

Felix



*Application for Repatriation
and Dual Citizenship for
African American
Political Prisoners of War
— and Ex-political Prisoners*

Submitted by :

December 12th Movement International Secretariat
New York, New York, USA

P R E F A C E

The December 12th Movement International Secretariat acting on behalf of the petitioners herein referred to as **Political Prisoners of War**, detained in U.S. Federal and State Penitentiaries.

Petitioner hereby requests consideration for review of this official Application for Dual Citizenship and Repatriation to the countries of their choosing.

The December 12th Movement International Secretariat therefore officially submits this application to the appropriate legislative body or Parliament or Congress for due consideration.

This application is not conclusive, it only represents a small number of a larger number, over 200, of longstanding cases of political incarceration of combatants and a test sample of ex-political prisoners who consented to the December 12th Movement International Secretariat submitting their names for the stated expressed purpose of the application.

On behalf of all petitioners, the December 12th International Secretariat would like to extend this Pan-African solidarity and gratitude to His Excellency Dr. Nathan Shamuyarira.

Roger Wareham
Legal Counsel

Coltrane Chimurenga
Secretary General

HISTORICAL PERSPECTIVE

There are 40,000,000 Africans in the United States of America. They are there by European design, not by African choice. It is an uncontested historical fact that we were kidnapped by Europeans from the African continent, for the benefit of Europe and Europeans. This act, this genocide for profit, was the economic basis of the Industrial Revolution which made capitalist development possible.

European entry into Africa, while motivated by economics, was politically an undeclared act of war. Those of us brought en masse to the Americas were prisoners of that war.

Our history in North America is replete with the deeds of those who actively resisted our captivity - Nat Turner, Denmark Vesey, Harriet Tubman, Marcus Garvey, Malcolm X, the Black Panther Party, the Republic of New Afrika, the Black Liberation Army. Thousands of nameless others similarly fought, some were killed, others captured. The latter are our political prisoners and prisoners of war.

The US government has refused to acknowledge the existence, much less the mistreatment of its Political Prisoners/Prisoners of War who carry on the legacy of resistance against the US government's undeclared war. There are currently over 100 African Political Prisoners/Prisoners of War being held in US penal institutions. No matter what they were supposedly convicted of, their real crime is their relentless commitment to the struggle for the liberation of the oppressed Black Nation in (an internal colony of) the US. Their surveillance, arrests, trials, sentences and treatment while incarcerated speak to the political nature of the State's repression against them. Once the "justice system" has these revolutionaries safely captured, the State's propaganda apparatus publicly portrays them as criminals and terrorists in order to destroy domestic and international solidarity for them.

All of the Political Prisoners/Prisoners of War learned the importance of the international arena to 40 million Africans' struggle for national liberation from the teachings of Malcolm X, El Hajj Malik El Shabazz, the Father of the Black Revolution. From him, they realized the necessity of speaking the international language of human rights and of moving outside the US-imposed restrictions of civil rights.

Similarly, the Political Prisoners/Prisoners of War saw the connections between the struggles of Africans in the US and those of Africans on the Continent and throughout the Diaspora. Most, if not all of them, prior to capture were politically active and strong supporters of the African liberation struggles of the 1960s, 70s and 80s. Their support for the wars of national liberation, which was both material and propagandistic, made them prime targets of the FBI, CIA and the State Department 20th century style. They have continued this support since being locked down through their writings, public declaration and private entreaties.

Unfortunately, for various reasons, Africans in America's support for struggles on the Continent have not been reciprocated by recognition of and support for the Political Prisoner/Prisoner of War status of Africans in the US. International pressure, particularly from African nations, can fulfill two important objectives. First, it will ensure proper treatment and the release/repatriation of these men and women. Secondly, it will establish that there is one standard for the treatment of political prisoners which the entire world must observe. The United States, in particular, must understand that African countries will hold it accountable to the same international standards which it demands the rest of the world adhere to.

The granting of Dual Citizenship and implementation of the Right to Repatriate are key features of the support Africa can provide Africans in the diaspora. Political Prisoners of War and Ex-Political Prisoners represent material expressions of Pan-African solidarity which can be of invaluable benefit to the struggling African world.

