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INTERNATIONAL  
**REVIEW**  
OF THE RED CROSS



Published every two months by the  
International Committee of the Red Cross  
for the International Red Cross  
and Red Crescent Movement



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In its next issue (September-October 1990) the *International Review of the Red Cross* will be publishing the following articles:

- **Rules of international humanitarian law governing the conduct of hostilities in non-international armed conflicts.**
- **Penal sanctions in the event of violations of international humanitarian law applicable in non-international armed conflicts.**
- **Child combatants taken prisoner.**

# Visibility of the distinctive emblem on medical establishments, units, and transports

by Gerald C. Cauderay

## 1. Visibility: some basic considerations

The Geneva Conventions of 12 August 1949 provide that medical personnel and equipment shall in general be identified by the distinctive emblem of the red cross or red crescent. The Second Geneva Convention, applicable to the victims of conflict at sea, specifies that the exterior surfaces of hospital ships and smaller craft used for medical purposes shall be white and recommends that the parties to the conflict use “the most modern methods” to facilitate identification of medical transports at sea (Art. 43).

It is also recommended that the parties to the conflict provide medical aircraft with “any other markings or means of identification” (First Convention, Art. 36, and Second Convention, Art. 39).

The identification of medical personnel, units and means of transport therefore depends on the distinctive emblem, the use of which is set forth in Chapter VII of the First Convention (Arts. 38 to 44) and Article 18 of Protocol I additional to the 1949 Geneva Conventions. The other technical means of identification described in Chapters III and IV of Annex I to Protocol I are complementary in nature and intended to facilitate identification of protected means of transport.

While the distinctive emblem does not in itself confer protection, there can be no effective protection without it.

Since the distinctive emblem is intended to be the visible manifestation of the right to protection, it must be clearly visible and identifiable when used. This means that it must be recognizable at a distance and in good time. The appropriate distance can vary greatly depending on the type of weapon used: guns, tanks, artillery, sea or air weapons, etc.

For over 125 years, the medical personnel, units and transports protected by the Geneva Conventions have been identified by purely visual means. Yet technological progress has changed the means and methods of modern warfare to such an extent that it no longer suffices to use the red cross or red crescent emblem as the only means of identification.

Modern warfare relies increasingly on the use of sophisticated technology which makes it possible to destroy a target long before it can actually be seen. Moreover, the mechanization of means of combat and the widespread use of electronic means of observation, and even to some extent of automatic firing, especially of sea and air weapons, have considerably increased the range and rapidity with which weapons can be fired and their velocity. As a result it has become well nigh impossible to recognize at a sufficiently early stage personnel and material bearing only the distinctive emblem.

It is therefore indispensable, if the aim is effective protection of medical establishments and means of transport, to considerably improve the visibility of the distinctive emblem.

The emblem's visibility has always been a matter of concern to the International Committee of the Red Cross. The advent of aerial warfare, especially bombing, prompted the institution's leaders already over 50 years ago to test its visibility from the air, in co-operation with the Swiss Army. These tests, which were reported in the *International Review of the Red Cross* in May 1936,<sup>1</sup> demonstrated the limits of the emblem's visibility. The Netherlands Air Force did similar tests during the same period.

Although the technical means of aerial observation have since improved, the conclusions of the 1936 tests are still valid.

In the 1970s, when the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts was being prepared, the visibility of the protective emblem was tested in a number of ways, especially by means of active infrared (IR) electro-optical observation.<sup>2</sup>

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<sup>1</sup> *International Review of the Red Cross*, No. 405, May 1936, pp. 408-412 (in French only).

<sup>2</sup> *Active infrared*: means of night observation comprising traditional white light projectors equipped with filters and infrared lenses for observing objects lit by another source. The system uses near infrared radiation (0.75 — 1.2 microns). An active means of observation, the infrared can be detected using special lenses at distances greater than the range of its source. For this reason, and given how inefficient it is compared to modern means of observation, active infrared is practically no longer used by armed forces.

Following these tests, which were also conducted with the help of the Swiss Army, suggestions were made to improve active IR observation of the red cross emblem. At the time, no tests were carried out using passive IR means of observation,<sup>3</sup> also known as “thermal imaging”.

Unlike “active” observation, observation using “passive” electro-optical equipment cannot be detected by the enemy, which explains why armies prefer it.

With a view to the possible revision of Annex I (Regulations concerning identification) to Protocol I additional to the 1949 Geneva Conventions, a meeting of technical experts will be convened by the ICRC in Geneva in August 1990. In preparation for this meeting, the ICRC considered it necessary both to repeat tests on the visibility of the distinctive emblem under varying conditions and using modern technical means of observation, and to improve its knowledge about the characteristics of and inherent limits to the technical means of observation widely used today by the armed forces.

It was not the ICRC’s intention to repeat all the tests conducted over the past 40 years, but only certain specific tests using thermal imaging cameras (thermal IR), image-intensifying (II)<sup>4</sup> sight systems and aerial, visual and passive IR means of observing distinctive emblems of different sizes on buildings, various types of vehicles and medical personnel.

