

Europe and North America

Objekttyp: **Group**

Zeitschrift: **Annual report / International Committee of the Red Cross**

Band (Jahr): - **(1978)**

PDF erstellt am: **27.05.2024**

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Costa Rica

For refugees
— 10 tents

Sw. fr.

15,500

Results of appeals for funds

The ICRC action in Nicaragua would not have been possible without the material support provided by governments and National Societies. The list of cash donors (total 1,823,224 Swiss francs for 1978) is given on pages 78 and 79.

Besides this, the German Red Cross in the Federal Republic of Germany, the Swiss Government, the EEC, USAID and Swiss private industries contributed to this action with gifts in kind.

EUROPE AND NORTH AMERICA

In 1978, the ICRC pursued its mission in favour of certain victims of the 1974 conflict in *Cyprus*. It also visited "political detainees" in *Portugal* (see Table on page 43).

Besides this, several missions were undertaken in various countries in Europe and in North America, to strengthen the ICRC's ties with the National Societies and governments of States where the ICRC does not intervene, but which participate directly—by providing personnel—or indirectly—by giving financial or material assistance—in its operations in various parts of the world. This personal contact enables the ICRC to give more information to those interested, about its activities and even about the problems it faces, particularly in matters of financing and the application of international humanitarian law, and to exchange ideas on subjects of common interest, such as the ratification of the Protocols additional to the 1949 Geneva Conventions, the dissemination of knowledge of international humanitarian law and the principles of the Red Cross, etc. The ICRC also participated in several seminars or meetings organized by the National Societies of this area.

The President of the ICRC, in this connection, visited *Bulgaria* (for the centenary of the Bulgarian Red Cross), *Canada*, the *United States*, *Norway*, the *Netherlands*, the *Soviet Union*, *Yugoslavia*, and the *Swiss Red Cross*. On many of these visits he was accompanied by the delegate-general for Europe and North America, or the regional delegate for Central and Eastern Europe.

Moreover, the delegate-general went to the *Federal Republic of Germany*, *Greece*, the *United Kingdom* and *Turkey* and the regional delegate visited the *German Democratic Republic*, *Hungary*, *Poland*, *Romania* (on two occasions), *Czechoslovakia*, and *Yugoslavia* (twice, and in particular to participate in the training seminars organized by the Yugoslav Red Cross for the staff of National Societies of developing countries).

Furthermore, since 1955, the *International Tracing Service* (ITS), at Arolsen, in the Federal Republic of Germany, has been under the direction and management of the ICRC.

Cyprus

Three new missions, of about a fortnight each, took place in Cyprus in April, September and December 1978. They were

all carried out by the delegate responsible for questions concerning Cyprus at ICRC headquarters, who was accompanied, on the first mission, by the former ICRC delegate for the northern sector of the island, and on the second, by the delegate-general.

Each time, the representatives of the ICRC visited some 2,000 Greek Cypriots remaining in the northern sector of the island, under Turkish Cypriot control, and some 200 Turkish Cypriots remaining in the southern sector of the island after the 1974 exodus. The aim of these visits was to ascertain the situation of these people in humanitarian terms and to make any necessary approaches to the responsible authorities. The representatives of the ICRC held talks with the Cyprus Government and also with the Turkish Cypriot authorities in Nicosia. They also got in touch with the special representative of the United Nations Secretary-General in Cyprus.

Mention must also be made that the ICRC continued to give its financial support to the Cypriot Red Cross, a developing society, to help it in its work regarding family messages (the sole means, for persons living in the northern sector of the island, to correspond with their relatives in the southern sector).

Federal Republic of Germany

INTERNATIONAL TRACING SERVICE

The main task of the International Tracing Service (ITS) at Arolsen, in the Federal Republic of Germany, is to gather, classify, store and use all documents relating to Germans and non-Germans who were held in the Nazi labour and concentration camps, and to non-Germans displaced because of the Second World War. The ITS, in particular, issues certificates to the victims of Nazi persecution who wish to prove their right to a pension or compensation. This certificate either confirms that they were in a concentration camp (for Germans and non-Germans), that they worked as foreign labourers during the war (for non-Germans), or that they were in a refugee camp after the war (for non-Germans). It also issues medical certificates and death certificates.

The certificates issued by the ITS to victims of Nazi persecution or to members of their families are all based on documents contained in the ITS archives gathered over the years.

It is becoming increasingly difficult each year to make use of the archives. More than thirty years after the war, the task of identifying a person whose application contains vague and inadequate information is a long and exacting one. The magnitude of this problem is better understood when it is known that today the archives of the ITS contain accurate information on more than ten million persons persecuted under the National Socialist regime.

