Headquarters
United States Forces Korea
Unit #15237
APO AP 96205-5237

United States Forces Korea
Regulation 190-6

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Military Police

THE PROCESSING AND TRANSFER TO REPUBLIC OF KOREA CUSTODY OF DETAINEES CAPTURED BY UNITED STATES FORCES

***This regulation supersedes USFK Regulation 190-6, dated 1 March 2010.**

FOR THE COMMANDING GENERAL:

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Summary. This regulation establishes procedures for transferring U.S. captured detainees to Republic of Korea custody.

Summary of Change. This publication has been substantially changed. A full review of its contents is required.

Applicability. This regulation applies to all U.S. Armed Forces personnel, or elements, who capture or become involved with handling U.S.-captured persons during an armed conflict in Korea.

Forms. USFK forms are available at http://www.usfk.mil.

Supplementation. Issue of further supplements to this regulation by subordinate commands is prohibited unless prior approval is obtained from United States Forces Korea (USFK) Provost Marshal Office (PMO) (FKPM), Unit #15306, APO AP 96205-5306.

Records Management. Records created as a result of process prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information System website at: https://www.arims.army.mil.

Suggested Improvements. Users are invited to send comments and suggestions on a DA Form 2028 (Recommended Changes to Publications and Blank Forms) to USFK PMO (FKPM), Unit #15306, APO AP 96205-5306.

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Chapter 1
Introduction

1-1. Purpose
This regulation prescribes policies, procedures, and responsibilities for processing detainees captured by United States (U.S.) forces and for transferring US captured enemy prisoners of war (EPW) or civilian internees (CI) who have been or will be transferred to the custody of the Republic of Korea (ROK) armed forces. The basis for transfer is the Memorandum of Agreement (MOA) on the Transfer of Enemy Prisoners of War/Civilian Internees signed on 12 February 1982 by the Republic of Korea and the United States.

1-2. References
Required publications and required forms are listed in appendix A.

1-3. Explanation of Abbreviations and Terms
Abbreviations and terms used in this regulation are explained in the glossary.

1-4. Responsibilities

a. Service Component Commanders will ensure that U.S. Forces comply with the Geneva Convention for proper and humane treatment of U.S.-captured and U.S.-transferred persons.

b. The Combined Forces Command (CFC)/United States Forces Korea (USFK) Provost Marshal Office (PMO) has primary staff responsibility for policies and procedures affecting U.S.-captured persons. The PMO will -

(1) Develop policies and procedures on U.S.-captured persons who are in U.S. custody, following applicable higher headquarters and service component directives.

(2) Coordinate with the appropriate ROK Joint Chiefs of Staff elements to develop mutual policies and procedures on U.S.-transferred persons, according to the applicable international conventions and higher headquarters directives.

(3) Provide necessary reports, coordination, technical advice, and staff assistance to U.S. and ROK agencies.

(4) Ensure that U.S. forces comply with the Geneva Convention for proper and humane treatment of U.S.-captured and U.S.-transferred persons.

(5) Develop and maintain a USFK Detainee Accountability Database to track the status of all U.S.-captured detainees.

(6) Serve as the Theater Detainee Reporting Center for all detainees captured by U.S. forces.

c. Assistant Chief of Staff (ACofS), Resource Management, USFK, The ACofS, Resource Management, is responsible for EPW/CI financial programs established by higher headquarters directives. The ACofS, Resource Management, also manages reimbursements to the ROK for maintaining U.S.-transferred persons, in accordance with paragraph 8 of the MOA (Appendix B, Chapters 2 and 7 of this regulation, and other applicable directive.

d. CFC/USFK Surgeon -

(1) Through the 8th Army Surgeon and 65th Medical Brigade Commander, develops procedures to classify detainees as Retained Persons (see the glossary) and to certify the medical proficiency of Retained Persons.

(2) Ensures the medical requirements within U.S. detention facilities are consistent with Department of Defense (DOD) Instruction 2310.08E, Medical Program Support for Detainee Operations, and it's implementing orders and programs. Requirements are identified in appendix D.

e. CFC/USFK Chaplain -

(1) Advises USFK Commander on religious needs and practices of detainees.

(2) Develops procedures to classify detainees as Retained Persons (see the glossary).

f. CFC/USFK Judge Advocate -

(1) Advises the commander and other personnel responsible for detention operations on all matters pertaining to compliance with applicable law and policy.

(2) Provides legal advice to the commander on all matters relating to law of armed conflict and international law, detainee misconduct, medical support, interrogation, collection of evidence necessary to prosecute detainees for criminal offenses, and investigation of suspected maltreatment or abuse of detainees or other violations of applicable law or policy.

(3) Coordinates assignment of Army Trial Defense Service attorneys in support of U.S.-captured personnel responsibilities, including counsel for Geneva Convention, Article 5 Tribunals.

(4) Will exercise staff supervision of U.S. military court actions involving U.S.-captured civilians in Korea.

(5) Conducts liaison with International Committee of the Red Cross (ICRC) representatives as necessary.

