

GENERAL ASSEMBLY

SEVENTH SESSION

Official Records



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Reports of the United Nations Commission for the Unification and Rehabilitation of Korea (A/1881, A/2187, A/2228, A/C.1/725 and A/C.1/729) (continued) 31

Chairman: Mr. João Carlos MUNIZ (Brazil).

Reports of the United Nations Commission for the Unification and Rehabilitation of Korea A/1881, A/2187, A/2228, A/C.1/725 and A/C.1/729) (continued)

[Item 16 a]*

1. Mr. VYSHINSKY (Union of Soviet Socialist Republics) pointed out that the consideration of the reports of the United Nations Commission for the Unification and Rehabilitation of Korea (A/1881 and A/2187) had in fact turned into a debate on the problem which interested all partisans of peace and progress throughout the world, the problem of bringing to an end the war imposed on the Korean people. At the beginning of the seventh session, the Polish delegation had submitted a proposal on the Korean question as a whole and had requested, with the support of the Soviet Union, that that proposal should be the first item on the agenda (510th meeting). The opposition of the United States and of the other signatories of the North Atlantic Treaty had brought about the failure of that attempt. It was therefore paradoxical that after the United States delegation had ensured that the reports of the United Nations Commission for the Unification and Rehabilitation of Korea should be examined forthwith, Mr. Acheson, in his first speech on 24 October (512th meeting), should have dealt with the Korean question as a whole and not with the Commission's reports, although those reports could not be dealt with apart from the problem of war and peace in Korea.

2. Nevertheless, Mr. Acheson lacked the respect for historical truth which was essential to anyone claiming to give a survey of such a vast question; his account was a complete distortion of the events that had in fact taken place since the Cairo and Moscow conferences.

3. At the Moscow conference an important decision was taken to assist in the creation of a provisional Korean democratic government. For this purpose a Joint Commission was established. The Joint Com-

mission, consisting of the military commands of the USSR in North Korea and of the United States in South Korea, was to hold consultations with democratic organizations and parties, with a view to setting up a provisional government for a unified Korean State. Nevertheless, Mr. Acheson, with absolute disregard of the truth, had alleged that the Soviet Union had rejected the United States proposals made in the Joint Commission for administrative and political co-ordination under the pretext that those proposals would impinge upon the absolute powers of the USSR in the northern zone. It was needless to deny this allegation because the Soviet Union had never made such declarations. On the contrary the Soviet delegation in the Commission had pointed to the necessity of providing for an exchange of merchandise on an equal basis between North and South Korea. It had been prepared to meet the industrial needs of South Korea, provided that, in exchange, North Korea received rice to feed the workers and spare parts needed for the factories. The United States had brought about the failure of that plan, in the hope of creating a famine in the North. With regard to political and administrative matters, the Byrnes plan, far from providing for the establishment of a national and democratic Korean government, had merely provided for an executive council consisting of the representatives of the four Powers and having executive, legislative and judiciary powers, thus disregarding the Moscow Agreement, which formally recognized the necessity of a single, democratic provisional government. Mr. Acheson had therefore again distorted the facts when he had tried to reduce the question to the difference of interpretation of the word "democratic" in connexion with the consultation of Korean political organizations. The United States had wanted consultations to be held with numerically small groups which represented only the reactionary circles and the Syngman Rhee faction, to the exclusion of organizations such as the Confederation of Labour and Pan-Korean Youth, each of which had over a million members, the Pan-Korean Peasant Association and the National Revolutionary Party. Mr. Acheson had stated that the Soviet Union had objected to the consultation of parties hostile to the establishment of a trusteeship

* Indicates the item number on the agenda of the General Assembly.

system for Korea. The Soviet Union had insisted upon consultation with those democratic parties and organizations which supported fully the decision of the Moscow conference on Korea.

4. The United States Command had agreed to these proposals with some slight amendments. Mr. Molotov accepted the amendments in a letter of 7 May 1947 to General Marshall and expressed a hope that there was no longer any reason to postpone the convening of the Joint Commission. The reason why the resumption of that organ's work had been sabotaged was that the United States authorities had given their support to certain reactionary organizations in their struggle against democratic groups, whose leaders had been arrested and ill-treated under the protection of the United States Command and the State Department. Mr. Molotov had protested against those actions in his letter of 23 August 1947 to General Marshall; Mr. Lovett, finding it impossible to deny them, could only attempt to justify them by alleging certain subversive activities. That attempt at justification was obviously unfounded. The truth was that the United States wanted to stifle the South Korean democratic movement towards the unification of the country and towards independence on the basis of democratic institutions. That policy was clearly demonstrated in Mr. Lovett's proposals on the establishment of a legislative assembly in each of the occupation zones, since that could only have perpetuated the partition of Korea. The Soviet Union, which adhered to the objective of unification by democratic procedure, naturally could not accept those new suggestions. The United States had then seized on that pretext to proclaim the failure of the negotiations and to bring the question of Korea before the United Nations.

