international review of the red cross
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# INTERNATIONAL REVIEW OF THE RED CROSS

**JULY 1974 – No. 160**

## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Articles</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INTERNATIONAL COMMITTEE OF THE RED CROSS</strong></td>
<td>Z.S. Hantchef: The Red Cross and new developments in blood transfusion 387</td>
</tr>
<tr>
<td></td>
<td>A little-known Convention on the law of war . . . . . . . . . . . . . . . 344</td>
</tr>
<tr>
<td></td>
<td>Repatriation of Prisoners of War in the Middle East ........................ 355</td>
</tr>
<tr>
<td></td>
<td>External activities:</td>
</tr>
<tr>
<td></td>
<td>Rhodesia - Republic of Vietnam - Asian sub-continent - Europe - Middle East ........................ 364</td>
</tr>
<tr>
<td></td>
<td>In Geneva:</td>
</tr>
<tr>
<td></td>
<td>The King and Queen of Belgium at the ICRC . . . . . . . . . . . . . . . . . 369</td>
</tr>
<tr>
<td></td>
<td>Guests of the ICRC ............................................................................ 369</td>
</tr>
<tr>
<td></td>
<td>A new ICRC film ................................................................................ 370</td>
</tr>
<tr>
<td><strong>IN THE RED CROSS WORLD</strong></td>
<td>An appeal by the ICRC and the League ............................................ 371</td>
</tr>
<tr>
<td></td>
<td>After World Red Cross Day .................................................................. 373</td>
</tr>
<tr>
<td></td>
<td>Indo-China .......................................................................................... 374</td>
</tr>
<tr>
<td><strong>MISCELLANEOUS</strong></td>
<td>Narcotics control ............................................................................... 376</td>
</tr>
<tr>
<td><strong>BOOKS AND REVIEWS</strong></td>
<td></td>
</tr>
</tbody>
</table>


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THE RED CROSS AND NEW DEVELOPMENTS IN BLOOD TRANSFUSION

by Z. S. Hantchef

Although mention of blood transfusion dates back to the origin of medicine, it may be said that the genuine history of transfusion starts at the beginning of our century.

Since then transfusion has passed through several decisive phases, but it is only in the past twenty years that it has made spectacular progress and has become one of the essential components of modern medicine.

During this period the main objective of those responsible for the preparation of blood was, as Professor Hässig has so aptly said, "to avoid complications". Therefore "to avoid haemolytic accidents, it was necessary to have recourse to modern blood group serology methods. In order to avoid accidents due to bacterial contamination of blood conserves, a hermetic approach had to be adopted. For quite a number of years, the main concern of transfusion centres was to guard against post-transfusion hepatitis. In spite of systematic research into the blood of all donors for the presence of the antigen of hepatitis B, this threat has not yet been removed".

Blood transfusion therefore has new openings in the future, in particular in the spheres of the judicious use of blood and its components, plasmapheresis, the employment of plasma substitutes, gamma-globulin treatment, haemotherapy through the preparation of coagulation factors and, finally, the use in large centres of modern electronic methods, that is to say automation.

Today it may be said that the new and rightful direction for blood transfusion, in its application and research, is in particular
that of immuno-haematology. While this has a promising future, concerning research on systems of tissular histo-compatibility for example, considerable scientific equipment is required. However, every transfusion centre must ensure its harmonious development in line with its vital mission, namely the supply of the blood and its derivatives needed for the survival and treatment of the sick. The large increase in demand for blood in all countries makes it even more necessary in these conditions to concentrate special attention on the blood donor and blood collection. This is the fundamental basis of the mission of transfusion centres.

The considerable developments in blood transfusion call for a national blood programme in each country based on appropriate legislation or, failing this, special regulations. The hub of this programme is the organisation and structure of blood donor recruitment services.

Such a service is of undoubted importance within a transfusion centre. Who today could visualise a medico-surgical centre without its accompanying blood transfusion centre to provide blood on the basis of a donor service?

There can be no blood transfusion without blood donors, an organisation and a structure. This form of therapy is exceptional in that it is the only specialised medical field involving a direct bond between the doctor, the donor and the receiver.

Stress should here be laid on the role falling to voluntary organisations, such as the Red Cross, other humanitarian and cultural movements, blood donor associations and friendly societies. To avoid wasted effort, this role is dependent on prior agreement and close co-operation with the services responsible for transfusion. Through its federative mechanism, the League helps and encourages National Red Cross Societies to support the efforts of their Governments and to assume responsibilities within the national service. Blood, a therapeutic product of human origin, must not—as can be readily realised—entail any commercial profit. That is why the Red Cross—which has undoubted moral prestige in the eyes of the public—is perhaps the ideal and most logical organisation to undertake blood donor recruitment throughout the world.

Red Cross bodies had already realised the full importance of transfusion at a time when it was still in the embryonic stage. The
Red Cross did pioneer work from 1921 by establishing its first blood transfusion centres in Great Britain, the Netherlands and Australia. At the end of a period which had seen the creation of many transfusion centres, the XVIIth International Red Cross Conference meeting in Stockholm in 1948 with the participation of all National Societies and Governments asked in Resolution No. XLVII that the principle of the free gift and receipt of blood be as far as possible universally applied.

In the light of the importance of this question and of the recent increase in certain commercial transactions, the XXIInd International Conference of the Red Cross (Teheran, 1973) adopted a resolution reading as follows

- affirms that a service based on voluntary blood donation, motivated by humanitarian principles, is the safest and most effective way of supplying blood needs,
- urges the Governments of all nations to adopt the highest standards for a safe blood service to their citizens and formulate those standards on the concept of non-remunerated blood donation,
- recommends each National Society and its Government to undertake a strong combined effort to attain the humanitarian objectives of a total national blood service based on the broad voluntary participation of the people.

Almost at the same time the Council of Europe (CE) brought the conclusions of its Sub-Committee of Specialists on Blood Problems (Nicosia, 1973) to the notice of its member countries. The Sub-Committee

- draws the attention of Member Governments to the undesirable effects resulting from the commercialisation of blood and its derivatives,
- recommends that all collection of blood, including plasmapheresis, should only be undertaken by Government organisations or organisations working on a non-profit basis, with the authorisation of the Government. Blood donations should preferably be on a non-remunerated basis,
— recommends to Member Governments that all activities relating to blood transfusion should be the responsibility of physicians,
— recommends, finally, that all such activities be subject in all member countries to legislation or, failing this, to official regulations or recommendations. Such provisions should be based on the non-commercialisation of blood and on medical responsibility.

At present the Red Cross participates in the national transfusion programmes in 95% of all countries. It assumes responsibilities in 112 of them in the spheres of recruitment and promotion of the free gift of blood. In 58 countries it collects blood and has transfusion centres and mobile units, whereas in 16 of them it is fully responsible for the national blood programme.

For its part, the League of Red Cross Societies—the World Federation of National Red Cross, Red Crescent and Red Lion and Sun Societies—has set itself the task of helping its member Societies to develop their activities in the field of blood transfusion. In order to be more familiar with local conditions and to give more effective assistance, it has in different regions of the world obtained the co-operation of consultants specialising in blood transfusion. They constitute the League’s Group of Red Cross Experts in this sphere. The Group has in particular recommended a sponsorship system between sister Societies in order to promote the development of their transfusion programmes. Through the intermediary of the League and whenever possible, experts are sent to the spot (very often in co-operation with WHO). Fellowships and study visits are offered by Red Cross Societies, with responsibilities within the national blood programme of their countries, to sister Societies wishing to establish or develop activities in the field of transfusion. Enquiries and studies are undertaken. Finally, regional seminars and other technical meetings are organised.

Taking into account the wishes expressed by several National Societies, the League has moreover decided to devote World Red Cross Day 1974 (8 May) to the gift of blood with a view to promoting unpaid voluntary blood donation throughout the world.
and to contributing to increasing the number of donors. The
documentation kit prepared for World Red Cross Day under the
slogan “Give blood... Save life” in particular comprises the
statements of many international personalities and eminent
transfusion specialists, as well as a colour chart illustrating Red
Cross transfusion activities in the whole world. Finally, as audio­
visual means are now the best information aids, a colour sound
film—but with no dialogue—of a running time of 13 minutes,
extitled “Blood is red all over the world” was co-produced by the
League, the Hungarian Red Cross and the Bulgarian Red Cross.
This film, shot on four continents, has already been widely dissemi­
nated and been shown by the television channels of many countries.

At both national and international levels, there is close coopera­
tion between the Red Cross and governmental organisations,
such as the World Health Organization, the Council of Europe,
as well as non-governmental organisations, like the International
Society of Blood Transfusion and the International Federation
of Blood Donor Organisations, with the aim of developing at the
same time transfusion, donor and recruitment services.

In spite of all efforts, the major concern, often critical, of every
transfusion centre is still how to find donors in sufficient numbers
to meet the never equalled increase in the need for blood. This
would justify an appeal to the whole population. The rise in demand
of the order of 8 to 12% per annum in certain countries raises the
problem of the recruitment of new donors and above all that of
the renewal of donors, where unfortunately progress stands at 5 to
6%.

