

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the Clinton Presidential Library Staff.

Folder Title:

Korea, November - December 1994 [1]

Staff Office-Individual:

Defense Policy-Bell, Robert

Original OA/ID Number:

941

Row:	Section:	Shelf:	Position:	Stack:
31	4	4	1	V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. report	re Korean Peninsula (17 pages)	06/16/1994	P1/b(1)
002. report	re Seismic Event in North Korea (10 pages)	09/30/1994	P1/b(1)
003. cable	re Instructions for DAS Hubbard, MG Smith (4 pages)	12/27/1994	P1/b(1)
004. memo	memcon, DAS Hubbard, Sandy Berger, Winston Lord, Stanley Roth re helicopter incident (3 pages)	12/28/1994	P1/b(1)
005. cable	re General Level Office Meeting (3 pages)	12/21/1994	P1/b(1)
006a. fax	cover sheet re draft legal memo on status (1 page)	12/20/1994	P1/b(1)
006b. memo	draft, Lt Col Lepper to Legal Counsel to the CJCS re status of warrant officer held in North Korea (3 pages)	12/19/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Robert Bell (Defense Policy and Arms Control)
OA/Box Number: 941

FOLDER TITLE:

Korea-November-December 1994 [1]

2009-0528-F

kc1384

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
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FOLDER TITLE:

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2009-0528-F

kc1384

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cc: Steve J.

WASHFAX RECEIPT
DEPARTMENT OF STATE

File: North Korea
Helicopter
Incident

B

S/S #

015581

MESSAGE NO. _____ CLASSIFICATION Secret No. Pages 4
FROM: Jeff Goldstein EAP/K 77717 5313
(Officer name) (Office symbol) (Extension) (Room number)
MESSAGE DESCRIPTION draft cable

TO: (Agency)	DELIVER TO:	Extension	Room No.
<u>NSC</u>	<u>Stanley Roth/Sandy Berger</u>	<u>456-9251</u>	
<u>DOD/ISA</u>	<u>BG Skip Hall</u>	<u>697-7848</u>	
<u>JCS</u>	<u>MG Dave McIlvoy</u>	<u>695-6585</u>	
	<u>Wolin</u>		
	<u>INFO: POWEMAN</u>		
	<u>BELL</u>		

FOR: CLEARANCE ☐ INFORMATION ☒ PER REQUEST ☐ COMMENT ☐

REMARKS: pass to addressees URGENTLY: this will serve as
the basis for the upcoming Berger/Perry/Talbot/Shalitzashvili/
Lord Telcon.

S/S Officer: _____

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS
Initials: mm Date: 01/28/15
2009-0528-F

Withdrawal/Redaction Marker

Clinton Library

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003. cable	re Instructions for DAS Hubbard, MG Smith (4 pages)	12/27/1994	P1/b(1)

COLLECTION:

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National Security Council
Robert Bell (Defense Policy and Arms Control)
OA/Box Number: 941

FOLDER TITLE:

Korea-November-December 1994 [1]

2009-0528-F

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RR. Document will be reviewed upon request.

CC: Bob Bell
Steve Anderson

File: North Korea
Helicopter Incident

**Department of State
Office of the Legal Adviser**

**FAX
COVERSHEET**



FROM: Ed Cummings

Ph#202-647-7838 Fax# 202-736-7620

TO: Steve Jones

Ph#

Fax#

456-9190

Comments:

**Please acknowledge when received. There is a total of
___ pages being transmitted.**

OUTGOING TELEGRAM

INITIAL HERE 5.1

DEPARTMENT OF STATE

AUTH _____ DRAFT _____

CLEAR 1 _____ 2 _____

3 _____ 4 _____ 5 _____

6 _____ 7 _____ 8 _____

UNCLASSIFIED

L/PM:SSOLOMON:SAS

12/27/94 647-7838 SELPM 6008

IO:GUARD

L/PM:ECUMMINGS OSD/GC:JMILLER DOJ/OLC:DKOFFSKY OSD/GC:JMCNEILL
L:MMATHESON P:DHAE S/AL:GSAMORE
PRM:PLYNCH JCS:SLEPPER EAP/K:DBROWN
DRL:MMARTINEZ IO/UNP:CRUEBENSAAL T:TBUCKLEY +

IMMEDIATE

GENEVA

IMMEDIATE SECDEF WASHDC//USDP/HRA, SEOUL IMMEDIATE,
USMISSION USUN NEW YORK IMMEDIATE

E.O. 12356: N/A

TAGS: PINS, PREL, MOPS, ICRC

SUBJECT: LEGAL STATUS OF U.S. PILOT IN NORTH KOREA AND
APPLICATION OF THE GENEVA CONVENTIONS

1. SUMMARY AND ACTION REQUEST: MISSION IS REQUESTED TO
DELIVER A DIPLOMATIC NOTE TO THE ICRC {1} STATING THE USG
VIEWS ON THE LEGAL STATUS OF THE U.S. PILOT BEING HELD IN
NORTH KOREA AND THE APPLICABILITY OF THE GENEVA CONVENTION
RELATIVE TO THE TREATMENT OF PRISONERS OF WAR OF AUGUST
12, 1949 {GPW} TO THIS SITUATION AND, {2} REQUESTING ICRC
EFFORTS TO ENSURE THAT THE U.S. PILOT IS TREATED IN A
MANNER CONSISTENT WITH NORTH KOREA'S GPW OBLIGATIONS.
PLEASE REQUEST THAT THE ICRC TREAT THIS MATTER WITH THE
UTMOST DISCRETION. END SUMMARY.

2. BEGIN TEXT:

{COMPLEMENTARY OPENING} ON BEHALF OF THE SECRETARY OF
STATE, THE MISSION HAS THE HONOR TO REFER TO THE FOLLOWING.

UNCLASSIFIED

UNCLASSIFIED

2

ON DECEMBER 17, 1994 A U.S. ARMY HELICOPTER ON A LOCAL ORIENTATION MISSION STRAYED INTO NORTH KOREAN AIRSPACE. PRESS REPORTS FROM NORTH KOREA INDICATED THAT THE HELICOPTER WAS SHOT DOWN BY NORTH KOREAN FORCES. THE CREW INCLUDED TWO U.S. ARMY WARRANT OFFICERS. WHILE NORTH KOREA HAS RETURNED THE REMAINS OF ONE OF THE PILOTS, IT CONTINUES TO HOLD THE OTHER U.S. PILOT.

