950 when the Americans retreated the prisoners were taken away in groups. A witness who was in the last group managed to escape. He found afterwards that all the other prisoners were killed.

### C. Anak

The American occupation lasted in Anak from 18th October to 5th December 1950. During this time, according to the records made and produced by the Chairman of the People's Committee Mung Young Song, the American murdered 19,072 people. (11) The Commission heard the deposition of eye witnesses only as to a part of those murders.

On October 25th 1950 a witness was seized, because her older son was in the Korean People's Army. Her second son fled. On the same evening the Americans conducted the prisoners numbering several thousands and including the witness and her two younger sons to the river near Tolmuzi. The people were bound in twos. The execution took place by shooting or by bayonet. The witness was bound to a young girl who was bayoneted. She said, "I was shot and we both lost consciousness. When I recovered I felt my back heavily pressed, for corpses were heaped upon me, and I was wet with their blood." She and the girl, though wounded, managed to escape. Both of her younger sons were shot. (12)

In the beginning of November 1950 in the locality Sinchang-Ri in the region and District of Anak about 1,000 people were buried alive. This was stated by an eye witness whose son and grandson were among those buried. (13)

During their withdrawal the Americans ordered the population to go with them to the south. They threatened the people saying, that after their withdrawal an atom-bomb would be dropped on the locality. When thousands of people with their families were going southward they were machine-gunned. The witness who managed to

escape told the Commission that the number of killed was about 1,500. (14)

#### D. Other localities

When the Commission was at Sinchon, witnesses from other localities arrived and asked to be given the opportunity of giving evidence. In only a few cases was the Commission able to meet this request. Among these interrogated were witnesses from the localities Haiju, the Tong Gang coast and the Yeng-Pyeng island.

During the American occupation about 6,000 people, men, women and children were murdered in Haiju including the teachers and many students at the large College of Arts in the district. An eye witness (15) was in jail with a group of 500 people including women. All those people were taken out in groups to be shot. The witness managed to escape. One of his acquaintances who was in one of these groups was shot and received three wounds but did not die and later escaped. All the others were killed.

On the Tong Gang coast, at the end of December 1950, an eye witness (16) saw the American soldiers murder about 300 Korean people including many women and children. The people were shot or beheaded with Japanese sabres. The American soldiers had whole collections of such sabres.

During the last days of December 1950 mass murders took place on the Yeng Pyeng island. An eye witness gives the number of murdered people as approximately 2,000, mostly young boys and girls. The victims were shot or they were put on a ship and thrown into the sea. The witness saw the shooting himself and heard the Americans talking about the drowning.

## 2. South Piengang Province

In this province members of the Commission visited the following localities: Pyongyang, Soonchown, Anju, Kaichen, Ku-Riu-Ri, Nampo.

#### A. Pyongyang City

At the time of the American withdrawal, through leaflets and other means they threatened the people with the atom-bomb and compelled thousands of them to cross the river Dai Dong. During the crossing the American airforce strafed and bombed the unarmed people. On 4th December 1950, some 1,000 and on 5th December 1950, some 3,000 Korean people including many women and children were killed in this way. (17) (18) (19) (20)

#### B. Soonchown

An eye witness told how 143 people including women and little children were killed on November 27th 1950. (21)

Another witness described three murders committed by the Americans on October 20th, October 21st and December 2nd.

In the first case one woman was shot, in the second two women and in the third 51 persons among them 5 pregnant women and some children 5—6 years old. The executions took place on the riverbank in the locality Kang Dong Ri. (22)

### C. Anju

On November 11th 1950 American soldiers from the 24 Division shot 25 Korean people, believed to be members of the Workers Party. Before the execution they were imprisoned and beaten and tortured systematically. Several were tortured by electric shocks. (23)

On November 19th 1950, the American soldiers seized and killed four Koreans. Three days later they took about 20 people and shot them in a nearby valley. (24)

On October 23rd 1950 in the locality of Rying Don Ri—of the Dong Myen Region Anju District American soldiers killed 9 workers by throwing them alive into a well and throwing stones on top of them. (25)

### D. Kaichen

On November 29th 1950, the American soldiers murdered over 400 Koreans in the locality Eul Ryong Ri. Some 30 soldiers took part in this mass-murder. Before the execution the Koreans were imprisoned for 8 days, and many were beaten and tortured by means of electric power. (26)

### E. Kou-Woo-Ri

23rd October 1950, a large number of people including 60 children under 5 years of age, 8 pregnant women and 5 old people over 60 years of age were shot by 3 American and one Syngman Rhee soldier. (27)

23rd or 24th October 1950, about 80 people including mothers carrying their babies on their backs and some children were murdered by American and Syngman Rhee troops. The adults were shot, the children buried alive. A witness saw her father killed in this massacre. (28)

A peasant Ku Son Chin was taken by American and Syngman Rhee soldiers together with 8 other peasants to a nearby hillside, forced into an open grave and shot. He was wounded and lost consciousness. Apparently he must have been taken as dead, for when he recovered consciousness the Americans had gone and he managed to escape. (29) Members of the Commission saw the grave, in company with Ku Son Chin. They saw the remains of bodies.

23rd November 1950, 50 people of Kwan Son Kwong were shot by American troops. Those killed included the witness' father and one of her brothers. She saw this murder. Her mother, grandmother, four sisters (youngest 3 years old), two other brothers and about 6 of the neighbours' children aged between 5 and 14 were also killed.

Some being shot, others buried alive. The witness saw the murder of the children. The other bodies were discovered after the American withdrawal from the area. (30)

#### F. Nampo

5th December 1950, on the day of their withdrawal, American troops took 64 workers at a factory to a nearby shelter and murdered them by shooting and throwing hand grenades. (31)

## PART II. TORTURES, VIOLATIONS AND MURDERS AGAINST INDIVIDUALS

Cases of murders and violations against Korean men, women and children given in this section are drawn from the same provinces as the facts described above. Only cases in respect of which direct evidence was investigated and accepted have been considered in this report.

### 1. Hwanghai Province

#### A. Sinchon

On the very day American troops entered the locality Wuol San Ri of the Cho Ri Region, Sinchen Myen—they committed a particularly horrible murder against the Woo Mal Che family. (32) The Americans pierced a wire through the hands, ears and nose of the witness' husband. On his forehead they fastened with a nail, a diploma for work found in the room and tortured him until he died. 11 children of the family Woo Mal Che ranging from 5 till 25 years of age were shot on the spot. Woo Mal Che's daughter-in-law seeing the American soldiers torturing her father-in-law tried to defend him. The Americans attached her by her hair to a tree, cut off her breasts, put a wooden club in her vagina, poured fuel-oil on it and set fire to it. They then poured oil over her and burned her alive. About 20 American soldiers took part in this murder.

In the locality Mi Gok Ri of the Jong Chang Myen Region on the 5th December 1950, Bak Yong Nye, aged 23 was raped by 3 American soldiers. In the same locality and on the same date another woman 38 years old was raped by 4 American soldiers. (33) (34)

#### B. Anak

On October 18th 1950 in the locality Song San Ri, American soldiers forced all the inhabitants—adults and children into the school building. One woman Kim Hwa Sil who defended herself against attempted rape was put naked in the courtyard. All the prisoners were compelled to watch her further torture. A club one meter long was put into her vagina. She died immediately. Her body was hung on a telegraph pole, where it remained till the end of the American occupation. All those scenes were photographed by the Americans.

10 other women were one after another raped by 2 or 3 soldiers. They were also beaten with clubs, kicked and clubs were put between their legs. The children were taken from their mothers' breasts. Beating, raping and murdering lasted for 8 days. On the 26th October 1950, the survivors were taken to the seashore and shot. The witness escaped from the convoy when there was a hold up on the road and the guards were temporarily distracted. She was the only one who lived. (35)

At Sam Seng Ri, Yong Jin Myen, Sunchen Goon, when the 12 year-old brother of witness Kim Hyen Choon tried to defend his peasant father from beating by American troops, they beat the boy and then dug out his eyes. (37)

#### C. Sariwon

On October 25th 1950 in the city of Sariwon—an American soldier with the letters M.P. on his arm committed a horrifying murder on a man named Kim Chan Du. Using a knife he cut off the victim's skin from the throat to the abdomen and started to skin him alive. As he had some difficulty in doing this, he threw stones at his victim until the victim died.

