

## THE AGREEMENT ON THE "TERMS OF REFERENCE FOR THE NEUTRAL NATIONS REPATRIATION COMMISSION"

*On June 8, in Panmunjom, General Nam Il, chief delegate of the Korean and Chinese side, and Lieutenant-General William K. Harrison, senior delegate of the other side, reached an agreement on P.O.W. repatriation and officially signed the agreement.*

*Both sides agreed to make appropriate revision of the provisions in Paragraph 51 of the Draft Armistice Agreement concerning the disposition of the P.O.W.'s to be directly repatriated, and to turn over all the remaining P.O.W.'s not directly repatriated to the Neutral Nations Repatriation Commission for disposition in accordance with the "Terms of Reference for the Neutral Nations Repatriation Commission." Here we print the full text of the agreement on the "Terms of Reference for the Neutral Nations Repatriation Commission."*

### I. General

1. In order to ensure that all prisoners of war have the opportunity to exercise their right to be repatriated following an armistice, Poland, Czechoslovakia, Sweden, Switzerland and India shall each be requested by both sides to appoint a member to a Neutral Nations Repatriation Commission which shall be established to take custody in Korea of those prisoners of war who, while in the custody of the detaining powers, have not exercised their right to be repatriated. The Neutral Nations Repatriation Commission shall establish its headquarters within the demilitarised zone in the vicinity of Panmunjom, and shall station subordinate bodies of the same composition as the Neutral Nations Repatriation Commission at those locations at which the Repatriation Commission assumes custody of prisoners of war. Representatives of both sides shall be permitted to observe the operations of the Repatriation Commission and its subordinate bodies to include explanations and interviews.

2. Sufficient armed forces and any other operating personnel required to assist the Neutral Nations Repatriation Commission in carrying out its functions and responsibilities

shall be provided exclusively by India, whose representative shall be the umpire in accordance with the provisions of Article 132 of the Geneva Convention, and shall also be chairman and executive agent of the Neutral Nations Repatriation Commission. Representatives from each of the other four powers shall be allowed staff assistants in equal number not to exceed 50 each. When any of the representatives of the neutral nations is absent for some reason, that representative shall designate an alternate representative of his own nationality to exercise his functions and authority. The arms of all personnel provided for in this paragraph shall be limited to military police type and small arms.

3. No force or threat of force shall be used against the prisoners of war specified in Paragraph One above to prevent or effect their repatriation, and no violence to their persons or affront to their dignity or self-respect shall be permitted in any manner for any purpose whatsoever (but see Paragraph Seven below). This duty is enjoined on and entrusted to the Neutral Nations Repatriation Commission. The Commission shall ensure that prisoners of war shall at all times be treated humanely in accordance with the specific provisions of the

Geneva Convention, and with the general spirit of that Convention.

## II. Custody of Prisoners of War

4. All prisoners of war who have not exercised their right of repatriation following the effective date of the Armistice Agreement shall be released from the military control and from the custody of the detaining side as soon as practicable, and, in all cases, within 60 days subsequent to the effective date of the Armistice Agreement to the Neutral Nations Repatriation Commission at locations in Korea to be designated by the detaining side.

5. At the time the Neutral Nations Repatriation Commission assumes control of the prisoner-of-war installations, the military forces of the detaining side shall be withdrawn therefrom, so that the locations specified in the preceding paragraph shall be taken over completely by the armed forces of India.

6. Notwithstanding the provisions of Paragraph Five above, the detaining side shall have the responsibility for maintaining and ensuring security and order in the areas around the locations where the prisoners of war are in custody and for preventing and restraining any armed forces (including irregular armed forces) in the area under its control from any acts of disturbance and intrusion against the locations where the prisoners of war are in custody.

7. Notwithstanding the provisions of Paragraph Three above, nothing in this agreement shall be construed as derogating from the authority of the Neutral Nations Repatriation Commission to exercise its legitimate functions and responsibilities for the control of the prisoners of war under its temporary jurisdiction.

