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Documents on Prisoners of War

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DOCUMENT NO. 44

**TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED
POWERS, OF THE ONE PART, AND GERMANY, OF THE
OTHER PART
(Versailles, 28 June 1919)**

SOURCES

2 Bevans 43
112 BFSP 1
13 AJIL Supp. 151

NOTE

This is the treaty which officially ended World War I (1914-1918) and which is believed by some to have laid the basis for World War II (1939-1945). With respect to the provisions of the treaty concerning the repatriation of prisoners of war, it must be borne in mind that all of the members of the armed forces of the Allied and Associated Powers who had been held as prisoners of war by Germany during the hostilities had long since been repatriated in accordance with the provisions of the 1918 Armistice Agreement (DOCUMENT NO. 41) and that some of these provisions of the treaty, although stated in a bilateral manner, actually were concerned solely with the problem of the many German prisoners of war who were still being held by some of the Allied and Associated Powers in June 1919. There was no improvement in the applicable law contained in Article 75(1) of the 1929 Geneva Prisoner-of-War Convention (DOCUMENT NO. 49) and the problem of lengthy delay in the repatriation of the members of the armed forces of the vanquished nation who were prisoners of war continued to arise (see, for example, DOCUMENT NO. 50 and DOCUMENT NO. 64). It was finally resolved by the adoption of Article 118 of the 1949 Geneva Prisoner-of-War Convention (DOCUMENT NO. 108). However, even that article failed of implementation by India after the 1971 armed conflict between India and Pakistan. (See DOCUMENT NO. 167). It should be noted that Article 220(2) of the Treaty of Versailles included the principle of "voluntary" repatriation. It should also be noted that Articles 228-230, among others, of the Treaty implemented the recommendations of the Commission on the Responsibility of the Authors of the [First World] War and on Enforcement of Penalties (DOCUMENT NO. 43). Despite the cited articles, the German Government of the day, bowing to public pressure, refused to deliver the accused to the Allied and Associated Powers for trial. It was then agreed that they would be tried by a German court, the Supreme Court of Leipzig. After a number of cases, including several which involved maltreatment of prisoners of war, had been so tried, it became evident that the program was failing to accomplish its purpose and it was discontinued.

EXTRACTS

ARTICLE 214.

The repatriation of prisoners of war and interned civilians shall take place as soon as possible after the coming into force of the present Treaty and shall be carried out with the greatest rapidity.

ARTICLE 215

The repatriation of German prisoners of war and interned civilians shall, in accordance with Article 214, be carried out by a Commission composed of representatives of the Allied and Associated Powers on the one part and of German Government on the other part.

For each of the Allied and Associated Powers a Sub-Commission, composed exclusively of Representatives of the interested Power and of Delegates of the German Government, shall regulate the details of carrying into effect the repatriation of the prisoners of war.

ARTICLE 216.

From the time of their delivery into the hands of the German authorities the prisoners of war and interned civilians are to be returned without delay to their homes by the said authorities.

Those amongst them who before the war were habitually resident in territory occupied by the troops of the Allied and Associated Powers are likewise to be sent to their homes, subject to the consent and control of the military authorities of the Allied and Associated armies of occupation.

ARTICLE 217.

The whole cost of repatriation from the moment of starting shall be borne by the German Government who shall also provide the land and sea transport and staff considered necessary by the Commission referred to in Article 215.

ARTICLE 218.

Prisoners of war and interned civilians awaiting disposal or undergoing sentence for offences against discipline shall be repatriated irrespective of the completion of their sentence or of the proceedings pending against them.

This stipulation shall not apply to prisoners of war and interned civilians punished for offences committed subsequent to May 1, 1919.

During the period pending their repatriation all prisoners of war and interned civilians shall remain subject to the existing regulations, more especially as regards work and discipline.

ARTICLE 219.

Prisoners of war and interned civilians who are awaiting disposal or undergoing sentence for offences other than those against discipline may be detained.

ARTICLE 220.

The German Government undertakes to admit to its territory without distinction all persons liable to repatriation.

Prisoners of war or other German nationals who do not desire to be repatriated may be excluded from repatriation; but the Allied and Associated Governments reserve to themselves the right either to repatriate or to take

them to a neutral country or to allow them to reside in their own territories.

The German Government undertakes not to institute any exceptional proceedings against these persons or their families nor to take any repressive or vexatious measures of any kind whatsoever against them on this account.

ARTICLE 221.

The Allied and Associated Governments reserve the right to make the repatriation of German prisoners of war or German nationals in their hands conditional upon the immediate notification and release by the German Government of any prisoners of war who are nationals of the Allied and Associated Powers and may still be in Germany.

ARTICLE 222.

Germany undertakes:

(1) To give every facility to Commissions to enquire into the cases of those who cannot be traced; to furnish such Commissions with all necessary means of transport; to allow them access to camps, prisons, hospitals and all other places; and to place at their disposal all documents, whether public or private, which would facilitate their enquiries;

(2) To impose penalties upon any German officials or private persons who have concealed the presence of any nationals of any of the Allied and Associated Powers or have neglected to reveal the presence of any such after it had come to their knowledge.

ARTICLE 224.

The High Contracting Parties waive reciprocally all repayment of sums due for the maintenance of prisoners of war in their respective territories.

ARTICLE 228.

The German Government recognizes the right of the Allied and Associated Powers to bring before military tribunals persons accused of having committed acts in violation of the laws and customs of war. Such persons shall, if found guilty, be sentenced to punishments laid down by law. This provision will apply notwithstanding any proceedings or prosecution before a tribunal in Germany or in the territory of her allies.

The German Government shall hand over to the Allied and Associated Powers, or to such one of them as shall so request, all persons accused of having committed an act in violation of the laws and customs of war, who are specified either by name or by the rank, office or employment which they held under the German authorities.

ARTICLE 229.

Persons guilty of criminal acts against the nationals of one of the Allied and Associated Powers will be brought before the military tribunals of that Power.

Persons guilty of criminal acts against the nationals of more than one of the Allied and Associated Powers will be brought before military tribunals composed of members of the military tribunals of the Powers concerned.

In every case the accused will be entitled to name his own counsel.

ARTICLE 230.

The German Government undertakes to furnish all documents and

information of every kind, the production of which may be considered necessary to ensure the full knowledge of the incriminating acts, the discovery of offenders and the just appreciation of responsibility.