



Treaty Series No. 25 (1930)

Exchange of Notes

BETWEEN HIS MAJESTY'S GOVERNMENT
IN THE UNITED KINGDOM AND
THE GERMAN GOVERNMENT

for a

Mutual Amnesty

ON THE TERMINATION OF THE
Occupation of German Territory

Berlin, May 9, 1930

Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty

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**Exchange of Notes between His Majesty's Government
in the United Kingdom and the German Government
for a Mutual Amnesty on the Termination of the
Occupation of German Territory.**

Berlin, May 9, 1930.

(1.)

Sir H. Rumbold to Dr. Curtius.

British Embassy,

Berlin, May 9, 1930.

Your Excellency,

I HAVE the honour, on instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to invite the German Government to enter into an agreement with His Majesty's Government in the United Kingdom, similar to the agreements concluded by the German Government with the French and Belgian Governments on the 5th October, 1929, for the extension of a mutual amnesty by the respective Governments to British subjects and German nationals on account of all acts committed in German occupied territory from the beginning of occupation up to the 20th January, 1930.

2. I have the honour to propose that the agreement should be in the following terms:—

“(1) The German Government grant a full amnesty in respect of all actions in connexion with the occupation which have taken place in the areas occupied in virtue of Article 428 of the Treaty of Versailles since the beginning of, and during, the occupation, up to the 20th January, 1930, whether these actions were inspired by political motives or whether the perpetrator was carrying out the orders, instructions or the general or particular decisions of the Inter-Allied Rhineland High Commission or the orders of the military authorities, or had afforded service to the occupation authorities or maintained relations with them.

An exception is made in the case of deeds which constitute a crime resulting in death. Cases where punishments have already been carried out, especially where fines or legal costs have been paid, shall be considered as definitely settled.

(2) The German Government will employ all legal means in its power, including those of the administration of justice, to prevent illegal measures of reprisal, either direct or indirect, from being taken against anyone on account of the actions specified in (1) above. The

German authorities will also in equity and with the legal means at their disposal take steps to secure that the actions in respect of which an amnesty is accorded by (1) shall not be used to the detriment of those concerned in any legal case or other proceedings.

This provision shall not be so interpreted as to give any person privileged position before the law.

- (3) His Majesty's Government in the United Kingdom will, for their part, grant a full amnesty to German nationals on account of all acts committed in the occupied territory from the beginning of the occupation until the 20th January, 1930. Cases where punishments have already been carried out, especially where fines or legal costs have been paid, shall be regarded as definitely settled.
- (4) The present agreement enters into force fourteen days after the date on which the German Government has notified the British Embassy in Berlin of their acceptance of this proposal."

I avail, &c.

HORACE RUMBOLD.

(2.)

Dr. Curtius to Sir H. Rumbold.

Auswärtiges Amt,

Herr Botschafter!

Berlin, den 9. Mai, 1930.

Auf Grund von Weisungen S.M. Ersten Staatssekretärs des Äußern haben Euere Exzellenz mit Ihrem heutigen Schreiben bei der Deutschen Regierung angeregt, mit S.M. Regierung im Vereinigten Königreich eine Vereinbarung zu treffen, ähnlich dem Abkommen zwischen der Deutschen Regierung und den Regierungen Frankreichs und Belgiens vom 5. Oktober 1929. Durch eine solche Vereinbarung soll seitens der beiden beteiligten Regierungen eine gegenseitige Amnestie auch für britische Untertanen und deutsche Staatsangehörige wegen aller im deutschen besetzten Gebiet in der Zeit vom Beginn der Besetzung bis zum 20. Januar d.J. begangenen strafbaren Handlungen gewährt werden.

2. Für die Vereinbarung haben Sie folgenden Wortlaut vorgeschlagen :

- "(1) Die Deutsche Regierung gewährt völlige Straffreiheit wegen aller Handlungen, die in den auf Grund des Artikel 428 des Vertrags von Versailles besetzten Gebieten seit Beginn und während der Dauer der Besetzung bis zum 20. Januar d.J. in Zusammenhang mit der Besetzung sei es aus politischen Gründen, sei es dadurch begangen sind, dass der Täter die Verordnungen, Anweisungen oder die allgemeinen oder besonderen

Entscheidungen der Interalliierten Rheinlandoberkommission oder die Befehle der Militärbehörden befolgt, den Besatzungsbehörden Dienste geleistet oder Beziehungen zu ihnen unterhalten hat.

