



**Korean War MIA Meeting**  
**Tuesday 6 December 2016**  
**Venue – Russell Offices, Canberra**

**Summary of Key Outcomes**

This document is a summary of the key outcomes to facilitate working group members' ability to communicate with constituents and stakeholders. It does not cover all items discussed, nor does it replace the minutes which are distributed for members purposes. It deliberately does not document the full nature of discussions as it is considered that to do this would stifle open and honest working group discussion over time and is not in the common interest of working group members or their constituents.

**Attendance**

**AHQ** - DCOS COL Andrew Hocking, Meeting Chair  
**UWC-A** - Mr Brian Manns, MAJ David Wilson, PTE Garth Rider  
**RAAF** – SQNLDR Greg Williams OAM  
**RAAF Association** – AVM Brent Espeland AM (Rtd)  
**77 Squadron Association** – GPCAPT Milton Cottee AFC (Rtd)  
**Australian Council of Korean Veterans Associations** - National President  
RADM Ian Crawford AO AM (Rtd)  
**Korean Veterans Association of Australia** – ACT Representative  
Mr Colin Berryman OAM  
**Family of MIAs** - Mr Ian Saunders OAM, Mr Derek Luxford

**Apologies**

Mr Ted Chitham, Secretary RAR Association, Ms Julie Dorrington, Ms Jill Talty

**1. Australian policy regarding exhumation**

The Office of Australian War Graves (OAWG) is responsible for policy regarding exhumation of Australian servicemen, and the Minister for Veterans Affairs (MinVA) is the decision maker on such matters. In this regard the Commonwealth War Graves Commission (CWGC) paper circulated to members before the meeting provides a summary of this policy and general guidance for OAWG regarding the conduct of investigations, identification of previously unknown servicemen and exhumation of remains.

The relevance of this information in the context of the investigation into the four unknowns at UNMCK is that while UWC-A is able to consider all the available evidence and present factual conclusions to OAWG, it is the responsibility of MinVA to make any decisions that may flow from those factual conclusions after briefing

from OAWG. COL Hocking advised that the results of the factual investigation into the four unknowns would be shared with working group members before being sent to OAWG. He also encouraged working group members to forward any relevant information they may possess to UWC-A to inform the current investigation.

Attendees discussed the CWGCs “no exhumation” policy, noting that three of the key considerations were:

- to allow war dead to rest in peace;
- to ensure that all possible avenues to identify unknown servicemen are exhausted; and
- that a precedent might be set, noting the large number of unknown servicemen throughout the world in CWGC cemeteries.

Discussion on the CWGC paper which refers to principles laid down in the Additional Protocol to the Geneva Convention regarding exhumation and the ‘overriding public necessity’ reference in Article 34, noted that this is not the primary requirement. Rather, the primary requirement is for the Government to have regard to the wishes of the families of MIA.

The meeting noted that CWGC policy only applies to CWGC cemeteries and burials for Commonwealth soldiers who died during the First and Second World Wars and although it has no direct relevance to the four unknowns at UNMCK, it has been generally applied to the burials at UNMCK.

The issue of jurisdiction regarding the UN Memorial Cemetery Korea (UNMCK) was raised and attendees noted that it was a committee of countries that were part of the UN Force during the Korean War and had servicemen interred at UNMCK, generally represented by the current Ambassador to South Korea from each of those countries, that determined policy at UNMCK.

Discussions on the Australian policy regarding exhumation covered four main issues:

- the jurisdiction issue (UN versus Commonwealth);
- the Geneva Convention issue;
- the UN Military Assistance Commission composition/policy issue; and
- the interests of family of MIA, even to the extent of positively confirming that the four unknowns at UNMCK are not Australian.

## **2. The four “Unknowns” at UNMCK – results of investigation to date**

UWC-A is comparing the Records of Interment (ROI) from the four unknowns at UNMCK and any other available data against comparable data for Australia’s MIA. Army has decided to do a complete compilation of the physical, dental and medical records of our Korean War MIA and to compare this against the ROI of the unknowns at UNMCK. This MIA data will also then be available in a convenient format for comparison against any records of “Allied” unknowns held by DPAA that may become available in the future.

Based on a comparison of dental records, CPL Murphy (KIA, Kapyong 1951) is not one of the three unknowns for whom dental records are available (with the fourth unknown likely Turkish).

The recovery locations of the four unknowns have been plotted against the last known location of the Australian MIA – none of these locations correspond.

The factual investigation will continue and results are likely to be available by late February 2017. The intention is to share this information with the working group before sending it to OAWG for any subsequent action.

### **3. MOU with DPAA and MAKRI – update**

The key points to be included in the MOU with DPAA were circulated to members prior to the meeting and are currently with Defence legal for input. Working group members were invited to advise whether there were any other matters they wanted to have included.

It was noted that the MOU was a joint project with Army leading and RAAF input also being critical. There was discussion on the most appropriate Defence signatory, without a decision being reached.

It was noted that all caucasoid remains recovered by MAKRI are handed to DPAA, on the basis of an MOU they have in place. This confirms the importance of such bilateral arrangements.

It was confirmed that an MOU with MAKRI would be pursued once that with DPAA has been finalised, and that the matter would be raised with MAKRI during the proposed UWC-A visit in March 2017.

### **4. Update on FRS status**

The current DNA status is as follows:

- 2 x Y-STR samples for 6 servicemen
- 1 x Y-STR samples for 10 servicemen
- 2 x mito samples for 15 servicemen
- 1 x mito samples for 19 servicemen

There are three servicemen for whom UWC-A has no DNA samples - 2 of whom were adopted (and by law we are unable to obtain family details). We have nearly exhausted the information received from our genealogist on family trees and contacts for appropriate DNA donors, but will go back to her in due course where we have DNA gaps that we are trying to fill.

### **5. Defence Attache liaison with Chinese officials regarding MIA**

Australia's Defence Attaché in Beijing has advised that Chinese defence officials have made a genuine attempt to locate any documents that may assist in locating

Australian MIA from the Korean War, but their advice is that no such documents exist.

## **6. Working group continuity**

COL Hocking advised that he was being posted out of AHQ at the end of 2016, but that his replacement as DCOS, COL Ashley Collingburn, would be briefed on its activities and would continue to facilitate its work. COL Hocking also advised that Mr Manns will retire in early 2017, but that the UWC-A role would continue as usual.

SQNLDR Williams advised that his function was now under the RAAF Director General History and Heritage, AIRCDRE John Meier, and that he was interested in the work of group and may become directly involved in future.

## **7. Next meeting**

The next meeting is scheduled for late March 2017, following a proposed UWC-A visit to DPAA and MAKRI. It was agreed that meeting papers would be distributed well in advance of future meetings to ensure that members are as well informed as possible prior to attending working group meetings.