On November 11th 1950 a young girl was raped by 3 Americans. She was also cruelly beaten, kicked, and water was poured down her throat. Other soldiers raped a 56 years old woman. (36)

#### D. Haiju

In the city of Haiju, American soldiers tortured a young Korean girl named Jo Ok Hi who was chairman of the local women's organisation and was in prison in the same room as the witness. According to the testimony of the witness who was examined by members of the Commission, the American troops submitted her to slow torture, first putting out her eyes, after a lapse of time cutting off her nose, still later cutting off her breasts. (38)

### 2. South Pyengang Province

#### A. Pyongyang City

American atrocities and crimes were numerous in the city of Phenyang. Typical individual crimes were raping, torturing and murders. Here are some cases:

24th October 1950, in Yin Heung Ri the whole family of An-Duk-Sil consisting of father, mother, 2 sons, 2 daughters and 11 other relatives including in all 8 children of whom two were babies were buried alive by 10 American soldiers. The bodies were discovered when the grave was opened after the withdrawal of American troops. (39)

Yin Heung Ri, 5th November to 3rd December 1950. Torture by electric shock and beating of civilian Choi Ki Ok aged 25 who was also stripped and dragged naked through the street. She was accused of being "a Red". (40)

Song Seuk Ri: 25th November 1950. Murder of mother of Kim Young Sook, aged 12, by shooting on the ground that she was "a Red". (41)

Cho Hak Reul, schoolteacher, was seized in Heung Ri, 2nd November to 3rd December 1950 on the ground that he was "a Red". He was tortured and murdered. Ge Kil Ryeu, his mother, was seized and imprisoned and beaten because she had "given birth to a Red". (42)

### B. Kaichen

On October 25th 1950 the Americans took from their house a serving soldier and his mother. (see Chapter 6) They killed the mother and the son by shooting in the neck. The father who was in hiding in the hills nearby, saw the arrests and later recovered the bodies. (43)

In October 1950 American soldiers took a mother of 4 children from her home. Two of those children—a 7 years old girl and a 2 years old boy clung to her skirts—the American soldiers killed both children strangling the girl and beating the boy to death with the butt of a rifle in the presence of their mother. (44)

On November 17th 1950 Ree Sam Sil, a leading member of the local women organisation was put in jail where she remained till November 29th. She was tortured by means of electricity, raped by two soldiers, stripped and dragged naked through the streets. On the very day of the withdrawal of the Americans she managed to escape. (45)

From November 11th till November 29th 1950 the witness Kim Yong Son was in jail. He was beaten and tortured with electricity. On November 29th 1950 he was conducted with other prisoners to be killed and was shot. He was seriously wounded, lost consciousness awakened by night and managed to escape. (26)

### C. Anju

Heung Hyep Ri: Imprisoned and tortured with electricity and beating of Kim Tai Soon, age 25, schoolteacher, because "he was a Red". 20th to 30th November 1950.

Book Soong Ri: Seizure of Chai Ming Som as "a Red", beating in prison and subsequently murdered. Body recovered from nearby lake by his father. 19th November 1950. (45)

Book Song Ri, seizure and subsequent murder of three peasants who refused confiscation of their grain without authority, receipt or compensation. 19th November 1950. (46)

Dong Maing Ri: Seizure of Pak Chang Rok, aged 38, peasant on 23rd October 1950 for refusing pigs and grain without production of authority, or receipt or compensation. Murdered on same day (with others), being bound and dropped alive in a well shaft, head first. Body recovered by mother a month later immediately after evacuation of area by U.S. troops. (47)

O Ri: November 1950, murder of Ri Seum Ok married woman aged 28, after she had resisted rape. (48)



Koo Teung Ri: 20th November 1950, taking of child Cha Deuk Keun, aged 12 with his peasant father and mother, and attempted murder by shooting (from which peasants died but child only injured and subsequently escaped). (49)

Song Seuk Ri: 25th November 1950. Murder of mother of Ri Yoon Sook, aged 12, by shooting on the ground that she was "a Red". (50)

Boug Rim Ri: 21st-29th November 1950. Beating and murder of Ri Wha Soon, peasant, for refusing grain without authority, receipt or compensation. (51)

Nong Rim Ri: 20th-30th November 1950. Seizure and imprisonment of whole family of a peasant including 3 children for resisting confiscation of grain. Murder of mother and one child and attempted murder of other 2 children including Ri Yoon Sook aged 16. The two surviving children were wounded by grenades but subsequently escaped. (50)

#### D. Soonchen

Sang Ri, November 1950, rape of Mrs. Ree, aged 64. (52)

#### E. Koon-Woo-Ri

23rd October 1950, O-Beng-Nyong a peasant was seized and imprisoned. Tortured with red hot iron by Syngman Rhee troops under the orders and in the presence of American soldiers.

This witness also deposed to the torture and subsequent murder of a woman named Joo Sung Byek in the in the same prison by American and Syngman Rhee troops. (27)

\* \* \* \*

In this section of the report, the Commission has confined itself to a statement of those facts which were proved by direct evidence which in the opinion of the Commission was corroborated and established beyond doubt. A considerable volume of written statements was submitted to the Commission, which have been taken into account only by way of corroboration of facts proved by primary evidence. We were invited to investigate many similar cases to those stated above in various parts of the country, and it was time alone that prevented this from being done.

The members of the Commission were especially concerned to be satisfied in each case that the victims were indisputably civilians, and entitled to be treated as such; that they were given no trial, or even advised of any offence against the occupying power.

The circumstances surrounding the detention or mass murder of people reveal certain common features at all the major places which the Commission visited, and cannot, therefore, in the opinion of the Commission, be treated simply as cases of excesses committed by individual soldiers or units.

The wholesale killings fall substantially into two categories, the killing of the inhabitants of a locality, and the killing of refugees.

As to the former, it was established that on entering a locality the American troops either alone or using for their purpose Syngman Rhee auxiliaries or also using Japanese agents rounded up the families of all men serving in the Korean People's Army or of men who worked in state enterprises or government, or who were active in the Workers Party or leading movement of women's league. In many cases this meant in practice the seizure of all families in which no young men were present. In nearly every case those seized included men, women and children of all ages. In some cases all the civilian inhabitants of a locality were seized. In addition, in many villages, peasants and their families were taken when they refused to hand over grain and livestock without any requisitioning authority being produced, and without any receipt being rendered or compensation offered.

While the group killings continued in each area throughout the period of occupation, it would appear that the greatest number of those killed were exterminated, either within the first few days of the occupation, or immediately before withdrawal from the area. In every town visited, it was clear that the occupation troops had on the day before, or on the day of retreat, taken the people in detention for whatever cause and deliberately exterminated them.

As to the killing of refugees, this falls into two periods:—

(a) When the American troops were advancing Northwards in September and October 1950, large numbers of refugees fleeing northwards were cut off by the advancing troops particularly in the areas of Sinchon and Anak. These refugees were clearly distinguishable as refugees (whole families including women and children. The men wearing the traditional Korean white clothes, and the women long skirts in color) who were not at the time intermingled with troops of the Korean People's Army. It was these groups which were systematically exterminated as related above.

(b) When the American troops retreated in November—December 1950, it is established that large numbers of the inhabitants of the major cities were induced by leaflets and threats to believe that the atom bomb would be dropped and that they should move south with the American troops. These refugees were deliberately exterminated in their thousands by American forces.

The tortures and bestialities committed against individuals again reveal a common pattern of behaviour throughout the area visited, and cannot be passed over as the sadistic excesses of individuals.

The whole series of cases cited in this chapter of the report must not be taken as the whole evidence of cases committed but as typical of a vast number of similar cases brought to the attention of the Commission for examination. The torturing of people by beating, kicking, electric shocks, pouring water in the nose and throat to excess, cutting off various parts of the body, mutilation and the killing by shooting, bayoneting, suffocation, blowing up, burning alive and burying alive could be repeated again and again in sickening detail.

The Commission draws conclusions from these established facts which are set out later.

