

North Korea's Continued Detention of South Korean POWs since the Korean and Vietnam Wars

Man-ho Heo

Abstract

Although the Korean War (1950–1953) came to an end almost half a century ago, the question of South Korean prisoners of war remains unsolved. More than 50,000 South Korean POWs were detained in North Korea after the Korean War. Most are assumed to have since died, while the remaining survivors live under miserable conditions. However, the North Korean authorities continue to deny the existence of any POWs, while successive South Korean governments have failed to pursue the issue with any real resolve.

A total of 325,517 South Korean military officers and soldiers participated in the Vietnam War, which lasted 8 years and 6 months, so the absence of any South Korean POWs is clearly dubious. An unknown number of South Korean soldiers were captured and sent to North Korea by the Viet-Cong or Viet-Minh. Yet the North Korean authorities only recognized two as refugees, while the South Korean government only recognized six or eight as missing in action.

Since the end of the Korean War, North and South Korea have made various attempts to consolidate peace and pursue reunification, for example, the July 4 Comunique in 1972, Basic Agreement in 1992, and the Summit Talks in 2000. However, the issue of South Korean POWs still detained in North Korea has never been addressed. Surely, the existence of South Korean POWs should be recognized and the chance for repatriation to South Korea offered before peace can be consolidated on the Korean peninsula.

Disputed Points Regarding Detentions*

South Korean MIAs and POWs from Korean War

The exact number of South Korean POWs still detained in North Korea is unknown, yet estimates can be made based on statistical comparisons.

The Commander in Chief of the UN Forces, Mark W. Clark, presented a rough figure in his memoirs: “. . . they released fifty thousand South Korean prisoners ‘at the front’ early in the war, implying that these prisoners had been forced to join the North Korean Army. . . .”¹ Yi Gi-bong, an expert on North Korea and previously a POW in North Korea, estimates that approximately seventy thousand South Korean POWs were detained. Yi Hang-gu, an expert on North Korea and involved in the detention of South Korean POWs when he was a North Korean soldier, believes that from an original total of 87,000 to 88,000 South Korean POWs, 8,341 were repatriated, 20,000 to 30,000 died during the war, and the remaining 50,000 to 60,000 were detained by the North.² In 1997, the Seoul National Cemetery records still listed 102,384 persons as missing in action from the Korean War; army: 1 general, 2,924 officers, 92,213 soldiers; navy: 49 officers, 1,173 seamen; air force: 4 officers, 68 airmen; army auxiliary personnel: 3,672; police: 352 officers, 1,578 warrant officers, 267 auxiliaries, Army of Voluntary Students: 83 persons. Staff at the Memorial Tablet Enshrinement Hall estimate that about half of those listed were in fact detained in North Korea.

During the armistice negotiations in December 1951, when the question of POWs was raised the Commander of the UN forces estimated that 88,000 South Korean soldiers were missing in action. However, the communists only admitted to 7,412 South Korean POWs in the lists exchanged on December 18 of the same year. Despite protests from the UN forces on the huge discrepancy in the number of disappeared and

*Korean names in this article are all written in the order of family name first, and then given name.

1 Mark W. Clark, *From the Danube to the Yalu* (New York: Harper, 1954), p. 102.

2 International Human Rights League of Korea, “Bukhan-eokryu han-gukgun porodeul-eu siltae bogoseo [Report on Real Conditions of South Korean Captives Detained in North Korea],” 1995, p. 15.

number of listed POWs, the communists insisted that most POWs had been killed due to UN bombardments or disease, while all captives who had recognized their crimes had been released at the front and allowed to return to their original army or home town, although in reality that number did not exceed two hundred. The UN forces asked the communist authorities to repatriate those POWs who had been recruited into the communist army, but the communist authorities refuted this as “a conspiracy to carry away more than one hundred thousand soldiers from the People’s Army.”

According to *Zhongguo renminzhiyuanjun kangmeiyuanchaozhanshi* (History of the War of the Chinese People’s Volunteers to Resist America and Assist Korea), an official Chinese publication on the Korean War, the Chinese Army supposedly captured 37,815 South Korean officers and soldiers between October 25, 1950, and July 27, 1953.³ In this work, the Chinese authorities distinguish between “wounded and killed,” “prisoner of war,” and “surrendered.” The number of 37,815 is the sum of the last two categories; therefore it is reasonable to assume that the majority of these captives were still alive at the end of the war. Accordingly, if the number of South Korean soldiers captured by the North Korean army is also added, taking into consideration that many South Korean soldiers were captured at the beginning of hostilities due to the initial rapid withdrawal of South Korean forces, the total number of South Korean POWs significantly exceeds the number officially recognized by the South Korean government in 1994.⁴

Although an exact calculation of the number of South Korean POWs detained in North Korea is impossible, the following can be used to

3 Junshikexueyuan junshilishiyenjiusuo (Center on Military History in Military Affairs Research Center) ed., *Zhongguo renmin zhiyuanjun kangmeiyuanchao zhanshi* (History of the War of the Chinese People’s Volunteers to Resist America and Assist Korea), Junshikexue chubanshe (Publishing House of Military Science), 1988.

4 The South Korean government only recognized 19,409 captives and deaths subsequent to capture by the communists based on investigating the original units in 1994. However, the Commander of the UN Forces reported a total of 82,318 South Korean MIAs in August 1953, while the US Ambassador U. Alexis Johnson cited 166,297 South Korean MIAs in his briefing to the International Committee of the Red Cross (ICRC) on May 11, 1954. Paul M. Cole, “The Korean War,” *POW/MIA Issues*, Vol. 1 (Santa Monica: RAND, 1994), p. 229.

