

siehe Kanzlei C. 2. K

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Confidential

AIDE-MEMOIRE

The Swiss Government has studied the confidential aide-mémoire transmitted by the Department of State to the Swiss Legation on June 13, 1952 concerning the inspection by a commission of military observers of the United Nations Command war-prisoners-camps in Korea. From complementary information given by the Department of State to the Legation it appears that this commission would not be requested to make an inquiry of the incidents which occurred recently in some of these camps, nor would the commission have to sort the prisoners who desire or refuse to be repatriated. The commission would only have to study the conditions as they actually exist in these camps. It would have the possibility of making observations and recommendations which would be most carefully considered by the United Nations Command.

The Swiss Government would in principle agree to assume such a mandate which is part of the tasks



-2-

authorized and even recommended by the general policy followed by Switzerland. The acceptance of this mandate could also find a justification in article 10, paragraphs 2 and 4, of the Geneva Convention of August 12, 1949, relative to the treatment of prisoners of war, which Switzerland signed and ratified. According to this article, the Detaining Power may request a neutral state to undertake such a function. The fact that said Convention has not been signed by the present Chinese government, nor by the North Korean government, and that it has not been ratified by many member countries of the United Nations would not prevent the Swiss Government to be inspired by it in such a case.

It is to be recalled, however, that the same request has been made by the Department of State to four other countries, three of which are Asiatic Powers. The mission would, therefore, have to be undertaken by the five approached countries acting together. The Swiss Government is of the opinion that the observations made by a commission which had not been mandated by both Parties and which would be composed solely or

-3-

in greater part of nationals of European countries, would run the risk of being disputed, as these prisoners are practically all nationals of Asiatic countries. The Swiss Government attaches, therefore, particular importance to India, Indonesia and Pakistan taking part in the inquiry and in its final reply it will have to take into consideration the attitude of these three countries.

It would, of course, be desirable that the Chinese and North Korean governments give expressly their agreement to this mission. But as article 10 of the Geneva Convention does not demand such an agreement, the Swiss Government has no reason to make it an essential condition for accepting this mission.

The answer contained herein indicates the position of principle taken by the Federal Council and is only provisional.

The Legation would appreciate being informed by the Department of State as to the answers which the three

-4-

Asiatic countries will give to the American Government.

The Swiss Government will then be in a position to make
a definite decision.

Washington, D.C., July 14, 1952.