

# Korea

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#### IV. Korea

At the end of the year the ICRC published the Second Volume of its collection of documents entitled "Le Comité international et le conflit de Corée" (The International Committee of the Red Cross and the Korean Conflict), covering the period from January 1 to June 30, 1952. Reference may be made to this important work which concludes with a summary list of the documents published <sup>1</sup>.

From these documents it will be seen that the ICRC spared no effort in seeking to ensure assistance and protection for the war victims.

Below will be found a summary of these details, supplemented by information concerning the second half of the year.

On 12 January 1952 the ICRC requested the Commanders-in-Chief of the North Korean Forces and Chinese Volunteers to grant an interview to the Head Delegate of the ICRC for the Far East, Dr. Lehner. The latter was instructed to give a detailed account of the action which the ICRC wished to take on behalf of all the victims of hostilities in Korea.

Having proceeded to Pan Mun Jom (the meeting place of the Armistice Commission) Dr. Lehner handed the International Committee's message to the North Korean General, Li Song Cho on January 17. In reply the Commanders-in-Chief, Kim Il Sung and Peng Te Huaih, communicated to the ICRC the contents of a letter sent by them in December 1951 to the Commander-in-Chief of the United Nations Forces. The letter

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<sup>1</sup> See *Le Comité international de la Croix-Rouge et le conflit de Corée, Recueil de documents*, Volume 1 (June 26, 1950 to December 31, 1951), Volume 2 (January 1 to December 31, 1952), Geneva 1952, 4to, 255 and 159 pages. These two collections form an addition to the Reports on the International Committee's work for the years 1950, 1951 and 1952.

suggested that, after the armistice had been signed and had come into effect, a joint delegation should be set up, composed of representatives of the North Korean and Chinese Red Cross Societies and the ICRC, to visit prisoner of war camps of both parties concerned, and to collaborate with the repatriation operations.

In replying to the two North Korean Commanders-in-Chief on 13 February 1952, the ICRC stated that it was prepared to take action before as well as after the conclusion of an armistice, and to collaborate in the work of Joint Commissions of the Red Cross Societies, provided these Commissions included representatives of both parties. No reply was received to this message. Dr. Lehner, who had been instructed to send a confirmation of the message to the two Commanders-in-Chief, was unable to do so. In the interval the Armistice Commission had as a matter of fact accepted new proposals, which made no mention of the ICRC, for mixed teams composed of representatives of the National Red Cross Societies of both parties to visit camps and to give their services in the work of repatriation. Certain National Societies having consulted the ICRC on the matter, the latter stated that it could only express approval of this initiative.

From the information brought to its knowledge the ICRC was obliged to conclude that its special position seemed to be greatly misunderstood. There was a grave fear of the ICRC being confused with the United Nations Organisation. On March 5 accordingly the ICRC made a clear statement of its position and the fundamental principles of its work to the two North Korean Commanders-in-Chief. At the same time it again requested to be allowed to carry on its work in North Korea, and asked for the support of the Chinese and Soviet Red Cross Societies. No reply was received.

Meanwhile the United States Government, as the holder of the United Command, had been accused of using bacterial weapons, and had asked the ICRC to open an enquiry on the subject. The main principle governing the International Committee's part in enquiries of this nature, which it had already made known to Governments and National Red Cross Societies

in September 1939 and November 1951<sup>1</sup>, is the following. Where the ICRC is requested to institute an enquiry concerning an alleged violation of the Law of Nations, it can only take action by virtue of a mandate previously conferred upon it by a Convention, or by an *ad hoc* agreement between all the parties concerned. Even then it does not set up its own commission of enquiry, but limits itself to selecting members outside its own circle.

Consequently on March 12 the ICRC proposed to the parties concerned that it should set up a commission placed under its direction, to consist of persons offering every guarantee of moral and scientific independence, and as such to be assured of the co-operation of the authorities and official experts on both sides of the front. The United States Government notified the ICRC of its approval on March 14; but this was not the case with the North Korean and Chinese Commanders-in-Chief in spite of another communication sent to them on April 10. The abstention of one of the parties thus prevented the realisation of the conditions laid down by the ICRC. In consequence the latter decided to suspend the various technical preparations it had undertaken, and informed the United States Government accordingly.