(6) Supports the USFK Provost Marshal with law or armed conflict and international law advice.

g. CFC/USFK Public Affairs Office (PAO) is responsible for understanding and fulfilling the information needs of service members, the military community, and the public in matters relating to detainees and the facility. In the interest of national security and the protection of detainees from public curiosity, detainees will not be photographed or interviewed by news media. All situations that may gain national or international media interest should be referred to USFK Public Affairs Office. The PAO also -

(1) Serves the command's spokesman for all communication with external media.

(2) Facilitates media efforts to cover operations by expediting the flow of complete, accurate, and timely.

(3) Is transparent and open with the media to build trust and goodwill among interested public while not jeopardizing OPSEC-Operations Security (OPSEC), TTP-Tactics, Techniques and Procedures (TTPs) or the inherent protections accorded detainees.

Chapter 2
United States Forces Detainee Processing Procedures

2-1. Detainee Identification
U.S.-captured detainees will be identified by the capturing unit using DD Form 2745 (EPW Capture Tag) or ROKA Form 1-12-01-1 (Bilingual EPW Capture Tag).

2-2. Detainee Accountability Program
Upon arrival at a U.S detainee reception and processing facility detainees will be enrolled into the USFK Detainee Accountability Database established by the USFK PM. The USFK Detainee Accountability Database is accessible at https://8army.korea.army.mil/sites/USFK/CMDR%20Staff/provostmarshal/default.aspx.

2-3. Locations of U.S. Detainee Reception and Processing Facilities
U.S. detainee reception and processing facilities are established according to USFK and Service Component contingency plans. There may be one or more reception and processing facilities.

2-4. Processing Procedures
In accordance with appendix B, the general processing and classification of detainees captured by the U.S. shall be accomplished by the U.S. prior to transfer to the ROK.

2-5. Administrative Processing
Administrative processing of detainees captured by the U.S. to include EPW or CI who may eventually be transferred to custody of the ROK, including preparation of personnel records, fingerprint cards and identity cards, and assignment of control numbers, using forms printed in both Hangul and English, shall be accomplished by the U.S.

2-6. Detainee Management Records
Records for detainee management will be completed as to nationality, sex, occupation, education, religion, enemy unit served, etc., within the capability of the unit preparing such records.

2-7. Detainee Classification Records
Detainees shall be classified in accordance with procedures of the Detainee Reporting System as identified in appendix E.

2-8. Detainee Medical Support
U.S. detention facilities shall at a minimum provide to all detainees the treatment standards identified in appendix D.

2-9. Detainee Reporting System
Detainees who are held in U.S. facilities for more than 14 days will be enrolled into the Detainee Reporting System IAW with appendix C and JP 3-63.

Chapter 3
The ROK and USFK Transfer Agreement

3-1. Basis

Article 12, Geneva Convention Relative to the Treatment of Prisoners of War, 12 August 1949, and Article 45, Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949, address the international transfer of detainees essentially as follows:

a. Detainees may be transferred only to another party to the Geneva Conventions.

b. Detainees may be transferred only after the receiving nation assures the capturing nation that they will follow the provisions of the Conventions.

c. The receiving nation is responsible for applying the provisions of the Conventions while the transferred detainees are in its custody. If the receiving nation fails to carry out the provisions of the Conventions, the capturing nation must take effective measures to correct the situation, or request the return of the detainees. The receiving nation must comply with such requests. The capturing nation is ultimately responsible for the treatment of transferred detainees, and may be held accountable by appropriate international tribunals.

3-2. Synopsis of the ROK and USFK Transfer Agreement (see appendix B for full text of agreement)

a. Only U.S.-captured detainees classified as EPW or CI shall be transferred to the ROK.

b. Executing proponents are the ROK Military Police Operations Office of the Joint Chief of Staff, and the CFC/USFK PMO.

c. Evacuation and processing of U.S.-captured persons before transfer are the responsibilities of the US. ROKA forces may be requested to help with evacuation in certain circumstances.

d. Transfer of U.S.-captured persons to ROKA custody can occur only after processing through a U.S. reception and processing facility. Transfer is a formal procedure requiring written receipt using USFK FL 5EK-R-E and Enclosure 1 to USFK FL 5EK-R-E for the transferred persons, can only occur at facilities designated by the ROK Military Police Office of the Joint Chiefs of Staff to the CFC/USFK PMO and will not preclude access by U.S. interrogators to those transferred persons while under ROK control.

e. Key to the U.S. meeting its responsibilities under the Geneva Conventions is irrevocably accounting for U.S.-captured persons. The only acceptable method of doing this is by processing people through a U.S. reception and processing facility. The only U.S.-captured persons who will be transferred are those detainees formally classified as EPW or CI.

f. Procedures for ordering the internment of CI, and medical or intelligence evacuation before transfer are not changed by the MOA or by this regulation.

g. Medical care must be provided by the U.S. for U.S.-captured persons to the extent practicable, whether or not such persons are to be transferred. Precedence may be given to treating those persons whose medical condition is so severe as to preclude immediate transfer.

h. There may be U.S. liaison personnel at each ROKA facility handling U.S.-transferred persons; to include hospitals. Through coordination with the ROKA facility commanders, the U.S.

liaison teams will provide continuous accountability of U.S.-transferred persons.

i. Reclassification, release, or repatriation of U.S.-transferred persons cannot occur without U.S. consent. For release or repatriation, both the ROK and U.S. must consent.

j. Certain expenses incurred by the ROK for maintaining U.S.-transferred persons will be reimbursed by the U.S. Requests for reimbursement are to be submitted at least monthly by each interim station or facility interning U.S.-transferred persons. The USFK, ACofS, Resource Management, provides staff expertise on these issues and manages the reimbursement program (Chapter 7).