To cope with this ever growing demand for blood and its
derivatives, the transfusion centres endeavour to collect increasing­
lly large quantities and therefore to appeal to an ever bigger number
of voluntary donors to be found in a restricted section of the
population. Why restricted? Because an enquiry we conducted
under the direction of Dr. Cagnard on blood donor motivation—
which was submitted to the Red Cross Seminar at the Xth Congress
of the ISBT held in Stockholm in 1964—showed that among
adults in many countries only one person out of five, i.e. 19%
had given his blood and that the majority (81%) had expressed great
fear about the gift of blood. On studying the attitudes and opinions
of the age group around 20, that is to say the generation to take over, it can be seen that there is here the strongest resistance to blood donation. It may be asked whether this is not due to a lack of information and a bad approach.

This scarcity of donors and resulting shortage of blood may be temporarily remedied by new technical procedures, such as:

- the use of double or triple plastic bags, for example making it possible on the basis of a single unit of blood to supply three different patients with: red corpuscles for anaemia, platelets against thrombopenia, with the surplus plasma being used as cryoprecipitate having the anti-haemophilic factor A or possibly being fractionated;

- the extension of this fractioning to give a patient the fraction he needs for his treatment;

- plasmaphereses which make it possible, under good medical control and therefore without anaemia, to multiply the annual gifts of blood of one person by ten and more and to cope with ever larger needs for specific gamma-globulin, immune serum tests and concentrates of coagulation factors.

Here mention must be made of other topical problems facing transfusion services: those of the specificity of the donor and of the iso-group transfusion, that is to say the possibility of transfusing theoretically compatible blood. The blood of the donor, extensively analysed (often at considerable expense), phenotyped, etc., must be preserved for specific cases.

In addition, contrary to the practice a few years ago, these new technical procedures require these categories of voluntary donors to make greater sacrifices, notably in the form of manifold trips and longer stays at the transfusion centre at fixed times and places.

How can voluntary service be maintained? It is necessary to decide on a policy which—while keeping voluntary service—does not harm the donor. If the mission of transfusion centres is to ensure a supply of blood products essential for public health, their main concern must always remain the protection of blood donors in all circumstances. As Professor Soulier has stressed, this is
especially vital when it is a question of voluntary unremunerated donors, a category into which virtually all donors fall. At this point the following problems arise: medical supervision of the donors, their legal protection and the fight against trade in blood. Considerations of yield should in no way take precedence over the security and well-being of the donor.

Finally, it none the less remains true that officials in charge of transfusion would have every interest in at the same time promoting medical transfusion education with a view to the optimum use of blood and its derivatives in order to avoid wasting blood at the other end of the transfusion scale.

It is above all since 1967 that this medical education, covering indications and the maximum use of blood and its derivatives, has been the subject of a series of meetings: Paris, Amsterdam, Helsinki and Dublin. It occupied an important place in the discussions which took place during the Blood Transfusion Congresses in Moscow (1969) and Washington D.C. (1972).

This series of topical problems faces those in charge of transfusion at each centre and within every blood donor service. It is our task to cope with them by trying to find solutions.

It however remains clear that the best equipped transfusion centre with highly qualified personnel can only function thanks to the blood given. The technical equipment would have no meaning and would lose its effectiveness without the voluntary cooperation of very many blood donors. If their gesture has become anonymous, it has nevertheless kept its full value. And this gesture, to which the Red Cross is firmly attached, is to be found throughout the history of transfusion.

Dr Z. S. HANTCHEF
Special Adviser
League of Red Cross Societies
A LITTLE-KNOWN CONVENTION ON THE LAW OF WAR

In its January 1973 issue, International Review published a short article on a humanitarian venture launched in Latin America over 150 years ago, when a treaty on rules of war was signed on 26 November 1820 by representatives of the Governments of Colombia and Spain, and led to the historic accolade between Simón Bolívar and Pablo Morillo at Santa Ana the following day.

Our attention was recently drawn to an article published on this same topic some sixty years ago in the Revue générale de droit international public. In that paper, the late Jules Basdevant, an eminent jurist, examined two relatively little-known conventions on the law of war: one was signed in 1813 by the United States of America and Great Britain, with a view to exchanging prisoners as soon as possible; the other was concluded seven years later at Trujillo. With the kind permission of the Revue générale de droit international public in which it was originally published, we give below a translation of that part of Basdevant's article dealing with the latter (Red.).

I

The convention between Colombia and Spain, signed at Trujillo on 26 November 1820, was concluded during a civil war, in order to put an end to outrages and, mainly, to ensure the safety of prisoners. The aim was not an exchange of prisoners, but rather the "regularization" of war, in other words, the application to civil strife of the ordinary rules of international warfare. This aim, which dominates throughout the convention must be borne in mind in order to fully understand its scope. It is self-explanatory in the circumstances in which it was concluded.

The convention constitutes one of the episodes of the war of independence waged by the Spanish Colonies in America against the mother country. Since 1810, the war had been waged by the combatants with varying degrees of fortune. In 1820, swayed perhaps by the events of the liberal revolution in Spain, the Spanish General Morillo and Bolivar started negotiations which, after certain delays, culminated in the signature of the Trujillo armistice of 25 November 1820. In the course of the negotiations, Bolivar first proposed that a treaty be signed in order to "regularize" war in a spirit of liberalism and philanthropy; his initial approaches in this regard are contained in a letter he wrote to General Morillo on 3 November 1820; on 23 November, he delegated powers to his Commissioners to act accordingly; on 26 November, the convention was signed and the following day ratified by General Bolivar in his capacity as President of the Republic of Colombia, and by General Morillo in the name of the Spanish Government. Thus, it was concluded swiftly, and apparently without much difficulty.

When Bolivar proposed such a convention, he was perhaps acting under the influence of the philosophical ideas that had burgeoned in the eighteenth century. He had stayed more than once in Europe and was an admirer of Rousseau's. The spirit of this convention is in harmony both with Montesquieu's thesis which, restated by Blackstone, Abbé Grégoire, Lord Stanhope and Talleyrand and currently accepted at the time, asserted that, in war, nations should inflict as little harm as possible on each other, and with Rousseau's principle, adopted by Portalis, that war was a matter that affected relations between one State and another. To apply these principles and the customs of international war to the South American War, which was a civil war, was to follow the view of Vattel, in whom, as Mallarmé rightly pointed out, the philosophical bent was predominant. If the South Americans wished to make this extension, it was because they considered that their emancipation would depend on their acquiring national sovereignty and on the exercise of their right to establish independent States; here, too, one can trace the link of the convention of 26 November 1820 to the philosophical ideas of the XVIIIth century.

But, besides that, there were a number of precise facts giving strength in some way to those theoretical concepts, and dictating
Bolívar's conduct. He felt the need to put an end to the excesses of a war most ferociously conducted, with many prisoners massacred and opponents put on trial; a war to the death, fought without quarter being given, and the atrocities of which weighed heavily upon those populations whom Bolívar wished to liberate.

In order to bring some mitigation to the harsh conduct of this civil war, the rules of international war were extended to it: it was this that constituted the "regularization" of the war referred to in the convention. In short, what was done here was similar to the action taken later by the Northerners in the American War of Secession, but it was effected in different fashion; in 1820, that result was obtained by means of a treaty, but the originality of this particular case lies in the fact that it was a convention between the Sovereign's representative and his rebel subjects whose status as belligerents was thereby recognized.

In order to carry out this regularization of the war, article 1 of the Trujillo convention laid down the principle that the war between Spain and Colombia was to be conducted as between civilized nations. Moreover, the convention stated certain rules which were to take priority, where necessary, over customary principles.

The convention concerned itself mainly with the plight of soldiers belonging to one of the parties who fell into the hands of the other. It stated that they were to be taken care of and treated as prisoners of war until they were exchanged: this implied—and that was the essential part of the convention that was to put an end to the previous excesses—that their lives were to be spared and that they were not to be punished for the mere fact of having taken part in the war. By it the right to prisoner-of-war treatment in case of capture was extended to all military personnel or other persons attached to an army (art. 2), wherever they might have been when captured, even when storming a position or boarding a vessel (art. 3), as well as to "military personnel and peasants, who, either singly or in groups, carry out reconnaissance surveys, make observations or obtain information about one army with the intention of transmitting them to the chief of another army" (art. 6).

