

N° 309.

**ALLEMAGNE
ET GOUVERNEMENT DES
SOVIETS DE RUSSIE**

Accord complémentaire à l'accord
conclu le 19 avril 1920, au sujet
du rapatriement des prisonniers de
guerre et des internés civils des
deux parties, signé à Berlin le
6 mai 1921.

**GERMANY
AND SOVIET GOVERNMENT
OF RUSSIA**

Supplementary Agreement to the
Agreement concluded on April 19,
1920, concerning the repatriation
of prisoners of war and interned
civilians of both parties, signed at
Berlin, May 6, 1921.

TEXTE ALLEMAND — GERMAN TEXT.

No. 309. — ERGÄNZUNGSABKOMMEN¹ ZU DEM ZWISCHEN DEM DEUTSCHEN REICHE UND DER RUSSISCHEN SOZIALISTISCHEN FÖDERATIVEN SOWJET-REPUBLIK AM 19. APRIL 1920 GESCHLOSSENEN ABKOMMEN² ÜBER DIE HEIMSCHAFFUNG DER BEIDEREITIGEN KRIEGSGEFANGENEN UND ZIVILINTERNIERTEN. GEZEICHNET IN BERLIN DEN 6. MAI 1921.

Texte officiel allemand communiqué par le Consul d'Allemagne à Genève. L'enregistrement de cet accord a eu lieu le 12 août 1922.

German official text communicated by the German Consul at Geneva. The registration of this Agreement took place August 12, 1922.

Die DEUTSCHE REGIERUNG vertreten durch :

1. den Ministerialdirektor im Auswärtigen Amte, Herrn Gustav BEHRENDT,
2. den Wirklichen Legationsrat im Auswärtigen Amte, Freiherrn AGO VON MALTZAN,

und die RUSSISCHE SOZIALISTISCHE FÖDERATIVE SOWJET REPUBLIK, vertreten durch :

Herrn Aron SCHEINMANN,

sind über nachstehende Bestimmungen übereingekommen :

Heimtransport der ehemaligen Kriegsgefangenen und Zivilinternierten.

Artikel 1.

Beide Regierungen übernehmen die ausdrückliche Verpflichtung, die Heimbeförderung der noch nicht heimgeschafften Kriegsgefangenen und Zivilinternierten mit grösster Beschleunigung durchzuführen.

Artikel 2.

Eine Zurückhaltung von Kriegsgefangenen auf Grund von Untersuchungen oder Verurteilungen wegen Verstössen gegen die Disziplin und wegen strafbarer Handlungen jeglicher Art, die vor dem Tage der Unterzeichnung dieses Ergänzungsabkommens begangen sind, findet nicht statt.

Zu welchem Zeitpunkt die Heimbeförderung, die möglichst unverzüglich zu beginnen hat, erfolgen soll, bleibt besonderen Vereinbarungen der ausführenden Stellen vorbehalten.

¹ L'échange des ratifications a eu lieu à Berlin le 30 août 1921.

² Vol. II, page 63 de ce Recueil.

¹ The exchange of ratifications took place at Berlin, August 30, 1921.

² Vol. II, page 63 of this Series.

¹ TRANSLATION.

No. 309. — SUPPLEMENTARY AGREEMENT TO THE AGREEMENT CONCLUDED ON APRIL 19, 1920, BETWEEN THE GERMAN REICH AND THE RUSSIAN SOCIALIST FEDERATIVE SOVIET REPUBLIC, CONCERNING THE REPATRIATION OF PRISONERS OF WAR AND INTERNED CIVILIANS OF BOTH PARTIES, SIGNED AT BERLIN, MAY 6, 1921.

The GERMAN GOVERNMENT, represented by :

- (1) M. Gustave BEHRENDT, Director in the Ministry for Foreign Affairs,
 - (2) M. Ago VON MALTZAN, Councillor of Legation in the Ministry for Foreign Affairs.
- and

The RUSSIAN SOCIALIST FEDERATIVE SOVIET REPUBLIC, represented by :

M. Aron SCHEINMANN.

have agreed upon the following provisions :

TRANSPORT TO THEIR OWN COUNTRY OF ALL FORMER PRISONERS OF WAR AND INTERNED CIVILIANS.

Article 1.

Both Governments expressly undertake to carry out with all possible speed the repatriation of prisoners of war and interned civilians who have not yet been sent home.

Article 2.

No prisoner of war shall be detained on the ground of enquiries into, or a sentence on account of, breaches of discipline, or on account of punishable acts of any kind committed before the date of the signing of this Supplementary Convention.

The date of repatriation which shall take place with the least possible delay, shall be determined by special agreements between the authorities carrying out the provisions of the Convention.

Article 3.

The Welfare Centres of both parties shall be authorized to institute enquiries regarding persons missing or deceased, and also to furnish death certificates and information regarding graves, and, further, as far as possible to superintend the upkeep of the latter.

¹ Translated by the Secretariat of the League of Nations.

