

**CONVENTION WITH REGARD TO REPATRIATION CONCLUDED
BETWEEN POLAND, ON THE ONE PART, AND THE FEDERAL
SOCIALIST REPUBLIC OF THE RUSSIAN SOVIETS AND THE SOCIALIST
REPUBLIC OF THE UKRAINIAN SOVIETS ON THE OTHER, IN
EXECUTION OF ARTICLE VII OF THE PRELIMINARIES OF THE PEACE
OF RIGA (OCTOBER 12, 1920);
SIGNED AT RIGA ON FEBRUARY 24, 1921**

For the purpose of carrying out Article VII of the Preliminaries of Peace of October 12, 1920, the undersigned, being duly authorised by the Republic of Poland on the one part, and by the Socialist Republic of the Russian Soviets and the Socialist Republic of the Ukrainian Soviets on the other part, have decided as follows:

**PART I.
GENERAL PROVISIONS.**

Article 1.

The two Contracting Parties undertake, immediately after the signature of this present Agreement, to proceed with the speedy repatriation of all hostages, civilian prisoners, interned persons, prisoners of war, exiles, refugees and emigrants who are at present within the boundaries of their respective territories.

Article 2.

§ 1.

Civilian prisoners and interned persons shall be understood to include:

(1) All nationals of a Contracting Party who are in the territory of another Party and are, or have been, detained, arrested or subjected to police supervision, and likewise nationals, against whom judicial or administrative proceedings have been or are being instituted, for political offences or offences against the State, or offences committed in the interests of the other Party, including cases where such prosecution is, or has been instituted, to prevent the above-mentioned offences.

(2) All persons subject to prosecution against whom proceedings of the nature mentioned in the first paragraph of this Article, are being taken, and who are recognised by the Russian and Ukrainian authorities as Polish civilian prisoners or by the Polish authorities as Russian or Ukrainian civilian prisoners.

(3) Hostages.

§ 2.

Prisoners of war shall be understood to include combatants of the Contracting Party who have been made prisoners by the army of the other Contracting Party on the Polish-Russian-Ukrainian front; non-combatants formerly belonging to active armed forces and taken prisoner by the army of the other Party; and lastly, nationals belonging to other Polish formations and military detachments taken prisoner by the Russo-Ukrainian armies on other fronts and disarmed and interned by the Russian and Ukrainian authorities.

§ 3.

Exiles and refugees shall be understood to include persons who, previous to August 1st, 1914, resided in the territory of one of the Contracting Parties, and who are, at present, in the territory of the other Party, and who during the World-War of 1914-1918, the Polish-Russian-Ukrainian War, or the Civil War, have left the localities occupied or threatened by the enemy or which have been evacuated by reason of orders from the military or civil authorities. In the category of exiles or refugees are likewise included former prisoners of war captured during the World-War, who, before August 1st, 1914, resided in the territory of one of the Contracting Parties and are at present in the territory of the other Party; and likewise former Russian or Ukrainian soldiers who are now in the territory of the Polish Republic, in so far as they have not been made prisoners by the regular Polish Army.

§ 4.

Emigrants shall be understood to include citizens of one of the Contracting Parties who emigrated to the territory of the other Party before August 1st, 1914, in order to escape from prosecution due to their political or religious opinions or to their nationality.

Article 3.

The above-mentioned persons are free to return to their native countries; they cannot be directly or indirectly compelled to do so.

Article 4.

The persons selected for repatriation shall be relieved of their occupations, after having given an account of their work, a preliminary notice must be given, on the spot, at least one month prior to the date of their departure. Their dismissal must be notified to them at least one week before their departure. These persons shall on dismissal, be paid any salary or other remuneration still due to them for work done by them.

Personal employment — contracts, business — leases and leases of premises and lodgings concluded by the above-mentioned persons shall become void at the expiration of the preliminary notice given one month before departure, without the other party having the right to claim any compensation.

Article 5.

The Contracting Parties undertake to provide sufficient means of subsistence or a reasonable remuneration for all prisoners of war, civilian prisoners, persons interned and hostages, within their respective territories, who are included in the present Agreement.