To treat the troops of an adverse party as prisoners of war was but a confirmation of customary law and the application of this
principle to soldiers captured in a position taken by storm was, notwithstanding some last-minute hesitation, a solution that found acceptance towards the end of the XVIIIth century. That had not been the case as regards peasants who sought to obtain information for a belligerent: such men were spies and were punishable in law as such. To allow them to benefit from the rules applied to prisoners was a provision which had no equivalent in the cartel of 1813, or in the United States Instructions of 1863, or in the Hague Regulations: the precedent created by the Trujillo convention on this point has not been repeated, as far as I am aware. It seems to me that it can be explained by a very special kind of consideration. The men who drafted the 1820 convention did not have in mind that a good rule of the laws of war could be one that would give a spy penal immunity; they adopted rather a viewpoint based on some contingency: they considered, no doubt, the possible abuses, and that if an inhabitant could be sought and punished for having transmitted to one of the armies information on another army, the prosecutions on that account could well be so frequent as to place the aims of the convention, that is the "regularization" of the war and the cessation of repressive measures, in jeopardy. Therefore, prisoner-of-war treatment and the exchange of prisoners were ensured not for all spies but only for peasants trying to obtain information.¹

The decision not to condemn deserters, military or civilian defectors, conspirators and malcontents to death was based on similar considerations (art. 7). The convention, in laying down this rule, did not afford them, as it did certain spies, prisoner-of-war treatment; it did not say that they would completely escape repres-

¹ The Colombian Commissioners had envisaged the application of prisoner-of-war treatment to all spies and conspirators, and had proposed an article worded as follows: "Spies, conspirators and dissidents shall be included in the exchange (of prisoners), considering that it is in civil war that the application of the law of nations should have greatest scope and that humanity claims most imperatively the application of its precepts. Consequently, spies, conspirators and dissidents shall not be condemned to death or to any other punishment involving personal restraint or penal servitude; any action against them shall be restricted to detention under decent conditions, until the time comes for them to be exchanged as prisoners, for political errors and offences must never be considered as crimes ". The Spanish negotiators refused to agree to the exchange of all spies and conspirators, with the result that prisoner-of-war treatment in respect of this category of prisoner was applied only to peasants seeking to obtain information.
sion or that they would be exchanged, it merely required that their
lives be spared.\footnote{In his letter of 23 November 1820, Bolivar
demanded prisoner-of-war treatment for these men, and his
Commissioners proposed that they should be entitled to be exchanged,
under an article VI worded as follows: "Whereas the source of this
war lies in differences of opinion and the men who have fiercely fought
for each of their respective causes are united to each other by the
closest family ties and whereas the shedding of blood must be avoided
at all costs, soldiers or employees who, having served either of the
two governments, are captured while serving under the flag of the
other, shall also be respected and exchanged." The Spanish negotiators
did not agree to include these men in the exchange.}

The convention was intended to ensure decent treatment for
such prisoners not by a complete set of regulations or a single
general principle, but by laying down two provisions judged to be
particularly important; anything not covered by the convention
was implicitly referred back to customary law. It provided that
prisoners should always be held within the territory of Colombia,
that they should under no pretext be removed therefrom (art. 8),
and that they should be kept in accordance with the wishes of
their own governments, which would settle the costs therefor between
themselves (art. 9). This stipulation, dictated by a policy for the
welfare of the prisoners themselves, who would thus be spared the
ill-will and meanness of their captors, appeared rather peculiar in
some respects. The cartel of 1813 understandably laid down the
treatment of prisoners, and the 1785 and 1799 treaties between the
United States and Prussia, and the Hague Regulations, linked such
treatment to that of the captors' own troops, but it is difficult to
comprehend a solution whereby the prisoners' own government
decided their treatment; it was laying the way open to a host of
practical difficulties, disputes and conflicts. Furthermore, the pro-
vision that the prisoners' own State was to pay for their maintenance
and keep led to a settlement of accounts between the belligerents.
But the convention did not mention when such a settlement was to
be made. The 1785 and 1799 treaties between the United States
and Prussia postponed it till after peace was restored. But this was
not to be adopted in the Trujillo convention: here was a civil war
which could only end either in the independence of Colombia or
in its subjection to Spanish domination. Each party refused to
envisage one or the other of these two conclusions, while the alter-
native would have eliminated any possibility of a settlement of
accounts, which meant that they could not have intended postponing settlement until the war was over. Therefore, it had to be effected during the course of hostilities. If the text were to be interpreted according to a contemporary state of mind, one would be inclined to say that this was not what was intended, so unlikely does the notion of a belligerent’s making money payments to an adversary appear to be. But it is probable that in 1820 people judged otherwise, and the fact that a French decree of 25 May 1793 stipulated that a cash settlement to provide for advances of prisoners’ pay was to be effected during the war at each exchange of prisoners tends to lend credence to that view. The policy of exchanges, influenced by the previous practice of ransom, had led people to agree, while a war was still in progress, to an operation which today no one would think of undertaking before the termination of hostilities.

In order to improve the prisoners’ conditions of detention, the Trujillo convention authorized army commanders to designate Commissioners who were to go to the places where prisoners were held, examine their situation and seek to have improvements carried out. The Commissioners more or less corresponded to the Agents for prisoners of war provided for in the cartel of 1813. It will be observed, however, that here they were to be the envoys of army commanders and not of governments, a procedure explained by the fact that Spain recognized the insurgents’ status, but not the independence of the Republic of Colombia. Moreover, following the example of the treaties of 1785 and 1799, the Trujillo convention mentioned them as being instructed to improve prisoners’ conditions without any reference to their taking part in exchanges of prisoners.

This convention confined itself to stipulating the exchange of prisoners, without going into the details which a cartel would have laid down. It stated that the exchange of prisoners was to be compulsory and carried out as soon as possible (art. 8), that each prisoner of a particular class or rank was to be exchanged for a prisoner of the other side of the same class or rank and that the number of men of inferior rank to be exchanged for one of superior rank was to be in accordance with custom as between civilized nations (art. 5).

While the Trujillo convention is less comprehensive than the 1813 cartel as regards captivity during wartime and the manner
in which it is terminated, it does make special reference to the wounded and sick. Military personnel or persons attached to the army, taken while lying wounded or sick in hospitals or elsewhere, were not to be held as prisoners; they were free to rejoin their own forces after having been restored to health, and they were to be given "at least the same relief and treatment as that given to the wounded and sick belonging to the army which holds them in its power" (art. 4). This obligation to treat the wounded of the adverse party had already been endorsed in numerous earlier instruments and was apparently considered by G. F. de Martens as a rule of positive international law. As regards the immunity from capture granted the wounded and sick, it is met with in only very few agreements, and in ordinary law the custom is to treat them as prisoners of war: on this point, therefore, this convention was most uncommonly lenient.

The dead were to be given a decent burial or, if that were to prove impossible because of their number or of special circumstances, their bodies were to be burnt: it was the duty of the victorious party to carry out this task and, if prevented from doing so through exceptional and very serious circumstances, it had to notify the local authorities in order that they should do so in its stead. Bodies claimed by the enemy government or by private individuals were to be handed over to them (art. 13). This duty of burial had been postulated by G. F. de Martens, while before him Grotius had recognized it in the course of a lengthy examination of the subject. Today, it is held to be beyond question and writers mentioning it do not think it necessary to dwell upon it; it is considered to be so indisputable that modern conventions on the law of war have not deemed it necessary to state it.

To that extent, the Trujillo convention settled the treatment of the members of the two belligerent armies, thus remaining within the framework of ideas in which the 1813 cartel found its natural place. What is new is its article 11 defining the conditions applicable to inhabitants of a territory occupied by one or the other of the belligerents: this article provided that those inhabitants "shall be respected, shall enjoy entire liberty and shall not be molested, whatever may be or may have been their opinions, sentiments, services and conduct for or against the belligerent parties." In confirming
the liberty of non-combatants, the Trujillo convention appeared at first sight to favour a particular viewpoint on a question that had been subject to uncertainty in the 18th century. G. F. de Martens recognized that liberty, whereas Vattel would have authorized a belligerent to treat non-combatants as prisoners of war. It might be thought that the convention, in this respect, anticipated modern law, but such an appreciation would be based upon an error, for modern law recognizes the principle of the liberty of non-combatants only as long as they do not commit any punishable act: an inhabitant in occupied territory who fired a shot without having fulfilled the conditions laid down in articles 1 and 2 of the Hague Regulations, or, in the case of a national of the invading country, who committed an act of treason, may be arrested and punished. In contrast, the Trujillo convention offered complete immunity to the inhabitants of occupied territory "whatever may be or may have been their opinions, sentiments, services and conduct for or against the belligerent parties." In doing so, it was not, as modern law was, inspired by the idea that it was desirable for peaceable persons to be placed, as far as that might be possible, beyond the reach of the evil effects of war: that idea would not explain the wide scope of article 11. It was based on the belief that in the struggle actually being waged, which was a civil war, a belligerent should not exercise any repression against the partisans of its adversary: what was most apparent in article 11 was the desire to "regularize" the war, precisely by prohibiting radically any repressive measures; this motive, as I indicated earlier, already determined the immunity laid down for traitors and spies discovered among the prisoners taken; here the immunity was extended to traitors and spies discovered among the inhabitants: that was the essential aim, and to ensure the liberty of the inhabitants was one of the means of achieving it. It thus may be said that the convention is extraneous to the development of the law relating to the condition of non-combatants.

The execution of these various provisions is the subject of a special stipulation (art. 13). Military commanders and all authorities were obliged to observe them faithfully and were "liable to the most drastic penalties in case of their breach"; the two governments declared themselves "responsible for the punctilious observance of
the convention, under the surety of good faith and national honour". Two classes of sanctions were provided for: on the one hand, offending military commanders were to be punished by the government to which they belonged; on the other hand, the State’s responsibility for breaches committed by its troops was asserted, but the actual provisions were couched in vague terms which left the impression that it was a responsibility of a purely political or moral rather than a juridical character. The question of sanctions in respect of the laws of war was finally only touched upon rather than resolved.