## Chapter 5

### AIR ATTACKS ON CIVILIAN POPULATION

#### 1. Destruction of cities and villages

While travelling through many regions of Korea north of the 38th Parallel, the members of the Commission have seen for themselves that all the towns through which they passed, or in which they stayed, were completely destroyed or have only a small number of intact buildings left standing. They also saw heavy damage in many villages. Enquiries into some characteristic cases established the circumstances in which this destruction was effected by air attacks by American planes:

##### (1) The City of Pyongyang

The capital of North Korea is a large city dominated by the Moran Hill. Before the war it had a population of 464,000 which had dropped to 181,000 by December 31, 1951.

Kin Hak Sun, the Deputy Chairman of the Municipal People's Committee, gave the Commission the following information:

Since June 27, 1950, the city of Pyongyang has been the target of many air attacks both by day and by night. In the course of these bombardments, more than 30,000 bombs (explosives, incendiaries and multiple explosives) have been dropped on the city. Up to December 31, 1951, out of 80,000 houses 64,000 were destroyed. In the year 1951 alone, 4,768 people were killed, and 2,438 seriously injured by these bombardments; 32 hospitals and dispensaries, 64 churches, 99 schools and university buildings, 1 museum and 29 theatres were completely destroyed. The hospitals which were under the control of the civil administration were marked with a red cross. On the 18th August 1950, the Military Council of the Democratic People's Republic of Korea ordered that all buildings and vehicles used in the public health service should be marked with the Red Cross as soon as possible so that the sign should be clearly recognised from the air and from every side. (1)

Lieutenant-general Yu Song-Chol, Vice-Chief of the General Staff of the Korean People's Army states that the city of Pyongyang did not possess a single arsenal or any factory that was used for military purposes. Nor had it any troops stationed there for the defence of the city. Further it has never had any A-A batteries in the city; they were placed outside and at some distance from the city. (2)

The members of the Commission have visited the city and seen the wholesale destruction of most of the dwelling houses. They have seen the ruins of several churches, still recognisable by their remainder of the steeples. They have also seen the ruin of the Kim Il Sung University. This grand building situated on a hill far from the centre of the city was bombarded several times

before and after being set on fire by the American troops when they evacuated the city.

Witnesses described one of the bombardments of Pyongyang as follow:

On 16th September, 1950, when fighting was going on at a considerable distance away, the city was first attacked with incendiary bombs by more than 100 B-29s and then after a pause by 40 Gramans. These attacks took place in fine weather from about 10 a.m. in the morning till about 1 p.m. in the afternoon. Multiple explosive bombs exploding first in the air and again on contact with the earth were dropped for the first time on the town.

The burning of houses caused many victims. These victims included many people trying to find refuge on the Moran Hill, near the Monument of Liberation. In this place alone there were 70 deaths and the near the entrance to the shelter, 17 deaths. (3) (4) (5) Among the buildings destroyed in this bombardment, a church situated in Kwang Hu Ri quarter, could be identified by its steeple and its cross. (6)

Other air attacks were made, specially on December 3, 1950 (during the night) by a group of 6 B-29s; other attacks were during day-time and in fine weather on December 8th, 1950 by 7 B-29s. on December 24th, 1950 by 6 B-29s; on December 27th, 1950 by 11 B-29s; on January 3rd, 1951 by many B-29s with incendiary bombs; on July 30th, 1951 by 50 "Jets", flying very low; on August 15th, 1951 by a great number of fighters and bombers. Many of these attacks were after the departure of the American troops who occupied the city from October 19th to December 3rd, 1950. Many witnesses gave particulars to the Commission of the destruction of churches and schools: (7) (8) (9)

## (2) The City of Soonchown, S. Pyengang Province

This city, when there were no troops, no A-A battery either at the time of attack or before, and had only a chemical factory, has been bombed a great many times and nearly completely destroyed.

Witnesses heard by the Commission gave full particulars of some of the destruction caused by the most intense attacks:—

On the 4th December, 1950 the day after the American troops withdrew from the city, a school clearly distinguishable by its playground, was bombed and destroyed.

On the 15th December 1950 in the morning an attack by "Jets" destroyed a large number of buildings and caused many casualties. 50 people were killed during raid, of whom 11 were machine-gunned.

On the 11th January 1951 about 30 B-29s bombed the town and destroyed some churches which it was impossible to mistake for other buildings. (10) (11) (12) (13)

**(3) The City of Kaichen, South Piengang Province**

This city was completely reduced to ruins.

One of the witnesses heard by the Commission said the most intense raids were on 20th July and 13th October 1950. In these two raids alone, out of a population of 7,500 nearly 1,000 were killed and 600 seriously injured. Planes dived and machine-gunned civilians in the streets. (14)

Another witness gave particulars of the destruction on 13th August of a school easily identifiable as such. (15)

The Commission visited the remains of this city. There did not appear to be a single dwelling above ground.

Every hospital, school, church, public building was destroyed.

The delegates of the International Democratic Federation of Women who visited Kaichen in May 1951 indicated in their report that they could see a big red cross still visible on the then remaining part of the roof of one of the town's hospitals; but, when the members of the Commission were in Kaichen in March 1952, this mark was no more to be seen as the remainder of the building had been wholly destroyed in the interval.

Out of the prewar houses 1342, only 15 remained standing.

The present population is 460, mainly living in holes dug in the neighbouring hills or in the rubble of the town itself.

There were no troops, no A-A battery, no military objectives in the town, apart from a railway line on the outskirts.

**(4) The City of Anju**

This town has suffered very heavy damage.

Two hospitals, a Catholic church, and many schools have been destroyed in the raids.

Out of 2708 dwelling houses before the war, 2172 have been destroyed.

In one of the bombardments the day after the Americans withdrew 63 people were killed. (16)

None of these buildings was situated in the neighbourhood of the railway; there was no military formation in or near the city; no A-A batteries, no military installations, no factory that was used for military purposes.

**(5) The city of Nampo .**

The Vice-President of the People's Committee of Nampo informed the Commission of the following:

The city which had 100,000 inhabitants before the war was attacked on July 6th, 1950 for the first time by American planes including several B-29s.

In the course of this bombardment a granary was attacked and a very large quantity sacks of cereals destroyed.

New attacks took place on July 8th and July 12th, 1950. In the course of this last bombardment, 17 schools, 2 hospitals, 2 dispensaries and a theatre were destroyed. The bombardments lasted till the occupation of the city by the American troops, and after their evacuation of the city, bombardments by planes and battleships were renewed.

Particularly violent and murderous bombardments by B-20s, took place on 6th May, 1951. (17) (18) (See Chapter 3)

There were no troops, no military installations, no factory manufacturing arms in this city. The harbour was only used for fishing boats.

A glass-works and a foundry situated outside the city have been destroyed since the commencement of hostilities. The railwayline has been repeatedly bombed.

During their visit to the city, members of the Commission saw the total destruction of the city and the ruins of a big secondary school. This school was situated alone on a hill and surrounded by sport grounds. Ruins of several churches and of one hospital, also surrounded by open ground, were to be seen. They saw traces of a painted red cross on the roof of the hospital. Many marks of machine-gunning were seen.

#### (6) The City of Sariwon

This city was completely destroyed.

Mr. Mok Youn-Dal, Deputy Chairman of the Municipal People's Committee indicated to the Commission that it has been frequently bombarded. The most violent attacks were made in fine weather on September 14th, September 21st, 1950; October 12th, 1950; February 5th, April 3rd, and 23rd, May 15th, August 1st, October 12th and December 25th, 1951 by B-29s, 2 engine planes and Gramans. The number of bombs dropped in the city is estimated at 3,000.

In the city there were no factory used for military purposes, no troops stationed, no military installations, and the railwayline has not been used since the beginning of the hostilities. A-A batteries were only installed in the second half of 1951.

Among the buildings destroyed in the course of the bombardments were 11 schools, 1 public library, 4 clubs, 4 churches, 16 dispensaries and hospitals. These hospitals were under civil administration, and marked with a red cross according to the instructions of the People's Committee. 1391 people were killed by bombing and machine-gunning and over 3000 wounded. (19) (20) (21) (22) (23)

**(7) The City of Sinchon**

Many bombardments were made by B-29s, 2 engined planes and Gramans, particularly on August 13, 1950 and on December 23, 1951.