Chapter 4
Transfer Preparation Procedures

4-1. Detainees Eligible for Transfer
U.S.-captured persons who may be transferred to ROKA custody after processing are detainees classified as EPW or CI whose physical condition permits their transfer. EPW/CI eligible for transfer should be transferred at the earliest opportunity.

4-2. Determination of Transfer Availability
EPW/CI are ready for transfer when they have completed processing at the U.S. reception and processing facility, are released by Military Intelligence (MI), and if there is no reason to preclude or delay transfer.

4-3. Size of Transfer Groups
Identify people in transfer groups by classification and gender within each classification. Groups should be as large as practical; limit size according to the U.S. ability to control the group during movement and the ROKA interim station's capacity to process the personnel.

4-4. Requesting Transfer Authorization

a. When a transfer group has completed processing, the U.S. reception and processing facility will send through command channels to the CFC/USFK PMO the following statistics:

(1) The number of males, females, and the sum of EPW.

(2) The number of males, females, and the sum of CI.

b. CFC/USFK PMO relays this information to the ROK Military Police Office of the Joint Chiefs of Staff at least 72 hours before the requested date of transfer. The ROK Military Police Office of the Joint Chiefs of Staff has 48 hours to notify CFC/USFK PMO with the time and location of the transfer. PMO will immediately convey this information to appropriate service component for relay to the reception and processing facility. Meanwhile, the reception and processing facility prepares the necessary documents, identified in Chapter 5-4, to accompany the movement for transfer.

4-5. EPW/CI not to be Transferred
EPW/CI exempted from timely transfer are as follows:

a. EPW/CI identified by U.S. interrogators as intelligence sources. U.S. interrogators must authorize the transfer of detainee intelligence sources. U.S. interrogators must keep the number of people retained to a minimum. Interrogators must have substantial reason to believe that transfer

will significantly reduce the person's value as an intelligence source and is detrimental to U.S. interests.

b. EPW/CI whose physical condition does not permit their movement for transfer are retained until sufficiently recovered.

c. EPW/CI retained to help operate and maintain the reception and processing facility.

Chapter 5
Transfer Procedures

5-1. Personal Effects
IAW AR 190-8, detainees retain their authorized personal effects during transfer. U.S. detainee reception and processing facility personnel will inventories all detainees impounded articles and money on Department of the Army (DA) Form 4237-R. Prior to the transfer of any EPW/CI the information on the DA Form 4237-R will be transferred to ROKA Form 1-12-03-1. The impounded items and ROKA Form 1-12-03-1 will accompany the transferred EPW/CI and will be turned over to the ROK interim station commander or designated representative by the U.S. escort guard at the time of transfer. Confiscated items will be handled IAW AR 190-8 and illegal monies will be confiscated and handled per the guidelines in FM 3-39-40.

5-2. Interrogation Records
Information obtained by the U.S. during Interrogation of EPW/CI scheduled for transfer that may pertain to the national interests of the ROK shall be provided to the ROK at the time of transfer to ROK custody.

5-3. Locations for Transfer
Transfer of EPW and CI by the U.S. shall normally take place at ROK Temporary EPW Camps designated by the ROK.

5-4. Documents Required for Transfer
The following documents shall be required for transfers (see appendix E for records and forms information).

a. USFK FL 5EK-R-E and Enclosure 1 (Transfer receipt and roster) by classification, name, rank, sex, control number, and nationality.

b. EPW and CI record for each person (ROKA Form 1-12-03-1).

c. Fingerprint card for each person (ROKA Form 1-12-05-01).

d. Identity card issued by power served or by the U.S. (ROKA Form 1-12-06-01).

e. Interrogation records in accordance with paragraph 5-2.

f. Certification questionnaires as applicable (ROKA Form 1-12-08-01 for officer EPW/CI or ROKA Form 1-12-09-01 for enlisted EPW/CI).

g. Other documents that may be mutually agreed upon.

5-5. Withholding Acceptance
The ROK may withhold or refuse to accept custody of U.S.-captured EPW or CI who have

contracted communicable disease or who are in serious condition, for reasons of possible spread of the disease or accommodation problems.

5-6. Evacuation Responsibilities
It shall be the responsibility of U.S. Armed Forces to evacuate EPW/CI scheduled for transfer until formal transfer to ROK forces is completed. Evacuation operations will include appropriate transportation and guards. Further guard and evacuation of transferred EPWs shall be the responsibility of the ROK. Depending on transfer situations requiring increased transportation requirements and guard capabilities for evacuation, requests for assistance may be made and such assistance may be provided by the ROK.