THE UNITED STATES TAKES THE VIEW THAT THE GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR OF AUGUST 12, 1949 {GPW} IS APPLICABLE IN THESE CIRCUMSTANCES AND, ACCORDINGLY, THE U.S. ARMY HELICOPTER PILOT MUST BE RELEASED AND REPATRIATED WITHOUT DELAY, PURSUANT TO ARTICLE 118 OF THE GPW. FURTHER, ALL PROTECTIONS OF THE GPW ARE APPLICABLE, INCLUDING VISITS BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS {ICRC}

SPECIFICALLY, NORTH KOREA, AS A PARTY TO THE 1949 GENEVA CONVENTIONS, IS BOUND BY COMMON ARTICLE 2, WHICH EXTENDS THE GPW TO "ALL CASES OF DECLARED WAR OR OF ANY OTHER ARMED CONFLICT WHICH MAY ARISE BETWEEN TWO OR MORE OF THE HIGH CONTRACTING PARTIES . . ." THE INDIVIDUAL IN QUESTION WAS TAKEN PRISONER BY THE USE OF ARMED FORCE BY NORTH KOREA. SINCE THE UNITED STATES, AS A MEMBER OF THE UNITED NATIONS FORCES IN KOREA, IS STILL OPERATING IN KOREA PURSUANT TO THE ARMISTICE OF JULY 27, 1953, WHICH SUSPENDED THE ACTIVE HOSTILITIES OF THE KOREAN ARMED CONFLICT, THIS INDIVIDUAL IS A MEMBER "OF THE ARMED FORCES OF A PARTY TO THE CONFLICT" PURSUANT TO ARTICLE 4{1} OF THE GPW. HE IS, THEREFORE, SUBJECT TO THE PROTECTIONS OF THE GPW, INCLUDING THE REQUIREMENT, IN ACCORDANCE WITH ARTICLE 118 OF THE GPW, FOR IMMEDIATE RELEASE UNDER THE CURRENT CIRCUMSTANCES.

FURTHERMORE, THIS INDIVIDUAL IS ENTITLED TO ALL THE PROTECTIONS OF THE GPW INCLUDING, QUARTERS, FOOD, MEDICAL ATTENTION, CLOTHING, AND HUMANE TREATMENT; VISITS BY THE ICRC; AND PROTECTION FROM EXPLOITATION.

THE UNITED STATES REQUESTS THE ASSISTANCE OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS IN ENSURING THAT THE U.S. PILOT IS TREATED IN A MANNER CONSISTENT WITH NORTH KOREA'S OBLIGATIONS UNDER THE GPW AND RELEASED WITHOUT DELAY. THE EFFORTS OF THE ICRC IN THIS REGARD ARE DEEPLY APPRECIATED.

COMPLIMENTARY CLOSING.

44

UNCLASSIFIED

UNCLASSIFIED

3

L/PM: NHIGHSMITH
L/EAP: JHERGEN
DAJA-IO: HPARKS
QSD/HRA: JCHARME
PM/ISP: RCARTY
H: WDAVIS
G: AJOYCE
NSC: AKRECZKO
Y

UNCLASSIFIED

WASHFAX RECEIPT
DEPARTMENT OF STATE

B

S/S #

File: North Korean
Helicopter
Incident

CC: State A.

075607
MESSAGE NO. _____ CLASSIFICATION SECRET No. Pages 3

FROM: J Goldstein EAP/K _____
(Officer name) (Office symbol) (Extension) (Room number)

MESSAGE DESCRIPTION memo

TO: (Agency)	DELIVER TO:	Extension	Room No.
<u>DOD</u>	<u>BG Skip Hall</u>	<u>697-7348</u>	
<u>NSC</u>	<u>Stanley Roth</u>	<u>456-9257</u>	
	<u>BERGER</u> <u>PONEMAN</u>		
	<u>Wolfe</u> <u>BELL</u>		

FOR: CLEARANCE ☐ INFORMATION ☒ PER REQUEST ☐ COMMENT ☐

REMARKS: Urgent

S/S Officer: _____

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS

Initials: W Date: 01/28/15

2009-0528-F

Withdrawal/Redaction Marker

Clinton Library

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004. memo	memcon, DAS Hubbard, Sandy Berger, Winston Lord, Stanley Roth re helicopter incident (3 pages)	12/28/1994	P1/b(1)

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National Security Council
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2009-0528-F
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concerning wells [(b)(9) of the FOIA]

~~CONFIDENTIAL~~
NSC/RMO PROFILE

RECORD ID: 9409974
RECEIVED: 22 DEC 94 15

TO: PRESIDENT

FROM: LAKE
GRIFFIN, P

DOC DATE: 22 DEC 94
SOURCE REF:

File:
North Korean
Helicopter
Incident

KEYWORDS: KOREA NORTH

AP

PERSONS: RICHARDSON, BILL

HALL, B

SUBJECT: PRES MTG W/ REP RICHARDSON ON NORTH KOREA SITUATION

ACTION: NOTED BY PRESIDENT

DUE DATE: 26 DEC 94 STATUS: C

STAFF OFFICER: ROTH

LOGREF:

FILES: PA

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

BELL
DANVERS
NSC CHRON
ROTH

DECLASSIFIED E.O. 13526
White House Guidelines,
September 11, 2006

By WB NARA, Date 01/26/15
2009-0528-F

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSKDB

CLOSED BY: NSDRS

DOC 2 OF 2

~~CONFIDENTIAL~~

ACTION DATA SUMMARY REPORT

DOC ACTION OFFICER

001 LAKE
002 PRESIDENT
002

CAO ASSIGNED ACTION REQUIRED

Z 94122217 FWD TO PRESIDENT FOR INFORMATION
Z 94122213 FOR INFORMATION
X 94122916 NOTED BY PRESIDENT

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

002 941222
002 941222

DISPATCH FOR INFO

VICE PRESIDENT
WH CHIEF OF STAFF

REC'D 6:07 PM '14

National Security Council
The White House

PROOFED BY: _____

LOG # 9974

URGENT NOT PROOFED: _____

SYSTEM PRS NSC INT

BYPASSED WW DESK: _____

DOCLOG APR A/O _____

AP

SEQUENCE TO

HAS SEEN

DISPOSITION

Reed

Sens

Itoh

Soderberg

Berger

Lake

Situation Room

West Wing Desk

NSC Secretariat

1

2

3

2

2

ADS

mlr

APR 12/22

48K 12/27

N

To

Patrick

N

N

A = Action

I = Information

D = Dispatch

R = Retain

N = No Further Action

cc:

Griffin

COMMENTS:

Exec Sec Office has diskette

AP

THE WHITE HOUSE
WASHINGTON

THE PRESIDENT HAS SEEN

12 23 94

December 22, 1994

MEETING WITH
Representative Bill Richardson

DATE: December 23, 1994

LOCATION: Oval Office

TIME: 2:00 p.m.

FROM: ANTHONY LAKE *RLB*
PAT GRIFFINI. PURPOSE

To thank Representative Richardson for his extraordinary efforts to secure the return of the crew of the downed U.S. helicopter in North Korea.

II. BACKGROUND

As of the time of the writing of this memo, there is no definite indication when North Korea will release Chief Warrant Officer Hall. An update on this situation will be provided immediately before the meeting with Rep. Richardson.

Chief Warrant Officer Hilemon's remains have arrived at Travis Air Force Base, where an autopsy will be performed. His remains will be released to his family after Christmas for burial. A preliminary medical examination of the remains in South Korea suggest that his death was caused by blunt trauma associated with a crash impact rather than by wounds associated with weaponry. However, these preliminary findings will have to be confirmed by a more thorough autopsy.

