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NOTE VERBALE DATED 29 NOVEMBER 1963 FROM THE PERMANENT
REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE
UNITED NATIONS, TRANSMITTING A REPORT OF THE UNIFIED
COMMAND

The Permanent Representative of the United States of America to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to transmit eight copies of a special report concerning the detention, since 17 May 1963, of two officers of the United Nations Command by the Korean People's Army/Chinese People's Volunteers (KPA/CPV) in North Korea. This report is submitted by the United States Government in its capacity as the Unified Command.

It is requested that the text of the report be circulated to all Members of the United Nations as a General Assembly document.

REPORT OF THE UNIFIED COMMAND ON THE DETENTION OF TWO UNITED NATIONS COMMAND
PERSONNEL BY THE KOREAN PEOPLE'S ARMY/CHINESE PEOPLE'S VOLUNTEERS (KPA/CPV)
IN KOREA

1. The United States Government, in its capacity as Unified Command, presents herewith a special report concerning the detention since 17 May 1963 of two United Nations Command officers by the Korean People's Army/Chinese People's Volunteers (KPA/CPV).
2. On 17 May 1963 a two-seater helicopter (US.S H-23 model), while on a routine mission checking aircraft warning markers along the southern edge of the demilitarized zone, landed just inside the area controlled by the KPA/CPV. The helicopter was manned by two officers of the United Nations Command: Captain Ben Stutts, pilot and Captain Carleton W. Voltz, passenger. The helicopter and the two officers were unarmed and carried no photographic equipment. The mission was routinely undertaken by United Nations Command in fulfilment of its responsibility under article 1 (4) of the 1953 Armistice Agreement to erect and maintain suitable markers along the boundary of the demilitarized zone. Close to 9:00 a.m. as it was approaching the western end of the demilitarized zone, the helicopter was fired on from positions within the area controlled by the KPA/CPV. Perhaps confused by the absence of normal landmarks (the entire area, near the conjunction of the Han and Imjim Rivers, had been flooded during the rice transplanting season) and in all probability believing they were over the United Nations Command-controlled territory, the pilot immediately landed the helicopter - but in KPA/CPV-controlled territory. United Nations Command personnel, stationed opposite the landing site, observed the helicopter on the ground with rotors turning and also saw two officers step out of the helicopter from which they were led away to nearby trucks by KPA soldiers.
3. On 17 May 1963, and in ten subsequent meetings of the Military Armistice Commission (MAC) at Panmunjom, the United Nations Command sought the release of the two officers and the helicopter. Despite assurances of the United Nations Command as to the innocent and inadvertent nature of the overflight, regrets for its occurrence, a verbal apology at the 172nd Military Armistice Commission meeting on 22 June, a written apology to the KPA/CPV Military Armistice Command Senior Member on 25 June, and assurances that measures would be taken to prevent further

incidents, the KPA/CPV side of the Military Armistice Commission stated only that the officers were in their custody, in normal condition, and that it was for the KPA/CPV to decide what shall be done with the two United Nations Command officers. This KPA/CPV position was reiterated most recently at the 178th Military Armistice Commission meeting of 17 September, four months after the officers' capture, while repeated United Nations Command requests for additional information on the physical condition and welfare of the officers met with referrals to previous statements. Appeals to elementary humanitarian considerations have been ignored, requests to transmit personal mail or comfort packages refused, and references to past practice of both the United Nations Command and the KPA/CPV of releasing personnel captured in similar incidents were dismissed as irrelevant.

4. Refusal of the KPA/CPV to release the officers is a flagrant violation of well-established international practice and of humanitarian principles. It is a universal practice to return personnel taken under such circumstances. Even the KPA/CPV, as noted above, have returned personnel captured in similar incidents with no more than a brief delay.

5. It should be emphasized that Captains Stutts and Voltz are personnel of the United Nations Command, which was formed in response to the United Nations Security Council's resolution on 7 July 1950. The unjustified detention of these personnel of the United Nations Command, therefore, is a matter of direct concern to the United Nations itself.