The attacks took place generally in day-time and in fine weather; they lasted half an hour to an hour. There was never any fighting near the city.

The city of Sinchon had no factory that was used for military purposes; no military installations and no A-A batteries. No troops were stationed there.

The railwayline had been destroyed early in the war and was not used.

The hospitals were under civil administration and were marked with a red cross. (24)

**(8) The City of Anak**

Mr. Mon Teum Seung, Chairman of the Municipal People's Committee of the city pointed out that the city has been very frequently bombarded since the beginning of the hostilities. The principal attacks were made on about 20th September, 1950 and during the months of April and May 1951 by B-29s and Jets. There were no soldiers stationed in the city. There were no military installation, no factory used for military purposes, no A-A batteries and no railwayline. 2 churches, 8 schools, and 1 hospital were destroyed. The hospital was under civil administration and was marked with a red cross.

911 persons were killed by machine-gunning.

At the time of bombardments, the front was 120-200 km. away from the city. (25)

**(9) The Village of Yongkang**

The members of the Commission thought it useful to investigate one case, taken as an example, of a village destroyed by bombardment and visited the village of Yongkang.

This village is situated to the southwest of Pyongyang. It was attacked on January 12th, 1951, at 11 a.m. for three hours by six 2 engined planes which dropped about 150 incendiary bombs and machine-gunned the inhabitants. 36 among 115 houses were completely burned. There were 8 persons killed including 6 children from 2 to 15 years of age and 2 persons badly burned. (26) (27)

The preceding examples show that the American planes flew over cities and villages behind the front which had in general no military objectives. The planes bombarded them without discrimination, and caused many casualties among civil population. Hospitals, indicated by a red cross, and churches and school easily recognizable were destroyed.

## 2. Destruction of Isolated Buildings

### (1) Destruction of a School at Koo Ryen Ri

On March 11, 1952, at 9:30 a.m. when the Commission proceeded to this locality to make enquiries, 4 Graman planes attacked a school with explosive bombs. This school was situated about 1 km. from the houses of the inhabitants. This school was easily recognizable from the form of its construction. It could not even be confused with a factory.

The members of the Commission could see on their arrival that the building was intact. Thereafter the roof was damaged by the bombardment. The planes then dived and machine-gunned, but caused no victim.

The village Koo Ryen Ri is situated 40 km. from any railwayline. It had no military installation, no factory used for military purposes and no troops stationed there.

Immediately after the bombardment, the members of the Commission heard the evidence of a witness who had seen the bombardment. The members of the Commission also examined the damage themselves. (28)

### (2) Destruction of Buildings of Culture

Dr. Han Heung Soa, President of the Commissariat for Research and Conservation of Cultural Objects has furnished the Commission with a report about the destruction of buildings and cultural object. Dr. Han also furnished the Commission with a list of 29 buildings (temples, palaces, pavilions) of great archaeological artistic or historical value destroyed. These buildings were generally bombarded shortly after the retreat of the American troops. The American command could not ignore the cultural value of the objects bombarded. Dr. Han pointed out that most of the buildings were constructed with the customary architectural features according to religious traditions. Dr. Han Hung Soa gave many photos to the Commission, which showed that the destroyed temples were built in groups of buildings in the characteristic style, and many were situated in isolated places. (29)

The Commission proceeded to Pyongyang to make enquiry about the destruction of Temple Yang Myong which was one of the most ancient buildings built on the 11th century. It was situated in a park on the slope of Moran Hill overlooking on the Daidong River. There was no other building in the immediate vicinity of the temple.

The bombardment of Yang Myong Temple took place on January 3, 1951 shortly after the retreat of the American troops. It attacked by B-29s with incendiary bombs in fine weather between 10 a.m. and 2 p.m. In the course of the same attack incendiary bombs were also dropped on the city 800 metres away



from the temple. No other part of the Moran Hill was bombarded on that day. (30)

On visiting the place, the members of the Commission could testify that the temple was completely destroyed.

The Commission in its lengthy journeys through Korea has seen for itself the terrible destruction of towns and villages, of hospitals, churches, schools, factories, mills and means of communication. It has seen for itself on innumerable occasions the destruction wrought by indiscriminate bombing on places that could not conceivably have been military targets as understood in international law. Differentiation between defended and undefended cities apparently did not exist. Whether a building was protected under the Rules of War or not appears to have made no difference.

It has also seen how the Korean people despite the destruction of their homes and villages is living today. In holes dug in the rubble of cities, in holes dug in the sides of hills, the Korean people are continuing their daily occupations, tending the fields, working in underground factories, sending the children to underground or cavelike schools, and in their leisure moments going to an underground cinema or theatre.

The devastation caused by American planes is contrary to all concepts of international law, and must be understood in this light.

## *Chapter 6*

### OTHER WAR CRIMES

#### A. Wilful Destruction of Civil Property

In almost every town or village occupied at some time by American troops and visited by members of the Commission cases of the deliberate destruction of civilian properties were brought forward for examination and reports made by the Investigating Commissions appointed by local People's Committees after the evacuation of American troops were produced.

The Commission investigated typical cases in some towns and examined eye-witnesses.

**Kaichen District.** The Kaichen Higher Middle School and Primary Middle School, a modern building standing in its own grounds was used during the occupation of the town by American troops for military purposes. On 30th November 1950, the day when they evacuated the town gasoline was thrown onto the buildings, which were then fired and destroyed. Other public buildings in this district were similarly destroyed. (1) (2)

**Sookshen S. Pyengang Province.** On 4th December 1950, the day of evacuation by American troops, Soon Tang People's School (Primary) Kwang San Il Ri which had used as an American military hospital, was fired with gasoline by the retreating forces and destroyed. (3)

The following buildings in this district were similarly destroyed by fire on 3rd and 4th December 1950:

- Soonchown Girls' Middle School
- Soonchown People's School (Primary)
- Eunshan Middle School for Girls
- Eunshan Middle School for Boys
- Soonchown Boys' Middle School
- Two People's Schools in Milcheun
- Soonchown "Father in Heaven" Church (Roman Catholic) (4) (5)

### **B. Pillage and Destruction of Objects of Cultural Interests**

**Pyongyang Museum.** This most important of the Museums of the Democratic People's Republic of Korea was pillaged by American troops occupying Pyongyang, on the 29th October and 3rd November 1950. Evidence was given by the Director of the Museum who saw the pillage of the Museum. (6)

A concrete cavern had been constructed in the grounds of the Museum, which stands on a hill surrounded by parkland. The treasures of the Museum were placed in this cavern which was sealed up so far as necessary ventilation permitted, and concealed by earth before the American occupation. American troops operating under orders of a Superior searched for and found this cavern, which was broken open and what seemed from their appearance to be the most valuable objects were taken away in American army trucks.

A safe in the Museum was blown open and statuary wantonly damaged. (6)

Professor Han Heung-Soa who was for many years before the present hostilities President of the Commissariat for Research and Conservation of Cultural objects in Korea, and who has since hostilities began been responsible for the investigation of destruction and loss of such objects. His evidence as to the destruction of such buildings by air bombardment is referred to in Chapter 5 of this report.