Until they are handed over, prisoners of war shall be subject to the discipline and regulations in force in the country in which they are kept prisoners; the Parties undertake to accord them equitable treatment, and under no pretext to include them in groups or categories which are not provided for by international laws and customs, and which would result in forcing them to live under inferior conditions.

Article 6.

Each of the Contracting Parties undertakes to repay the expenses incurred by the other Party for the maintenance of its nationals who are prisoners of war, in so far as these expenses have not been met by the labour of these persons in State or private enterprises.

The following expenses for maintenance of prisoners of war shall be repaid; the value of rations delivered to them in kind, and advances made to them in kind or in cash.

The personal property of the prisoners of war retained by reason of the Laws of the country which has taken them prisoner shall be returned to them before they are repatriated. Any part of their salary or wages which has not yet been paid or placed to their credit shall be paid to them.

Article 7.

The persons mentioned in Article 1 of the present Treaty shall have the right, when returning to their country, to carry with them their personal property, subject to the following conditions:

§ 1.

In addition to hand-luggage, baggage may be taken up to a limit of 8 poods for each head of a family, or each person travelling alone; and up to 5 poods for every other member of a family (2 poods for children under 10 years of age).

§ 2.

Baggage may include the following items, among others:

- (1) Clothing and linen, not more than 2 suits and 2 changes of footgear, 1 overcoat and 6 changes of underwear for each person.
- (2) Necessary objects for the journey, not exceeding the ordinary needs of persons travelling, such as, for instance; pillows, sheets, blankets, hand towels, tea-urns, etc.
- (3) Persons who have a special trade or profession, as for instance: workmen, artisans, farmers, doctors, artists, men of science, etc., shall be permitted to take with them, over and above the weight prescribed, such articles as are indispensable for the use of their trade or profession; a special declaration must first be made in each case.

§ 3.

It is forbidden to take:

- (1) Printed matter, deeds and documents, photographs and papers of every nature which are not countersigned by the competent authorities.
- (2) Military arms and equipment and military field-glasses.
- (3) Manufactured objects, tanned goods, and drapers' goods intended for trade purposes and not for personal use.
- (4) More than 20 lbs. a head of food-stuffs; and of such it is forbidden to take more than 8 lbs. of flour, bread and pastry, more than 5 lbs. of meat and sausage meat, more than 3 lbs. of milk products, and more than 1/4 lbs. of other food-stuffs (not more than 1 lb. of sugar and not more than 1/4 lb. of tea).
- (5) Cattle, horses, pigs and poultry. Refugees and exiles returning to their country by another means than railway are allowed to take with them their own cattle, horses, pigs and poultry, unless it is evident that they are doing so for purposes of speculation.

(6) Automobiles, motor cycles, bicycles and all kinds of vehicles, carriages and sledges. Exiles and refugees returning by another means than by rail are allowed to take with them vehicles, carriages and sledges in so far as they represent their stock.

(7) Unwrought precious metals, unset precious stones, gold and silver coin.

(8) Objects in gold and platinum of a weight exceeding 16 zolotniks each, and objects in gold and platinum exceeding a total weight of 16 zolotniks for each person, and silver objects of a weight exceeding 1 lb. for each person.

All adult persons may take with them a watch and a wedding ring of gold or silver, a silver cigarette case and silver reticule, and in such cases the weight of this object shall not be deducted from the weight fixed in the above sub-section.

(9) Precious stones (diamonds, brilliants, sapphires, emeralds and rubies), whose total weight exceeds 1 carat. The same regulation applies to pearls.

(10) All kinds of machines spare parts, instruments for use in physics, surgical instruments, and musical instruments, except those mentioned in sub-paragraph 3 of paragraph 2 of this Article.

One sewing machine per family may be taken.

(11) Tobacco (not more than 500 cigarettes or 1/2 lb. of tobacco for every person above 18 years of age).

(12) Not more than 1 piece of toilet soap per person, and 1 lb. of ordinary soap for each family.

(13) Russian and Ukrainian paper money of all issues; not more than 20,000 Polish roubles and 40,000 Polish marks per person.

Larger amounts than these can only be taken by special permission.

(14) Foreign securities, — except by special permission.