In addition to the distinctive emblem, the ICRC also ran a number of tests on the flashing blue lights used to identify medical aircraft (Protocol I, Annex I, Art. 6), which have so far not proven to be entirely satisfactory.

To do these tests, often conducted in conditions approximating real operations, the ICRC used standard red cross and red crescent flags and stickers (*see Annex I*).

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<sup>3</sup> *Passive infrared—thermal imaging*: by this means, the natural or artificial electromagnetic energy emitted in the IR band by objects is transformed into electrical signals which are then used to draw a map of the hot points on the landscape, thus forming an image which can be observed through fieldglasses or on a screen or recorded using special apparatus.

<sup>4</sup> *Image intensifiers (II)*: Image intensifiers are electro-optical devices which amplify the light levels of objects lit by low light at night. The main component is a light amplification tube which converts a low level polychromatic image (white light) into an electronic image, which is then electronically amplified and transformed into a more intense, usually dull green, monochromatic image. The light levels can be amplified 5,000 to 10,000 times, making it possible to obtain a visible image even on extremely dark nights.

Certain tests were also conducted with specially made red cross and red crescent boards (*Annex 1*) to assess different types of paint and manufacturing processes intended to ensure greater visibility at night, in poor weather or using electro-optical instruments of observation (II sight systems and thermal imaging cameras).

The tests were conducted in the field between June 1989 and April 1990, in weather which was not always good but very representative of real-life situations. As concerns specifically night visibility and passive IR observation, additional laboratory tests were conducted by the Test Section (Radar, Electronics, Optronics) of the Swiss Federal Military Department's Defence Technology and Procurement Group (GDA).

Finally, visibility tests were also conducted at sea with a coastal rescue craft which had a red cross flag on the bridge, two red cross stickers of different sizes on its sides and a flashing blue light at the top of its mast.

Let us now examine these tests and their results.

## **2. Tests of the distinctive emblem's visibility**

### **2.1 Aerial observations**

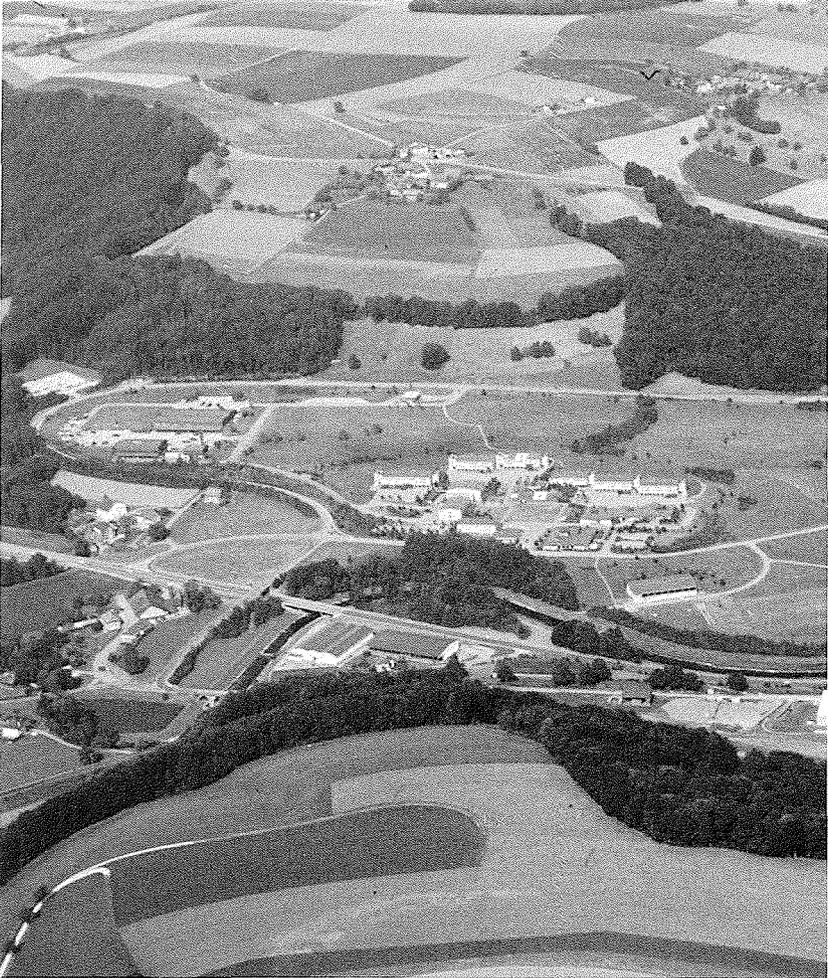
Thanks to the kind and efficient co-operation of the Swiss air force, the ICRC was able to carry out three different tests:

- (a) Observations from different heights and distances, in a flat area, of buildings and an ambulance bearing red cross emblems of different sizes.
- (b) Observations at night and at low height, in a mountainous region, of buildings and different vehicles bearing red cross emblems of different sizes, using passive IR electro-optical equipment.

The same test was done during the day, but using standard photographic equipment (visible band of the spectrum).

