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President: Mr. Eelco N. VAN KLEFFENS
(Netherlands).

AGENDA ITEM 72

Complaint of detention and imprisonment of United Nations military personnel in violation of the Korean Armistice Agreement, (*continued*)

1. Mr. BLANCO (Cuba) (*translated from Spanish*): The Cuban delegation cannot remain silent on the question under discussion, nor remain indifferent to the brutality of the deeds denounced before this body of final appeal by the United States delegation. My delegation wishes to speak, even though briefly, in order to express its indignation at the detention and trial of United Nations military personnel in violation of the Korean Armistice Agreement [S/3079, *appendix A*]. There is no need for us to add anything to what has been so eloquently said here by the representatives of the United States, the United Kingdom, Canada, Colombia, Australia, France and many other countries.

2. As the United Kingdom representative rightly said, this is a matter which affects every one of the nations represented in this Assembly. It is a United Nations issue, because it concerns the armed forces of the world Organization, who were sent to fight at the behest of the United Nations. That fact alone would fully establish the Assembly's right to discuss this question, but, in addition, this matter is also clearly within the competence of the United Nations because it concerns the flagrant violations by the Communist régime of Peking of an international undertaking, the Korean Armistice Agreement. We all know, moreover, that, in the words of the Charter, the United Nations must in particular ensure respect for the obligations arising from treaties and other sources of international law.

3. The facts have been clearly stated by the United States representative, and the evidence produced has been cogent. We have not the slightest doubt concerning the truth of what he says, nor have we any doubts concerning the completely reprehensible conduct of the Peking authorities.

4. The argument put forward here in defense of those authorities by the Soviet representative was so full of contradictions and inaccuracies that it produced an effect contrary to what was intended and amounted to a confirmation of the accuracy of the facts reported. His

story of espionage was ridiculed and completely discredited by the United States and United Kingdom representatives. We likewise have not the slightest doubt that since its inception the Communist régime in Peking has failed to observe the principles of the United Nations Charter and the basic principles of international law. And now, what is even far worse, it has violated an armistice agreement signed and accepted by its representatives, as Mr. Nutting, the United Kingdom representative, has shown.

5. We are therefore faced with the open and repeated defiance by that régime of the international order of the peaceful community of nations. It is not enough merely to talk of peaceful coexistence. If that is to be achieved, there must be no denial of rights, no violation of agreements and no continuous defiance and aggression.

6. We regard as contrary to the Armistice Agreement the trial and sentencing of prisoners of war held illegally since 25 September 1953 by the Chinese Communist authorities and will therefore vote in favour of the joint draft resolution proposed by the sixteen delegations [A/L.182]. In so doing, we place our trust in the action to be taken by the Secretary-General in pursuance of that resolution and express our hope that that action will lead to the favourable result we all desire. The Assembly has the right and the duty to take the necessary measures, in accordance with the Korean Armistice Agreement and the principles of law, for the liberation of the members of the United Nations Command. International morality makes such action imperative.

7. Mr. DU PLESSIS (Union of South Africa): The South African delegation, in intervening in this debate, has only one interest at heart and that is to secure the release of United Nations personnel still in the hands of the Chinese Communist authorities in Peiping. Other speakers before me have related the facts concerning the American airmen who were shot down while on a United Nations mission over Korea well south of the Yalu River, then captured and recently sentenced as common criminals on charges of espionage. We do not accept those charges. The facts as we know them all confirm that these men, after capture by the North Korean or Chinese Communist forces, can be regarded in no other light than as regular prisoners of war who, in terms of the Armistice Agreement should have been released unless they had refused to be repatriated. But even if the charges were true, that still does not affect the issue.

8. The only factor governing the situation of these men is that they were United Nations personnel captured on duty while they were wearing the uniform of the United Nations and while they were on a mission of the United Nations Command. No account of these men has been furnished by the Chinese Communist authorities except for the information given by the Peiping radio that the captured personnel of the aircraft in question has been tried, convicted and sentenced to long

terms of imprisonment. Representations made for the release of the officers and men have thus far been rejected by the Chinese Communist authorities.

9. In the course of the debate, we have heard many different arguments attempting to show that the General Assembly has no competence in this question and that the complaint should have been sent to the Military Armistice Commission or to the Neutral Nations Repatriation Commission. As we all know, the Neutral Nations Repatriation Commission has long been disbanded and no authority exists anywhere for reconstituting it. As for the Military Armistice Commission, we have heard in detail from the representative of the United States the numerous and fruitless efforts made by the United Nations Command in the past to get at least some information on these men, as well as on others who are still not accounted for. It must therefore be very clear to all of us that this avenue of approach has been thoroughly explored, but to no avail.

10. We have also heard the rather amazing argument that the People's Republic of China is not bound by the Armistice Agreement. I think that the impressive array of evidence which has been brought here by other speakers, and especially that of the representative of Colombia [505th meeting], must remove for all time from our minds and from our discussions every suggestion that there is any substance in the myth that the Peiping authorities are not bound by the terms of the Armistice Agreement or that they cannot be held fully accountable for a violation of that Agreement.

11. I can only add that on 3 May of this year Mr. Chou En-lai, Foreign Minister of the People's Republic of China, said at the Geneva Conference that the Chinese People's Volunteers went to Korea to defend the security of their motherland. Surely it would be asking us to stretch our credulity too far if we were expected to accept the contention that the defence of the security of one's motherland can be actively entrusted to a band of nearly a million uncontrolled volunteers having no connexion with the established authorities of their motherland.

12. It will be noted that the draft resolution sponsored by the sixteen nations calls on the Secretary-General to make continuing and unremitting efforts to secure the release of not only the fifteen United Nations airmen on whom we have already been given information but also of all other captured personnel of the United Nations Command still detained. We have heard from the representative of the United States [506th meeting] in regard to the four other members of the United Nations Command whom the Chinese authorities have admitted holding. In addition to those of whom we know at least something, there are a number of missing members of the United Nations Command, members of different nationalities, about whom nothing at all is known beyond the fact that they are not accounted for.

13. South Africa, as one of the countries which sent forces to Korea and which suffered severe casualties, is vitally interested also in this particular aspect of the draft resolution. We would hope that we and other members of the United Nations Command which are similarly affected can count on the full support of the overwhelming majority of the Members of the United Nations in this appeal. As I have said earlier, this is the least we can do for those to whom we owe so much, who served the United Nations so well and who stood so firmly in defense of the principles of the Charter. It

surely is not too much to ask that we do not now deny to these men the assistance we are in honour bound to extend to them.

14. South Africa is a co-sponsor of the draft resolution before the Assembly. The provisions of that draft resolution have been explained by my friends who have preceded me on this rostrum so that I need not do so myself again. It is sufficient to say that we do not regard this draft resolution as a propaganda exercise; we regard it as an appeal to world opinion to assist in securing the release of those of our men who are still kept in captivity or in prison in violation of the Korean Armistice Agreement. It is our sincerest hope that the authorities in Peiping and the delegations which support their attitude will not be insensible to the sufferings of men who took their orders and did their duty under the Unified Command of the United Nations. Nor should they be forgetful of the anguish of families and relations who, in many cases, to this day do not even know whether sons or brothers are dead or still alive. There is this great humanitarian aspect which should commend this draft resolution to all delegations in this Assembly. I therefore urge its adoption.

15. Mrs. SEKANINOVA-CAKARTOVA (Czechoslovakia): The Czechoslovak delegation considers that the inclusion of the item proposed by the United States in the agenda of the General Assembly is not only flagrant interference in the internal affairs of the People's Republic of China, but is also a step aimed against peace and against peaceful international co-operation in the Far East. The inclusion of this item in the agenda is contrary to the fundamental principles of the Charter, specifically to the principle of non-interference laid down in Article 2, paragraph 7 of the Charter.