Such is the content of the Trujillo convention. Its predominant character is that of a convention for the “regularization” of war; an attempt to subject civil war to the rules of international war. That was the general object, which explains its unusual provisions with regard to spies, deserters, traitors and inhabitants of occupied territories. Concerning the law of war, the convention often merely refers to the established principles of the conduct of civilized nations; many of its provisions simply confirm ordinary law or state clauses equivalent to others in previous cartels (exchange and upkeep of prisoners, Commissioners). However, sometimes there are new stipulations which bear the mark of a spirit of progress (regarding the wounded, burial of the dead). It should be observed, moreover, that this expression of the law of war is here very scanty and at times, as I see it, not very well worded. The treaty was drafted hastily and the effects of such haste are visible; it greatly lacks the precision and professional class of the 1813 cartel.

Two days after the convention was signed, one of its negotiators, Pedro Briceño Méndez, wrote to the Vice-President of Colombia: “Never has a people at war shown such liberalism. It was to Colombia that was left the glory of giving the world lessons not only of valour and steadfastness, but also of humanity, in the midst of the hatred and rage which the law of reprisals against its enemies instilled in all hearts.” If only the rules of the law of war posited in the convention are considered, it might be thought that this judgement was elicited by the enthusiasm peculiar to the period and to the South American character; but if the essential aim pursued, namely the “regularization” of the war, is borne in mind, as well as the fact that the two parties fighting each other agreed
to limit the horrors of civil war by submitting to the rules of international war, construed, moreover, in a progressive and liberal spirit, it will be recognized that a noble example was indeed given to the world.

II

Each of the two treaties I have here examined is an example of the agreement reached by direct negotiations between belligerents for laying down rules of the law of war. Its advantages over an international understanding laying down such rules in peacetime, such as has been reached at Geneva and The Hague, were that it permitted a closer view of the facts, greater accuracy in appraising the position of each of the belligerents and greater precision in rules on certain questions. These advantages become apparent concerning matters such as where the prisoners are to be collected, and how they are to be treated, the text to be signed by prisoners released on parole, the immunity to be granted in special cases to traitors and spies and the extension of the rules of international war to civil war, all matters concerning which special considerations were essential or important.

On the other hand, direct agreement between belligerents seems less satisfactory on two counts. First it is subject to a rather narrow application. The two conventions examined here deal only with the lot of combatants in a rather wide sense of the term, and in practice they can hardly do more than that. They say nothing of the means of injuring the enemy, for it is hardly imaginable that in the course of the fighting the two belligerents are likely to reach an agreement on the prohibition of any one means or another. A prohibition of this kind would relate to weapons, or methods of waging war, or the actual possibility for a belligerent of utilizing more readily than his adversary such and such a method; problems insuperable in the course of hostilities. Similarly, it is hard to imagine direct negotiation on the effects of military occupation while one of the belligerents is the occupier and the other has to submit to occupation. There is and could be nothing regarding all this in the two conventions. Moreover, direct agreements between belligerents reached in the course of a war and affecting only that
particular conflict are short-lived. They do not lay down any agreed regulations in respect of war events prior to their signature, and after the cessation of hostilities their only value for future use consists in their constituting precedents that are quickly forgotten.

I may add that though the method of direct agreements between belligerents may, in certain respects, have some advantages, the practical consequences are not of any significance. The conclusion of such agreements is today hardly likely. Besides, those made in the past were determined by circumstances which are no longer encountered. The 1813 cartel was linked to the practice of the time of exchanges of prisoners; today, such exchanges have almost ceased, owing to changes of a technical nature, or have at least completely lost their earlier form of being operations planned in advance giving rise to an indefinite set of executory acts. The 1820 convention was brought about by a very special kind of circumstance, the pressing need that was aroused to make an extremely cruel civil war more humane. Moreover, the conclusion of such agreements was in earlier times made possible because wars themselves took place at a more leisurely pace. Campaigns developed slowly, interrupted by periods of inaction caused by a siege or the setting up of troops in winter quarters, combined with fluctuations in the fortunes of war: the belligerents had then ample time in the course of hostilities to conclude agreements. The cartel of 1813 was signed eleven months after the start of the war of 1812 between Great Britain and the United States, while nine years had elapsed before Venezuela declared its independence, when the Trujillo convention was concluded. In modern times, war is too sharp and swift to allow any time for the conclusion of such agreements.

These conventions therefore are not suitable models for the present. Should a lesson be drawn therefrom for any practical ends, it could relate to the institution of Agents for prisoners of war which to my mind would be the one most worthy to be taken up. Apart from that, and from a scientific viewpoint, each of those two conventions has its place in the evolution of the law of war and encourages the study of similar instruments. It is for those reasons that I thought it worth while to bring them back to light from oblivion.
INTERNATIONAL COMMITTEE
OF THE RED CROSS

Repatriation of Prisoners of War in the Middle East

At the request of the Israel and Syrian Governments, the ICRC, on 1 and 6 June 1974, repatriated wounded and able-bodied prisoners of war of both countries. The Swiss Government made three aircraft available for the operations.

On 1 June, thirty-eight wounded prisoners of war returned to their respective countries in two aircraft which took off simultaneously from Tel Aviv and Damascus. One aircraft brought twenty-five Syrian prisoners of war and one Moroccan back to Syria, while the other took twelve Israeli prisoners of war back to Israel. The wounded were escorted by two ICRC teams, each composed of a doctor, a delegate and a nurse.

On 6 June, the ICRC proceeded to the second phase of the operation and repatriated a total of 438 able-bodied prisoners of war by means of three aircraft.

Two aircraft took off from Tel Aviv for Damascus, one with 345 and the other with thirty-seven passengers, i.e. a total of 382 prisoners of war (367 Syrians, ten Iraqis and five Moroccans). At the same time, a third aircraft left Damascus for Israel with fifty-six Israeli prisoners of war. Each aircraft carried a delegate and a doctor.

* * *

Two members of the ICRC staff, Mr. A. Modoux, Head of the Press and Information Division, and Miss F. Bory, ICRC press attaché, sent us the following reports of the repatriation operations.

1 Plate.
Repatriation of wounded prisoners of war

Inside the ambulance, eight men clad in green pyjamas answer "Present" as the ICRC delegate reads out their names from a nominal roll. They and eighteen other wounded men will be back in their own country today, on this morning of 1 June 1974, under ICRC arrangements, made at the request of the Syrian and Israeli authorities, for the repatriation of 38 Israeli, Syrian and Moroccan wounded prisoners of war. This operation will be carried out with stop-watch timing, by means of two aircraft which the Swiss Federal authorities have put at the disposal of the ICRC.

At Ben Gurion airport near Tel Aviv, the Red Cross DC6 awaits take-off time with its engines ready. Barriers under strong military guard have been placed all around the plane, and inside it the Red Cross doctor and nurse are putting the finishing touches to their preparations. Two stretchers have been put into it to accommodate two legless prisoners, and blankets, pillows and coffee are ready for all the repatriates.

The head of the delegation enters the pilot's cockpit. Personal particulars of the repatriates, already checked in the ambulances, are rechecked on board the plane; for the list of prisoners on board has to be radioed to the other party before the take-off, and departure may not take place before contact has been established between the two planes through the ICRC radio station at Amman. Transmission starts in the stifling cabin: "ICRC 303 calling ...". The list of Israeli prisoners comes through perfectly but the contact is suddenly cut off. Without losing a second the pilot tries to find the frequency again and transmits in Morse to be more readily understood; but he cannot get through. Fortunately, a few days before, the ICRC delegate had perfected elaborate precautions to ensure the success of the operation, including an emergency procedure to fit this case. In accordance with this, the list of Syrian prisoners reaches Damascus—via Switzerland!

At exactly 0800 hours GMT the DC6 takes off from Ben Gurion airport and at the same moment the second Red Cross plane, a Fokker Friendship, leaves the runway at Damascus. The two aircraft pass each other in flight, and a little more than one hour later each touches down in its passengers' home country.

At Ben Gurion airport, the long awaited Fokker plane travels slowly towards us along the runway, and as its door opens the
atmosphere is charged with emotion. Red Cross delegates and important military and civilian officials go aboard at once. Then the first of the prisoners appears, smiling broadly, and is quickly surrounded by a mob of people surging round him. Twelve ambulances waiting a few yards away drive off as soon as the wounded men have taken place inside.

The operation is over, and already medical equipment is being unloaded from the plane and mechanics are busy working on it. Confirmation comes through that the DC6 has also landed safely in Syria.

Israeli prisoners of war

"His son. He's never seen him before..."

The man clasping a six-month old child in his arms is one of the 56 Israeli prisoners of war repatriated from Syria by the ICRC on 6 June 1974.

An hour earlier, at Damascus Airport, he had taken his place in the ICRC’s DC6 plane, after eight months of captivity. The repatriation of the Israeli POWs was linked to that of 382 Syrians, who embarked at Tel Aviv, at the very same time as the Israelis, in an ICRC Jumbo Jet and a Fokker Friendship.

The families of the long-awaited POWs disembark from scores of buses at the edge of the runways at Ben Gurion Airport. The aircraft has hardly stopped before the crowd rushes towards it, almost sweeping away the guards. As soon as the returning prisoners descend the gangway they are mobbed by their family and friends. There is a clamour of shouted names as repatriates are recognized.

The crowd round the Red Cross plane slowly melts away, and the newly-reunited families move off towards the buses, still chatting, but more quietly. The runways are littered with flowers, as the excitement dies down.

But for the ICRC the day is not over. Two of its delegates are due to land on the Golan Heights, by helicopter, to carry out a sadder mission than that of this morning, for Syrians and Israelis will be exchanging the mortal remains of soldiers killed in action.