III. PARTICIPANTS

Representative Bill Richardson
Lt. Col. John Nichols
Miguel Marquez

Secretary of Defense William Perry
JCS Chairman John Shalikashvili
Sandy Berger
Peter Tarnoff
Stanley Roth (notetaker)

DECLASSIFIED E.O. 13526
White House Guidelines,
September 11, 2006

By *RM* NARA, Date *01/28/15*
2009-0528-F

~~CONFIDENTIAL~~

Declassify on: OADR

IV. PRESS PLAN

White House photographer only. Written statement for release after meeting. If Congressman Richardson wishes to talk to press after meeting, he can use the stakeout area.

V. SEQUENCE

NA

Attachment
Tab A Talking Points

POINTS TO BE MADE FOR MEETING WITH
REPRESENTATIVE BILL RICHARDSON

- Welcome home.
- Both the country and I owe you a debt of gratitude for your outstanding efforts under the most trying of circumstances to secure the release of the crew of the downed helicopter.
- Thanks to your efforts, I am convinced that the return of the remains of Chief Warrant Officer Hilemon has been expedited.
- Based on some of your previous statements, I'm hopeful that Chief Warrant Officer Hall will be released in the near future.
- I'd be interested in any further details that you can provide on this point, as well as any other insights that you wish to share about your negotiations.
- I understand that you also had some discussions about the nuclear issue, and I'd welcome your insights on that matter.
- Finally, while I recognize that you're just off the aircraft and haven't had time yet to consult with your Congressional colleagues, I'd be interested in your assessment of the impact of the helicopter incident on Congressional support for the nuclear agreement. I'm assuming that Hall is to be released in a day or two.

DECLASSIFIED E.O. 13526
White House Guidelines,
September 11, 2006

By W NARA, Date 21/28/15
2009-0528-F

~~CONFIDENTIAL~~

Declassify on: OADR

~~CONFIDENTIAL~~

9974

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

December 22, 1994

ACTION

MEMORANDUM FOR ANTHONY LAKE

FROM: STANLEY O. ROTH *SCR*

SUBJECT: President's Meeting with Congressman Richardson

Attached at Tab I is a Memorandum for the President for his December 23 meeting with Congressman Bill Richardson on the North Korean helicopter shootdown incident.

Concurrence by: Bob Bell, *JKR* Bill Danvers *BD*

RECOMMENDATION

That you sign the Memorandum for the President at Tab I

Approve *SR* Disapprove _____

Attachments

Tab I Memorandum for the President

Tab A Talking Points for Meeting with Congressman Richardson

DECLASSIFIED E.O. 13526

White House Guidelines,

September 11, 2006

By *CU* NARA, Date *01/20/15*
2009/0528-F

~~CONFIDENTIAL~~

Declassify on: OADR



UNITED STATES DEPARTMENT OF STATE
OFFICE OF THE LEGAL ADVISER
WASHINGTON, D.C. 20520



DATE: 12/26

TO: Robert Bell

FAX: 456-9190

PHONE: 456-9191

FROM: L - BRUCE RASHKOW

PHONE: (202) 647 - 6771

FAX: (202) 736-7116

SUBJECT: LEGAL STATUS OF US PILOTS IN N. KOREA

SPECIAL INSTRUCTIONS/MESSAGE:

- PER DISCUSSION

- NB: Factually cable needs revising to reflect that NK's have turned over the body of the dead pilot. This can be done quickly + easily.

NUMBER OF PAGES: 2

(PLUS THIS COVER SHEET)

UNCLASSIFIED

OUTGOING TELEGRAM

INITIAL HERE 5.1

DEPARTMENT OF STATE

AUTH _____ DRAFT _____

CLEAR 1 _____ 2 _____

3 _____ 4 _____ 5 _____

6 _____ 7 _____ 8 _____

UNCLASSIFIED

L/PM:SSOLOMON:SAS
12/20/94 647-7838 SELPM 6008
IO: JSNYDER

L/PM:ECUMMINGS
L:MMATHESON
PRM:PLYNCH
DRL:MMARTINEZ

DOJ/OLC:DKOFFSKY
S/AL:GSAMORE
EAP/K:DBROWN
T:TBUCKLEY +

IMMEDIATE GENEVA

IMMEDIATE SECDEF WASHDC//USDP/HRA, SEOUL IMMEDIATE,
USMISSION USUN NEW YORK IMMEDIATE

E.O. 12356: N/A

TAGS: PINS, PREL, MOPS, ICRC

SUBJECT: LEGAL STATUS OF U.S. PILOTS IN NORTH KOREA AND
APPLICATION OF THE GENEVA CONVENTIONS

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RELATIVE TO THE TREATMENT OF PRISONERS OF WAR OF AUGUST
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EFFORTS TO ENSURE THAT THE U.S. PILOTS ARE TREATED IN A
MANNER CONSISTENT WITH NORTH KOREA'S GPW OBLIGATIONS. END
SUMMARY.

2. BEGIN TEXT:

{COMPLEMENTARY OPENING} ON BEHALF OF THE SECRETARY OF
STATE, THE MISSION HAS THE HONOR TO REFER TO THE FOLLOWING.

UNCLASSIFIED

UNCLASSIFIED

2

ON DECEMBER 17, 1994 A U.S. ARMY HELICOPTER ON A LOCAL ORIENTATION MISSION STRAYED INTO NORTH KOREAN AIRSPACE. PRESS REPORTS FROM NORTH KOREA INDICATED THAT THE HELICOPTER WAS SHOT DOWN BY NORTH KOREAN FORCES. THE CREW INCLUDED TWO U.S. ARMY WARRANT OFFICERS. WHILE THERE ARE MIXED REPORTS ON THEIR PHYSICAL STATUS, IT IS CLEAR THEY ARE BEING HELD IN NORTH KOREA.

THE UNITED STATES TAKES THE VIEW THAT THE GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR OF AUGUST 12, 1949 {GPW} IS APPLICABLE IN THESE CIRCUMSTANCES AND, ACCORDINGLY, THE U.S. ARMY HELICOPTER PILOTS MUST BE RELEASED AND REPATRIATED WITHOUT DELAY, PURSUANT TO ARTICLE 118 OF THE GPW. FURTHER, ALL PROTECTIONS OF THE GPW ARE APPLICABLE, INCLUDING VISITS BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS {ICRC}

SPECIFICALLY, NORTH KOREA, AS A PARTY TO THE 1949 GENEVA CONVENTIONS, IS BOUND BY COMMON ARTICLE 2, WHICH EXTENDS THE GPW TO "ALL CASES OF DECLARED WAR OR OF ANY OTHER ARMED CONFLICT WHICH MAY ARISE BETWEEN TWO OR MORE OF THE HIGH CONTRACTING PARTIES . . ." THE PERSONNEL IN QUESTION WERE TAKEN PRISONER BY THE USE OF ARMED FORCE BY NORTH KOREAN. SINCE THE UNITED STATES, AS A MEMBER OF THE UNITED NATIONS FORCES IN KOREA, IS STILL OPERATING IN KOREA PURSUANT TO THE ARMISTICE OF JULY 27, 1953, WHICH SUSPENDED THE ACTIVE HOSTILITIES OF THE KOREAN ARMED CONFLICT, THESE PERSONNEL ARE "MEMBERS OF THE ARMED FORCES OF A PARTY TO THE CONFLICT" PURSUANT TO ARTICLE 4{1} OF THE GPW. THEY ARE, THEREFORE, SUBJECT TO THE PROTECTIONS OF THE GPW, INCLUDING THE REQUIREMENT, IN ACCORDANCE WITH ARTICLE 118 OF THE GPW, FOR IMMEDIATE RELEASE UNDER THE CURRENT CIRCUMSTANCES.