He states that during the period of American occupation, they entered, in addition to the Pyongyang Museum referred to above, the Historical Museum of Kim Il-Sung University, the Historical Museum of Cheung-jin, the Historical Museum of Hamheung, the Special Museum of Me Myohyang, N. Pyengang Province and the Historical Museum of Haijoo, Whanghai Province. 6709 objects of artistic or historical interest were pillaged or destroyed while materials and books were burned. Among other places of historic interest wantonly damaged or destroyed were an ancient grave of KOKOORYO Period (circa 400 A.D.) with frescoes at Kang-Seu, S. Piengang Province which was destroyed and used as a warehouse; an ancient grave decorated with

brilliant frescoes in Ryong-Gang. S. Pyengang Province, utilised as a gaol for the imprisonment of Korean civilians; an ancient grave of the Kokooryo period with frescoes in Anak, Hwanghai Province, which was damaged by hand grenades, and later bombed. (7)

### C. Destruction and Confiscation of Grains

In a number of cases referred to above (in Chapter 4) the initial seizure of persons subsequently ill-treated or murdered was on their refusing to give up grain or livestock without production of proper authority to requisition, and without being offered a receipt or compensation. In addition, statistics prepared by Investigating Commissions of Goon People's Committees after evacuation of their respective areas by American troops were produced to the Commission which disclosed substantial seizures and wanton destruction of foodstuffs and livestock by the occupying forces, not needed to supply the occupying forces, and without regard to the requirements of the civilian population. (2) (5) Typical cases investigated by the Commission are:—

**Chang I Ri Soonchown Goon.** 15th December 1950. Shortly after evacuation of the area by American troops, grain stacked in sacks in an open field was destroyed by incendiary bombs dropped by low flying American planes in daylight. (8)

**Nong Rim Ri, Anju Goon.** 19th October 1950, family of peasants, together with 30 other villagers seized and imprisoned, for refusing to hand over grain and livestock to U.S. troops without requisitioning authority, and without receipt or compensation. (9)

**Kaichen.** 2nd of October 1950, 500 sacks of unhusked rice and corn taken by U.S. troops by truck from Warehouse of Taxes in Kind and used as a bridge. (10)

**Sam Po Ri, Kaichen Goon.** 5th November 1950, 500 mals of rice in the yards of 2 peasant farmers set on fire by U.S. troops with gasoline and destroyed. (10)

**Book Song Ri, Anju Goon.** 19th November 1950, Grain and livestock demanded by American troops without producing any authority to requisition, or rendering receipt or compensation. (11)

### D. Offences against P.O.W.'s

**Kaichen.** A soldier of the Korean People's Army in uniform, with military identification card was taken prisoner by American soldiers at the home of his father Cha Yu Suk, together with his mother (see above Chapter 4). He and his mother were shot by the Americans two days later, and the bodies recovered by the father. (12)

**Bek Dong.** No. Pyengang Province No. 5 P.O.W. Camp was bombed three times by U.S. planes:

2 p.m. 9th November 1950

9:30 a.m. 14th November 1950

1:30 p.m. 19th November 1950

The Commission was informed by the Korean Authorities that after the first attack a protest was made to U.N.O. which gave particulars of the situation of this camp, but has not itself seen the relevant document.

The camp is now marked with a large sign visible from the air. On all these occasions the weather was clear, and the camp, standing at the tip of a small peninsula at the confluence of the Yalu River and a tributary cannot possibly be mistaken for any other objective. The P.O.W.s having taken shelter there were no casualties, but buildings were destroyed.

**Chonsan.** N. Pyengang Province No. 1 P.O.W. camp has been bombed twice by American planes. 10 p.m. 13th October 1951, bombed with anti-personnel bombs and high explosive. 2 British officers, 1 British and 5 U.S. P.O.W.s were injured, 3 U.S. casualties later dying from wounds. Among the camp staff, two men killed and 1 wounded. Fragments of bombs and tail fins bearing U.S. markings were found.

**16th March 1952.** Bombed again with damage to 3 British P.O.W. huts and injury to 1 British P.O.W.

The camp is situated in mountainous country in N. Korea. There is no railway, military camp, depot or installation or any possible military objective in the vicinity of the camp.

The evidence concerning these two raids was given to the Commission by a number of British P.O.W.s in the Camp. (13) (14)

## *Chapter 7*

### CONCLUSIONS

The Commission has given very careful consideration to the facts disclosed in this Report, to which it has applied the principles of international law universally accepted by civilised states.

It is not the function of this Commission to pass a final judgment. It is not a Tribunal that is competent to do so. Its duty is limited to an investigation of the facts, and to indicate the offences against international law which, in its opinion, these facts disclose. If there be a defence to the crimes this Report discloses, that defence must be heard by an appropriate international Tribunal before final judgment can be passed.

On this footing the Commission reaches the following conclusions:-

1. By the deliberate dispersion of flies and other insects artificially infected with bacteria against the Korean People's Army and among the civilian population of North Korea, with the intention of spreading death and disease, a most grave and horrible crime has been perpetrated by U.S. forces in Korea, contrary to the provisions of the Hague Con-

vention concerning the laws and customs of war on land of 1907, and to the universally accepted law prohibiting bacteriological warfare which was re-stated in the Geneva Protocol of 1925.

2. By the use of poison gas bombs, and other chemical substances among the civilian population of North Korea, the U.S. forces are guilty of a planned and deliberate breach of the Hague Regulations of 1907, Article 23 (a) and (e) and of the Geneva Protocol of 1925.

3. By the murder en masse of civilians or of individuals without charge, without trial, including many women and children throughout the areas occupied by them the United States forces and Syngman Rhee soldiers under their command have acted in defiance of the express provisions of the Hague Regulations of 1907 (Art. 46) imposing a duty on the occupying power to protect the lives of inhabitants.

4. By the wrongful seizure and imprisonment, ill-treatment and tortures of the civilian inhabitants in the areas occupied, the U.S. forces and Syngman Rhee soldiers under their command have again broken the express provisions of the Hague Regulations of 1907.

5. By the bombardment of undefended towns and villages far from the front and the indiscriminate destruction from the air of non-military objectives, the American forces have again acted in defiance of the accepted laws and customs of war, and in particular in breach of the Hague Regulations.

6. By the destruction of protected buildings, such as buildings dedicated to public worship, art, science, historic monuments and hospitals, in some cases in the indiscriminate bombardment of undefended towns and villages, and in others by deliberate attack on these protected buildings, when they were being used solely for the purpose for which they were intended, and where necessary, marked with appropriate signs. The American forces have again broken the Hague Regulations of 1907 and in particular Article 27.

7. By the deliberate destruction by fire and explosive of public buildings of a civil or non-military character when such destruction was not imperatively demanded by the exigencies of war, the American forces are in breach of the Hague Regulations and in particular of Articles 55 and 56.

8. By the confiscation without requisitioning authority, and without compensation or receipt, or by the deliberate destruction of foodstuffs and the private property of civilians, not necessary for the maintenance of the occupying forces, the American troops have again broken the Hague Regulations and in particular Articles 46 and 52.

9. By the murder of prisoners of war, American troops have been guilty of a breach of the Conventions of 1929 and 1949 concerning the treatment of Prisoners of War.

10. By the pillage of historic works of arts, and of private property, the American forces have been guilty of offences against Hague Regulations (Art. 47).

In the opinion of the Commission all the above constitute war crimes as defined by Article 6 of the Charter of the International Military Tribunal of Nuremberg.

Having regard to the extent and character of the crimes revealed, the Commission is of the opinion that the American forces in Korea have been guilty of crimes against humanity as defined by the Nuremberg Charter, as follows:-

1. By the wholesale destruction or extermination of sections of the civilian inhabitants, and in particular of refugees without any attempt to bring any to trial for any offence, and by the terroristic methods adopted against whole sections of the Korean people, and since 28th January 1952 by the use on a large scale of the bacteriological weapons against civilians;

2. By the destruction or attempted destruction of the way of life of the people of North Korea, by the destruction of its schools, university, museums, its historic monuments and cultural objects, by the destruction of the organs of government and the murder of its officials.

Taking the view that the extensive murders are not the result of individual excesses, but indicate a pattern of behaviour by the U.S. forces throughout the areas occupied by them, and taking into account that the employment of bacteriological and chemical weapons over extensive areas of the country must constitute an attempt to destroy a whole people or part of a people, the Commission is of the opinion that the American forces are guilty of the crime of Genocide as defined by the Genocide Convention of 1948.

In the light of these conclusions, the Commission must name those who should be brought to the bar of world justice to answer for these crimes. The Commission has no hesitation in saying that many of these crimes could not have been committed without the fullest knowledge of and planning by the leaders of the government of the U.S.A. and of the High Command of the U.S. Forces. It therefore indicts these people and all officers commanding in the field who are responsible for these crimes together with all individual soldiers who accepted and carried out orders contrary to international law.

With these conclusions we have completed the task that was imposed upon us by the International Association of Democratic Lawyers.