For this purpose they shall enter into communication with the competent central authorities of the other party. The latter shall be bound to collect and supply all information necessary in order to discover the whereabouts of missing persons.

Both Governments undertake to exchange as soon as possible any articles in their possession, left by deceased persons who took part in the war, together with an inventory drawn up in triplicate, one copy of which shall be returned, together with an acknowledgment of receipt.

Article 4.

If, and in so far as, either of the two Governments so desire, those nationals of the two States who at the time of the outbreak of war were resident in territory now belonging to the other party, or who remain there permanently or temporarily until the conclusion of the Peace of Brest-Litovsk (March 3/7 1918), shall be regarded as interned civilians within the meaning of the Convention of April 19, 1920, and also of this Convention.

RIGHTS OF PROPERTY OF FORMER PRISONERS OF WAR AND INTERNED CIVILIANS.

Article 5.

Subject to a fundamental settlement of the rights of property of nationals of both States, the following shall be provisionally agreed upon in execution of Article 10 of the Convention, dated April 19 1920, with regard to personal and private property for personal use, including household furniture (hereinafter described simply as "property") :

In order to safeguard the claims of former prisoners of war and interned civilians with regard to property, and in order to carry out this settlement of such claims, a German-Russian Commission, sitting at Moscow, shall be formed, and shall enter upon its duties not later than four weeks after the coming into force of this Supplementary Convention. Both Governments shall bring to the notice of this Commission the claims of their respective nationals, supported by documentary evidence.

The Commission's terms of reference and rules of procedure shall be laid down in detail in subsequent regulations. It is agreed that for this settlement of the claims of German nationals by the Commission, the Decree of the Council of the People's Commissaries, dated April 16, 1920, with regard to requisitions and confiscations, published in the legal gazette, 1920, No. 29 (Annex I), and the Supplementary Decree dated July 23, 1920, published in the "Izvestia" of July 25, 1920 (Annex II) shall alone be authoritative : the claims of Russian nationals shall be settled in accordance with the German laws.

NOTE :

In dealing with the claims of German nationals, the relevant provisions of the Decree of the Council of the Peoples' Commissaries regarding unclaimed property, published in the "Izvestia" No. 257 of November 16, 1920 (Annex III) shall apply.

Article 6.

The property of such repatriated persons, may insofar as it does not exceed 8 poods (131 kilogrammes in weight) be forwarded at once, tax and duty free, subject to export regulations.

NOTE :

Movable property at Petrograd and Moscow amounting to about 1500 kolli, shall be considered as the private property of persons who have already been repatriated and shall be dealt with in accordance with the provisions of this Article. After having been examined, such property may immediately be forwarded. For this purpose, the Russian Government shall provide the necessary means of transport to one of the ports used for the exchange of prisoners of war.

Article 7.

Property belonging to former prisoners of war and interned civilians recognised by the Commission as German property, and exceeding 8 poods in weight, and property of this description the export of which is prohibited, shall pending a final decision regarding transport, be entrusted by the Russian Government to the custody of the German Welfare Centre, upon the latter's request. For this purpose, the Russian Government shall provide the necessary storage premises and means of transport by rail.

Article 8.

In so far as an application laid before the Commission refers to movable property, the central authorities for foreign affairs of both States shall be bound, at the request of the welfare centres, provisionally to take charge of such property until the documentary evidence to be laid before the Commission has been furnished. Such documentary evidence must be produced within a period of three months from the date on which the welfare centres have submitted their application.

INTERNED SOLDIERS :

Article 9.

All persons who, as members of the Russian Soviet Army, have crossed the German frontier shall be regarded as interned Russian soldiers in Germany.

The principles of the Convention of April 19, 1920, and also of the Convention supplementary thereto, and Article 2 of this agreement, shall apply to the treatment of interned persons.

Article 10.

Unless otherwise provided for the Russian Government undertakes to reimburse the German Government not later than July 1, 1921, for expenditure incurred by the latter before January 1, 1921, in connection with the internement of all Russian military contingents.

Such expenditure incurred after January 1, 1921, shall be reimbursed by the Russian Government not later than 3 months after a claim thereof has been put in.

Article 11.

The Russian Government agrees that in order to cover the expenses referred to in Article 10, the Army property brought by the Russian military contingents, shall be utilized, on condition that such property shall be used in accordance with the principles laid down for the use of super-

fluous German army property, and that for this purpose a representative of the Russian Welfare Centre shall be present and shall have the right of taking notes of the proceedings and of entering objections, without, however, delaying the utilisation of the said property.

Article 12.

This Agreement shall come into force immediately upon being signed, except Articles 2, 4, and 9, which, in so far as they involve exemption from punishment, shall not come into force until special acts of ratification have been exchanged.

In witness whereof, the plenipotentiaries of both parties have signed the present Agreement and have fixed thereto their seals.

Done in duplicate at Berlin on May 6, 1921.

(Signed) GUSTAV BEHRENDT.

(Signed) FREIHERR AGO VON MALTZAN.

(Signed) SCHEINMANN.