Table 1. Chronology of POW Capture by Chinese Army

	Date of Operations	ROK Forces	UN Forces	Total
War of Movement	1st Zone of Operations (Oct. 25–Nov. 5, 1950)	4,741	527	5,268
	2nd Zone of Operations (Nov. 25–Dec. 24, 1950)	5,568	3,523	9,091
	3rd Zone of Operations (Dec. 31, 1950–Jan. 8, 1951)	5,967	367	6,334
	4th Zone of Operations (Jan. 25–Apr. 21, 1951)	7,769	1,216	8,985
	5th Zone of Operations (Apr. 22–Jun. 10, 1951)	5,233	2,073	7,306
War of Position	Defensive Operations in Summer 1951 (Jun. 11–Oct. 30, 1951)	652	334	986
	Consolidation of Positions in Spring 1952 (Dec. 1, 1951–Mar. 31, 1952)	834	124	958
	Counter Attacks and Defensive Operations at Sang-gam Pass (Sept. 1–Oct. 30, 1952)	919	160	1,079
	Preparation against Amphibious Operation in Spring 1953 (Dec. 1, 1952–Apr. 30, 1953)	555	134	689
	Counterattack Operations (May 1–Jul. 27, 1953)	5,577	250	5,827
Total		37,815	8,708	46,523

Source: Center on Military History in Military Affairs Research Center, *History of the War of the Chinese People's Volunteers*, Annex 2 and 3.

produce a reasonable estimate. If the 88,000 MIAs estimated at the end of 1951 are subtracted from the 102,384 persons that disappeared—were captured and/or killed—during the battles, the remaining 14,384 persons likely disappeared after the front was fixed. Among this last group, 7,885 were captured by the Chinese army. If the number captured by the North Korean army is then added, the percentage of captives among those missing exceeds 60%. The percentage of captives is likely to be even higher among the 88,000 listed as missing at the end of 1951, because

captives are more numerous during mobile warfare than during position warfare, and the North Korean authorities employed such captives as wartime labor.

According to an announcement made by the communist forces headquarters, the North Koreans and Chinese captured 38,500 soldiers on the UN side, including South Koreans, between June 25 and December 25, 1950, and 26,865 between December 26, 1950, and March 25, 1951.⁵ Even though these numbers are most likely exaggerated for the purpose of propaganda, they also confirm the above assumptions. Therefore, if the eleven or twelve thousand soldiers captured by the end of 1951 by the Chinese army and an unknown number of soldiers captured by the North Korean army are added to the 65,365 soldiers captured during the first nine months after the initiation of hostilities, it is feasible that more than eighty thousand soldiers were captured among the 99,500 MIAs on the UN side. As such, the rate of POWs among the MIAs would exceed 80%.

Based on this calculation (80% of the 88,000 MIAs from June 1950 to December 1951 and 60% of the 14,384 MIAs until the end of the conflict), more than 79,030 South Korean soldiers were captured by the communists. Among these captives, fifty or sixty thousand are likely to have been alive at the end of the war, but the UN Forces, dominated by the Americans, were more interested in American than South Korean captives. As a result, more than fifty thousand South Korean soldiers have been forgotten. To resolve this issue it is necessary to clarify the reasons why so many South Korean POWs were not repatriated.

First, the communist authorities did not recognize their South Korean captives as prisoners of war. Bak Heon-yeong, Minister of Foreign Affairs for the DPRK, asserted on July 13, 1950, in a telegram sent to Trygve H. Lie, Secretary General of the UN, that the DPRK would respect the clauses of the 1949 Geneva Conventions. However, the North Korean authorities did not comply with Clause 85 of the 1949 Geneva Convention III under the pretext that they considered the soldiers engaged in the Korean War as “war criminals against their people.” As

5 Lyou Byung-hwa, “Legal Problems with the Repatriation of North Korean Detainees and Settlement Programs,” in Choi Sung-chul, ed., *Understanding Human Rights in North Korea* (Seoul: Hanyang University, Institute of Unification Policy, 1997), p. 265.

such, ideological justification was used to avoid handing over the majority of South Korean POWs to the custody of the Neutral Nations Repatriation Commission.

This situation further deteriorated when the government of Syngman Rhee arbitrarily liberated more than 27,000 of the 33,206 North Korean POWs being held in the South on June 18 and 19, 1953, without first resolving the non-repatriation of South Korean POWs. However, well before the POW question became a contentious issue during the armistice negotiations the communists had no intention of repatriating their captives, which is why they reduced the number of South Korean POWs to 7,412 in the lists exchanged between the two camps in December 1951.

Consequently, the South Korean POWs became victims of the communist ideological struggle and did not receive the necessary support from the South Korean government, which only took a passive position towards the armistice negotiations as it opposed any armistice without reunification.

South Korean MIAs and POWs from the Vietnam War

In 1994 the ROK Department of National Defense announced that there were eight South Korean MIAs from the Vietnam War. These eight MIAs were classified as four dead, one AWOL, and three defectors to North Korea.

On July 27, 2000, the same department announced that there were only six MIAs (Staff Sergeant An Hak-su, Sergeant Bak Seong-yeol, Captain Kim In-sik, Staff Sergeant Jeong Jun-taek, Sergeant Yi Yong-seon, and Corporal An Sang-yi). According to this announcement, only Staff Sergeant An Hak-su and Sergeant Bak Seong-yeol stayed in North Korea.⁶

Based on personal experience and documentary research, Bak Jeong-hwan, a former South Korean POW who escaped from the Viet-Cong militia, stated that more than nine South Korean POWs are still being held in North Korea.

To this day, both Koreas deny the existence of South Korean POWs

6 *Wolgan Chosun*, September 2000, p. 262.

Table 2. Third Announcement by ROK on South Korean MIAs from Vietnam War

made on April 22, 1994

Assignment	Rank	Name	Date Missing	Actual Status
Division of Capital Defense	Sergeant	Bak Seong-yeol	Nov. 3, 1965	Defector to North Korea
Constructive Support Division	Staff Sergeant	An Hak-su	Mar. 22, 1967	Defector to North Korea
Division Dispatched to Vietnam	Staff Sergeant	Jeong Jun-taek	May 7, 1967	Wanted by MP
9th Division	Captain	Bak U-sik	Dec. 2, 1967	Killed in Action
9th Division	Corporal	Kim In-su	Feb. 18, 1968	Death in line of Duty
Marine Brigade	Corporal	An Sang-yi	Jul. 27, 1969	Killed in Action
Marine Brigade	Sergeant	Yi Yong-seon	Nov. 2, 1969	Killed in Action
Taekwondo Brigade Dispatched to Vietnam	Captain	Kim In-sik	Jul. 19, 1971	Defector to North Korea

from the Vietnam War in the North. Pyongyang asserts that Staff Sergeant An Hak-soo and Sergeant Bak Seong-yeol both took refuge in North Korea and make no further comment on any other MIAs.