FURTHERMORE, THESE PERSONNEL ARE ENTITLED TO ALL THE PROTECTIONS OF THE GPW INCLUDING, QUARTERS, FOOD, CLOTHING, AND HUMANE TREATMENT; VISITS BY THE ICRC; PROTECTION FROM EXPLOITATION; AND, IF THE REPORTS ARE CORRECT THAT ONE OF THESE INDIVIDUALS IS NOW DECEASED, THE PARTICULAR PROTECTIONS AFFORDED BY ARTICLES 120 AND 121.

THE UNITED STATES REQUESTS THE ASSISTANCE OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS IN ENSURING THAT THESE PERSONNEL ARE TREATED IN A MANNER CONSISTENT WITH NORTH KOREA'S OBLIGATIONS UNDER THE GPW AND RELEASED WITHOUT DELAY. THE EFFORTS OF THE ICRC IN THIS REGARD ARE DEEPLY APPRECIATED.

COMPLIMENTARY CLOSING.

YY

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L/PM: NHIGHSMITH
L/EAP: JHERGEN
OSD/GC: HDALTON
JCS: SLEPPER
DOD/JA: HPARKS
OSD/HRA: JCHARME
PM/ISP: RCARTY
H: WDAVIS
G: AJOYCE
NSC: JBAKER
Y

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FAX TRANSMITTAL

of pages 4

Dept./Agency

From

Phone #

Fax #

Fax #

December 20, 1994

NSN 7540-01-317-7368

FORM-101

GENERAL SERVICES ADMINISTRATION

UNCLASSIFIED6-9251

TO: L -- Mr. Matheson
L/PM -- Mr. Cummings
L/EAP -- Mr. Hergen
L/PM -- Mr. Highsmith
EAP/K -- Mr. Brown
S/AL -- Mr. Samore
DRL -- Ms. Martinez
PRM -- Ms. Lynch
PM/ISP -- Mr. Carty
T -- Mr. Buckley
G -- Ms. Joyce
H -- Mr. Davis
IO/UNP -- Mr. Snyder
OSD/GC -- Mr. Dalton
OSD/HRA -- Ms. Charne
JCS -- Mr. Lepper
NSC -- Mr. Baker
DOJ/OLC -- Mr. Koffsky

FROM: L/PM -- Steve Solomon

SUBJECT: Legal Status of U.S. Pilots Held in North Korea and
Application of the Geneva Conventions

The North Korean's continuing refusal to release the U.S. personnel they are holding led to interagency discussions yesterday among lawyers on the legal status of both soldiers. There was general agreement that the Geneva Convention on POWs is applicable and that, therefore, North Korea is under a legal obligation to release and repatriate these personnel "without delay."

The attached draft cable provides a diplomatic note to the ICRC setting out this view and seeking their assistance in ensuring the proper treatment of the u.s. pilots, whatever their physical status.

Your views would be appreciated. In order to have the note presented in Geneva tomorrow, we are asking for **comments/clearance by 3:00 p.m., today, Tuesday, December 20, 1994.** (Phone: 202-647-7838/Fax:202-736-762).

Thanks very much.

Attachments: As stated.

#6009

OUTGOING TELEGRAM

INITIAL HERE 5.1

DEPARTMENT OF STATE

AUTH	_____	DRAFT	_____
CLEAR	1 _____	2 _____	
3 _____	4 _____	5 _____	
6 _____	7 _____	8 _____	

UNCLASSIFIED

L/PM:SSOLOMON:SAS
12/20/94 647-7838 SELPM 6008
IO: JSNYDER

L/PM:ECUMMINGS
L:MMATHESON
PRM:PLYNCH
DRL:MMARTINEZ

DOJ/OLC:DKOFFSKY
S/AL:GSAMORE
EAP/K:DBROWN
T:TBUCKLEY +

IMMEDIATE

GENEVA

IMMEDIATE SECDEF WASHDC//USDP/HRA, SEOUL IMMEDIATE,
USMISSION USUN NEW YORK IMMEDIATE

E.O. 12356: N/A

TAGS: PINS, PREL, MOPS, ICRC

SUBJECT: LEGAL STATUS OF U.S. PILOTS IN NORTH KOREA AND
APPLICATION OF THE GENEVA CONVENTIONS

1. SUMMARY AND ACTION REQUEST: MISSION IS REQUESTED TO
DELIVER A DIPLOMATIC NOTE TO THE ICRC {1} STATING THE USG
VIEWS ON THE LEGAL STATUS OF THE U.S. PILOTS BEING HELD IN
NORTH KOREA AND THE APPLICABILITY OF THE GENEVA CONVENTION
RELATIVE TO THE TREATMENT OF PRISONERS OF WAR OF AUGUST
12, 1949 {GPW} TO THIS SITUATION AND, {2} REQUESTING ICRC
EFFORTS TO ENSURE THAT THE U.S. PILOTS ARE TREATED IN A
MANNER CONSISTENT WITH NORTH KOREA'S GPW OBLIGATIONS. END
SUMMARY.

2. BEGIN TEXT:

{COMPLEMENTARY OPENING} ON BEHALF OF THE SECRETARY OF
STATE, THE MISSION HAS THE HONOR TO REFER TO THE FOLLOWING.

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2

They
 include both
 letter
 and
 photos.

ON DECEMBER 17, 1994 A U.S. ARMY HELICOPTER ON A LOCAL ORIENTATION MISSION STRAYED INTO NORTH KOREAN AIRSPACE. PRESS REPORTS FROM NORTH KOREA INDICATED THAT THE HELICOPTER WAS SHOT DOWN BY NORTH KOREAN FORCES. THE CREW INCLUDED TWO U.S. ARMY WARRANT OFFICERS. ~~WHILE THERE ARE MIXED REPORTS ON THEIR PHYSICAL STATUS, IT IS CLEAR THEY ARE BEING HELD IN NORTH KOREA.~~ NORTH KOREA HAS INFORMED A U.S. CONGRESSMAN VISITING PYONGYANG THAT ONE IS DEAD AND THE OTHER WAS INJURED.

THE UNITED STATES TAKES THE VIEW THAT THE GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR OF AUGUST 12, 1949 (GPW) IS APPLICABLE IN THESE CIRCUMSTANCES AND, ACCORDINGLY, THE U.S. ARMY HELICOPTER PILOTS MUST BE RELEASED AND REPATRIATED WITHOUT DELAY, PURSUANT TO ARTICLE 118 OF THE GPW. FURTHER, ALL PROTECTIONS OF THE GPW ARE APPLICABLE, INCLUDING VISITS BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC)

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COMPLIMENTARY CLOSING.

