

International Law Studies—Volume 60

Documents on Prisoners of War

Howard S. Levie (Editor)

The thoughts and opinions expressed are those of the authors and not necessarily of the U.S. Government,
the U.S. Department of the Navy or the Naval War College.

DOCUMENT NO. 45

TREATY OF PEACE BETWEEN RUSSIA AND ESTHONIA
(Tartu, 2 February 1920)

SOURCE
11 LNTS 51

NOTE

This is one example of the large number of treaties entered into by the new Russian Soviet Government with its European neighbors, and others, in the aftermath of World War I (1914-1918) and the Russian Revolution (1917). It will be noted that one characteristic of these treaties was that prisoners of war were given the alternatives of being repatriated, of remaining in the country in which held if that constry consented, of going to a third country (see, for example, DOCUMENT NO. 38) or were to be allowed to go "where they themselves desire it" (see, for example, DOCUMENT NO. 46). Note also the amnesty provision contained in Article 10.

EXTRACTS
ARTICLE 9.

The prisoners of war of both countries shall be released as soon as possible. The formalities for the exchange of prisoners are set out in the Annex to this Article.

Note 1. The term "prisoners of war" shall apply to individuals who were captured and did not take service in the armies of the State which captured them.

Note 2. Prisoners of war who were captured by irregular forces and did not take service in the ranks of such forces shall be repatriated in the ordinary course.

ANNEX TO ARTICLE 9.

(1) Prisoners of war of both contracting Parties shall be repatriated, unless they prefer to remain in the country in which they are (with the consent of the Government of that country), or to go to some other country.

(2) The periods within which the exchange of prisoners of war shall be carried out shall be settled by the two Governments after the ratification of the Peace Treaty.

(3) Prisoners of war shall, at the time of their release, have restored to them everything of which they were deprived by acts of the authorities of the Government which captured them, and shall also receive the full amount of the pay due to them, or any part of such pay withheld from them.

(4) Each of the contracting Parties shall undertake to refund the costs of the maintenance of its citizens who were made prisoners, as far as these expenses have not been covered by the work of the prisoners in State or private enterprises. The payment shall be carried out in the currency of the State which maintained the prisoners.

Note. The costs of maintenance to be refunded shall comprise the value of the prisoners' food, the supplies made to him in kind, and his pay.

(5) Prisoners shall be conducted to the frontier in detachments, at the expense of the Government which captured them; the return of these prisoners shall be carried out according to the lists drawn up, which shall show the Christian name, patronymic and family name of the prisoner, the date of his capture, the unit in which he was serving before capture, and, if he has been sentenced to imprisonment for any act regarded as criminal, the precise nature of such crime and the date on which it was committed.

(6) Immediately after the ratification of the Peace Treaty, a Committee, consisting of four representatives of each of the contracting Parties, shall be formed for the exchange of prisoners of war. This Committee shall superintend the carrying-out of the clauses of the present Annex, organise the repatriation of prisoners, and also determine the amount of their maintenance costs by reference to the accounts submitted at the time of the release of the prisoners by the party concerned.

ARTICLE 10.

The contracting Parties shall remit to prisoners of war and interned civilians, on their return to their own country, all punishments to which they may have been condemned for criminal acts committed for the benefit of the opposite party, and all disciplinary punishment of every kind.

The amnesty shall not extend to persons who have committed a crime of the kind mentioned above, or a breach of discipline, after the signature of the Peace Treaty.

Prisoners of war and interned civilians, sentenced by a criminal court for any crime not covered by the amnesty, before the ratification of the present Treaty, or after it but before the expiration of one year from the date of the ratification, shall not be repatriated until their punishment has been carried out.

Those prisoners or interned civilians who have been prosecuted for criminal acts not covered by the amnesty, but upon whom no sentence has been passed within one year from the date of the ratification of the present Peace Treaty, shall be handed over to the authorities of their own country at the expiration of this period, together with all documents relating to the proceedings brought against them.