16. The People's Republic of China has taken measures required by its security and brought to trial spies, apprehended on its territory in the act of espionage. To prosecute and punish crimes committed on its territory is the inalienable right of every sovereign State. No State can relinquish this right—and the representative of Syria stressed this very ably again yesterday [506th meeting]—particularly if the crimes in question are directed against its security. Any attempt to interfere with the exercise of a State's penal jurisdiction is inadmissible interference in its domestic affairs. The allegations on which the artificially construed charge of the United States against the People's Republic of China are based, are contrary to the facts.

17. It is known from the report of the Press agency Hsinhua, that on 23 November 1954 the military tribunal of the Supreme People's Court of the People's Republic of China condemned and convicted twenty-two American spies who had committed on Chinese territory crimes against the security of the People's Republic of China. Among these condemned spies there are thirteen United States nationals who were members of two espionage groups.

18. At the head of the first of these groups was Colonel John Knox Arnold, Jr., Commander of the 581st Air Resupply Communications Wing of the United States 13th Air Force. Under his command was Major W. H. Baumer, Commander of the 91st Strategic Reconnaissance Squadron of the United States Air Force in the Far East.

19. In the second espionage group were John Thomas Downey, alias Jack Donovan, and Richard George

Fecteau, both special agents of the United States Central Intelligence Agency. Both of them had worked in an espionage organization of the United States Central Intelligence Agency in Atsuki, Japan. For their espionage organization they recruited special agents of Chinese nationality, former Kuomintang officers, who were then transported by United States military airplanes and parachuted over the northeastern provinces of the People's Republic of China. Both of them were apprehended on 29 November 1952 when they had penetrated by plane into northeastern China, contacted agents parachuted previously, brought them supplies and tried to take one of these agents, Li Chun-Ying, back with them.

20. The task of the 581st Air Resupply Communications Wing, commanded by Colonel Arnold, was to parachute special agents of the American espionage agency over the Chinese People's Republic and the Soviet Union, keep them supplied and maintain contact with them.

21. The Wing was created and reinforced in 1951 at the Air Force base in Mountain Home, Idaho and later, in 1952, transferred to Clark Air Force Base in the Philippines for the purpose of carrying out hostile activities against the People's Republic of China and the coastal areas of the Soviet Union in the Far East.

22. On 12 January 1953, Arnold and Baumer together with other members of the United States Intelligence Agency, penetrated on an espionage mission into the territory of the People's Republic of China. The aircraft carrying them, a B-29 type, was shot down on Chinese territory to the north of the Yalu River, and Arnold and Baumer, together with nine other agents of the American espionage service were detained in the province of Liaoning.

23. The Chinese Press agency *Hsinhua* announced on 22 January 1953 that the aircraft of the B-29 type, had been shot down in the Province of Liaoning, and further, that out of its fourteen-member crew, eleven—among them Colonel Arnold and Major Baumer—had saved themselves by parachutes and had been detained by the authorities of the People's Republic of China.

24. On 21 January 1953, the Foreign Minister of the People's Republic of China, Mr. Chou En-lai had protested on behalf of the Central People's Government against the activities of the detained spies. In his statement he gave a detailed description of the shooting down of the plane, which was especially equipped for the parachuting of special agents and for keeping them supplied, and also of how the spies were detained. He warned the United States Government that it was fully responsible for those activities and for all their consequences. Accordingly, the Government of the United States was not only informed of the shooting down of the plane and of the detention of the spies but it was also warned of the consequences. In the trial of these American spies, their crimes against the security of the People's Republic of China were proven and admitted by the defendants. The extensive documentary and other material proving these crimes was exhibited, according to reports in the American Press, in Peking.

25. This is the real state of affairs. The assertion of the United States that the aircraft carrying the members of the American intelligence agency was shot down to the south of the Yalu over Korean territory is contrary to the facts. It is characteristic that the data on the location of the shooting down of the plane was

presented by the United States in four different official versions, one in contradiction of the other, which has already been cited in detail by Mr. Yakov Malik, the representative of the Soviet Union.

26. At the 99th meeting of the General Committee and at previous plenary meetings we have shown that there is yet a fifth version. The American Press admits that the airplane was shot down and that the spies were apprehended on Chinese territory. We quoted an editorial from the *Christian Science Monitor* of 26 November which clearly says that the aircraft was shot down north of the Yalu river. Everyone knows that north of the Yalu means the territory of the People's Republic of China. The various and varying versions of the basic and decisive factual data are in themselves sufficient proof that the United States charges are artificial and false.

27. The representative of the United States has not been able to find an explanation for the discrepancies in the different versions and, after adding another one—that his Government does not know where the plane dropped—has resorted to a final one, the most comfortable version, that the place where the plane or crew members came down is irrelevant. The representative of the United States added that the repatriation provisions of the Armistice Agreement make no distinction at all as to the basis of the place of capture. The matter at issue, however, is in no way a matter of repatriation of prisoners of war. It is necessary to underline this fact once more, and with all emphasis.

28. All the talk about the provisions of the Armistice Agreement, concerning prisoners of war, is intended to create confusion and to divert attention from the fundamental fact that spies, and not prisoners of war, are involved. They were members of the American intelligence service who were apprehended in the act while on Chinese territory and not soldiers of the so-called United Nations Command on combat mission in the Korean war. And this is decisive. The assertion that the aircraft was shot down over Korea is only to create the impression that this was a military action of the Korean war and to permit the case of these spies to be used in the slanderous charges of the United States against the People's Republic of China.

29. This complaint is based on fabricated charges of the violation of the Korean Armistice Agreement. The United States complaint itself constitutes a flagrant violation of that Agreement. The Armistice Agreement makes detailed provision for the investigation, consideration and settlement of every complaint of violation of the armistice. Special organs have been established for that purpose: the Military Armistice Commission composed of the representatives of both sides, and the Neutral Nations Supervisory Commission. Paragraph 24 of the Armistice Agreement provides the following:

"The general mission of the Military Armistice Commission shall be to supervise the implementation of this Armistice Agreement and to settle through negotiations any violations of this Armistice Agreement."

In cases where the Commission cannot itself settle a complaint of violation of the Armistice, the Commission or the senior member of either side thereof is authorized to request the Neutral Nations Supervisory Commission to conduct a special investigation of the matter and the latter, according to paragraph 41 of the Agreement, shall report the results of such investigation to the Military Armistice Commission.

30. The Armistice Agreement thus clearly excludes the competence of the United Nations to consider complaints of violations of the Armistice. We are witnessing evident efforts to direct the discussion here so as to make it appear that the matter at issue was the interpretation of various provisions on the repatriation of prisoners of war. No such efforts and no interpretations of the provisions of the Armistice Agreement or of the Geneva Convention of 1949 can alter the decisive and determining fact that we are concerned with spies and not with prisoners of war. These provisions only show how unfounded the United States complaint is even in the light of their own false version.

31. The representative of France asserted yesterday [507th meeting] that the Czechoslovak delegation, by invoking the Geneva Convention, has recognized the status of the convicted spies as prisoners of war. Nothing is further from the truth. Both in the General Committee and in the plenary meeting of the General Assembly we pointed to the absurdity of the prisoner-of-war version, and, from the quotations from the Geneva Convention, we drew the conclusion that the United States complaint was entirely devoid of foundation, even in the hypothetical but non-existent case involving prisoners of war. The records of the meetings speak perfectly clearly. It is a very strange method of interpretation which leads the French representative to such an assertion. Indeed, it is, to quote the French representative himself, difficult to believe in the good faith of those who use such arguments to back up their accusations.

32. All the features we have mentioned bear out the lack of foundation of this artificially construed complaint. At its basis are the one-sided unproved assertions of the United States, which are marked by striking inconsistencies at variance with one another. The entire procedure followed by the United States—the irregular rushing through of this question to the exclusion of its discussion in one of the Committees of the General Assembly, preceded and accompanied by an extensive and slanderous campaign in the Press, on radio and television and through other media—all this speaks of efforts to impose a one-sided, fabricated version of the events.

