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INTERNATIONAL REVIEW OF THE RED CROSS

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THE STRUGGLE AGAINST TORTURE: TOWARDS GREATER EFFECTIVENESS

Torture is prohibited by public international law and explicitly forbidden by domestic legislation in many countries. Yet the least that can be said is that it continues to be practised today, whether by the use of violence or by increasingly insidious methods, more and more frequently involving children. To such an extent that in 1976, realizing the magnitude and seriousness of the problem, the ICRC felt obliged to speak out and explain the efforts it deploys to combat torture.¹ And perhaps never since the end of the seventies have so many governmental and non-governmental international organizations been so active in the fight against torture.

As the international community has recently celebrated the 40th Anniversary of the Universal Declaration of Human Rights and prepares to mark the bicentenary of the Declaration of Human and Civil Rights, it seems an appropriate moment to review the legal and practical measures taken to combat torture and the campaigns launched in recent years by public and private organizations and within the International Red Cross and Red Crescent Movement.

In an in-depth analysis of the instruments of public international law aimed at combating torture, Professor Hans Haug, Member of the ICRC and President of the Swiss Committee against Torture, retraces events which led up to the "Conventions against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" adopted by the United Nations on 10 December 1984. He goes on to review the provisions of the Convention in order to highlight not only the progress achieved, but

¹ "In general,... the ICRC unequivocally and unreservedly deplores and condemns all torture, in any form and on any pretext. It supports all efforts at international or domestic legislation intended to safeguard human beings more effectively against torture. Above all, it appeals to the conscience of every individual to put an end to this vilest and most degrading practice devised by man". This statement was made in 1976 by the ICRC, which was particularly disturbed by the repeated and even systematic recourse to torture. "The International Committee of the Red Cross and torture", *International Review of the Red Cross*, No. 189, December 1976, p. 610.

also the limitations which become apparent as soon as the principles come up against everyday reality. Indeed, the international supervisory measures provided for under the Convention to guarantee its application are far from satisfactory (see page 9).

If there are so many legal and judicial obstacles to proper application of the Convention, and if it is so difficult to eradicate torture both internationally and domestically, would it not be better to attach greater importance on the one hand to prevention of this evil, and on the other to tackling it at the regional level? These questions have prompted initiatives aimed at drawing up regional conventions and improving inspection systems. Since 1977, for instance, the Swiss Committee against Torture and the International Commission of Jurists have been endeavouring to make preventive mechanisms and supervision more effective, by instituting a system of periodic visits to places of detention by an international committee. At first the Swiss Committee was in favour of a separate Convention, but it later modified its approach and proposed a Protocol additional to the 1984 UN Convention. It is these bodies which also inspired the Council of Europe to adopt, on 26 June 1987, the "European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment", which provides for a non-judicial preventive mechanism based on visits. Inspections would be carried out by a European Committee responsible for organizing visits to places where persons are detained by a public authority.

It is interesting to note that the Convention expressly stipulates that the future European Committee "shall not visit places which representatives or delegates of Protecting Powers or the International Committee of the Red Cross effectively visit on a regular basis by virtue of the Geneva Conventions of 12 August 1949 and the Additional Protocols of 8 June 1977 thereto".

This provision, which takes account of the specific terms of reference conferred on the ICRC by the Geneva Conventions, also highlights the problems raised by detention in times of armed conflicts, whether international or non-international, which differs in many respects from detention in times of peace.

It therefore seems opportune in this issue of the Review to recall the ICRC's contribution to efforts to prevent torture, and in particular its activities for the benefit of political prisoners, its objectives in this regard and the methods it employs, which have enabled it to visit some 500,000 detainees in around 100 countries since 1918 (see page 26).

There is no doubt that the new European Convention adds a further dimension to the fight against torture insofar as it provides that the future

Committee will carry out visits to all categories of persons deprived of their freedom at all times, even when there are no disturbances or tensions.

The activities of the ICRC and of the future European Committee are therefore complementary. Accordingly, and especially in the event of internal disturbances and tensions, there will be a need for co-operation, the arrangements for which will have to be worked out as soon as the European Committee has been set up.

The need for joint discussions was highlighted at a seminar organized in Strasbourg on 7-8 November 1988 by the Council of Europe, the Swiss Committee against Torture and the International Commission of Jurists to prepare for implementation of the European Convention, which is scheduled to come into force on 1 February 1989.

Encouraged by the extremely favourable reception of the June 1987 Convention by the European States, the Swiss Committee against Torture and the International Commission of Jurists are also endeavouring to promote a similar Convention for the Americas, to be applicable to both North and South America. And what is to prevent the extension of such instruments to Africa and Asia?

Many public and private initiatives are being taken in all regions of the world. These initiatives testify to the extent to which torture has become a matter of prime concern for the international community and has mobilized governmental and non-governmental organizations alike to show the same determination in order to achieve a universal goal: stamping out torture in all its forms. This task requires regular exchanges of information and co-ordination of action at all levels, a fact reflected by the objectives of the recently established World Organization against Torture, set up to assist the NGOs (see page 33).

The International Red Cross and Red Crescent Movement has always worked along the same lines. ICRC efforts have always been backed by the other components of the Movement, especially since 1977 when, by its Resolution XIV, the Twenty-third International Conference of the Red Cross in Bucharest condemned torture in all its forms.

The Twenty-fourth Conference held in Manila in 1981 even called for large-scale mobilization of the Movement against the practice of torture, requesting "the United Nations Organization to expedite the adoption of an international convention against torture and other cruel, inhuman or degrading treatment or punishment" and appealing to the National Red Cross and Red Crescent Societies and the League of Red Cross and Red Crescent Societies to enhance public awareness of and support for the struggle against torture and to support the ICRC's efforts to prevent and eliminate torture.

At the Twenty-fifth International Conference (Geneva, 1986), States were encouraged to step up their efforts to combat torture, in particular by ratifying the United Nations Convention against Torture and by drawing up regional conventions (Resolution X). At the same time, however, the Conference also appealed to the National Red Cross and Red Crescent Societies, urging them “to take the initiative to give, either independently or in co-operation with their government, humanitarian, legal, medical, psychological and social assistance to victims of torture in exile and, whenever possible, in their own countries” (Resolution XI).

In this connection, the Review felt it would be useful to include in this issue an account of the work being carried out by the Swedish Red Cross for refugees who have been subjected to torture, through its Centre for Treatment of Victims of Torture (see page 38). This experiment enters on a whole new area of medical and social activities which may be adopted by other National Societies and thereby contribute to the fight against torture, the “cancer of humanity”.

The Review

Efforts to eliminate torture through international law

by Hans Haug

I

The idea of “respect for human rights and for fundamental freedoms for all” has been disseminated throughout the world since the Second World War and has influenced both international law and national legislation in many States. Nevertheless, *torture*, that most fundamental assault on the human person, has continued over the years to be practised, either systematically or occasionally, in many countries.¹ Torture, in which a person is intentionally subjected to extreme physical pain or emotional distress, is used mainly to elicit information, break the will to resist, intimidate, humiliate and degrade. It is also used to mete out (illegal) punishment for real or supposed wrongdoings.² Techniques of torture include withholding food and preventing sleep, abrupt alternation of extreme cold and heat or silence and noise, total isolation, causing mental confusion and distress through misinformation or other means, the use of brute force— sometimes resulting in permanent mutilation— rape, electric shocks, the application of chemicals and pharmaceuticals, finally death threats.

Torture often occurs where there are international or non-international armed conflicts and in cases of internal disturbances and tension. It is an instrument of State power in totalitarian systems which employ

¹ Delegates of the International Committee of the Red Cross regularly visit places of detention. In 1976, the ICRC published a report in which it stated that “repeated and even systematic resort to torture, whether on orders from or with the tacit approval of the authorities, whether by violence or by psychological or chemical means, is a cancer which seems to be spreading, threatening the body of our civilisation. Of all weapons, torture is probably the most cruel and the most harmful”. (See «International Committee of the Red Cross and torture», *IRRC*, no. 189, December 1976, p. 610).

² See Art. 1 of the *United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* of 10 December 1984.

all possible means to silence political opponents or bend them to the ruler's will. This sometimes leads to outright physical elimination. Nevertheless, torture itself and other cruel, inhuman or degrading treatment can also occur in democratic countries in which the rule of law is largely respected, particularly when measures are taken to maintain public order, protect national security or fight terrorism. Wherever the rule of law and consciousness of the rights of the individual have been weakened and people are at the mercy of those in power and those who do their bidding, torture and other forms of inhuman treatment can result. It is also possible for a government's own security forces to get out of hand and such violations of human rights can take place without that government's knowledge or connivance. This can be the consequence of overzealousness or simply a manifestation of the hate and cruelty which reside in so many people's hearts.³

II

In contrast to earlier times, torture is now almost universally condemned. This condemnation takes the form of *anti-torture provisions* in the legislation of many countries and in international treaties. Article 7 of the 1966 International Covenant on Civil and Political Rights states that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". There are similar provisions in Article 3 of the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, and Article 5 of the 1969 American Convention on Human Rights. All three of the above-mentioned treaties require that this prohibition be respected *under all circumstances*, that is, even "in time of public emergency which threatens the life of the nation" (Art. 4 of the 1966 Covenant). These provisions are thus emergency-proof and can be considered as part of *ius cogens*. Finally, the 1984 African Charter on Human and Peoples' Rights prohibits "all forms of exploitation... torture (and) cruel (and) inhuman... treatment" (Art. 5). The Charter does not mention states of emergency but it is safe to assume that it must be fully implemented in exceptional circumstances.

³ Prof. M. P. Kooijmans, appointed "Special Rapporteur for matters relating to torture by the UN Commission on Human Rights", states in his 1987 report that "torture is still a widespread phenomenon in today's world. From the information he has received the Special Rapporteur has been confirmed in his conviction that no society, whatever its political system or ideological colour, is totally immune to torture.", Doc. E/CN.4/1987/13, p. 23.

In the realm of the *law of war*, the four *Geneva Conventions* of 1949 for the protection of wounded, sick and shipwrecked members of land and sea forces, prisoners of war and civilians in time of armed conflict also *prohibit torture*—whether physical or mental. These provisions apply both to international and internal armed conflict. The aim is to provide *absolute protection* to which exceptions may not be made on the grounds of national security or the need to take reprisals. Moreover, the torture of protected persons is a grave violation of the Geneva Conventions and the States party to the Conventions are obliged to take action in cases of torture through adequate penal legislation and prosecution by their own authorities or extradition to another State for trial and punishment. The 1977 *Protocols* additional to the Conventions of 1949 strengthen and broaden the scope of the existing prohibition on torture in connection with international and internal armed conflict.

As already noted, considerable *disparity* exists in many countries between the absolute prohibitions in force against torture and other cruel, inhuman or degrading treatment or punishment and the reality to be found in prisons, barracks and police stations. The various bans on torture are repeatedly and often gravely flouted. Many States obviously lack the internal controls necessary to prevent and punish acts of torture. This can be because the State lacks the means it requires to enforce the law but it can also be due to a lack of political will. *Supranational mechanisms* for the supervision and enforcement of international law, on the other hand, are insufficiently developed and therefore have little effect, an example being the system for submitting reports and “communications” concerning violation of civil and political rights outlined in the International Covenant on Civil and Political Rights and its optional Protocol. Relatively effective procedures such as that contained in the 1950 European Human Rights Convention have the disadvantage of taking a long time. They can drag on for years and therefore fail to meet the acute need created by torture and other cruel treatment. In any case, torture is such a grave violation of human rights, such a vicious assault on human dignity, that *extraordinary measures* are required at the national and international level to eradicate and prevent it.⁴ Such measures are set out in the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punish-

⁴ M. P. Kooijmans ends his 1987 report as follows: “Torture should be viewed objectively and seen by everyone, Governments and individuals alike, for what it is: the criminal obliteration of the human personality, which can never be justified by any ideology or overriding interest, as it destroys the very basis of human society.”, *op. cit.*, p. 27.

ment⁵ and the European Convention for the prevention of torture and inhuman or degrading treatment or punishment of 26 June 1987.⁶ The following section will explain the main elements of these two Conventions and outline several other initiatives being taken against torture.

III

The 1984 UN Convention was the result of a process which began in December 1975 when the General Assembly adopted a *Declaration* put forward by Sweden.⁷ On 8 December 1977, the General Assembly asked the UN Commission on Human Rights to draw up a *draft Convention* based on the principles contained in the Declaration. The Commission formed a working group whose task was lightened by draft texts submitted by the Swedish government and the International Association of Penal Law.⁸ The working group, which concentrated on the Swedish text for its deliberations, at first made swift progress but then encountered major difficulties having mostly to do with the principle of universal penal jurisdiction and the effectiveness of a supranational system of control. For the second of these issues, it was possible to reach a consensus based on a rather low-level compromise and this was done only in the 1984 autumn session of the General Assembly—the session during which the Convention was adopted.⁹

⁵ This UN-sponsored Convention came into force on 26 June 1987 after instruments of ratification or accession had been deposited by 20 States. The number of States party to the Convention was 34 as of 1 November 1988.

⁶ This convention was approved by the Committee of Ministers of the Council of Europe on 26 June 1987 and opened for signature on 26 November of the same year. By 1 November 1988, all 21 member States of the Council of Europe had signed the Convention and eight of them (Great Britain, Ireland, Luxemburg, Malta, the Netherlands, Sweden, Switzerland, Turkey) had ratified it. It will enter into force on 1 February 1989.

⁷ See the text in *The treatment of prisoners under international law* by Nigel Rodley, Paris/Oxford 1987, pp. 307-309.

⁸ The two draft Conventions are published in: Alois Riklin (ed.), *Internationale Konventionen gegen die Folter*, Schriftenreihe der Schweizerischen Gesellschaft für Aussenpolitik, Bd. 6, Bern, 1979. The Swedish draft convention is available from the United Nations (document E/CN.4/WG.1/WP.1).

⁹ Concerning the UN Convention on torture adopted on 10 December 1984: The statement issued by the *Swiss Federal Government* (Botschaft des Bundesrates/Bundesblatt 1985 Vol. III) on 30 October 1985 concerning the 1984 UN Convention; "Convention contre la torture: de l'ONU au Conseil de l'Europe" by Christian Dominicé, article published in *Völkerrecht im Dienste des Menschen, Festschrift für Hans Haug*, Bern, 1986; "Zur Zeichnung der UN-Folterkonvention durch die Bundesrepublik Deutschland" by Kay Hailbronner and Albrecht Randelzhofer, an article in *Europäische*

Article 1 of the Convention contains the following definition:

“For the purposes of this Convention, the term ‘torture’ means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

This definition contains various restrictions such as that torture must be inflicted “intentionally” (but not out of negligence) for objective purposes and that this be done by a public official or at his instigation or with his consent (not, however, by a private individual on his own initiative). Another questionable point is the sentence stating that the term “torture” does not include pain or suffering resulting solely from or incidental to “lawful sanctions”. This wording is a concession to States which have Islamic law and impose cruel forms of corporal punishment (flogging, stoning or mutilation). With the present wording, these States may be party to the Convention and yet continue such practices provided that they are carried out in accordance with the law. The Committee against Torture, which was created by the Convention, will have the task of taking a stand against interpretations of the lawful-sanctions clause which excessively restrict the rights of the victim and of doing what it can to ensure that acts which are totally incompatible with the right to physical integrity, be regarded as “torture” in conformity with modern international law and thus be prohibited.¹⁰

Grundrechte-Zeitschrift, 13. Jahrgang 1986, Heft 22; “Internationale Konventionen gegen die Folter”, a contribution by Hans Haug to *Etudes et essais sur le droit international humanitaire et sur les principes de la Croix-Rouge en l’honneur de Jean Pictet*, Geneva—The Hague, 1984; “Die UNO-Konvention gegen die Folter vom 10. Dezember 1984”, by Manfred Nowak, an article in *Europäische Grundrechte-Zeitschrift*, 12. Jahrgang 1985, Heft 5; “Recent Developments in Combating Torture”, an article by Manfred Nowak, in the *Netherlands Institute of Human Rights Newsletter* No 19, Utrecht 1987; see footnote 8 for the work by Alois Riklin; see footnote 7 for the work by Nigel Rodley; “Probleme und aktueller Stand der Bemühungen um eine UN-Konvention gegen die Folter”, an article by Stefan Trechsel in the *Österreichische Zeitschrift für öffentliches Recht und Völkerrecht*, 33 (1982).

¹⁰ In December 1975, the UN General Assembly made a declaration on torture which included a definition of the term “torture”. Among other things, it stated that “it (torture) does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the *Standard Minimum Rules for the Treatment of Prisoners*”. This minimum was dropped in the 1984 Convention.

The main feature of the Convention is the *commitment by the States party* to it to take effective legislative, administrative, judicial or other *measures to prevent* torture throughout the territory over which they have sovereignty. To prevent torture, they must ensure that information about the prohibition of the practice is included in the *training* of civilian and military personnel who are involved in law enforcement and especially in the interrogation and treatment of people who have been deprived of their freedom. Another preventive aspect is the obligation to subject the regulations and procedures for interrogation and the precautions taken for the custody and treatment of incarcerated people *to regular and systematic review*. Preventing torture also means taking steps to ensure that people are not deported or extradited when reasonable grounds exist for fearing that they will be tortured. Another feature which makes torture less likely is the provision that statements which can be proven to have been extracted under torture may not be submitted as evidence in legal proceedings.

The convention sets out in detail the *sanctions* which the States party to it must apply in the event of violation. They must ensure that any act of torture is treated by national law as a criminal offence whose perpetrator is subject to *severe penalty*. War, the threat of war or any other public emergency may no more be used to justify torture than superior orders. The States party to the Convention are required to ensure—in accordance with the territorial principle and the personality principle—that their *jurisdiction* is exercised in cases of torture. In accordance with the principle of universal jurisdiction, they must act even where the act of torture was not committed on their territory and none of their citizens was either actively or passively involved in it. Those States must arrest anyone suspected of such acts and carry out a preliminary investigation. Finally, the States party to the Convention are obliged to hand persons suspected of having committed torture over to their own judicial authorities for *criminal prosecution or to extradite* them to another State (in accordance with the principle of *aut dedere aut iudicare*). Under the Convention, acts of torture are assigned the status of criminal offences for what the offenders are liable to *extradition* under existing treaties between the States. Where there is no bilateral extradition treaty, the Convention itself may be viewed as sufficient legal basis for extradition. In all criminal proceedings relating to acts of torture, the States party to the Convention are required to do everything possible to *render assistance to each other*.

The Convention further obliges the States party to it to launch an immediate and *impartial investigation* as soon as sufficient grounds exist

to assume that an act of torture has been committed on their territory. They are also required to ensure that any person who claims to have been the victim of torture has the *right to appeal to the competent authorities* and is entitled to an impartial investigation of his allegations. In addition, the States must ensure that the victim of torture receives *compensation* and has an enforceable right to just and adequate damages including the cost of the most complete possible rehabilitation.

