

N° 551.

ALLEMAGNE, POLOGNE
ET LA
COMMISSION INTERALLIÉE

Accord concernant certaines questions relatives au transfert de la juridiction dans le territoire plébiscitaire en Haute-Silésie, signé à Oppeln le 15 juin 1922.

GERMANY, POLAND
AND THE
INTERALLIED COMMISSION

Agreement concerning certain questions regarding the transfer of Jurisdiction in the Upper Silesian plebiscite area, signed at Oppeln, June 15, 1922.

¹ TRADUCTION. — TRANSLATION.

No. 551. — AGREEMENT² BETWEEN GERMANY AND POLAND, OF THE ONE PART, AND THE INTER-ALLIED COMMISSION, OF THE OTHER PART, CONCERNING CERTAIN QUESTIONS REGARDING THE TRANSFER OF JURISDICTION IN THE UPPER SILESIAN PLEBISCITE AREA, SIGNED AT OPPELN, JUNE 15, 1922.

French official text communicated by the German Consul at Geneva and by the Polish Delegate accredited to the League of Nations. The registration of this Agreement took place January 14, 1924.

Between the GOVERNING and PLEBISCITE COMMISSION OF UPPER SILESIA, composed of :

General le ROND, French representative, President ;
 General A. de MARINIS STENDARDO DI RICIGLIANO, Italian representative ;
 Sir HAROLD A. STUART, K. C. S. I., K. C. M. G. K. C. V. O., British representative ;

acting by virtue of the powers conferred upon it by the Treaty of Peace signed at Versailles on June 28, 1919

of the one part, and ;

THE GERMAN GOVERNEMENT, represented by :

DR. Paul ECKARDT, Envoy Extraordinary and Minister Plenipotentiary, duly authorised for the purpose ; and

THE POLISH GOVERNMENT, represented by :

Dr. Zygmunt SEYDA, Vice-Minister of State, duly authorised for the purpose of the other part.,

The following stipulations were agreed upon concerning the handing over by the Inter-Allied Governing and Plebiscite Commission of Upper Silesia of the territories attributed to Germany and Poland respectively.

The present provisions will come into force on the date of signature, with the exception of those contained in Chapter III. B : “ Tribunals set up by the Inter-Allied Governing Commission ”. The latter will be ratified by Germany and Poland and the instruments of ratification will be deposited as soon as possible in the archives of the Inter-Allied Governing Commission at Oppeln ; they will come into force as soon as the instruments of ratification have been deposited by the two Governments.

¹ Traduit par le Secrétariat de la Société des Nations .

¹ Translated by the Secretariat of the League of Nations.

² The deposit of the ratifications took place at Oppeln, July 7, 1922.

I. DECISIONS TAKEN AND SENTENCES PRONOUNCED.

(1) *General Provisions.*

The German Government and the Polish Government agree that all the decisions taken and all the sentences pronounced by the courts established by the Governing Commission shall be treated on the same footing as the decisions taken and the sentences pronounced by a German or Polish penal court.

Two certified true copies of the decisions taken and of the sentences pronounced by the courts established by the Governing Commission shall be drawn up by those courts ; one of these copies shall be delivered to the representative of the German Government and the other to the representative of the Polish Government on the expiration of the Governing Commission's term of office.

(2) *Execution of Sentences.*

(a) As regards persons who have been sentenced by the courts established by the Governing Commission in respect of any of the infractions provided for in Articles 2, 3 and 4 of the Decree of March 11, 1920, or for any similar infraction, and who have not served the whole of their sentences on the date on which the Governing Commission's term of office expires, the sentences which have been laid upon the said persons shall be executed in full in German prisons in districts west of the Rhine occupied by the troops of the Allied and Associated Powers.

The Rhineland High Commission will supervise the execution of these penalties. This supervision shall be exercised with a view to ensuring the execution of the sentences in conformity with the regulations of the courts which pronounced them. In special cases or categories of cases the High Commission may decide in what part of the occupied territories the sentences shall be served.