33. It is generally known that the crimes committed in this case were ascertained by due process of law, and that extensive material exists in proof of the accusations, including the admission of the defendants. The United States representative has tried to cast doubt on the significance of these confessions by referring to the admissions by United States officers of crimes committed in the Korean war. It was clearly proved at the last session of the General Assembly that their confessions corresponded to the facts and that they were revoked only after the officers, upon their return to the United States, had been subjected to persecution and to thorough brain-washing and reindoctrination, and were generally accorded treatment for which the Valley Forge Hospital became so well known. On the one hand, the United States has tried to cast doubt on the proof and results of due and proper court proceedings and, on the other hand, the only arguments that it invokes are one-sided, completely unfounded and mutually contradictory assertions.

34. What are we to think, for example, of the map which we found lying on our desks yesterday? This so-called document, a product of United States military cartography, proves one thing beyond any doubt. It

proves that the Korean Peninsula lies between the Japanese and the Yellow seas—and that is all it proves. The fact that the United States delegation decided to submit this paper and to represent it as the incontrovertible scientific evidence promised by the representative of the United States on Monday in the General Committee, shows that his delegation underestimates both the schooling in geography of the members of this Assembly and their capacity to judge.

35. We are already acquainted with the old United States argument that whatever a spy is doing at the time he is apprehended and whatever he is wearing or carrying in his pockets, is precisely something that a real spy never does, never wears or carries on his person. And this applies to United States spies at all times, whether they act in the role of journalists, archeologists or missionaries. And this applies also to United States spies dressed in uniform. Uniforms seem to be so much in the mind of the United States delegation that they have found it necessary to speak of this question three times so far and are replaying records of speeches in search of any mention concerning them.

36. Among the United States spies sentenced by the Supreme People's Court of the People's Republic of China on 23 November 1954, there were also United States nationals without uniforms. As to them, the United States complaint has preferred to maintain silence. The Government of the United States evidently prefers silence to explanations as to how these persons got to Chinese territory by United States Air Force planes equipped with weapons and other supplies for special agents of the espionage service and with special equipment for evacuating agents and taking them back to their base.

37. In the case of these spies dressed as civilians, not even the United States Government can claim that they are prisoners of war. They prefer to maintain silence concerning them in order not to make more noticeable the absurdity of the entire prisoner-of-war version.

38. The United States representative asserted indignantly that the Americans sentenced in China were on a regular military mission and that we see espionage in everything and everywhere. We note with interest that the representative of the United States yesterday classified "leaflet operations" as a military action. This bears out the note of my Government of 5 May 1954, protesting against such leaflet operations carried out against Czechoslovakia from the United States Occupation Zone in Germany.

39. The representative of the United States did not, however, explain how it was possible to carry out military actions against a country with whom the United States maintained diplomatic relations. I would leave aside at this time the numerous discrepancies in the statements of the representative of the United States as to the details of this "regular mission". Neither do I intend in this connexion to deal with the question as to what untold pain and suffering young American boys, at a distance of thousands of miles from the territory of their own homeland, were forced to bring upon the peoples of the territory on which such missions were carried out.

40. "Let us hear no more of this foolish talk about espionage" urged the representative of the United States the other day. We would only welcome it if there were no more talk about espionage but it is precisely in

the United States where so much is being said about espionage, subversion and other diversionist activities, directed against other countries, are even provided for by law. It is a well-known fact that under the so-called Mutual Security Act of 1951, \$100 million was appropriated for selected persons, or groups of persons, who had escaped from or were residing within the territory of the Czechoslovak Republic and other democratic countries to be formed into elements of military forces or for other purposes.

41. Thus, in the United States no secret is being made of the fact that espionage, sabotage and other subversive activities aimed against other countries are planned, organized and financed. The actions envisaged by that Act are being put into practice and the case of the American spies sentenced in the People's Republic of China is but one of a number of typical examples. In the course of the past years the Czechoslovak authorities have apprehended a considerable number of agents sent to our country, particularly from the American Occupation Zone in Germany, who had received very precise instructions as to the crimes they were to commit. They were not only given precise instructions and good advice but they were very thoroughly equipped with the necessary documents, false identity cards, cameras and other apparatus, cipher codes, with modern, and in some cases less modern, weapons and, of course, with money. Sometimes their equipment, I would say, is almost excessive when, for instance, they carry with them notebooks heavy with various and not uninteresting data.

42. As to the legal provisions, these are not limited to measures of the type of the ill-famed Mutual Security Act, the full implementation of which was once again urged in the United States Congress by Representative Kersten very recently. There are also minor regulations serving the same purpose. Thus, the Mutual Security Act is, for instance very fittingly complemented by and practically applied through the circular of the German *Oberfinanzdirektion* in Nürnberg, issued some time ago and providing, with typical German meticulousness, for measures enabling agents dispatched from the American Occupation Zone in Germany to cross Czechoslovak frontiers without being subjected to examination on the part of the border patrols and ordering the latter not to deprive them of the arms they are carrying.

43. In the past years, Czechoslovakia has been impelled to protest repeatedly against the cases of systematic espionage by units of the United States occupation troops in Western Germany and against the violation of its air space by planes of the United States Air Force. The methods used by the American intelligence agency in the People's Republic of China are accordingly nothing new to us. We know them from our own experiences. The complaint of the United States is a part of the slanderous campaign waged within the scope of its policy of hostility against the People's Republic of China.

44. In American aggressive actions in the Far East an important role has been attributed to the United States Air Force and Navy. Since the very establishment of the People's Republic of China, the United States Air Force and Navy have directed systematic attacks against it and many times the People's Republic of China has called upon the United Nations Organization to take measures against these unlawful acts.

45. As early as 27 August 1950, the Government of the People's Republic of China, in a telegram [S/1722] from its Foreign Minister, Mr. Chou En-lai addressed a protest to the Security Council and to the Secretary-General of the United Nations demanding that the United Nations condemn the aggressive acts committed by the United States Air Force. At the same time the Government of the People's Republic of China sent a telegram of protest to the Secretary of State of the United States, in which its Foreign Minister declared that the Government of the United States would bear full responsibility for and the consequences of the provocative violations of Chinese sovereignty by the armed forces of the United States.

46. In spite of these protests the United States Air Force continued in its violation of Chinese air space. The Government of the People's Republic of China reiterated its protest against these constant attacks in its telegrams of 30 August [S/1743], 24 September [S/1808] and 18 October 1950 [S/1857], addressed to the President of the Security Council, the President of the General Assembly and the Secretary-General of the United Nations. On 26 October, the Government of the People's Republic of China was again forced to protest against the raids of the United States Air Force, but the attacks were not discontinued. By the end of 1950 the instances of aggressive raids by the United States Air Force against the People's Republic of China had exceeded the figure of 1,500. The United States Air Force continued in the violation of the integrity of Chinese air space in 1951 also.

47. In his declaration of 24 July 1951, the Deputy Foreign Minister, Chang Han-fu, called attention to a particularly serious instance of American provocation, when on 21 July 1951 United States jet planes, which had penetrated as far as the area of Mukden, attacked the region of north-eastern China. In that protest the United States Government was reminded again, with all emphasis, that it would have to bear full responsibility for the consequences of provocations on the part of its air force. The United States Air Force continued in its actions, notwithstanding, and carried out a number of attacks on the various provinces of the People's Republic of China.

48. These piratical attacks continued systematically in 1952. On 8 March of that year, the Foreign Minister, Mr. Chou En-lai, protested anew against aggressive flights over Chinese territory. The violations of Chinese air space did not cease and the Government of the People's Republic of China reiterated its appeal to world public opinion.

49. The Foreign Minister of the People's Republic of China declared on 13 July 1952:

"With the intention of maintaining tension in the world and enabling a further expansion of war and their war preparations, at a time when negotiations are taking place for an armistice in Korea, the American Government has carried out a number of aggressive acts of direct provocation against the People's Republic of China . . ."

In the conclusion of his statement Chou En-lai again issued a warning to the Government of the United States that it would have to bear the full responsibility for such acts.

50. On 11 May 1953, the Government of the People's Republic of China was once more compelled to raise

a sharp protest to the United States Government, as further aggressive raids had taken place.