44

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L/PM: NHIGHSMITH
L/EAP: JHERGEN
OSD/GC: HDALTON
JCS: SLEPPER
DOD/JA: HPARKS
OSD/HRA: JCHARME
PM/ISP: RCARTY
H: WDAVIS
G: AJOYCE
NSC: JBAKER
4

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. cable	re General Level Office Meeting (3 pages)	12/21/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Robert Bell (Defense Policy and Arms Control)
OA/Box Number: 941

FOLDER TITLE:

Korea-November-December 1994 [1]

2009-0528-F

kc1384

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

PUEBLA, pwá'vlá, is a city in Mexico, the capital of Puebla state, about 70 miles (110 km) south-east of Mexico City. Its full name is Puebla de Zaragoza. The city is situated in the high, volcano-girt Basin of Puebla, on the express highway connecting Mexico City with the Gulf Coast port of Veracruz.

Puebla is one of Mexico's main commercial and industrial cities. Long the national center of cotton textile manufactures, it acquired major automotive, steel, and chemical industries in the latter half of the 20th century. The traditional ceramic and onyx-carving industries are still important. The city's ceramic ware was modeled on the Moorish style of Talavera, Spain, and is still called Talavera ware.

Puebla was founded in 1531 by Spanish Franciscan friars. At first it was named La Puebla de los Angeles. It soon displaced the nearby Indian city of Cholula as the leading community of the thickly settled Puebla basin. The twin-towered cathedral and the University of Puebla had their beginnings in the late 16th century. A distinguishing feature of Puebla's architecture is the lavish use of brightly colored Talavera tiles, especially on the many old churches. Baroque decoration in Puebla reached its height of exuberance in the Rosary Chapel of the Church of Santo Domingo.

Because of its strategic position between Mexico City and Veracruz, Puebla became a military base and the object of many campaigns. At Puebla on May 5, 1862, a Mexican army led by Gen. Ignacio Zaragoza defeated a much larger French force during the invasion that led to the brief reign of Emperor Maximilian. The anniversary of the battle is a national holiday commemorating Mexico's resistance to foreign intervention. Population: (1974) 465,000.

PUEBLO, pwéb'ló, a city in south central Colorado, is the third-largest city in the state and the seat of Pueblo county. Situated on the Arkansas River, it lies at an altitude of 4,695 feet (1,431 meters) in the foothills of the Rocky Mountains. The city is at the crossroads of major north-south and east-west highways and is served by several railroads and airlines.

Pueblo is the industrial and commercial center of the Arkansas Valley. Its principal industry is the manufacture of steel and steel products, including tubing, wire, and bars. Other industries include meat-packing, photo-processing, and the manufacture of skiwear. The city lies just east of the Pueblo Dam and Reservoir, the largest dam in the Fryingpan-Arkansas Water Diversionary Project. Also nearby are the U. S. Department of Transportation's High Speed Ground Test Center and the Pueblo Army Depot.

Pueblo is the seat of the University of Southern Colorado, which gained university status in 1975. The city's mild climate and proximity to many major recreational areas have made it an important tourist center. The annual Colorado State Fair and Industrial Exposition is held there in August and September.

Spanish explorers camped at the present-day site of Pueblo in the 18th century, and the area was later visited by trappers, traders, and prospectors. U. S. explorer Zebulon Pike camped there in 1806. The first permanent settlement was a trading post built in 1842 and named Fort Pueblo. The fort was abandoned after an Indian massacre in 1854, but in 1858 prospectors began

a new settlement called Fountain City. The town of Pueblo was laid out in 1860 and soon absorbed Fountain City. It was organized as a town in 1870 and incorporated as a city in 1885. Pueblo has a council-manager form of government. Population: 101,686.

PUEBLO BONITO is an 800-room structure in New Mexico where Indians once lived. See CHACO CANYON NATIONAL MONUMENT.

PUEBLO INCIDENT, pwéb'ló, the seizure of the U. S. intelligence ship *Pueblo* and its crew by North Korea in 1968, and the subsequent imprisonment of the crew for nearly a year.

On Jan. 23, 1968, the *Pueblo* was off the coast of North Korea, a Communist regime. Four North Korean patrol boats surrounded the craft. The *Pueblo*'s commanding officer, Comdr. Lloyd Bucher, protested that the ship was in international waters, beyond the 12-mile (19-km) limit claimed by North Korea. North Korean crewmen boarded the *Pueblo*. The *Pueblo*, armed only with two machine guns, offered little resistance. Bucher ordered crewmen to burn secret documents. While doing so, four U. S. crewmen were wounded by North Korean fire, and one subsequently died. The attackers seized ten bags of documents.

The 83 officers and crewmen were taken to the port of Wonsan and imprisoned. The United States demanded their release. The Koreans refused, charging that the ship had been captured legally in Korean waters. President Lyndon Johnson activated 15,000 military reservists and bolstered U. S. forces in the area.

On January 24 the North Korean radio broadcast a purported confession by Bucher, who allegedly admitted that his ship had violated Korean waters and that it was on a spy mission. On March 4, President Johnson received a letter purportedly signed by all 82 surviving crewmen stating that they would be released only if the United States admitted violating North Korean waters, apologized, and gave assurances that it would not happen again.

Throughout 1968, U. S. and North Korean representatives met at Panmunjom, in Korea. An unusual agreement was finally reached. The United States, in a written statement, acknowledged that the *Pueblo* had intruded into North Korean waters, and apologized. But before signing, U. S. Maj. Gen. Gilbert Woodward read a statement disavowing the admission. He signed the agreement "only to free the crew." The 82 men and the body of their comrade were returned to U. S. control on December 22. The Koreans retained the *Pueblo*.

At a U. S. Navy court of inquiry in 1969, Bucher contended that he lacked both weapons to defend the ship and equipment to destroy the secret documents quickly. He and the crewmen described how they had been beaten and forced to sign confessions. High-ranking naval officers acknowledged that no air or sea forces were in position to aid the *Pueblo* in the event of attack. Although the court recommended that Bucher and another *Pueblo* officer be tried by court-martial, Navy Secretary John Chafee announced that no disciplinary action would be taken against anyone. But many persons in and out of the Navy believed that the incident left unresolved questions relating to the defense of U. S. ships and the conduct of U. S. prisoners of war.

Bob,

Tao draft memo
for Joint Staff WRT how
we view CWO Hall-

— vr,
Joe

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006a. fax	cover sheet re draft legal memo on status (1 page)	12/20/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Robert Bell (Defense Policy and Arms Control)
OA/Box Number: 941

FOLDER TITLE:

Korea-November-December 1994 [1]

2009-0528-F
kc1384

RESTRICTION CODES

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RR. Document will be reviewed upon request.