Ausgenommen von der Anwendung dieser Bestimmung sind solche Handlungen, die ein Verbrechen mit Todesfolge darstellen. Soweit die Strafen vollzogen, insbesondere Geldstrafen oder Gerichtskosten bezahlt sind, behält es hierbei sein Bewenden.

- (2) Die Deutsche Regierung wird alle gesetzlichen Mittel, über die sie verfügt, mit Einschluss derjenigen der Justizverwaltung, anwenden, um zu verhindern, dass rechtswidrige Vergeltungshandlungen, sei es unmittelbarer oder mittelbarer Art, gegen irgend jemand wegen der unter (1) bezeichneten Handlungen ergriffen werden. Die deutschen Behörden werden nach billigem Ermessen und mit den ihnen zu Gebote stehenden gesetzlichen Mitteln dahin wirken, dass die Handlungen, für welche durch die Bestimmungen unter (1) Straffreiheit gewährt wird, den Betroffenen in einem Prozess oder irgendeinem Verfahren nicht entgegengehalten werden.

Diese Bestimmung soll nicht so ausgelegt werden, dass dadurch irgend jemandem eine bevorzugte Rechtsstellung eingeräumt wird.

- (3) S.M. Regierung im Vereinigten Königreich wird ihrerseits deutschen Staatsangehörigen völlige Straffreiheit für alle Straftaten gewähren, die in den besetzten Gebieten seit dem Beginn der Besetzung bis zum 20. Januar d.J. begangen worden sind. Soweit die Strafen vollzogen, insbesondere Geldstrafen oder Gerichtskosten bezahlt sind, behält es dabei sein Bewenden.
- (4) Die vorstehende Vereinbarung tritt vierzehn Tage nach dem Tag in Kraft, an dem die Deutsche Regierung der Britischen Botschaft in Berlin ihre Zustimmung zu diesem Vorschlag mitteilt."

Ich beehre mich Euerer Exzellenz mitzuteilen, dass die Deutsche Regierung diesen Vorschlag annimmt.

Zugleich benutze ich, &c.

CURTIUS.

(Translation.)
Your Excellency,

*Ministry for Foreign Affairs,
Berlin, May 9, 1930.*

In a Note of to-day's date, your Excellency, on instructions from His Majesty's Principal Secretary of State for Foreign Affairs, invited the German Government to enter into an agreement with His Majesty's Government in the United Kingdom similar to the agreement of the 5th October, 1929, between the German Government and the Governments of France and Belgium. By means of such an agreement a mutual amnesty was to be extended by the respective Governments to British subjects and German nationals

on account of all punishable acts committed in German occupied territory from the beginning of the occupation until the 20th January, 1930.

2. You proposed that the text of the agreement should be as follows :—

“(1) The German Government grant a full amnesty in respect of all actions in connexion with the occupation which have taken place in the areas occupied in virtue of Article 428 of the Treaty of Versailles since the beginning of, and during, the occupation, up to the 20th January, 1930, whether these actions were inspired by political motives or whether the perpetrator was carrying out the orders, instructions or the general or particular decisions of the Inter-Allied Rhineland High Commission or the orders of the military authorities, or had afforded service to the occupation authorities or maintained relations with them.

An exception is made in the case of deeds which constitute a crime resulting in death. Cases where punishments have already been carried out, especially where fines or legal costs have been paid, shall be considered as definitely settled.

(2) The German Government will employ all legal means in its power, including those of the administration of justice, to prevent illegal measures of reprisal, either direct or indirect, from being taken against anyone on account of the actions specified in (1) above. The German authorities will also in equity and with the legal means at their disposal take steps to secure that the actions in respect of which an amnesty is accorded by (1) shall not be used to the detriment of those concerned in any legal case or other proceedings.

This provision shall not be so interpreted as to give any person privileged position before the law.

(3) His Majesty's Government in the United Kingdom will, for their part, grant a full amnesty to German nationals on account of all acts committed in the occupied territory from the beginning of the occupation until the 20th January, 1930. Cases where punishments have already been carried out, especially where fines or legal costs have been paid, shall be regarded as definitely settled.

(4) The present agreement enters into force fourteen days after the date on which the German Government has notified the British Embassy in Berlin of their acceptance of this proposal.”

I have the honour to inform your Excellency that the German Government accepts this proposal.

I avail, &c.

CURTIUS.