51. In its declaration of 2 August, China protested against a serious incident—United States aircraft had shot down a Soviet transport aircraft over Chinese territory and had penetrated the air space of North-east China.

52. According to the data covering the period up to February 1954, the United States Air Force violated Chinese air space more than 7,600 times.

53. The United States representative has said that, in the given case, the flight had been subject to standing orders of the United Nations Command restricting all air operations to Korean territory south of the Yalu River. This figure, I believe, shows what these standing orders were.

54. The United States Government has taken the case of the apprehended and justly sentenced American spies as a pretext for constructing a complaint against the People's Republic of China, charging it with violation of the Armistice Agreement in order to cover aggressive acts against the People's Republic of China. We have already shown to what extent this complaint is unwarranted as to substance and, at the same time, to what a degree it is untenable in law. And it should be stressed again that the United States Government complains of the violation of precisely those provisions of the Armistice Agreement relating to prisoners of war, which have been so systematically and flagrantly violated by the United States Military Command in Korea.

55. Kojé and Cheju and the names of other American prisoner-of-war camps have become a symbol of inhuman treatment, of torture and murder of prisoners. The forcible detention of more than 27,000 prisoners of war, immediately upon the achievement on 8 June 1953 of the agreement on the repatriation of prisoners of war, provoked indignation and opposition all over the world. This provocative action met with the protest of the President of the General Assembly, as well as of many countries—even some of those which had participated in the Korean war. The United States Military Command has done nothing to return these prisoners, in spite of the solemn assurance given by General Harrison before the signing of the Armistice Agreement. And it is well known that these prisoners were coerced into the armed forces under the so-called United Nations Command, and that they did not "melt into the population", as Mr. Lodge tried to make us believe yesterday.

56. Apart from these 27,000 prisoners, the United States Command has forcibly detained tens of thousands of prisoners of war. In spite of the repeated requests and protests of the Command of the Korean People's Army and of the Chinese People's Volunteers in the Military Armistice Commission, the United States Command has not, up to the present day, given any explanation concerning the more than 98,000 prisoners of war whom it did not repatriate and concerning whom it refuses to give any information.

57. It is generally known that the so-called United Nations Command—in actual fact the United States Command—frustrated the work of the Neutral Nations Repatriation Commission which, under the agreement of both sides in the conflict, was entrusted with the task of ensuring—and I quote from paragraph 1, of

the terms of reference for the Neutral Nations Repatriation Commission—" . . . that all prisoners of war have the opportunity to exercise their right to be repatriated following an armistice".

58. Through its agents in the prisoner-of-war camps, the United Nations Command maintained the prisoners in a state of constant terror and deprived them of any possibility of freely expressing their will. In its report [A/2641] the Commission notes that no prisoner of war enjoyed freedom to seek repatriation, but was subjected to force or threat of force. Explanations, which were to secure for the prisoners the possibility of free decision, were rendered impossible by the United Nations Command. The Commission discovered that in a large number of cases prisoners who had expressed a desire for repatriation or attempted to escape from the power of the agents had been brutally tortured and killed. The final step intended to hamper the Repatriation Commission's activities was the forcible detention of an additional 21,805 prisoners of war. Mr. Lodge claimed yesterday that each of these prisoners was given an opportunity to be repatriated. The Neutral Nations Repatriation Commission and the Indian Military Command, who had immediate experience of what happened on 20 and 21 January 1954, have confirmed the contrary.

59. In the final report of the Repatriation Commission we read [A/2641, p. 120, para. 32]:

"However, the 'representatives' of the prisoners, anxious as they were to prevent any prisoner from breaking away to seek repatriation, so devised the emergence of prisoners from their compounds as to make it extremely difficult for anyone, except the most fearless and desperate prisoner, to approach the Indian guards and seek repatriation. Fear of the leaders and influence of the organization, therefore, prevailed up to the very end. It must be reiterated that the existence of such fear was all too often experienced by the Commission and the Custodial Force, India."

60. This is not our evaluation; it is the Indian Command's evaluation of what the representative of the United States presented yesterday as an example of the free expression of will.

61. The representative of the United Kingdom made a recommendation yesterday [507th meeting] that we should peruse the documents. We, for our part, would recommend that the representative of the United Kingdom refresh his memory and consult document A/2641, the report of the Repatriation Commission. For his convenience, I would mention page 120, paragraph 32; and I think he would do well to reread the entire report of the Commission. On page 92, for example, he would find instructions to kill the prisoners of war who wished for repatriation, instructions for which the United Nations Command bears responsibility.

62. The United States Government tries to pass off condemned spies as prisoners of the Korean war and, in so doing, invokes the provisions of the Armistice Agreement. It is an act of supreme hypocrisy when the provisions regarding prisoners of war are invoked by the United States Government, which has detained forcibly, and continues to do so, tens of thousands of prisoners of war, and which has violated all its obligations undertaken relative to prisoners of war, either under the Geneva Convention or under the agreement on the repatriation of prisoners of war.

63. It will suffice to recall the final resolution of the Neutral Nations Repatriation Commission of 21 January 1954, to be found in its final report which was unanimously adopted. In that resolution [A/2641, p. 120, para. 33] the Commission finds that the bulk of the prisoners of war in its custody have not had the opportunity to exercise their right of repatriation, that the explanation to which all prisoners of war were entitled under the terms of reference had been made impossible and that the action undertaken by the United Nations Command for the forcible detention of more than 21,000 prisoners was a violation of the Armistice Agreement.

64. By its obstruction, by frustrating the activities of an impartial international organ and by the brutal rule of terror over the prisoners of war the United Nations Command prevented the implementation of the Agreement on Repatriation, which was such an important part of the Armistice Agreement, and forcibly detained more than 100,000 prisoners of war. The United Nations Command refused to respect important decisions of the Neutral Commission established by the Armistice Agreement whenever those decisions did not suit it.

65. The Neutral Nations Supervisory Commission has been under attack from the delegation of the United States and certain other delegations supporting it on the ground of its composition—a composition which had been agreed upon by both sides. But the Neutral Nations Repatriation Commission had a different composition, also agreed upon by both sides. One of the members of the Commission, and its chairman and executive agent, together with Czechoslovakia, Poland, Sweden and Switzerland, was India, whose neutrality will presumably not be questioned by any of the delegations present—not even by the delegation of Colombia which thought fit, the day before yesterday [505th meeting], to cast doubt on the neutrality of Czechoslovakia and Poland. They can, therefore, not argue that the activity of this five-member commission was paralysed because of its composition. And yet, when the Neutral Nations Repatriation Commission—this five-member Commission—did not cede to pressure on the part of the American command, it met with the latter's refusal to recognize and implement its decisions, whether they were adopted by the majority of the Commission or unanimously by all five members.

66. In a resolution binding upon both sides, the Neutral Nations Repatriation Commission explicitly designated the detention of the 21,805 prisoners as a violation of the Armistice Agreement and issued a warning with regard to carrying out such an illegal act. The American command ignored this decision of the Commission and carried the illegal action to its conclusion, in flagrant violation of the Armistice Agreement, on 23 January 1954. This is the attitude of the United States towards the decisions of a neutral commission the majority of which, according to American terminology, comprises "non-Communist States".

67. Could there be a more flagrant and more serious violation of the Armistice Agreement? And is it not absurd when the United States Government, in the function of the so-called United Nations Command, speaks—in connexion with condemned spies falsely styled as prisoners of war—about the violation of the armistice? Exposed to the light of the facts, of the Charter and of international law, and stripped of hollow phrases, the United States complaint stands before this

Assembly for what it really is. All that remains is the intention to place new obstacles in the way of peace and peaceful co-operation among nations—the fundamental purpose of the Charter.

68. The Czechoslovak delegation is convinced that, at this time particularly, our Organization must do everything towards the implementation of the basic principles of the Charter. It is convinced that for these very reasons the draft resolution [A/L.182] now before the Assembly must be rejected, and appeals to other delegations to cast their votes accordingly.