5. The real intentions of the United States were also confirmed by the obvious contrast between the economic development and political and cultural progress achieved in North Korea and the unleashing of reaction in the South. Whereas in the North, universal suffrage had been established, the rights of women proclaimed, municipal institutions organized, a land reform instituted, former Japanese industries nationalized and the teaching of the Korean language resumed, south of the 38th parallel human rights had been trampled underfoot. It was in vain that the Soviet Union had submitted formal proposals for: (a) the establishment of a provisional democratic government with the participation of democratic organizations for the unification of Korea and the establishment of a sovereign State free from all foreign interference; (b) the organization of democratic institutions on the basis of free elections; (c) the economic and cultural development of the country; and (d) the resumption of the work of the Joint Commission on the basis of the Moscow Agreement, with a view to the submission of a report by August 1947.

6. On the eve of the second session of the General Assembly, the USSR delegation to the Joint Commission, out of a desire to accelerate the creation of a provisional Korean democratic government, accepted the proposal of the American delegation to forego the hearing of parties on whose qualifications agreement had not yet been reached and suggested the convening, as a consultative organ, of a Pan-Korean popular assembly, consisting of the representatives of democratic parties and organizations from all Korea. That move

had also been in vain, since the United States had already decided to violate its obligations towards its allies and the co-signatories of the Moscow agreement and, alleging that agreement with the USSR delegation was impossible, had ceased all co-operation with the Soviet Union in Korea, in order to perpetuate the division of that country. That was a manifestation of the policy of turning South Korea into a base for aggression, which had subsequently led to the events of 1950. Under those conditions, no rhetoric could conceal the fact that the inclusion of the Korean question in the agenda of the General Assembly constituted a fresh violation of international obligations by the United States.

7. Although Mr. Acheson had alleged that the North Koreans and the Soviet Union itself had taken subversive action against Syngman Rhee, those allegations, like the customary attacks against a so-called Soviet secret police which allegedly controlled the affairs of North Korea, merely represented an attempt to divert popular opinion from the anti-democratic methods applied in South Korea by the United States authorities leaning for support on reactionary elements, feudal landowners and notorious collaborators with Japan.

8. The fascist and Japanese agent Syngman Rhee had been sent to South Korea by the Americans themselves in October 1945. What a contrast there was between the Korean patriots in the North who were working for the economic and cultural development of the country and for closer friendship with the Soviet Union, and a man like Rhee, who had left the service of Japan for that of the United States, for which he had tried to obtain a mandate over Korea after the First World War! The United States had known what it was doing when it had allowed an accomplice in the pillaging and exploitation of his country by the Japanese to return to Korea. Many other ministries in South Korea were in the hands of leaders of fascist organizations, collaborators and reactionaries. While the American monopolies had been exploiting the mineral resources of the country, the living conditions of the South Korean people had deteriorated; the number of unemployed had reached three million and the area of cultivated land had decreased by 31 per cent from 1944 to 1947. The population had suffered from famine, but the wealthy landowners and the industrial companies had increased their profits. Those facts were so obvious that the United Nations Commission itself, though so servile towards the United States, could not conceal the deterioration of the economic position in its report of 1948 (A/575). Furthermore, in its report covering the period from 15 December 1949 to 4 September 1950 (A/1350), the Commission had emphasized the financial difficulties experienced by South Korea owing to the considerable expenditure on the police and the army which it had to incur in order to stifle the general discontent in all strata of society and the growing hatred against Syngman Rhee. The United States programme of economic stabilization which had been applied in the first months of 1950 had resulted in a total failure, and there again the Commission, though it had tried to tone down the facts behind a screen of verbiage, had been obliged to admit that serious abuses, such as the practice of "voluntary contributions" and the general corruption of the governmental system were a serious threat to the country's finances.

