

To: Neutral Nations Supervisory Commission
From: United Nations Command, Military Armistice Commission

April 15th, 1954

1. In light of the deliberations of the Neutral Nations Supervisory Commission of the several United Nations Command requests for investigations of violations of the Armistice Agreement by the Korean People's Army and Chinese People's Volunteers side, during the period 29 November 1953 to 9 February 1954, the following facts are presented for your immediate consideration.

2. On 29 November 1953, after the Korean People's Army and Chinese People's Volunteers in a meeting of the Military Armistice Commission refused to submit a joint letter to the Neutral Nations Supervisory Commission, the United Nations Command unilaterally requested the Neutral Nations Supervisory Commission to investigate the case of three soldiers apprehended by the United Nations Command on 19 November 1953 in the Joint Security Area. These three soldiers were identified beyond question to be former soldiers of the Republic of Korea Army. The place and date of their capture by the Korean People's Army and Chinese People's Volunteers was firmly established. Although ample evidence was available to verify the fact that these personnel were impressed into the Korean People's Army and Chinese People's Volunteers military units, and were retained after 24 September 1953, a clear violation of paragraph 51 of the Armistice Agreement by the Korean People's Army and Chinese People's Volunteers, the Czechoslovak and Polish members of the Neutral Nations Supervisory Commission refused to participate in any proceedings for the consideration of this critical matter as a violation of the Armistice Agreement.

3. On 18 December 1953, after the Korean People's Army and Chinese People's Volunteers in another meeting of the Military Armistice Commission again refused to submit a joint letter to the Neutral Nations Supervisory Commission, the United Nations Command unilaterally, and for the second time, requested the Neutral Nations Supervisory Commission to investigate the case of two individuals apprehended by the United Nations Command, south of the southern boundary of the Demilitarized Zone on 10 December 1953. These individuals, as in the case of the three Republic of Korea Army personnel previously cited, were also identified beyond question to be former soldiers of the Republic of Korea Army who had been impressed into Korean People's Army and Chinese People's Volunteers military units. Their retention after 24 September 1953 constituted a second clear violation of paragraph 51 of the Armistice Agreement by the Korean People's Army and Chinese People's Volunteers. For the second time the Neutral Nations Supervisory Commission failed to take any action on a unilateral request from the Senior Member of a side as authorized in paragraphs 28 and 42f of the Armistice Agreement. For the second time, the Czechoslovak and Polish members of the Neutral Nations Supervisory Commission refused to participate in the performance of their solemn obligations under the terms of the Armistice Agreement.

4. On 18 January 1954, and again on 26 January 1954, the United Nations Command submitted separate unilateral requests to the Neutral Nations Supervisory Commission to investigate specific military units of the several Republic of Korea Army personnel, who had been



impressed into the military service of the Korean People's Army and Chinese People's Volunteers, in order to ascertain whether these and other individuals had also been forcibly detained in the territory under the military control of the Korean People's Army and the Chinese People's Volunteers. For the third and fourth time, respectively, the Czechoslovakian and Polish members of the Neutral Nations Supervisory Commission again refused to cooperate in the investigation of Korean People's Army and Chinese People's Volunteers violations of the Armistice Agreement. The arguments presented by these members gave every indication of being mere excuses to prevent the Neutral Nations Supervisory Commission from confirming Korean People's Army and Chinese People's Volunteers violations of the Armistice Agreement in the territory under the military control of the Korean People's Army and the Chinese People's Volunteers. Particularly significant, however, was the fact that the responses of the Polish and Czechoslovakian members as evidenced by an examination of the minutes of the 89th and 96th meetings of the Neutral Nations Supervisory Commission, conformed to and appeared to be unduly influenced by the contents of two prior letters of 19 January and 27 January, issued by the Senior Member of Korean People's Army and Chinese People's Volunteers, Military Armistice Commission, as his reply to the United Nations Command unilateral requests submitted to the Neutral Nations Supervisory Commission on 18 January and 26 January, respectively. Substantiation of such influence is found in the following remark made by the Polish member, and confirmed by the Czechoslovakian member, at the 96th meeting of the Neutral Nations Supervisory Commission: "The Polish delegation also deems it its duty to declare that for the above stated reasons it will not agree - either now or in the future - to a request of one of the sides to conduct any investigation in connection with the issue of retention of the captured personnel of the other side - until settlement or understanding is reached on the matter by the two opposing sides or by the forthcoming political conference". Such a decision by the Czechoslovakian and Polish members is considered by the United Nations Command to render the Neutral Nations Supervisory Commission ineffective for future investigations of any Armistice violations relating to captured Republic of Korea Army personnel impressed into Korean People's Army and Chinese People's Volunteers military units.