## III. Explanation

8. The Neutral Nations Repatriation Commission, after having received and taken into custody all those prisoners of war who have not exercised their right to be repatriated, shall immediately make arrangements so that within 90 days after the Neutral Nations Repatriation Commission takes over the custody, the nations to which the prisoners of war belong shall have freedom and facilities to send representatives to the locations where the prisoners of war are in custody to explain to all the pri-

soners of war depending upon these nations, their rights and to inform them of any matters relating to their return to their homelands, particularly of their full freedom to return home to lead a peaceful life, under the following provisions:

(A) The number of such explaining representatives shall not exceed seven per thousand prisoners of war held in custody by the Neutral Nations Repatriation Commission; and the minimum authorized shall not be less than a total of five;

(B) The hours during which the explaining representatives shall have access to the prisoners shall be as determined by the Neutral Nations Repatriation Commission, and generally in accord with Article 53 of the Geneva Convention Relative to the Treatment of Prisoners of War;

(C) All explanations and interviews shall be conducted in the presence of a representative of each member nation of the Neutral Nations Repatriation Commission and a representative from the detaining power;

(D) Additional provisions governing the explanation work shall be prescribed by the Neutral Nations Repatriation Commission, and will be designed to employ the principles enumerated in Paragraph Three above and in this paragraph;

(E) The explaining representatives, while engaging in their work, shall be allowed to bring with them necessary facilities and personnel for wireless communications. The number of communications personnel shall be limited to one team per location at which explaining representatives are in residence, except in the event all prisoners of war are concentrated in one location, in which case, two teams shall be permitted. Each team shall consist of not more than six communications personnel.

9. Prisoners of war in its custody shall have freedom and facilities to make representations and communications to the Neutral Nations Repatriation Commission and to representatives and subordinate bodies of the Neutral Nations Repatriation Commission and to inform them of their desires on any matter concerning the prisoners of war themselves, in accordance with arrangements made for the purpose by the Neutral Nations Repatriation Commission.

#### IV. Disposition of Prisoners of War

10. Any prisoner of war who, while in the custody of the Neutral Nations Repatriation Commission decides to exercise the right of repatriation, shall make an application requesting repatriation to a body consisting of a representative of each member nation of the Neutral Nations Repatriation Commission. Once such an application is made, it shall be considered immediately by the Neutral Nations Repatriation Commission or one of its subordinate bodies so as to determine immediately by majority vote the validity of such application. Once such an application is made to and validated by the Commission or one of its subordinate bodies, the prisoners of war concerned shall immediately be transferred to and accommodated in the tents set up for those who are ready to be repatriated. Thereafter, he shall, while still in the custody of the Neutral Nations Repatriation Commission, be delivered forthwith to the prisoner-of-war exchange point at Panmunjom for repatriation under the procedure prescribed in the Armistice Agreement.

11. At the expiration of 90 days after the transfer of custody of the prisoners of war to the Neutral Nations Repatriation Commission, access of representatives to captured personnel as provided for in Paragraph Eight above shall terminate, and the question of disposition of the prisoners of war who have not exercised their right to be repatriated shall be submitted to the Political Conference recommended to be convened in Paragraph 60, Draft Armistice Agreement, which shall endeavour to settle this question within 30 days, during which period the Neutral Nations Repatriation Commission shall continue to retain custody of those prisoners of war. The Neutral Nations Repatriation Commission shall declare the relief from the prisoner-of-war status to civilian status of any prisoners of war who have not exercised their right to be repatriated and for whom no other disposition has been agreed to by the Political Conference within 120 days after the Neutral Nations Repatriation Commission has assumed their custody. Thereafter, according to the application of each individual, those who choose to go to neutral nations shall be assisted by the Neutral Nations Repatriation Commission and the Red Cross Society of India. This operation shall be completed within 30

days. Upon its completion, the Neutral Nations Repatriation Commission shall immediately cease its functions and declare its dissolution. After the dissolution of the Neutral Nations Repatriation Commission, whenever and wherever any of those above-mentioned civilians who have been relieved from the prisoner-of-war status desire to return to their fatherlands, the authorities of the localities where they are shall be responsible for assisting them in returning to their fatherlands.

#### V. Red Cross Visitation

12. Essential Red Cross service for prisoners of war in custody of the Neutral Nations Repatriation Commission shall be provided by India in accordance with regulations issued by the Neutral Nations Repatriation Commission.