9. Mr. Acheson had tried to pass over those facts mentioned by the United Nations Commission because they would have exposed all falsifications of history and would have denied him any possibility of praising the Syngman Rhee régime.

10. During the same period, political developments presented an equally dismal picture. There again Mr. Acheson's failure to mention them was all the more surprising because the Commission itself had been unable to conceal the sanguinary character of the suppressive activities of Syngman Rhee such as: the arrest during the electoral campaign of April-May 1950 of nearly 200 voters suspected of being supporters of the South Korean Workers' Party, a party banned under a decree adopted with the complicity of the Americans who were always in favour of suppressing democratic organizations; pressure exerted upon some candidates to make them withdraw their candidacy, and other anti-democratic measures which the Commission had been compelled to point out. It was difficult to understand how that same organ had been able elsewhere to praise the organization of the elections in South Korea.

11. In the period which followed the elections, Syngman Rhee, far from giving up those arbitrary measures, had engaged in reprisals of such violence against democratic elements that many members of the National Assembly had refused to vote for amendments to the Constitution so long as they were unable to overthrow the Government and to select a President other than Syngman Rhee. Following the arrest of 50 out of 183 members of the National Assembly, a quorum could no longer be mustered and the police had to compel the deputies by force to meet and to vote in favour of the measures demanded by Syngman Rhee. As for the population as a whole, it had been reduced to a state of despair and the police had engaged in mass executions. The Commission, which had witnessed the mass shootings, could do no better than thank Syngman Rhee for having consented, on its advice, to resort to individual instead of mass executions. Such had been the depth of infamy attained by that United Nations organ.

12. Another particularly revolting episode had occurred in 1951 in the village of Shin Wun Myun, the population of which, closely united with the partisans, had resisted extortion by the South Korean police force. Part of the population of the village had been sentenced to death by decision of a court martial. The report of the police itself showed that the population had sympathized with the partisan movement to such an extent that it had not been afraid to co-operate with the communist forces. The partisan movement in South Korea resulted from a wide protest of the South Korean population against the Syngman Rhee régime and the American military authorities supporting it. Ruthless persecution of democrats by the fascist Syngman Rhee régime led to wide popular discontent and to the rise of the partisan movement in South Korea.

13. In his attacks against the North Korean Government, Mr. Acheson had gone so far as to describe the proposals for the peaceful unification of the country made by the North Korean Government as "aggressive". It was, however, an established fact that before the premeditated attack by the South against the North there had been a whole series of war-mongering state-

ments by Syngman Rhee and his ministers to the effect that the time was nearing when force would be used to unify the country. On the first anniversary of the recognition of the Republic of Korea by the General Assembly, the South Korean Minister of Foreign Affairs had expressed the hope that the barrier represented by the 38th parallel would be removed before 12 December of the following year, adding that the population should nevertheless be resolute and prepared to shed its blood. Similarly, Syngman Rhee had stated on 30 December 1949 that it would no doubt prove impossible to avoid bloodshed and civil war and that it was the duty of the Koreans to unite their country by force. It was unfortunate that those who still entertained doubts as to the identity of the aggressor had deemed it necessary to refrain from mentioning those statements and the threat uttered in February 1950 by the South Korean Minister of Defence, who had asserted that the Korean population should if necessary resort to force to liberate Korea with the assistance of powerful protectors from beyond the seas.

14. Mr. Acheson had indeed preferred to mention the training in Siberia of alleged North Korean forces of which he knew the exact size and to state that the purging of the Communist Party in South Korea had led to those same communists being absorbed into the Workers' Party, whatever he meant by that. Furthermore Mr. Acheson had alleged that the Soviet Union had provided the North Koreans with strategic advice on the nature of which he was unable to give specific details. Finally, Mr. Acheson claimed that the North Korean civilian population was receiving basic military training, as indicated in information provided by deserters and by the Commission. That information should be weighed against data contained in the declaration made on 9 May 1950 by Mr. Edgar Johnson, a high United States official, dealing with South Korea whose forces—according to Mr. Johnson—had completed their preparations and were in a position to start a war at any time. That statement was made by a source more reliable than mere deserters and was difficult to reconcile with Mr. Acheson's assertion that the South Korean armed forces were purely defensive and with the charges he had levelled against North Korea. It was surprising to hear Mr. Acheson refer to a so-called North Korean plan for the invasion of South Korea which had allegedly fallen into the hands of United Nations forces and was at the disposal of the United Nations. In view of the fact that the Korean question had been on the agenda of the United Nations for several years, why had that document never been seen?