69. Mr. COOKE (Argentina) (*translated from Spanish*): The ninth session of the General Assembly was proceeding in an atmosphere of tolerance and understanding which confirmed the feeling that there had lately been an improvement in relations between the great Powers with a consequent lessening of international tension. The meeting of minds led us to assume that the other questions pending before the United Nations would also lend themselves to compromise solutions comparable to those achieved in the matter of disarmament and the utilization of atomic energy for peaceful purposes. Altogether, we thought we could look forward confidently to the accomplishment of the purposes for which the United Nations had been established.

70. But the improvement in international relations which was reflected not only among the States Members of the greatest international organization of all time, but also in the relations with other States eager to be admitted to it, was interrupted when world public opinion was disturbed to learn that the People's Republic of China had sentenced as spies eleven members of the crew of a United States aircraft which was brought down in Chinese territory in the course of military operations during the war in Korea. By arguments which do violence to logic and to law, attempts have been made to justify that act.

71. At this stage in the consideration of the problem, it would be pointless for me to enter into a close and detailed analysis of all the evidence which is quoted in support of the conviction of these airmen. Nor do I intend to get lost in a wilderness of legal speculation, for it would strain anybody's credulity to admit that uniformed soldiers, captured when their craft was forced down during military operations, should be carrying out an espionage mission for which they could be tried and then sentenced.

72. The representatives of the United States, Mr. Lodge, and of the United Kingdom, Mr. Nutting, have shown with impressive sincerity, vigour and clarity, that the airmen could not, from any conceivable point of view, be considered to be spies. But even if—as the United States representative was prepared to assume for the sake of argument—they had committed some military offence, then, in view of the obligations undertaken by virtue of the Armistice Agreement, and in view of the opinions of those responsible for signing it and securing its ratification by their Governments, it would still have been wrong to convict the airmen or any other military personnel captured in similar circumstances.

73. It has also been argued that the Assembly is not competent to consider this question. May I recall that my Government views the principle of non-intervention in the domestic affairs of States as one of the cornerstones of peaceful coexistence among nations? But that

principle cannot be pushed to absurd lengths so as to form a barrier against any threat to humanitarian sentiments or to the basic rules of international co-operation and harmony.

74. The establishment of courts, the enactment of legislation prescribing penalties and the degree of the penalties, the enactment of provisions which lay down the rules of procedure—all these are clearly matters within the domestic legislation in which other countries have no right to interfere. But the violation of the rules laid down by an Armistice Agreement, and particularly, as in this case, an agreement relating to prisoners of war—that is not a domestic matter; it is a matter affecting the world conscience.

75. At the 505th meeting, before this debate began, the President of the Assembly, with a keen awareness of his responsibility and a deep sense of moderation, urged us not to make statements which might hamper the negotiations to be conducted by the Secretary-General, or adversely affect the airmen whose interests we are trying to protect. For that reason, it might perhaps have been better not to include in the draft resolution before us any mention of sanctions or condemnation. Consequently, my delegation, representing a country which did not participate actively in the Korean war, will say nothing irrevocable, nothing that may be mortifying for the People's Republic of China. However, may I state unequivocally, on behalf of my Government which, at the present time, represents a people devoted to the cause of human understanding throughout its life as an independent nation, that the sentencing of the airmen is not only an offence against the United States because the persons involved are American citizens, nor is it merely an offence against the United Nations, which they were defending against aggression in Korea: the sentencing of the airmen is an offence against humanity.

76. Human solidarity is one and indivisible, and that is why my delegation will vote for the draft resolution before the Assembly [A/L.182], with the understanding of what it means for a great country to have the courage to be patient, as President Eisenhower has said, in order to pursue its indefatigable search for the ray of light which will guide all States along the path of understanding and peace.

77. Mr. AL-JAMALI (Iraq): At a time when the world is anxious to see a relaxation of world tension, it is most regrettable that Communist China should defy the Armistice Agreement by the trial and imprisonment of United States airmen serving under the United Nations Command. These airmen should have been considered as prisoners of war and released within the period recognized in the Armistice Agreement for the repatriation of prisoners choosing to return to their own homes. My delegation is fully convinced that these airmen were on a United Nations mission, performing their duty for the cause of freedom and the liberation of Korea. We cannot possibly share the view that the airmen, who were doing reconnaissance on behalf of the United Nations forces, could ever be accused of espionage. All those who know the elementary facts about espionage will agree that the nature and composition of the personnel, with their uniforms and their difficulty with the Chinese language, would not enable them to carry out any espionage activity. Moreover, the plane was shot down; the airmen were not caught on the ground engaged in espionage. How could any-

one believe that they were engaged in espionage from the air?

78. In the view of my delegation, the claim that these airmen are guilty of espionage is completely fantastic and unacceptable. Their trial and imprisonment are completely unwarranted. Nothing is more fantastic and unfounded than this accusation, except the accusation of Israel that four Arab schoolboys in Palestine were carrying out espionage on behalf of Egypt. Thus, we read in yesterday's *New York Times* the following despatch from Tel Aviv, Israel:

"Four Arab high school pupils have been jailed for five years by an Israeli military court for espionage on behalf of Egypt. The judgment, given in Rehovot Monday, was made public tonight by an army spokesman here."

79. Such a fantastic and unfounded allegation by Israel makes us Arabs have a genuine sympathy with the case of the airmen held by Communist China. We appeal to all those who respect human intelligence not to heed such charges of espionage as those presented by Communist China and Israel.

80. We believe that the right of these individuals to our moral support is as genuine as their right to freedom and liberation. The United Nations, which is responsible for their mission, has the responsibility of doing its utmost to bring about their liberation. We believe that all Members of the United Nations, whatever their political views may be, to whichever camp they may belong, must exert every effort to bring about the liberation of these airmen, for that will contribute to a reduction of world tension and will maintain the prestige and dignity of this Organization.

81. My delegation whole-heartedly supports the sixteen-Power draft resolution before the Assembly. We sincerely hope that Communist China will respond when our Secretary-General, in the name of this Organization, seeks the release of these airmen and of all other prisoners still being detained. For it is by deeds that Communist China must prove to this Organization that it intends to put an end to aggressive practices and defiance of the United Nations. That is the first requisite for peace and stability in the Far East.

82. The PRESIDENT: I believe it is proper for me to say that the representative of Iraq was out of order when he referred to the relations between two countries which are not involved in the item now before the Assembly. Since, however, his remarks were very brief, I did not wish to interrupt him.

83. Mr. AL-JAMALI (Iraq): I wish to raise a point of order. With all due respect to the President, I would submit that what I said was directly connected with the item before the Assembly. I am amazed that the President, of whose fairness we are all so aware, has allowed other representatives to talk at length on so many irrelevant subjects, without commenting on what they have said, but that he has made an exception of my remarks, which were quite in order and relevant.

84. The PRESIDENT: I do not wish to prolong the discussion on this point, but it is necessary for me to say that other representatives, while they may have talked for a longer time than the representative of Iraq, did not to my knowledge refer to the relations between two countries which are not directly involved in the question at issue.

85. Mr. FRANCO Y FRANCO (Dominican Republic) (*translated from Spanish*): Although the countries under the communist system have accustomed us somewhat to the spectacle of their constant attempts to deny the two greatest satisfactions in life, namely, truth and justice, we have been unable to suppress our painful surprise and profound indignation at the news of the terrible deed against which a vigorous protest was justly raised by the United States of America and the fifteen Powers which together, on behalf of the United Nations, carried out the heroic and most noble feat of containing, repulsing and defeating the odious Communist aggression directed against the unfortunate Republic of Korea and, in turn, against the cause of law, justice and world peace.

86. The task so assumed and carried out by the sixteen Powers against an aggression which was, as we all know, planned and deliberate, was without any doubt a convincing demonstration of the power and strength of collective security in accordance with the Purposes and Principles of the United Nations Charter.