Thus it is appropriate that on Heroes Day 1994, Zimbabwe's celebration of those African combatants and cadre whose deeds inspire and guide us, we Africans in the US and to the honor roll the names of our unknown, but no less heroic, men and women who are still paying the price for their commitment to the liberation of African people wherever we are in the African world.

POLITICAL PRISONER/PRISONER OF WAR PROFILE - U.S.A.

SEKOU M. ABDULLAH ODINGA:

#05228-054 - Allentown (Pennsylvania)

Personal History

Date of Birth: June 17, 1944
Nationality: New Afrikan
Place of Incarceration: United States Penitentiary,
Allenwood (Pennsylvania)
Date of Incarceration: October, 1981
Length of Sentence: 40 years on Federal charges to be followed by 25 years to life on New York State charges.
Status\Designation: Prisoner of War (captured while struggling for the liberation, land and independence of the Republic of New Afrika).

INTERNATIONAL SOLIDARITY WORK: Sekou was a founding member of the International Section of the Black Panther Party, Algiers, Algeria and was an active supporter of all the progressive national liberation movements (ZANU, ZAPU, MPLA, SWAPO) during the late 1960s and 1970s.

USA GRASSROOTS/MASS ORGANIZING HISTORY:

Grassroots Advisory Counsel (Queens, New York);
OAAU (Organization of Afro-American Unity, N.Y., N.Y.)
Black Panther Party (New York, USA; Algiers, Algeria)
Black Liberation Army

USA - GOVERNMENT CONSPIRACY: Sekou was in leadership in the New York Black Panther Party, and the FBI was attempting to destroy the Panthers by any means. In 1969, Sekou was framed in the New York 21 case (an unsuccessful prosecution by New York State of 21 Black Panther Party members), after which he went underground. After 12 years of clandestine work, he was captured in New York in 1981, where he was tortured and questioned for approximately six hours by U.S. law authorities attempting to gain information about Black Liberation Army soldiers. He was forced to spend over three months in the hospital recovering from the torture. At different points during this incarceration, Sekou has been punished simply because of his political conviction to struggle for liberation and independence of the New Afrikan nation.

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POLITICAL PRISONER/PRISONER OF WAR PROFILE - U.S.A.

DR. MUTULU SHAKUR:
#83205-012 - MARION (Illinois)

Personal History

Date of Birth: August 8, 1950
Nationality: New Afrikan
Place of Incarceration: United States Penitentiary,
Marion, Illinois
Date of Incarceration: February 12, 1986
Length of Sentence: 60 Years
Status\Designation: Prisoner of War

INTERNATIONAL SOLIDARITY WORK Mutulu has a long history of support work for African liberation struggles. In particular, he was closely involved with the Zimbabwean liberation struggle. He was the spokesperson for a group of Africans in the U.S. who bought an ambulance for the Zimbabwean people. In 1980 he was invited by ZANU to the Independence Day celebration. He monitored Zimbabwe's first free election for report back to Africans in the U.S. (1980).
Chitepo Day Statement (1979)

USA GRASSROOTS/MASS ORGANIZING HISTORY:

Work in grass roots organizations in New York City and across country, e.g. the struggle for community control of education in the Black community of Ocean Hill-Brownsville, Brooklyn, New York.

Co-Founder of Provisional Government of the Republic of New Afrika (1968).

RAM (Revolutionary Action Movement).

Coordinator for the National Task Force for COINTELPRO Litigation and Research (a body which exposed the U.S. government/FBI's conduct of an illegal counter-intelligence program designed to disrupt and destroy the Black Liberation and other movements for radical social change in the U.S.).

National Committee to Free Political Prisoners

Co-Founder of the Lincoln Hospital Detoxification Program (which pioneered in the successful treatment of drug addiction through acupuncture).

Co-Founder of BAAANA (Black Acupuncture Advisory Association of North America) and the Harlem Institute of Acupuncture.

Worked on Petition to U.N. brought by the National Conference of Black Lawyers (NCBL) concerning human rights violations suffered by Africans in the U.S.

USA - GOVERNMENT CONSPIRACY: Mutulu was arrested as the result of an international manhunt conducted by the FBI's Joint Terrorist Task Force which was determined to paint him as the leader of a failed expropriation of an armored car by the Revolutionary Armed Task Force in Nyack, New York in 1981. Prior to this incident Dr. Shakur had already been the target of illegal FBI surveillance and harassment because of his national and international activities outlined above. After the Nyack incident, Mutulu was forced to go underground to escape FBI surveillance. Members of his family were put under surveillance and harassed in an effort to discover his whereabouts.