When Yi Se-ho, Commander of the ROK Army dispatched to Vietnam, made a report on repatriation on March 20, 1973, no mention was made about South Korean POWs or MIAs. As such, South Korean authorities have asserted that there were very few South Korean MIAs as South Korean soldiers were only engaged in offensive or search operations to verify battlefields. This position is also supported by Yu Yang-su, ROK Ambassador to Vietnam during the Vietnam War, Yi Dae-yong, Litigation Attache, Chae Myeong-sin, Commander of the ROK Army dispatched to Vietnam and predecessor of Yi Se-ho, and working-level staff at the ROK Department of National Defense.

However, in reality the South Korean army was engaged in 577,487 operations, including major offensives against the regular Viet-Minh

army, such as the battles at An Keh Pass and Tra Binh Dong. Furthermore, since the South Korean army was also involved in many operations against the Viet-Cong who were conducting guerilla warfare in the jungle and rural areas of South Vietnam, it was often very difficult for South Korean soldiers to make their way back to safety. Therefore, in contrast to the above estimation by high-ranking South Korean officers, the actual number of South Korean soldiers taken into captivity was likely much higher.

According to a South Korean official announcement, 5,066 South Korean soldiers died in the Vietnam War: 4,650 KIAs and 416 non-battle casualties.⁷ However, based on independent testimonies by the above-mentioned Sub-lieutenant Bak Jeong-hwan and Yu Jong-cheol who was captured at the Battle of An Keh Pass and then released just after the withdrawal of the South Korean army from Vietnam, it would appear that among the 5,066 official deaths, especially among the 4,650 KIAs, many soldiers were in fact captured by the Viet-Cong militia or Viet-Minh army and sent to North Korea.

In the case of America, among the 3 million officers and soldiers sent to Vietnam, more than 3 thousand were classified as MIAs, and 591 POWs were repatriated after the end of the war. In the case of South Korea, among the 325,517 dispatched officers and soldiers, only 6 or 8 were classified as MIAs, while there were no POWs. This official statement is clearly doubtful.

In his memoirs *Why didn't you get me out?*, Frank Anton, an American Vietnam War POW, alluded to the existence of more than two South Korean POWs. In the course of his detention, Anton mentioned meeting a South Korean captive who referred to his situation in terms of "we." In addition, none of the ten soldiers among the South Korean POWs/MIAs registered in the "Defense Prisoner of War/Missing in Action Office Reference Document" were ever included in announcements by the

7 Military History Compilation Center, ed., *Jeungeoneul tonghae bon betnamjeonjaeng-gwa han-gukgun* (The Vietnam War and ROK Forces Observed with the Witness), Vol. I (Seoul: Ministry of National Defense, 2001), p. 18. However, the Compilation Committee of War History of the Department of National Defense counted 4,960 deaths—3,806 KIAs and 1,154 other deaths. Compilation Committee of War History, *Pawol han-gukgun jeonsa* (War History of Dispatched ROK Forces), Vol. 10 (Seoul: Ministry of National Defense), 1985.

ROK on South Korean MIAs from Vietnam War: Cho Joon-bun, Kim Heung-sam, Kim Soo-keun, Kim Sung-mo, Lee Chang-hoon, Lee Kil-yung, Lee Yoon-dong, Min Kyung-yoon, Pak Yang-chung, and Shin Chang-wha.⁸ American official records, including reports by the CIA and US Department of Defense, also confirm the existence of South Korean POWs in the early years of the Vietnam War: 5 POWs in Quang Tri in 1968, 1 POW in Quang Nam in 1968, 1 POW in Quang Ngai in 1967, 1 POW in Binh Dinh in 1970, 3 POWs in Phuyen in 1966 and 1969, 1 POW in Lam Dong in 1968, 1 POW in Ninh Thuan in 1967, and 3 POWs in Kien Phong in 1968.⁹

As such, there would seem to have been at least 18 South Korean POWs. Plus, according to an official American estimate made on April 1968, there were 20 South Korean POWs.¹⁰

Life of Detainees in North Korea

Detainees from the Korean War

Based on the statement of YI Hang-gu, the South Korean POWs were divided into three categories. Those in the first were forced to engage in combat or reconnaissance at the front where they had been captured. Jo Chang-ho, a former South Korean POW who fled to South Korea in October 1994 after more than 40 years of detention in North Korea, belonged to this first category.¹¹ The second and largest category were

8 US Department of Defense, *Defense Prisoner of War/Missing in Action Office Reference Document*, US Personal Missing, Southeast Asia (and Selected Foreign Nationals) (U), Alpha, Chronological and Refno Reports, unclassified, May 1996, DPMO/RD.

9 US Library of Congress, POW/MIA Data Base, available at <http://memory.loc.gov/pow/powhome.html>. At this site search for "South Korean POWs/MIAs": MBC Production, "Betnamjeoneui han-gukgun siljongjadeul [South Korean MIAs from the Vietnam War]," from the TV series *Ijeneun malhalsu itda* (Now, we can speak), video cassette (broadcast on July 30, 2000).