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b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006b. memo	draft, Lt Col Lepper to Legal Counsel to the CJCS re status of warrant officer held in North Korea (3 pages)	12/19/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Robert Bell (Defense Policy and Arms Control)
OA/Box Number: 941

FOLDER TITLE:

Korea-November-December 1994 [1]

2009-0528-F
kc1384

RESTRICTION CODES

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WASHFAX

UNCLASS
CLASSIFICATION

19 DEC 94 17 32

NMCC/JCS

JCS/PENTAGON

TIME TRANSMITTED (LOCAL)

MSG NBR

103

TIME RECEIVED (LOCAL)

FROM JCS JS ^{DDPMA/APAC} OFFICE/DESK LTC Mike Bayer PHONE NBR 695-8134
 SUBJECT Armistice Agreement

DELIVERY INSTRUCTIONS:

PAGES 11

(INCLUDING COVER)

☐ HOLD FOR NORMAL DUTY HOURS/ROUTINE☒ IMMEDIATELY/URGENT

NOTE: FURNISH AFTER DUTY HOUR CONTACT TELEPHONE NUMBER
 FOR EACH ADDRESSEE REQUIRING AFTER DUTY HOUR DELIVERY

TRANSMIT TO

AGENCY	INDIVIDUAL (NAME)	OFFICE	ROOM NBR	PHONE NBR
NSC	CAPT Joe Sestak			456-9190

REMARKS: Please pass to Mr. Don Poneman, 456-9181

WASHFAX COVER SHEET

WASHFAX OPERATOR (703) 695-2427

UNCLASS
CLASSIFICATION

FM: CAPT FLANAGAN
JCS J5 Political-Military Affairs, Asia-Pacific
Tel: (703) 695-8134
Fax: (703) 695-8137

TO: CAPT Joe Sestak, Tel: 456-9190 (Please pass to:)
Mr. Dan Poneman
Nonproliferation and Export Controls
NSC
Tel: (202) 456-9181
Fax: (202) 456-9191

Subject: Armistice Agreement, Military Armistice Commission and the
Repatriation of Personnel and Equipment

In addition to materials on the Armistice Agreement already passed to Captain Joe Sestak, the attached extract from the Subsequent Agreements to the Armistice Agreement provides the agreed upon documentary basis for the repatriation of bodies through the MAC CHANNELS.

Repatriation of live soldiers is a matter of precedent. MAC channels were used in 1968 for the return of the USS Pueblo crew members, in 1977 for return of downed Chinook members. The channel was most recently used in Jan 1994 when the UNCMAC returned KPA soldiers to the North.

Also attached is the latest UNCMAC communication to the KPA demanding the return of the pilots.

Without delaying the expeditious return of our UNC soldiers, we must steer the repatriation into the UNC channels.

The last attachment is the extract of the Armistice regarding the NNSC.

Please let me know if I can provide any more information.

EXTRACT

UNDERSTANDING ON ADMINISTRATIVE DETAILS
FOR THE DELIVERY AND RECEPTION OF
BODIES OF MILITARY PERSONNEL
OF BOTH SIDES

* * * * *

"20. In the event that either side discovers in its territory bodies of military personnel belonging to the other side after the termination* of this Understanding, the delivery and reception of such bodies shall be arranged through the Secretaries of both sides of the Military Armistice Commission."

* NB: Terminated 30 Oct 54.

(Approved at the 47th Meeting of the Military Armistice Commission, 17 Aug 54.)

EXTRACT

UNDERSTANDING ON ADMINISTRATIVE DETAILS
FOR THE DELIVERY AND RECEPTION OF
BODIES OF MILITARY PERSONNEL
OF BOTH SIDES

* * * * *

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(Approved at the 47th Meeting of the Military Armistice Commission, 17 Aug 54.)

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17011-

JOINT STAFF INFO SERVICE CENTER

IMMEDIATE
O 191800Z DEC 94
FM SEC UNCMAC SEOUL KOR
TO JOINT STAFF WASHINGTON DC//NMCC/J5 APAC/J2/NMJC//
INFO SECSTATE WASHINGTON DC//EAP-K/PM/OPNS CTR//
AMEMB SEOUL KOR AMEMB MOSCOW
AMEMB BEIJING US MISSION USUN NEW YORK NY
SECDEF WASHINGTON DC//USDP/ISA/OPMO/EAPR//
DIA WASHINGTON DC//DIO//
USCINCPAC HONOLULU HI//J5/J30-M//
USDAO SEOUL KOR
CORUSACILHI HICKAM AFB HI//TAPC-PED-H//
COMUSKOREA SEOUL KOR//CC/B3/CJ/PAJ/SJS/SA/J2/J3/J4/J5/
SEC UNCMAC/UNCSF-JSA//

UNCLAS
SECSTATE FOR OPNS CTR
SUBJECT: 19 DEC 94 UNC STATEMENT TO KPA REGARDING THE 17 DEC 94
HELICOPTER INCIDENT
REF: SEC UNCMAC MSG DTG 180849Z DEC 94

1. ON 19 DEC 94, COL SHOEMAKER (UNCMAC SECRETARY) ATTEMPTED TO MEET WITH SRCOL PAK RIM-SU (DEPUTY REP, KPA PAMMUNJOM MISSION) IN THE JOINT SECURITY AREA, PAMMUNJOM, TO PASS A STATEMENT (TEXT BELOW) REGARDING THE 17 DEC 94 KPA DOWNING OF A UNC HELICOPTER IN NORTH KOREA. THE KPA REFUSED TO AGREE TO A TIME TO MEET WITH COL SHOEMAKER.
2. AFTER WAITING 2 HOURS WITHOUT THE KPA AGREEING TO A MEETING TIME, COL SHOEMAKER REQUESTED THE KPA MEET HIM AT THE MILITARY DEMARCATION LINE (MDL) SO HE COULD PASS THE STATEMENT TO A KPA OFFICER. AFTER A NON-COMMITAL RESPONSE, COL SHOEMAKER LED A UNC DELEGATION--WHICH INCLUDED COL LEE (ROK ADVISORY GROUP), AND COL GROUT (UNC LIAISON OFFICER FROM FRANCE)--TO THE MDL BETWEEN THE MAC CONFERENCE BUILDING AND THE JDO CONFERENCE BUILDING.
3. AFTER WAITING 15 MINUTES WITHOUT A KPA OFFICER MEETING HIM, COL SHOEMAKER, LCDR GRUBER (UNC JDO), AND UNC INTERPRETER H.K. HONG PROCEEDED ACROSS THE MDL AND ASCENDED THE STEPS TO THE KPA PAMMUN-GAK BUILDING. COL SHOEMAKER'S PURPOSE WAS TO HAND THE STATEMENT TO A KPA OFFICER. COL SHOEMAKER WAS HALTED TWO-THIRDS UP THE STAIRS TO THE PAMMUN-GAK BUILDING BY A KPA GUARD. COL SHOEMAKER REQUESTED THE GUARD CALL HIS COMMANDING OFFICER. MINUTES LATER A KPA OFFICER ARRIVED AND TOLD COL SHOEMAKER THAT "YOU SHOULD NOT BE HERE." COL SHOEMAKER RESPONDED THAT THE KOREAN ARMISTICE AGREEMENT AUTHORIZED HIM, AS A UNC MAC OFFICER WEARING A YELLOW ARMBAND, TO BE THERE.
4. COL SHOEMAKER THEN ATTEMPTED TO PASS AN ENVELOPE CONTAINING THE UNC STATEMENT IN BOTH ENGLISH AND HANGUL TO THE KPA OFFICER BY STATING THE ENVELOPE CONTAINED AN IMPORTANT DOCUMENT THAT SHOULD BE PASSED TO KPA SRCOL PAK. THE KPA OFFICER REFUSED AND STATED HE WAS