15. The area of the 38th parallel had been marked by a series of incidents instigated by the South Koreans whose belligerent mood was indicated prior to June 1950 by several raids carried out by units sometimes as large as a battalion. Thus, in June 1949, the South Koreans had hurled seven infantry battalions, supported by heavy artillery and mine-throwers into North Korean territory; on 19 July they had occupied a height one kilometre from the border; on 25 and 28 July 1949 fighting had broken out following the temporary occupation of a height by the South Korean forces. On 28 July in particular, the South Koreans had fired 3,500 shells and 1,000 mines into North Korean territory. Mr. Acheson had thus refrained from mentioning at all a series of facts dating from 1949. Those facts

proved, however, that the South Korean Army could not have been playing the defensive role ascribed to it.

16. The problem of the aggression against Korea had already been examined by the General Assembly at its fifth session. The United States delegation's attempts to deny the aggression had failed in the face of the incontestable and uncontested evidence furnished by the USSR delegation. As an example, there was the letter of 30 September 1949 addressed by Syngman Rhee to the American professor, Robert Oliver, a copy of which had been found by North Korean troops in the offices of Syngman Rhee's general staff at Seoul after the South Korean Government had fled. In that letter Syngman Rhee had stated that the time was opportune for action against North Korea and for joining with certain elements of the North Korean army hostile to their Government. Syngman Rhee had added that the ground must be prepared for the task, not only in Korea, but also at Tokyo and Washington. Letters from the South Korean Ambassador in Washington, dating back to October and November 1949, and addressed to Syngman Rhee, confirmed that the South Korean Government had planned military operations to over-run North Korea at the appropriate time. On 30 December 1949 Syngman Rhee had openly declared that in 1950 the Republic of Korea would no longer follow a peaceful policy in view of the changes which had occurred in the international situation, and that it would use its military strength to unite North and South Korea.

17. It was obvious that such plans for attack could not have been conceived without the encouragement of United States ruling circles. It was sufficient to recall that Mr. Louis Johnson, Secretary of Defence, and General Bradley had gone to the Far East shortly before the outbreak of hostilities. Mr. Foster Dulles had even inspected the future battle-fields at the 38th parallel only eleven days before 25 June 1950. The frequent raids by armed South Korean troops into North Korean territory in 1949 had in fact been reconnaissance missions.

18. At the fifth session of the General Assembly (348th meeting), the USSR delegation had accused Mr. Foster Dulles of having written to Mr. Syngman Rhee on 20 June 1950 that he attached the greatest importance to the decisive part which South Korea could play in the great drama unfolding. That accusation had neither been refuted nor denied.

19. Thus the plans for aggression against North Korea had been ready in 1950. As General W. L. Roberts had said on January 1950, the plans for attack were ready and it only remained to create a situation which might serve as a pretext. He had added that the United Nations Commission might in due time submit a report to the United Nations to that end. Already in 1950 the USSR delegation had mentioned the map of operations discovered in the office of Syngman Rhee's general staff as proof of the South Korean Government's military preparations.

20. The enemies of North Korea had invoked, in their arguments, the Security Council's decision of 25 June 1950 (S/1501) noting that the armed forces of North Korea had invaded South Korean territory, inviting the authorities of North Korea to withdraw their troops to the starting line, and stating that North Korea had committed an act of aggression. It might be of interest to consider the evidence on which that Security

Council decision was based. It consisted solely of a cablegram sent by the United Nations Commission on Korea to the Secretary-General, containing nothing more than a communication from the South Korean Government itself. The United Nations observers had visited the 38th parallel on 22 June and returned to Seoul on 23 June, so that on 25 June there had been no United Nations observer at the 38th parallel, and all the information they had had about the events of that date had come from the South Korean Government. It was needless to say that in the circumstances the Security Council's resolution was certainly not based on objective and impartial information. The Council had therefore had no right to conclude that there had been an invasion of South Korea by the armed forces of North Korea, or to take any decision on the so-called invasion. Mr. Acheson's assertion that that decision was a just verdict did not bear criticism, since the verdict had been pronounced without giving a hearing to the accused. The Security Council's decision could not prevent the truth from prevailing and the day would certainly come when everything would be much clearer than it was at present and when the mystery which still hovered over the South Korean aggression against North Korea would be completely dissipated.

