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Documents on Prisoners of War

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DOCUMENT NO. 38

**TREATY OF PEACE OF BREST-LITOVSK BETWEEN GERMANY,
AUSTRIA-HUNGARY, BULGARIA, AND TURKEY ON THE ONE
HAND, AND RUSSIA ON THE OTHER: TOGETHER WITH A
GERMAN-RUSSIAN AGREEMENT SUPPLEMENTARY TO THE
PEACE TREATY
(3 March 1918)**

SOURCES

For. Rel., 1918, Russia, I, at 442
1 Soviet Documents on For. Rel., 1917-1924, at 50

NOTE

This treaty ended World War I (1914-1918) hostilities between the new Soviet Russian Government and the Central Powers. (It was annulled by the Soviet Government on 13 November 1918, two days after the signing of the Armisticé between Germany and the Allied Powers on 11 November 1918 [DOCUMENT NO. 41].) The subject of the repatriation of prisoners of war was regulated by a "German-Russian Agreement Supplemental to the Peace Treaty," negotiated and signed at the same time as the Peace Treaty and in accordance with Article 12 of that Treaty. It is interesting to note that in this agreement, negotiated early in its existence, the Soviet Union gave prisoners of war the option of refusing repatriation.

EXTRACTS

TREATY OF PEACE:

ARTICLE 8

The prisoners of war of both parties will be allowed to return home. The regulation of questions in connection with the above will be the subject of special treaties mentioned in Article 12.

ARTICLE 12

The reestablishment of public and private legal relations, the exchange of war and civil prisoners, the question of amnesty as well as the question regarding merchant ships which have been seized by one or the other side, will be provided for in separate treaties with Russia, which form an important part of the present peace treaty, and as far as it is possible come into force simultaneously with the latter.

SUPPLEMENTARY GERMAN-RUSSIAN AGREEMENT:

ARTICLE 17

The exchange of prisoners of war provided for in Article 8 of the peace treaty is governed by the following regulations:

1. The prisoners of war of both parties shall be set at liberty to return home, in so far as they do not desire, with the consent of the state which took them prisoners, to remain within its boundaries, or leave for another country.

The exchange of prisoners of war unfit for military service, which has already begun, will be continued with the greatest possible speed.

The exchange of other prisoners of war will take place as speedily as possible at established intervals of time to be exactly determined upon by means of a mutual agreement.

Russia will admit and assist, as far as possible, on its territory German commissions, which will be charged with the care for German prisoners of war.

2. In liberating prisoners of war, there shall be restored to them their private property which was taken away from them by the authorities of the state which took them prisoners, and also that part of their earnings which has not yet been paid or credited them; this obligation does not apply to written documents of military contents.

3. Each of the contracting parties will refund such expenses for the maintenance of its citizens who have been taken prisoners, incurred by the opposite party, in so far as these expenses have not been compensated for by the work of the prisoners of war in state or private establishments.

The payment will be made in the currency of the state which made the prisoners, in separate instalments for each 50,000 persons, to be paid each time within one week of departure.

4. Immediately upon ratification of the peace treaty a commission shall be convoked at a place yet to be determined upon consisting of four representatives of each of the parties, for the purpose of defining the intervals of time provided for in part 3 of paragraph 1, and also other details of the exchange, especially the method and procedure of repatriation, and in order to supervise the putting into effect of the agreements arrived at.

Furthermore, the commission will establish the expenses in connection with prisoners of war, provided for in paragraph 3, liable to a refund by both parties. If in the course of two months after the commencement of its work the commission does not arrive at an agreement in regard to these expenses, the latter shall be definitely established after calling in a neutral chairman by a majority of votes; the parties will apply to the President of the Swiss Federal Council to nominate the chairman of the commission.