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Documents on Prisoners of War

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DOCUMENT NO. 46

**AGREEMENT BETWEEN GERMANY AND THE RUSSIAN
SOCIALIST FEDERAL SOVIET REPUBLIC WITH REGARD TO THE
MUTUAL REPATRIATION OF PRISONERS OF WAR AND
INTERNED CIVILIANS
(Berlin, 19 April 1920)**

SOURCES
2 LNTS 66
113 BFSP 1068

NOTE

This is another example of the attempt made by the new Russian Soviet Government to sort out with its European neighbors, and others, some of the problems arising out of the World War I (1914-1918) and the Russian Revolution (1917). (See also DOCUMENT NO. 38.) Here, the prisoners of war who were to be released were to be repatriated only "where they themselves desire it." Moreover, as in many of these treaties (see, for example, DOCUMENT NO. 45), there was an amnesty, a guarantee against the punishment of the repatriated prisoners of war by their own State, even if they had fought against it. For whatever such a provision is worth, it was unwisely omitted from the 1945 Yalta Agreement (DOCUMENT NO. 65), with devastating results.

EXTRACTS
ARTICLE 1.

Prisoners of war and interned civilians of both sides are to be repatriated in all cases where they themselves desire it. The repatriation shall begin without delay, and shall be carried out with the utmost despatch.

Both parties undertake to proceed rapidly with the repatriation by all the means at their disposal, and to make the necessary arrangements therefore.

The exchange shall be carried out convoy for convoy. Each of the two contracting parties undertakes, as soon as the other party gives notice of the despatch of a convoy, to make all preparations to repatriate a convoy from its own side.

ARTICLE 2.

Each of the two parties undertakes the following:

(1) All prisoners of war and interned civilians of the other party who are in their hands, and also such nationals of the other party as may have been granted furlough or released from military or civil detention, shall be granted adequate subsistence or facilities for earning the same till they are handed over to their own country or its representatives.

(2) That it will forthwith officially notify any persons who are entitled to repatriation under the terms of Article I of this agreement.

ARTICLE 3.

"Russian Prisoners of War" within the meaning of this Agreement shall be held to include all Russians or former Russian subjects who have come into

German hands, whether fighting for the former Russian Empire or for the Russian Soviet Republic, or against the Russian Soviet Republic.

ARTICLE 4.

“German Prisoners of War” within the meaning of this Agreement shall be held to include all Germans or former subjects of the German Reich who have come into Russian hands fighting for the German Reich or against the Russian Soviet Republic.

NOTE TO ARTICLES 3 AND 4.

Hostages on both sides shall be regarded as Prisoners of War within the meaning of this Agreement, and immediately repatriated.

ARTICLE 5.

Repatriation shall not be delayed by the fact that the individual entitled to it has accepted employment or has to fulfil some other legal engagement in the territory of the other contracting party. Compensation for engagements of this nature cannot be provided by either side.

ARTICLE 6.

No one shall be detained for the purpose of enquiry into or by reason of having been sentenced for any infraction of discipline or any political crimes and offences, in particular espionage. On the other hand persons presumably entitled to repatriation may be detained for trial and punishment for ordinary crimes until they have undergone all punishment to which they may be liable or until some further agreement shall have been entered into by the contracting parties.

ARTICLE 7.

Each of the two contracting parties guarantees indemnity from punishment to those repatriated persons who may have taken action against the constitution of their state either by political agitation or by arms.

ARTICLE 8.

Until the carrying out of this Agreement each of the two parties shall be entitled to maintain in the territory of the other a welfare-centre for the purpose of preparing for repatriation and granting material assistance to those of its nationals who are returning. The extent of the duties of such welfare-centre shall be regulated by special agreements.

ARTICLE 9.

Both parties entrust the conduct of negotiations with such states as may be concerned in the passage of convoys to the International Red Cross at Geneva, which body shall also be responsible for the management and safety of the convoys during their passage through the territory of such states. Each of the contracting parties shall conclude a special agreement with the International Red Cross with regard to the expenses arising out of these proceedings.

ARTICLE 10.

The calculation of all expenses arising from the carrying out of this Agreement and the settlement of all questions concerning the property of persons repatriated, the estates of those deceased, the exchange of lists of such persons, the notification of their place of burial and similar matters, shall be settled by a special agreement.