Since his capture, the US-government conspiracy to destroy him has continued. While

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POLITICAL PRISONER/PRISONER OF WAR PROFILE - U.S.A.

incarcerated, Mutulu has set up programs designed to eliminate the prison-fostered fratricide between African, Latino, Asian and white inmates. He has developed programs to bring greater ties between the prison population and the outside community. His focus has been on the need to develop the educational, political and cultural understanding of the overwhelmingly young, Black and male population of the U.S. prison system. His "Code for the Thug Life" is a program to eliminate the random violence that exists in the Black colony. The US Government, through its Bureau of Prisons (BOP), has continued its attempt to destroy Mutulu. In April, he was suddenly transferred from U.S.P. Lewisburg to U.S.P. Marion which is the highest security prison in the U.S. At Marion, Mutulu is locked down for 23 hours a day and gets two hours of outdoor recreation a week. According to the BOP, the transfer was for "administrative," not "disciplinary reasons." The BOP has since told him he is scheduled to be transferred to the newest and even more secure U.S.P. in Florence, Colorado. It is clear that Mutulu is being punished for his political beliefs.

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POLITICAL PRISONER/PRISONER OF WAR PROFILE - U.S.A.

KOJO BOMANI SABABU:
#39384-066 - Lewisburg (Pennsylvania)

Personal History

Date of Birth: May 27, 1953
Nationality: New Afrikan
Place of Incarceration: United States Penitentiary,
Lewisburg, Pennsylvania
Date of Incarceration: 1974
Length of Sentence: Four Life Sentences Plus 40 Years
Status/Designation: Prisoner of War - Pan Africanist

INTERNATIONAL SOLIDARITY WORK: Kojo ascribes to a Prisoner of War status. He went from the underground to imprisonment. Since our nation is in a state of war with our colonial oppressors for land and independence (New Afrika), he is a Prisoner of War. He has never been actively involved in above-ground activity, other than work done since his imprisonment twenty years ago.

USA GRASSROOTS/MASS ORGANIZING HISTORY: Kojo worked exclusively in the underground organization of the New Afrikan Liberation Army a/k/a the Black Liberation Army in a cell-organ in New Jersey.

USA - GOVERNMENT CONSPIRACY: Kojo was captured on a bank expropriation in Trenton, New Jersey; a shootout occurred with the State colonial militia (police). Subsequently charges were filed additionally for the liquidation of narcotic peddlers in the New Afrikan community. Kojo now has four life sentences, plus 40 years. Kojo defended himself on all charges with a political defense of a nation having a right to self-determination free of oppression and their agents, i.e., drug dealers, etc. Kojo also has a five year sentence for an alleged escape attempt conspiracy and sedition with Puerto Rican Independistas, Anti-Imperialist whites and New African Freedom Fighters. Kojo has been beaten on numerous occasions by State and Federal police. Kojo has suffered nerve damage in his right hand and wrist due to attack in MCC-Chicago by prison guards while on trial for an alleged escape.

POLITICAL PRISONER/PRISONER OF WAR PROFILE - U.S.A.

SUNDIATA ACOLI:
#39794-066 - Allentown (Pennsylvania)

Personal History

Date of Birth: January 14, 1937
Nationality: New Afrikan
Place of Incarceration: United States Penitentiary,
Allenwood (Pennsylvania)
Date of Incarceration: 1973
Length of Sentence: Life Imprisonment
Status/Designation: Prisoner of War (captured while struggling for the liberation, land and independence of the Republic of New Afrika).

INTERNATIONAL SOLIDARITY WORK: Sundiata was an active supporter of the liberation struggles in Zimbabwe, Angola, Azania, Southwest Africa (Namibia) and South America during his political work with the Black Panther Party and as a Black Liberation Army combatant.

