

No. 30293

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**UNITED STATES OF AMERICA  
and  
REPUBLIC OF KOREA**

**Memorandum of agreement on the transfer of prisoners of  
war/civilian internees. Signed at Seoul on 12 February  
1982**

*Authentic texts: English and Korean.*

*Registered by the United States of America on 28 September 1993.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
RÉPUBLIQUE DE CORÉE**

**Mémoire d'accord sur le transfert de prisonniers de  
guerre/internes civils. Signé à Séoul le 12 février 1982**

*Textes authentiques : anglais et coréen.*

*Enregistré par les États-Unis d'Amérique le 28 septembre 1993.*

## MEMORANDUM OF AGREEMENT<sup>1</sup> ON THE TRANSFER OF PRISONERS OF WAR/CIVILIAN INTERNEES

Whereas, the United States of America (USA) and the Republic of Korea (ROK) are signatories to the 1949 Geneva Conventions for the protection of war victims;<sup>2</sup> and

Whereas, Article 12 of the Convention Relative to the Treatment of Prisoners of War<sup>3</sup> and Article 45 of the Convention Relative to the Protection of Civilian Persons in Time of War<sup>4</sup> indicate that prisoners of war and civilian internees may be transferred among parties to those conventions; and

Whereas, the USA and the ROK have declared their common determination to defend themselves against external armed attack in accordance with the provisions of the Mutual Defense Treaty of 1 October 1953;<sup>5</sup> and considering that, should hostilities recur in Korea, mutual defense would be assisted by transferring enemy prisoners of war and civilian internees (EPW/CI) captured by the armed forces of the USA to the armed forces of the ROK;

Therefore, the military authorities of the USA and the ROK shall observe the following agreement regarding enemy prisoners of war and civilian internees captured by the US armed forces:

1. The armed forces of both parties undertake to treat all enemy prisoners of war and civilian internees in accordance with the provisions of the Geneva Conventions of 1949.

<sup>1</sup> Came into force on 12 February 1982 by signature.

<sup>2</sup> United Nations, *Treaty Series*, vol. 75, p. 2.

<sup>3</sup> *Ibid.*, p. 135.

<sup>4</sup> *Ibid.*, p. 287.

<sup>5</sup> *Ibid.*, vol. 238, p. 199.

2. The armed forces of the ROK will accept and will be responsible for maintaining and safeguarding EPW/CI whose custody has been transferred to them by the armed forces of the USA.
3. The armed forces of the USA will process and classify EPW/CI prior to transfer. EPW/CI will not be reclassified by the ROK armed forces without the consent of US Armed Forces. However, the armed forces of the USA will give serious consideration to properly justified requests for reclassification.
4. Accurate accountability for all personnel turned over to the armed forces of the ROK shall be the separate responsibility of both the USA and the ROK. The ROK will notify the US side of any change in location, change in physical condition, death or place of burial of US transferred EPW/CI.
5. US liaison officers may be assigned and/or will have access to each internment facility for the purpose of logistic and administrative cooperation and also for the purposes of collecting information on facilities, personnel and records on US transferred EPW/CI and will be permitted to conduct interrogations of such EPW/CI.
6. The ROK shall return to USA control any specified USA captured EPW/CI when requested by the USA.
7. Release or repatriation of any USA transferred EPW/CI shall be made upon mutual agreement by the military authorities of both parties.
8. The USA shall reimburse the ROK upon request for the actual cost involved in maintaining USA captured EPW/CI which were transferred to ROK custody pursuant to this agreement.
9. The USA and the ROK shall promulgate directives implementing this agreement within six months after this agreement is signed by both

parties. The directives shall identify specific logistic support and outline transfer procedures as determined by mutual agreement.

10. This agreement, and agreed revisions thereof, shall be in English and Korean. Both texts shall have equal authenticity.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

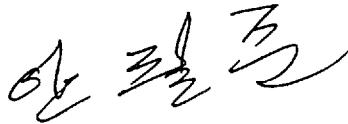
DONE at Seoul this 12<sup>th</sup> day of February 1982.

For the United States  
of America:



JOSEPH T. PALASTRA, Jr.  
Major General, Chief of Staff  
United States Forces Korea

For the Republic  
of Korea:



AHN, PIL JOON  
Major General, ACofS, G-1  
Republic of Korea Army