10 Anita Lauve Nutt, *All POW-MIA ARPA Report*, Memorandum RM5729-1 ARPA January 1969.

11 After Jo, 21 former South Korean POWs, including Yang Sun-yong, Jang Mu-hwan, Bak Hong-gil, and Yi Yeong-seok, escaped to South Korea.

forced to perform restoration work, while the last were imprisoned at Byeokdong-gun in the extreme north of the Korean Peninsula. Most of those repatriated after the armistice came from the last category, whereas almost no one was repatriated from those first two. As stated by US intelligence agencies, there were at least 29 prisoner of war camps in North Korea and 18 camps in China. However, the South Korean POWs on the lists presented by the communists in December 1951 were only from eleven camps in North Korea.¹²

Yi Hang-gu, a squad leader in the 22nd Brigade of the Korean People's Army, stated that the 22nd Brigade, formed on October 9, 1951, was composed of all South Korean captives, except for the officers. The main "training" of the captives was politico-ideological education for the purpose of brainwashing. After six or eight months of this, the captives were then divided into units that consisted of three brigades each containing two to five thousand South Korean captives. One of these Units, Unit 584, was assigned to railroad restoration work. At that time, the UN Forces were dropping time-delay bombs along the railroads as a strategy to paralyze the communist supply routes. These bombs remained hidden one or two meters underground at the edge of the railroads and then exploded without warning. The brigades of South Korean captives were expected to defuse or explode these bombs after transporting them away from the railroad. The captives worked in groups of four or eight, and the death rate was so high that no one was expected to survive more than five assignments.¹³

Unit 218, also composed of South Korean captives, was assigned to restoration work at the aerodromes in Pyongyang, Sineuiju, Oncheon, and Hwangju. Here, the mortality rate was also high due to continuous UN bombardment. After the war, the North Korean authorities demobi-

12 The other prisoner of war camps identified in North Korea were at Chunggangjin (126° 50', 41° 48'), Kanggye (126° 36', 40° 58'), and Sinuiju (124° 24', 40° 06'). Those identified in China were at Antung (124° 20', 40° 10'), Mukden (123° 30', 41° 45') and Peiping-Tientsin (116° 25', 39° 55'). US Department of State, *Foreign Relations of the United States*, 1951, Vol. VII, Korea and China Part 1 (Washington DC: USGPO, 1983), pp. 1399–1400.

13 Witness account of Yi Hang-gu, Taegu MBC Special Report on the Korean War, "Dolaoji mothan yongsadeul [The Non-Repatriated Valiant Soldiers]," Video Cassette (Broadcast on June 26, 1997); *Chosun Ilbo*, November 5, 1994.

lized these Units and that was completed in 1956. However, even though the captives were allowed to return to civilian life as “liberation militants (*haebangjeonsa*),” most were still confined to hard labor in mines, collective farms, or iron and steel plants. According to the testimony of Kang Dae-jin, a former North Korean spy, hundreds of South Korean captives, including Colonels Bak Seug-il and Go Geun-hong captured by the Chinese army in November 1950, were still assigned to factories or mines in Hwanghae Province (just north of the demilitarized zone) as late as the 1960s.

Jo Chang-ho worked in the mines, including at Aoji, during his forty years of detention. When he was detained at the “First Special Camp of Aoji” from 1953 to 1957, he was among three or four hundred other South Korean non-repatriated POWs. Jo believes that most of these captives subsequently died of disease, including typhoid, cholera, typhus fever, pulmonary tuberculosis, etc., as he was personally involved in burying more than a hundred of them. The life of the captives can also be inferred based on information obtained by the ROK Information Headquarters for National Defense from eighteen North Korean defectors to the South after 1960 and thirteen repatriated POWs interviewed in 1994 by the Research Center on National Defense and Military History in Seoul.¹⁴

The South Korean POWs that were released or demobilized in North Korea were subjected to policies of reorganization. According to these policies, the captives were transported to controlled zones (“Gwanriso”) or barren areas two or three times from the end of the 1960s to the end of the 1970s. At the beginning of the 1980s, the North Korean authorities allowed an extremely limited number of these captives to join the Korean Worker’s Party and employed them in administrative positions. Yet the majority of South Korean captives remained in mines, factories, or farms in the controlled zones and their lives were constantly controlled by the secret police from the Department (Ministry) of Public Security (“Sahoe anjeon bu [seong],” recently changed to “Inmin boan seong”) or Department of State Safety and Protection (Gukga anjeon bowi bu). If any of them married, their wives were permitted to seek a divorce if it were proven that their husbands were ex-prisoners of war, plus any children of

14 *Gun hapdong sinmun joseo* (South Korean Inter-Army Interrogation Records), mimeo, November 5, 1994.

such marriages were barred from attending university. Yet, this way of life was seemingly relatively privileged and only reserved for those who joined the North Korean army after being captured. All other captives were restricted to re-education camps under inhuman conditions.

As stated by Domg Yong-seop, who escaped to South Korea in 1996 after working twenty years in a North Korean mine, he worked among more than one thousand South Korean captives at the Yongyang mine (Heocheon-gun, South Hamgyeong). Plus, at the Geomdeok mine, only two kilometers away from Yongyang, several thousand more South Korean POWs were working under even more severe control: they were never allowed to leave the mine for over forty years, and some were even restricted to staying underground. The children of these captives were not permitted to travel outside the area and were also compelled to work in the mines. Therefore, according to Dong, such POWs were not in North Korea voluntarily and only longed to be repatriated to the South.¹⁵

Detainees from Vietnam War

There is only very limited information on the detention and life of South Korean POWs from the Vietnam War. The North Korean authorities have refuted the existence of any South Korean captives, while successive South Korean governments have not raised the issue for various political reasons. During the Vietnam War, the government of Park Chung-hee denied the existence of South Korean POWs and minimized the number of MIAs to avoid criticism from opposition parties regarding the dispatch of forces to Vietnam. Thereafter, the issue has been avoided by all subsequent South Korean governments due to concern over revealing the truth to the South Korean people.¹⁶ The current South Korean administration has also taken a passive position on

15 *JoongAng Ilbo*, August 26, 1996.

16 For example, on April 16, 1994, when Professor Jeon Kyeong-su from Seoul National University raised the possibility of a large number of South Korean MIAs from the Vietnam War, the Research Center on National Defense and Military History vehemently denied it through "Wolnamjeon siljongja-e gwanhan geomto [Examination of those Missing from Vietnam War]," June 14, 1994. The conclusion of the report proposed avoiding any further mention of the issue to prevent any public outcry.

the question due to its potential negative effect on inter-Korean talks.

Despite limited information, the conditions of the detained South Korean MIAs can still be surmised based on the following two cases: Sub-lieutenant Bak Jeong-hwan and Staff Sergeant AN Hak-su.