(15) Russian bonds, shares and debentures, including securities, issued by the Joint Stock or other Companies which have carried on business in the territory of Russia, Lithuania and the Ukraine. These securities may only be removed by special permission. Drafts, dispatchers' receipts and way-bills may also be removed by special permission.

(16) Objects having an artistic value or antiquities, for the removal of which special permission has not been obtained.

Article 8.

Goods which are the legal property of persons mentioned in Article 1 of the present Treaty, by reason of the Laws and Regulations in force in the State repatriating them, may be disposed of by those persons, or left where they now are, by virtue of the same regulations.

So far as the future disposal of the property mentioned in Paragraph 1 of this Article is concerned, or its transportation into their respective countries, the persons enumerated in Article 1 of this present Treaty, who are natives of the country to which they are repatriated, shall enjoy the rights conferred by the Treaty of Peace on persons exercising the right of option.

Article 9.

Persons and their baggage leaving the country by virtue of the present Agreement shall be free from all dues and charges on their departure.

**PART II.
MIXED COMMISSION.**

Article 10.

In order to supervise the application of this present Treaty, to assist in its execution, to accelerate repatriation and assist in the organisation of the same, and likewise in order to protect the interests of the persons enumerated in Article 1 of the present Agreement and to give them assistance, two Mixed Commissions shall be set up, one at Warsaw — for the Republic of Poland — the other at Moscow for the Socialist Federal Republic of the Russian Soviets and for the Socialist Republic of the Ukrainian Soviets.

Each Mixed Commission shall be composed of two delegations appointed by the respective Governments. Each Delegation shall be composed of 3 members and 2 deputies, and of subordinate personnel not exceeding 30 persons.

The composition of each Delegation and of its subordinate personnel shall be previously communicated to the other party. If during the 10 days following the date of notification, no protest has been made, the composition of the Delegations shall be considered as accepted. The Mixed Commissions shall be organised within one month from the date of the signature of the present Agreement.

Article 11.

The Mixed Commissions shall have the right to detail some of their members and subordinate personnel to carry out their duties in other places; in such cases these delegates shall act as plenipotentiaries of the Mixed Commissions and shall have the right to communicate freely with the Mixed Commissions and with their respective delegations.

Article 12.

The Mixed Commissions shall have competence in the following matters:

- (1) The drawing up of instructions for their own use on the basis of the present Agreement.
- (2) A census of the number, place of residence and place of origin of the persons for repatriation, as enumerated in Article 1 of the present Treaty, and the verification of that Census.
- (3) The establishment of exact and complete lists of those deceased among the persons enumerated in Article 1 of the present Treaty; and the framing of measures to be taken to identify the deceased persons belonging to the above-mentioned categories.

- (4) Superintendence and control of the due observance of the terms of this present Treaty.
- (5) The granting of protection and material assistance of all kinds, so far as possible, to persons mentioned in Article 1 of this present Treaty, and the defence of the interests of these persons within the limits of the present Treaty.
- (6) The right to visit camps, prisons, hospitals and other places in which the persons, mentioned in Article 1 of the present Treaty, are quartered.
- (7) Collaboration with a view to the efficient organisation and methodical execution of the work of repatriation; and the working out of technical measures.
- (8) The examination of statements and proposals sent in by the various Delegations to the Mixed Commission; the taking of decisions with regard to these matters; and the transmission of these decisions to the proper authorities.
- (9) The right to deal directly with the Governments, and with Central State Organisations in the territory in which the Commission is carrying out its duties, with regard to defects that may come to light in this present Agreement, or to irregularities in its execution.
- (10) The right to communicate directly to the competent central authorities the lists of person who are to be repatriated; and the right to draw up these lists and complete them.
- (11) The publication of official proclamations with regard to repatriation; these proclamations shall be published in the Press, signed by the Presidents of the two Delegations, and sent to the places of residence of the persons to be repatriated.
- (12) The transmission of ordinary correspondence and registered correspondence sent from their native countries to the persons enumerated in Article 1 of the present Agreement; and ordinary and registered correspondence addressed to these persons in their native country. In both cases this transmission shall be subject to the laws and regulations in force with regard to that matter.
- (13) The right to obtain, for persons repatriated in virtue of the present Agreement, birth Certificates and personal papers and all other personal documents and to transmit them to the persons concerned.
- (14) The collection and communication of information with regard to questions within the competence of the Mixed Commission; and the investigation of the statements and complaints with regard to repatriation.
- (15) The ascertaining of the actual expenditure incurred by the authorities for the maintenance of prisoners of War; of the actual amounts of wages or salaries due to prisoners of War for work done by them during their captivity; and of the wages or salaries not yet received by them or not placed to their credit in accordance with Article 6 of this present Agreement.
- (16) The investigation of any other questions, with regard to the carrying out of the present Agreement, which are not provided for in the preceding paragraphs.