Finally, the Convention requires the States party to it to *prevent* acts in the territory over which they have sovereignty which represent cruel, inhuman or degrading treatment or punishment and “do not amount to torture as defined in Article 1 of the Convention”. This preventive obligation also applies only to acts committed by or at the instigation of or with the consent of public officials. Various obligations of the States party to the Convention (Art. 10-13) also apply to these acts which are considered to be short of actual torture.

While the above-mentioned obligations of the States party to the Convention to prevent and punish acts of torture through national law and international co-operation represent *progress*, the *supranational enforcement mechanisms* are only partially satisfactory. Of value is the provision creating a “*Committee against Torture*” consisting of *ten experts* serving in a personal capacity. The Committee’s members are elected by secret ballot from a list of persons nominated by the States party to the Convention at a meeting of those States.¹¹ The Committee has *three main functions*: studying periodic reports submitted by the States, studying communications from States or individuals alleging a failure to implement the Convention’s provisions or a violation of the Convention and, finally, conducting an investigation where systematic torture is found to take place in a State party to the Convention.

Periodic *reports* from the *States* to the Committee on what they have been doing to meet their obligations under the Convention constitute the only *mandatory* element of the control system (Art. 19). The Committee must study each report but can only “make such *general comments* on the report as it may consider appropriate” and forward these to the State concerned. The possibility of making specific criticism and recommendations was ruled out in a compromise reached during the drawing up of the Convention. It should nevertheless be possible

¹¹ On 26 November 1987, representatives of the States party to the Convention meeting in Geneva elected the members of the Committee against Torture. One of them, Professor Joseph Voyame, a Swiss citizen, was elected Committee Chairman.

for the Committee to give some substance to the report system and establish a dialogue with the States.¹²

Participation in the system in which a State party to the Convention informs the Committee that another State party to the Convention is not meeting its obligations under the treaty or in which an individual asserts that he has been the victim of violations of the Convention by a State party to it is *optional* (Art. 21 and 22). The States must *declare* that they *recognize* the competence of the Committee to receive and consider such communications.¹³ This system of communications by the States is aimed at a friendly settlement of disputes in which, if necessary, the Committee makes available its “good offices”, perhaps through the setting up of an “*ad hoc* conciliation commission”. Even if a friendly settlement is not reached, the process ends in the drawing up of a *report*. The Committee’s conclusions *do not*, however, have a binding character. The same is true with communications from individuals. The Committee studies these communications, taking into account all the information submitted to it (including that which is submitted by the State in question) and then conveys “its views” to the individual and State involved.

The system of reports and communications provided for in the Convention is based on the system provided for in the 1966 International Covenant on Civil and Political Rights and its Optional Protocol but Art. 20 of the Convention contains an *innovation* in the form of an *inquiry procedure*. If the Committee receives reliable information that torture is being *systematically* practiced on the territory of a State party to the Convention, the Committee invites that State to co-operate in the examination of and make observations with regard to the information concerned. The Committee may, if it decides that it is warranted, designate one or more of its members to make a *confidential inquiry* and to report to the Committee immediately. In agreement with the State concerned, this inquiry may include a *visit* to its territory. The Committee transmits its finding to the State concerned together with any comments or suggestions which seem appropriate in view of the situation. The Committee may include a summary account of the results of the proceedings in its annual report.

¹² See “Zehn Jahre Menschenrechtsausschuss — Versuch einer Bilanz”, an article by Christian Tomuschat in *Vereinte Nationen*, 35. Jahrgang, Bonn/Koblenz, 5/1987, about the comparable activity of the Human Rights Committee created by the 1966 International Covenant on Civil and Political Rights.

¹³ On 1 November 1988, the following 14 of the 34 States party to the Convention made such declarations: Argentina, Austria, Denmark, Ecuador, France, Luxemburg, Norway, Sweden, Switzerland, Spain, Togo, Tunisia, Turkey and Uruguay.

The autumn 1984 session of the General Assembly placed this potentially effective mechanism in the consensus package which led to the adoption of the Convention only because it was combined with the provision in Art. 28 that a State may, at the time of signature or ratification of the Convention or accession thereto, *declare* that it *does not recognize* the competence of the Committee provided for in Art. 20. Thus, the inquiry procedure, like the procedure for communicating allegations of violations, cannot be imposed on an unwilling State. One noticeable difference between the two is, however, that under Art. 28 an *express rejection* is required while non-recognition of the competence of the Committee to deal with the above-mentioned communications, as set out in Art. 21 and 22, can be expressed simply by refraining from making any (i.e. positive) declaration.¹⁴

IV

In addition to the endeavours being made within the UN framework, an initiative, which enjoys the support of the International Commission of Jurists, was launched in 1977 by *Jean-Jacques Gautier* and his Swiss Committee against Torture. Gautier realised that eradicating torture, which must be regarded as a particularly grave violation of human rights, requires other methods at the international level than the system of reports, “communications” and complaints provided for in human rights conventions and the UN Convention against Torture. He saw that what was required was not the often incomplete and cosmetic self-portrayals of the States in periodic reports and the lengthy procedures which have the form but not the substance of legal proceedings and bear meagre, and in any case, belated effect but a system of verification which, potentially, would take in all places of detention and internment and provide methods of ensuring rapid intervention when torture was detected and which above all would have a *preventive* effect.

Gautier took his inspiration from the *International Committee of the Red Cross* whose delegates visit prisoners of war and civilian internees under the Geneva Conventions but also political detainees on the basis

¹⁴ By 1 November 1988, the following States party to the Convention had declared under Art. 28 that they did *not* recognize the competence of the Committee to carry out investigations: Afghanistan, Bulgaria, Byelorussian S.S.R., German Democratic Republic, Hungary, Czechoslovakia, Ukrainian S.S.R. and the USSR.

of *ad hoc* agreements with individual governments.¹⁵ At his instigation, a group of international experts headed by Prof. *Christian Dominicé* of Geneva met in 1977 to draw up a *draft convention on the treatment of detainees*.¹⁶ To ensure that this draft convention went hand in hand with the UN Convention against Torture, the first draft of which had just been presented, it was decided after a further meeting in 1978 of experts at the University of St. Gallen for Business Administration, Economics, Law and Social Sciences to redraft the convention into an *additional or optional protocol to the planned UN Convention*. On 6 March 1980, *Costa Rica* submitted this protocol to the UN Secretary-General with the request that the Commission on Human Rights discuss it after adopting the Convention against Torture. The protocol contains Gautier's proposed *system of periodic and case-by-case visits to places of detention* by delegates of an international commission, a system intended to reinforce the verification mechanisms provided for in the UN Convention.¹⁷

In March 1986, the *UN Commission on Human Rights* passed a *resolution* (56) which mentions the draft optional protocol submitted by *Costa Rica* as well as the *Council of Europe's* draft *European Convention* under which a system of prison visits would be set up. The

¹⁵ Under the Geneva Conventions of 1949 (in particular, Art. 126 of the Third and Art. 143 of the Fourth Convention), representatives of the Protecting Power and delegates of the ICRC are authorized to go to any place where prisoners of war and protected civilians (particularly civilian internees) are being held, in particular "places of internment, imprisonment and labour". The Conventions give them access to all premises occupied by prisoners of war and internees and the right to interview those protected persons without witness. The duration and frequency of their visits may not be restricted. The visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure. In the event of a non-international armed conflict, the ICRC may offer its services to the parties to the conflict (Art. 3 common to the four Conventions).

Since 1919, and especially since the Second World War, ICRC delegates have visited some 500,000 "political detainees" in about 80 States, people who are not protected by the Geneva Conventions. See *Le Comité international de la Croix-Rouge et la protection des détenus politiques* by Jacques Moreillon, Lausanne 1973; "The International Committee of the Red Cross and the Protection of Political Detainees", by Jacques Moreillon, *IRRC*, no. 164, November 1974; "International solidarity and protection of political detainees", by Jacques Moreillon, *IRRC*, no. 222, May-June 1981; "ICRC protection and assistance activities in situations not covered by international humanitarian law", *IRRC*, no. 262, January-February 1988, pp. 9-37.

¹⁶ Jean Pictet, then Vice-President of the ICRC, was a member of the group. The text of the draft convention was published in German in "*Wirksam gegen die Folter*", a publication of the Menschenrechtskommission des Schweizerischen Evangelischen Kirchenbundes, Basel/Fribourg 1977.

¹⁷ See *Torture: How to Make the International Convention Effective*, a draft optional protocol published by the Swiss Committee Against Torture and the International Commission of Jurists, Geneva 1979, and *Internationale Konventionen gegen die Folter*, published by Alois Riklin (See note 8).

resolution recommends that the creation of similar conventions in *other regions of the world*, in which a corresponding consensus exists, be studied. Discussion of the optional protocol has been scheduled for the 45th session in 1989.

V

It was a French Senator, *Noël Berrier*, the rapporteur for the committee for legal matters in the Council of Europe's Consultative Assembly, who seized the initiative in 1982 for the creation of a *European Convention*. Berrier was convinced that a system of visits was necessary for effective progress in eradicating torture and believed that such a system, which would noticeably impinge upon the sovereignty of the State, had little chance of gaining acceptance within the UN framework in the foreseeable future. On the other hand, he felt that the chances of such a system being accepted within the Council of Europe were good and he therefore asked both the Swiss Committee Against Torture and the International Commission of Jurists to submit a draft "European Convention on the protection of detainees from torture and from cruel, inhuman and degrading treatment and punishment." This was then quickly done and in June 1983 the Consultative Assembly's committee for legal matters approved the draft convention, all points of which had now been settled. In the following September, the Consultative Assembly voted unanimously for a Recommendation (971) in which the importance of a system of visits in effectively countering torture was stressed and the Committee of Ministers asked to adopt the draft Convention.¹⁸

In early 1984, the Committee of Ministers instructed the Intergovernmental Steering Committee on Human rights to submit a draft convention. The Steering Committee in turn passed the task on to the Committee of Experts for the extension of rights guaranteed under the European Convention which dealt with the matter until mid-1986. The Steering Committee then settled all questions which were still outstanding on the committee of experts' draft text and submitted the draft to the Committee of Ministers. After consulting the Assembly, the Committee of Ministers *unanimously* adopted the "European Convention

¹⁸ See the *Report on the protection of persons deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment*, drawn up by Mr. N. Berrier on behalf of the Council of Europe's Legal Affairs Committee and adopted on 30 June 1983 (Doc. 5099).

for the prevention of torture and inhuman or degrading treatment of punishment” on 26 June 1987 and decided that it would be open for signature by the member States of the Council of Europe from 26 November of the same year.¹⁹

The European Convention incorporates many of Jean-Jacques Gautier’s ideas and contains most of the elements which had been in the draft text which the Swiss Committee against Torture and the International Commission of Jurists submitted in 1982/1983. The preamble refers to Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the complaint procedure which it provides for and states the conviction “that the protection of persons deprived of their liberty against torture and inhuman or degrading treatment or punishment could be strengthened by *non-judicial means of a preventive character based on visits*”. In particular, the Convention provides for the following:

1. The establishment of a *European Committee* for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The number of the Committee’s members is equal to the number of States party to the Convention. The members are elected by the Committee of Ministers for a four-year period; they may be re-elected only once. The members serve in their individual capacity and are independent and impartial and available to serve the Committee effectively. The Committee’s Secretariat is provided by the Secretary General of the Council of Europe.
2. The Committee is given the task of organising *visits to places* within the jurisdiction of States party to the Convention and in which there are people who have been deprived of their liberty by a public

¹⁹ For the text of the Convention and its background, see the *European Convention for the prevention of torture and inhuman or degrading treatment or punishment—Text of the Convention and explanatory report*, published by the Council of Europe, Doc. H (87) 4, 7 July 1987; statement issued by the *Swiss Federal Government* (Botschaft des Bundesrates/Bundesblatt 1988, Vol. II) on 11 May 1988 concerning the 1987 European Convention; “Auf dem Weg zu einer internationalen Konvention gegen die Folter”, lecture given by Hans Haug to a conference of Swiss penitentiary officials, published in *Der Strafvollzug in der Schweiz*, Heft 1, 1981; “Recent Developments in Combating Torture”, article by Manfred Nowak in the *Netherlands Institute of Human Rights Newsletter* no. 19, September 1987; “La Convention européenne de 1987 pour la prévention de la torture et des peines ou traitements inhumains ou dégradants”, a contribution by Jean-Daniel Vigny to the *Annuaire suisse de droit international*, XLIII, 1987.

authority.²⁰ In addition to regular visits, the Committee may organise any other visits which appear to it be required in the circumstances. As a general rule, the visits are carried out by at least two members of the Committee. These members may be assisted by experts and interpreters.²¹ The purpose of the visits is to “*examine* the treatment of persons deprived of their liberty with a view to strengthening, if necessary, the *protection* of such persons from torture and from inhuman or degrading treatment or punishment”.²²

3. The States party to the Convention *must* permit *visits* by the Committee to any place within their jurisdiction where people are deprived of their liberty. After the Committee has notified the government of a State that it intends to carry out visits, these visits may take place *at any time*. The State must provide the Committee with the following *facilities*: access to its territory and the right to travel without restriction; full information on the places where persons deprived of their liberty are being held and any other information which is necessary for the Committee to carry out its task; unlimited access to any place where people are deprived of their liberty, including the right to move without restriction inside such places. The Convention goes on to specify that the Committee may interview *in private* the people it is visiting. The Committee may also communicate freely with any person whom it believes can supply relevant information. If necessary, the Committee may *immediately* communicate observations to the competent authorities.²³

²⁰ Deprivation of liberty is used here as it is defined in Art. 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The visits may be made in *all* “places” where people are being held by a public authority whether in temporary, preventive or administrative detention, to serve a prison sentence under civilian or military law, in internment for medical reasons or for the purpose of educational supervision.

²¹ The Swiss Committee Against Torture and the International Commission of Jurists suggested that the visits themselves should—as is the practice with the ICRC—be carried out for the most part by *delegates*. The rule that the visits will generally be carried out by at least two members of the Committee brings with it the danger that at least the periodic visits will be carried out only infrequently.

²² For this examination it will be useful to consult the rules for European prisons (contained in a recommendation adopted by the Council of Europe’s Committee of Ministers on 12 February 1987) or the Standard Minimum Rules for the Treatment of Prisoners, approved by the United Nations Economic and Social Council resolution 633 C (XXIV) of 31 July 1957 and amended by resolution 2076 (LXII) of 13 May 1977, which may be found on p. 327-341 in Nigel Rodley’s work (footnote 7).

²³ For a comparison with the ICRC’s experience in carrying out prison visits, see “Torture: the need for a Dialogue with its Victims and its Perpetrators”, an article by Laurent Nicole in the *Journal of Peace Research*, Norwegian University Press, September 1987.

4. After each visit, the Committee draws up a *report* on the facts found during the visit, taking account of any observations which may have been submitted by the State concerned. It transmits to the latter its report containing any *recommendations* it considers necessary. The Committee may *consult* with the State concerned with a view to suggesting, if necessary, improvements in the protection of people deprived of their liberty.

The information gathered by the Committee in relation to a visit, its report and its consultations with the State concerned are *confidential*. The Convention makes clear that, in implementing it, the Committee and the competent authorities of the State concerned must *co-operate* with each other. If, however, a State fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, after the State has had an opportunity to make known its views, by a majority of two-thirds of its members to make a *public statement on the matter*.

5. Art. 21 of the Convention states that *no reservation may be made* by the States party to it. This provision would not have received general support if there had not been the provisions in Article 9 that in "exceptional circumstances" restrictions may be placed on the Committee's activities. Under Article 9, a State may make *representations* to the Committee *against* a visit at the time or in the particular place proposed by the Committee. Such representations may be made only on the grounds of national defense, public safety, serious disorder in places of detention, the medical condition of a person or on the grounds that an urgent interrogation relating to a serious crime is in progress. Under the Convention, such representations must be followed immediately by *consultations* between the Committee and the State to clarify the situation and seek agreement on arrangements to enable the Committee to exercise its functions expeditiously. Such arrangements may include the transfer of a person to another place. Until the visit takes place, the State must provide information to the Committee about any person concerned.²⁴

An objectively fully justified restriction of the Committee's activities is to be found in Article 17 (3) which states that "the Committee shall not visit places which representatives or delegates of Protecting Powers or the International Committee of the Red Cross effectively

²⁴ J.-D. Vigny (footnote 19) writes that Article 9 amounts to a negotiated reservation in the text of the Convention itself.

visit on a regular basis by virtue of the Geneva Conventions of 12 August 1949 and the Additional Protocols of 8 June 1977". These are places in which, in connection with an international or internal *armed conflict*, people have been deprived of their liberty and have the status of "protected persons" (in particular, prisoners of war and civilian internees) under international humanitarian law. Article 17 does not cover the victims of disturbances and tension to which the law of war does not apply. Since the ICRC also takes action in such situations (e.g. on behalf of political detainees), arrangements are necessary between the Committee and the ICRC to prevent overlapping and ensure constructive co-operation. Co-operation is all the more desirable as the ICRC's work on behalf of detainees consists not only of protection but also of assistance, for example medical help or social welfare for members of their families.

VI

The International Commission of Jurists and the Swiss Committee against Torture are convinced that, especially in terms of effectiveness, financial cost and acceptance, regional arrangements to set up systems of visits offer more advantages than world-wide arrangements and they are therefore encouraged by the Council of Europe's breakthrough. They are now working to promote the creation of an *American convention* under which a system of visits corresponding to Gautier's proposals and based on the model provided by the European Convention would exist for all States in the Americas. Action against torture in the Americas, especially Latin America, is needed urgently and this fact was demonstrated when the General Assembly of the Organisation of American States adopted the *Inter-American Convention to Prevent and Punish Torture* in December 1985.²⁵

This Convention is to a large extent modelled on the UN Convention of 1984; the States party to it must take measures to prevent torture and punish its perpetrators and to set up a system of regional jurisdiction based on the *aut dedere aut iudicare* principle. The supranational system of verification is not as advanced as the one created by the 1984 UN Convention; it is limited to an obligation for the States party to the Convention to *inform* the Inter-American Commission on Human

²⁵ By February 1988, this Convention had been ratified by the Dominican Republic, Guatemala, Mexico and Suriname and thus came into force. See the text on pp. 322-326 of Nigel Rodley's work (footnote 7).

Rights about steps taken to implement the Convention. The Commission, for its part, has the task of *analysing* in its annual reports the situation in the various OAS member States with regard to the prevention and eradication of torture. In view of this weakness in the system of verification, there is an urgent need to create a convention providing a system of visits.