21. The events between 1949 and 1950, and the statements which had been made, clearly showed where the aggression had originated. It should be added that the United States had placed great hopes in that aggression as a means of averting the impending economic crisis. As General Van Fleet had said before an official delegation from the Philippines, if there had been no war in Korea, it would have had to break out in some other part of the world.

22. Mr. Acheson had alleged that the only aim of the United States command in the armistice negotiations was to provide a maximum possible safeguard against a repetition of aggression. But, in fact, this allegation was at variance with the attitude of the United States command in these negotiations. Mr. Acheson referred, for instance, to the necessity of not permitting the use of rotation as a means to increase troops. The Korean-Chinese command had raised no objection to that view. It had envisaged a rotation of 5,000 men, but on the United States proposal for a rotation of 75,000 men, it agreed to a rotation of 35,000 men monthly by each side.

23. The Korean-Chinese command had not, however, been able to accept the United States proposal that a commission should be set up to check on conditions in the rear of either party. Indeed, such a commission might have provoked further incidents.

24. During the discussion of the line of demarcation, the United States delegation had insisted on drawing it in the manner strategically most advantageous to it. The United States would thus have acquired control of 13,000 sq. km. of North Korean territory, or one-twentieth of the whole of Korea.

25. While demanding territorial compensation in the course of the negotiations the United States and the South Koreans had systematically provoked a series of incidents in the neutral negotiation zone. In August and September 1951 the armed forces of the United States had committed a number of violations of air space and other violations in the zone. Notwithstanding

that fact, the Korean-Chinese command, by maintaining a patient, flexible, peace-loving and honest attitude, had been able to remove the obstacles and had agreed on some sixty important articles of the armistice agreement.

26. One question which it had been impossible to solve, however, was that of prisoner exchange. It was an important problem which required prompt and energetic action. In that connexion, the United States delegation wished the General Assembly to adopt, as the view of the United Nations, a resolution which was contrary to existing practice and the principles of international law.

27. The question of war prisoners had not arisen unexpectedly, as Mr. Acheson had said. Ever since 12 December 1951, the Korean-Chinese command had been proposing that prisoners of war on both sides should be released and repatriated as soon as possible after the armistice was signed, that repatriation commissions should be set up and that lists of war prisoners should be exchanged. Instead of answering that proposal, the United States delegation had issued an ultimatum concerning both information on war prisoners and inspection of prison camps by the International Committee of the Red Cross. On 18 December the Korean-Chinese command had submitted a list of 11,500 prisoners, and the United States command had submitted a list of 132,000 prisoners, although earlier it had given the International Committee of the Red Cross a list of 176,000 names. Mr. Acheson had explained that the difference of some 44,000 between the two totals was due to the fact that some prisoners had been released as civilian internees of South Korea. That was a strange explanation, since any prisoner of war could be regarded as a former civilian. There had then been a second explanation that the 44,000 prisoners were really South Koreans who had been mobilized into the North Korean armies.

28. After much stalling in the discussions on war prisoners in January 1952, the United States delegation to the armistice negotiations had finally been forced to submit the necessary information on more than 132,000 prisoners. There was a discrepancy between that figure and Mr. Acheson's latest figure of 121,000 prisoners. The reason for the difference had become apparent from General Ridgway's statement on 30 December 1951 that nearly 7,000 Korean and Chinese prisoners had died in United States camps. All that, as well as the United States demand for an exchange of prisoners on the basis of one to one, had had an adverse effect on the course of the negotiations. The greatest obstacle, however, had been the demand of the United States that the International Committee of the Red Cross should be empowered to make certain that the decision of war prisoners and civilians in favour of repatriation had not been made under duress. Such a demand ran directly counter to the principles of international law. The Korean-Chinese command had naturally rejected such demands, together with the United States proposal that all prisoners of war who had been citizens of South or North Korea before 25 June should be regarded as civilians. The purpose of that scheme had been to detain such prisoners of war, reclassified as civilians, and to use them in the armed gangs of Syngman Rhee and Chiang Kai-shek.

29. When the question of prisoners of war had been referred to the staff officers' committee, the United

States had reiterated its demands for voluntary repatriation, exerting pressure on the other side in an effort to achieve purposes having nothing to do with the armistice agreement.