Sub-lieutenant Bak Jeong-hwan was dispatched to Vietnam on October 15, 1967, as a taekwondo instructor. He was captured along with a South Korean electrical technician, Kim Gyu-sik, by the Viet-Cong militia in Mytho City, near Saigon, on January 30, 1968, during the "Offensive on Lunar New Year's Day." Bak and Kim attempted to escape twice. The first time was in Vietnam, however, they were immediately recaptured as the rural communities and jungles were dominated by the Viet-Cong. Their second attempt was on the Ho Chi Minh Trail as they were being sent to the Viet-Minh. This time they were recaptured by Cambodian militia. Although Cambodia officially held a neutral position in the Vietnam War, Bak and Kim were told that they would not be released unless they agreed to go to North Korea. Fortunately, Sub-lieutenant Bak Jeong-hwan managed secretly to inform the Canadian Embassy of their plight, and they were finally released after 502 days of detention.¹⁷

The above experiences of Bak and Kim highlight the following issues. First, once South Korean soldiers went missing during an operation, their return was almost impossible. Second, many South Korean soldiers may have been sent to North Korea. During his arrest, Sub-lieutenant Bak had the opportunity to see lists of South Korean officers and soldiers that had been sent to North Korea, yet these names were all classified as killed in action by the South Korean government. Third, many South Korean civilians may also have been captured and sent to North Korea by the Viet-Cong militia. In fact, there were similar numbers of South Korean civilians in Vietnam during the war. However, when they were returned to South Korea, the South Korean government ordered them to keep silent about their experiences.¹⁸

Staff Sergeant An Hak-su is another case indicating that South Korean soldiers were sent to North Korea by the Viet-Cong militia. Staff

17 Bak Jeong-hwan, *Neusi* (Great Bustard), Vol. I, II (Seoul: Munyedang, 2000).

18 Author's interview with Bak Jeong-hwan on November 11, 2001; Witness account of Bak Jeong-hwan, "Betnamjeoneui han-gukgun siljongjadeul [South Korean MIAs from the Vietnam War]," MBC Production.

Sergeant An went missing on September 1966 just a few days before his discharge. In March 1967, An made a speech on a North Korean radio station claiming that he had voluntarily defected to North Korea. In reality, An was captured by the Viet-Cong militia and sent to North Korea through China. According to the eyewitness testimony of Jeong Cha-rang, a former North Korean spy who defected in 1970, Staff Sergeant An had many deep scars on his legs. An showed these scars to Jeong at a workshop and explained that he had been wounded while being taken to North Vietnam.¹⁹

Moreover, An's last letter to his mother before he went missing is further proof that he did not defect voluntarily: ". . . Mom, please do not respond to this letter as I will be returning to Korea very soon. Since I will travel to Seoul by plane with surgeons, please wait for me at granny's home in Seoul."²⁰

Accordingly, the broadcast made by Staff Sergeant An would appear to have been purely North Korean propaganda and his words written by the North Korean authorities.

Therefore, once South Korean soldiers were captured by the Viet-Cong militia, it would seem that they were sent to the Viet-Minh via the Ho Chi Minh Trail and then handed over to the North Korean forces serving in North Vietnam.

The life of these captives in North Korea is basically unknown. In the case of Staff Sergeant An Hak-su and Sergeant Bak Seong-yeol, the North Korean authorities prepared public welcome meetings for the purpose of ideological propaganda. Yet no other South Korean MIAs have been officially recognized. It is quite possible that such MIAs were used as instructors for North Korean agents—spies or commandos—who were sent to South Korea. This is a feasible suggestion based on evidence related to South Korean civilians kidnapped around that time and later.

Based on the testimony of An Myeong-jin, a North Korean refugee, when he attended the Kim Jeong-il Politico-Military School he studied the Politics, Economy, Society and Culture of South Korea from more than sixty instructors supposedly from South Korea. Choi Jeong-nam, a

19 Ibid.

20 *Wolgan Chosun*, September 2000, p. 266.

former North Korean agent, also gave a similar testimony.

However, those captives who did not comply were apparently detained in concentration camps for political prisoners.

Legal Perspective

Military Armistice Agreement in Korea and 1949 Geneva Convention III

To examine the question of repatriation of South Korean POWs from the Korean War, it is necessary to first present the positions of the concerned countries towards the 1949 Geneva Convention III.

On July 3, 1950, the US Department of State declared that the United States would respect the humanitarian principles of the convention and would collaborate completely with the International Red Cross. The day after, General McArthur confirmed this with practical measurements. On July 5, 1950, ROK President Syngman Rhee pledged that his government would also follow the conditions of the Geneva Convention. As for the North Korean government, as mentioned above, Bak Heon-Yeong, Foreign Minister of the DPRK, sent a telegram on July 13, 1950, to UN Secretary General Trygve H. Lie, to affirm that the DPRK would respect all the principles of the Geneva Convention concerning prisoners of war.

At the beginning of the war, the Chinese government opposed the Geneva Convention and opted to support the “Policy of Tolerance (*kuanrong zhengce*),” thereby justifying its treatment of POWs.²¹ However, China changed its position on July 13, 1952, and decided to recognize the Geneva Convention with the ultimate purpose of asking the UN Commander to repatriate all its captured soldiers. Yet China still reserved its right to declare POWs as war criminals, as defined by the International Military Courts of Tokyo and Nuremberg; according to Beijing, all soldiers under the UN command were war criminals because they took part in a “war of invasion by imperialists.”

Therefore, since the concerned countries had either not ratified (i.e.

21 It should be noted that Northeast Asian countries have their own traditions on how winners should treat losers based on Confucianism, which emphasizes tolerance and legitimacy. In the case of war, winners allow the losers to join their camp.

the United States) the Geneva Convention or not adhered to it (i.e. China, North Korea, and South Korea), they did not consider themselves subject to its restrictions. As such, this somewhat arbitrary position with regard to the Convention made it difficult to apply overall. Consequently, an agreement was needed regarding the question of prisoners of war, thereby explaining the inclusion of the clauses on the treatment of prisoners of war in the Korean Armistice. For those issues not covered by the Armistice, the Geneva Convention was then optionally applied as a complementary measure.