The International Commission of Jurists and the Swiss Committee Against Torture had *talks* in April 1987 in Montevideo, Uruguay and in May and October 1988 in Bridgetown, Barbados and Sao Paulo, Brazil, with *experts* from the Americas about creating an American convention which would set up a system of visits.²⁶ The experts' comments were generally *favourable*; however, it was obvious that difficult problems remain to be solved. One of these problems is the question of what the relationship will be between the new convention and the Organisation of American States (OAS); the convention's promoters want a link with the OAS but consider it absolutely necessary to form a new, independent body responsible for running the system of visits. A further problem is how this system would be financed. One solution could be—in addition to contributions of the States party to the convention—the creation of a *fund*.²⁷ Unlike the European Convention, under this new Inter-American convention visits to places of detention would not be carried out by members of a committee but rather by *delegates* who would work under such a committee's instruction and supervision. It would also be necessary to insert a provision for the co-ordination of such visits with those carried out by the ICRC; this would cover not only visits based on the Geneva Conventions or the Additional Protocols but also based on the ICRC's right of initiative.

VII

Since there is no guarantee that an American convention creating a system of visits will come about in the near future and since the creation of similar regional conventions in say Africa or Asia could encounter even greater difficulty, the *option of a world-wide system* must not be abandoned. According to the resolution adopted by the

²⁶ The following reports have been published on the *Montevideo talks*: "Tortura: Su Prevención en las Américas, Visitas de Control a las Personas Privadas de Libertad", Montevideo, July 1987; "The prevention of torture in the Americas, visits to persons deprived of their liberty", Geneva, January 1988.

²⁷ The European system of visits is financed by the Council of Europe's budget.

UN Commission on Human Rights in the spring of 1986, the setting up of an *optional protocol* to the 1984 UN Convention in order to supplement that Convention's relatively weak supranational system of verification with an effective system of visits should be pursued.²⁸ The draft convention which was submitted by Costa Rica in 1980 would have to be adjusted to the present situation, that is, the entry into force of the UN Convention in 1987 and of the European Convention for the prevention of torture on 1 February 1989. A suitably amended optional protocol could provide for the *Committee against Torture* established by the UN Convention to organize visits to places of detention in States bound by the protocol and take responsibility for reporting to and consulting with the States while nevertheless having the visits themselves carried out by *delegates*. The revised protocol could also contain provision for *regional commissions*, under the Committee's supervision, which would organise the visits to places of detention. Finally, there could be a provision that the Committee against Torture would not organise visits—at least not periodic visits—in States bound by an international treaty under which a functioning regional system of visits is in operation.

Important though it is to keep open the option of a world-wide system under the United Nations, we must avoid excessive optimism because all the endeavours so far to create effective supranational systems of verification in the area of human rights have met with stubborn resistance from many States. On the other hand, bringing about respect for human rights and eradicating torture are such vital matters that discouragement and resignation cannot be allowed. Pervasive, dogged and purposeful vigilance must be our watchword.

Hans Haug

Hans Haug, former Professor of public law, particularly public international law, at the University of St. Gallen for Business Administration, Economics, Law and Social Sciences; Chairman of the Swiss Committee against Torture; member of the International Committee of the Red Cross.

²⁸ M. P. Kooijmans writes in his 1987 report: "A measure which may have an important preventive effect is the introduction of a system of periodic visits by a committee of experts to places of detention or imprisonment. The element of periodicity is designed to ensure that a system of visits is seen as a means of co-operating with Governments rather than as an instrument for denouncing them. The fact that the idea of periodic visits would eventually form part of regional systems for protection of human rights (of which there are currently three, established in the context of the Organization of African Unity, the Organization of American States and the Council of Europe) would not necessarily stand in the way of the conclusion of a world-wide convention to which States which were subject to such a system of visits under a regional instrument could become party. However, the implementation of the world-wide system would be suspended for States subject to a regional system.", *op. cit.*, pp. 25 and 26.

HOW THE INTERNATIONAL COMMITTEE OF THE RED CROSS HELPS TO COMBAT TORTURE

ICRC visits to persons deprived of their freedom
in situations of internal disturbances and tension:
aims and methods *

**by Francis Amar
and Hans-Peter Gasser**

The International Committee of the Red Cross welcomes all attempts to strengthen the protection against torture of persons deprived of their freedom. It therefore welcomes the adoption of the *European Convention for the prevention of torture and inhuman or degrading treatment or punishment*, which should enable an effective system of control to be established for the prevention and elimination of such inhuman practices in the member countries of the Council of Europe that may have ratified the Convention.

In the experience of the ICRC, visits to places of detention are the best method of international control for preventing acts of torture. If they are to be effective, the visits must conform to a number of standard procedures, such as the interview without witnesses, registration of the persons detained, and repetition of the visits.

The ICRC will follow with the greatest interest the implementation of this new Convention. It will contact the European Committee as soon as this has been established in order to discover what its intentions are with regard to the procedures for its activities and will study with the Committee the best way to ensure that the activities of the two

* A summary of the statements made by ICRC representatives Francis Amar, Assistant Delegate General for Europe and North America, and Hans-Peter Gasser, Legal Adviser to the Directorate, during the European Seminar on the implementation of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment (Strasbourg, 7 and 8 November 1988).

bodies complement each other harmoniously, particularly in ICRC activities outside the scope of the Geneva Conventions, for example, during internal disturbances or tension. The ICRC will also follow with interest the development of other draft conventions against torture that would devise a system of visits to places of detention, in the hope that these will in fact lead to the introduction of an effective monitoring system to prevent and eliminate such inhuman practices.

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Traditionally, the ICRC takes action to protect and assist the civilian and military victims of armed conflicts. By virtue of the Geneva Conventions of 1949 and their Additional Protocols of 1977, the ICRC is mandated, in time of international armed conflict, to visit, in their places of detention, all prisoners of war and civilian detainees. In the event of internal armed conflict the ICRC must negotiate, in each case, the agreement of the parties involved in the conflict in order to be able to visit prisoners, since the Geneva Conventions lay down no obligation in such circumstances.

Beyond the scope of application of the Geneva Conventions and the Additional Protocols, the ICRC also acts in what are known as *internal disturbances and tension*. Disturbances are situations in which, although there is no non-international armed conflict as such, there is within the country confrontation of a certain gravity or duration and including acts of violence. Internal tension covers severe internal tension, whether political, religious, racial, social or economic, etc., or the aftermath of an armed conflict or of internal disturbances.

Internal disturbances and tension are characterized in particular by the following circumstances:

- mass arrests;
- a large number of persons detained for security reasons;
- probable ill-treatment, torture, or poor material or psychological conditions of detention;
- detainees being held in secret for long periods;
- the suspension of fundamental legal guarantees.

The declaration of a state of emergency is one sign, but not the determining factor, that might prompt the ICRC to offer its services.

This means that the ICRC is interested only in a specific category of persons deprived of their freedom, namely, those usually known as “political detainees” or “security detainees”. There is no definition of this category of people in international law. Unless they come into a specific category in the law of their own country, the determining factor for identifying them is the relation with internal disturbances and tension.

Since it has no basis in international law for its activities in favour of this category of people, the ICRC bases its work on Article 5 of the Statutes of the International Red Cross and Red Crescent Movement, which empowers it to take any type of humanitarian initiative and to offer its services to States. It should be pointed out that the intrinsic principle underlying this practice has never been called into question by the international community. The basis for the ICRC’s activities in the event of internal disturbances and tension is well on the way to becoming customary law, and it is widely recognized that an offer of services by the International Committee does not constitute interference in the internal affairs of a State. However, the ICRC’s right to offer its services is not matched by any obligation for governments to accept such offers.

The chief duty of the ICRC in cases of internal disturbances and tension consists in visiting places of detention in order to improve the prisoners’ conditions. The Committee’s delegates concern themselves mainly with the material and psychological situation of the detainees. Since it is anxious to retain, by its neutrality, the confidence of all parties concerned, the ICRC does not involve itself in any way in the political problems that are the cause of the disturbances or tension, neither does it make any comment on the reasons for the detention.

Experience has shown that, even when the government of a country desires to have its prisoners treated humanely, the day-to-day reality of prison life could and, in many cases, should be improved. The persons imprisoned are often considered as “enemies” by the officials in direct contact with them and rarely have a real opportunity to bring their grievances to the attention of the national authorities which would be not only capable but desirous of guaranteeing them dignified and humane treatment. In such cases, the ICRC delegates are able to draw the attention of the responsible authorities to the conditions of detention and to request improvements. It is important to realize that ICRC visits also have a preventive effect with regard to torture, as the very presence of the delegates in the places of detention frequently acts as a deterrent on those who might otherwise have recourse to inhuman practices.

The work of the ICRC in favour of “political detainees” may be summed up as follows:

Periodic and thorough visits to places of detention and to detained persons are carried out by properly trained ICRC delegates. Such visits are followed by discussions at all levels with those responsible for detention, and are the subject of confidential reports sent to the authorities, usually at the highest level. The reports take into account the particular social, economic and cultural background of the country; they describe in detail and as objectively as possible the conditions of detention and the treatment of the prisoners, and make precise and practical proposals for improving these. The reports are not intended for publication. The ICRC makes public only the places and dates of its visits, the number of persons seen, and the fact that the delegates have been able to interview the prisoners without witnesses. It never comments publicly on the material or psychological conditions in the places of detention or on any cases of torture it may have noted.

As a rule, these visits have beneficial results, a view often shared by the governments that have chosen to accept the ICRC’s services. In the experience of the Committee, no State has complained that its security has been compromised by ICRC visits or that the legal status of the persons visited has been affected. This is worthy of mention, when it is remembered that the ICRC has visited more than half a million such prisoners in about a hundred countries since 1918.

In order to be able to carry out the visits according to its own criteria, the ICRC first of all wishes its delegates to have access to all places of detention, whether permanent or temporary, official or unofficial, civilian or military, whether prisons, internment camps, barracks, transit centres, police stations, rehabilitation centres or any other type of place where political detainees are held. The ICRC delegates visit all detainees in all such establishments and their associated buildings, without any time limit. The purpose of the visits is to assess and, if necessary, to obtain improvement in the material and psychological conditions of detention and the treatment of detainees, and also to prevent the introduction of torture or other forms of inhuman treatment. The delegates do not concern themselves with the reasons for detention, since this matter is outside the competence of the ICRC.

The delegates must be allowed to talk freely with the detainees of their choice, i.e., without the presence of a third person. These interviews without witnesses, which take up much time, form the cornerstone of each visit, since they enable the delegates not only to judge the conditions in the place of detention but also to observe any ill-treatment

there may have been during interrogation in places other than those usually visited by the ICRC. This procedure, in the opinion of the ICRC, is the only way to acquire an overall view of the detainees' treatment and conditions of detention. Depending on circumstances, the interviews without witnesses may apply to all the detainees or to only a few. They take place in surroundings chosen by the delegates. The visits must be carried out with great care, which means that they must be well prepared. A visit to a single place of detention may take a number of days, or even weeks, and the ICRC has to assign one or more teams of several delegates and a doctor to carry it out. The delegates may require the services of interpreters, who are Swiss nationals like themselves or who are selected by the delegates from among the detainees.

At the beginning of the visit, the ICRC delegates talk with the authorities in charge of the place of detention, to inform them of the aims and the methods of the visit. They ask to be given, or to draw up themselves, a list of the names of the persons deprived of their freedom whom they are about to visit. It should be noted that recording the names of the prisoners constitutes in itself a factor of protection that is not negligible. The disappearance of prisoners, as is known, is a phenomenon of growing amplitude in certain countries. Identification of the prisoners visited and their interviews with a delegate are in fact a way of ensuring that they will not disappear later. The same procedure likewise acts as a significant deterrent to any detaining authorities which might practise torture or other forms of ill-treatment. This explains why the ICRC considers it so important to have access to the persons concerned as soon as possible after their arrest.

Repetition of the visits is another essential element. For it is important to be able to observe whether recommendations that the ICRC may have made have been followed up. Moreover, for the safety of the detainees who decided to talk to the delegates, it is essential to be able to see them again soon afterwards, and at regular intervals.

At the end of each visit the ICRC sends the government concerned a report of the delegates' findings and recommendations, a report that remains confidential. However, should the detaining power make public any part of such a report, the ICRC reserves the right to publish it in full.

This description, which is not exhaustive, of the conditions in which the ICRC works shows that effective and long-lasting protection of persons deprived of their freedom calls for a great deal of effort, especially in terms of personnel and time. This is why the ICRC maintains a permanent delegation in most countries where it makes

visits to places of detention. In addition it pays the closest attention to the training of its delegates. Only a wealth of experience enables them to obtain a reliable idea of the situation. It is obvious that the activities carried on by the ICRC in this area require considerable financial resources.

ICRC visits are not restricted to inspecting places of detention. Relief supplies are distributed as needed to the detainees or handed to the authorities for distribution. Such supplies include medicines, books and games. In very poor countries, in fact, it has proved virtually impossible for the delegates to arrive at the prisons empty-handed.

The ICRC delegations, moreover, try to trace persons who have disappeared, at the request of members of their family or of prisoners. The importance of this service is obvious in countries dominated by violence, where detainees are held in secret and where the disappearance of the regime's opponents is commonplace. This type of tracing activity is unthinkable without a permanent office in the country itself and without the help of the necessary staff recruited locally.

When visiting places of detention, delegates are inevitably approached by prisoners who tell them their personal problems, often related to their families or to their state of health. The delegates must pay attention to the plight of each one, since a prisoner being visited is above all an individual; but their attitude and their statements must be such as to avoid raising false hopes.

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* * *

For many decades now, ICRC delegates have been visiting persons deprived of their freedom for political or security reasons in countries undergoing crises. Experience has shown that prison visits, that is, the physical presence of delegates in the places of detention themselves, represent an appropriate method of preventing not only ill-treatment and torture but also the disappearance of prisoners, and of improving their conditions of detention.

The neutrality, independence and impartiality of the ICRC's work are now universally acknowledged. The fact that the ICRC is a Swiss institution helps to safeguard this reputation. It is extremely important, in politically disturbed situations above all, that the credibility of delegates should not be questioned, either by the authorities or by the prisoners.

The new *European Convention for the prevention of torture and inhuman or degrading treatment or punishment*, which originated with the appeal made by Jean-Jacques Gautier, brings a new dimension to the efforts to abolish torture, in particular by providing for visits to

places of detention at all times, even in the absence of conflict or tension. In time of peace, when there are no problems, it is desirable to lay the foundations for prevention, in order to preclude any recourse to torture in times of crisis. The visits by the European Committee will act as an early warning system, in the sense that they will bring to light as soon as possible any deterioration of the situation in penal establishments. The ICRC does not undertake this type of mission, and the activities of the European Committee will therefore complete the efforts undertaken to eliminate torture.

The European Convention states, in Article 17, para. 3:

“The Committee shall not visit places which representatives or delegates of Protecting Powers or the International Committee of the Red Cross effectively visit on a regular basis by virtue of the Geneva Conventions of 12 August 1949 and the Additional Protocols of 8 June 1977 thereto.”

This provision is a wise one. It takes into account the specific mandates attributed to the ICRC by the Geneva Conventions and their Additional Protocols. But it also takes into account the fact that the problems resulting from detention during an armed conflict, whether international or otherwise, are different in many ways from those encountered in peacetime. Consequently, the objectives of the work of protection, whose basic element is visits to places of detention, are different in the two situations.

In the course of long years of activity, the ICRC has found that the problems relating to detention in times of *internal disturbances and tension* are often identical or similar to those encountered during armed conflicts, especially internal conflicts. With its specific experience and possessing the necessary infrastructure, the ICRC will continue to offer its services to the authorities of countries affected by internal disturbances and tension. It hopes that the authorities concerned will continue to grant it permission to visit places of detention in these specific situations. Informal consultations between the ICRC and the future European Committee will doubtless make clear the complementarity of the approaches of the two institutions, and this will enhance the protection of detainees who are particularly vulnerable to “man’s inhumanity to man”.

Hans-Peter Gasser
*Legal Adviser to the
ICRC Directorate*

Francis Amar
*ICRC Assistant Delegate General
for Europe and North America*

SOS-Torture

by Pierre de Senarclens

In 1983, at the suggestion of its founder, the late Jean-Jacques Gautier, the Swiss Committee against Torture convened a symposium on means of eradicating torture. The meeting, which was held in Geneva, brought together almost 70 experts from some 30 countries representing many different human rights organizations. It concluded that a way had to be found to create a more effective role for the hundreds of non-governmental organizations (NGOs) around the world which had been set up to eliminate torture. In particular, it suggested establishing a service to speed up the circulation of information gathered by these NGOs, to facilitate rapid representations to the United Nations and other regional organizations responsible for defending human rights and, when desirable, to organize concerted action. This, it was thought, might finally do something to help the victims of torture.

Objectives and methods

Following a period of planning and organization, SOS-Torture¹ came into existence in January 1986. Its objective is to eradicate torture, summary executions, “disappearances”, internment of political dissidents in psychiatric hospitals and all other cruel, inhuman or degrading treatment. From the very beginning, the organization has engaged in five types of activity, described below.

1. ***Rapid dissemination of appeals from member NGOs.*** SOS-Torture is today at the service of about 150 NGOs around the world, particularly in Latin America, Europe and Asia. Appeals began to come in very

¹ Under its new statutes, the organization is called the *World Organization against Torture (WOAT)—SOS-Torture*.

soon after the organization's founding. They are circulated through an ever-expanding network and this has greatly increased the effectiveness of anti-torture campaigns.

Let us take a common example. An NGO within the network informs us that an arrested person is in danger of being tortured or that a person has disappeared. We spread this information as quickly as possible throughout the network to the press, to the relevant international organizations and to anyone else who might be able to take action. We ask them to put pressure on the responsible authorities to obtain the release, or at least provide protection for, the person concerned. This has often helped to save people, as we know from the many messages of gratitude we have received.

The procedure is strikingly original—human rights are defended by the NGOs directly concerned, familiar with the situation in their country and region, in possession of first-hand information and able to act without delay.

SOS-Torture does not check the information it forwards; it simply attributes it to the NGO from which it comes. But only NGOs which are committed to promoting and defending human rights are accepted as members of its network. SOS-Torture's selectiveness has so far ensured that its trust is well placed.

2. ***Strategies for joint action.*** SOS-Torture imposes nothing on the NGOs; each one remains completely free to act according to its own criteria and objectives. SOS-Torture encourages concerted action and when possible provides information which can be used to assist victims.

3. ***Promoting the use of accepted international procedures to counter torture.*** Existing procedures are often little known. A request that does not have the right wording or is not sent to the right place may be ineffective or even counter-productive. Being in Geneva, our organization is ideally situated to advise NGOs in this regard. It has already published a guide in three languages on existing procedures.

4. ***Emergency help for the victims of torture*** or people on the scene who are seeking to help them. In situations in which torture is practised, rapid action can mean the difference between life and death. Sending a plane ticket or providing legal counsel can give a considerable degree of protection. And, alas, those who have been tortured must be cared for. There too, we endeavour to act in conjunction with inter-governmental and non-governmental organizations able to mobilize the necessary resources.

5. *The publication of a bulletin* six times a year provides news to the members of the network. The bulletins describe some of the appeals and the action taken, give information on judicial means of preventing torture and publish texts discussing various aspects of the problem.