F. B.
INTERNATIONAL COMMITTEE

Syrian, Iraqi and Moroccan prisoners of war

At 0400 hours ten buses with 382 Syrian, Iraqi and Moroccan prisoners of war leave the Israeli camps at Meggido and Atlit. Dawn breaks. The hope of freedom grows in these men, captured eight months ago during the October War. The dreary sadness of internment is over, and the joy of homecoming is felt.

On arrival at Ben Gurion Airport, Tel Aviv, the ten buses line up near the Jumbo Jet chartered by the ICRC. Behind it stands the tiny Fokker Friendship. The two planes are parked nearly a kilometre from the airport buildings and are shortly to repatriate the Arab prisoners, whilst at Damascus a third Swiss plane, a DC6, painted in the Red Cross colours, like the other two, is ready to repatriate the 56 Israeli POWs in Syrian hands.

At 0615 hours a motor convoy displaying the ICRC emblem enters Ben Gurion Airport under the escort of a high-ranking Israeli officer. The convoy reaches the planes and buses after going through various check points set up along the runway on which they are parked. Immediately on arrival, two delegates, each accompanied by an Israeli liaison officer, proceed with the roll-call of the prisoners. To facilitate this, eight of the buses contain 40 POWs each, the ninth contains 37 men—the maximum capacity of the Fokker plane—and the tenth contains the remaining 25 men.

The identity check is over by 0700 hours: "All present", and embarkation starts. It is a slow business, for as each bus empties in turn, the ICRC delegate must count the men emerging from it. Once they get inside the Jumbo Jet they will be out of their captors' hands and in the care of the ICRC.

Once inside the plane, joy breaks out, but the ICRC delegates seem tense. For them the most difficult part of the operation is yet to come. They have to make radio contact with their fellow-delegates in Damascus to confirm that the list of passengers on board matches exactly the list of POWs communicated to the Syrian authorities, and then receive from Damascus similar confirmation of the number and details of the POWs who have embarked on the DC6. The ICRC delegates are solely responsible to the national authorities concerned for this operation, and permission for the planes to take off depends on them. Radio communication is established between Damascus and Tel Aviv and brief but reassuring messages exchanged. The procedure organized a few days
REPATRIATION OF PRISONERS OF WAR IN THE MIDDLE EAST

Coming from Damascus in an ICRC aircraft, wounded...

Photo M. Vaterlaus/ICRC
... and able-bodied Israeli soldiers land at Tel Aviv...
... while Iraqi, Syrian and Moroccan soldiers are flown from Israel in another ICRC aircraft...

Photo J. J. Kurz:ICRC
... to Damascus.

Photo J. J. Kurz/ICRC
previously with the precision of a chronometer works perfectly. All passengers have embarked. The three planes are free to take off.

Halfway through the flight, shortly before Beirut, there is a loud-speaker announcement that in a few seconds the Jumbo Jet from Tel Aviv and the DC6 from Damascus will pass each other. There is a rush to the windows, and after a few seconds the 345 Syrians see the DC6 carrying 36 Israelis disappear into the distance. A few minutes later, the pilot announces that the plane has just entered Syrian air space. The landing at Damascus marks the end of an extraordinary experience, for the plane’s crew as much as for its passengers, who are joyfully greeted by a huge throng at the airport.

A.M.
EXTERNAL ACTIVITIES

Rhodesia

From 8 to 23 May 1974, the ICRC delegate-general for Africa, accompanied by two other delegates—one of them a doctor—visited the 330 persons detained in Rhodesia under the emergency regulations. The three ICRC delegates went to places of detention at Salisbury, Chikurubi, Marandellas, Wankie, Que Que, Wha Wha, Gwelo, Hokonui Ranch, Sengwe and Buffalo Range. As usual, they talked freely and without witnesses with detainees of their choice. The delegates provided the detainees with relief supplies.

Following the visits, the delegate-general and his fellow delegates met the Minister of Justice, with whom they discussed conditions of detention, and the question of charged or sentenced prisoners whom the ICRC was not allowed to visit in Rhodesia. The ICRC delegates also had contacts with the Rhodesian section of the Red Cross and conferred with the Minister of Defence and Foreign Affairs.

Republic of Vietnam

On 17 and 18 May, ICRC delegates in the Republic of Vietnam visited prisoner-of-war camps at Can Tho, where they saw some 700 prisoners captured since the ceasefire.

Asian sub-continent

The transfer of civilians between Bangladesh and Pakistan is proceeding at the rate of several flights daily. The ICRC continues to look after the formalities for those who wish to return to their country of origin, while the Office of the United Nations High
Commissioner for Refugees (UNHCR) is responsible for the airlift between the two countries.

By 31 May, 63,850 Bengali civilians and 53,879 Bengali servicemen and their families had left Pakistan for Bangladesh, while 95,737 non-Bengalis had gone to Pakistan.

**Europe**

The ICRC delegate-general for Europe and North America was on a mission to England, Northern Ireland and the Republic of Ireland from 30 April to 20 May 1974.

In London he met the Cabinet Minister for Northern Ireland and his principal officers, and then proceeded to Northern Ireland with an ICRC doctor, on a sixth round of visits to places of detention. They saw some 700 persons in preventive custody in Maze Prison and in the women’s prison at Armagh. As usual, the ICRC delegates were able to talk to detainees of their choice without witnesses.

Lastly, the ICRC delegate-general went to the Republic of Ireland for talks on subjects of mutual interest with Irish Red Cross officers and government authorities.

* * *

The ICRC delegate-general for Latin America went to Portugal in the middle of May and there visited a Cuban captain who had for several years been detained by the Portuguese armed forces and was undergoing treatment in the main military hospital in Lisbon.

**Middle East**

**Prisoners of war**

During May 1974, the ICRC continued its activities on behalf of prisoners of war.

In the Syrian Arab Republic, ICRC delegates visited 65 Israeli prisoners of war. Of the 63 able-bodied prisoners, two men whose
condition called for further treatment were transferred to hospital after the ICRC visit of 1 May. One of the two wounded prisoners of war who were in hospital from the time they had been captured was discharged. There were thus three wounded prisoners of war visited in hospital on 19 May.

*In Lebanon*, Israeli prisoners of war were visited by the ICRC on 8 and 29 May 1974.

*In Israel*, ICRC delegates visited on 7 May some 400 Arab prisoners of war of Syrian, Iraqi and Moroccan nationality. A Syrian prisoner captured on 30 April was visited for the first time on 5 May.

**Visit to Lebanese prisoners**

On 1 May 1974, ICRC delegates in Israel and the occupied territories visited 12 Lebanese civilians held by the Israelis since 12 April.

**Occupied territories**

A further visit was made on 20 May 1974 by ICRC delegates to that part of Syrian territory occupied by Israel since October 1973. During a temporary cease-fire, delegates from the two sides met and exchanged parcels for Israeli and Syrian prisoners of war.

**Family reuniting operations and movements**

Under the auspices of the ICRC, a family reuniting operation took place on 20 May 1974 at a point on the El Qantara Road. Twenty-six Egyptian civilian detainees released by the Israeli authorities, and 27 other persons (8 families) were allowed to leave Gaza-Sinai occupied territory for the Nile Valley. A similar operation took place at the same point on 22 May, when 139 persons went westwards to the Nile Valley, while 75 persons travelled in the opposite direction to Gaza-Sinai territory.
Mr. E. Martin, ICRC President, welcomes the King and Queen of Belgium (to the left and right of Their Majesties, Mr. R. Gallopin, President of the Executive Board, and Mrs. Gallopin).

AT GENEVA

A group of former French deportees and internees visit the Central Tracing Agency.
Released Pakistani prisoners of war crossing a year ago, the India-Pakistan border into Pakistan, under the supervision of an ICRC delegate.

Photos E. Viber ICRC
IN GENEVA

The King and Queen of Belgium at the ICRC

On the occasion of their visit to the Belgian community in Geneva, Their Majesties the King and Queen of Belgium called on 6 June 1974 at the headquarters of the International Committee of the Red Cross.

King Baudouin and Queen Fabiola were greeted on their arrival by ICRC President Mr. Eric Martin, the President of the Executive Board, Mr. Roger Gallopin, accompanied by Mrs. Gallopin, Mr. Max Petitpierre, member of the ICRC and former President of the Swiss Federal Council, by several members of the ICRC Assembly, Executive Board and Directorate, and by Mr. Henrik Beer, Secretary General of the League of Red Cross Societies.

In his address of welcome, President Martin spoke of the ICRC’s ties with Belgium and its National Red Cross Society which is celebrating its 110th anniversary this year. He mentioned how important the National Society’s work had been for the relief of civilian and military victims of the First and Second World Wars 1.

After signing the VIP’s book, the Belgian King and Queen were shown various documents in the Belgian section of the Central Tracing Agency.

Guests of the ICRC

On 8 June, 180 members of the Association française des anciennes déportées et internées de la Résistance called to thank the ICRC and its delegates for the aid they had been rendered on their release from the Ravensbrück camp.

They were received by Dr. Eric Martin and several officers of the ICRC, and Dr. Martin spoke to them about the work done at the end of World War Two by the ICRC, of which he is President.