87. That noble and memorable action, which demanded untiring efforts and unspeakably painful sacrifices that must forever arouse the intense admiration and profound gratitude of the free peoples of the earth, was cruelly and violently countered by the perpetrators, both open and concealed, of the aggression against the Republic of Korea.

88. This latest aberration of the Government of Communist China now being discussed by the General Assembly at its ninth session is merely another aspect of the struggle which has been carried on for years, as a result of the terrible desire of communism for political and ideological expansion, against all efforts to restore law and justice and maintain international peace and order.

89. At this point in our brief statement, let us pause to remember that, however inconceivable it may appear to the human mind, this is the same Government of Communist China which has been knocking so insistently at the doors of our international Organization with the persistent demand that they should be opened to it, doubtless as a reward for its own inexcusable attitude, both present and past.

90. Contrary to the argument advanced both in the General Committee and at the last plenary session of the Assembly, there is not, in our view, the slightest doubt that the General Assembly is fully competent to include in its agenda as it has done, and to consider at length the complaint submitted by the sixteen Powers in respect of the detention and imprisonment of eleven members of the armed forces of the United Nations in violation of the Korean Armistice Agreement.

91. Those members of the United States Armed Forces, under the United Nations Command, were captured on 12 January 1953 by Communist forces while carrying out a mission under the orders of that Command. They were later tried and sentenced and have been held illegally since 25 September 1953. It is clear in every respect that article III of the Armistice Agreement absolutely rules out any action such as that which the Government of Communist China has undertaken and intends to continue in the case we are discussing. This is indisputably a case of eleven prisoners of war, captured as military personnel and wearing their proper uniforms, who were shot down during military opera-

tions on Korean territory. That being so, their release and repatriation are required by both the letter and the spirit of the aforementioned international agreement.

92. The lawful solution of the case in question is in no way affected by the allegation of the Government of Communist China that the sentence was pronounced in China itself and that the prisoners were convicted as spies—a fact supposed to have been proved by alleged confessions obtained from the prisoners. This contention, in our opinion, is utterly worthless either as an argument for the alleged incompetence of the General Assembly or as a defense in connexion with the substance of the matter. We all know, both in this Assembly and outside it, that it is customary on the other side of the Iron Curtain either to invoke non-existent confessions or to extract actual confessions from unfortunate prisoners through torture and inhuman treatment designed to destroy their physical and spiritual personalities.

93. Furthermore, even assuming that the confessions were genuine, which is a mere supposition, the Government of Communist China would have still been obliged to release and repatriate the prisoners in question in accordance with the armistice provisions, as the representatives of the United States, the United Kingdom and other countries have so clearly demonstrated from this very rostrum.

94. The remaining facts of the case all constitute a still firmer basis for the joint draft resolution, a well-balanced and moderate text which our delegation is firmly resolved to support by its vote.

95. As the United Kingdom representative, Mr. Nutting declared that the problem is "a United Nations issue". He added [*505th meeting, para. 118*]:

"These airmen are not just members of the United States Air Force: they are the soldiers of the world Organization, sent to fight by the will and at the call of the United Nations. Although they cannot hear us, we can and must speak for them. Their lives, their freedom, their future, their safety are our responsibility, the responsibility of each and every one of us present here today. They went forth to uphold our cause. We must uphold theirs."

In all logic we now declare that that is the view which in our opinion, is compatible with membership in the United Nations. In the name of international law, morality and justice, our delegation protests most vehemently against the attitude adopted by the Government of Communist China in the lamentable and astonishing case before us. It regrets at the same time that such an attitude, which is diametrically opposed to the basic aims and the high hopes of the United Nations, has found allies and defenders to support it with unrestrained passion.

96. The spreading of hatred, the rejection of the demands of good faith, and the fabrication and upholding of absurd facts and allegations in such serious matters as those before us do a disservice to the great purposes and principles of the San Francisco Charter. The sentencing and imprisonment of the United States airmen is in reality a crime against those basic sentiments which are mankind's greatest glory.

97. Mr. SERRANO (Philippines): The question before the General Assembly is a humanitarian one and, therefore, the concern of the whole civilized world. Atrocities committed by the Communist armies in the field of battle pale before the shocking revelations, both

in Europe and Asia, of the sham evidence, the forced confessions and, finally, the mock trials which attend Communist justice. If only because of this, the world has reason to commiserate with and deplore the lot of the eleven American airmen whose trial, conviction and imprisonment were announced by the Peiping radio on 24 November 1954.

98. This is a question of the fundamental right of prisoners of war to be released and repatriated without delay after the cessation of active hostilities. That is expressly provided for in article 118 of the Geneva Convention of 12 August 1949, relative to the treatment of prisoners of war, which happily has been invoked here by the representatives of the Soviet Union and Czechoslovakia on behalf of Communist China, and by Communist China itself at the Geneva Conference on 3 May 1954.

99. This is a question which involves the right of every prisoner of war to give only his name, age and serial number when examined, and to furnish no other information, as provided in article 17 of the Geneva Convention, as well as the right of every prisoner of war not to be subjected to moral or physical coercion for the purpose of inducing him to admit himself guilty of the commission of a crime, as provided in article 99 of the Convention. The extortion, therefore, of the alleged confessions from Colonel Arnold and Major Baumer upon which their guilt was built, is here condemned.

100. This is a question which involves the right of every prisoner of war not to be held incommunicado and to be allowed, not more than one week after arrival at a camp, to inform his relatives of his capture, address and state of health, as provided in article 70 of the Convention. Accordingly, the refusal of the Chinese and Korean Communist Commands to acknowledge the detention of the American airmen for more than one year and a half after their capture is here condemned.

101. This is a question which involves the right of every prisoner of war not to be convicted and imprisoned like common criminals by their captors, albeit on trumped-up charges and without the notice and the judicial guarantees which are recognized as indispensable by civilized peoples and which are provided for in detail in articles 99-109 of the Convention. Accordingly, we here condemn the act of Communist China for accusing the American airmen of an act which is not forbidden by international law, namely, the alleged violation of the air space over Chinese territory, even assuming that the aircraft was in fact shot down over Chinese territory. It is clear that Communist China, having engaged in aggression against the Republic of Korea, cannot lawfully complain of the violation of its air space by the armed forces of the United Nations whose mission was precisely to repel that aggression in Korea.

102. This, finally, is a question which involves the sanctity of international agreements openly and freely arrived at. The continued detention by the Communists of military personnel of Australia, Belgium, Canada, Colombia, Greece, Luxembourg, the Republic of Korea, South Africa, Turkey, the United Kingdom and the United States is a clear-cut violation of the plain terms of article III of the Armistice Agreement of 27 July 1953, which fixed 25 September 1953 as the deadline for the return of all prisoners of war who desired repatriation.

103. Even assuming, without conceding, the truth of the fantastic charges against the American airmen, the

Chinese Communist Command undertook at the meeting of the Military Armistice Commission on 31 August 1953 to repatriate before the conclusion of the repatriation operation all captured personnel who insisted upon repatriation, including those prisoners of war who had committed crimes before or after their capture. The Unified Command has scrupulously observed that Agreement, and the Chinese and Korean Communist Commands are duty bound to live up to it. Communist China, speaking through its Foreign Minister, Mr. Chou En-lai, at the concluding meeting of the Geneva Conference on 15 June 1954 on the Korean question, expressly recognized that the Korean Armistice Agreement still remained effective.

104. To argue that Communist China is not a belligerent and therefore not bound by the Armistice Agreement is, in my opinion, to play on words. It was Communist China and not the Chinese People's Volunteer Army which was declared the aggressor in General Assembly resolution 498 (V) of 1 February 1951. It was against Communist China and not against the Chinese People's Volunteers that the embargo on strategic shipments was imposed by the General Assembly in resolution 500 (V) of 18 May 1951. Finally, it was Communist China, speaking through its Minister of Foreign Affairs, which assumed responsibility for the Chinese People's Volunteer Army during the negotiations that preceded the Armistice talks at Kaesong and later at Panmunjom, and after the conclusion of the Armistice Agreement during the political conference at Geneva.