30. On 21 March 1952, the Korean-Chinese command had made another attempt to reach an agreement. It had proposed that immediately after the armistice, the 11,500 prisoners in North Korean hands, and the 132,000 prisoners in United States hands, should be released after the lists of names had been checked by both sides. On 25 March the United States command had stated that those proposals might provide the basis for a solution. Accordingly, the Korean-Chinese command had submitted a concrete proposal that all war prisoners of other than Korean nationality who were in the hands of either side, and Korean war prisoners whose place of residence was not under the control of the side whose prisoners they were, should be repatriated to their place of residence. The Korean war prisoners whose place of residence was in territory occupied by the side whose prisoners they were need not be exchanged if they wished to return home and lead a peaceful life.

31. During the negotiations from June to September 1952, the parties had agreed in principle on the provisions on war prisoners as set forth in articles 51 to 54 of the draft armistice agreement. Article 51 concerned the release and compulsory repatriation of all war prisoners on the basis of lists to be exchanged and verified. Article 52 provided that no released war prisoner could take part in military operations in the future.

32. After first stating that it had 132,000 war prisoners in its hands, and then reducing that figure to 121,000, the United States delegation had proposed to repatriate only 83,000 Korean or Chinese prisoners. The Korean-Chinese delegation had pointed out that the intention of the United States to retain a large number of war prisoners was contrary to articles 51 and 52 of the draft armistice agreement. The United States delegation, however, had declared that its proposals were final. It might be of interest, in that connexion, to recall that on 5 February 1952, the United States delegation had said that there would be no compulsory repatriation or exchange. Events had shown that at that point the United States command had taken steps to ensure that it would be able to retain war prisoners by force. The prisoners had been forced, by systematic terror and compulsion, to sign declarations that they did not wish to be repatriated. The United States command had insisted on repeated interrogations, which showed both that the first interrogations had not had the desired results and that the United States command was using coercion and pressure, contrary to the principles of international law.

33. The cruel reprisals against Korean and Chinese prisoners had been confirmed by the International Committee of the Red Cross. The report of the International Committee of the Red Cross, published in the April issue of the *Revue internationale de la Croix Rouge* spoke of the unbearable régime prevailing in the American camps, and described the bloody events of February and March 1952 in the camp on Koje Island. It drew particular attention to the police methods and the brutality of the American troops, and to the responsibility of Colonel Fitzgerald, the camp com-

mander, and the falsity of his statements about the massacre of prisoners of 18 February 1952, designed to prevent them from being removed to North Korea and China. In the light of the action taken by American troops at dawn on 18 February 1952 against prison camp No. 62, Mr. Acheson's assertion that communist agitators or leaders had committed acts of terrorism to force prisoners to be repatriated was hollow mockery.

34. At dawn on 18 February 1952, heavily armed American troops had attacked the prison camp and fired on unarmed prisoners. That report showed eloquently what methods of screening were used by the United States command. That report contradicted Mr. Acheson's statement that the United States Government was primarily seeking to convince prisoners that it was in their interest to be repatriated. It also showed the falseness of the statement that force had had to be used on 18 February to restore law and order. It was not surprising that those who used bacterial weapons and who systematically violated the principles of international law knew of no other way than to take cruel reprisals against unarmed prisoners of war.

35. It should not be forgotten that on 7 May 1952, Brigadier-General Coulson had stated that he would do all in his power to end arbitrary action and the bloodshed which had taken place in the same prisoners' camp on Koje Island. He had added that after General Dodd was released no reprisals would be taken nor would there be any compulsory checking of prisoners by roll-call. That avowal showed to what arbitrary and criminal practices the American commander had had recourse in order to suppress any protests by Korean and Chinese prisoners.

36. The document entitled "Our Life is in danger. Help us to get out of this American Hell", signed by 6,600 prisoners on Koje Island, related the story of a series of massacres and pogroms between 19 and 23 May during which hundreds of prisoners had been wounded, killed or hanged in camps 66 and 76 on Koje Island. According to the document, the new camp commander, Boatner, had told the prisoners that they would pay dearly for imprisoning Brigadier-General Dodd and that General Mark Clark had informed them that the American commander was ready to use force against prisoners of war. Those facts nullified Mr. Acheson's attempts to justify the arbitrary acts committed against the prisoners of war. The latest information published in the American Press showed that more executions had taken place on Cheju Island on 2 October while the Chinese had been celebrating the third anniversary of their Republic.

37. The unity among the Korean and Chinese prisoners of war was astonishing. No reprisals could break their determination.