Article 13.

The Contracting Parties undertake to put at the disposal of the Mixed Commissions all material, and all other means for assisting them in the accomplishment of their task, and to permit the Mixed Commissions or persons authorised by them to visit camps, prisons, hospitals and other places of residence of persons to be repatriated.

With a view to the carrying out of the present agreement, the Contracting Parties also undertake to provide for the immediate collaboration of their Government and social institutions as well as of independent bodies.

Article 14.

The Contracting Parties undertake to supply the Mixed Commissions as soon as possible with exact information with regard to the present whereabouts of all prisoners of War, civil prisoners, persons interned and hostages residing in their respective territories.

Article 15.

The Contracting Parties shall guarantee diplomatic immunity to the members of the Delegations of the other party sitting on the Mixed Commissions, and to their deputies.

The Contracting Parties shall likewise guarantee to the members of Delegations, to their deputies and to the subordinate personnel as a whole, their personal safety and security for their official and private property,

Article 16.

The Delegations of the other Party sitting on the Mixed Commissions shall have the right to communicate without hindrance and continuously with their Government by means of Hughes wireless apparatus, by diplomatic couriers, by post and by telegraph.

These Delegations shall have the right to make use of cipher and of their official seal. The letters and packages sent by the respective Governments to their Delegations shall not be subject to censorship and shall not be opened.

Article 17.

It shall be within the competence of the Delegation of the other party in the Mixed Commissions:

- (1) To control the lists of persons to be repatriated under this present agreement.
- (2) To protect the persons enumerated in Article 1 of the present agreement, to give them such material assistance as they may require, to defend their interests within the limits of the present agreement, to carry out enquiries with regard to them and to publish the result of those enquiries.

Article 18.

The Delegations of the other Party in the Mixed Commissions shall have the right, within the limits of the laws and regulations in force in the country on whose territory the Commission is carrying out its duties, to buy or import from their own country or from foreign countries, provisions, clothes, medical stores, etc., and necessaries of life for the persons mentioned in Article 1 of the present Agreement.

Each of the Contracting Parties shall supply the necessary means of transport for the conveyance of the above-mentioned articles within the boundaries of its territory.

The above-mentioned articles, when bought or imported, can in no case be confiscated or requisitioned before or after they have been distributed, and shall remain exempt from all taxes and customs duty, import duty, transport charges, etc.

The Delegations shall have the right, if necessary, to demand accommodation for the storage and custody of these articles.

Article 19.

The Governments shall, at previously fixed prices, supply the Delegations of the other Party in the Mixed Commissions and the subordinate personnel, with offices and living accommodation as well as heating and lighting.

Article 20.

All petitions, letters and documents addressed to the Mixed Commissions or to the Delegations, or coming from them, shall be free from stamp and other duties.

PART III.

I. ORGANISATION OF REPATRIATION.

Article 21.

A census of the persons to be repatriated under the provisions of Article 1 of this Agreement shall be taken, and lists of the convoys shall be drawn up by the administrations concerned in the country which is carrying out the repatriation.

The persons mentioned shall have the right freely to apply to the Mixed Commission and to the Delegation of their Government, and to correspond with them by post and telegraph in accordance with the general regulations of the State.

Article 22.

The lists of persons repatriated shall be drawn up separately for each category of persons enumerated in Article 1 of the present Agreement; they must contain the following information:

- (1) Name, Christian name, and Father's Christian name.
- (2) Age.
- (3) Nationality.
- (4) Religion.
- (5) Particulars as to family.
- (6) Present domicile.
- (7) Permanent domicile in own country with mention of the Government (territory) of the district or the commune (township, village or town).

