

# Criteria for action

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# CRITERIA FOR ACTION

## Activities for people deprived of their freedom

By virtue of the Geneva Conventions of 1949 and their Additional Protocols of 1977, the ICRC visits persons deprived of their freedom in international armed conflicts (prisoners of war within the meaning of Article 4 of the Third Convention and Article 44 of Protocol I) and persons protected under the Fourth Convention (civilian internees, persons arrested by the Occupying Power and penal-law detainees in enemy hands).

In the event of a non-international armed conflict, covered by Article 3 common to the four Geneva Conventions of 1949 and Protocol II of 1977, the ICRC endeavours to come to the aid of persons deprived of their freedom in connection with the conflict.

In situations of internal disturbances and tension, which are not covered by international humanitarian law, the ICRC has a statutory right of initiative entitling it to offer its services to visit people arrested in connection with the events.

The purpose of ICRC visits is purely humanitarian; ICRC delegates observe the material and psychological conditions of detention and the treatment accorded to detainees, provide them with relief supplies if required (medicines, clothing, toilet articles) and ask the authorities to take any steps deemed necessary to improve the detainees' treatment.

ICRC visits to places of detention, whether pursuant to the Geneva Conventions or outside the field of application of international humanitarian law, are carried out according to specific criteria. Its delegates must be allowed to see all the detainees and talk freely to them without witnesses, to have access to all premises used for detention and to repeat their visits, and must be provided with a list of the persons to be visited (or be permitted to draw up such a list during the visit).

Before and after these visits, discussions at various levels are held with the people in charge of the detention centres. Confidential reports are then drawn up. In the case of international armed conflicts, these reports are sent to both the Detaining Power and the Power of Origin of the prisoners of war or civilian internees, while in other cases they are sent only to the detaining authorities.

These confidential reports are not intended for publication. The ICRC confines itself to releasing the number and names of the places visited, the dates of the visits and the number of people seen. It does not express an opinion on the grounds for detention and does not publicly comment on the material conditions or treatment it observes. If a government should publish incomplete or inaccurate versions of ICRC reports, the ICRC reserves the right to publish and circulate them in full.

## Central Tracing Agency

The ICRC's first small information offices came into being during and after the Franco-Prussian war of 1870-71. The subsequent central information agencies which it set up during the two World Wars were huge in comparison. The latest, the Central Tracing Agency, today makes extensive use of computers. It is represented in the field by some 80 specialized expatriates. At its Geneva headquarters, over 80 staff members work on card files – a mute record of the many families torn apart by past and present conflicts. Sixty million such cards have been established since 1914, including, for example, the 500,000 cards bearing names of Indo-Chinese refugees or displaced persons registered since 1979.

On the basis of the ICRC's obligations under the Geneva Conventions and its right of humanitarian initiative, the Agency's main tasks are as follows:

- to obtain, centralize and, where necessary, forward any information that might help to identify the people on whose behalf the ICRC works;
- to maintain the exchange of family correspondence when the usual means of communication have been disrupted;
- to trace persons reported missing or whose families have had no news of them;
- to arrange for transfers and repatriations and to reunite separated families;
- to issue, for a limited period and a single journey, "ICRC travel documents" for persons without identity papers;
- to issue captivity, hospitalization or death certificates for former detainees, prisoners of war or their rightful claimants.

The forwarding of family messages, tracing activities and family reunifications are often carried out in conjunction with the National Red Cross and Red Crescent Societies. The Central Tracing Agency, which acts as technical adviser to those Societies, organizes training courses, some of which are regional in nature.

## Medical activities

The Medical Division at headquarters plans and supports medical activities in the field. These include emergency preparedness, training of personnel, initial assessment of health problems in war situations, implementation of medical programmes for war victims (the wounded, prisoners, civilian populations, war disabled) and evaluation of the results. The Medical Division has specialists in areas as varied as water and sanitation, nutrition, pharmaceuticals, prosthetics, war surgery and health problems specific to prisoners.

Medical activities in the field, carried out by the ICRC and National Society personnel, are not limited to providing medical care or to intervening actively in areas such as sanitation, nutrition and rehabilitation. ICRC policy is to encourage the people it assists to be independent, especially by reinforcing or supporting local medical facilities.

## Material relief

The primary aim of ICRC relief operations is to protect the lives of victims of a conflict situation, to alleviate their suffering and to ensure that the consequences of such a situation – disease, injury or hunger – do not jeopardize their future.

In order to attain that goal and enable the entire population to regain its self-sufficiency, the ICRC can also set up, maintain or re-establish community services.

To achieve these objectives it is essential that the ICRC maintain its independence throughout the various stages of every relief programme.

The ICRC must also make sure at all times that the relief supplies intended for the victims are distributed in compliance with the fundamental principles of humanity, impartiality and neutrality.

