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UNITED NATIONS TEMPORARY COMMISSION ON KOREA

RECOMMENDATIONS FOR THE ATTAINMENT OF A FREE ATMOSPHERE  
FOR ELECTIONS. LETTER FROM THE CHAIRMAN OF THE UNITED  
NATIONS TEMPORARY COMMISSION ON KOREA TO THE COMMANDING  
GENERAL USAFIK.

17 March 1948

Sir,

As you are aware, the Interim Committee of the General Assembly of the United Nations, on 26 February 1948 adopted a resolution bearing on the problem of the independence of Korea. You are no doubt informed that in addition to this motion, the Chairman of the Interim Committee, on 1 March 1948, addressed a letter to the Chairman of the United Nations Temporary Commission on Korea, explaining the "principal considerations" the Interim Committee had in mind when it decided to pass the above-mentioned resolution. This letter reads in part as follows:

"The elections to be observed by the United Nations Temporary Commission on Korea should be held in a free atmosphere wherein democratic rights of freedom of speech, press and assembly would be recognized and respected. In this connection, the Interim Committee took note of the assurance given by the representative of the United States that authorities of the United States in Korea would co-operate to the fullest extent to that end".

On 12 March 1948 the United Nations Temporary Commission on Korea passed a resolution in which it decided to observe the elections announced by the Commanding General of the United States Army Forces in Korea, to be held on 9 May 1948,

"Provided the Commission has ascertained that the elections will be held in a free atmosphere wherein the democratic rights of freedom of speech, press and assembly would be recognized and respected".

In view of the above, I have the honour to draw your attention to the recommendations adopted by the Commission in today's meeting, together with the necessary explanations of how the Commission arrived at these conclusions.

Lieutenant General John R. Hodge  
Commanding General  
United States Army Forces in Korea  
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In the view of the Commission, these recommendations can be divided in four parts, namely:

- A. The question of law
- B. The question of enforcement
- C. Freedom of information
- D. The question of political prisoners

A. The question of law

1. The Commission, having taken note of the views of Korean personalities and competent experts, has arrived at the conclusion that it is difficult to determine to what extent the free atmosphere required for the elections is ensured by the existing laws and regulations.

2. Meanwhile, the Commission has been informed by the Military Governor that he has prepared a draft ordinance entitled "Changes in Criminal Procedure", which will greatly increase the civil liberties of the people of South Korea. The new ordinance provides that there shall be no arrests without warrant, or in certain specified cases, where arrests without warrant are permitted, no detention for longer than forty-eight hours without subsequent warrant; provisions for bail and counsel and punitive measures for abuse of power. The Commission recognizes that this ordinance is an important step forward in the direction of guaranteeing civil liberties.

3. The Commission recommends to the United States authorities to submit to it a compilation of the existing laws and regulations which, in their opinion, provide that "democratic rights of freedom of speech, press and assembly would be recognized and respected". This compilation might, at a later stage, form the basis for a proclamation of the United States authorities on this subject.

4. In the meantime, the Commission goes on record that in its opinion the above-mentioned freedoms do include the right to vote or not to vote and to advocate either point of view by peaceful and legal means, and has taken note of the relevant testimony of Lieutenant General John R. Hodge, Commanding General, USAFIK, on 3 March 1948, which endorses this point of view.

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B. The question of enforcement

5. The Commission is fully aware of the fact that neither laws, ordinances or proclamations in themselves provide sufficient guarantees for a free atmosphere for elections. The Commission has been impressed by the evidence submitted that the Police Department plays an important role in the application and execution of these laws and ordinances. It has come to the conclusion that there are divergent views among the Koreans about the manner in which the Police Department executes its duty, which might indicate that changes in the Department might be desirable. On the other hand, the military authorities, taking into consideration the present circumstances, appear to be satisfied with the performance of the Police Department.

6. The Commission, therefore, wishes to advise the appropriate authorities that it is genuinely concerned about the possible role the police might play during the elections, that it will make it its task to watch the attitude of the police very closely and that the results of its observations will be an important factor in determining whether it is able to report to the General Assembly that the elections were held in a free atmosphere.

7. In addition, it recommends to the appropriate authorities to take such action as may bring about a re-orientation of the police force as to their attitude towards a free atmosphere for elections.

8. The Commission has been informed by the highest authority that among the factors that might adversely affect free elections are the activities of some of the youth organizations.

9. The Commission recommends to the competent authorities that they make it known to the leaders of youth organizations that the activities of their members are under the scrutiny of the United Nations Commission and that their attitude will be an important factor in the report the Commission will have to make to the General Assembly.

10. In order to ensure that members of youth organizations do not interfere with the normal course of the elections, it is recommended, firstly that the competent authorities, and particularly the police, remind the

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the leaders of such groups that unlawful activities on their part will not be tolerated any more than those of any other citizens; secondly, that they should strictly control the behavior of the youth organizations.

11. Furthermore, it is recommended that registration of youth organizations with the competent authorities be made compulsory and that those organizations declare whether they are of a non-political or political character. In the latter case, they should clearly indicate of which political party they are members or supporters, or whether they constitute by themselves a political party.

12. The Commission further recommends that no members of youth organizations be allowed to congregate in the vicinity of polling places except for the purpose of voting themselves.

C. Freedom of information

13. The Commission recommends to the United States authorities a strenuous and active campaign of impartial dissemination of information about the elections. The Commission is aware of the fact that this is the first election to be held in Korea, and an educational campaign on a non-partisan basis would be extremely desirable.

14. The Commission also recommends measures to ensure that the available newsprint, which it knows to be limited, be distributed on an equitable basis by the competent authorities and not on the basis of first come, first served, or of the ability of certain groups to buy out the market.

15. The Commission further recommends that if the radio stations are being put at the disposal of political candidates and parties, this be done on an equitable basis and not on the basis of ability to buy radio time.

D. The question of political prisoners

16. It is the opinion of the Commission that participating in illegal meetings, distributing handbills, unless accompanied by a criminal act or incitement to criminal acts, are to be considered as political offenses;

17. On the other hand, political activity accompanied by crime, such as for instance, arson, counterfeiting, etc. cannot be considered as purely

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political offenses.

18. The Commission recommends to the authorities that those who were imprisoned for political offenses, without committing any acts of violence or fraud, should be released without any reservation.

19. In the case of those mentioned in paragraph 17, the Commission recommends that the authorities should extend a pardon to them, provided their release will not be a danger to public security.

In connection with the recommendations in the last two paragraphs, the Commission suggests that it might be useful to discuss with you the categories of prisoners that might be released.

I have the honour to remain, Sir,

Yours very sincerely,

K.P.S. Menon  
Chairman  
United Nations Temporary  
Commission on Korea

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