JOINT STAFF V1
ACTION NMCC:CWO(1) (U,7,8,F)
INFO SJS-J(1) CHAIRMAN DISTRIBUTION REQUIRED(1) SJS-C(1)
CJCS-PA-J(1) J3(3) J3:JODPAC-J(1) CMAS(1)
J4:MILSEC-J(1) J5(1) J5:NACBU-J(1) QUAL CONTROL(1)
J4:MRD-J(1) USCTNCPACLO(1) J5:NAC-J(1) J5:PAC-J(1)
J5:ASIA-J(1) J8T-J(1) J5:WTCNP-J(1)
+NATS PENTAGON WASHINGTON DC
+STOC
+SAFE

SECDEF V2
ACTION (U,8,F)
INFO SECDEF-C(1) USDP:FILE(1) USDAT:CSP(1)
USDAT:AM(1) USDAT:IP(2) ATSD:PA(1) DIR:PAE-EPF(1)
ASD:FMP(1) USDP:AP(2) USDP:OSAA(1) USDP:STRAT(1)
USDP:CH(1) USDP:SR(1) USDP:TECH(1) USDP:NAC(1)
USDP:OPMO(1) USDP:MAR(1) USDP:PPRS(1) USDP:ISA(1)
+USDP:DTSA
+USDP:CCG

DIA V3
ACTION DIA/MHBB(1) (U,8,F)
INFO DOM:SVCS-J(1)

"NOT AUTHORIZED TO ACCEPT THE DOCUMENT." COL SHOEMAKER REQUESTED THE KPA OFFICER CALL A MORE SENIOR KPA OFFICER TO RECIEVE THE DOCUMENT; HOWEVER, THE KPA OFFICER REFUSED, SAYING THAT THERE WAS NOBODY IN PAMMUNJOM WHO WAS AUTHORIZED TO ACCEPT THE DOCUMENT. COL SHOEMAKER THEN RETURNED TO THE MDL AND DEPARTED THE JSA.

5. COL SHOEMAKER THEN HAD THE UNC JDO PASS THE STATEMENT TO THE KPA OVER THE HOTLINE. THE KPA COPIED THE STATEMENT, BUT MADE NO FURTHER RESPONSE.

6. THE UNC STATEMENT PASSED TO THE KPA FOLLOWS:
(BEGIN STATEMENT)

"THE COMMANDER-IN-CHIEF, UNITED NATIONS COMMAND VIEWS WITH GREAT CONCERN THE KOREAN PEOPLE'S ARMY'S RELUCTANCE TO PROVIDE INFORMATION ON THE CONDITION AND LOCATION OF THE TWO CREWMEN OF THE HELICOPTER THAT INADVERTENTLY CROSSED THE MDL ON 17 DECEMBER 1994 DURING A ROUTINE TRAINING FLIGHT.

THE UNC DEMANDS THE IMMEDIATE RETURN OF THE TWO HELICOPTER CREWMEN.

THE UNC AND THE KPA SHARE A COMMON HUMANITARIAN CONCERN REGARDING PERSONNEL INVOLVED IN MILITARY ACTIVITIES. THE UNC NOW EXPECTS THE KPA TO EXHIBIT THE SAME HUMANITARIAN COOPERATION THAT WAS SHOWN BY THE UNC IN CONNECTION WITH THE CARE AND RETURN OF TWO KPA SOLDIERS IN JANUARY 1994.

THE UNC CALLS FOR THE KPA TO PRESENT ITS PLAN FOR RETURNING THE TWO CREWMEN AND THEIR HELICOPTER."
(END STATEMENT).

7. THIS MESSAGE HAS BEEN COORDINATED WITH AMEMB SEOUL, AND APPROVED FOR RELEASE BY THE CHIEF OF STAFF USFK/CFC/UNC.

8. UNCMAC POC IS LT COL FLURY, DSN 725-983 OR COMM 001-822-7915-9813.
BT

DISPATCH	ACT	INFO
US		X
UN		X
USDP		
USDP		2
USDP		
USDP	X	
USDP		
USDP		2
USDP		
USDP		
USDP		
USDP		X
USDP		
USDP		
USDP		

8

4

may be necessary in the conduct of its business. Upon eventual dissolution of the Commission, one set of the above files shall be turned over to each side.

35. The Military Armistice Commission may make recommendations to the Commanders of the opposing sides with respect to amendments or additions to this Armistice Agreement. Such recommended changes should generally be those designed to insure a more effective armistice.

C. NEUTRAL NATIONS SUPERVISORY COMMISSION

1. COMPOSITION

36. A Neutral Nations Supervisory Commission is hereby established.

37. The Neutral Nations Supervisory Commission shall be composed of four (4) senior officers, two (2) of whom shall be appointed by neutral nations nominated by the Commander-in-Chief, United Nations Command, namely, SWEDEN and SWITZERLAND, and two (2) of whom shall be appointed by neutral nations nominated jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, namely, POLAND and CZECHOSLOVAKIA. The term "neutral nations" as herein used is defined as those nations whose combatant forces have not participated in the hostilities in Korea. Members appointed to the Commission may be from the armed forces of the appointing nations. Each member shall designate an alternate member to attend those meetings which for any reason the principal member is unable to attend. Such alternate members shall be of the same nationality as their principals. The Neutral Nations Supervisory Commission may take action whenever the number of members present from the neutral nations nominated by one side is equal to the number of members present from the neutral nations nominated by the other side.

38. Members of the Neutral Nations Supervisory Commission shall be permitted to use staff assistants furnished by the neutral nations as required. These staff assistants may be appointed as alternate members of the Commission.

39. The neutral nations shall be requested to furnish the Neutral Nations Supervisory Commission with the necessary administrative personnel to establish a Secretariat charged with assisting the Commission by performing necessary record-keeping, secretarial, interpreting, and such other functions as the Commission may assign to it.

40. a. The Neutral Nations Supervisory Commission shall be initially provided with, and assisted by, twenty (20) Neutral Nations Inspection Teams, which number may be reduced by agreement of the senior members of both sides on the Military Armistice Commission. The Neutral Nations Inspection Teams shall be responsible to, shall report to, and shall be subject to the direction of, the Neutral Nations Supervisory Commission only.

b. Each Neutral Nations Inspection Team shall be composed of not less than four (4) officers, preferably of field grade, half of whom shall be from the neutral nations nominated by the Commander-in-Chief, United Nations Command, and half of whom shall be from the neutral nations nominated jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. Members appointed to the Neutral Nations Inspection Teams may be from the armed forces of the appointing nations. In order to facilitate the functioning of the Teams, sub-teams composed of not less than two (2) members, one of whom shall be from a neutral nation nominated by the Commander-in-Chief, United Nations Command, and one of whom shall be from a neutral nation nominated jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, may be formed as circumstances require. Additional personnel such as drivers, clerks, interpreters, and communications personnel, and such equipment as may be required by the Teams to perform their missions, shall be furnished by the Commander of each side, as required, in the Demilitarized Zone and in the territory under his military control. The Neutral Nations Supervisory Commission may provide itself and the Neutral Nations Inspection Teams with such of the above personnel and

equipment of its own as it may desire; provided, however, that such personnel shall be personnel of the same neutral nations of which the Neutral Nations Supervisory Commission is composed.