1 Plate.
INTERNATIONAL COMMITTEE IN GENEVA

Madame Geneviève Anthonioz–de Gaulle, President of the Association, in turn spoke about the moral and material relief provided for the deported women in the tragic circumstances of that time. The Association members then visited the Central Tracing Agency. There each was moved to find an index card made out in her own name as well as information about absent or missing fellow-detainees 1.

A new ICRC film

The theme underlying the new film Humanity First, produced by the ICRC, is why and how the fundamental principles of humanity, incorporated in the Geneva Conventions, should be taught. These basic rules should be made known more extensively among school children, university students and members of the armed forces.

This 16 mm. sound film in colour, lasting 16 minutes, was shot in Geneva, Africa, the Middle East and Asia, with the co-operation of the National Societies and armed forces of the following countries: Jordan, Kenya, Lebanon, Malawi, Mali, Singapore, Somalia, Sri Lanka, Tanzania, Thailand and Upper Volta. Versions in English and French are available.

This new production and the earlier film Pax, also produced by the ICRC and reviewed in our December 1973 issue, form a whole. The two films complement each other; Humanity First shows how and why the principles underlying the Geneva Conventions should be taught, while Pax illustrates some of the basic rules of those humanitarian Conventions.

The new film is a welcome addition to the audio-visual material that is being prepared with the aim of spreading wider still the work of dissemination called for by Resolution XII of the XXIInd International Conference of the Red Cross. The ICRC trusts that it will be warmly received by National Societies.

1 Plate.
IN THE RED CROSS WORLD

AN APPEAL BY THE ICRC AND THE LEAGUE

On 17 June 1974, the President of the Executive Council of the ICRC, Mr. R. Gallopin, and Mr. H. Beer, Secretary General of the League of Red Cross Societies, sent the following circular letter to Governments and National Societies:

Despite the Paris Agreement of January 1973 fighting still continues in some parts of Indochina, entailing heavy demands on the Red Cross for surgical and medical aid. Even in those areas where relative peace has been restored, the aftermath of 25 years of war has left hundreds of thousands of persons homeless, destitute, sick or vulnerable, through malnutrition, to disease. Aid of almost every kind is desperately needed. On the one hand the Red Cross must continue to give its full support to the victims where the fighting continues; and on the other it must help destitute people in those regions where the actual fighting has ceased. Thanks to financial and material contributions received from Governments and Red Cross Societies throughout the world, it has so far been able to provide aid in the form of shelter and prefabricated housing, food, medicaments, medical services, hospital equipment, clothing, trucks and ambulances, and a wide variety of other relief supplies to a value of over 50 million Swiss francs. But the resources are now almost exhausted.

The International Committee of the Red Cross and the League of Red Cross Societies have, therefore, carried out a major review of the situation, and of those emergency needs which are unlikely to be met by any other organisation. As a result a new reduced programme has been drawn up to cover the next nine months. This represents the minimum required to meet the most pressing of the emergency needs in the various areas of Indochina. It involves a total cost of some 19.5 million Swiss francs.

It is fully appreciated that the humanitarian problems and needs of Indochina have disappeared from the headlines. Other
more recent disasters have taken their place. Yet this does not mean that those needs have diminished or disappeared; they are as real and as urgent as ever.

The ICRC and the League, in December 1972, established the Indochina Operational Group to mobilise and coordinate the most effective use of world-wide Red Cross and other resources for the benefit of the victims of the war in Indochina. The two Institutions have recently decided to retain this Group, for so long as may be necessary, to coordinate their respective activities in Indochina. We now make this joint appeal to Governments and National Red Cross Societies to provide the necessary resources. Already the shortage of funds has enforced a reduction of activities to cover only the most desperate needs; and unless more money becomes available in the very near future even the most vital elements in the Red Cross programmes, such as medical services, especially in Cambodia, will have to be curtailed or even withdrawn.

* * *

In its broad aspects, the new programme includes continued material aid to displaced persons or to those now being resettled, as well as the maintenance of a dozen medical teams in the Republic of Vietnam, the Khmer Republic and the Kingdom of Laos. A sum is also to be set aside for the needs of war victims in areas controlled by the Royal Government of National Union of Cambodia.

In the Democratic Republic of Vietnam, the Red Cross must, on the one hand, complete its programme of prefabricated housing for some 30,000 persons, and, on the other, meet new requests for relief. As the Provisional Revolutionary Government of the Republic of South Vietnam is being supplied with equipment for a 250-bed hospital, additional material and surgical supplies will be needed.
In its April issue, the International Review announced 1974 World Red Cross Day and recalled the theme: "Give blood—save life". In this number we are publishing an article which is connected with the subject since it illustrates the theme by describing new aspects of blood transfusion.

In most countries, World Red Cross, Red Crescent and Red Lion and Sun Day is commemorated on 8 May. But a commemorative ceremony was held at the League two days earlier, in the presence of representatives of the Geneva authorities and leaders of international and national organizations involved in health questions, blood transfusion and blood programmes. Senior officials of Red Cross institutions having their headquarters in Geneva also participated in the event with their staff. Professor Hans Haug, League Vice-Chairman and President of the Swiss Red Cross, spoke of the necessity to strengthen blood donor recruitment everywhere in order to meet ever growing needs. Addresses were also delivered by representatives of the World Health Organization and the International Federation of Blood Donor Organizations, as well as by the Director of the League's Information Bureau, who spoke of Henry Dunant's personality.

This year, World Red Cross Day achieved wide coverage thanks to the efforts of National Societies and the use of the most effective communication media. Radio programmes in English, French, Spanish, Arabic and other languages were broadcast by different stations, and through the European Broadcasting Union ten television stations showed the film "Blood is red all over the world".

A number of National Societies used the opportunity to launch a blood donor recruiting campaign and organize ceremonies, processions, exhibitions, film shows, symposia, and so forth, which showed the importance of blood in the present-day world. In addition, some countries issued postage stamps and posters which made a great many people more fully aware of the work of the Red Cross in that specific field.
IN THE RED CROSS WORLD

Indo-China

Republic of Vietnam

Three medical teams and one mobile team are now at work in the Republic of Vietnam.

As mentioned in our last issue, an operation was launched for ten thousand Cambodians who had sought refuge in the Ha Tien area. A team of the German Red Cross of the Federal Republic of Germany has started work in co-operation with the Vietnamese National Society. The other West German team which was working in the Binh Tuy area has been replaced by another, again from the Federal Republic of Germany.

At Phu Bon, a French doctor is pursuing his activities for the Montagnard population and new refugees.

Lastly, a mobile team composed of two male nurse-technicians from the Federal Republic of Germany and the Norwegian medical adviser of the International Red Cross Assistance (IRCA) is carrying out a project for the boring of wells and the inspection of drinking water in refugee resettlement areas.

Democratic Republic of Vietnam

Prefabricated dwellings are continuing to be set up in the Democratic Republic of Vietnam, to house several thousand homeless. At Haiphong, for instance, fifty are going up for 300 families.

These dwellings, which are supplied by Japan and specially intended for local climatic conditions, are assembled in a few days. A communal kitchen and bathroom unit is provided for every two houses. Workmen have been provided by the local administration. Ox-drawn carts, the traditional form of transport, are used for carrying particularly heavy items.

Laos

The Japanese team has concluded its mission at Pak Lay and is not being replaced. The clinical and prophylactic work will be carried on by the Laotian personnel.
IN THE RED CROSS WORLD

The malaria prevention campaign, conducted by a mobile French Red Cross team in co-operation with the Ministry of Health and the World Health Organization (WHO) in the Long Xien area, south of Luang Prabang, has been prolonged by a general systematic insecticide spraying operation.

Khmer Republic

After the flare-up of fighting in the Khmer Republic, particularly in the Kampot area, a Canadian Red Cross mobile medico-surgical team moved into the town's hospital at the end of May. In addition to caring for the wounded, it deals with numerous victims of the recent cholera outbreak.

The other teams, working at Kompong Thom, Kompong Chhnang and Svay Rieng, are also faced with an influx of wounded as a result of intensified fighting in past weeks.
MISCELLANEOUS

NARCOTICS CONTROL

In June 1964, the International Review of the Red Cross published an account of the international effort which was being made to control narcotic drugs, an effort which, like that of the Red Cross, served an essentially humanitarian purpose, that of protecting man from the dangers threatening his dignity and his welfare. It stated that the Convention of 13 July 1931 on narcotic drugs could well take its place among instruments of humanitarian law. Mr. Istvan Bayer, in a recent article entitled "The world drug situation," describes, in the first place, how the U.N. Division of Narcotic Drugs, of which he was formerly a member, compiled its information. The passage given below is a sequel to the previous study on the same subject.

It is often assumed that international organizations are the best informed bodies in the world on the drug problem and that the U.N. Division of Narcotic Drugs in Geneva has at its disposal the best statistics on the extent of drug abuse.

It is true that the Division receives information on the abuse of narcotics from more than 130 governments each year; consequently the Division and the U.N. Commission on Narcotic Drugs can follow trends and patterns of drug abuse in the various regions of the world, but the statistics furnished by governments are relatively hard to assess.

The assumption that the Division could easily compile the collected data and present well-balanced "world statistics" in the form of a document, is, unfortunately, not correct, due to the simple fact that the annual reports furnished by governments on drug abuse do not contain very much statistical data.