The structure of SOS-Torture

In the beginning, the organization had a fairly loose structure. The group of friends who had formed SOS-Torture met regularly to support and advise the director, Eric Sottas, and his small staff². In March 1988, however, a General Assembly of representatives from the member NGOs officially adopted the organization's present statutes and elected an International Council with 15 members from various regions of the world. Some of the Council members form a smaller bureau which meets regularly to monitor the organization's work. This structure has the advantage of being as representative as possible without incurring excessive operating costs.

Problems and challenges

The founding and growth of SOS-Torture would not have been possible without the financial support of several NGOs, many private associations, the Geneva authorities, other Swiss cantons and municipalities, the Swiss Confederation, the Danish, Finnish, French and Swedish governments and the European Community.

The organization's financial resources are nevertheless far from adequate to meet its objectives. Conceived as an instrument for the use of the member-NGOs, the organization must keep its administrative structure flexible. But the appeals are expensive. They must be studied to ensure that they are in keeping with the organization's criteria and it is sometimes necessary to ask for additional information. Then the appeals are sent out in several languages by various means (telex, telepac, telefax, telephone and letter). Finally, any action must be co-ordinated and followed up. An attempt is also made to provide modern means of communication to the member NGOs and to place other services at their disposal such as assistance for the victims of torture and funds for legal work and the establishment of useful contacts.

² Address: 37-39, rue de Vermont, 1202 Geneva, Switzerland.

General points

It is hardly necessary to explain why we are seeking to eradicate torture. But it should be pointed out that our work is guided by realism. We have just celebrated the fortieth anniversary of the Universal Declaration of Human Rights which states that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”. The men and women who drew up that text and adopted it in the UN General Assembly in 1948 knew from personal experience how important it is that political life everywhere should be inspired by certain principles and that people and their governments should undertake to ensure that they are respected and show solidarity in defending them. The Nazi regime in Germany taught us how dangerous it can be to respond to repressive governments with indifference or appeasement. The founders of the United Nations understood this well—history must increasingly be viewed in global terms, for an ever denser communications network is being woven around our planet; our lives are conditioned by inextricably linked economic and social systems and we are thus obliged to experience together the tragedies which take place in our “global village”. No man, or nation, is an island. International solidarity is not merely a moral and humanitarian obligation, it is a political necessity.

The Universal Declaration and the 1966 International Covenant on Civil and Political Rights rightly place the ban on torture among a whole array of rights designed to promote full respect for human dignity. Torture is rarely an isolated phenomenon. It is usually used as a system of repression, in regimes founded on arbitrary authority and violence, in socially polarized societies, in war and civil conflict and when ideological or religious fanaticism burst through the ever-flimsy defences of law, justice and liberty.

We strive to defend one of the most fundamental rights of the person. But agreeing on what that means in a specific context requires more than proclaiming human rights a “common standard of achievement for all peoples and all nations”. There will always be differences on how to interpret human rights, on the priority to be accorded the values concerned and on the strategies necessary to uphold those rights. In other words, the commitment to human rights is fundamentally political and in real terms this means that there is no universal agreement about ways and means of guaranteeing them. Some approach the problem by promoting legal safeguards (the 1984 United Nations Convention against Torture and the 1987 European Convention against

Torture are recent fruits of such efforts). Others concentrate on information campaigns to influence governments and public opinion to make better use of existing legal instruments. Some prefer active political resources and join a political party or take part in social movements. Still others choose to work for economic development in order to change the national and international structures that favour violence and repression. All such activities are necessary and are worthy of our highest esteem.

Thus, in choosing to combat torture, we are aware that we are engaged in a specific sector of a much larger front in the battle for human rights. We have placed ourselves at the service of NGOs working to eradicate torture without setting any conditions except those of non-violence and of honesty in the forwarding of information. We feel that this is one way of practising international solidarity while recognizing the conditions peculiar to individual countries and regions where anti-torture activity is growing. Through SOS-Torture, North and South, East and West are united in a common struggle—the NGOs of every region on our planet are working, with the means at hand and in accordance with the day-to-day reality of their environment, for the same cause.

We are aware of the limitations of campaigns aimed at governments and public opinion. Appeals are not much use when no authority is willing to assume responsibility for the acts of paramilitary forces or private “vigilantes”. These days, such crimes are invariably accompanied by worsening economic and social conditions and the process is often beyond the control of the States concerned. The proliferation of such situations will oblige the NGOs to set more consistent guidelines for international action and to be more precise in selecting their targets, for example by directing their appeals to those governments and inter-governmental organizations that are in a position to exercise real influence on the economic or political development of the countries concerned. We are also endeavouring to make up for the relative scarcity of NGOs in eastern Europe and Africa. Finally, we know that large-scale initiatives must be launched to reverse the tendency to use torture on penal-law prisoners, a common practice in many countries.

Pierre de Senarclens

President of WOAT—SOS-Torture

The Swedish Red Cross Centre for the rehabilitation of tortured refugees

by **Britt Wikberg**

One tortured refugee often refers to "that special room". He means the torture clinic in the jail. He tries to describe how to get there, he walks and he walks to get there but he mixes it up with other walks — he never arrives. I asked him to describe "that special room". He drew an empty square. "It's empty", he said, "there is nothing".

At home, there are too many shadows behind him and he can't see their faces. "I have to get out for a walk", he says, "I walk and I walk, until the pain in my legs returns".

(Lars Odefors, psychologist)

Extract from the 1988 Evaluation Report)

In 1985 the Swedish Red Cross opened a Centre for the Rehabilitation of Tortured Refugees in Stockholm. It did so on the bases of a thorough study of what had been done elsewhere in the world, especially in Denmark where the first centre of this kind was established.

Sweden accepts about 15,000 refugees each year. The largest groups come from Chile, Iran, Iraq, Lebanon, Ethiopia, Turkey. Many of them have been exposed to different forms of torture. Hospitals, the social welfare system, lawyers, immigration officers — none of these has any experience in dealing with the consequences. Now all sectors of Swedish society have to meet the needs of these new citizens. Lack of knowledge and understanding can, unintentionally, lead to callous treatment. It was therefore natural for the Swedish Red Cross to start collecting and developing existing knowledge on how to deal with the effects of torture.

The Centre is intended primarily for refugees living in the greater Stockholm area. Its main goals are:

- to reduce the suffering of torture victims by treating their mental and physical injuries;
- to strengthen, where necessary, their self-respect and help them regain their dignity;
- to give them and their families the possibility of leading a normal life, physically, mentally and socially.

The Centre also has a teaching function, the knowledge and experience earned being passed on to the Swedish medical and social welfare services.

The Centre offers medical, psychological/psychiatric and social rehabilitation for the tortured person and medical/psychosocial support for his or her family. It is open to refugees who have been tortured, who have work and residence permits in Sweden and who live within the area administered by the Stockholm County Council.

The Centre decided to take only those with work and residence permits because applicants for asylum live in such anxiety and are socially so insecure while waiting for permits—a period that often lasts far too long in Sweden—that it would be very difficult for them to concentrate on their torture experience and the reasons they sought rehabilitation. However, so as not to leave those in need of help to what are often fruitless and therefore frustrating contacts with primary or emergency health care services, the Swedish Red Cross has started a subsidiary project, where voluntary professionals give time to the applicant for asylum, helping him or her deal with most immediate needs and finding appropriate temporary resources outside the Swedish Red Cross.

Capacity is also a problem. The Centre planned to accept and treat 100-120 refugees, with or without families, between 1985 and 1987. However, the number of applications during that period was 527. At present, a little over 200 people apply for treatment and 50-60 rehabilitations are completed each year. Once an applicant “qualifies”, he or she has to wait about one more year before the rehabilitation process can start.

The Centre is located at the Red Cross Hospital in Stockholm, but it is not very “hospital-like”. Staff at the Centre keep the atmosphere open and friendly, so that the refugees do not get the feeling they are in an institution. Most of the refugees come to the Centre on their own initiative, others are referred to it by hospitals, health clinics, immigration offices, and so on. Most of the applicants are 20-40 years old, and the majority are men. Out of every 200 applicants, about 170 are

married and have children, but not all of them have been able to bring their families with them to Sweden.

The refugees' symptoms are both physical and psychological: pain, headache, depression, insomnia, nightmares, feelings of aggression, all leading to social and emotional difficulties.

At the Centre, the needs of each applicant are first identified during two or three interviews. If the problem can be solved elsewhere, he or she is helped to make the necessary contacts. If the problem requires treatment at the Centre, a team of professionals works out a rehabilitation programme which, depending on the nature of the problem, is carried out by one or more of them. The Centre does not have a universal approach. Each applicant is treated individually and is consulted about the aims of his or her programme. Once started, the rehabilitation programme is regularly followed up by the team of professionals which set it.

Rehabilitation usually takes one year, but it is not considered complete until the aims agreed on by the tortured refugee and the Centre have been met.

The Centre offers different combinations of medical, psychiatric, social, physio- and psychotherapeutic treatment. For expert advice, fruitful co-operation has been established with child psychiatrists, surgeons, dentists, gynaecologists, etc.

The work at the Centre has undergone continuous assessment since 1985 and a summary thereof was published in December 1988.

The results are on the whole positive. For example, riding and art therapy, in groups or individually, has proved successful in restoring the identity that existed before "that special room". Working with interpreters in a therapy situation can be frustrating, but the Centre has overcome this problem.

Another Red Cross Centre was opened in Malmö, a city in southern Sweden, in autumn 1988, but there are no plans to open any other regional centres. Instead, according to the assessment, the Centre's teaching function should be enhanced. Traditional social and health services have shown a genuine interest in learning how to deal with the effects of torture. The assessment also shows that the Centre has earned a very good reputation for the respectful way it handles the patients, but the fact that it accepts only tortured refugees permitted to stay and work in Sweden has caused problems. The needs for qualified treatment are not limited to this group.

Besides running the Centre, the Swedish Red Cross has taken charge of about 1,000 asylum seekers in four camps, trying to give more

meaning to the long period of waiting for a permit to stay, to find work and permanent housing—all of which is a problem. In spring 1989, therefore, the Swedish Red Cross will conduct an information campaign in all communities in Sweden.

Sweden receives few refugees compared to other countries. Yet, even in Sweden there is prejudice, alienation, despair, indignity, practical problems to be dealt with. It is natural for the Swedish Red Cross to try to find lasting solutions to these problems in its part of the world.

Britt Wikberg
Information Officer
Swedish Red Cross

INTERNATIONAL HUMANITARIAN LAW

Synopses

In 1985 and 1986, the International Review of the Red Cross published a series of synopses devoted to various aspects of international humanitarian law. These summaries, written by Mr. Jean de Preux, former Legal Adviser at the ICRC, addressed the following topics:

- I. Protecting power (March-April 1985);*
- II. Protection of civilian populations against the effects of hostilities (May-June 1985);*
- III. Special protection of women and children (September-October 1985);*
- IV. Identification—Fundamental principle (November-December 1985);*
- V. Capture (March-April 1986);*
- VI. Relief (September-October 1986).*

People involved in the dissemination of international humanitarian law and academic circles have found these synopses so useful that the Review has decided to publish a further three summaries in 1989, thereby completing this series of instructional texts on humanitarian law.

Synopsis No. VII which follows deals with "Combatant and prisoner-of-war status".

Synopsis VII

Combatant and prisoner-of-war status

A. GENERAL POINTS

Only the members of the armed forces of a Party to a conflict (other than medical personnel, chaplains and military personnel engaged in civil defence) are combatants (Hague Regulations¹, Art. 1 and 3; P. I, Art. 43 and 67)².

Combatants are entitled to take direct part in the hostilities (P. I, Art. 43), i.e. to commit acts of war which are intended by their nature or their purpose to hit specifically the combatants and other military objectives of the enemy armed forces.

Any combatant who falls into the power of an adverse Party is a prisoner of war (P. I, Art. 4).

B. ARMED FORCES

General definition

The armed forces of a party to a conflict consist of all organized armed forces, groups and units which are under a command responsible to that Party, even if that Party is represented by a government or an authority not recognized by an adverse Party. Such armed forces must be subject to an internal disciplinary system which must enforce compliance with the rules of international law applicable in armed conflict (P. I, Art. 43).

Included in the definition of armed forces are:

— the army of a Party to a conflict (Hague Regulations, Art. 1; C. III, Art. IV; P. I, Art. 43, 44);

¹ Regulations respecting the laws and customs of war on land.—Annex to The Hague Convention of 18 October 1907.

² The Roman numerals refer to the First (I), the Second (II), the Third (III) and the Fourth (IV) Geneva Conventions (C). The abbreviation P. I stands for Additional Protocol I. The articles are indicated by Arabic numerals.

- militia and volunteer corps forming all or part of the army (Hague Regulations, Art. 1; C. III, Art. 4; P. I, Art. 43);
- members of the merchant marine organized to take direct part in the hostilities (C. III, Art. 4) and actually doing so;
- the members of a levy *en masse*, i.e. the population of a non-occupied territory who, on the approach of the enemy, spontaneously take up arms to resist the invading troops, provided they carry arms openly and respect the laws and customs of war (Hague Regulations, Art. 2; C. III, Art. 4);
- Police forces (paramilitary or armed law enforcement agency) if the other Parties to the conflict have been duly notified (P. I, Art. 43).

All categories of persons mentioned above are combatants.

Conditions for the recognition of armed forces

The conditions are as follows:

- subordination to a Party to the conflict;
- military-style organization;
- a command responsible to that Party;
- enforced compliance with the rules of international law applicable in armed conflict (P. I, Art. 43).

A levy *en masse* is not required to have a military-style organization and be under a responsible command as specified above, but recognition of it is valid only while the invasion lasts (Hague Regulations, Art. 2; C. III, Art. 4).

Composition of armed forces

Armed forces are composed of:

- combatants (see below);
- non-combatants (medical, religious and civil defence personnel) who are not entitled to take part in hostilities (C. I, Art. 21, 22; C. II, Art. 34, 35; P. I, Art. 43, 67);
- civilians who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces (C. III, Art. 4). Such people are, of course, also non-combatants.

C. COMBATANTS

Status

Combatants, and only combatants, are entitled to strike at the enemy (Hague Regulations Art. 1; P. I, Art. 43). If captured, they become prisoners of war, which means that they may not be punished in any way for having committed hostile acts (P. I, Art. 44).

Respect for the law of armed conflict

Combatants are obliged to comply with the rules of international law applicable in armed conflict (P. I, Art. 44). If they do not comply with these rules, they may be punished but do not lose their status (C. III, Art. 85; P. I, Art. 44), unless they have been convicted of a war crime in one of the Socialist countries (reservation made to Art. 85 of the Third Convention). For the exception relating to their visual distinguishability, see below.

General condition that combatants must be distinguishable

Combatants are obliged to distinguish themselves from the civilian population while they are engaged in an attack or in a military operation preparatory to an attack (P. I, Art. 44).

Exceptional circumstances

In exceptional circumstances (occupied territory, uneven conflict, anti-guerrilla operations) combatants may be freed from this obligation but only by decision of their high command, which must be responsible to the Party to the conflict (P. I, Art. 44). It is then sufficient if they distinguish themselves from the civilian population by carrying arms openly during each military engagement, and during such time as they are visible to the adversary while they are engaged in a military deployment preceding the launching of an attack in which they are to participate (P. I, Art. 44), (i.e., according to widely held opinion, during any movement toward a place from which an attack is to be launched).

Loss of status

A combatant who is caught violating the provision relating to exceptional circumstances, either because he is not bearing arms openly

as provided for or because he is making improper use of such a situation, forfeits his combatant status (P. I, Art. 44). Losing combatant status means losing prisoner-of-war status and possibly even entails prosecution for the mere fact of having carried a weapon. He remains, however, entitled to treatment equivalent to that accorded to prisoners of war, including procedural guarantees in the event of penal proceedings (P. I, Art. 44).

Scope of the rule that combatants must be distinguishable

This rule is not intended to change the generally accepted practice of States regarding the wearing of uniforms by combatants assigned to regular armed units of the Parties to the conflict (P. I, Art. 44). It is primarily destined for combatants using guerrilla tactics, unless the Parties to the conflict prefer even in such situations to operate with troops in uniform or bearing at all times a fixed a distinctive sign recognizable at a distance (C. III, Art. 4; P. I, Art. 44).

Special cases

- a mercenary who is not a member of the armed forces of a Party to the conflict is not entitled to combatant (or prisoner-of-war) status (P. I, Art. 47);
- a person caught in the act of spying is not entitled to combatant (or prisoner-of-war) status even if he is a member of the armed forces (P. I, Art. 46);
- in principle, a child of less than fifteen years of age is not entitled to combatant status and may not be recruited (P. I, Art. 77);
- a parliamentarian loses his entitlement to immunity if he has taken advantage of his privileged position to provoke or commit an act of treason (and in certain circumstances may be treated as a spy) (Hague Regulations, Art. 34);
- the status of a combatant belonging to a national liberation movement not recognized by the adverse Party is uncertain (P. I, Art. 43). If the adversary in question is a State Party to Protocol I, combatant status may not be refused if the national liberation movement has made the declaration provided for in Art. 96, para. 3 of the Protocol.

D. PRISONERS OF WAR

Preliminary remarks

A person having the status of prisoner of war is necessarily entitled to the corresponding treatment. Nevertheless, certain categories of persons are entitled to be treated as prisoners of war—at least temporarily—without having that status:

- either because their combatant status has not yet been decided;
- or because, as non-combatants, it is impossible for them to have prisoner-of-war status.

The difference for such persons lies in their relative freedom of movement or early repatriation (for example, for medical personnel and chaplains) (C. I, Art. 30; C. II, Art. 37; C. III, Art. 33). It also resides in other preferential measures (military internees: C. III, Art. 4; child combatants: P. I, Art. 77) or, if combatant status is definitively refused, in prosecution for bearing arms (C. III, Art. 5; C. IV, Art. 68; P. I, Art. 45); this latter does not apply to child combatants.

Prisoner-of-war status

The following have prisoner-of-war status if captured:

- *combatants* (C. III, Art. 4; P. I, Art. 44), except:
 - persons caught in the act of spying (P. I, Art. 46);
 - mercenaries (P. I, Art. 47);
 - combatants who, in the exceptional circumstances provided for (P. I, Art. 44), do not carry weapons openly in combat or abusively exploit the said exceptional circumstances.
- *civilians authorized to accompany the armed forces* (C. III, Art. 4);
- *crew members*, including masters, pilots and apprentices, of the merchant marine and crews of civilian aircraft (unless they benefit by more favourable treatment) (C. III, Art. 4);
- *the civilian population in a levy en masse* (C. III, Art. 4);
- *military personnel serving in civil defence* (P. I, Art. 67);
- *citizens of neutral countries enlisted in the armed forces of a Party to a conflict* (Hague Convention No. V, Art. 17).