The General Relief Division at headquarters plans and supervises all relief activities in the field. Its Geneva-based team consists of over 30 specialists in procurement, food aid, transport, agronomy, construction and veterinary medicine. At the end of 1993 an additional 170 expatriate relief, logistic and technical ICRC and National Society staff were deployed in the field to carry out the various material assistance programmes.

The General Relief Division is in charge of procuring all supplies required for the ICRC's aid programmes, either locally or through donations. It organizes the transport of relief supplies by air or sea and manages stocks in Geneva, in northern Europe and in the field. The Division also administers and maintains a fleet of around 2,000 ICRC-owned vehicles used in the field.

The ICRC furnishes medical and material assistance in situations of armed conflict and internal disturbances or tension, providing it can:

- assess the urgency and nature of the victims' needs on the spot;
- carry out field surveys to determine the categories and number of people needing assistance;
- organize and monitor the distribution of relief supplies.

## Dissemination of international humanitarian law and of the Movement's principles and ideals

The dissemination of knowledge of international humanitarian law is primarily the responsibility of the States which undertook to make this law known and respected and to ensure respect for it when they became parties to the 1949 Geneva Conventions and to their two Additional Protocols of 1977.

The ICRC bases its dissemination activities on the primary responsibility conferred upon it in this connection by the Statutes of the International Red Cross and Red Crescent Movement, which stipulate that:

The role of the International Committee, in accordance with its Statutes, is in particular:

- to maintain and disseminate the Fundamental Principles of the Movement, namely humanity, impartiality, neutrality, independence, voluntary service, unity and universality;
- to work for the understanding and dissemination of knowledge of international humanitarian law applicable in armed conflicts and to prepare any development thereof.<sup>1</sup>

Assisted in this task by the National Red Cross and Red Crescent Societies and by their International Federation, the ICRC has focused on training disseminators. In particular, it helps train national instructors within the armed forces and dissemination officers within the National Societies.

Certain target groups have also been the object of particular attention. They are government and academic circles, youth, and the media.

The adoption of the Additional Protocols in 1977 represented a decisive step towards greater awareness of the importance of dissemination.<sup>2</sup>

Since then, innumerable activities have been undertaken every year throughout the world to spread knowledge of international humanitarian law and the Movement's principles, ideals and work. The aims of these dissemination efforts are:

- to limit the suffering caused by armed conflicts and situations of disturbances and tension through improved knowledge of and greater respect for international humanitarian law;
- to ensure the security of humanitarian operations and the safety of Red Cross and Red Crescent personnel so that the victims can be helped;
- to strengthen the identity and image of the Movement, to contribute to its unity through greater awareness and understanding of its principles, history, workings and activities;
- to foster the propagation of a spirit of peace.

Today's combatants are all too often ignorant of the rules of international humanitarian law. By the same token, journalists and the public tend to become aware of humanitarian law and its applications only in the wake of tragedy.

To be respected, international humanitarian law must be known. To be supported and accepted, the activities of the Red Cross and Red Crescent must be understood.

Civilians are frequently unaware of their rights and their obligations with regard to international humanitarian law. When they benefit from the protection and assistance of the Movement, they should be better informed as to the mandate, role and ethical considerations which govern the work of the Red Cross and Red Crescent.

<sup>1</sup> Statutes of the International Red Cross and Red Crescent Movement, Art. 5, paras. (a) and (g).

<sup>2</sup> Resolution 21 - Diplomatic Conference, 1974-1977.

## Humanitarian diplomacy

Thus, in everything it does the ICRC seeks to safeguard the victims of international conflict, civil war and situations of internal violence, either by bringing them protection and assistance, by taking preventive action such as spreading knowledge of humanitarian law and promoting its development, or by contributing to the growth of the National Red Cross and Red Crescent Societies. Its work is therefore not limited to the theatre of armed conflict, even though the largest – and most prominent – part of that work is carried out in war-torn countries, for the ICRC is also duty-bound to maintain close relations with all governments and National Societies.

To this end, the ICRC has established a network of regional delegations covering practically all countries not directly affected by armed conflict. These delegations have specific tasks which concern operational activities on the one hand, and humanitarian diplomacy on the other.

In the operational sphere, regional delegates respond to emergencies brought about, in the countries they cover, by outbreaks of violence, sudden tension or the start of an armed conflict. They can also be called upon to provide logistic support for operations in nearby countries or even to conduct limited operations, especially on account of a conflict. They visit security detainees and provide tracing services in the countries covered by the delegation.

Regional delegations also have a major role of humanitarian diplomacy, particularly in developing and maintaining regular contacts with governments, regional organizations, and so on. Moreover, they are in a privileged position to hold a dialogue with the National Red Cross or Red Crescent Society in each of the countries concerned. All regional delegations actively promote the dissemination of international humanitarian law and foster cooperation – which varies in form depending on needs and priorities – with the National Societies.