USA GRASSROOTS/MASS ORGANIZING HISTORY:

1964 - Mississippi Voter Registration Project
1968-1971 Black Panther Party - New York
1971-1973 Black Liberation Army

USA - GOVERNMENT CONSPIRACY: Sundiata was a targeted member of the Harlem Black Panther Party leadership and was arrested in the New York Panther 21 conspiracy case. He was held on trial for two years without bail, then acquitted along with all co-defendants of all charges, then subjected to stepped up surveillance, harassment, provocation, and targeting which drove him underground to join the Black Liberation Army and caused increased targeting. Sundiata and his two comrades Assata Shakur and Zayd Shakur were driving on the New Jersey Turnpike and were ambushed by New Jersey State Police. In the ensuing shootout, Zayd Shakur was killed, a state trooper was killed and another state trooper was wounded. Assata Shakur was wounded and captured, and Sundiata was captured two days later. After a sensationalized political trial Sundiata and Assata Shakur were convicted of killing the trooper and sentenced to life imprisonment. Sundiata was held in Trenton State Prison's Men Unit for six years in a dog cage-sized cell, then forcefully transferred to the Federal Prison System where he was held at the infamous Marion, Illinois Penitentiary for eight years, then at Leavenworth, Kansas Penitentiary for seven years; then given a twenty year "hit" at a parole hearing over the telephone, then transferred to USP Allenwood at White Deer Pennsylvania where he is presently being held.

POLITICAL PRISONER / PRISONER OF WAR PROFILE - U.S.A.

ANTHONY BOTTOMS/JALIL A. MUNTAQIM

77A4283- Shawangunk (New York)

Personal History

Date of Birth: October 18, 1951
Nationality: New Afrikan
Place of Incarceration: Shawangunk Correctional Facility
Wallkill, New York
Date of Incarceration: 1971
Length of Sentence: Life
Status\Designation: Prisoner of War (captured while struggling for the liberation, land and independence of the Republic of New Afrika).

INTERNATIONAL SOLIDARITY WORK: While at San Quentin prison in California, Jalil initiated and conducted a national campaign to petition the United Nations on the existence of political prisoners in the US. His petition was read to a special committee in Geneva, and recorded as the first official document recognized by an United Nations special committee directing international attention to the existence of political prisoners and human rights violations in the US prison system.

USA GRASSROOTS/MASS ORGANIZING HISTORY:

NAACP Youth organizing
Black Student Union during high school
House of Umoja
Black Panther Party for Self-Defense
Black Liberation Army
Chairman of the Legislative Action Committee at Attica Penitentiary, 1978
Executive Director of Legislation, 1979-1980, at Greenhaven Correctional Facility

USA - GOVERNMENT CONSPIRACY: At the age of 16 1/2, on April 6, 1968, two nights after Martin Luther King, Jr. was assassinated, the BSU Chair of San Jose State and City College, Jalil, and a couple of high school students were arrested in a car and charged with possession of high-powered rifles and molotov cocktails. Black high school students picketed and demonstrated in front of San Jose City Hall demanding their release from detention. After the assassination of Rev. King, Jalil began to believe a more militant response to national oppression and racism was necessary, and began to look towards the Black Panther Party for Self-Defense for leadership. He became affiliated with the Black Panther Party when he was 18 years old. Having moved back to San Francisco from San Jose, Jalil was recruited into the Black underground by elementary school friends who had since become members. Less than two months from his twentieth birthday, Jalil was captured along with Albert Nuh Washington in a midnight shoot out with San Francisco police and was subsequently charged with a host of revolutionary underground activities; including the assassination of two NYC police officers for which he currently serves a life sentence. When he was arrested in 1971 he was a high school graduate and employed as a social worker for the California State employment office. Having been imprisoned since 1971, Nuh and Jalil are two of the ten longest held Black political prisoners in the world.

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POLITICAL PRISONER/PRISONER OF WAR PROFILE - U.S.A.

JIHAD ABDUL-MUMIT: #32379-138 - Lewisburg (Pennsylvania)

Personal History

Date of Birth: August 30, 1954
Nationality: New Afrikan
Place of Incarceration: United States Penitentiary,
Lewisburg (Pennsylvania)
Date of Incarceration: 1971
Length of Sentence: 14 Years
Status\Designation: Prisoner of War (captured while struggling for the liberation, land and independence of the Republic of New Afrika).