#### VI. Press Coverage

13. The Neutral Nations Repatriation Commission shall ensure freedom of the press and other news media in observing the entire operation as enumerated herein, in accordance with procedures to be established by the Neutral Nations Repatriation Commission.

#### VII. Logistical Support for Prisoners of War

14. Each side shall provide logistical support for the prisoners of war in the area under its military control, delivering required support to the Neutral Nations Repatriation Commission at an agreed delivery point in the vicinity of each prisoner-of-war installation.

15. The cost of repatriating prisoners of war to the exchange point at Panmunjom shall be borne by the detaining side and the cost from the exchange point by the side on which the said prisoners of war depend, in accordance with Article 118 of the Geneva Convention.

16. The Red Cross Society of India shall be responsible for providing general service personnel in the prisoner-of-war installations as required by the Neutral Nations Repatriation Commission.

17. The Neutral Nations Repatriation Commission shall provide medical support for the prisoners of war as may be practicable. The detaining side shall provide medical support as practicable upon the request of the Neutral Nations Repatriation Commission and specifically for those cases requiring extensive treatment or hospitalisation. The Neutral Na-

tions Repatriation Commission shall maintain custody of prisoners of war during such hospitalisation. The detaining side shall facilitate such custody. Upon completion of treatment, prisoners of war shall be returned to a prisoner-of-war installation as specified in Paragraph Four above.

18. The Neutral Nations Repatriation Commission is entitled to obtain from both sides such legitimate assistance as it may require in carrying out its duties and tasks, but both sides shall not under any name and in any form interfere or exert influence.

### **VIII. Logistical Support for the Neutral Nations Repatriation Commission**

19. Each side shall be responsible for providing logistical support for the personnel of the Neutral Nations Repatriation Commission stationed in the area under its military control, and both sides shall contribute on an equal basis to such support within the demilitarised zone. The precise arrangements shall be subject to determination between the Neutral Nations Repatriation Commission and the detaining side in each case.

20. Each of the detaining sides shall be responsible for protecting the explaining representatives from the other side while in transit over lines of communication within its area, as set forth in Paragraph 23 for the Neutral Nations Repatriation Commission, to a place of residence and while in residence in the vicinity of but not within each of the locations where the prisoners of war are in custody. The Neutral Nations Repatriation Commission shall be responsible for the security of such representatives within the actual limits of the locations where the prisoners of war are in custody.

21. Each of the detaining sides shall provide transportation, housing, communication, and other agreed logistical support to the explaining representatives of the other side while they are in the area under its military control. Such services shall be provided on a reimbursable basis.

### **IX. Publication**

22. After the Armistice Agreement becomes effective, the terms of this agreement shall be made known to all prisoners of war who, while in the custody of the detaining side, have not exercised their right to be repatriated.

### **X. Movement**

23. The movement of the personnel of the Neutral Nations Repatriation Commission and repatriated prisoners of war shall be over lines of communication as determined by the Command (s) of the opposing side and the Neutral Nations Repatriation Commission. A map showing these lines of communication shall be furnished the Commands of the opposing side and the Neutral Nations Repatriation Commission. Movement of such personnel, except within locations as designated in Paragraph Four above, shall be under the control of, and escorted by, personnel of the side in whose area the travel is being undertaken; however, such movement shall not be subject to any obstruction and coercion.

### **XI. Procedural Matters**

24. The interpretation of this agreement shall rest with the Neutral Nations Repatriation Commission. The Neutral Nations Repatriation Commission, and (or) any subordinate bodies to which functions are delegated or assigned by the Neutral Nations Repatriation Commission, shall operate on the basis of majority vote.

25. The Neutral Nations Repatriation Commission shall submit a weekly report to the opposing Commanders on the status of prisoners of war in its custody, indicating the numbers repatriated and remaining at the end of each week.

26. When this agreement has been acceded to by both sides and by the five powers named herein, it shall become effective upon the date the armistice becomes effective.

Done at Panmunjom, Korea, at 14:00 hours on the eighth day of June, 1953, in Korean, Chinese, and English, all texts being equally authentic.

#### **Nam Il,**

General, Korea,  
Senior Delegate, Delegation of the  
Korean People's Army and the Chi-  
nese People's Volunteers.

#### **William K. Harrison, Jr.,**

Lieutenant General, United States  
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mand Delegation.