We feel bound to say that our experiences in Korea, in the conduct of our investigation have filled us with horror and dismay at the savagery revealed. We know that there are many, who, like some of ourselves before our journey, will find it difficult to accept the terrible facts established in this Report. We therefore solemnly pledge our honour as lawyers and as ordinary men and women to the truth of the facts disclosed. We have come from different countries, we do not share a common religion, a common political outlook, or even a

common tongue. We have endeavoured to perform our task conscientiously and with full regard to our responsibilities as lawyers.

This Report, the result of our labours, is unanimous.

We believe that those who read it will share our horror and detestation of the crimes and criminals.

We ourselves are determined that the rule of law shall be upheld in the world, that no state, no individual, however mighty, shall escape the consequences of their crimes.

Justice will prevail, and to secure justice, the world must secure peace.

This Report, we hope, will be a contribution to the struggle for world peace, and especially for Korea whose sufferings must never be forgotten, and whose peace must be rapidly secured.

We must conclude by expressing our conviction that the events in Korea cannot be treated as an isolated incident, but as a phase in the development of active war that may endanger and engulf the whole world. The use of such inhuman weapons as bacteriological warfare must be taken to indicate a new degree of savagery in the conduct of so-called civilised states which must threaten every man, woman and child. All who cherish a desire for a life of peace and security for themselves and their children, must understand the lesson. Peace is the property of the people and must be preserved by the active struggle of the people.

This report is written in English and signed by all the members of the Commission, in Peking on 31st March 1952.

Dr. Brandweiner  
L. Cavalieri  
Jack Gaster  
Marc Jacquier  
Ko Po-nien (in Chinese)  
M. L. Moerens  
Letelba Rodrigues De Britto  
Z. Wasilkowska.

## APPENDIX

### LIST OF DOCUMENTS AND OF PRINCIPAL WITNESSES REFERRED TO IN REPORT

#### *Chapter 2*

##### BACTERIOLOGICAL WARFARE

- |                        |                   |
|------------------------|-------------------|
| 1. Report              | 8. Kim Il Sun     |
| 2. Act No. 1           | 9. Ra Dong Sook   |
| 3. Act No. 2           | 10. O Ching Keun  |
| 4. Photos Nos. 8 and 9 | 11. Kim Yong Chan |
| 5. Kim Tu Wan          | 12. Kim Jin Soon  |
| 6. Ri Yang Rin         | 13. Choi Du Sop   |
| 7. An Kyo Tai          |                   |

#### *Chapter 3*

##### CHEMICAL WARFARE

- |  |  |
|--|--|
| 1. Report of the Head of the Health Section of Nampo City People's Committees        | 17. Case history of Yang Choon-Ok  |
| 2. Doctor Kim Chu Hwa  | 18. Doctor Ri Kuk Bom  |
| 3. Doctor Kim Chu Hwa  | 19. Doctor Huang He Nam  |
| 4. Doctor Kim Chu Hwa  | 20. Doctor Jo Yeb Boon   |
| 5. Doctor Kim Chu Hwa and 9 others   | 21. Doctor Kim Yun Kuan  |
| 6. Doctor Kim-Won-Son  | 22. Doctor Li Kang Chel  |
| 7. Doctors Ryu Cha Jin and O Choong Hyen   | 23. Doctor Choi Suk Bok  |
| 8. Choi Dong Kyu and 5 others  | 24. You Ok Nyo   |
| 9. Choi-Chung-Mun and 2 others   | 25. Kim Jung Ja  |
| 10. Map of bombed area of Poong-po si  | 26. Kang Kyeng Ok  |
| 11. Report of the mission sent by the Scientific Committee of the Ministry of Health | 27. You Kouk Lyol  |
| 12. Photo of An Yung Ha  | 28. Li Rong Choung   |
| 13. Photo of Yang Choon Ok   | 29. Han Myong Dong   |
| 14. Han Sang Ok, Doctor  | 30. Bak Kyong Soun   |
| 15. Doctor Jo Hi Dong  | 31. Li Ok Nyo  |
| 16. Case history of An Yung Ha   | 32. Information supplied by Ly Chang Tai, Director of the Kang Won Province doctors of the Won-San |
|  | 33. Report made by many doctors of the Won-San Central Hospital                                    |



## Chapter 4

### MASSACRES, MURDERS AND OTHER ATROCITIES

1. Byen Yoon Kyoo
2. Kim Man Suk
3. O Tai Sin
4. Heu Pil Soon
5. Kim Hyen Choon
6. Choi Kye Hyen
7. Kim Sun Soo
8. Pak Chung Hi
9. Choi Soon Sil
10. O Choong Dong
11. Moon
12. Choi In Wha
13. O Yeb Poon
14. Kim Yang Sun
15. Yoo Joon Soo
16. Choi Myeng
17. Ri Sung Bong
18. Chung Chi Eun
19. Kim Sung Choon
20. Chun Deuk Woo
21. Seu Ki Ho
22. Han Bo Boo
23. Kim Tai Soon
24. Choi Ydon Yeng
25. Kim Ke Wol
26. Kim Yong Sun
27. O Bong Nyung
28. Choi Sun Ok
29. Koo Sung Jin
30. Choi Ki Suk
31. Kim Dol Suk
32. Woo Mal Che
33. Pak Yong Nyo
34. Li Kab Bye
35. Kim Sang Hyen
36. Choi Soon Sil
37. Kim Hyen Choon
38. Yoo Joon Soo
39. Ah Deuk Sil
40. Choi Ki Ok
41. Kim Young Sook
42. Ge Kil Ryeu
43. Cha Yoo Suk
44. Kang Jin Hyen
45. Ri Sun Sil
46. Choi Yeum Jeung
47. Kim Ke Wol
48. Pai Jin Kyem
49. Cha Deuk Keun
50. Ri Yoon Sook
51. Pak Myeng Deuk
52. Mrs. Ree

## Chapter 5

### AIR ATTACKS ON CIVILIANS

1. Instruction 5 of the Military Council of the Democratic People's Republic of Korea, 18th August 1950
2. Statement of Vice Chief of Staff of the Korean People's Army
3. Choi Seng Hwan
4. Choi Tai Jin
5. Ri Sam Hwa
6. Byen Rin Se
7. Ri Hak
8. Kim Ok Kyun
9. Ri Woon Ryong
10. Jo Do Won
11. Kim So Jo
12. Kim Ok Soon
13. Chung Sin Kyun
14. Kim Kwan Bong
15. Ri Dong Seb
16. Kim Hyen Young
17. Choi Dong Kyu
18. Kim Chu Hwa
19. Ok Yeng Ja
20. Yang Tai Il
21. Rim Boong Jin
22. Ri Bong Pal
23. Eak Doo Hieng

24. Bien Un Gu
25. Mun Jung Seung
26. Hong Chun Cha
27. Li Chang Chun

28. Lim Byng Lhik
29. Report of M. Han Heung soo
30. Choi Serg Hwan

## *Chapter 6*

### **OTHER WAR CRIMES**

1. Ri Sung Sub
2. Statistical Summary of  
Damage Kaichen
3. Chun Woon Hak
4. Teun Tai Seung
5. Statistical Summary of  
Damage at Sookchen
6. Hwang Wook
7. Professor Han Heng Soo
8. Kim So Jo
9. Ri Yoon Sook
10. Kim Eung Ryel
11. Choi Yoon Yeng
12. Cha Yoo Suk
13. Statement of British  
P.O.W.s (Photostat)
14. Statement of British  
P.O.W.s (Photostat)

III

COMMISSION OF THE INTERNATIONAL ASSOCIATION OF  
DEMOCRATIC LAWYERS

REPORT

ON THE USE OF BACTERIAL WEAPONS IN CHINESE TERRITORY  
BY THE ARMED FORCES OF THE UNITED STATES

2 April 1952

[Original: French]

## I. INTRODUCTION

A Commission consisting of lawyers from eight countries was instructed by the International Association of Democratic Lawyers to carry out an investigation of the violations of international law committed in Korea by the American armed forces.