5-7. Transfer Verification Procedures
To transfer EPW/CI, the senior U.S. member of the escort guard, the designated representative of the ROK facility commander accepting the EPW/CI, and a member of the U.S. liaison team located at the facility will jointly verify the accuracy of the number of EPW/CI and accuracy of the transfer receipt and roster and other required documents. The transfer will be completed when the transfer receipt and roster is signed by the ROK representative.

5-8. Signatures
After verifying the forms and ensuring proper accountability, the senior U.S. member of the escort guard completes the date, place, and transfer acknowledgment portions on all copies of Enclosure 1 to USFK FL 5EK-R-E. Then the ROK detainee facility commander or his representative writes the date and place in Hangul and completes the acknowledgment of receipt portion on all copies of the form.

5-9. EPW/CI Transfer at Combined Military Interrogation Centers
Transfer of U.S.-captured EPWs to the ROK at a Combined Military Interrogation Center shall be accomplished according to regulations for such centers.

5-10. Method of Internment
The EPW/CI transferred by the U.S. should be interned in separate enclosures established in the EPW facilities operated by the ROK, and should be segregated according to the Geneva Conventions.

5-11. Reclassification
In accordance with the MOA, reclassification of U.S.-transferred EPW/CI by the ROK shall require the consent of the U.S. When a justifiable reason for reclassification arises, the ROK Military Police Operations Office of the Joint Chiefs of Staff will request such action to the U.S. CFC/USFK PMO who will respond in writing.

5-12. Release or Repatriation
Written recommendations for release or repatriation of EPWs shall be made between the ROK Military Police Operations Office of the Joint Chiefs of Staff and the CFC/USFK PMO. After coordination with other concerned agencies, written responses shall be made between ROK Military Police Office of the Joint Chiefs of Staff and CFC/USFK PMO. Mutual consent is required.

5-13. Retransfer of EPW/CI
When it is necessary for the U.S. to request the retransfer from ROK custody to U.S. custody of certain persons -

a. CFC/USFK PMO, will be the central agency for coordinating retransfers. CFC/USFK PMO will arrange retransfers with the ROK Military Police Office of the Joint Chiefs of Staff.

b. Requests for retransfers will be forwarded to or initiated by CFC/USFK PMO and will include the following information:

(1) Person's name, nationality, rank, classification, sex, and ISN.

(2) Reason for request.

c. Forms for retransfer will be the same as those for transfer. Modify as necessary USFK FL 5EK-R-E and EPW/CI/RP Transfer Receipt and Roster.

d. EPW/CIs shall be retransferred to U.S. control within 72 hours from the time ROK Military Police Office of the Joint Chiefs of Staff receives the request, or sooner to the maximum extent possible.

Chapter 6
Operation of U.S. Liaison Teams

6-1. Establishment and Composition

a. U.S. liaison teams shall be organized and operated under the control of the U.S. to conduct liaison activities for support and coordination on the U.S.-transferred detainees interned and maintained by the ROK.

b. U.S. liaison teams may be located at ROK facilities where U.S.-transferred detainees are temporarily or permanently interned, and shall consist of the combination and number of such liaison personnel necessary to carry out the duties.

6-2. Mission and Functions

Missions and functions of U.S. liaison teams operated in accordance with the MOA shall be as follows:

a. Maintenance of records and collection of information on U.S.-transferred detainees.

b. Detainee accountability and monitoring of changes.

c. Being present at ROK and U.S. interrogations, conducting and arranging U.S. interrogations, and having access to records of ROK interrogations on U.S.-transferred persons.

d. Receiving and certifying requests for reimbursement and performing logistic and administrative liaison.

e. Controlling U.S. access by validating or denying access to the ROK facility by U.S. personnel desiring access to perform liaison functions. Validation or denial shall be based on identification data such as military orders, military identification cards, and credentials issued by the U.S. Government or MP, investigative, or intelligence agencies. The U.S. liaison team will verify U.S. visitors' identification to ROK security personnel. Visitors will be limited to those areas authorized to the U.S. liaison team.

f. Requesting to receive and verify ROK notification of changes to U.S.-transferred detainees. Notifications from the ROK are preferred in writing in Hangul and English for the following EPW/CI

circumstances as follows:

(1) Relocation. Request notice of intent to change the location of EPW/CI be given to the U.S. liaison team 72 hours in advance or more to the maximum extent possible by the commander of the ROK facility. EPW/CI will not be relocated without prior coordination and concurrence of both ROK and US.

(2) Change in physical condition. Request notification of change in physical condition caused by injury or sickness of EPW/CI, except death, be given to the U.S. liaison team within 24 hours by the commander of the ROK facility.

(3) Death. Request notification of the death of an EPW be given to the U.S. liaison team, using DA Form 2669 / ROKA Form 1-8-49 (Certificate of Death) within 24 hours by the commander of the ROK facility.

(4) Place or change in place of burial. Request that notification of place of burial of an EPW/CI be given to the U.S. liaison team within 24 hours by the commander of the ROK facility.

(5) Escape and recapture. Request that notification of escape of an EPW/CI be made within 12 hours after the escape is discovered, and notification of recapture be made within 48 hours after recapture to the U.S. liaison team by the commander of the ROK facility.