INTERNATIONAL SOLIDARITY WORK: Worked with local mosque, Islamic Center of East Orange, New Jersey. Editor of Masjid newspapers, Program Coordinator and sat on Board of Directors (Maylis Shura)

USA GRASSROOTS/MASS ORGANIZING HISTORY:

Black Student Union, Plainfield, New Jersey
Black Panther Party - 1970-1972
Black Liberation Army
Rochester Federation of Youth - 1973-1975

USA - GOVERNMENT CONSPIRACY: Jihad was released from USP Leavenworth after serving a fourteen-year sentence and subjected to an ongoing investigation. "The Federal government, based upon erroneous information from an informant, thought that I would lead them to plans to help Federal prisoners escape. I never did this, but I did remain politically active in the community." In the end, Jihad was arrested anyway. He was charged with what they had accused him of doing, i.e., help prisoners escape from prison. "I was arrested at my home in Richmond, Virginia by a squad of approximately sixteen FBI, US Marshals and local police."

POLITICAL PRISONER/PRISONER OF WAR PROFILE - U.S.A.

GERONIMO JI JAGA (PRATT):

#B-40319 - MULE CREEK (California)

Personal History

Date of Birth: September 23, 1947
Nationality: New Afrikan
Place of Incarceration: Mule Creek State Prison
California
Date of Incarceration: 1971
Length of Sentence: Indeterminate sentence/life
Status/Designation: Prisoner of War (captured while struggling for the liberation, land and independence of the Republic of New Afrika).

INTERNATIONAL SOLIDARITY WORK: Vietnam veteran Geronimo, (who had received Bronze and Silver Stars and two Purple Hearts) returned home to Los Angeles to become a leading organizer against the War. He worked with progressive movements from around the Third World.

USA GRASSROOTS/MASS ORGANIZING HISTORY:

Community Activist in Watts
UCLA Black Student Union 1968-69
Black Panther Party, Deputy Minister of Defense, Southern California Chapter
Member of the Afro-American Liberation Army/Black Liberation Army

USA - GOVERNMENT CONSPIRACY: Geronimo was a leading member of the Black Panther Party because of his military and organizational skills. He thus immediately became a target of the FBI, Secret Service and Los Angeles Police Department. In 1968 there was a conspiracy to assassinate him. In December 1968, prior to the assassination of Fred Hampton, there was an 18 hour shoot out between the LAPD and the entire Black Panther chapter. Due to ji jaga's leadership skills, not a single Panther was injured or fatally wounded.

There was a national conspiracy to keep him off the streets. He was forced to flee for his life and go underground. He was captured in 1971 in Texas as a result of this FBI/Secret Service conspiracy. At the time Geronimo joined the Panthers, Julio Butler had also just joined. Butler became the director of security; he was also, according to FBI and Los Angeles Police Department records, a paid informer for them. His testimony was pivotal to Geronimo's conviction for the murder of a school teacher in Santa Monica. Surveillance records which indicate that Geronimo was in attendance at a Panther meeting in another city were suppressed during the original trial. Despite evidence which shows that Geronimo was framed, since 1978, the first year he was eligible for parole, every Los Angeles district attorney and chief of police has written letters opposing his release, claiming he is a danger to the community. "I refused

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POLITICAL PRISONER/PRISONER OF WAR PROFILE - U.S.A.

to go to the parole board for eight, nine straight years because I was told by the parole board they have to consider the conviction, and the conviction has me as a convicted murderer." He says the only killing he has done was in Vietnam.

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EX-POLITICAL PRISONERS NY8+/GRAND JURY

Coltrane Chimurenga, Olive Armstrong, Jackie Bernard, Omowale Clay,
Lateefah Carter, Robert Taylor, Viola Plummer, Colette Pean, Roger Wareham

Judge Bruce Wright - July 22, 1985

"My allegiance to the pure idealism of the young defendants known as the NY8+ is total. They are warriors for the cause of this country as symbolized by the more glorious meanings of the Constitution. They remind us in their resentment of racism and political repression, that G.K. Chesterton, examining the American persona, concluded that there is nothing wrong with Americans, except their neglect of ideals.

In a Christian country that has never rehabilitated itself from the crime of the Black slavery; that honors Presidents who were slaveowners; and that devises sophisticated excuses to preserve racist discriminations, Black people are an endangered species. White America is astonished that the NY8+ are not ill-educated street-fighters, but are examples of what W.E.B. DuBois called the talented tenth. Some of them are lawyers and graduates of some of the finest universities and professional schools in this country. They have examined democracy and found it wanting; they want it improved and they are fierce in their dedication to that thesis.