Any convicted person may, however, at his own request, serve his sentence in one of the Allied military prisons in the Rhineland.

The court within whose district is situated the prison to which the person undergoing a sentence has been transferred shall be competent to take any judicial decisions which the execution of the sentence may render necessary. In the event of the convicted person serving his sentence, at his own request, in an Allied military prison, the Rhineland High Commission will decide which tribunal is competent.

(b) In regard to the execution of sentences pronounced for offences other than those referred to in paragraph (a) above, the German or Polish tribunal of the locality in which the offence has been committed shall be competent.

The principles laid down in the provisions of Article 2, paragraphs 8-12, of the German-Polish Convention of April 12, 1922, concerning the transfer of jurisdiction in the plebiscite territory of Upper Silesia, shall be applicable in such cases.

II. CASES AWAITING JUDGMENT.

I. (a) As regards accused persons before the courts established by the Governing Commission for any of the offences provided for in Articles 2, 3 and 4 of the Decree of March 11, 1920, or for any similar offence, cases awaiting judgment at the hands of the said Courts on the date on which the Governing Commission's term of office expires shall be referred to a German tribunal in the districts west of the Rhine occupied by the troops of the Allied and Associated Powers ; the said tribunal shall be designated by the Rhineland High Commission.

Nevertheless, any accused person may, at his own request, be tried by an Allied military tribunal established in the Rhineland. The said tribunal shall be designated and the case shall be transferred to it by the Rhineland High Commission.

(b) The sentences pronounced against persons convicted for any of the offenses referred to in the previous paragraph shall be carried out under the conditions laid down in Article 1 paragraph 2 (a).

2. As regards persons accused before the courts established by the Governing Commission for all offences other than those provided for in Articles 2, 3 and 4 of the Decree of March 11, 1920, and similar offences, cases awaiting judgment at the hands of the said courts on the date on which the Governing Commission's term of office expires shall fall within the competence of the tribunal of the locality in which the act was committed. The principles laid down in Article 2, paragraphs 2, 5 and 6, of the above-mentioned German-Polish Convention shall be applicable in such cases.

III. RE-OPENING OF PROCEEDINGS.

As regards persons convicted by the courts established by the Governing Commission for any of the offences provided for in Articles 2, 3 and 4 of the Decree of March 11th, 1920, or for any similar offence, proceedings may only be re-opened with the consent of the three Allied Powers represented on the Inter-Allied Governing Commission for Upper Silesia; the tribunal specified in Article 1, 2 (a), shall be competent.

IV. PARDONS.

No reprieve, commutation, remission or reduction of sentences shall be allowed in favour of persons convicted for offences against the Allies, without the consent of the three Allied Powers represented on the Inter-Allied Governing Commission for Upper Silesia.

When the convicted person is serving his sentence in an Allied military prison in the Rhineland, it shall be for the Rhineland High Commission to institute the proceedings in connection with acts of pardon.

V. DECISIONS IN RESPECT OF CONVICTED PERSONS AT THE EXPIRATION OF THE POWERS OF THE RHINELAND HIGH COMMISSION.

When the term of office of the Rhineland High Commission expires, the subsequent fate of persons convicted for offences against the Allies who have not fully served their sentences on that date shall be settled, on the same conditions as that of persons convicted for offences committed in the Rhineland, by the tribunals to which competence in respect of the said offences has been transferred by the Rhineland High Commission.

Done at Oppeln on the fifteenth day of June nineteen hundred and twenty-two in a single copy, which will be deposited in the archives of the Government of the French Republic and certified true copies of which will be transmitted to each of the three Powers represented on the Inter-Allied Governing and Plebiscite Commission of Upper Silesia and to Germany and Poland.

(L. S.) LE ROND.
(L. S.) A. DE MARINIS.
(L. S.) HAROLD STUART.
(L. S.) P. ECKARDT.
(L. S.) Z. SEYDA.