It may further be mentioned that on 24 November 1952 the ICRC approached the Parties to the conflict to ascertain their intentions with regard to the implementation of Resolution 21 adopted by the XVIIIth International Red Cross Conference, concerning prisoners of war in Korea<sup>2</sup>. The Committee stated that for its part it remained willing to take action on the basis of this Resolution, or any other similar proposal.

Favourable replies were received from the United States Government, as holder of the United Command, and also from the South Korean Government. No reply was received from the North Korean Government.

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<sup>1</sup> See Memorandum of 23 November 1951, " Le CICR et les violations alléguées du droit des gens " in the *Revue internationale de la Croix-Rouge*, December 1951, pages 932-936.

<sup>2</sup> See Annex IV, *Extract from the Toronto Resolutions*, below, page 120.

The ICRC did not during the year lose sight of the question of the repatriation and internment of prisoners of war in a neutral country. It took this last point up with various Governments<sup>1</sup>.

With regard to *relief*, the ICRC could send no supplies to North Korea. A stock of medicaments warehoused in Hong Kong since March 1951 had to be removed, a final appeal for the help of the Chinese Red Cross having remained without effect. The ICRC also gave its support to a Netherlands Committee which asked for its help in obtaining permission to export relief supplies of clothing for the North Korean population.

It may be added that the ICRC sent 500 parcels for prisoners of war in North Korea to the care of the Alliance of Red Cross and Red Crescent Societies in the USSR. It was informed by the latter on July 5 that it saw no possibility of dealing with this transmission, as it did not know if the ICRC had received the consent of the States concerned, from which it had not for its part received any request to this effect. The Alliance referred in this connection to Article 9 of the Third Geneva Convention of 12 August 1949.

In South Korea the ICRC was able to continue its work on behalf of prisoners of war, and to a certain extent on behalf of detained civilians and guerillas.

With the exception of the period from May 9 to July 2, when access to the camps was strictly prohibited on account of the disturbances which had occurred there, the Delegates of the ICRC were able to make about fifty visits to prisoner of war camps in the course of the year<sup>2</sup>.

About twenty visits were made to civilian prisons and guerilla camps.

On the basis of the information collected during these visits, the ICRC and its Delegates made such verbal or written

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<sup>1</sup> The wounded and sick prisoners had been the subject of an approach by the ICRC on 8 May 1951. See *Recueil des documents*, Volume 1, Document No. 240, page 180.

<sup>2</sup> See *Part III*, Chapter II, below, page 73.

representations to the authorities concerned as they considered necessary <sup>1</sup>.

Moreover, on account of the serious events which have occurred on several occasions in certain prisoner of war camps the ICRC—being very much concerned by this situation—sent a delegate to Tokyo in June on a special mission to the United Nations Command.

The ICRC relief supplies for prisoners of war in South Korea were distributed as in the previous year.

Further, the United Nations Organisation having to some extent relaxed its former restrictive regulations, the ICRC took measures at the end of the year for giving relief to the civilian population, as well as to persons detained in civilian prisons. This was a joint action by the ICRC and the Swiss Government, the relief supplies (mainly consisting of medicaments) having a total value of 150,000 Swiss francs.

During the year the United Nations Command continued sending lists of prisoners of war to the Central Prisoners of War Agency. On arrival in Geneva the lists were transmitted to the North Korean authorities. The Central Agency did not receive in 1952 (or in 1951) any lists from the North Korean Command.

The Agency continued to open enquiries on missing military personnel presumed to be prisoners of the North Korean Forces. It also sent a certain number of messages. No reply was received to these various communications <sup>2</sup>.

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<sup>1</sup> The *Revue internationale de la Croix-Rouge* (April 1952, pages 270 ff.) gave an account of the visits made in February 1952 by the Delegates of the ICRC in South Korea to various POW Assembly Centres, as well as to a transit camp and Enclosures 6, 7, 8 and 9 of Camp No. 1 in Koje Do, which held practically all captured military personnel. The principal results of surveys in these latter enclosures were summarized in this publication.

<sup>2</sup> For further details see *Part I*, Chapter VI, above, page 44.