105. On 28 April 1954, Chou-En-lai, in a statement before the Geneva Conference, defended the intervention of the Chinese people on the side of North Korea in the Korean war as designed "to safeguard the security of the People's Republic of China". Chou En-lai, also on 28 April 1954, categorically admitted that it was the Chinese people whom he represented and not the Chinese People's Volunteer Army, who were responsible for the conclusion of the Armistice Agreement. He said:

"After the Korean People's Army and the Chinese People's Volunteers had driven the interventionist troops, and reached the 38th parallel, the Korean and Chinese peoples, in conformity with their consistent policy of the peaceful settlement of the Korean question quickly responded to the proposal of the Soviet Union made on 23 June 1951 at the United Nations regarding negotiations for the cessation of hostilities in Korea."

106. Over and above all, the question before the Assembly is one which involves the honour of the United Nations. The men of many nationalities who are being illegally detained by the Communist side are men who fought under the blue and white flag of the United Nations, men who responded to the call of the United Nations to repel aggression in Korea, men who gave flesh and sinew to vitalize the principle of collective security which forms the foundation stone of the United Nations.

107. The Philippines, for one, cannot stand idly by and permit these men to languish in vain. This it cannot do, not only out of loyalty to these brave men who were comrades-in-arms of its own troops in Korea, but out of fidelity to the noble ideals which gave birth to the United Nations.

108. It is by the action that the Assembly takes on the joint draft resolution submitted by the sixteen nations

who sent fighting men to Korea in obedience to the summons of the United Nations, among whom figure the prisoners of war whose rights have been so wantonly violated, that the peoples of the world will judge whether the United Nations is fit to be the repository of the hopes and aspirations they have proclaimed in the Charter.

109. Mr. KISELYOV (Byelorussian Soviet Republic) (*translated from Russian*): In their statements in plenary meetings of the General Assembly, the United States representative and his supporters, the representatives of the United Kingdom, Australia, the Netherlands and other countries, accused the Government of the People's Republic of China of illegally detaining thirteen United States citizens and sentencing them to various terms of imprisonment.

110. The representatives of the Soviet Union, Poland, the Ukrainian SSR and Czechoslovakia, who spoke before me, have already adduced documents to disprove the so-called "evidence" of the innocence of the convicted men; I shall therefore be brief.

111. My delegation has listened attentively to the speakers who took part in this debate and has come to the firm conclusion that neither the United States representative, Mr. Lodge, nor the United Kingdom representative, Mr. Nutting, or any other representative has succeeded in refuting the fact that, on 12 January 1953, a group of United States spies headed by Colonel Arnold, flying in a specially equipped B-29 aircraft, penetrated the air space of the People's Republic of China over the province of Liaoning on a reconnaissance mission, that this aircraft was brought down and that the eleven spies were caught redhanded. Maps and other material evidence of espionage were found on them.

112. Mr. Nutting, supported by the Netherlands representative, Mr. Von Balluseck, tried to prove the innocence of the convicted men by arguing that they were in military uniform and therefore, according to him, were not in a position to mingle with the Chinese population for the purpose of carrying out espionage.

113. In the first place, it should be noted that the assignment given to the crew of the aircraft was to drop spies from the air on the territory of the People's Republic of China. It was therefore not aiming at mixing with the Chinese population; it had a different mission. But this certainly does not prove that its members were not engaged in espionage. Their activities were aimed at the organization and support of espionage in the territory of the People's Republic of China. For the purpose of mingling with the population in order to carry out espionage, they dropped Chinese, former Chiang Kai-shek officers now in the service of the United States Intelligence. Thus, the question of the convicted United States spies mingling with the Chinese population was thought up in order to vindicate those spies.

114. In his statement yesterday [507th meeting], Mr. Nutting slandered the great Chinese people and its Government. The fact that the USSR representative, Mr. Malik, defended the decisions of the tribunal of the People's Republic of China, which convicted the thirteen United States spies, was obviously not to his liking. Mr. Nutting introduced a new element into this debate—frenzied outbursts and unseemly personal attacks on those who do not support this latest United States slander against the People's Republic of China.

115. For Mr. Nutting, these methods, which were calculated to make an impression, took the place of argu-

ments. He adduced no serious arguments worthy of consideration against the facts and evidence cited in the judgment of the military tribunal of the Supreme People's Court of the People's Republic of China in the case of the thirteen United States spies. Suffice it to say that he was the first to invent the theory of the impossibility of the United States spies in military uniform in Arnold's group mingling with the Chinese population, and that he based his entire case on this invention. As I have already said, the United States spies were not given the task of mingling with the Chinese population. The judgment established the fact that the Central Intelligence Agency of the United States had assigned them other tasks which they were carrying out, and they received the penalties appropriate to these crimes.

116. These facts are irrefutable and no far-fetched reference to the impossibility of men in military uniforms mingling with civilians can help Mr. Nutting and his supporters to refute them. The use of such unseemly political methods as those to which Mr. Nutting has resorted merely confirms his inability to refute the unshakable facts and evidence proving that the thirteen United States spies were conducting criminal activities against the People's Republic of China and the Chinese people. The truth is that the aircraft which was shot down, as was ascertained during the trial at Peking, did not belong to units of the United States Air Force assigned to military operations in Korea. The aircraft belonged to a special air wing, which was assigned the duty of dropping spies in the territory of the People's Republic of China and keeping them supplied.

117. The USSR representative, Mr. Malik, pointed out in his statement of 9 December [506th meeting] that Mr. Lodge has tried to draw a distinction between eleven of the United States spies and the two others, who were agents of the Central Intelligence Agency, and to represent the latter two Americans as private persons and the other eleven of the thirteen convicted men as "United Nations military personnel". This is being done because the facts about the espionage activities of those two agents of the Central Intelligence Agency are too impressive and it is obviously not in the interests of the United States of America to refer to the activities of the spies, Downey and Fecteau. Material evidence and the confessions of the convicted spies provide proof of the subversive activities being carried on by certain circles in the United States against the People's Republic of China.

118. I should like to read an extract from the record of the trial of the United States spy, Downey, in which Downey is interrogated by the chief judge:

"What organization trained you in this?"

"The Central Intelligence Agency."

"Do you mean the Central Intelligence Agency of the United States?"

"Yes."

"Did you train other people when you were in Japan?"

"Yes."

"Did you train Chang Tsai-wen and other defendants before this court?"

"I trained these men, but I do not know their real names. I only know their assumed names."

"Do you know Peng Shih-tze?"

"Yes, I know him."

"Do you know the others?"

"Yes, they are all mentioned in the indictment. I have only seen the radio operator of Wenteam once.

I do not know him well. But I know all the others."

Thus, Downey's evidence shows that the United States Central Intelligence Agency is carrying out espionage and subversive activities against the People's Republic of China on a large scale.

119. Mr. Tsiang, the Kuomintang representative, said in his statement here that he had felt astonishment and indignation at the action of the Government of the People's Republic of China in sentencing the United States spies. The "astonishment" and "indignation" of the Kuomintang representative, to use his own dramatic terms, is quite understandable and is therefore not surprising. The remnants of the Kuomintang headed by Chiang Kai-shek who were not destroyed by the Chinese people and have entrenched themselves on the island of Taiwan are now leaving no stone unturned in their efforts to fan the flames of a new war in the Far East. To that end, they are daily organizing acts of armed provocation against the People's Republic of China. The activities of the Kuomintang are now arousing anxiety among all the peace-loving peoples of the world.

120. It is well known that the United States has established a whole network of espionage bases around the Chinese mainland, stretching over the Aleutian Islands, South Korea, Japan, Taiwan, Hong Kong and other countries of South-East Asia, of which Taiwan is the principal and that the Chiang Kai-shek clique is the chief tool of United States intelligence organizations.