Even though both camps violated the Geneva Convention on many occasions during the war, the terms of the Convention were used both actively and passively. On the subject of the military Armistice in Korea, North Korea has consistently rejected that South Korea was party to the Armistice, thus the question of the repatriation of South Korean POWs must be addressed using both the military Armistice agreement in Korea and the 1949 Geneva Convention III.

Article 118 of the 1949 Geneva Convention III prescribes that “prisoners of war shall be released and repatriated without delay after the cessation of active hostilities.” The North Korean authorities violated this article by retaining more than fifty thousand South Korean POWs. In addition, according to Article III, Clause 51, of the Korean Armistice, within sixty (60) days after this Armistice becomes effective each side should, without 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. Article 2, Clause 4, of the annex of the Armistice (“Terms of Reference for Neutral Repatriation Commission”) prescribes that “all prisoners of war who have not exercised their right of repatriation following the effective date of the Armistice shall be released from military control and from custody by the detaining side as soon as practicable, and in all cases within sixty (60) days subsequent to the effective date of the Armistice, to the Neutral Nations Repatriation Commission at a location in Korea to be designated by the detaining side.” Likewise, according to Article 4, Clause 11, of the Annex of the Armistice, “after the dissolution of the Neutral Nations Repatriation Commission, whenever and wherever any civilians who have been released from their prisoner of war status desire to return to their fatherland, the authorities of the localities where they are shall be

responsible for assisting them in returning to their fatherland.”

Insofar as the South Korean POWs detained in North Korea were never delivered to the Neutral Nations Repatriation Commission, requests for their repatriation via the Military Armistice Commission were invariably disputed. The North Korean authorities also violated the Armistice by setting up various obstacles for prisoners of war who wished to be repatriated. The North Koreans should have handed over all prisoners of war who did not claim the right of repatriation to the custody of the Neutral Nations Repatriation Commission. Yet this failure to execute the conditions of the Armistice should not be regarded as a constraint for the implementation of those conditions today.

Indeed, the difficulty in applying the Armistice regarding the issue of the repatriation of South Korean POWs should not be ignored. However, the Military Armistice Commission has been suspended since the replacement of the Senior Delegate of the United Nations Command with a South Korean General in March 1991, as North Korean authorities insist that South Korea was not party to the Agreement, because it was signed by North Korea and China on the one hand, and by the United Nations Command on the other hand. Consequently, the signatory question continues to be an obstacle for the South Korean authorities if the repatriation of South Korean POWs is raised based on the Armistice Military Commission.

For the South Korean POWs from the Vietnam War, there was no such agreement among the countries concerned. When the Agreement on Ending the War and Restoring Peace in Vietnam was signed in Paris and came into force January 17, 1973, South Korean POWs were excluded, but they could still be protected by the 1949 Geneva Convention III.

Inter-Korean Basic Agreement and Its Protocols

Even though the two Korean authorities managed to agree on the Agreement on Reconciliation, Non-aggression, Exchange, and Cooperation between the South and the North (the Inter-Korean Basic Agreement) in 1991 and its Protocols the following year, this was never put into practice due to the subsequent falling-out caused by international suspicion of North Korea's nuclear development program and South Korea's refusal to express condolences on KIM Il Sung's death.

However, the Basic Agreement could still be a legal base for solving the question of the repatriation of South Korean POWs once inter-Korean relations are normalized. As regards the signatory question related to the Armistice Agreement, South Korea could potentially persuade North Korea based on Article 5 of the Inter-Korean Basic Agreement. According to Article 5, the two sides should endeavor to transform the present state of armistice into a solid state of peace between the North and South. Furthermore, Article 5 prescribes that the two sides shall abide by the Military Armistice Agreement until such a state of peace has been realized. If the North Korean authorities do not recognize South Korea as a party to the Armistice, the latter is not obliged to be involved in transforming the state of armistice into a state of peace. Moreover, North Korea cannot require South Korea to respect the Armistice without recognizing it as party to the agreement, even if not as a direct signatory.

The question of the repatriation of South Korean POWs will become a significant issue if Articles 17 and 18 of the Inter-Korean Basic Agreement and concerned Protocol are realized. Article 17 prescribes that the two sides shall promote free intra-Korean travel and contact for the residents of the respective areas. According to article 18, the two sides must permit free correspondence, reunions, and visits between dispersed family members and other relatives, plus promote the voluntary reunion of divided families. Moreover, the two sides must take measures to resolve other humanitarian issues. In Article 10 of the concerned protocol (Protocol on South-North Exchanges and Cooperation), the two Korean authorities prescribed eight articles of practical measures. Based on these articles, South Korean non-repatriated POWs could return to South Korea without any legal obstacles. Indeed, this approach could avoid disputes about their entry into the North Korean army whether voluntary or under threat and their status as a POW after half a century of detention. This would also be valid for South Korean POWs from the Vietnam War who were detained in North Korea as "refugees."

As such, Article 17 of the Inter-Korean Basic Agreement could be used to investigate the situation of the detention of South Korean POWs. Moreover, Article 18 of the Basic Agreement could serve as a legal base for POWs and their families to return to the South in the name of "reunions and visits between dispersed family members and other relatives and the voluntary reunion of divided families." Alternatively,

this issue could also be solved as a “humanitarian question.” However, the effectiveness of these approaches clearly depends on the development of inter-Korean relations.

Issue of Repatriation: Constraints and Strategy

Although South Korean POWs were originally detained in North Korea for the purpose of ideological propaganda or ideological struggle in the context of inter-Korean relations, the actual constraints as regards their repatriation come from North Korean social instability and the stalemate of inter-Korean relations.

North Korean Social Instability

The current instability of North Korean society is a serious obstacle to external intervention. Since North Korean leaders mistrust their own society, they are unable to accept proposals from other countries, including South Korea, as they fear that external intervention could increase the non-official sector, in other words “the second social sphere,” thereby destabilizing their political regime.²²

Even though the detained South Korean POWs and two generations of their descendents amount to less than 1% of the North Korean population, a radical change of their social status could still shake the North Korean social class policy.