Treatment as a prisoner of war

If captured or interned, the following are entitled to the same treatment as prisoners of war though they do not have that status:

- the armed forces' medical personnel and chaplains, including staff of relief societies attached to the armed forces (C. I, Art. 28; C. III, Art. 33);
- military internees in occupied territory (C. III, Art. 4);
- military internees in a neutral country (C. III, Art. 4);
- any person who has taken part in the hostilities and whose status is not yet determined (C. III, Art. 5; P. I, Art. 45);
- pending adjudication by a tribunal, combatants caught in the act of spying or suspected of serving as a mercenary (P. I, Art. 45);
- combatants who have forfeited their right to prisoner-of-war status by not visibly distinguishing themselves as combatants or by failing to carry their arms openly (P. I, Art. 44);
- child combatants (P. I, Art. 77);
- parliamentarians held in temporary detention (Hague Regulations, Art. 33).

Escaped prisoners of war

A neutral power which receives escaped prisoners of war must leave them at liberty. If it allows them to remain in its territory, it may assign them to a place of residence.

The same rule applies to prisoners of war brought by troops taking refuge in the territory of a neutral power (Hague Convention No. IV, Art. 13).

Prisoners of war released on parole

Prisoners of war released on parole and recaptured violating the commitments they had entered into retain prisoner-of-war status (C. III, Art. 21; contrary to The Hague Convention No. IV, Art. 12).

Captured combatants who are nationals of the detaining power

According to prevailing legal opinion, a combatant who falls into the hands of the power of which he is a national is not entitled to treatment as a prisoner of war unless he has dual nationality (C. III,

Art. 87). In the case of the wars of liberation to which the Conventions and Protocol I apply, the criterion of nationality is not applicable as such.

Combatant of a national liberation movement

In theory, unless a person is recognized as having combatant status (see “Combatants”), he cannot be recognized as having prisoner-of-war status. In fact, however, if a national liberation movement is recognized by the international community or a representative section thereof, its members who are taken prisoner should be given treatment which corresponds in every way to prisoner-of-war status, including exemption from prosecution for bearing arms (Charter of the United Nations, Art. 1, Chap. 2, principle of self-determination).

Status after prisoner-of-war status has been definitely refused, if necessary by court of law

Such people are civilians protected under the Fourth Convention. This applies to:

- spies (subject to the provisions of Art. 5 of the Fourth Convention);
- mercenaries;
- persons who have taken part in the hostilities without belonging to the armed forces, thus without having combatant status (P. I, Art. 45);
- members of armed forces interned in occupied territory and then released (C. III, Art. 4);
- child combatants, who are not treated as prisoners of war (but are not subject to prosecution);
- deserters.

Combatants who have the same nationality as the captor are not protected by the Fourth Convention (C. IV, Art. 4) but by Art. 75 of Protocol I. Those with dual nationality should be protected by the Third Convention.

Procedure for establishing status

A person who takes part in hostilities and falls into the power of an adverse Party must be presumed to be a prisoner of war. Should any

doubt arise, he must continue to enjoy such status until such time as his status has been determined by a competent tribunal (which may be an administrative tribunal). If he is prosecuted (for example, for bearing arms) the status of the accused must again be examined, but by a judicial tribunal (P. I, Art. 45; C. III, Art. 5). The burden of proof that the person in question is not entitled to prisoner-of-war status rests with the captor (P. I, Art. 75, 4d).

Status of persons who are refused protection under the Fourth Convention or have that protection restricted

Basically, Art. 75 of Protocol I applies here (except for spies as regards their rights of communication), in spite of Article 5 of the Fourth Convention.

Finally, in all cases for which provision has not been made, civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience (“Martens clause”, Hague Convention, Preamble; P. I, Art. 1).

Jean de Preux
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YOUTH AND PEACE

by Leon Stubbings

In the beginning...

Peace was part of the vision of Henry Dunant when, having seen the human suffering and misery on the battlefield of Solferino, he was inspired to create a humanitarian organization that would aid all people affected by war. His ultimate objective was not merely to relieve the suffering caused by war but to instil in mankind a spirit of peace. He believed that if we instil humanitarian ideas in people, and inspire everyone with a horror of the spirit of vengeance, hatred and destruction, we shall counteract the terrible scourge of war and perhaps avert it completely.

The quest for peace has been an integral part of the International Red Cross and Red Crescent Movement since its inception. The Movement has many other goals but in pursuing them all it tries to spread the spirit of peace.

International Red Cross/Red Crescent resolutions

At International Conferences held since 1921, the International Red Cross has passed in excess of 75 resolutions on peace. Furthermore, it has held two World Conferences on Peace, in 1975 and 1984.

A study of these resolutions reveals the main themes that the Movement considers important to pursue, some of which require further examination. It has been stressed on many occasions that the Red Cross is a force for international fraternity and understanding. This theme will be developed more fully below.

Another basic tenet which was first expressed in 1932 is that "a firmly united Red Cross can not only achieve greater success in its work but also exercise on the spirit of peoples an influence favourable to harmony and better relations".¹

¹ XIIIth session of the Board of Governors of the League of Red Cross Societies, Paris, 1932, Resolution No. 25.

As moral, social, political and religious values and beliefs are inevitably involved in any discussion on peace it was appropriate for a Red Cross definition of peace to be enunciated at the first World Red Cross Conference on Peace held in Belgrade in 1975. For the Red Cross, such a definition must fall within the parameters of the Fundamental Principles of the Movement. The definition is: "The Red Cross does not view peace simply as the absence of war, but rather as a dynamic process of co-operation among all States and peoples: co-operation founded on freedom, independence, national sovereignty, equality, respect of human rights, as well as a fair and equitable distribution of resources to meet the needs of peoples".²

The task that confronts the Red Cross, therefore, if the Movement is to be an effective agent for peace, is to be prepared to promote international co-operation actively and to tackle the problems that confront humanity at all times.

Many of the resolutions on peace demonstrate that the Red Cross is, or has the potential to be, a moral force in the world. These resolutions call on governments or the United Nations either to take some given action or to cease acting in a certain way. They relate to types of weaponry, types of warfare, the treatment of prisoners of war and the well-being of people affected by conflicts. In some instances these resolutions do not call for direct action on the part of the Red Cross. It is laudable and in fact imperative that a worldwide humanitarian organization such as the Movement should express itself forcibly in this way.

The Red Cross is recognized as contributing to the spirit of peace in the domains of disaster relief, development, protection of health, international humanitarian law, the relief of the suffering of war victims and other programmes carried out by National Societies, the League of Red Cross and Red Crescent Societies and the ICRC.

All Red Cross Youth sections working in all these different fields of activity contribute to the essential element of peace. When one scratches the surface of the practical services that Red Cross Youth provides at the national and international level one is filled with admiration for the ingenuity and dedication of our young people; at the same time one is amazed that the Movement as a whole and the public at large are not aware of the contribution that young people are making to humanity today. In general it is the negative aspects of youth that receive the attention of the media.

The resolutions that are addressed to the young people of the Red Cross are indeed exciting and provide a great challenge, not only for the young people themselves but for all members of the Movement. Encouragement and practical

² World Red Cross Conference on Peace (Belgrade, June 1975)—*Programme of Action of the Red Cross as a factor of peace*—Final edition, Geneva, August 1978, p. 23.

support are essential if positive results are to be achieved. One cannot build a substantial house without being provided with the building materials.

What is expected of Red Cross Youth in its commitment to peace? In brief, some of the main tasks are:

- to promote international friendship and understanding;
- to extend knowledge, dissemination, understanding and application of the Fundamental Principles of the Movement (in 1948 this was recognized as the greatest contribution that youth could make to the cause of peace);
- to create greater mutual respect among millions of young people in all parts of the world;
- to create programmes that will stimulate the spirit of self-sacrifice and service to others, including international programmes of co-operation among sister Societies;
- to educate youth in the spirit of international fraternity, solidarity and the maintenance of peace;
- to take part in relief teams, relief activities, anti-hunger campaigns and other humanitarian services.

The League and the ICRC are requested to organize joint training periods and research seminars for young people on methods of disseminating knowledge of the humanitarian principles and the activities of the Movement.

What young people do and think about the Red Cross and Peace

To examine how young people from National Societies have reacted to the challenge of these resolutions, “Gumbooya”, an International Youth gathering held in Alice Springs, Australia, in April 1988 may serve as a benchmark. This meeting was attended by 81 delegates from 18 countries. Europe, Africa, Asia, North America and the Pacific were represented. Some of the observations made by the delegates after they returned home are a significant indication that the true spirit of peace is flourishing among the young people of today:

“The ideals and principles of the Red Cross can be understood by everybody—but it is not enough to understand at a *cognitive* level—you will find the opportunity only in activities, in exercising humanity, to do it again and again on an *emotional* level, where the Red Cross can occupy the hearts... The Red Cross is a ‘faith’. Use its ‘power’.”

“It has helped me to realize the struggle Red Cross Youth faces in its efforts to provide services to our people in countries all over the world and to see the vision of Red Cross Youth towards the year 2000.”

“Many vigorous ideas and suggestions concerning the future vision of the Red Cross Youth Movement have been put forward by delegates. These activities will promote the positive role of Red Cross Youth in the International Movement at present and in the future. Friendship and understanding among youth has been strengthened.”

“We keep saying Red Cross Youth is the future, but I know we are a reality and a working force *now*.”

“I have recognized that the Red Cross spirit is similar all over the world. Now, the Red Cross and Red Crescent should work together worldwide for this priority—Peace.”

“Let us make a better world, for us and for the rest of Red Cross Youth. We can do it. Let’s try it again for the rest of our lives.”

“The most important part of the camp was to build up a friendship base for the future.”

“The friendship that I developed at Gumbooya will have a lasting effect and has strengthened my devotion to the Red Cross and to humanitarian law.”

“I felt the reality of being a citizen of the world, not merely of one place.”

Such statements were made not in a highly emotional context but in the privacy of the participants’ homes, days or even weeks after the sand of Central Australia had been washed out of their hair. Surely the older Red Cross members, those in authority in this vast organization, must pause and reflect on the responsibility they have to ensure that such dedication, enthusiasm and motivation is not allowed to dissipate. From discussions at Gumbooya it became clear that to attract more young people the Red Cross and the Red Crescent must simplify their approach and appear less formal. They must be shown to be practical, colourful and enjoyable. It can be fun to be a Red Cross member!

The comments given above are from one recent example of an international seminar. However, it is now common practice in most regions of the world to organize similar gatherings. Each meeting is valuable not only for the individual but also for the National Societies and the Movement as a whole.

The role of National Societies

Perhaps more should be published on the work done by the Youth Sections of National Societies for the promotion of peace. Wider dissemination of such material would provide a sharing of ideas and experiences and, equally impor-

tantly, would contribute to the unity of the Movement. To develop greater unity would indeed be a highly significant contribution to peace.

Let us now consider the programmes for peace of several Red Cross Society Youth Sections.

The *Swedish Red Cross*, together with other organizations, has produced material for peace education to be used at different levels in schools. The programme is called "Peace, Liberty and Justice" and it takes up different aspects of the peace question. This Society has provided material for young children, for example, games about Red Cross history, the Geneva Conventions and the Fundamental Principles. There is similar material for older children. The goal is to promote peace by disseminating knowledge and understanding of civil rights, human rights and the basic principles of the Red Cross through education, information and practical work. It is of great importance that theory and practice should be closely linked. The purpose of the Swedish Red Cross Youth is to give young people the possibility of changing the situation of people who are suffering; to promote contact between young people of different countries and continents and thereby to increase understanding and knowledge of other peoples' culture, way of life and national customs; and to increase young Swedish people's knowledge of international issues.

The *Austrian Red Cross Youth Section* has been engaged in the dissemination of the Geneva Conventions and the Fundamental Principles of the Movement for many years. Its teaching material is imaginative and innovative, and a new campaign is presently being planned in connection with the 125th anniversary of the original Geneva Convention. Schools will be supplied with videos and other audiovisual materials during the 1989/90 school year.

On the other side of the world, the *New Zealand Red Cross* has developed a number of resource kits for use in schools, intended for the age-group 11 to 15 years. The resource kits cover a range of issues relating to international humanitarian law and fit into the school curriculum. For young members, the Red Cross Youth Programme also has award courses relating to the Geneva Conventions and the Fundamental Principles of the Movement.

This Society's national Emergency Relief Teams project is focused on young people aged between 18 and 35 years. Every year in Auckland the youth auxiliary organizes and runs a special camp for children from families covered by the Family Support Service, a service for families that have difficulty in coping for a variety of reasons.

The *Canadian Red Cross Society* has a National Youth Adviser for Youth Services who spends a considerable amount of time addressing young schoolchildren on what they can do to create peace at home and in school. The Adviser believes that people should be working towards peace in three general interrelated areas: individual development, education and public awareness. These

three areas hold the key to true peace. Peace must begin in the hearts of individuals; it must apply to the family and the neighbourhood and exist within the nation as well as on an international plane. Individuals in today's world must feel at peace with themselves and comfortable with society generally. Individuals and communities should not be totally consumed by fear of nuclear weapons or concern about the global economic situation.

Hope for the future and love and mutual respect for one another should be restored to a prominent position in the lives of all. As the Canadian National Youth Adviser said, "I feel that if peace is going to be attainable, youth is the key. Youth is a very special time of life. Young people are idealistic and willing to think the unthinkable; they have lots of energy, usually a lifestyle that gives them extra time, and honest concern for the future. The most important ingredient is that they need to know that they can make an impact on this huge world. If we can develop the youth of today as people who matter then they will feel some responsibility and concern for the future of this world. When young people care about the future then they will want to educate themselves about humanitarian and global issues and they will want to make others aware of them too. For this reason I believe individual development is the most important issue; then education and public awareness will follow naturally".

Clearly, there are many youth sections of National Societies throughout the world which are, in various ways either directly or indirectly implementing the Resolutions on youth and peace.

The role of the League and the ICRC

International Conferences of the Red Cross and the World Red Cross/Red Crescent Conferences on Peace have called on the ICRC and the League to assume significant responsibility for the promotion of peace in a variety of ways, including youth activities. For example, the Guidelines which emerged from the Second World Red Cross/Red Crescent Conference on Peace urge: "the components of the Movement should pay great attention to educating young volunteers in the spirit of peace and friendship among people. They should actively encourage the development of Red Cross Programmes for strengthening mutual understanding and solidarity among youth, together with the exchange of information of different countries. In particular, Red Cross must fight all attempts to imbue children with contempt or hatred for other peoples".³

Turning the clock back 40 years we find that in 1948 the International Red Cross was asked to make every effort to establish, extend and strengthen the

³ Second World Red Cross and Red Crescent Conference on Peace (Aaland—Stockholm, September 1984)—*Report on the Conference*, ICRC, League, p. 159.

Junior Red Cross/Red Crescent Movement in all countries, with a view to creating better understanding and mutual respect amongst millions of young people in all parts of the world.

At International Conference level the Red Cross world has been prepared to call on Red Cross Youth but, as asked earlier, has the Movement as a whole provided the materials? A comparison of the resources that are allocated to Red Cross Youth by the League with those assigned to other League programmes is deeply disappointing. Cogent arguments can be presented for the situation in 1988, but there are many who would remain unconvinced, especially in view of the fact that in the past the Youth Department at the League Secretariat has had a staff of five or six. How can one officer, no matter how dedicated, efficient and enthusiastic, achieve single-handedly all that could and should be done?

Notwithstanding the limitations mentioned, the League and the ICRC singly and jointly have been able to produce valuable material for National Societies, in particular the *Teaching Guide* which has been so useful for secondary school and college teachers. The ICRC has also produced comics, posters and other material on the subject of the Geneva Conventions and the Fundamental Principles of the Movement.

Furthermore, regional training courses for youth leaders continue to be organized by the League with the participation of the ICRC.

All National Societies need and expect greater support from our world headquarters. For instance, a highly developed Society like the Swedish Red Cross believes that the League and the ICRC have a key role to play when it comes to assisting National Societies in youth and peace matters:

- The League and the ICRC have, as international organizations, a very clear view of what is going on within different National Societies and within other international bodies on this issue. Both bodies could work more closely with National Societies in making information available for dissemination.
- The League and the ICRC could co-ordinate or help co-ordinate initiatives that go beyond national boundaries.
- Promoting contacts between National Societies and between other international NGOs working on this issue could also be a concrete way of assisting.
- The two bodies could provide National Societies with specific information concerning the situation of children and young people in different League and ICRC operations.

It must be recognized that it is futile to plan for the future if one is not prepared to invest in that future.

The role of governments

Since the foundation of the Junior Red Cross, National Societies have endeavoured to forge a link with governments, particularly Ministries of Education. It is quite natural for National Societies to seek this co-operation and to use the educational infrastructure to develop Red Cross/Red Crescent Youth programmes in schools. The report from National Societies to the Peace Commission following the International Year of Peace indicated that this collaboration ranges from the official endorsement of the Red Cross Youth programme by the educational authorities to their limited encouragement to schools to take up such activities. In the most positive cases Ministries of Education have proclaimed official decrees authorizing the establishment of Youth Red Cross/Red Crescent programmes in primary, secondary and high schools and have co-operated in making the necessary material available to students. It is interesting to observe that, without losing their independence, Red Cross/Red Crescent programmes are thus integrated into the school curricula in some countries.

To be successful within the school system, it is essential to win the support of the teachers and to provide them with the appropriate material. There may also be opportunities for co-operation with other government ministries concerned with young people.

In some countries, such as *Botswana*, where the Youth Section is keen to develop all its services and thereby to contribute to peace, financial assistance from the government is an imperative if progress is to be assured. In Botswana, where the Red Cross Youth Section has a highly motivated and enthusiastic leader, government support is probably the only way for plans to become reality. This situation is undoubtedly common in many other Societies. Governments, by facilitating the development of the Red Cross, would at the same time be contributing to the development of their nations as a whole.

During the International Year of Peace many Ministries of Education produced material for schools that proved to be of value to the Red Cross Youth programme for peace.

One government education department held that the bases of peace education were:

- a) a positive notion of peace as a way of living which deals creatively with the maintenance of human rights and the satisfaction of human needs;
- b) the belief that the determination and actions of individuals and groups can influence the outcome of major events;
- c) the belief that people have the potential to develop alternatives to violence in its broadest sense and that peace education can help people elaborate those alternatives;

- d) the understanding that it is feasible to introduce appropriate aspects of peace education into schools at all levels in a productive way.

The Red Cross in many countries was encouraged and assisted by such attitudes on the part of their respective Ministries of Education.

It emerged clearly from the League's Summary of Red Cross Youth Actions on Peace that the young people in some National Societies did not quite grasp the forms that the fight for peace might take within the parameters of the Red Cross. This is in itself a challenge for the League, the ICRC and other National Societies to help those who need and seek further clarification of the Red Cross role in this respect.