121. The Chiang Kai-shek clique, guided and supported by the United States circles concerned, has set up a number of organizations in Taiwan for the training and assignment of agents and spies, such as the Sino-American Joint Administration, the Mainland Operations Department of the Ministry of National Defence, the Air Liaison Corps of the Insurgent Training Centre of the Ministry of National Defence, and so forth. These organizations are controlled by such United States intelligence organizations as the Central Intelligence Agency, the Military Assistance Advisory Group in Taiwan and the so-called Western Enterprises.

122. One of the special espionage organizations under the direct administration of the United States Central Intelligence Agency is the so-called Free China Movement headed by the notorious Chiang Kai-shek agent, Wang Wen-chi. These criminal organizations continuously dispatch agents and spies to the Chinese territory in an attempt to undermine from within the work of the peaceful construction in which the People's Republic of China is engaged and to overthrow the Democratic People's Government. The trial of the United States spies at Peking showed that the United States is directing the espionage and diversionist activities of Chiang Kai-shek elements.

123. It is well known that there were nine Chinese citizens among the convicted spies. It was revealed at the trial that these Chinese citizens were recruited to the above-mentioned free China Movement in 1951. They subsequently received further training under the direct supervision of Downey, a special agent of the United States Central Intelligence Agency, to whom I have already referred, were equipped with arms and wireless sets, and were dropped by parachute in north-east China.

124. As the trial showed, the mission of the United States spies was to set up bases for armed agents in the territory of the People's Republic of China, safety points for sheltering agents and parachuting grounds to receive agents, to establish secret communication lines connecting the bases with Mukden, and to collect information about the national defences of China and the location of industrial areas. The trial also showed that part of the task of these spies was to organize the remnants of the Chiang Kai-shek bands for an armed uprising. These are the facts concerning the espionage and diversionist activities of the United States Central Intelligence Agency against the People's Republic of China. It was in respect of such espionage activity that sentences were passed on both the two agents of the United States Central Intelligence Agency and on the eleven United States military personnel of the 581st Air Wing which were carrying out espionage activities on the instructions of the Central Intelligence Agency.

125. The representatives of the United States of America, the United Kingdom and other countries which support this slander alleged that the convictions of the United States spies in the People's Republic of China is a serious violation of international law, an infringement of the generally accepted standards of international law, a violation of the Geneva Convention relative to the treatment of prisoners of war, a violation of the Korean Armistice Agreement, and so forth.

126. In the first place, it must be pointed out that, in the present instance, we are not concerned with prisoners of war. We are concerned with a number of United States citizens who engaged in espionage activities against the People's Republic of China and were apprehended in its territory. This was fully proved at the trial of the United States spies in Peking. All the United States citizens who were convicted of espionage admitted that they were guilty of engaging in espionage against the People's Republic of China.

127. The representative of the Dominican Republic, who spoke shortly before me, viciously slandered the great Chinese People and the Chinese Government, alleging that they wished to extend their power over the whole world. He also cast doubt on all the testimony given by the convicted United States citizens. He repeated the statements of the representatives of the United States of America, the United Kingdom and several other countries, who cast doubt on the veracity of that testimony.

128. Mr. Lodge and Mr. Nutting alleged that the captured United States spies were forced to give that testimony under duress. Such assertions are vicious calumnies of the juridical system of the People's Republic of China. These representatives adduced no proof in support of their allegations. We have frequently exposed the falsity of such assertions and have given examples of the persecution and ill-treatment to which United States military personnel repatriated from North Korea have been subjected, if they refused to sign statements previously prepared by the United States Military Command refuting their previous testimony. It is obvious that in such circumstances many of them have been obliged to give absolutely contrary testimony, fabricated by the United States military authorities.

129. But why should the United States delegation resort to arguments which have long since been proved to be worthless? The United States delegation has re-

sorted to such arguments, because it has nothing to set against the facts. The attempts of some representatives who have spoken here, especially the representative of France, Mr. Hoppenot, to represent the United States spies as prisoners of war, are absolutely unfounded. Accordingly, there can be no question of the People's Republic of China disregarding the principles of international law or violating the Geneva Convention relative to the treatment of prisoners of war. The People's Republic of China strictly observes international agreements. But it cannot be denied that under international law every Government has the right to punish spies and that such action is taken by other States, including the United States and the United Kingdom.

130. From the point of view of international law, the convicted United States military personnel cannot be regarded as prisoners of war, as they do not come within the scope of article 4 of the Geneva Convention relative to the treatment of prisoners of war of 12 August 1949. The crew of the aircraft which violated the air space of the People's Republic of China must be punished in accordance with the legislation of that country.

131. The United States representative asserts that the B-29 aircraft was operated under the United Nations Command in Korea and was attacked fifteen miles south of the Yalu River, near the North Korean town of Sunchon, where it was shot down and the crew was captured. This assertion by the United States representative is unfounded and does not correspond to the facts. In actual fact, the B-29 aircraft was shot down on 12 January 1953 over the province of Liaoning in the People's Republic of China. No radar maps fabricated by the United States Command can refute the fact that this aircraft violated the air space of the People's Republic of China. Hence, the members of the crew of that aircraft, which was brought down, are not prisoners of war taken by the North Koreans and there can therefore be no question of any violation of the Korean Armistice Agreement.

132. The United States representative has further said that the question of where the aircraft was shot down and where its crew was captured is unimportant. This means that the United States representative considers the violation of the air space of the People's Republic of China to be admissible. Such a contention is directly counter to the standards of international law and conduct and incompatible with observance of the laws and usages of war.

133. The United States representative's statement implicitly suggested that, wherever the B-29 aircraft might have been, it had every legal right and justification for being there. Such assertions overstep all bounds of propriety and reveal an utter disregard for the elementary standards of international law.

134. United States espionage and subversive activities against the People's Republic of China and the Democratic People's Republic of Korea form part of the subversive activities being conducted by the United States of America against the USSR and the peoples' democracies.

135. We all remember the Kirsten amendment to the Mutual Security Act, adopted in 1951 by the United

States Congress, which appropriated \$100 million to finance subversive activities in the USSR and the peoples' democracies and provided for subsequent annual appropriations of \$100 million for such activities. It is well known that these appropriations are being used to set up special espionage centres, to plant spies and diversionist agents in the USSR, the People's Republic of China, the Democratic People's Republic of Korea and other peoples' democracies, to help various subversive organizations and individuals who have fled from those countries, and to use such individuals to form military units and establish espionage and diversionist gangs.

136. United States intelligence agencies are setting up and financing a number of organizations and spy centres with a view to overthrowing the Governments of the People's Republic of China, the Democratic People's Republic of Korea and the peoples' democracies. This subversive activity by the United States constitutes a flagrant violation of Article 2, paragraph 7 of the United Nations Charter.

137. The United Nations cannot condone violations of the fundamental purposes and principles of the Charter. But the United States of America, in violating the United Nations Charter, demands that the United Nations should endorse such violations and should defend these subversive activities by United States spies and agents in other countries. That is the whole purpose of the draft resolution submitted by the delegations of the United States of America and other countries, insisting that the United States spies should be released.

138. With a view to spreading war hysteria, intensifying the campaign of slander against the People's Republic of China and aggravating international relations, a great outcry has been raised about the conviction of United States citizens who have engaged in espionage against the People's Republic of China. The question naturally arises as to whom this outcry about United States citizens sentenced for espionage was necessary and why.

139. As we know, the first weeks of the work of the ninth session of the General Assembly culminated in the unanimous adoption of some important decisions on questions of disarmament and the use of atomic energy for peaceful purposes, which contributed to a strengthening of mutual understanding and co-operation among States Members of the United Nations and to a lessening of international tension. Apparently, however, it did not suit the interests of the ruling circles of certain countries, especially the United States of America, for the session to take such a course. Reactionary circles in those countries are trying to prevent further relaxation of tension in international relations. That is the only possible explanation of the submission of this item for the consideration of the General Assembly.

140. The United States and its allies are trying to impose on the General Assembly a decision which will deal a new blow to the prestige of the United Nations in the eyes of world public opinion. The Byelorussian SSR therefore categorically objects to the draft resolution before us.

The meeting rose at 1 p.m.