The members of the Commission were:

Heinrich BRANDWEINER, Professor of International Public Law in the University of Graz (Austria), President;

Luigi CAVALIERI, Advocate at the Supreme Court of Rome (Italy), Vice-President;

Jack GASTER, Solicitor, London (Great Britain);

Marc JACQUIER, Advocate at the Court of Appeal, Paris (France);

Ko PONIEN, Director of the Research Department of People's Institute of Foreign Affairs, Peking (China);

Marie-Louise MOERENS, Advocate, Brussels (Belgium);

Letelba RODRIGUES DE BRITTO, Advocate, Rio de Janeiro (Brazil);

Zofia WASILKOWSKA, Judge of the Supreme Court, Warsaw (Poland).

While the members of the Commission were in Korea, where they investigated inter alia the use of bacterial weapons by American aircraft against the civil population, the Minister of Foreign Affairs of the Chinese Government publicly accused the United States of using bacterial weapons in the north-eastern provinces of China also.

The Commission was requested by the International Association of Democratic Lawyers to include in its investigation the facts denounced by the Government of the People's Republic of China.

The members of the Commission accordingly visited the north-eastern provinces.

The cases of the spreading of bacteria reported to the authorities were too numerous for it to be possible for all of them to be examined by the Commission which had to limit its investigation to ten cases reported in various localities in the southern part of North-East China.

The facts were outlined to the Commission by Mr. PEI HSI-CHING, Deputy Chief of the Department of Public Health of the People's Government of the

/North-East,

North-East, and the Commission collected the statements of a number of witnesses on this subject.

It also heard several experts in bacteriology, entomology, pathology, neurology and general medicine who informed it of the results of their studies, analyses and experiments:

Mr. SICIEN H CHEN, graduate of Fudan University, Shanghai (1928), doctor of the University of Paris (1934), director of the entomological laboratory in the Academia Sinica, Peking, and deputy director of the Museum of the "L'Aurore" Universite, Shanghai;

Mr. CHIN YAO-TING, graduate of the University of Cheeloc (1914), professor at the Medical College of China, Mukden, and head of the biological department of the Faculty of Medicine;

Mr. HSIN CHUN, doctor of medicine of the Imperial University of Nogaya (Japan), member of the Institute for Epidemic Control of the North-East;

Mr. CHING KWAN-HUA, graduate of the South Manchuria Medical College, Mukden (1924), professor and director of the bacteriological department of the Medical College of China, Mukden;

Mr. LUH PAOLING, professor of entomology at the Agricultural University, Peking;

Mr. CHUC CHI-MING, graduate of Shanghai Medical College (1939), doctor of philosophy of the University of Cambridge (Great Britain), chief expert at the National Institute of Sera and Vaccines, Peking;

Mr. LI PEI-LIN, professor of pathology at the Medical College of China, Mukden, doctor of philosophy of the University of London, member of the Pathological Society of Great Britain and Ireland;

Mr. WU CHIH-CHUNG, professor of medicine at the Medical College of China, Mukden, correspondent of the Royal Faculty of Physicians and Surgeons of Glasgow (Great Britain);

Mr. CHANG HSUEH-TEH, doctor of medicine of Peking Union Medical College, M.S. of Illinois University (United States), professor of medicine at Peking Union Medical College;

/Mr. HSU YING-KUEI,

Mr. HSU YING-KUEI, doctor of medicine, formerly in charge of research at the Munich Institute of Psychiatry (1938), professor of Neurology and Psychiatry at Peking Union Medical College.

Finally, General KAO PENG, Deputy Commander of Aerial Defence of the North-East, provided the Commission with information on the dates and places of flights reported by his intelligence services and confirmed that, when those flights took place, no Chinese aircraft was in the air over the same areas and that the aircraft reported had been identified as American military aircraft.

The Commission also received a copy of the Journal of Immunology of May 1947, containing a long report by three American bacteriologists of Columbia University. The report confirms that, as early as 1947, very detailed studies of the use of bacteria as weapons of war were being made in the United States.

The information thus assembled is contained in the present report.

## II. STATEMENT OF THE FACTS

I. On 3 March 1952, in the late afternoon, a peasant of the village of Kiu-Tsai, situated about twenty kilometres from Fushun, discovered in front of his house insects which were jumping and crawling on the snow. He reported the matter to the local authorities; the collection and destruction of the insects was organized during the next few days. The insects were scattered over an area more than one kilometre long (two Chinese li) and approximately 500 metres wide (1 li). The inhabitants of the village had never seen such insects before, even during the hot season. At the beginning of March it was still very cold in this area and the snow and ice had not yet melted.

Three witnesses, including the peasant LIU KUAN-I who was the first to see the insects, told the Commission of the circumstances of the discovery and the way in which the specimens were handed over to the authorities.

Professor CHIN YAO-TING, who undertook an entomological examination of the insects, stressed that insects of this species (Collembola) had been spread in large numbers in Korea and in the North-East of China.

Mr. CHU CHI-MING informed the Commission of the results of bacteriological experiments conducted by three experts on a guinea-pig. The guinea-pig died eight days later and it was demonstrated that large numbers of Rickettsiae were to be found in its spleen and that the insects were carriers of a variety of Rickettsiae.

American aircraft flew over the Fushun area on 29 February. Two witnesses also stated that an air raid alarm had been given that day at Fushun.

II. On 4 March 1952, in the village of Lao-Kuan, in the Pen-Hsi district, large numbers of insects were found on the bank of a river. They were scattered over an area more than one kilometre long (2 1/2 li) and a little less than one kilometre wide (1 1/2 li). There were several species of insects, including spiders and mosquitoes.

Professor CHING KWAN-HUA informed the Commission that experiments on mice and guinea-pigs had revealed bacilli similar to those of the Pasteurella group; plague is caused by bacilli of this family.

/On 29 February 1952

On 29 February 1952 American aircraft had been observed by the military observation services south of Pen-Hsi and north and south of Fushun.

III. On 5 March 1952 a member of the Chin-Chow epidemic control team, named JEN TSAN-I, who made a statement to the Commission, saw several groups of mosquitoes flying in the village of Fan-Chia.

On 6 and 7 March, large numbers of mosquitoes, flies and spiders were discovered, in particular on the ice of a partially frozen river.

According to the statements made to the Commission by Professor CHING KWAN-HUA, some of these insects, identified as Chironomus and Helomyzides flies, were carriers of typhoid and paratyphoid bacilli.

The Chin-Chow area had been flown over on 4 March, at 6 a.m., by an American aircraft.

IV. On 7 March 1952 an American aircraft flew over the Fushun area.

The same day, a railway worker discovered a large number of flies flying above and below the Wu-Li-Tai bridge 10 kilometres from Ko-Chia-Sze station. A few days later, on 11 March, he returned to the same place with other railway workers to maintain the permanent way. There were still flies there; some were captured and sent to Mukden. It was very cold at the time (minimum temperature  $-10^{\circ}$ ).

The Commission heard Mr. SICIEN H CHEN, who studied these insects and identified them as Hylemyia flies, diptera of the Anthomyiides family. He gave the following details about them: the flies may appear in large numbers in this area in the month of May, but normally they cannot survive on snow; they are very hairy and suitable for carrying and spreading bacteria.

V. On and after 9 March 1952 several fatal cases of encephalitis were reported at Anshan and other towns.

On 2 March at 2 a.m., two American aircraft had flown over the Anshan area and mosquitoes had been reported in the town during the following days.

Professor CHING KWAN-HUA informed the Commission that mice inoculated with those mosquitoes in pulverized form had died, presenting the same symptoms as the encephalitis victims and that a neurotropic virus had been discovered.

The Commission also heard Doctor YOUNG HUA-HSIN of Anshan, who, after confirming the presence of mosquitoes in the town, which was unusual at that



season of the year, laid before the Commission a copy of two reports drawn up by him on 17 and 18 March stating that symptoms similar to those of encephalitis had been observed in two patients before their death.

Several medical experts presented the Commission with the reports, drawn up following a post mortem examination of the two patients, which conclude that there was an acute attack of encephalitis.

Professor LI PEI-LIN stressed the similarity between the cerebral lesions of the deceased patients on whom the autopsy was performed and those of the mice inoculated experimentally.

VI. On two occasions, at 8 a.m. and 11 a.m. on 11 March 1952, four American aircraft, which were following the River Yalu, flew over the Antung area.