(8) Trade or profession.

(9) Statement of personal papers proving right to repatriation.

(10) Remarks.

The lists regarding prisoners of war shall contain the following information:

(1) Name, Christian name, and Father's Christian name.

(2) Age.

(3) Place of birth or place of permanent residence in own country.

(4) When and where taken prisoner.

(5) Unit to which prisoner belonged.

(6) Rank and grade or post held.

(7) Last place of imprisonment.

(8) Has the person concerned been sentenced for criminal offence during his captivity?
If so, for what offence and when?

(9) State of health.

(10) Remarks.

Article 23.

The Government departments of the State which is repatriating shall submit lists of persons to be repatriated to the Mixed Commission, which shall forward them in duplicate to the Delegation of the other party to be checked.

The lists when checked shall be returned by the Delegation referred to twenty days after being received at latest.

If the lists are not returned within that time they shall be considered as approved.

The Delegations shall have the right not to accept persons enumerated in the lists, and to refuse to allow them to pass over the territory of their country, should the persons in question not belong to the categories named in Article 1 of the present agreement. But all cases of this nature must be brought to the knowledge of the Mixed Commission.

Persons that the Delegation has refused to repatriate can be again put on the lists for repatriation on the proposal of the same Delegation.

Article 24.

Those who leave shall in virtue of the present agreement have the right to be repatriated with their families. The following shall be considered as forming part of the family: Wife

living with her husband, children, a mother or father unable to work, grandchildren, adopted children, grown-up children, and persons forming part of the household, in as much as they live with the head of the family.

Article 25.

During the repatriation of the refugees, of the persons expelled, and of the emigrants, persons unable to work and persons unable to dispense with the help of others, sick persons, invalids, aged persons, women and children who are alone living on public charity, and persons whose families are in the territory of the other party, shall, as far as possible, be given priority. Persons, residing in districts where the conditions of life, lodging, etc., are the most difficult, shall be repatriated first.

Article 26.

Civil prisoners, persons interned and hostages shall be sent back by the first convoy.

Article 27.

The repatriation of prisoners of war shall begin before the organisation of the Mixed Commission, and in any case not later than 10 days after the signature of the present agreement.

The repatriation of persons of other categories shall begin as soon as possible after the organisation of the Mixed Commission and at the latest two weeks after it has been organised.

The Contracting Parties undertake to send not less than 4,000 men a week to the reception stations.

Article 28.

The whole body of prisoners of war of one of the Contracting Parties (soldiers, officers, chiefs and commissaries) shall be exchanged against the whole body of prisoners of war of the other Contracting Party.

The number of prisoners of war sent home shall not be less than 1,500 per week, and the total figure of persons of all categories repatriated shall not be less than 4,000 per week; this number can only be reduced when the persons to be repatriated of all categories shall have been sent home; when there remain no more persons of other categories to repatriate, this number of 4,000 shall be entirely composed of prisoners of war.

Prisoners of war who are sick, or invalids and the groups and other categories of prisoners of war whose conditions of captivity are the most severe shall be repatriated first.

Article 29.

The following shall be reception stations: Stolbce, Koidanow on the Baranowice-Minsk railway, and the stations of Zdolbunowo for both parties on the Rowno-Szepietowka railway.

On both sides, the respective Governments shall arrange for hutments and medical and supply stations each side of the reception stations.

The reception stations may be changed later, and new stations arranged for.

Article 30.

The persons to be repatriated shall be sent to the reception stations by detachments or by separate waggon-loads, but not individually. In all cases each of the Contracting Parties shall within its own territory pay the expenses of the carriage of persons repatriated and their baggage. It shall at the same time provide the persons repatriated with proper health arrangements and sufficient food during the journey.

Article 31.

Repatriated persons shall be carried in heated waggons during the cold season. Sick and infirm persons shall be carried as far as possible by ambulance trains at all times of the year.

Persons afflicted with extremely contagious diseases shall not travel with the other persons repatriated, and shall only be sent home after being cured.