Youth in decision-making

One of the conclusions of the Programme of Action of the Red Cross as a factor of peace states that National Societies should "involve young people in their decision-making bodies to the fullest extent possible, give them important responsibilities and consider revising the Statutes of the National Society to include youth in Central, Regional and Local Committees".⁴

Information from National Societies reveals that Red Cross Youth involvement in the decision-making bodies of National Societies ranges from full, systematic and structured integration to merely *ad-hoc* involvement in making decisions concerning youth-related programmes.

Since 1922 the Austrian Red Cross has had a separate and self-governing Youth Section which is responsible for its own decision-making process. The Austrian Red Cross Youth is not only integrated within the school system but also has viable out-of-school groups. Furthermore, the chairpersons of Austrian Red Cross Youth in the districts and provinces and at federal level are members of Red Cross Boards and Assemblies, and are therefore fully integrated in the decision-making processes of the whole National Society.

Austrian Red Cross Youth has its own Rules of Procedure within the National Red Cross Society, guaranteeing clear autonomy for decisions relating to programmes as well as financial and personnel decisions.

The *Swedish Red Cross Youth* forms a special organization within the Swedish Red Cross, and has its own structure for making decisions. The Red Cross Clubs at the grassroots level elect their own executive committees. Together with other Clubs in their region they elect a RCY Regional Executive,

⁴ *Programme of Action of the Red Cross as a factor of peace, op. cit.*, p. 28.

which has the authority to make decisions about youth activities within the region. At the RCY annual meeting a RCY National Executive is elected which has overall responsibility for RCY activities in Sweden. There are only two issues on which the Swedish Red Cross Youth cannot take its own decisions: the membership fee and modification of the rules and regulations of the Society.

A number of other Societies operate a similar system: Austria, Canada, Denmark and France, to name but a few. Bearing in mind that William Pitt the Younger was Prime Minister of England at the age of 21 and Alexander the Great had conquered the whole of the civilized world before his death at 32 years of age, one should not be timorous about giving responsibility to young people.

The above examples of what the Red Cross and the Red Crescent can do when afforded the opportunity have been given in detail as an inspiration and a challenge for other Societies.

Conclusions

1. Youth and peace must be considered as top priorities for the International Red Cross and Red Crescent Movement. In this respect the Red Cross at the international level has been strong on rhetoric but not so strong on action.
2. Many examples can be cited to give ample proof that young people are just as capable as the older generation of serving the Red Cross in every way, from holding philosophic discussions to providing practical health and welfare services. Red Cross/Red Crescent Youth should not be perceived as the members of tomorrow; they should be recognized as most valuable members *today*.
3. At both national and international level the supreme Boards and Councils should show vision, courage and faith in the Youth Section. There is another Latin motto that should perhaps be adopted by the Movement and repeated regularly by all delegates at international meetings of the Red Cross: **sapere aude**—Dare to be wise.
4. All countries need peace; all countries would gain from further development. In both the UN Charter and in the plethora of Red Cross resolutions there is a determined expression of the wish to save coming generations from the scourge of war. If young people are encouraged to fulfil this mission it could achieve an impact beyond our wildest dreams.

Leon Stubbings

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Australian Red Cross Society*

Appointments within the ICRC

At its meeting on 15 December 1988, the Assembly of the International Committee of the Red Cross made the following appointments to take effect on 1 January 1989:

- Mr. Richard Pestalozzi, a member of the ICRC since 1977 and a member of the Executive Board, retired on reaching the age limit and was made an Honorary Member of the ICRC.
- Mr. Dietrich Schindler, a member of the ICRC since 1980, was re-elected for a third term and Mr. Pierre Keller, a member of the ICRC since 1984, was re-elected for a second term.
- Mr. Athos Gallino and Mr. Rudolf Jäckli were re-elected to new terms on the Executive Board, of which they have been members since 1979.
- Mrs. Anne Petitpierre, a member of the ICRC since 1987, was elected to the Executive Board.

From 1 January 1989, the ICRC's Executive Board will thus be composed of Mr. Cornelio Sommaruga, President, Mr. Maurice Aubert, Mr. Athos Gallino, Mr. Rudolf Jäckli, Mr. Pierre Keller, Mr. André Ghelfi and Mrs. Anne Petitpierre.

Death of Dr. Jacques de Rougemont Honorary Member of the ICRC

The ICRC was deeply distressed to learn of the death on 24 December 1988 of Dr. Jacques F. de Rougemont, one of its Honorary Members.

Dr. de Rougemont was elected a member of the ICRC in 1967. He was a member of the Presidential Council from 1968 to 1971 and became an Honorary Member in 1987.

He did excellent work for the ICRC over many years; he sat on various commissions and working groups and carried out numerous missions for the institution, in particular to Poland to assist victims of pseudo-medical experiments practised in concentration camps under the Nazi regime. The bonds of trust which he forged there made it possible to launch a major dissemination programme and, in 1982, the ICRC was able to visit people interned under martial law.

The ICRC pays warm tribute to Dr. de Rougemont as well as to his son, Quentin, an ICRC delegate who died in 1986 during a mission in Angola.

*EXTERNAL ACTIVITIES**November-December 1988***Africa****Sudan**

At the end of November the ICRC received authorization from the Sudanese Government and the necessary assurances from the SPLM/SPLA opposition movement to implement the plan of action which had been drawn up and flights began on 4 December. During the final month of the year, ICRC aircraft flew regular missions to Wau and Aweil in the zone under government control and to Akon and Yirol in the SPLA-controlled zone, taking off either from Khartoum, Kenya (Lokichokio) or Uganda (Entebbe).

A sub-delegation was opened in Wau as well as ICRC offices in Akon and Yirol. Here ICRC delegates began distributing food aid to those most in need (displaced persons, hospital patients and prisoners). Teams of veterinary surgeons also vaccinated livestock and medical supplies were provided for dispensaries.

Somalia

A team of ICRC delegates visited Garoe, Las Anod, Berbera and Burao in the north of the country at the end of November mainly to assess medical requirements. During December discussions continued with a view to setting up a programme of action in co-operation with the National Society.

Uganda

For the first time since the National Resistance Army (NRA) came to power, the ICRC received authorization to visit places of detention

under army jurisdiction. ICRC delegates visited eight places of detention in Kampala and in the east of the country in accordance with the institution customary criteria, between 17 November and 14 December. They interviewed without witnesses 135 detainees who come within the ICRC's terms of reference.

Material and food aid operations for displaced persons were also carried out in the district of Gulu and Soroti. In addition, some 2,000 Sudanese refugees were assisted with the agreement of the UNHCR in Kigum.

Burundi

During the last two months of the year almost all the refugees had returned from Rwanda and were resettled in the hills from whence they came. The ICRC provided these destitute people with relief supplies to enable their resettlement. Moreover, beginning on 5 December, ICRC delegates carried out a series of visits to people detained because of the events. During these visits, which concluded at the beginning of January 1989, in accordance with the institution's customary criteria, the ICRC saw 78 detainees.

Mozambique

The ICRC continued to provide assistance to the provincial capitals but was unable to resume its flights (interrupted on 19 July) to the areas more directly affected by the conflict. However an agreement in principle was reached on 5 December and flights should resume at the beginning of 1989. Visits to security detainees awaiting trial or already sentenced also continued. These visits were to Chimoio prison, in Manica province in November, and to Nampula prison (Nampula province) in December.

Angola

The ICRC distributed 1,446 tonnes of seeds to 90,600 families in the provinces of Huambo, Bié and Benguela. Following a three-month interruption, the ICRC delegation was able to resume its flights to Bailundo (Huambo province). Delegates also assessed the situation in Luena (the capital of Moxico province), Menongue (Cuando Cubango province) and Uige. In addition, delegates paid a second visit on 5 November to a Namibian prisoner of war being held in Luanda.

Latin America

As was the case in *Nicaragua* and *El Salvador*, security detainees were visited in *Chile*, *Colombia*, *Paraguay* and *Peru*. In *Cuba*, ICRC delegates had discussions with the authorities, with particular reference to the series of visits made in June 1988 to security detainees in Cuban prisons. They also paid another visit to the South African prisoner of war being held in Cuba.

Programmes to help the civilian population were pursued in *Peru*, *El Salvador* and *Nicaragua*, where logistic support continued to be provided to the Nicaraguan Red Cross to assist it in efforts to aid the victims of Hurricane Joan. The activities of the ICRC in this connection were described in the previous issue of the *International Review of the Red Cross*.

ICRC regional delegates based in *Argentina*, *Colombia* and *Costa Rica* also went on various missions to *Bolivia*, *Brazil*, the *Dominican Republic*, *Mexico* and *Panama*.

The delegate-general and the regional delegate based in Colombia attended the meeting of the National Societies of the Americas which was held in *Caracas* from 9 to 11 December.

Asia

Afghan Conflict

The war-surgery hospital in Kabul opened by the ICRC in October 1988 has been coping with growing needs. Although the 65 patients admitted in December were less than the 73 arrivals in November, the number of operations performed rose from 152 to 205. A new building with a capacity of 60 to 70 patients was built in December, bringing the hospital's total capacity to 120 beds. The two ICRC hospitals in Pakistan (in Peshawar and Quetta) also admitted a growing number of patients and had to take appropriate measures to deal with the situation.

In the area of detention, following an ICRC visit to Mazar I Sharif prison in September, delegates visited another provincial place of detention, in Herat, the capital of the province of the same name. The visit took place from 12 to 19 December and they had access to sentenced prisoners. The ICRC also made a second visit from 19 November to 12 December to Pul-I-Charki prison in Kabul where a large amount of aid in the form of food, hygiene requisites and leisure

articles was distributed. On 17 November, delegates also distributed aid to minors detained in the Dar Ul Tadib centre in Kabul. The ICRC's contacts with representatives of the various opposition movements have enabled it to visit a growing number of people held by them. Since November, the institution has been able to expand its tracing activities, notably the exchange of Red Cross messages between detainees and their families.

During the period under review, the ICRC gained increased access to the provinces of Afghanistan. Delegates were able to go to six different regions of the country to assess the needs—mostly medical—of the conflict victims there and to set up permanent structures.

Conflict in Kampuchea

The ICRC remained greatly concerned about civilians living in border camps under the authority of Democratic Kampuchea. Although the ICRC has a mandate to assist the displaced victims of the conflict in Kampuchea living on the Thai border, the institution's delegates continued to be denied access to several camps in which displaced Kampucheans are living. Those camps, which are directly exposed to the fighting, also remained closed to the UN agencies working in the area. The ICRC assiduously continued to make representations with a view to gaining access to the people concerned. To this end, the delegate-general for Asia and the Pacific went to Paris on early November to meet Prince Sihanouk, one of the leaders of the coalition opposing the government in Phnom Penh, to express the institution's concern. The delegate-general then travelled to Bangkok where he had detailed discussions with the Thai authorities on the same subject. Nevertheless, the year ended without any progress being made.

The ICRC did, however, have the satisfaction of being able to organize its first family reunification in the People's Republic of Kampuchea itself. In late December, the ICRC's Bangkok and Phnom Penh delegations repatriated a 16-year-old Khmer youth who had been taken by boat to Thailand against his will. In accordance with his wishes, he was returned to his parents in Kampot.

Viet Nam

During the period under review, the ICRC's activities in Viet Nam underwent several changes. On 7 November, the institution for the last time organized a repatriation flight from Viet Nam to Taiwan jointly with the Intergovernmental Committee for Migration (ICM). There

were 110 passengers on board, bringing to 6,198 the number of people who have been repatriated under the programme since the first flight was organized in 1976. The programme will henceforth be run by the ICM.

The ICRC instituted a new type of activity in late November when it sent an orthopaedic technician to help set up a rehabilitation centre in Ho Chi Minh City for people disabled by war. Under an agreement with the Vietnamese authorities, the centre will be run by the Ministry of Labour, the Ministry of Disabled Soldiers and Social Affairs and the ICRC in co-operation with the Red Cross of Viet Nam.

Middle East

Lebanon

The abduction of ICRC delegate Peter Winkler on 17 November in Sidon by an armed group that held him captive for thirty days resulted in a cutback in the activities of the delegation in Lebanon. The serious threats made against ICRC delegates in the days following Peter Winkler's release on 16 December then compelled the ICRC to repatriate its delegates and suspend its activities in Lebanon temporarily from 19 December. As the year came to an end there was some hope that the ICRC would soon be able to resume the humanitarian work of protection and assistance that it had been carrying out for victims of conflict for more than twenty years.

Israel and the occupied territories

In Israel the end of the year brought no abatement in the "intifada", now in its second year, nor in the severity of the measures taken to suppress it. The ICRC therefore sustained the level of its activities in the occupied territories. It pursued its visits to persons who had been arrested because of the events to check on their conditions of internment and, where necessary, supplied them with material assistance. The ICRC medical team continued to carry out regular surveys of the medical facilities in the area, to visit people who had been wounded during demonstrations and to provide support for local branches of the Red Crescent. For the time being, direct assistance to the civilian population was confined to *ad hoc* distribution of relief supplies to families whose homes had been demolished. However, the delegation was monitoring the situation closely. Further representations, both oral

and in writing, were made to the authorities to remind them of their obligations under the Fourth Geneva Convention relative to the protection of civilians.

Iran/Iraq conflict

The section on the conflict between Iran and Iraq in the previous issue of the *Review* ended on an optimistic note, with the simultaneous repatriation of twenty-five sick, wounded and elderly prisoners of war by both sides, and with the signing at ICRC headquarters in Geneva of an agreement between Iran and Iraq to repatriate all sick and wounded prisoners of war. However, the exchange of prisoners unfortunately had to be suspended on 27 November after three flights involving only 155 Iraqi and 56 Iranian prisoners; at the end of the year the situation was still deadlocked. Meanwhile, the delegation in Baghdad continued its visits to camps for prisoners of war and civilian internees.

**Nineteenth Conference of Arab Red Crescent
and Red Cross Societies**
(Cairo, 5-9 November 1988)

The Nineteenth Conference of Arab Red Crescent and Red Cross Societies took place in Cairo from 5 to 9 November 1988.

Held under the patronage of H. E. Hosni Mubarak, President of the Arab Republic of Egypt, this Conference was organized jointly by the Egyptian Red Crescent and the General Secretariat of the Arab Red Crescent and Red Cross Societies, directed by Mr. Abdel Ghani Ashi.

The Conference was attended by the representatives of 18 Arab National Societies as well as observers from 10 National Societies, from governmental organizations and from NGOs.

Headed by Mr. Rudolf Jäckli, ICRC Vice-President, the ICRC delegation was composed of Mr. Francis Junod, delegate in Cairo; Mr. Michel Martin, Head, Division for Principles and Relations with the Movement; Mr. Zidane Mériboute and Mr. Ameer Zémali, members of the Legal Division; and Mr. Werner Kaspar from the External Resources Division.

The League of Red Cross and Red Crescent Societies was represented by its President, Mr. Mario Villarroel; its Secretary General, Mr. Pär Stenbäck; the Head of the Administrative Services Department, Mr. William Cassis; and the Head of the North Africa and Middle East Department, Mr. Solayman Eleghmary.

At the opening session, speeches were delivered by H. E. Mrs. Suzanne Mubarak, President of the Egyptian Red Crescent Society; Mr. Abdel Ghani Ashi; and Mr. Hassan Darwish, Secretary General of the Egyptian Red Crescent Society.

The participants then discussed successively the reports submitted by the Secretary General of the Arab Red Crescent and Red Cross Societies, by the League and by the ICRC. In this connection, Mr. Jäckli stressed, *inter alia*, the major commitment of the ICRC in Iran and in Iraq, in the occupied territories and in Lebanon. He also

urged the members of the Conference to ask their governments to ratify the two Protocols additional to the Geneva Conventions, to disseminate knowledge of international humanitarian law and to make a humanitarian gesture in 1989 to mark the Movement's 125th Anniversary (eg. by receiving refugees, improving prison conditions for women, releasing prisoners of war or security detainees). Finally, Mr. Jäckli stressed the importance of ensuring that international humanitarian law is effectively applied by enacting internal laws and regulations and by dissemination, and of full compliance with the rules governing the use of the emblem.

The participants then proceeded to examine the working documents submitted by the National Societies on regional and bilateral co-operation between the Arab and the other National Societies, on the historical development of international humanitarian law, on the responsibility of the Red Crescent and Red Cross youth in the development of the National Societies, on health and social work, and on aid to Arab Societies affected by disasters.

A report was submitted by the President of the Palestinian Red Crescent, Dr. Fathi Arafat, asking the National Societies to support the Palestinian Red Crescent and requesting the ICRC and the League to take action with a view to protecting its medical establishments in the occupied territories.

The discussions ended with the adoption by the participants of 18 resolutions. After paying tribute to the ICRC for its dissemination efforts and inviting it to intensify its work for the protection of civilians in the occupied Arab territories and in Lebanon, the Conference adopted the above-mentioned ICRC proposals concerning the humanitarian gesture, ratification of the Protocols, and dissemination.

The ICRC and the League were also urged to ensure that the independence of the Lebanese Red Cross was maintained.

The Conference endorsed the proposal submitted by the President of the Jordan National Red Crescent Society for the creation of a Red Crescent Documentation Centre: research and staff training should also be included in the Centre's future activities.

The participating Societies expressed their unanimous regret at the absence of any mention of the Red Crescent in the name of the International Museum of the Red Cross, and asked the Secretary General of the League to continue his efforts to persuade the Museum's Board of Directors to bring the Museum's name into line with that of the Movement. They also asked the League to use Arabic more often in its publications.

The next Arab Conference will take place in Geneva in October 1989, just before the VIIth League General Assembly.

Mr. Jäckli, accompanied by Mr. Francis Junod, was received on 6 November by President Mubarak in the presence of the Deputy Prime Minister and Minister of Foreign Affairs, Dr. Esmat Abdel Megid. Discussions essentially concerned the situation in Iran and Iraq, the Egyptian detainees in Iran and co-operation between the Egyptian Government and the ICRC.

Pan-African Conference of National Red Cross and Red Crescent Societies (Dakar, 21-23 November 1988)

The Pan-African Conference of National Red Cross and Red Crescent Societies took place in Dakar from 21 to 23 November 1988 under the chairmanship of the President of the Senegalese Red Cross, Mrs. Siga Seye Coulibaly. It was attended by representatives of 40 African and 12 other National Societies, of the League and of the ICRC.

The ICRC delegation was composed of Mr. Cornelio Sommaruga, President; Mr. Yves Sandoz, Director of the Department of Principles, Law and Relations with the Movement; Mr. Thierry Germond, responsible for the regional delegations in Africa; Mr. Friedrich Steinemann, as future regional delegate in Lagos; and Mrs. Marguerite Contat, regional delegate in Lomé.

At the opening session, on 21 November, H. E. Abdou Diouf, President of the Republic of Senegal, praised the role of the Red Cross and Red Crescent in the development of the African continent, and stressed their contribution to peace. He called for a humanitarian mobilization and for preservation of the non-political character of humanitarian action. The President of the League of Red Cross and Red Crescent Societies, Mr. Mario Villarroel, spoke of the League's role in promoting the activities of the National Societies, and Mr. Cornelio Sommaruga made a vigorous appeal to African States which are not yet party to the 1977 Protocols to ratify them without delay. League General Secretary, Mr. Pär Stenbäck, expressing his strong feelings on the issue of development, called for new measures to bridge the gap between rich and poor National Societies.