6-3. Support and Limitation

a. Support. The commander of the ROK facility shall, as may be requested or required, provide the U.S. liaison team with logistic support including office and billet space and furnishings, meals, and with communications equipment, or shall permit installation of such equipment.

b. Limitation. Access allowed for the U.S. liaison team personnel shall be limited to the enclosures where U.S.-transferred detainees are housed and engaged in activities. Access and visit to other areas of the ROK facility shall require approval of the ROK facility commander.

Chapter 7
Reimbursement of Maintenance Costs

7-1. Basis for Reimbursement of Maintenance Costs

The U.S. shall reimburse the ROK upon written requests for the actual costs involved in maintaining U.S.-transferred EPW in accordance with the MOA. Subcosts shall include direct maintenance costs, indirect maintenance costs, and other maintenance costs.

7-2. Reimbursable Costs

a. Direct maintenance costs.

(1) Subsistence, to include U.S. liaison team subsistence costs.

(2) Medical.

(3) Clothing.

(4) Toilet articles (tooth brushes, razor blades, soaps, etc).

(5) Advances of pay to U.S.-transferred EPW.

b. Indirect maintenance costs. Indirect maintenance costs shall be reimbursed on a pro rata share basis of the U.S.-transferred detainees to the ROK interned detainees, and shall include the following:

(1) Costs relating to construction and upkeep of internment facilities.

(2) Costs relating to payment made for labor performed at the request of the U.S.

c. Other maintenance costs. These include costs for subsistence provided by the ROK to U.S. liaison teams.

7-3. Computations of and Requests for Reimbursable Costs

a. Computations of the actual additional costs involved in interning and maintaining U.S.-transferred detainees shall be based on the standard rate as mutually agreed upon by the ROK and the U.S. Requests for reimbursement, prepared as of the end of each month, including detailed itemization of costs claimed, shall be submitted to the U.S. liaison team.

b. Additional costs are costs that would not have been necessary if there were no U.S.-transferred persons to maintain in an internment facility.

c. Only expenses agreed upon by the USFK ACofS, Resource Management with the ROKA, and provided through USFK to Service Components for dissemination to U.S. liaison teams may be used to request reimbursement. All other billings are exempt from reimbursement.

7-4. Reimbursement Procedures

a. U.S. liaison teams are responsible for ensuring that all submitted reimbursement requests conform to the requirements identified in this policy document. Items on approved bills must be reasonable expenses, incurred by the ROK in the maintenance of U.S.-transferred detainees.

b. In the event a billed expense is not clearly reimbursable, the U.S. liaison team will request through the Service Component for USFK, ACofS, Resource Management, for advice.

c. On receiving a bill, the U.S. liaison team will verify its accuracy.

d. Once verified, the U.S. liaison team prepares five copies of Standard Form (SF) 1034 (Public Voucher for Purchases and Services other than Personal) and approves the reimbursable amount. The approving official is the senior Military Police (MP) member of the team. A DD Form 577 (Appointment/Termination Record - Authorized Signature) must be on file with the office of the Assistant Chief of Staff, Resource Management (FKRM) for persons authorized to approve SF 1034 detainee vouchers. The PURPOSE block of the signature card should state: “Receipt for services provided by ROK SF 1034 detainee vouchers.

e. The ROK bill will be attached to the SF 1034 and forwarded through the Service Component and CFC/USFK PMO FKRM. USFK PMO reviews the voucher, completes the accounting classification, and certifies that the voucher is correct. A DD Form 577 must be on file with FKRM for persons authorized to certify EPW vouchers for payment. The PURPOSE block of the signature card should state: “Certify SF 1034 detainee vouchers for payment.”

Appendix A
References

Section I. Required Publications

The Geneva Conventions

The ROK/USA MOA (Transfer of Prisoners of War/Civilian Internees)

AR 190-8 (Enemy Prisoner of War Retained Personnel, Civilian Internees and other Detainees)

DOD Directive 2310.01E (Department of Defense Detainee Program)

DOD Directive 2311.01E (Department of Defense Law of War Program)

DOD Instruction 2310.08E (Medical Program Support for Detainee Operations)

FM 3-19.40 (Military Police Internment/Resettlement Operations)

FM 27-10 (The Law of Land Warfare)

JP 3-63 (Detainee Operations)

Section II. Related Publications

AR 40-3 (Medical, Dental, and Veterinary Care)

AR 40-5 (Preventive Medicine)

AR 40-400 (Patient Administration)

AR 40-66 (Medical Record Administration and Health Care Documentation)

AR 190-45 (Law Enforcement Reporting)

AR 190-51 (Security of Unclassified Army Property (Sensitive and Non sensitive))

AR 385-10 (Army Safety Program)

AR 600-85 (Army Substance Abuse Program)

AR 600-8-1 (Army Casualty Program)

AR 638-2 (Care and Disposition of Remains and Disposition of Personal Effects)

AR 735-5 (Policies and Procedures for Property Accountability)

DA PAM 385-40 (Army Accident Investigation and Reporting)

DIAM 58-12 (The DOD HUMINT Management System)

FM 2-0 (Intelligence)