It would not be realistic to imagine that the majority of governments do not want to present statistics for the use of international organs; on the contrary, experience shows that governments do


376
furnish good statistics about illicit traffic in narcotics and most other aspects of the drug problem. Drug abuse, however, is an exception.

The explanation of this exceptional situation is relatively simple: one need only take into account the sources of information which are at the disposal of national authorities. There are, generally speaking, two main sources of such information: reports made and data collected by (1) law enforcement services and (2) health authorities.

What kind of statistical data can be expected from law enforcement services? Data on quantities of drugs seized at the frontiers or within the country, and data on the number of people involved in "narcotic offences" such as possession of illegal drugs. All these data are very useful indications of the availability and possible abuse of certain drugs, reflecting the existence and the dimensions of the drug problem in a country, but they are of little value for the quantification of the drug-dependent population. It is almost impossible to base statistical data on drug abuse solely on law enforcement statistics.

Statistics presented by health authorities usually focus on drug dependence; consequently, they might seem to be more appropriate for the development of a governmental statistical report on addiction, but, in this case too, there are a number of drawbacks.

The quality of a report by national health authorities largely depends upon the general development and level of the health service in the respective country; in many developing countries, where the number of physicians is extremely low compared with the size of the population, the health service does not have the necessary staff for case finding and data collection.

Possibilities for the collection of "hard data" on drug abuse by health authorities are limited to countries where health services are highly developed, but even these countries face many difficulties in data collection.

Let us consider the following questions: is the reporting of drug dependence cases compulsory or not? Who is obliged to make such a report and to whom? Are cases of occasional drug-taking or acute intoxication included in the reporting system or not? These
MISCELLANEOUS

are basic questions influencing even the amount of statistical data collected by national health authorities.

All of these difficulties are reflected in the annual reports, and it is no wonder that high quality statistics are usually presented by health authorities (1) on sick people who were treated with narcotic analgesics (thereafter showing symptoms of dependence) and (2) on addicts treated in hospitals. The first group of people has nothing to do with drug abuse as a social problem; the second group shows only the "tip of the iceberg". Consequently, statistics compiled by health authorities do not give a clear and complete view of the drug problem.

The Division of Narcotic Drugs prepares documents on drug abuse for the sessions of the Commission on Narcotic Drugs. Statistics furnished by governments are included in these documents, but are not suitable for comparison.
BOOKS AND REVIEWS

DRAGO ARSENIJEVIC: OTAGES VOLONTAIRES DES SS 1

What the ICRC did for concentration camp detainees constitutes a chapter in World War Two history of ICRC activities of which little is known or properly understood. The only reference book so far was the International Committee’s report published in 1946, L’activité du CICR en faveur des civils détenus dans les camps de concentration en Allemagne, which, in the form of a “white paper”, outlined the steps taken by the ICRC, quoted correspondence exchanged with German and Allied authorities, and reproduced large extracts from reports drawn up by its delegates in the camps. In a book written on the same subject, Mr. Arsenijevic has produced further evidence regarding the events during that sombre period and, with a historian’s objectivity, has succeeded in reconstructing the struggle between the ICRC and the Third Reich’s security services. Using many as yet unpublished documents and basing himself on the narratives and reminiscences of persons who were either themselves involved in the tragedy or who witnessed it, he has revived those historical events and shed light on the personality of those who took part in them:

“What I think worth while relating is not just the single combat waged by an institution, even though that unequal encounter between a humanitarian body and a regime which crushed the dignity of the individual was already an important milestone in World War Two; but, above all, the determination of a handful of men (and, as we shall see, this is no mere figure of speech but a reality, as there were only ten of them) who risked their lives to save others in thoroughly exceptional circumstances.”

That “single combat” went on for twelve years: from September 1933, when initial approaches were made to the German Red Cross, until the camps were liberated in May 1945. Mr. Arsenijevic objectively reports the failures and successes encountered

in a long series of thankless and difficult tasks against the stream. The first positive result was achieved in October 1935, when Professor Carl J. Burckhardt approached Gruppenführer Reinhard Heydrich and obtained permission to visit three concentration camps: Esterwegen, Dachau and Lichtenburg. Those visits, however, were an exception rather than a precedent.

"The first steps having been taken, the ICRC urged the German authorities to allow it to visit all concentration camps. This met with an outright refusal from Himmler's services. The International Committee therefore decided to suspend what it had been agreed to call 'selective visits', which could not, in fact, be systematically repeated. There was a great risk that such visits might serve German propaganda rather than the detainees."

A further visit was made to Dachau in 1938, but it was too elaborately prepared to be conclusive. By that time, the concentration camp system extended over Greater Germany and the occupied territories. In December 1941, the "Nacht und Nebel" decree abolished any communication between deportees and the outside world. The ICRC delegates—who visited some two million prisoners of war and civilian internees—were stopped at the concentration camp gate or could at best proceed no further than the commandant's offices. In April 1942, the German Red Cross asked the ICRC to make no more requests for information which it was unable to supply. In May, an inquiry sent to the Ministry of Foreign Affairs remained unanswered.

"It was hard to find a solution to the problem. Experience was soon to show that the ICRC must cease its official approaches in the matter of concentration camps, for two reasons: first, because it was not entitled to make such approaches under any provisions of international law, and, secondly, because such approaches gave offence in the Third Reich. A major risk appeared on a horizon already fraught with heavy threats: that once such feelings were roused, all German doors, including those of prisoner-of-war camps, would be closed to International Committee delegates."

Yet despite the lack of treaty provisions, the ICRC still had the right of initiative. Approaches were therefore resumed in September 1942.
“For the Wilhelmstrasse visit, the Committee told its representatives in the Third Reich that it considered it had ‘used the best possible argument by basing the attempt on the principle of reciprocity’. But the attempt failed, for on 22 December the Ministry of Foreign Affairs replied that it could not comply with the requests concerning deportees.”

There remained the possibility of having recourse to public opinion, which the ICRC considered but rejected. Mr. Arsenijević analyses the discussions which took place in the ICRC as follows:

“Faced with the dilemma: ‘Is it more important to pass judgement and proclaim principles or to afford relief and put those principles into practice?’ the ICRC made its choice by opting for relief, because the Red Cross should remain what it was in its very essence: a relief institution rather than an international tribunal.”

It was by sending relief supplies that the ICRC managed to look into that forbidden world. In March 1943 it was granted permission to send individual parcels to deportees whose names and addresses were known to it. It did so promptly, and acknowledgement forms were attached to the parcels. A number were returned, signed not only by the addressee but by fellow-inmates, who thereby announced their identity and in turn could receive parcels. The system developed like a snowball, wrote the author:

“By the end of the war, 750,000 parcels had been distributed in concentration camps, thanks to a card-index containing 105,000 names.”

Yet the ICRC did not give up. In February 1945, it was informed that detainees in French and Belgian territory would be allowed to receive food parcels and send news to their families by means of Red Cross forms. The ICRC organized a supply system operated by trucks bearing the Red Cross emblem. In Romania and Hungary, ICRC delegates endeavoured to further the emigration of Jews, give them supplies and have them exempted from forced labour. Parallel to its efforts, Jean-Marie Musy, a former president of the Swiss Confederation, secured the evacuation of 1,200 Jews from the Theresienstadt ghetto to Switzerland. Prince Folke Bernadotte, Vice-President of the Swedish Red Cross, who had on several occa-
sessions arranged for the exchange of wounded or sick prisoners of war, also made pressing approaches to the Third Reich authorities, who in February 1945 allowed him to repatriate Scandinavian detainees from concentration camps and to evacuate women of other nationalities. The ICRC and its delegation in Berlin brought continued pressure to bear on the Ministry of Foreign Affairs. Again in February, the Committee was informed that Professor Carl J. Burckhardt, then President of the ICRC, would be able to see SS Obergruppenführer Kaltenbrunner. At the meeting, held in an inn near Constance, President Burckhardt asked Kaltenbrunner to let ICRC delegates install themselves in concentration camps. Mr. Arsenijevic, who reconstituted that amazing meeting, describes the scene thus:

"Ernst Kaltenbrunner did not answer at once. It was only when the two men were before the inn and about to enter that he decided to speak. 'I am prepared to accept your proposal', he said, 'but on one condition, and that is that your delegates will stay in the camps until their dissolution. They will be allowed to enter all camps, including those reserved for Jews, to distribute the food and medical supplies which you will transport in Red Cross trucks. But once they are installed in the camps, the delegates will not be able to leave them before the end of the war. Do you understand?'"

The ICRC found more delegates than it needed for that strange mission, under the terms laid down, men who, in the words of the writer, were to be "voluntary hostages of the SS". By resorting to persuasion or threats, shouldering responsibilities that would be inconceivable in normal times (but the exception had become the rule), sometimes taking over command of the camps, crossing front-lines to negotiate surrender, escorting repatriated deportees, supplying hungry columns along the evacuation route, they managed to prevent the execution of orders involving the total destruction of the camps and their inmates. The book, which draws its facts from the most reliable sources, accurately describes the part those men played at the time of the collapse of the Third Reich. Beyond official reports, the writer recalls and describes those who took part in that last rescue operation and pays a fitting tribute to their determination:
"To try to enter Nazi concentration camps and attempt to prevent the SS from 'deleting' proof of their odious crimes so as to leave no trace behind, was a superhuman task. Yet fully aware of what was at stake, with indomitable energy a few men agreed to do the job. They did not always succeed, but they always carried on to the very end."