Article 32.

At the arrival of convoys of persons repatriated, the representative of the country repatriating them shall, as provided for in Article 22 of the present Agreement, hand over a list of the persons in the convoy, to a representative of the country receiving them, who shall give him a receipt for the same.

If the convoy starts with a list which has not been countersigned by the Delegation of the country receiving the persons repatriated, the above-mentioned Delegation must in accordance with Article 23 of the present agreement, previously, instruct the frontier authorities of its country to let the convoy pass.

The President of the Delegation of the country repatriating shall endorse to this effect the list of persons convoyed.

**PART IV.
FINAL DECISIONS.**

Article 33.

The Red Cross Societies and their representatives who are at present engaged in succouring and protecting the persons enumerated in Article 1 of the present agreement shall continue to do so up to the moment when the Mixed Commission enters on its duties. Repatriation shall likewise be carried out with their assistance up to the time when the Mixed Commissions are organised.

Article 34.

The two Contracting Parties undertake, as soon as the present agreement has been signed, to give orders with regard to the suspension of all legal, administrative, disciplinary or other action against civilian prisoners, persons interned, hostages, persons expelled, emigrants and prisoners of war, and immediately to suspend the carrying out of punishments to which those persons had been sentenced by any jurisdiction whatsoever.

It is possible that the suspension of the carrying out of punishments may not involve the setting free of such persons; in that case they shall be immediately handed over to the authorities of their country, together with all papers concerning them.

If any persons declare that they do not desire to return to their country, or if the authorities of their country do not desire to receive them, such persons may be once more imprisoned.

Article 35.

The Contracting Parties agree that all questions with regard to the repatriation of persons enumerated in Article 1 of this present agreement shall be settled on the basis of this same agreement, in so far as the Treaty of Peace shall not decide otherwise.

Article 36.

The present agreement shall be made public by the two Contracting Parties within two weeks of the date of its signature.

Article 37.

Three copies of the present agreement shall be drawn up: in the Polish, Russian and Ukrainian languages. The three texts shall be considered authentic for the purpose of interpretation of the agreement.

Article 38.

The present agreement has been concluded in execution of Article 7 of the Preliminaries of Peace ratified on October 12, 1920: it is not subject to ratification and is binding as soon as signed.

In faith whereof the Plenipotentiaries of the two Parties have signed the present Agreement.

Done at RIGA, February 24th, 1921.

ADDITIONAL PROTOCOL TO THE AGREEMENT ON REPATRIATION.

As a complement to the Agreement on Repatriation, signed to-day, the Contracting Parties have decided as follows:

§ 1.

In addition to repatriation on a large scale the Parties agree to undertake the individual exchange of persons in whose repatriation the Parties take a special interest, subject to the consent of the persons concerned; the latter shall be repatriated separately, and no account shall be taken of the question as to whether they are citizens of the State which demands their extradition.

The organisation of individual repatriation shall be the duty of the Mixed Commissions. The exchanges shall be made according to lists, and in each case by an agreement entered into by the Delegates of the Parties in the Commissions.

The Parties undertake to give the Mixed Commissions and Delegations all possible assistance, by supplying them with the necessary information for the compilation of these lists, and reserving them all the rights in this matter which have been granted to the Mixed Commissions and Delegations by the Agreement on Repatriation.

§ 2.

Persons who during the Tsarist régime resided exclusively on the territory of the Polish Republic by reason of their official position (officers of the army, civil and military officials), shall in no case be considered as exiled or as having fled within the meaning of paragraph 3 of Article 2 of the Agreement on Repatriation.

§ 3.

The repatriation of the persons enumerated in the Agreement on Repatriation shall not be made dependent on the fact that they do or do not avail themselves of their right of option.

§ 4.

This present Protocol is an integral part of the Agreement on Repatriation.

In faith whereof the plenipotentiaries of the two Parties have signed the present additional Protocol.

Done at RIGA, February 4th, 1921.

JAN DAŃSKI.
STANISŁAW KAUZIK.
EDWARD LACHOWICZ.
HENRYK STRASBURGER.
LEON WASILEWSKI.

A. JOFFE.
J. HANECKI.
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