FM 3-0 (Operations)

FM 3-19.15 (Civil Disturbance Operations)

FM 3-19.30 (Physical Security)

FM 3-19.4 (Military Police Leaders' Handbook)

FM 3-36 (Electronic Warfare in Operations)

FM 3-39 (Military Police Operations)

Manual for Courts-Martial, United States

Section III. Prescribed Form

USFK FL 5EK-R-E (EPW/CI/RP Transfer Receipt and Roster)

Section IV. Referenced Forms

DA Form 2662-R (EPW Identity Card)

DA Form 2663-R (Finger Print Card)

DA Form 2669 (Certificate of Death)

DA Form 2672-R (Classification Questionnaire for Officer Retained Personnel)

DA Form 2673-R (Classification Questionnaire for Enlisted Retained Personnel)

DA Form 2677-R (Civilian Internee Identity Card)

DA Form 4237-R (Detainee Personnel Record)

DD Form 577 (Appointment/Termination Record - Authorized Signature)

DD Form 2745 (Enemy Prisoner of War (EPW) Capture Tag)

ROKA FORM 1-12-01-1 (EPW Capture Tag)

ROKA FORM 1-12-03-1 (EPW/CI RP Personnel Record)

ROKA FORM 1-12-04-1 (EPW/CI RP Personnel Record)

ROKA FORM 1-12-05-01 (Finger Print Card)

ROKA FORM 1-12-06-01 (EPW Identity Card)

ROKA FORM 1-12-07-1 (Civilian Internee Card)

ROKA FORM 1-12-08-01 (Certification Questionnaire for Officer Grade EPW/CI/RP)

ROKA FORM 1-12-09-01 (Certification Questionnaire for Enlisted Grade EPW/CI/RP)

ROKA FORM 1-12-10-01 (Certificate of Death)

SF Form 1034 (Public Voucher for Purchases and Services other than Personal)

Section V. Related Forms

DA Form 2664-R (Weight Register)

DA Form 2665-R (Capture Card for Prisoner of War)

DA Form 2666-R (Prisoner of War Notification of Address)

DA Form 2668 (Prisoner of War Mail)

DA Form 2670-R (Mixed Medical Commission Certificate for EPW)

DA Form 2671-R (Certificate for Direct Repatriation for EPW)

DA Form 2675-R (Certificate of Work Incurred Injury or Disability)

DA Form 2679-R (Civilian Internee Letter)

DA Form 2684-R (Cemetery Operations – Utilization of Gravesites)

DA Form 4137 (Evidence/Property Custody Document)

Appendix B
Transcript of Memorandum of Agreement on the Transfer of Prisoners of War/Civilian Internees

The following language is the verbatim transcript from the original Memorandum of Agreement:

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

Whereas, Article 12 of the Convention Relative to the Treatment of Prisoners of War and Article 45 of the Convention Relative to the Protection of Civilian Persons in Time of War 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 1 October 1953; 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;

1. 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 U.S. armed forces:

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

3. The armed forces of the ROK will accept and will be responsible for maintaining and safe guarding EPW/CI whose custody has been transferred to them by the armed forces of the USA.

4. 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 U.S. armed forces. However, the armed forces of the USA will give serious consideration to properly justified requests for reclassification.

5. 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 U.S. side of any change in location, change in physical condition, death or place of burial of U.S-transferred EPW/CI.

6. U.S. 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 U.S.-transferred EPW/CI and will be permitted to conduct interrogations of such EPW/ CI.

7. The ROK shall return to USA control any specified USA captured EPW/CI when requested by USA.

8. Release or repatriation of any USA-transferred EPW/CI shall be made upon mutual agreement by the military authorities of both parties.

9. The USA shall reimburse the ROK upon request for the actual cost Involved in maintaining captured EPW/CI which were transferred to ROK custody pursuant to this agreement.

10. The USA and the ROK shall promulgate directives implementing this agreement within 6 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.

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

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

DONE at Seoul this 12th day of February 1982.

For the United States of America	For the Republic of Korea
/S/	/S/
JOSEPH T. PALASTRA, JR.	AHN, PIL JOON
Major General	Major General
Chief of Staff	ACofS, G1
United States Forces Korea	Republic of Korea Army

Appendix C
The U.S. Detainee Control Number System

C-1. Internment Serial Number (ISN)

An ISN is the DOD identification number used to maintain accountability of Detainees. All detainees under DOD control will be registered promptly. Once an ISN is assigned, all further documentation, to include medical records, will use only this number (no other numbering system will be used). The ISN is generated by the detainee reporting system (DRS). DRS is the mandated detainee accountability database for all DOD agencies. The ISN is comprised of five Components:

a. First Component shall be the two-digit alpha character code representing the capturing power. Only country codes found within Defense Intelligence Agency Manual (DIAM) 58-12, The DOD HUMINT Management System, will be used.

b. Second Component shall be the single digit designation of the command/theater under which the detainee came into the custody of the United States.

c. Third Component shall be the two-digit alpha character code representing the detainee's power served/nationality. Where applicable, country codes found within U.S. DHE-M 3301.001, Defense HUMINT Enterprise Manual Volume or its successor will be used.

d. Fourth Component shall be a unique six-digit number assigned exclusively to an individual detainee. The DRS will assign these sequentially. This component is commonly referred to as the "sequence number." Not even in the event of a detainee death, release, repatriation, transfer or escape shall a sequence number be reissued during the course of a single conflict. If a detainee is ever issued two sequence numbers the latter number will be voided and the National Detainee Reporting Center (NDRC) will be notified. Voided sequence numbers will not be used at a later time.

e. Fifth Component shall be a two or three-digit alpha character code representing the detainee's classification. Current classifications are:

(1) EPW-enemy prisoner of war.