38. Mr. Acheson claimed that his Government's attitude to the repatriation of prisoners was in conformity with the principles and practice of international law. He claimed, in particular, that the truce talks in Korea were being hampered because a certain number of prisoners did not wish to be repatriated. In reality, that claim only masked the attempt made by the American commander to oblige prisoners to waive repatriation and to impose on them a preliminary screening. Mr. Acheson stated that such a procedure was in accordance with international law. Yet neither the principles nor the practice of international law allowed compul-

sory interrogation and screening by force, as both of those actions were designed to deprive prisoners of war of the right to be repatriated to their own country.

39. Mr. Acheson had stated that his Government respected the humanitarian principles of the Geneva Convention of 1929. It was not difficult to show, however, that the United States Government's attitude in that connexion was contrary to the provisions of the Geneva Conventions on prisoners of war of 1929 and 1949 and the Hague Convention of 1907, and also to the various agreements on prisoners of war signed by the United States of America.

40. The question should be examined from three different aspects—moral, political and legal.

41. Was it morally admissible to divide prisoners of war into two categories—those who wished to be repatriated and those who wished to remain on the territory where they were held captive, when it was known that such a classification would open the door to all sorts of violence? Morally speaking one should be guided by the principle that prisoners of war must freely express their wishes. But was a prisoner's position compatible with freedom of choice between remaining where he was or returning to his country? It was clear that a defenceless man such as a prisoner of war could not claim that freedom of choice. Propaganda, pressure and even violence might greatly alter his wishes. From the ethical point of view all attempts to make the prisoner state his choice in that connexion should therefore be ruled out on principle. Had not Mr. Acheson stated that the wish to return home was the most natural desire of a prisoner of war? In that case if he admitted that fact, why must it be verified?

42. From the political point of view a classification of prisoners of war into two groups—those who wished to be repatriated and those who did not—would give rise to criticism. Such a principle would undermine the political rights of States. It would be too easy to make use of the services of those who did not wish to be repatriated against their country of origin. That had been done by France, for example, in 1920 when it had used force to compel Russian prisoners to join Denikin's anti-Soviet groups. At that time, as now, the wish of those prisoners of war "who did not want to return to Russia" had been quoted.

43. To support his view of the applicable rules of international law Mr. Acheson had mentioned treaties which, he claimed, showed that the USSR had not insisted on the return of all prisoners. It should be pointed out, on the one hand, that he had referred to certain provisions only and had refrained from mentioning those which did not support his theory. On the other hand, he had not taken into account the historical events behind the treaties he had cited. Those agreements in fact represented the balance-sheet of the fight which the new Union of Soviet Socialist Republics had had to make against the old capitalist States which wished to destroy it. The real meaning of a treaty could not be understood by taking it out of its historical context. Mr. Acheson had mentioned the Brest-Litovsk Treaty. But he must know that the Soviet Government had been compelled to sign this treaty which was one of the most predatory, forced and coarse treaties. These circumstances by themselves demanded that care be taken in basing conclusions on such sources.

44. One of many examples was the agreement concluded between the USSR and the United Kingdom at Copenhagen in 1920, under article 7 of which it was agreed that all British prisoners of war, who so wished, should be repatriated. According to article 1, on the contrary, the United Kingdom agreed to return all Soviet prisoners of war wherever they might be; the treaty made no mention of their wishes. Previously, the Soviet Government, in a note to the United Kingdom Government of 29 November 1919, had maintained that there should be a general and unconditional exchange of prisoners. After negotiations which had followed on a Soviet note of 19 December 1919, an agreement had been concluded with the United Kingdom Government based on the Soviet Union's proposals except in the case of certain British subjects whom the United Kingdom Government did not wish to have repatriated as it feared that they might stir up trouble upon their return. That was certainly an agreement based on reciprocity as the result of a compromise.

45. The United States representative had also referred to the agreement signed between the Soviet Union and France on 20 April 1920. On 29 July 1919 a note had been sent by the Soviet Government to the French Government requesting the unconditional return of all Russian prisoners. An agreement had been reached but had never been carried out. The French Government had added a supplementary provision that all French citizens captured in the Ukraine should be returned to France or the Russian prisoners detained in France would be handed over to Denikin and the town of Odessa bombarded. The young Soviet State did not then have sufficient strength to oppose such demands. It should be pointed out that the Soviet Government had never opposed the repatriation of French prisoners who had remained on Russian territory.