They believe in self-defense against the real perils of American apartheid. To witness the Reagan administration's attack on civil rights in this country is to see the threat to civil liberties in a harsh and devastating light. Little wonder that those who are sensitive to our treasured liberties are outraged.

It is enough to make those who are pious weep that, "King Christ, this world is all a-leak/And lifeboats there are none! Little wonder that an Ethical Culture Society sermon could be entitled, "When the Country Turns Right - What's Left?"

The mighty Government, that holds the world in thrall with its nuclear power and spy satellites; its mighty armies and world-wide naval authority, cannot bring to heel the furtive importers of narcotics that murder hundreds, but can, with electronic surveillance and the aid of informants, imprison a handful of non-rich citizens. It is all reminiscent of the days of J. Edgar Hoover, who could suggest that this powerful nation was threatened by a few Black Panthers. What a tragedy to witness the use of grand juries and their not so-grand role as a device to imprison spouses who refuse to be used as Goths and Huns eroding privacy.

No matter what happens to the NY8+, there will always be new generations of those who struggle for a better world and it is precisely those struggles that witness humanity inching forward. Alas, poor Gandhi, the liberator of India from the yoke of British imperialism. As he became guru to the world, philosophers and teachers flocked to India to absorb his wisdom.

One young philosopher asked him, "Mr. Gandhi, what do you think of Western civilization?" Gandhi, looking momentarily puzzled, then responded, "You know, that's not a bad idea; why doesn't somebody work on it?"

The NY8+ has been working on it."

THE VERDICT

At 11 a.m. on August 5, 1985, the jury in the United States vs. Chimurenga et al returned its verdict on the final 18 counts charged against the NY8+. These counts included the heart of the Government's case, that is, the five conspiracies and the RICO count, the linchpin for the Government's argument that the political activities of the 8+ and their comrades constituted a criminal enterprise. The verdict was not guilty. The government charged the defendants with being a criminal enterprise and conspiring to commit armored car robberies and jailbreaks. This fiction was supported by certain "evidence" seized in the arrests and by the testimony of a paid Government informer.

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**Geneva Convention
Relative To The Treatment
of Prisoners of War
of August 12, 1949**

Prisoners

- A. Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:**
- (1) Members of the armed forces of a party to the conflict as well as members of militias of volunteer corps forming part of such armed forces.
 - (2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:
 - (a) that of being commanded by a person responsible for his subordinated;
 - (b) that of having a fixed distinctive sign recognizable at a distance;
 - (c) that of carrying arms openly;
 - (d) that of conducting their operations in accordance with the laws and customs of war;
 - (3) Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power.
 - (4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model.
 - (5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law.

- (6) Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

B. The following shall likewise be treated as prisoners of war under the present Convention:

- (1) Persons belonging, or having belonged, to the armed forces of the occupied country, if the occupying Power considers it necessary by reason of such allegiance to intern them, even though it has originally liberated them while hostilities were going on outside the territory it occupies, in particular where such persons have made an unsuccessful attempt to rejoin the armed forces to which they belong and which are engaged in combat, or where they fail to comply with a summons made to them with a view to internment.
- (2) The persons belonging to one of the categories enumerated in the present Article, who have been received by neutral or non-belligerent Powers on their territory and whom these Powers are required to intern under international law, without prejudice to any more favourable treatment which these Powers may choose to give and with the exception of Articles 8, 10, 15, 30, fifth paragraph, 58-67, 92, 126 and where diplomatic relations exist between the Parties of the conflict and the neutral or non-belligerent Power concerned, those Articles concerning the Protecting Power. Where such diplomatic relations exist, the Parties to a conflict on whom these persons depend shall be allowed to perform towards them the functions of a Protecting Power as provided in the present Convention, without prejudice to the functions which these Parties normally exercise in conformity with diplomatic and consular usage and treaties.

C. This Article shall in no way affect the status of medical personnel and chaplains as provided for in Article 33 of the present Convention.

Article 5

The present Convention shall apply to the persons referred to in Article 4 from the time they fall into power of the enemy and until their final release and repatriation.

Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy, belong to any of the categories enumerated in Article 4, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.

GENERAL PROTECTION OF PRISONERS OF WAR

Prisoners of war are in the hands of the enemy Power, but not of the individuals or military units who have captured them. Irrespective of the individual responsibilities that may exist, the Detaining Power is responsible for the treatment given them.