(2) CI-civilian internee.

(3) RP-retained personnel.

(4) OD-other detainee.

(5) EC-enemy combatant.

C-2. ISN Reporting

The ISN, once issued, is reported through the theater DRC, to the NDRC. Once the DRS has created the ISN, no component may be changed or corrected at the theater level without approval from the NDRC. All changes to an ISN must be requested in writing and approved by the NDRC.

C-3. International Commission of the Red Cross (ICRC) Reporting

When required by law and/or policy, the NDRC provides detainee information to the International Committee of the Red Cross (ICRC) to satisfy US Geneva Convention obligations. The ICRC uses this information to provide notice of the status of the detained individual to his or her government.

The US must be vigilant in executing all obligations to account for detainees and issue detainees an ISN when required by law and/or policy. Commanders should make every effort to standardize tracking detainees from point of capture through the issuance of an ISN.

C-4. Tracking of Detainees

The unique capture tag number that is found on Department of Defense (DD) Form 2745, Enemy Prisoner of War (EPW) Capture Tag, or allied equivalent are the only authorized tracking numbers that may be used prior to the assignment of an ISN. After the ISN is assigned, previously generated documents should be annotated with the ISN. For example, medical channels should use the capture tag number and then use an ISN once that is issued to a detainee to track a detainee through the medical facilities and back to the detention facility.

Appendix D
Required Detainee Medical Support

D-1. Through 8th Army Surgeon and 65th Medical Brigade Commander, the CFC/USFK Surgeon is responsible for ensuring the medical treatment standards within U.S. detention facilities are consistent with Department of Defense Instruction 2310.08E, Medical Program Support for Detainee Operations.

D-2. At a minimum U.S. detention facilities shall provide the following treatment standards for all detainees.

a. Examination and documentation of detainees' physical condition upon initiation of detention.

b. Monthly recording of detainees' weight.

c. Monitoring of general cleanliness of the facility (latrines, showers, and wash stations).

d. Examination of detainees for contagious diseases.

e. Providing for detainee access to medical care including sick call.

f. Coordination for preventive medicine inspections of the facility.

g. Coordination for preventive medicine inspection of food sources.

h. Providing for caloric content and detainee ration suitability advice.

i. When directed, develop pre/post interrogation medical screening criteria.

j. Upon death of a detainee the body will not be released from U.S. custody without written authorization from the U.S. Army Criminal Investigation Command or another appropriate military criminal investigative organization. The investigating military criminal investigative organization will contact the Office of the Armed Forces Medical Examiner, which will determine whether an autopsy will be performed. In the case of detainee's death, it is presumed that an autopsy will be performed, unless an alternative determination is made by the Office of the Armed Forces Medical Examiner. Medical determination of the cause and manner of a detainee's death is the sole responsibility of the Office of the Armed Forces Medical Examiner or another physician designated by the Office of the Armed Forces Medical Examiner.

Appendix E
Preparing Required Records and Forms Required for Transfer

E-1. General

Records and forms required for transferring detainees are available at https://8army.korea.army.mil/sites/USFK/CMDR%20Staff/provostmarshal/default.aspx

E-2. Preparing Transfer Records and Forms

a. Prepare USFK FL 5EK-R-E and Enclosure 1 to USFK-FL 5EK-R-E in triplicate and forward with the transferring group.

b. Prepare a separate USFK FL 5EK-R-E and Enclosure 1 for each classification of transferred persons; line through the non applicable classifications. For example, if a transfer group includes both EPW and Retained Person (RP), prepare one set of forms for the EPW and another set for the RP. For EPW, the subject line and form title would read "EPW Transfer Receipt and Roster" with appropriate line-outs.

c. Organize line entries on Enclosure 1 to USFK FL 5EK-R-E numerically by ISN, starting with the lowest number. Keep in mind; the internment serial numbers of a group to be transferred are not likely to be consecutive.

d. Consecutively number the line entries on Enclosure 1 to USFK FL 5EK-R-E for each classification of transferred persons. For example, if the transfer group includes 27 EPW and 5 RP, the EPW form letter states, "a total of 27 name(s) on 2 page(s)." The EPW transfer receipt and roster form would have two pages with entries numbered 1 through 27. The form letter for RP will reflect "a total of 5 name(s) on 1 page(s)." The RP form has one page with entries numbered 1 through 5.

e. Consecutively number each page of Enclosure 1 to USFK FL 5EK-R-E used in a transfer in the spaces provided.

f. When the transfer is complete, sign and date the appropriate blocks of Enclosure 1 to USFK FL 5EK-R-E. Fill in the place and other entries required in the ACKNOWLEDGMENT OF TRANSFER and ACKNOWLEDGMENT OF RECEIPT blocks.