At 11 a.m. that day, the inhabitants of the village of Pai-Tsin-Tze (Chang-Sen district) heard the noise of engines and saw three aircraft coming from the north-west and flying south-east. They saw an object falling from one aircraft. The object was not recovered, but a large quantity of fowl feathers, some yellow and the majority white, were found in the fields.

Doctor HSIN CHUN informed the Commission that experiments on mice had shown the presence of anthrax bacilli in the feathers.

VII. In the morning of 12 March 1952, a group of eight American aircraft flew over the Antung and Kwan-Tien area.

A Kwan-Tien grocer, Mr. HAN YOUNG-PING, told the Commission that he was at the door of his shop in the Nam-Men-Li quarter about noon when aircraft passed overhead. The aircraft were flying very high, from west to east, and the weather was very clear; the witness heard the noise of the engines and saw the trails of white vapour left by the aircraft. He then saw a white object falling, apparently cylindrical in form, which seemed to him to drop in the eastern part of the town.

On 21 March, LI SZE-CHIEN, a pupil at the Kwan-Tien secondary school, who was taking part in the search for insects organized by the authorities, found a hole about four inches deep in a maize field about one kilometre to the east of the outside wall of the town. Near the hole there were several small scraps of debris, greyish-white on the inside and silver-grey on the outside, and three metres away an iron rod with a metal cap at one end. The witness, who gave evidence before the Commission, found a quantity of hens' feathers near the hole, some short, yellow and white, and others longer and black. These feathers

seemed to have come from several hens in view of their quantity and the different colours. No fowls' bones were found in the area.

The boy LI SZE-CHIEN also saw live insects of a kind unknown to him and not usually found in the area. He handed over the debris, which seemed to him to have come from a bacterial bomb, to one of his teachers together with samples of the feathers. He collected and burned the insects, with the exception of a few specimens which he kept to hand over to the authorities.

The members of the Commission were able to examine for themselves the bomb remains and samples of the feathers found at Kwan-Tien. The feathers and bomb remains are now being analysed; the mice which were inoculated have died but the bacteria have not yet been isolated.

VIII. On 15 March 1952 at Mukden about 9.30 p.m., a soldier in the Security Corps on duty in the southern district of the town, saw "two flashes of lightning and something shining" fall over the Ma-Lu-Wan quarter, at an interval of four or five seconds, without hearing any explosion. Another soldier observed the same phenomenon.

The sirens were not used to warn the population, but the Commission was told by the head of the information section of the town's Air Defence Bureau that the service had been warned of the approach of an American aircraft. General KAO PENG also told the Commission that the approach of the aircraft had been observed and reported to the military authorities at 9.00 p.m.

Mrs. LI SHAN-PING, president of the Union of Employees of the Department of Commerce and assistant head of the anti-epidemic service of that Department handed over to the Commission a report dated 18 March, the contents of which she confirmed. The report gives an account of the search carried out on 15 and 16 March by 200 employees, who collected from the building in which the employees of the Department are housed and the surrounding area a large quantity of insects of many kinds, in particular flies and grasshoppers, whose presence in the town at that season was quite abnormal.

The same witness indicated that the anti-epidemic committee of the Department of Commerce had been set up on 9 March 1952, that it had completely disinfected the premises between 9 and 13 March and that no suspicious insect had been found before the evening of 15 March.

The Commission heard three experts on this matter.

/Professor

Professor SICIEN H. CHEN examined the grasshoppers which were identified as belonging to the "Locusta migratoria" species. In the Mukden area, these insects normally disappear at the end of the autumn or at the beginning of the winter after laying their eggs which do not hatch until May or June. In his opinion, the live grasshoppers found at Mukden on 15 March could not have been native to the region.

Other grasshoppers which were found in a concreted yard were identified as dwarf grasshoppers of the "Acridium" genus.

Professor LUH PAOLING studied the flies which were of the "Muscina stabulans" species, larger than the common housefly. These are favourable agents for the transmission of cholera, dysentery, typhoid and paratyphoid. This species is chiefly found in the temperate zone. He felt that it was impossible that it should occur normally in large quantities out of doors at that season and in that area.

Mr. CHING KWAN-HUA said that the flies captured were carriers of typhoid bacilli.

IX. On 17 March 1952, an inhabitant of the town of Sze-Ping found some flies in the country; a systematic search was made, and many large groups of flies were found.

Professor CHIN YAO-TING, who examined a large number of these insects, told the Commission that they were flies of the "Musca vicina" species which could not occur normally out of doors in winter in an area where there was snow. The preliminary tests showed that they were carriers of anthrax bacilli.

General KAO PENG told the Commission that he had not received any report of American aircraft flying over the area on 17 March or during the previous four days.

X. On 19 March 1952, an employee at the Tieh-Ling station found groups of mosquitoes flying about in front of the station and in various parts of the station buildings, although the minimum temperature at that date was  $-10^{\circ}$ .

Professor CHIN YAO-TING examined some of these insects and identified them as members of the "Aedes Koreicus" species. He explained to the Commission that normally the species only appeared at the end of May in North-East China. Tests are now being carried out to determine whether these insects were carriers of bacteria.

An American aircraft had flown over the area on 15 March at 9 p.m.

### III. CONCLUSIONS

On the basis of the documents and evidence collected by the Commission the following facts may be regarded as established:

- (1) During the month of March 1952, the abnormal presence of insects of various species was reported and verified at various points in the southern part of North-East China, mostly at some distance from the Korean frontier.
- (2) In all cases, the presence of these insects was abnormal because of the season and the temperature, and because of their concentration in limited areas.
- (3) In several cases, feathers were also found at places where their presence could not be explained naturally.
- (4) In most cases, tests and experiments carried out on guinea pigs and mice showed that these insects and feathers were carrying the microbes of contagious diseases: the bacteria of Pasteurellosis, anthrax, typhoid and paratyphoid, rickettsia and the encephalitis virus.
- (5) It was established, in nine cases examined by the Commission, that American aircraft had flown over the areas where the insects or feathers were discovered, on the same day or a few days before the discovery.
- (6) In several cases, the witnesses had seen some object dropped by the aircraft and in one case the remains had been found of a receptacle apparently designed to hold insects.
- (7) Although the sanitary measures taken by the authorities have so far avoided any danger of an epidemic, seventeen persons contaminated by insects carrying bacilli have died.

The Commission considers that the infected insects and feathers could only have been brought to the area by the American aircraft, which had neither the right to fly nor any avowable motive for flying over the territory of North-East China.

This conclusion is the more inescapable when these facts are compared with findings of the Commission during its investigation in Korea. The report prepared after this first investigation, which draws attention in particular

/to the discovery

to the discovery of the remains of a special bomb with an inscription in English, establishes that the American forces have distributed insects carrying the bacteria of contagious diseases in Korea. Many of the infected insects found in China are similar to those found in Korea.

The use of bacterial weapons is prohibited by the laws and customs of warfare. This prohibition, which was confirmed by the Geneva Protocol of 18 June 1925, is particularly compelling when there is no armed conflict.

The charter of the International Military Tribunal of Nurnberg described the murder and extermination of civilian populations as a crime against humanity, whether in time of peace or in time of war.

The Convention of 9 December 1948 on the Prevention and Punishment of the Crime of Genocide applies expressly in time of peace or in time of war to acts killing or causing serious bodily harm to members of a national, ethnical or racial group, committed or attempted with intent to destroy the group as such, in whole or in part.

We consider that the facts reported above constitute an act of aggression committed by the United States, an act of genocide and a particularly hateful crime against humanity. They pose an extremely serious threat to an entire population, the limits and consequences of which cannot be foreseen.

Our conviction is based on facts which we have verified in strict compliance with legal principles and in full awareness of our responsibility.

As lawyers, we protest solemnly against these violations of international law.

As democrats, we denounce an act of aggression which threatens world peace.

As men and women, we express our indignation at this monstrous use of science for criminal ends.

This report was drawn up in French and signed by all the members of the Commission at Peking on 2 April 1952:

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L. Cavalieri

Jack Gaster

Marc Jacquier

Ko Po-Nien (in Chinese)

M. L. Moerens

Letelba Rodrigues De Britto

Z. Wasilkowska