5. Finally, on 9 February 1954, the United Nations Command unilaterally requested the Neutral Nations Supervisory Commission to investigate the illegal introduction of combat material into the territory under the military control of the Korean People's Army and the Chinese People's Volunteers, in violation of the Armistice Agreement. Names of places and exact locations were included in this request of the United Nations Command. Before the Neutral Nations Supervisory Commission had officially announced its decision regarding the United Nations Command request, the Senior Member of the Korean People's Army and Chinese People's Volunteers, Military Armistice Commission addressed a letter to the Senior Member of the United Nations Command, Military Armistice Commission, denying all the facts presented. Concurrently he forwarded an almost identical letter to the Neutral Nations Supervisory Commission. The influence that this letter had on the proceedings of the Neutral Nations Supervisory Commission cannot be discounted.

6. In attempting to veil these Korean People's Army and Chinese People's Volunteers violations, the Senior Member of the Korean People's Army and the Chinese People's Volunteers, Military Armistice Commission, charged the United Nations Command with violations of the Armistice Agreement, with no foundation in fact.

In addition to labeling the United Nations Command charges slanderous fabrications, the Senior Member of the Korean People's Army and Chinese People's Volunteers, Military Armistice Commission, attempted to offset the United Nations Command request for investigation of violations by submitting unfounded charges against the United Nations Command. In a letter dated 23 February 1954 the Neutral Nations Supervisory Commission indicated its inability to carry out its pledged obligations with regard to the United Nations Command requests of 9 February 1954. This letter was received on 19 March 1954. This was the fifth time that the Czechoslovakian and Polish Members of the United Nations Supervisory Commission refused to participate in the performance of their duties as members of the Neutral Nations Supervisory Commission, in accordance with the provisions of the Armistice Agreement.

7. Reliable information available to the United Nations Command shows that the Korean People's Army and Chinese People's Volunteers have introduced operating combat aircraft into the territory under the military control of the Korean People's Army and the Chinese People's Volunteers, and are introducing combat equipment in such a manner as to by-pass and evade the Neutral Nations Inspection Teams at the ports of entry in the territory under the military control of the Korean People's Army and the Chinese People's Volunteers, all of which actions are deliberate violations of the Armistice Agreement. Although the Senior Member of the United Nations Command, Military Armistice Commission has requested that investigations of these violations be accomplished by the Neutral Nations Supervisory Commission, the Senior Member of the Korean People's Army and Chinese People's Volunteers, Military Armistice Commission, has stated that no such inspections could ever be permitted since the Korean People's Army and Chinese People's Volunteers have not violated the Agreement. The Senior Member of the Korean People's Army and Chinese People's Volunteers, Military Armistice Commission, as the representative of his commanders, has clearly violated that portion of paragraph 17 of the Armistice Agreement which states: "The Commanders of the opposing sides shall establish within their respective commands all measures and procedures necessary to insure complete compliance with all of the provisions hereof by all elements of their commands. They shall actively cooperate with one another and with the Military Armistice Commission and the Neutral Nations Supervisory Commission in requiring observance of both the letter and the spirit of all of the provisions of this Armistice Agreement".