The participants then divided into three commissions: the first on "international humanitarian law and African traditions", the second on "emergency relief and development aid", and the third on National Society co-operation.

Among the resolutions passed, it is worth mentioning that the Pan-African Conference expressed its appreciation of the efforts made by the ICRC to disseminate knowledge of international humanitarian law and endorsed the idea of a study of international humanitarian law and African traditions under the auspices of a number of African universities and with the support of the ICRC. One resolution expressed the emotion felt by the Conference and its solidarity with the ICRC in respect of the abduction of a delegate in Lebanon.

The Conference also requested that priority be given to regional and sub-regional co-operation in disaster preparedness and prevention, and that more emphasis be placed on issues regarding African youth and women. The League was requested to encourage South/South co-operation.

The Pan-African Conference closed on 23 November with a message to African States stressing the humanitarian traditions of Africa, condemning apartheid, re-emphasising the fundamental role of the Red Cross and Red Crescent in the relief of suffering, and asking governments to make a humanitarian gesture in 1989 in honour of the Movement's 125th Anniversary.

The message was first sent to H. E. Moussa Traoré, President of Mali and current Chairman of the Organization of African Unity, by the "train of humanity". This train, composed of five coaches, left Dakar on 23 November for Bamako, where it arrived on 28 November after stopping a dozen times. Each stop provided an opportunity for the local inhabitants of the areas in question to visit an exhibition on the activities of the ICRC, the League, and the National Societies of Mali and Senegal, and to see a few films.

Finally, the participants were able to attend the world première of a film on the ICRC by the Nigerian film producer Ola Balogun, "Destination Peace".

During his stay, ICRC President Mr. Sommaruga was received along with Mr. Villarroel by the President of Senegal, who expressed his firm support for the work of the ICRC and assured Mr. Sommaruga that he could count on his backing in all of the ICRC's spheres of operation, adding that he was a staunch supporter of international humanitarian law. A private meeting also took place with the Minister of Foreign Affairs of Senegal, Mr. Ibrahima Fall. On this occasion,

Mr. Fall confirmed his government's agreement to the opening of a regional ICRC delegation in Dakar. He also promised that ICRC staff would benefit from full assistance on the part of his government as well as his country's administrative and legal bodies. Finally, Mr. Sommaruga discussed a number of conflict situations of concern for the ICRC in Africa.

Prior to the Pan-African Conference, the Association of Francophone African National Societies met in Dakar on 18 November and addressed a request to the League to strengthen its commitment to the development of the French-speaking National Societies of West Africa. Mr. Stenbäck then announced the opening in the very near future of a regional bureau in Abidjan with financial assistance from the Spanish, French and Norwegian Societies.

The Association also renewed its Committee by electing Mr. Ali Bandiare, President of the Red Cross Society of Niger, to the post of President and Mrs. Siga Seye, President of the Senegalese Red Cross, to the post of Secretary General.

Message from the International Committee of the Red Cross to the participants at the Paris Conference on the Prohibition of Chemical Weapons

(7-11 January 1989)

In a declaration issued at the end of the Conference on the Prohibition of Chemical Weapons held in Paris from 7 to 11 January, the representatives of 149 countries pledged not to use chemical weapons, and urged the United Nations Conference on Disarmament to conclude a convention as soon as possible to ban their production and storage, and bring about the destruction of existing stocks.

The ICRC welcomed the outcome of the five-day meeting which marked a new determination to eliminate chemical weapons completely.

Here below the *Review* publishes the message which the International Committee sent on 23 December 1988 to the Chairman of the Paris Conference:

“Ever since chemical weapons first made their appearance on the battlefield the International Committee of the Red Cross has vigorously opposed this indiscriminate and particularly cruel means of combat.

As early as February 1918, the ICRC appealed to the belligerents of World War I to conclude an “Immediate Agreement” renouncing any recourse to “a method of warfare which could only be described as criminal”.

Later, the ICRC played an active part in the work leading up to the adoption of the Protocol of 17 June 1925, which the present Conference has been convened inter alia to reaffirm, and in the period between the two World Wars it tried in numerous ways to resolve this grave humanitarian issue.

In its constant concern to ensure that the victims of armed conflicts are protected, the ICRC's opposition to the use of chemical weapons has never wavered. Its attitude has the full support of the International Red Cross and Red Crescent Movement.

Without entering into legal analysis or being drawn into political discussion the ICRC, looking to the future, feels duty bound to convey to the participants here today its conviction that the ultimate objective of the Paris Conference must be to eliminate the use of chemical weapons in all circumstances and to abolish them completely.

It is convinced that only the attainment of this ambitious, but simple and clear objective will meet the expectations of the peoples of the world, for whom these cruel weapons have caused untold suffering."

The ICRC took an active part in the work leading up to the adoption of the Geneva Protocol of 1925 which prohibits their use in international armed conflicts. However, some countries reserved the right to use them in retaliation, and the production and storage of these lethal arms were not forbidden. Protocol I of 1977 additional to the Geneva Conventions also outlaws the use of weapons which cause superfluous injury.

Chemical weapons have been employed by a number of countries in recent years, killing and causing untold suffering to many innocent civilians, despite the legal ban on their use. The Paris Conference reaffirmed the 1925 Protocol, calling on States to ratify it if they had not already done so.

The next step towards a total ban on chemical weapons began in Geneva less than a week after the Paris Conference ended. The chemical weapons committee of the UN Disarmament Conference met for three weeks of negotiations on the technical aspects of a universal treaty, before the full conference was to resume on 7 February.

The ICRC hoped that the international consensus achieved in Paris would provide the necessary impetus to ensure the creation of a new convention which would go further than ever before by banning the very existence of chemical arms.

States party to the Protocols of 8 June 1977

as at 31 December 1988

Below we give the lists, drawn up in chronological order as at 31 December 1988, of all the States party to Protocols I and II additional to the Geneva Conventions of 12 August 1949, adopted on 8 June 1977.

The names of the States are shown in abbreviated form; the numbering of States party to the Protocols has been divided into two columns, the first for States party to Protocol I, the second for those party to Protocol II.

The third column indicates the form of official act received by the depositary, the Swiss Federal Council: R = ratification; A = accession.

The fourth column indicates whether the ratification or accession was accompanied by any reservations or declarations (using the State's own designation thereof). It also indicates by the abbreviation "Int. Commission" whether the State concerned has accepted the competence of the International Fact-Finding Commission by making the declaration provided for in Art. 90, para. 2 of Protocol I.

PROTOCOL			OFFICIAL DATE	TYPE OF ACT	
I	II		OF REGISTRATION	RECEIVED	REMARKS
1978					
1	1	Ghana	28 February	R	
2	2	Libya	7 June	A	
<i>Date of entry into force of the Protocols: 7 December 1978</i>					
3	3	El Salvador	23 November	R	
1979					
4	4	Ecuador	10 April	R	
5	5	Jordan	1 May	R	
6	6	Botswana	23 May	A	
7		Cyprus	1 June	R	Protocol I only
8	7	Niger	8 June	R	

9	8	Yugoslavia	11 June	R	Declaration
10	9	Tunisia	9 August	R	
11	10	Sweden	31 August	R	Reservation; Int. Commission
1980					
12	11	Mauritania	14 March	A	
13	12	Gabon	8 April	A	
14	13	Bahamas	10 April	A	
15	14	Finland	7 August	R	Declarations; Int. Commission
16	15	Bangladesh	8 September	A	
17	16	Laos	18 November	R	
1981					
18		Viet Nam	19 October	R	Protocol I only
19	17	Norway	14 December	R	Int. Commission
1982					
20	18	Rep. of Korea	15 January	R	Declaration
21	19	Switzerland	17 February	R	Reservations; Int. Commission
22	20	Mauritius	22 March	A	
23		Zaire	3 June	A	Protocol I only
24	21	Denmark	17 June	R	Reservation; Int. Commission
25	22	Austria	13 August	R	Reservations; Int. Commission
26	23	Saint Lucia	7 October	A	
27		Cuba	25 November	A	Protocol I only
1983					
28	24	Tanzania	15 February	A	
29	25	United Arab Emirates	9 March	A	Declaration
30		Mexico	10 March	A	Protocol I only
31		Mozambique	14 March	A	Protocol I only
32	26	Saint Vincent and the Grenadines	8 April	A	
33	27	China	14 September	A	Reservation
34	28	Namibia*	18 October	A	
35	29	Congo	10 November	A	
36		Syria	14 November	A	Protocol I only; Declaration

* Instruments of accession deposited by the United Nations Council for Namibia.

37	30	Bolivia	8 December	A	
38	31	Costa Rica	15 December	A	
1984					
	32	France**	24 February	A	Protocol II only
39	33	Cameroon	16 March	A	
40	34	Oman	29 March	A	Declaration
41	35	Togo	21 June	R	
42	36	Belize	29 June	A	
43	37	Guinea	11 July	A	
44	38	Central African Rep.	17 July	A	
45	39	Western Samoa	23 August	A	
46		Angola	20 September	A	Protocol I only; Declaration
47	40	Seychelles	8 November	A	
48	41	Rwanda	19 November	A	
1985					
49	42	Kuwait	17 January	A	
50	43	Vanuatu	28 February	A	
51	44	Senegal	7 May	R	
52	45	Comoros	21 November	A	
53	46	Holy See	21 November	R	Declaration
54	47	Uruguay	13 December	A	
55	48	Suriname	16 December	A	
1986					
56	49	Saint Christo- pher and Nevis	14 February	A	
57	50	Italy	27 February	R	Declarations; Int. Commission
58	51	Belgium	20 May	R	Declarations; Int. Commission***
59	52	Benin	28 May	A	
60	53	Equatorial Guinea	24 July	A	
61	54	Jamaica	29 July	A	
62	55	Antigua and Barbuda	6 October	A	
63	56	Sierra Leone	21 October	A	
64	57	Guinea-Bissau	21 October	A	
65	58	Bahrain	30 October	A	
66	59	Argentina	26 November	A	Declarations
	60	Philippines	11 December	A	Protocol II only

** When acceding to Protocol II, France sent a communication concerning Protocol I.

*** On 27 March 1987.

1987

67	61	Iceland	10 April	R	Reservation; Int. Commission Declarations; Int. Commission Reservation
68	62	The Netherlands	26 June	R	
69		Saudi Arabia	21 August	A	
70	63	Guatemala	19 October	R	
71	64	Burkina Faso	20 October	R	

1988

72	65	Guyana	18 January	A	Declarations Int. Commission
73	66	New Zealand	8 February	R	
74		Dem. People's Rep. of Korea	9 March	A	Protocol I only Protocol I only; Declaration
75		Qatar	5 April	A	
76	67	Liberia	30 June	A	
77	68	Solomon Islands	19 September	A	
78	69	Nigeria	10 October	A	

On 31 December 1988, 78 States were parties to Protocol I and 69 to Protocol II.

Eleven States had accepted the competence of the International Fact-Finding Commission.

Declaration of succession of the Republic of Kiribati to the 1949 Geneva Conventions

On 5 January 1989 the Swiss Federal Council received from the Republic of Kiribati the instrument containing its declaration of succession to the four Geneva Conventions of 12 August 1949, pursuant to the previous ratification of those Conventions by the United Kingdom of Great Britain and Northern Ireland.

In accordance with international practice, the declaration of succession entered into force retroactively on 12 July 1979, the date on which the Republic of Kiribati became independent.

The Republic of Kiribati is the 166th State to become party to the Geneva Conventions.

Accession to the Protocols of the Republic of the Gambia

The Republic of the Gambia acceded, on 12 January 1989, to the Protocols Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and Non-International Armed Conflicts (Protocol II), adopted in Geneva on 8 June 1977.

Pursuant to their provisions, the Protocols will come into force for the Republic of the Gambia on 12 July 1989.

This accession brings to 79 the number of States party to Protocol I and to 70 those party to Protocol II.

BOOKS AND REVIEWS

REPERTORIO DA PRÁTICA BRASILEIRA DE DIREITO INTERNACIONAL PÚBLICO

The author of this work* is one of Latin America's leading experts on public international law. Dr. Caçado Trindade is a professor at the University of Brasília and at the Instituto Rio-Branco, Brazil's prestigious school for diplomats. Since 1985, he has also been a legal adviser to the Brazilian Ministry of Foreign Affairs. The book gives a well-organized description of how Brazil has conducted its international relations from the founding of the Republic up to the present.

The five volumes contain significant statements and opinions expressed by Brazil's representatives, in both bilateral and multilateral contexts, on the development and interpretation of international law, particularly the formation of customary law.

Mr. Caçado Trindade's work is worthy of recognition both because of the masterful way in which he has selected his texts, reflecting the growth of Brazilian policy over a very long period, and because of the way in which he has demonstrated not only the legal constants in that policy but also the dynamics of its development.

It is the first book of its kind in Latin America and may be compared with the leading European and North American digests, on whose experience it draws while using its own original methods. The author's introduction to the concluding volume, entitled "Inventory of national legislation incorporating international law and an examination of State practice" (pp. 13-49), is in itself a thorough analysis of the impact State practice has on the development of international law.

International humanitarian law receives much more attention in this work than in other similar studies. Dr. Caçado Trindade shows us the position taken up by one major country with its own legal traditions *vis-à-vis* the development and interpretation of humanitarian rules.

In the first volume, which covers the years from 1889 to 1898, a whole chapter is devoted to humanitarian law (pp. 127-234). In the second volume,

* Antônio Augusto Caçado Trindade, *Repertório de prática brasileira de direito internacional público* (5 volumes + general index), Fundação Alexandre de Gusmão, Brasília, 1984-1988

covering the period 1899 to 1918, there is another chapter (Chapter XVIII, pp. 487-489) on the subject. In the volume covering the years 1919 to 1941, humanitarian law is dealt with in Chapter XIX on armed conflicts and neutrality. It also takes up part of Chapter XIX in the following volume which covers the years 1941 to 1960.

Finally, humanitarian law is dealt with in Chapter XX of the last volume (1961-1981), with a detailed account of Brazil's participation in the Diplomatic Conference which resulted in the adoption of the Additional Protocols.

The excellent analytical index makes this study a handy and accessible reference work, since English and French equivalents are given for the terms in Portuguese.

Bearing in mind the impact of State practice on the implementation of international humanitarian law, the prominence given to that body of law in Dr. Cançado Trindade's masterly work add to its interest and makes it worthwhile reading for all students of the subject.

Christophe Swinarski

Appearing in spring 1989

ANALYTICAL INDEX
of the
International Review of the Red Cross
1975-1987
(in French)*

This index will be in four parts:

- **An index in chronological order with a description of each article;**
- **An author index;**
- **A subject index;**
- **A list describing articles and books which have been reviewed.**

* English version will appear later.

PUBLICATIONS RECEIVED

Under this heading, which appears twice a year, the *International Review* lists recent publications which may interest readers, particularly those engaged in research. These publications are available at the ICRC library and selected works will be reviewed in future issues.

- Arieh Ben-Tov, *Facing the holocaust in Budapest—the ICRC and the Jews in Hungary 1943-1945*, Martinus Nijhoff Publishers, Dordrecht/Henry Dunant Institute, Geneva, 1988, 512 pp. (in *English*).

The author, an Israeli lawyer and historian and a survivor of Auschwitz, examines in detail the problems encountered by the ICRC when providing protection and assistance in Hungary (1943-1945), with particular reference to the Jewish community.

- Mario Bettati, Bernard Kouchner, *Le devoir d'ingérence*, Editions Denoël, Paris, 1987, 300 pp. (in *French*).

The Proceedings of the International Conference on Law and Humanitarian Ethics (Paris, January 1987).

- Pam Brown, *Henry Dunant*, Exley Publications Ltd., Watford (United Kingdom), 1988, 64 pp. (in *English*).

An illustrated biography of the founder of the Red Cross, intended for the general reading public.

- *De l'utopie à la réalité* (Ed. Roger Durand), Henry Dunant Society, Geneva, 1988, 432 pp. (in *French*).

Proceedings of the Henry Dunant Symposium which was held in Geneva on 3, 4 and 5 May 1985.

- *Winning the human race: Report of the Independent Commission on International Humanitarian Issues*, Berger-Levrault, Paris, 1988, 262 pp. (in *English, French, Spanish*).

- Yoram Dinstein, *War, aggression and self-defence*, Grotius Publications Ltd., Cambridge, 1988, 292 pp. (in English).

An analysis of concepts of war, aggression, self-defence and collective security and related subjects such as neutrality and crimes against peace.

- Jean-Claude Favez, *Mission impossible? Le CICR et les camps de concentration nazis*, Payot, Geneva, 1988, 430 pp. (in French).

The outcome of several years' research, drawing especially upon the ICRC archives, this work provides a comprehensive and perceptive picture of one of the most complex and painful chapters of recent history. It also contains a statement from the President of the ICRC in reply.

- Hisakazu Fujita, *International regulation of the use of nuclear weapons*, Kansai University Press, Kansai, 1988, 394 pp. (in English).

International law and the use of nuclear weapons: an examination of the status of nuclear weapons under humanitarian law and an analysis of cases in which certain regions have been declared nuclear-free zones.

- Christian Koenig, *Der nationale Befreiungskrieg im modernen humanitären Völkerrecht*, Peter Lang, Frankfurt, 1988, 220 pp. (in German).

Wars of national liberation and modern international humanitarian law: some views on the question of the application of Article 1, para. 4, of Protocol I to the 1949 Geneva Conventions.

- *The Law of Naval Warfare* (Ed. N. Ronzitti), Martinus Nijhoff Publishers, Dordrecht, Boston, London, 1988, 888 pp. (in English).

A collection of agreements and documents on the law of naval warfare, with commentaries. Emphasis is placed on legal provisions which are most in need of revision.

- Angelo Miatello, *L'arme nucléaire en droit international*, Peter Lang, Frankfurt, 1987, 722 pp. (in French).

This book analyses the legality of the manufacture, development and potential use of nuclear weapons.

- Jean Pictet, *L'épopée des Peaux-Rouges*, Favre, Paris, 1988, 820 pp. (in French).

A comprehensive history of the North American Indians. This account of hatred and bloodshed is also a very human document extolling bravery and nobility and condemning war and oppression.

- *Refugees—The trauma of exile* (Ed. Diana Misérez), League of Red Cross and Red Crescent Societies, Geneva, Martinus Nijhoff Publishers, Dordrecht, 1988, 340 pp. (*English* edition); Emile Bruylant, Brussels (*French* edition).

A description of the psychological stress affecting refugees and asylum seekers, the result of ill-treatment in their countries of origin, traumatic experiences during their escape and the difficulty of readjusting to life in host countries. Observations and experiences of Red Cross and other experts collected at a Red Cross workshop held in Vitznau, Switzerland, in October 1987.