46. Mr. Vyshinsky then sought to show which principle of international law governed the exchange of prisoners of war. He quoted article 20 of the annex to the Hague Convention of 1907 which stated that on the conclusion of peace the repatriation of prisoners of war should be carried out in the shortest possible time without any conditions or reservations; article 75 of the 1929 Geneva Convention which laid down that the repatriation of prisoners of war should be carried out as soon as possible after the conclusion of peace; and article 118 of the Geneva Convention of 1949 which stated that prisoners of war should be released immediately after hostilities had ceased and that in the absence of provisions to the contrary in the agreements concluded by the parties in conflict, each of the Powers holding war prisoners should immediately implement a repatriation plan in conformity with the principles set out in the previous paragraphs.

47. The guiding principle of international law concerning prisoners of war was based on two facts: first, the natural presumption that each prisoner of war wished to return to his country of origin, and, secondly, that the pacific settlement of disputes must not be delayed by the question of the repatriation of prisoners. It was essential that they should not be made the victims of unlawful or merely unreasonable measures which would deprive them of their right to repatriation.

48. Article 119 of the Geneva Convention of 1949 provided that if no agreement had been reached on

repatriation costs that was no justification for any delay in repatriation. That guiding principle of international law was subject to one reservation in article 119 which provided that a State might retain prisoners of war against whom criminal action was being taken for civil crimes or who had already been convicted of such crimes.

49. Article 7 of the Geneva Convention of 1949 provided that war prisoners could in no case waive in full or partially the rights secured to them by the Convention, and by the special agreements provided for in the preceding article, if there were such agreements. Consequently, prisoners of war could not waive the right to repatriation conferred upon them by the Convention. The text was mandatory on that point. The wording had not been adopted without certain difficulty. The Austrian representative had made a diametrically opposite suggestion to that text and had tried to establish the right of prisoners of war to waive the right to return to their own countries. The USSR delegation had then taken a strong stand and had been fully supported by General Parker of the United States delegation.

50. The guiding principle of international law in that question should therefore be sought in the texts of those agreements. Article 7 of the Convention settled the whole matter, but not in the way presented by Mr. Acheson. The Conference of 1949 laid down that it was the sacred right of every citizen to be able to return to his country and that it was criminal to resort to plots, pressure, not to mention executions and violence, to prevent the person concerned from using that right. Every honest man would support that point of view. The United Nations should do its duty and follow it if it did not wish aspersions to be cast upon its authority.

51. After referring to the principle of international law in question, Mr. Vyshinsky quoted the Treaty of 1898 between Spain and the United States of America which provided for the return of all prisoners of war without exception, article 220 of the Treaty of Versailles, and the Armistice concluded with Bulgaria, Romania and Hungary at the end of the Second World War which provided for the exchange of all prisoners of war without any reservation. The same principle was to be found in the text of the Peace Treaty signed with Italy, and the German and Japanese Acts of Capitulation. The special agreements signed by the USSR mentioned by Mr. Acheson were merely exceptions to the general rule and had been so drafted merely to make an exception to that rule because of the special political circumstances existing at that time. The standards of international law excluded the theory which the United States Government wanted to apply. Those generally applied standards were also supported by legal doctrine. Many famous jurists such as Professors Oppenheim, Fenwick and George Wilson of Harvard University, the French jurist Fauchille, and the Russian Professor Martens affirmed that prisoners of war must be repatriated immediately after peace had been concluded without any exception or reservation.

52. One fact remained—the question of the exchange of prisoners of war was the only obstacle to a peaceful settlement of the Korean problem. A quiet and calm examination of the prisoners of war question would not fail to show that the Korean and Chinese attitude was the right one.

53. The draft resolution (A/C.1/725) submitted by the United States and certain other countries taking part in the Korean war must be rejected as it would not lead to the peaceful settlement sought.

54. As for the unification and rehabilitation of Korea, the Commission set up to help solve that problem had not carried out its mission. It seemed, in fact, as if it had rather been set up to confuse world public opinion, which was the aim of American interventionists. Unification was impossible when a war leading to the accentuation of the country's division had been imposed

on the Korean people. No rehabilitation could be envisaged while towns and villages were being constantly bombarded.

55. The principal task in Korea was to put an end to the war. The proposals submitted by the Polish delegation were fully in keeping with that idea. As a result of an incorrect decision taken by the First Committee, the Polish proposals would only be examined later and separately. To remedy that situation the USSR delegation presented a draft resolution (A/C.1/729).

The meeting rose at 6.40 p.m.