Since 1958, the North Korean authorities have been pursuing “the monolithic domination of socialist production relations” and “socialist proletarianization of the whole population” by the “collectivization of agriculture” and “collaboration in commerce and industry.” To make all people a “red class,” they have classified their population and struggled against anti-revolutionary elements under the “collective leadership” of the Korean Worker’s Party. For this purpose, they implemented resident registration from April 1964 to 1969. In February 1971, the population

22 For a conceptual explanation of the two dimensions of social existence, see Elemér Hankiss, “The ‘Second Society’: Is there an alternative social model emerging in contemporary Hungary?”, *Social Research*, Vol. 55, Nos. 1-2 (Spring/Summer 1988), pp. 21-22.

was classified into three strata with 51 categories: 870,000 families (3,915,000 persons) as the “core stratum,” 700,000 families (3,510,000 persons) as the “wavering stratum,” and 1,730,000 families (7,935,000 persons) as the “hostile stratum.” South Korean POWs and their families most likely belong to the “hostile stratum,” except for special cases. These class policies have focused on precautions against the wavering stratum and hostile stratum and their ideological education.²³

The North Korean class policies in the 1970s had two facets. First, policies of Zuckerbrot (incentive) were applied to gain voluntary consent from the population: elimination of the urban-rural life inequality and minimization of the differences among classes through the “Three Technological Revolutions.” Second, policies of Peitsche (deterrence) were employed to make the workers, peasants, and office workers into a revolutionary proletariat through the activities of the Agencies of the Three Great Revolutions (ideology, technology, and culture), and an absolute dictatorship administered against any anti-revolutionary elements.

Although the above class policies destroyed the social inequality of the past, a new social inequality was instead institutionalized in socio-economic and cultural life based on class distinctions according to the political activities or social ascription of the past.²⁴

The social classification with 3 strata and 51 categories is basically meaningless today because it was based on the resident registration performed in the 1960s, and its main criteria were political activities under Japanese domination and during the Korean War. The people categorized according to this stratification are now dead or beyond the age of social activity. However, it is still important to note that the result of the policies of class distinction led to the institutionalization of a new structure of inequality, which continues to have an important effect on today's class formation in North Korea.

According to a relatively recent source, the North Korean population is currently classified with a core stratum of 5,980,000 persons (28%),

23 For details see Kim Yong-gi, “Gyegupui bulpyongdunggujowa gyegubjongchaek [The unequal structure of class and class policy],” in Go Hyeon-uk et al., *Bughansahoeui gujowa byunhwa* (The structure and change in North Korean society) (Institute for Far Eastern Studies, 1987), pp. 203–206.

24 *Ibid.*, pp. 207–208.

wavering stratum of 9,620,000 persons (45%), and hostile stratum of 5,770,000 persons (27%).²⁵ As such, in spite of the implementation of these class policies for more than forty years, there has been no change in the component ratio of the strata. The increase in the “core stratum,” those who give voluntary consent to the regime, has been very slight: from 26.1% to 28%. Yet, according to a defected North Korean intelligence agent, it has actually decreased by 20 to 25%. The existence of a hostile stratum of 5,770,000 persons (27%) means that the class policies only changed the components of the classes, and failed in either enlarging the stratum of support or reinforcing social integration. In addition, the situation has further deteriorated since the 1990s with the fall of the communist regimes in Eastern Europe, the death of Kim Il Sung, food shortages, etc.

If the detained South Korean POWs and their families were to finally be released, the blatant immorality of the North Korean authorities would surely be revealed to the international society. Moreover, this would mean that a part of the “hostile stratum” would change from a “shady spot” to a “sunny spot” in the North Korean social context, which could shake North Korean class policy as their main instrument of social control.

Ambiguous Inter-Korean Relations and Role of NGOs

Re-opening the dialog on the issue of repatriation will be difficult in the immediate future, especially since official inter-Korean talks are still at a very precarious stage.

There have been three opportunities to raise this question since 1990: the Inter-Korean High Level Talks, Four Party Talks, and Inter-Korean Ministerial Talks. Unfortunately, all these talks were suspended before the issue could be included. Insofar as the Four Party Talks were open to preparing an institutional apparatus to make closure on the Korean War, the question of repatriation of South Korean POWs could have been resolved.

At present, the final outcome of the interaction between the system

²⁵ Ministry of Unification, *Bughangaeyo '91* [Epitome of North Korea '91], 1990, p. 238.