- Antonio Truyol Serra, Henry Mechoulan, Peter Haggemacher, Antonio Ortiz-Arce, Primitivo Marino, Joe Verhoeven, *Actualité de la pensée juridique de Francisco de Vitoria*, Emile Bruylant, Brussels, 1988, 130 pp. (in *French*).

A report with commentaries on the proceedings of the Study Day organized in Louvain-la-Neuve on 5 December 1986 by the Charles de Visscher Centre for International Law.

In 1989

The *International Review of the Red Cross* will deal, *inter alia*, with the following subjects:

- **Efforts to eliminate torture;**
- **Implementing and disseminating international humanitarian law;**
- **Protecting human life;**
- **Retracing the origins of international humanitarian law — to mark the 125th anniversary of the adoption of the Geneva Convention of 22 August 1864 (special edition);**
- **The red cross and red crescent emblem (special edition).**

ADDRESSES OF NATIONAL RED CROSS AND RED CRESCENT SOCIETIES

- AFGHANISTAN (Democratic Republic of) — Afghan Red Crescent Society, Puli Hartan, *Kabul*.
- ALBANIA (Socialist People's Republic of) — Albanian Red Cross, Boulevard Marsel Kashen, *Tirana*.
- ALGERIA (People's Democratic Republic of) — Algerian Red Crescent, 15 bis, boulevard Mohamed V, *Algiers*.
- ANGOLA — Cruz Vermelha de Angola, Av. Hoji Ya Henda 107, 2. andar, *Luanda*.
- ARGENTINA — The Argentine Red Cross, H. Yrigoyen 2068, 1089 *Buenos Aires*.
- AUSTRALIA — Australian Red Cross Society, 206, Clarendon Street, *East Melbourne 3002*.
- AUSTRIA — Austrian Red Cross, 3, Gusshausstrasse, Postfach 39, A-1041, *Vienne 4*.
- BAHAMAS — The Bahamas Red Cross Society, P.O. Box N-8331, *Nassau*.
- BAHRAIN — Bahrain Red Crescent Society, P.O. Box 882, *Manama*.
- BANGLADESH — Bangladesh Red Crescent Society, 684-686, Bara Magh Bazar, Dhaka-1217, G.P.O. Box No. 579, *Dhaka*.
- BARBADOS — The Barbados Red Cross Society, Red Cross House, Jemmotts Lane, *Bridgetown*.
- BELGIUM — Belgian Red Cross, 98, chaussée de Vleurgat, 1050 *Brussels*.
- BELIZE — Belize Red Cross Society, P.O. Box 413, *Belize City*.
- BENIN (People's Republic of) — Red Cross of Benin, B.P. No. 1, *Porto-Novvo*.
- BOLIVIA — Bolivian Red Cross, Avenida Simón Bolívar, 1515, *La Paz*.
- BOTSWANA — Botswana Red Cross Society, 135 Independence Avenue, P.O. Box 485, *Gaborone*.
- BRASIL — Brazilian Red Cross, Praça Cruz Vermelha No. 10-12, *Rio de Janeiro*.
- BULGARIA — Bulgarian Red Cross, 1, Boul. Biruzov, 1527 *Sofia*.
- BURKINA FASO — Burkina Be Red Cross Society, B.P. 340, *Ouagadougou*.
- BURMA (Socialist Republic of the Union of) — Burma Red Cross Society, Red Cross Building, 42, Strand Road, *Rangoon*.
- BURUNDI — Burundi Red Cross, rue du Marché 3, P.O. Box 324, *Bujumbura*.
- CAMEROON — Cameroon Red Cross Society, rue Henri-Dunant, P.O.B 631, *Yaoundé*.
- CANADA — The Canadian Red Cross Society, 1800 Alta Vista Drive, *Ottawa*, Ontario K1G 4J5.
- CAPE-VERDE (Republic of) — Cruz Vermelha de Cabo Verde, Rua Unidade-Guiné-Cabo Verde, P.O. Box 119, *Praia*.
- CENTRAL AFRICAN REPUBLIC — Central African Red Cross Society, B.P. 1428, *Bangui*.
- CHAD — Red Cross of Chad, B.P. 449, *N'Djamena*.
- CHILE — Chilean Red Cross, Avenida Santa María No. 0150, Correo 21, Casilla 246-V., *Santiago de Chile*.
- CHINA (People's Republic of) — Red Cross Society of China, 53, Ganmian Hutong, *Beijing*.
- COLOMBIA — Colombian Red Cross Society, Avenida 68, N.º 66-31, Apartado Aéreo 11-10, *Bogotá D. E.*
- CONGO (People's Republic of the) — Croix-Rouge congolaise, place de la Paix, B.P. 4145, *Brazzaville*.
- COSTA RICA — Costa Rica Red Cross, Calle 14, Avenida 8, Apartado 1025, *San José*.
- CÔTE D'IVOIRE — Croix-Rouge de Côte d'Ivoire, B.P. 1244, *Abidjan*.
- CUBA — Cuban Red Cross, Calle Calzada 51 Vedado, Ciudad Habana, *Habana 4*.
- CZECHOSLOVAKIA — Czechoslovak Red Cross, Thunovská 18, 118 04 *Prague 1*.
- DENMARK — Danish Red Cross, Dag Hammarskjölds Allé 28, Postboks 2600, 2100 *København Ø*.
- DJIBOUTI — Société du Croissant-Rouge de Djibouti, B.P. 8, *Djibouti*.
- DOMINICAN REPUBLIC — Dominican Red Cross, Apartado postal 1293, *Santo Domingo*.
- ECUADOR — Ecuadorean Red Cross, calle de la Cruz Roja y Avenida Colombia, *Quito*.
- EGYPT (Arab Republic of) — Egyptian Red Crescent Society, 29, El Galaa Street, *Cairo*.
- EL SALVADOR — Salvadorean Red Cross Society, 17C. Pte y Av. Henri Dunant, *San Salvador*, Apartado Postal 2672.
- ETHIOPIA — Ethiopian Red Cross Society, Ras Desta Damtew Avenue, *Addis-Ababa*.
- FIJI — Fiji Red Cross Society, 22 Gorrie Street, P. O. Box 569, *Suva*.
- FINLAND — Finnish Red Cross, Tehtaankatu, 1 A. Box 168, 00141 *Helsinki 1415*.
- FRANCE — French Red Cross, 1, place Henry-Dunant, F-75384 *Paris*, CEDEX 08.
- GAMBIA — The Gambia Red Cross Society, P.O. Box 472, *Banjul*.
- GERMAN DEMOCRATIC REPUBLIC — German Red Cross of the German Democratic Republic, Kaitzer Strasse 2, DDR, 8010 *Dresden*.
- GERMANY, FEDERAL REPUBLIC OF — German Red Cross in the Federal Republic of Germany, Friedrich-Erbert-Allee 71, 5300, *Bonn 1*, Postfach 1460 (D.B.R.).
- GHANA — Ghana Red Cross Society, National Headquarters, Ministries Annex A3, P.O. Box 835, *Accra*.
- GREECE — Hellenic Red Cross, rue Lycavittou, 1, *Athens 10672*.
- GRENADA — Grenada Red Cross Society, P.O. Box 221, *St George's*.
- GUATEMALA — Guatemalan Red Cross, 3.ª Calle 8-40, Zona 1, *Ciudad de Guatemala*.
- GUINEA — The Guinean Red Cross Society, P.O. Box 376, *Conakry*.
- GUINEA-BISSAU — Sociedad Nacional da Cruz Vermelha de Guiné-Bissau, rua Justino Lopes N.º 22-B, *Bissau*.
- GUYANA — The Guyana Red Cross Society, P.O. Box 10524, Eve Leary, *Georgetown*

- HAITI — Haitian National Red Cross Society, place des Nations Unies, (Bicentenaire), B.P. 1337, *Port-au-Prince*.
- HONDURAS — Honduran Red Cross, 7.^a Calle, 1.^a y 2.^a Avenidas, *Comayagüela D.M.*
- HUNGARY — Hungarian Red Cross, V. Arany János utca, 31, *Budapest 1367*. Mail Add.: *1367 Budapest 51. Pf. 121*.
- ICELAND — Icelandic Red Cross, Raudararstigur 18, 105 *Reykjavik*.
- INDIA — Indian Red Cross Society, 1, Red Cross Road, *New-Dehli 110001*.
- INDONESIA — Indonesian Red Cross Society, II Jend Gatot subroto Kar. 96, Jakarta Selatan 12790, P.O. Box 2009, *Jakarta*.
- IRAN — The Red Crescent Society of the Islamic Republic of Iran, Avenue Ostad Nejatollahi, *Tehran*.
- IRAQ — Iraqi Red Crescent Society, Mu'ari Street, Mansour, *Bagdad*.
- IRELAND — Irish Red Cross Society, 16, Merrion Square, *Dublin 2*.
- ITALY — Italian Red Cross, 12, via Toscana, 00187 *Rome*.
- JAMAICA — The Jamaica Red Cross Society, 76, Arnold Road, *Kingston 5*.
- JAPAN — The Japanese Red Cross Society, 1-3, Shiba-Daimon, I-chome, Minato-Ku, *Tokyo 105*.
- JORDAN — Jordan National Red Crescent Society, P.O. Box 10001, *Amman*.
- KENYA — Kenya Red Cross Society, St. John's Gate, P.O. Box 40712, *Nairobi*.
- KOREA (Democratic People's Republic of) — Red Cross Society of the Democratic People's Republic of Korea, Ryonhwa 1, Central District, *Pyongyang*.
- KOREA (Republic of) — The Republic of Korea National Red Cross, 32-3Ka, Nam San Dong, Choong-Ku, *Seoul 100-043*.
- KUWAIT — Kuwait Red Crescent Society, P.O. Box 1359 Safat, *Kuwait*.
- LAO PEOPLE'S DEMOCRATIC REPUBLIC — Lao Red Cross, B.P. 650, *Vientiane*.
- LEBANON — Lebanese Red Cross, rue Spears, *Beirut*.
- LESOTHO — Lesotho Red Cross Society, P.O. Box 366, *Maseru 100*.
- LIBERIA — Liberian Red Cross Society, National Headquarters, 107 Lynch Street, P.O. Box 5081, *Monrovia*.
- LIBYAN ARAB JAMAHIRIYA — Libyan Red Crescent, P.O. Box 541, *Benghazi*.
- LIECHTENSTEIN — Liechtenstein Red Cross, Heiligkreuz, 9490 *Vaduz*.
- LUXEMBOURG — Luxembourg Red Cross, Parc de la Ville, B.P. 404, *Luxembourg 2*.
- MADAGASCAR — Malagasy Red Cross Society, 1, rue Patrice Lumumba, *Antananarivo*.
- MALAWI — Malawi Red Cross Society, Conforzi Road, P.O. Box 983, *Lilongwe*.
- MALAYSIA — Malaysian Red Crescent Society, JKR 32 Jalan Nipah, off Jalan Ampang, *Kuala Lumpur 55000*.
- MALI — Mali Red Cross, B.P. 280, *Bamako*.
- MAURITANIA — Mauritanian Red Crescent, B.P. 344, aneune Gamal Abdel Nasser, *Nouakchott*.
- MAURITIUS — Mauritius Red Cross Society, Ste Thérèse Street, *Curepipe*.
- MEXICO — Mexican Red Cross, Calle Luis Vives 200, Col. Polanco, *México 10, Z.P. 11510*.
- MONACO — Red Cross of Monaco, 27 boul. de Suisse, *Monte Carlo*.
- MONGOLIA — Red Cross Society of Mongolia, Central Post Office, Post Box 537, *Ulan Bator*.
- MOROCCO — Moroccan Red Crescent, B.P. 189, *Rabat*.
- MOZAMBIQUE — Cruz Vermelha de Moçambique, Caixa Postal 2986, *Maputo*.
- NEPAL — Nepal Red Cross Society, Tahachal Kalimati, P.B. 217 *Kathmandu*.
- NETHERLANDS — The Netherlands Red Cross, P.O.B. 28120, 2502 *KC The Hague*.
- NEW ZEALAND — The New Zealand Red Cross Society, Red Cross House, 14 Hill Street, *Wellington 1*. (P.O. Box 12-140, *Wellington Thorndon*.)
- NICARAGUA — Nicarágua Red Cross, Apartado 3279, *Managua D.N.*
- NIGER — Red Cross Society of Niger, B.P. 11386, *Niamey*.
- NIGERIA — Nigerian Red Cross Society, 11 Eko Akete Close, off St. Gregory's Rd., P.O. Box 764, *Lagos*.
- NORWAY — Norwegian Red Cross, P.O. Box 6875, St. Olavspl. N-0130 *Oslo 1*.
- PAKISTAN — Pakistan Red Crescent Society, National Headquarters, Sector H-8, *Islamabad*.
- PANAMA — Red Cross Society of Panama, Apartado Postal 668, Zona 1, *Panamá*.
- PAPUA NEW GUINEA — Papua New Guinea Red Cross Society, P.O. Box 6545, *Boroko*.
- PARAGUAY — Paraguayan Red Cross, Brasil 216, esq. José Berges, *Asunción*.
- PERU — Peruvian Red Cross, Av. Camino del Inca y Nazarenas, Urb. Las Gardenias — Surco — Apartado 1534, *Lima*.
- PHILIPPINES — The Philippine National Red Cross, Bonifacio Drive, Port Area, P.O. Box 280, *Manila 2803*.
- POLAND — Polish Red Cross, Mokotowska 14, 00-950 *Warsaw*.
- PORTUGAL — Portuguese Red Cross, Jardim 9 Abril, 1 a 5, 1293 *Lisbon*.
- QATAR — Qatar Red Crescent Society, P.O. Box 5449, *Doha*.
- ROMANIA — Red Cross of the Socialist Republic of Romania, Strada Biserica Amzei, 29, *Bucarest*.
- RWANDA — Rwandese Red Cross, B.P. 425, *Kigali*.
- SAINT LUCIA — Saint Lucia Red Cross, P.O. Box 271, *Castries St. Lucia, W. I.*
- SAN MARINO — Red Cross of San Marino, Comité central, *San Marino*.
- SÃO TOMÉ AND PRÍNCIPE — Sociedade Nacional da Cruz Vermelha de São Tomé e Príncipe, C.P. 96, *São Tomé*.
- SAUDI ARABIA — Saudi Arabian Red Crescent Society, *Riyadh 11129*.
- SENEGAL — Senegalese Red Cross Society, Bd Franklin-Roosevelt, P.O.B. 299, *Dakar*.
- SIERRA LEONE — Sierra Leone Red Cross Society, 6, Liverpool Street, P.O.B. 427, *Freetown*.
- SINGAPORE — Singapore Red Cross Society, Red Cross House 15, Penang Lane, *Singapore 0923*.
- SOMALIA (Democratic Republic) — Somali Red Crescent Society, P.O. Box 937, *Mogadishu*.

- SOUTH AFRICA** — The South African Red Cross Society, Essanby House 6th Floor, 175 Jeppe Street, P.O.B. 8726, *Johannesburg 2000*.
- SPAIN** — Spanish Red Cross, Eduardo Dato, 16, *Madrid 28010*.
- SRI LANKA** (Dem. Soc. Rep. of) — The Sri Lanka Red Cross Society, 106, Dharmapala Mawatha, *Colombo 7*.
- SUDAN** (The Republic of the) — The Sudanese Red Crescent, P.O. Box 235, *Khartoum*.
- SURINAME** — Suriname Red Cross, Gravenberchstraat 2, Postbus 2919, *Paramaribo*.
- SWAZILAND** — Baphalali Swaziland Red Cross Society, P.O. Box 377, *Mbabane*.
- SWEDEN** — Swedish Red Cross, Box 27 316, 102-54 *Stockholm*.
- SWITZERLAND** — Swiss Red Cross, Rainmattstrasse 10, B.P. 2699, 3001 *Berne*.
- SYRIAN ARAB REPUBLIC** — Syrian Arab Red Crescent, Bd Mahdi Ben Barake, *Damascus*.
- TANZANIA** — Tanzania Red Cross National Society, Upanga Road, P.O.B. 1133, *Dar es Salaam*.
- THAILAND** — The Thai Red Cross Society, Paribatra Building, Chulalongkorn Memorial Hospital, *Bangkok 10500*.
- TOGO** — Togolese Red Cross, 51, rue Boko Soga, P.O. Box 655, *Lomé*.
- TONGA** — Tonga Red Cross Society, P.O. Box 456, *Nuku'Alofa, South West Pacific*.
- TRINIDAD AND TOBAGO** — The Trinidad and Tobago Red Cross Society, P.O. Box 357, *Port of Spain, Trinidad, West Indies*.
- TUNISIA** — Tunisian Red Crescent, 19, rue d'Angleterre, *Tunis 1000*.
- TURKEY** — The Turkish Red Crescent Society, Genel Baskanligi, Karanfil Sokak No. 7, 06650 Kizilay-*Ankara*.
- UGANDA** — The Uganda Red Cross Society, Plot 97, Buganda Road, P.O. Box 494, *Kampala*.
- UNITED ARAB EMIRATES** — The Red Crescent Society of the United Arab Emirates, P.O. Box No. 3324, *Abu Dhabi*.
- UNITED KINGDOM** — The British Red Cross Society, 9, Grosvenor Crescent, *London, S.W.1X. 7EF*.
- USA** — American Red Cross, 17th and D. Streets, N.W., *Washington, D.C. 20006*.
- URUGUAY** — Uruguayan Red Cross, Avenida 8 de Octubre 2990, *Montevideo*.
- U.R.S.S** — The Alliance of Red Cross and Red Crescent Societies of the U.S.S.R., I, Tcheremushkinskii proezd 5, *Moscow, 117036*.
- VENEZUELA** — Venezuelan Red Cross, Avenida Andrés Bello, N.º 4, Apartado, 3185, *Caracas 1010*.
- VIET NAM** (Socialist Republic of) — Red Cross of Viet Nam, 68, rue Ba-Triêu, *Hanoi*.
- WESTERN SAMOA** — Western Samoa Red Cross Society, P.O. Box 1616, *Apia*.
- YEMEN ARAB REPUBLIC** — Red Crescent Society of the Yemen Arab Republic, P.O. Box 1257, *Sana'a*.
- YEMEN** (People's Democratic Republic of) — Red Crescent Society of the People's Democratic Republic of Yemen, P. O. Box 455, Crater, *Aden*.
- YUGOSLAVIA** — Red Cross of Yugoslavia, Simina ulica broj 19, 11000 *Belgrade*.
- ZAIRE** — Red Cross Society of the Republic of Zaire, 41, av. de la Justice, Zone de la Gombe, B.P. 1712, *Kinshasa*.
- ZAMBIA** — Zambia Red Cross Society, P.O. Box 50 001, 2837 Brentwood Drive, Longacres, *Lusaka*.
- ZIMBABWE** — The Zimbabwe Red Cross Society, P.O. Box 1406, *Harare*.

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**INTERNATIONAL
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