E-3. Utilize ROKA Forms in lieu of DA Forms due to ROKA Forms being bilingual which will expedite the transfer process

a. ROKA FORM 1-12-03-1 and ROKA FORM 1-12-04-1 (EPW/CI RP PERSONNEL RECORD) - This bilingual form is used in lieu of DA Form 4237-R (Detainee Personnel Record). Use the same codes and procedures to complete the ROKA form.

b. ROKA FORM 1-12-06-01 (EPW IDENTITY CARD) - This bilingual form is used in lieu of DA Form 2662-R (EPW Identity Card). Use the same codes and procedures to complete the ROKA form except a block must be added to identify gender.

c. ROKA FORM 1-12-07-1 (Civilian Internee Card) - This bilingual form is used in lieu of DA Form 2677-R (Civilian Internee Identity Card) except The NOTICE section on the reverse of the card now states, "This card is issued to U.S.-captured (prisoners of war/civilian internees) in the custody of the Republic of Korea Army." Use the same codes and procedures to complete these forms.

d. ROKA FORM 1-12-05-01 (Finger Print Card) - This bilingual form is used in lieu of DA Form 2663-R (Finger Print Card). Use the same codes and procedures to complete this form.

e. ROKA FORM 1-12-08-01 (Certification Questionnaire for Officer Grade EPW/CI/RP) - This bilingual form is used in lieu of DA Form 2672-R (Classification Questionnaire for Officer Retained Personnel). Use the same codes and procedures to complete the form except a block must be added to identify gender.

f. ROKA FORM 1-12-09-01 (Certification Questionnaire for Enlisted Grade EPW/CI/RP) - This bilingual form is used in lieu of DA Form 2673-R (Classification Questionnaire for Enlisted Retained Personnel). Use the same codes and procedures to complete the form except a block must be added to identify gender.

g. ROKA FORM 1-12-10-01 (Certificate of Death) - This bilingual form is used in lieu of DA Form 2669 (Certificate of Death). Use the same codes and procedures to complete the form.

Glossary

Section I. Abbreviations

ACofS	Assistant Chief of Staff
CI	Civilian Internee(s)
DA	Department of the Army
DOD	Department of Defense
EPW	Enemy Prisoner(s) of War
HQ	Headquarters
ISN	Internment Serial Number
MI	Military Intelligence
MOA	Memorandum of Agreement
MP	Military Police
OPMG	Office of the Provost Marshal General
PMO	Provost Marshal Office
RP	Retained Person(s)
ROK	Republic of Korea
ROKA	Republic of Korea Army
SJA	Staff Judge Advocate
U.S.	United States (of America)
USFK	United States Forces Korea

Section II. Terms

Control number. An identifier assigned to a detainee to assist in maintaining accountability.

Civilian Internee. A civilian who is interned during armed conflict, occupation, or other military operation for security reasons, for protection, or because he or she committed an offense against the detaining power.

Detainee. A term used to refer to any person captured or otherwise restrained by an armed force.

Enemy Combatant. In general, a person engaged in hostilities against the United States or its coalition partners during an armed conflict.

Enemy Prisoner of War. An individual under the custody and/or control of the DOD who meets the qualifications set out in Articles 4 and 5 of the Geneva Convention Relative to the Treatment of Prisoners of War.

Medical Processing. Medical processing for each detainee includes Lindane dusting, immunizations (initial), and physical inspection.

Physical Processing. Physical processing for each detainee includes a haircut, and issue of clean clothing, toilet articles, mess equipment, and a blanket.

Retained Personnel. Enemy medical personnel and medical staff administrators who are exclusively engaged in either the search for, collection, transport, or treatment of the wounded or sick, or the prevention of disease; chaplains attached to enemy armed forces; and, staff of National Red Cross Societies and that of other volunteer aid societies, duly recognized and authorized by their governments to assist medical service personnel of their own armed forces, provided they are exclusively engaged in the search for, or the collection, transport or treatment of wounded or sick, or in the prevention of disease, and provided that the staff of such societies are subject to military laws and regulations.

Reclassification. Changing from one to another the formal classifications of EPW, CI, or RP assigned to a U.S.-transferred person.

ROK Facility. A ROK establishment for the processing or holding of U.S.-transferred detainees.

ROK Internment Camp (or facility). A ROK establishment for the internment rather than processing of U.S.-transferred detainees.

Transfer. Transfer refers to the international transfer of custody of U.S.-captured persons between the ROK and the U.S. armed forces.

Unlawful Enemy Combatants. Unlawful enemy combatants are persons who are not entitled to combatant immunity, who engage in acts against the United States of its coalition partners in violation of the laws and customs of war during armed conflict. Spies and saboteurs are traditional examples of unlawful enemy combatants.

U.S-Captured Persons. EPW, CI, RP, and suspected enemy combatants captured by members of U.S. armed forces.

U.S-Transferred Persons. Include EPW, CI, and RP captured by U.S. forces and transferred to ROK control.