

No. 4241

**NETHERLANDS
and
FEDERAL REPUBLIC OF GERMANY**

Exchange of notes constituting an agreement concerning the removal to Germany of the remains of German servicemen who died in the Netherlands. The Hague, 11 October 1954

Official text: French.

Registered by the Netherlands on 21 March 1958.

**PAYS-BAS
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Échange de notes constituant un accord concernant le transport en Allemagne des restes mortels des militaires allemands tombés aux Pays-Bas. La Haye, 11 octobre 1954

Texte officiel français.

Enregistré par les Pays-Bas le 21 mars 1958.

[TRANSLATION — TRADUCTION]

No. 4241. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE NETHERLANDS AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE REMOVAL TO GERMANY OF THE REMAINS OF GERMAN SERVICEMEN WHO DIED IN THE NETHERLANDS. THE HAGUE, 11 OCTOBER 1954

I

EMBASSY OF THE FEDERAL REPUBLIC OF GERMANY
THE HAGUE

The Hague, 11 October 1954

Your Excellency,

Following an exchange of views between the competent Netherlands and German authorities, the Government of the Netherlands and the Government of the Federal Republic of Germany have agreed on the following regulations for the removal to Germany of the remains of German servicemen who died in the Netherlands.

1. The remains of German servicemen or members of the former Wehrmacht who were killed or died in the Netherlands may be exhumed and transported to Germany.
2. Application for exhumation must be made by the rightful claimant, next of kin of the deceased, to the German Federal Government. If approved by the latter, the application shall be forwarded to the Minister of War of the Netherlands for further consideration.
3. The application must show :

The names, given names and date and place of birth of the deceased ; the commune and cemetery in the Netherlands in which the grave is situated and, if possible, the letter or number of the plot, row and grave ; the rank of the deceased ; the colour of his hair ; and the name and address and, if possible, the telephone number of the undertaker appointed by the next of kin to remove the remains.

¹ Came into force on 18 June 1955, the date of receipt of a note in which the Government of the Netherlands informed the Embassy of the Federal Republic of Germany that the approval constitutionally required in the Netherlands had been obtained. Pursuant to the exchange of notes dated 1 April and 14 and 22 June 1955 between the Contracting Parties, the above-mentioned Agreement was declared applicable to *Land* Berlin with effect from 18 June 1955, provided that requests for transport originating in *Land* Berlin were made through the same diplomatic channel as those originating in the *Länder* of the Federal Republic of Germany.

The application should also show, if possible :

The number and other particulars of the deceased's identity disc ; his last *Feldpost* number ; a dentist's description of the condition of his teeth or, in the absence of such description, all available data concerning his teeth, e.g. extractions, fillings, crowns, pin teeth, bridges, etc. ; particulars of any fractures of the arm, leg or collar-bone, of any operations, and of such wounds or mutilations as would leave visible traces on the skeleton ; and particulars of the fatal war wound or other cause of death of whatever nature.

4. The Minister of War shall, in each case, satisfy himself that the location of the grave and the identity of the remains to which the application refers have been accurately established. Failing this, the application for repatriation of the remains shall be rejected.

Authorization shall not be granted for the exhumation of remains lying in common graves. Where a single grave contains more than one body (two or more placed one above the other), such authorization shall as a rule be withheld if the exhumation would involve moving another body.

If the Minister of War is satisfied that the identity and the location of the grave have been established, and if the burgomaster of the commune in which the grave is situated has authorized the exhumation, the Minister of War shall transmit to the German Federal Government the documents required for the removal of the remains.

5. The cost of transfer shall be borne by the applicant. In the Netherlands the cost shall include the fee for exhuming the body in accordance with the regulations concerning municipal cemeteries or the regulations laid down by the management of private cemeteries. At the German military cemetery at IJsselsteyn the amount of such fee shall be ten guilders in each case. The undertaker shall pay these fees in advance to the duly authorized officials or agents.

In some communes the coffin may be sealed to facilitate clearance at the frontier ; the seal shall be affixed at the cemetery by an officer of the customs and excise service.

6. It shall be unlawful to perform any exhumation at a municipal or private cemetery save in the presence of a representative of the Volksbund Deutscher Kriegsgräberfürsorge, who shall satisfy himself that the body and the grave from which it is exhumed are those intended.

I have the honour to state that this note and your reply thereto will be deemed to constitute an agreement between our two Governments in the matter. The agreement shall enter into force on the date of receipt of a note in which the Government of the Netherlands informs the Embassy of the Federal Republic of Germany that the approval constitutionally required in the Netherlands has been obtained.

I have the honour to be, etc.

(Signed) MÜHLENFELD

His Excellency Mr. J. W. Beyen
Minister of Foreign Affairs of the Netherlands
The Hague

II

MINISTRY OF FOREIGN AFFAIRS

The Hague, 11 October 1954

Your Excellency,

By a letter of today's date you informed me as follows :

[See note I]

I have the honour to inform you that the Government of the Netherlands agrees to the above text.

I have the honour to be, etc.

(Signed) J. W. BEYEN

His Excellency Dr. H. Mühlenfeld
Ambassador Extraordinary and Plenipotentiary
of the Federal Republic of Germany
The Hague