A.D.

B. DE SCHUTTER and Chr. ELIAERTS: DE BESCHERMING VAN HET INDIVIDU IN MODERNE CONFLICTSITUATIES

Under this title (The protection of the individual in modern conflicts), Professor B. De Schutter and Dr. Chr. Eliaerts have studied and analysed the draft Protocols additional to the 1949 Geneva Conventions submitted to the Diplomatic Conference which met in Geneva for its first session in February and March 1974. Professor De Schutter was at the Conference as one of the delegates of his country, Belgium, and is particularly well acquainted with the subjects he examines with Dr. Eliaerts.

The book is divided into eight chapters corresponding to the different parts of the aforementioned draft Protocols. There are abundant notes to each chapter, and an extensive bibliography will be found in the last chapter.

C. P.

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"IN THIS RESPECT, NATIONAL SOCIETIES HAVE A SPECIAL RESPONSIBILITY TO CO-OPERATE WITH GOVERNMENTS AND TO LEND ENCOURAGEMENT AND AID IN ANY ACTION TAKEN BY INSTITUTIONS OR PERSONS BELONGING TO THE ARMED FORCES. THE SPANISH RED CROSS THEREFORE WELCOMES THE WORK DONE BY MAJOR JOSÉ FRIAS O'VALLE WITH A VIEW TO PROVIDING A MANUAL THAT MAY CONTRIBUTE TO A WIDDER DISSEMINATION IN THE ARMY OF THE RULES OF WAR AND OF INTERNATIONAL HUMANITARIAN LAW. THE BOOK IS INSTRUCTIVE AND, BEING WRITTEN SIMPLY, WILL MAKE THE PRINCIPLES IN QUESTION AND THEIR CONTENT ACCESSIBLE TO PERSONS WHO HAVE NOT HAD A LEGAL TRAINING."


1 GRAFICAS NEBRIJA, MADRID, 1974.

... Health is widely recognized today as a human right. Governments are expected to provide health services covering vast populations to fulfil a social demand. Health care is no longer considered in isolation but as one aspect of human welfare. The physician must work as a member of the health team, comprising many other specialists, and as a participant in a broad-based process, often planned, of economic and social change. Many health problems have a global dimension.

For the kind of health services that people expect and governments wish to provide, the resources available are wholly inadequate, the shortage of trained personnel being particularly critical. Public health leaders therefore face a twofold task: to increase the yearly output of qualified staff and to reshape medical and public health education to fit the pattern of health needs and demands. ...

... A country unable to make the services of physicians available to its entire population may still be able to provide a nation-wide service in which the initial health contact of the people is normally a person trained at a lower cost. Such health personnel are supported with more modest facilities than those required by a physician. Many countries have found it practical to promote the training and use of feldshers, medical and nursing assistants, and other categories of middle and lower health personnel.

A full coverage of the population can be achieved more rapidly in a health service network which provides for initial contact with a health worker other than a physician. Not only does it cost less to train a health auxiliary, but the period of training is shorter. The fear that wider use of auxiliary personnel may lead to lowering of medical standards has been shown to be unfounded. The auxiliary works within the limits of his knowledge and skills, and the health system in which he functions is so structured that he is able to refer patients requiring care beyond his capabilities to the next level of care in the system. In addition, it would be difficult to assert that in remote areas lacking transport and medical facilities the services provided by a fully qualified physician would be necessarily better than those rendered by an auxiliary. Another question to be answered is: should a country invest in a higher standard of diagnosis and treatment irrespective of its cost if it means—as is likely to be the case in developing countries—denying any service at all to a substantial proportion of the population?
BOOKS AND REVIEWS

WHO has been promoting the training of medical assistants to reinforce health services and has proposed guidelines for the planning, implementation and evaluation of a programme for their optimum use. During 1973, a conference on the medical assistant held in the USA was attended by participants from 18 countries. Studies on the use of auxiliary personnel were carried out in a number of countries. Assistance in the form of instructors, teaching material and fellowships was provided in many programmes aimed at training various categories of workers, including auxiliary nurse-midwives, midwives, sanitarians, sanitary and water supply technicians, auxiliary environmental health workers, health inspectors, food handlers, dental auxiliaries, health laboratory technicians and radiological technicians...
## THE GENEVA CONVENTIONS OF AUGUST 12, 1949

### Some Publications


**Commentary published under the general editorship of Mr. J. Pictet, member of ICRC:**

- **Vol. 1:** Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field — 466 pp.
  - bound: 45.—
  - paper-back: 35.—

- **Vol. 2:** Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea — 320 pp.
  - bound: 40.—
  - paper-back: 30.—

- **Vol. 3:** Geneva Convention relative to the Treatment of Prisoners of War — 764 pp.
  - bound: 60.—
  - paper-back: 50.—

  - bound: 55.—
  - paper-back: 45.—

**Summary for Members of Armed Forces and the General Public, 13 pp.** 2.—

**Course of Five Lessons, 102 pp.** 8.—

**Essential Provisions, 4 pp.** 0.30

**Soldier's Manual, 24 pp.** 1.—

**Rights and Duties of Nurses under the Geneva Conventions of August 12, 1949 — 45 pp.**

(for orders exceeding 100 copies, Sw. Fr. 1.— per copy)

**International Red Cross Handbook.**

- Conventions—Statutes and Regulations—Resolutions of the International Conference of the Red Cross and of the Board of Governors of the League of Red Cross Societies, 11th ed. 1971; 8vo, 607 pp. 40.—

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1 These publications and the full list of ICRC publications may be obtained from the ICRC Documentation Department, 7 avenue de la Paix, CH-1211 Geneva.

2 This joint publication can be obtained at the above address or from the League of Red Cross Societies, Case postale 3099, CH-1211 Geneva 9.
THREE RECENT ICRC PUBLICATIONS
ISSUED FOR THE DIPLOMATIC CONFERENCE
ON THE REAFFIRMATION AND
DEVELOPMENT OF INTERNATIONAL
HUMANITARIAN LAW APPLICABLE IN ARMED
CONFLICTS

Draft Additional Protocols to the Geneva Conventions of
August 12, 1949
Geneva, 1973; 8vo, 46 pp. . . . . . . . . . . . . . . . . . . Sw. Fr. 10.—

Draft Additional Protocols to the Geneva Conventions of
August 12, 1949
Commentary
Geneva, 1973; 8vo, 176 pp. . . . . . . . . . . . . . . . . . . Sw. Fr. 20.—

Weapons that may cause Unnecessary Suffering or have
Indiscriminate Effects
Report on the Work of Experts
Geneva, 1973, 72 pp. . . . . . . . . . . . . . . . . . . . . . . . . . Sw. Fr. 12.—
ART. 1. — *International Committee of the Red Cross*

1. The International Committee of the Red Cross (ICRC), founded in Geneva in 1863 and formally recognized in the Geneva Conventions and by International Conferences of the Red Cross, shall be an independent organization having its own Statutes.

2. It shall be a constituent part of the International Red Cross.¹

ART. 2. — *Legal Status*

As an association governed by Articles 60 and following of the Swiss Civil Code, the ICRC shall have legal personality.

ART. 3. — *Headquarters and Emblem*

The headquarters of the ICRC shall be in Geneva.

Its emblem shall be a red cross on a white ground. Its motto shall be *Inter arma caritas.*

ART. 4. — *Role*

1. The special role of the ICRC shall be:

(a) to maintain the fundamental principles of the Red Cross as proclaimed by the XXth International Conference of the Red Cross;

(b) to recognize any newly established or reconstituted National Red Cross Society which fulfils the conditions for recognition in force, and to notify other National Societies of such recognition;

(c) to undertake the tasks incumbent on it under the Geneva Conventions, to work for the faithful application of these Conventions and to take cognizance of any complaints regarding alleged breaches of the humanitarian Conventions;

¹ The International Red Cross comprises the National Red Cross Societies, the International Committee of the Red Cross and the League of Red Cross Societies. The term "National Red Cross Societies" includes the Red Crescent Societies and the Red Lion and Sun Society.
(d) to take action in its capacity as a neutral institution, especially in case of war, civil war or internal strife; to endeavour to ensure at all times that the military and civilian victims of such conflicts and of their direct results receive protection and assistance, and to serve, in humanitarian matters, as an intermediary between the parties;

(e) to ensure the operation of the Central Information Agencies provided for in the Geneva Conventions;

(f) to contribute, in view of such conflicts, to the preparation and development of medical personnel and medical equipment, in co-operation with the Red Cross organizations, the medical services of the armed forces, and other competent authorities;

(g) to work for the continual improvement of humanitarian international law and for the better understanding and diffusion of the Geneva Conventions and to prepare for their possible extension;

(h) to accept the mandates entrusted to it by the International Conferences of the Red Cross.

2. The ICRC may also take any humanitarian initiative which comes within its role as a specifically neutral and independent institution and consider any question requiring examination by such an institution.

ART. 6 (first paragraph). — Membership of the ICRC

The ICRC shall co-opt its members from among Swiss citizens. It shall comprise fifteen to twenty-five members.
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<td>Libyan National Red Cross, National Headquarters, 107 Lynch Street, P.O. Box 222, Monrovia.</td>
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<td>Libya</td>
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