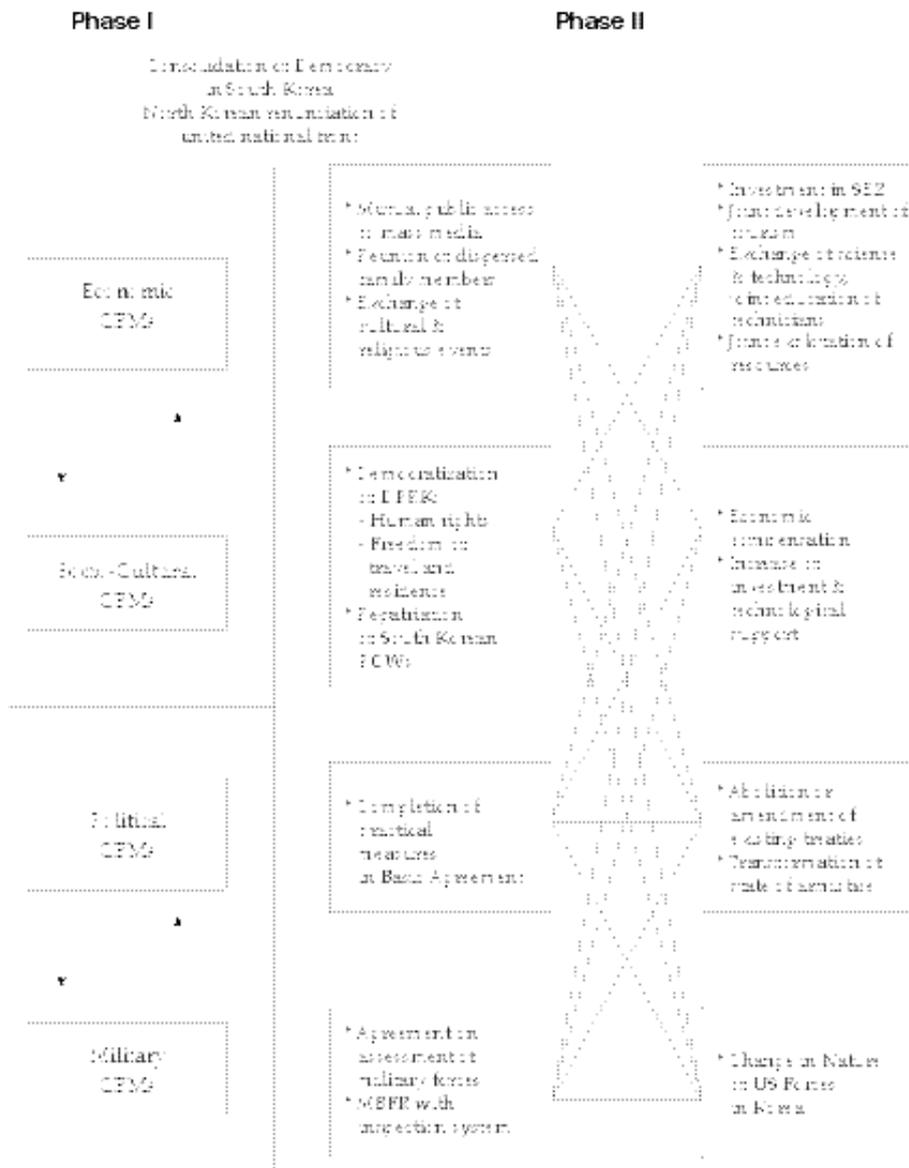
defined by the Inter-Korean Basic Agreement, the “mode of peace on the Korean peninsula” suggested at the Four Party Talks by the American and South Korean governments, and the peace regime assumed by the “Sunshine Policy” is unknown. However, it is clear that inter-Korean relations should be founded on the Basic Agreement, particularly when considering the question of the repatriation of South Korean POWs.

Figure 1 presents the main topics that have dominated inter-Korean relations since 1990. With the initiation of the Prime Ministerial Inter-Korean Talks in 1990, both Koreas tried to eliminate the mistrust between them to build the first stage towards peaceful reunification. As such, measures were prescribed to create confidence in the Basic Agreement and the concerned protocols. Unfortunately, before any concrete development, both sides renounced the agreement due to mistrust. As a result, each side made proposals that were impossible or difficult to accept by the other side.

During the first phase of inter-Korean relations, it became difficult to expect any significant results while democracy had still not been consolidated in South Korea and the North Korean strategy of the United National Front was still in effect in South Korea. Therefore, only formal measures were possible. However, in the current situation, it is important to prepare the principle of operation by giving priority to economic and socio-cultural measures. Although it is crucial to negotiate economic measures according to economic rationality based on a cost-benefit ratio, this principle could be suspended if North Korea makes concessions in the socio-cultural sector.

Before considerable development of measures of confidence between the two Koreas, no one is anticipating that the question of the repatriation of South Korean POWs can be solved by direct negotiations. Therefore, initially, it is important to treat the issue within the whole context, then, when each measure of confidence has been discussed in a concrete way, the question of the repatriation of South Korean POWs can be raised. South Korea could also compensate North Korea for its loss based on benefit in another sector. As such, rather than trying to find a balance within each individual sector, South Korea should attempt to create an overall balance across all sectors. Based on this strategy, the mode of calculating profits and losses is multidimensional and sequential, i.e., the concept of time and space takes a dominant share.

Figure 1. Strategy of Compensation for Loss by Cross-Section



The importance of this strategy is related to the difficulty of negotiating the repatriation of South Korean POWs. According to the criteria of S. Huntington (citizenship awareness and two changes of power based

on democratic elections), democracy is now consolidated in South Korea.²⁶ The North Korean strategy of a United National Front has almost lost its power, at least in South Korea. Therefore, the second phase will arrive very soon. In order to accelerate this, it is important to apply pressure on the North Korean government through non-governmental organizations defending human rights. Such NGOs can be based on Resolutions 1235 and 1503 of the UN Economic and Social Council. These two resolutions relate to "a consistent pattern of gross and reliably attested violations of human rights," with the South Korean prisoners of war detained in North Korea's being a prime example.

Conclusion

The South Korean POWs are the last slaves of the 20th century who continue to be deprived of even the minimum of human rights. They are the victims of the ideological struggle of the communists, and strident antagonistic inter-Korean relations. Successive South Korean governments have remained passive with regard to this question. On the one hand, they have been unable to find an effective resolution amidst hostile inter-Korean relations, while on the other, they fear North Korean counter-proposals requiring the repatriation of the North Korean anti-communist POWs released by Syngman Rhee in 1953. Even the current government of Kim Dae-jung remains silent on this issue, despite its initial intention to exchange North Korean agents and sympathizers still detained by the South for South Korean POWs held by the North. Kim's government would appear to fear that this question may create an obstacle in inducing the North Korean authorities to accept official talks. Therefore, insofar as the South Korean government could take initiatives within the general framework of the inter-Korean relations, this will take time. Accordingly, since the contribution of non-governmental organizations may advance this question more quickly, NGOs should be inspired to take up this cause and challenge the North Korean authorities to recognize their continued detention of South Korean POWs.

26 Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991), p. 267.

The most serious obstacles to resolving this question come from “giving up before trying” and failure to sustain public profile. Since a socio-political issue can gain power from public attention, campaigns should be organized, for example, sending letters and submitting petitions to the UN Center for Human Rights in Geneva. The involvement of the International Red Cross could also highlight the issue in the international community. Despite various efforts by individuals and NGOs to improve the overall human rights situation in North Korea and resolve individual cases of abduction and detention by North Korea, however, the question of South Korean POWs remains basically disregarded.