The activities of the ITS in 1978

COLLECTING DOCUMENTS.—The ITS has received new documents from Poland, through the National Museum, regarding victims of the concentration camps of Stutthof and Auschwitz. Moreover, documents concerning various concentration camps, which could prove useful to the ITS, were selected from the archives of the Polish Red Cross to be filmed. Documents concerning the former State secret police at

Darmstadt were also chosen from the State archives of Hesse. Finally, a list has been made of the names recorded in the archives of the emergency court under the Attorney General of Darmstadt. This will enable the ITS to inform applicants whether documents they seek are available in the National Archives at Darmstadt.

MAKING USE OF DOCUMENTS.—In 1978, the ITS sent 83,493 replies to requests received, including 43,035 certificates or reports of imprisonment, 9,745 certificates of forced labour during the war, 2,871 reports on periods spent in DP camps after the war and 430 reports on matters of historic interest.

Annual Assembly of the ICITS

The International Commission for the International Tracing Service—composed of representatives of the Governments of the Federal Republic of Germany, Belgium, the United States, France, Greece, Israel, Italy, Luxembourg, the Netherlands and the United Kingdom—held its annual Assembly in Bonn, on May 8, 1978.

On that occasion, the Director of the ITS, Mr. Philippe Züger commented on the various problems of the institution, particularly regarding the financing and restoring of the Archives. The draft budget for 1979 was handed over to the representative of the Government of the Federal Republic of Germany, on which it is incumbent to cover the cost of the activities of the ITS.

Honour extended to the ITS by the Government of the Federal Republic of Germany

At the end of 1978, the Government of the Federal Republic of Germany expressed its gratitude to the ITS at Arolsen and to the ICRC in Geneva. In the presence of Mr. Alexandre Hay, President of the ICRC, and other distinguished personalities, the Grand Cross of the Order of Merit was awarded to Mr. N. Burckhardt and Mr. A. de Cocatrix, former directors of the ITS, during a ceremony in Geneva.

ACTIVITIES FOR “POLITICAL DETAINEES”

Protection in situations not provided for in the Conventions

Until 1949 the law of Geneva only protected victims of wars between States. Now, article 3, common to the four Conventions of 1949, applies to non-international armed conflicts, and so does Protocol II of 1977, which does not, however, cover *situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts* (Protocol II, art. 1, para. 2).

What sort of “internal disturbances and tensions” justify the protection of the ICRC beyond the field of application of the Geneva Conventions and their Protocols?

The ICRC has attempted to define these. Both expressions were submitted to a group of experts in 1970. On the basis of their remarks the ICRC gave the following description of **internal disturbances** at the first Conference of government

experts (1971): *This involves situations in which there is no non-international armed conflict as such, but there exists a confrontation within the country, which is characterized by a certain seriousness or duration and which involves acts of violence. These latter can assume various forms, all the way from the spontaneous generation of acts of revolt to the struggle between more or less organized groups and the authorities in power. In these situations, which do not necessarily degenerate into open struggle, the authorities in power call upon extensive police forces, or even armed forces, to restore internal order. The high number of victims has made necessary the application of a minimum of humanitarian rules.* (Conference of Government Experts, documents submitted by the ICRC, vol. V, Protection of Victims of Non-International Armed Conflicts, page 79.)

Internal tensions mainly refer to:

- (a) *situations of serious tension (political, religious, racial, social, economic, etc.);*
- (b) *sequels of an armed conflict or internal disturbances.*

These situations present any one, if not all, of the following characteristics:

1. *mass arrests;*
2. *large number of “political” detainees;*
3. *probable ill-treatment or inhuman conditions of detention;*
4. *suspension of fundamental legal guarantees, either by the proclamation of a state of emergency or by a de facto situation;*
5. *alleged disappearances.*

In short, according to certain experts, *internal disturbances* are said to exist when, without any armed conflict, the State resorts to armed force to maintain order, and *internal tension* when, without any internal disturbance, force is used as a preventive measure to maintain law and order.

It is in situations such as these that the ICRC extends its protection beyond the field of application of the Conventions. It carries out this activity in pursuance of its universally recognized right of humanitarian initiative, several resolutions of International Conferences of the Red Cross and article 6, para. 5, of the Statutes of the International Red Cross, which state that the ICRC, as a *neutral institution whose humanitarian work is carried out particularly in time of war, civil war, or internal strife, endeavours at all times to ensure the protection of and assistance to military and civilian victims of such conflicts and of their direct results.*

Contrary to the “conventional” situations of international conflicts, the State to which the ICRC offers its services under such circumstances is not bound to accept them. Hence it is only to be obliging and as a mark of confidence that a government allows the ICRC to act in its country. There are times, however, when the government concerned invites the ICRC to undertake an action in its country.

Persons imprisoned during internal disturbances and tensions

A general characteristic of internal disturbances and tensions is the imprisonment of certain categories of people by the authorities. These people all have this in common: their acts, their words or their writings are considered, by the authorities, to be such an opposition to the existing political system that they