Prisoners of war may only be transferred by the Detaining Power to a Power which is a Party to the Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee power to apply the Convention. When prisoners of war are transferred under such circumstances, responsibility for the application of the Convention rests on the Power accepting them while they are in its custody.

Nevertheless if that Power fails to carry out the provisions of the Convention in any important respect, the Power by whom the prisoners of war were transferred shall, upon being notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the prisoners of war. Such requests must be complied with.

ARTICLE 13

Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded a serious breach of the present Convention. In particular, no prisoners of war may be subjected to physical, mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest.

Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.

Measures of reprisal against prisoners of war are prohibited.

Article 14

Prisoners of war are entitled in all circumstances to respect for their persons and their honour.

Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favourable as that granted to men.

Prisoners of war shall retain the full civil capacity which they enjoyed at the time of their capture. The Detaining Power may not restrict the exercise, either within or without its own territory, of the rights such capacity confers except in so far as the captivity requires.

Article 15

The Power detaining prisoners of war shall be bound to provide free of charge for their maintenance and for the medical attention required by their state of health.

Article 16

Taking into consideration the provisions of the present Convention relating to rank and sex, and subject to any privileged treatment which may be accorded to them by reason of their state of health, age or professional qualifications, all prisoners of war shall be treated alike by the Detaining Power, without any adverse distinction based on race, nationality, religious belief or political opinions, or any other distinction founded on similar criteria.

Captivity

Beginning of Captivity

Every prisoner of war, when questioned on the subject, is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information.

INTERNMENT OF PRISONERS OF WAR

The Detaining Power may subject prisoners of war to internment. It may impose on them the obligation of not leaving, beyond certain limits, the camp where they are interned, or if the said camp is fenced in, of not going outside its perimeter. Subject to the provisions of the present Convention relative to penal and disciplinary sanctions, prisoners of war may not be held in close confinement except where necessary to safeguard their health and then only during the continuation of the circumstances which make such confinement necessary.

Prisoners of war may be partially or wholly released on parole or promise, in so far as is allowed by the laws of the Power on which they depend. Such measure shall be taken particularly in cases where this may contribute to the improvement of their state of health. No prisoner of war shall be compelled to accept liberty on parole or promise.

Upon the outbreak of hostilities, each Party to the conflict shall notify the adverse Party of the laws and regulations allowing or forbidding its own nationals to accept liberty on parole or promise. Prisoners of war who are paroled or who have given their promise in conformity with the laws and regulations so notified, are bound on their personal honour scrupulously to fulfil, both towards the Power which has captured them, the engagements of their paroles or promises. In such cases, the Power on which they depend is bound neither to require nor to accept from them any service incompatible with the parole or promise given.

Immediately upon prisoners of war falling into its power, the Detaining Power shall inform them and the Powers on which they depend, through the Protecting Power, of the measures taken to carry out the provisions of the present Section. They shall likewise inform the parties concerned of any subsequent modifications of such measures.

RELATIONS BETWEEN PRISONERS OF WAR AND THE AUTHORITIES

Chapter I

Complaints of Prisoners of War Respecting The Conditions Of Captivity

Article 78

Prisoners of war shall have the right to make known to the military authorities in whose power they are, their requests regarding the conditions of captivity to which they are subjected.

They shall also have the unrestricted right to apply to the representatives of the Protecting Powers either through their prisoners' representative or, if they consider it necessary, direct, in order to draw their attention to any points on which they may have complaints to make regarding their conditions of captivity.

These requests and complaints shall not be limited nor considered to be part of the correspondence quota referred to in Article 71. They must be transmitted immediately. Even if they are recognized to be unfounded, they may not give rise to any punishment.

Prisoners' representatives may send periodic reports on the situation in the camps and the needs of the prisoners of war to the representatives of the Protecting Powers.

CHAPTER II

Prisoners Of War Representatives

Article 79

In all places where there are prisoners of war, except to those where there are officers, the prisoners shall freely elect by secret ballot, every six months, and also in case of vacancies, prisoners' representatives entrusted with representing them before the military authorities, the Protecting Powers, the International Committee of the Red Cross and any other organization which may assist them. These prisoners' representatives shall be eligible for re-election.