8. The United Nations Command has made every effort to facilitate the operations of the Neutral Nations Supervisory Commission in the territory under the military control of the United Nations Command and has in good faith complied with the letter and spirit of the Armistice Agreement. The Neutral Nations Inspection Teams have been given maximum freedom to inspect incoming and outgoing equipment according to the Agreement. The Neutral Nations Inspection Teams have been given access to documents listing combat materiel and military personnel introduced into and evacuated from the territory under the military control of the United Nations Command. With the aid of these documents they have been able to accomplish their supervisory duties quickly and efficiently. At airfields the teams receive information on all arrivals and departures of aircraft including approximate flight times, type of aircraft and flight numbers. The teams have been allowed to board cargo aircraft to accomplish their inspections, and inspections have been carried out daily. The United Nations Command has always willingly and freely complied with requests of the Neutral Nations Inspection Teams for additional information.

- 4 -

The United Nations Command, in its desire to carry out both the spirit and letter of the Armistice Agreement, has allowed the above mentioned freedom to the Neutral Nations Inspection Teams in spite of the fact that it has been obvious from the first that the Polish and Czechoslovakian members of the Neutral Nations Inspection Teams have been utilizing this very freedom for the purpose of taking advantage of administrative errors and technical discrepancies to charge the United Nations Command with deliberate efforts to violate the Armistice Agreement. If the United Nations Command had intended to violate the Armistice Agreement it would have followed the system used in the territory under the military control of the Korean People's Army and the Chinese People's Volunteers. In that territory the Neutral Nations Inspection Teams have been so restricted and handicapped by the established procedures that they have been unable to report or investigate any possible violation of the Armistice. Since the Czechoslovakian and Polish members of the Neutral Nations Supervisory Commission have subscribed to and supported the views of the Senior Member, Korean People's Army and Chinese People's Volunteers, Military Armistice Commission, before making proper investigation of violations to the Armistice Agreement, as requested by the Senior Member of the United Nations Command, Military Armistice Commission, it appears clear that the Neutral Nations Supervisory Commission has been paralyzed to such a degree that it cannot carry out its pledged obligations as outlined under the terms of the Armistice Agreement. The acceptance of the Korean People's Army and Chinese People's Volunteers views in the letters of 19 January, 27 January and 12 February, respectively, by the members from Poland and Czechoslovakia, without consideration of the evidence submitted by the United Nations Command, serves to prevent other investigations for substantiating charges of violations of the Armistice Agreement committed by the Korean People's Army and Chinese People's Volunteers.

9. It is obvious that the exercise of the full responsibilities of the Neutral Nations Supervisory Commission is confined to the area of the United Nations Command. In the territory under the military control of the Korean People's Army and the Chinese People's Volunteers, the Neutral Nations Supervisory Commission has been unable to conduct investigations as provided for in the Armistice Agreement. The Czechoslovakian and Polish members of the Neutral Nations Supervisory Commission, and the Senior Member of the Korean People's Army and the Chinese People's Volunteers, Military Armistice Commission, have obstructed the work of the Neutral Nations Supervisory Commission to date, and their recent statements appear to preclude the Neutral Nations Supervisory Commission from ever performing all of its pledged obligations in the future. In view of the outright repudiation by the Korean People's Army and Chinese People's Volunteers of this portions of the Armistice Agreement, and the inability of the Neutral Nations Supervisory Commission to carry out the obligations charged to it by the same Agreement, the United Nations Command considers that its rights as a signatory to the Armistice Agreement have been denied it. There is to date no indication that the Neutral Nations Supervisory Commission either can or will fulfill, in the area under the military control of the Korean People's Army and Chinese People's Volunteers, the full obligations which its members undertook by accepting office on the Neutral Nations Supervisory Commission. Neither has the Neutral Nations Supervisory Commission acknowledged the fact that in prohibiting inspections lawfully requested by the United Nations Command the Korean People's Army and Chinese People's Volunteers have, in effect, unilaterally abrogated that part of the Armistice Agreement applicable to the functions of the Neutral Nations Supervisory Commission in the territory under the military control of the Korean People's Army and Chinese People's Volunteers.

signed J.K.LACEY
Major General
United States Air Force
Senior Member