2. FUNCTIONS AND AUTHORITY

41. The mission of the Neutral Nations Supervisory Commission shall be to carry out the functions of supervision, observation, inspection, and investigation, as stipulated in Sub-paragraphs 13c and 13d and Paragraph 28 hereof, and to report the results of such supervision, observation, inspection, and investigation to the Military Armistice Commission.

42. The Neutral Nations Supervisory Commission shall:

a. Locate its headquarters in proximity to the headquarters of the Military Armistice Commission.

b. Adopt such rules of procedure as it may, from time to time, deem necessary.

c. Conduct, through its members and its Neutral Nations Inspection Teams, the supervision and inspection provided for in Sub-paragraphs 13c and 13d of this Armistice Agreement at the ports of entry enumerated in Paragraph 43 hereof, and the special observations and inspections provided for in Paragraph 28 hereof at those places where violations of this Armistice Agreement have been reported to have occurred. The inspection of combat aircraft, armored vehicles, weapons, and ammunition by the Neutral Nations Inspection Teams shall be such as to enable them to properly insure that reinforcing combat aircraft, armored vehicles, weapons, and ammunition are not being introduced into Korea; but this shall not be construed as authorizing inspections or examinations of any secret designs or characteristics of any combat aircraft, armored vehicle, weapon, or ammunition.

d. Direct and supervise the operations of the Neutral Nations Inspection Teams.

e. Station five (5) Neutral Nations Inspection Teams at the ports of entry enumerated in Paragraph 43

(X)

hereof located in the territory under the military control of the Commander-in-Chief, United Nations Command; and five (5) Neutral Nations Inspection Teams at the ports of entry enumerated in Paragraph 43 hereof located in the territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers; and establish initially ten (10) mobile Neutral Nations Inspection Teams in reserve, stationed in the general vicinity of the headquarters of the Neutral Nations Supervisory Commission, which number may be reduced by agreement of the senior members of both sides on the Military Armistice Commission. Not more than half of the mobile Neutral Nations Inspection Teams shall be dispatched at any one time in accordance with requests of the senior member of either side on the Military Armistice Commission.

f. Subject to the provisions of the preceding Sub-paragraph, conduct without delay investigations of reported violations of this Armistice Agreement, including such investigations of reported violations of this Armistice Agreement as may be requested by the Military Armistice Commission or by the senior member of either side on the Commission.

g. Provide credentials and distinctive insignia for its staff and its Neutral Nations Inspection Teams, and a distinctive marking for all vehicles, aircraft, and vessels, used in the performance of its mission.

43. Neutral Nations Inspection Teams shall be stationed at the following ports of entry:

	Territory under the military control of the United Nations Command	Territory under the military control of the Korean People's Army and the Chinese People's Volunteers
See note # 18	INCHON (37°28'N, 126°38'E)	SINUJU (40°06'N, 124°24'E)
	TAEGU (35°52'N, 128°36'E)	CHONGJIN (41°46'N, 129°49'E)
	PUSAN (35°06'N, 129°02'E)	HUNGNAM (39°50'N, 127°37'E)
	KANGNUNG (37°45'N, 128°54'E)	MANPO (41°09'N, 126°18'E)
	KUNSAN (35°59'N, 126°43'E)	SINANJU (39°36'N, 125°36'E)

These Neutral Nations Inspection Teams shall be accorded full convenience of movement within the areas and over the routes of communication set forth on the attached map (Map 5).

3. GENERAL

44. The Neutral Nations Supervisory Commission shall meet daily. Recesses of not to exceed seven (7) days may be agreed upon by the members of the Neutral Nations Supervisory Commission; provided, that such recesses may be terminated on twenty-four (24) hour notice by any member.

45. Copies of the record of the proceedings of all meetings of the Neutral Nations Supervisory Commission shall be forwarded to the Military Armistice Commission as soon as possible after each meeting. Records shall be kept in English, Korean, and Chinese.

46. The Neutral Nations Inspection Teams shall make periodic reports concerning the results of their supervision, observations, inspections, and investigations to the Neutral Nations Supervisory Commission as required by the Commission and, in addition, shall make such special reports as may be deemed necessary by them, or as may be required by the Commission. Reports shall be submitted by a Team as a whole, but may also be submitted by one or more individual members thereof; provided, that the reports submitted by one or more individual members thereof shall be considered as informational only.

47. Copies of the reports made by the Neutral Nations Inspection Teams shall be forwarded to the Military Armistice Commission by the Neutral Nations Supervisory Commission without delay and in the language in which received. They shall not be delayed by the process of translation or evaluation. The Neutral Nations Supervisory Commission shall evaluate such reports at the earliest practicable time and shall forward their findings to the Military Armistice Commission as a matter of priority. The Military Armistice Commission shall not take final action with regard to any such report until the evaluation thereof has been received from the Neutral Nations Supervisory Commission. Members of the Neutral Nations Supervisory Commission and of its Teams shall be subject to appearance before the Military Armistice Commission, at the request of the senior member of either side on the Military Armistice Commission, for clarification of any report submitted.

48. The Neutral Nations Supervisory Commission shall maintain duplicate files of the reports and records of proceedings required by this Armistice Agreement. The Commission is authorized to maintain duplicate files of such other reports, records, etc., as may be necessary in the conduct of its business. Upon eventual dissolution of the Commission, one set of the above files shall be turned over to each side.

49. The Neutral Nations Supervisory Commission may make recommendations to the Military Armistice Commission with respect to amendments or additions to this Armistice Agreement. Such recommended changes should generally be those designed to insure a more effective armistice.

50. The Neutral Nations Supervisory Commission, or any member thereof, shall be authorized to communicate with any member of the Military Armistice Commission.

ARTICLE III

ARRANGEMENTS RELATING TO PRISONERS OF WAR

51. The release and repatriation of all prisoners of war held in the custody of each side at the time this Armistice Agreement becomes effective shall be effected in conformity with the following provisions agreed upon by both sides prior to the signing of this Armistice Agreement.

a. Within sixty (60) days after this Armistice Agreement becomes effective, each side shall, without offering any hindrance, directly repatriate and hand over in groups all those prisoners of war in its custody who insist on repatriation to the side to which they belonged at the time of capture. Repatriation shall be accomplished in accordance with the related provisions of this Article. In order to expedite the repatriation process of such personnel, each side shall, prior to the signing of the Armistice Agreement, exchange the total numbers, by nationalities, of personnel to be directly repatriated. Each group of prisoners of war delivered to the other side shall be accompanied by rosters, prepared by nationality, to include name, rank (if any) and internment or military serial number.

* (10)