- (c) Observations from different heights and distances, in a mountainous area, of buildings and different types of vehicles bearing red cross emblems of different sizes, and of troops wearing red cross armbands, tabards and helmets.

For the first test, conducted in a flat area, red cross flags measuring 10 and 5 m across were put on the roofs of the buildings and on the nearby lawns. One red crescent flag measuring 3 m across was also put on the slope of one of the roofs (*Photo No. 1*).



**Photo No. 1**

Observation from the air.  
Altitude 1300 m AMSL, i.e. Above Mean Sea Level  
Distance 2 km.

The red cross flags on the roof measure 10 m × 10 m.

Copyright: ICRC  
Th. Gassmann

CHART No. 1

**VISIBILITY TEST OF THE EMBLEM**

Observation: from the air  
 Date: 27 June 1989 Time: 9.30 – 10.30 a.m.  
 Weather: Fair, light haze

**Distinctive emblems**

Height/distance	400 m/1000 m	800m/2000 m	1000 m/3000 m	1400 m/4000 m	1800 m/5000 m	
Roof of building Red cross flag	④	④	②	② ①	①	10 m × 10 m
Roof of building Red crescent flag	④	②	①	①	①	3 m × 3 m
Flag alone	④	④	②	② ①	①	10 m × 10 m
Flag alone	④	③	①	①	①	5 m × 5 m
Ambulance on road	①	①	①	①	①	1 m × 1 m

Key (valid for all charts)

- 1 Barely visible, **NOT** identifiable
- 2 Discernable but difficult to identify
- 3 Visible and identifiable
- 4 Clearly visible

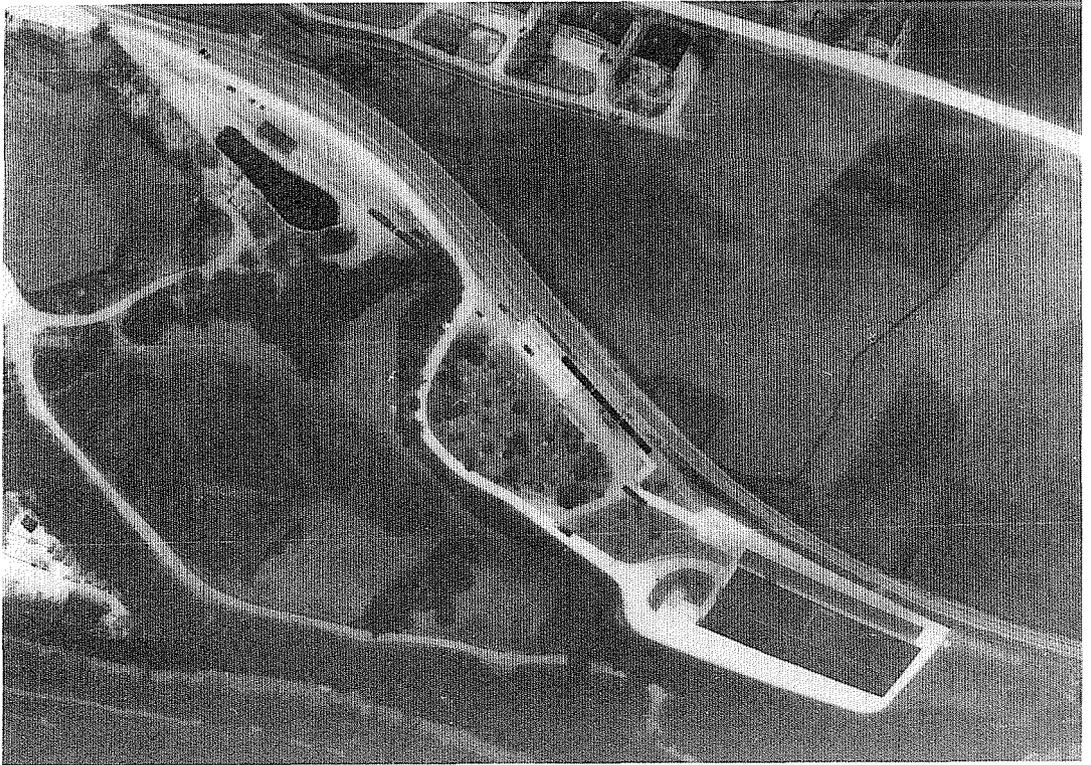
Observations were carried out at an increasing distance and height until the red cross was no longer visible to the naked eye.

As can be seen in *Chart No. 1*, a flag measuring 5 m across is no longer recognizable at a distance of 3000 m (1000 m AGL, i.e. Above Ground Level) and one measuring 10 m across is no longer visible at 5000 m. (1800 m AGL). The 1-m square emblem painted on the ambulance was not even visible at the minimum observation distance of 1000 m. The 3-m square red crescent flag was just barely discernable at 2000 m (800 m AGL).

All the observations were made at an angle of about 20°, which corresponds to normal conditions. The results were somewhat better when the observations were made vertically, but the ICRC considers that these results were not sufficiently representative of real operational conditions.

It should be added that the tests were conducted in ideal weather conditions, which occur on average on only 20% of days in a year.

The second series of observations was made at night using a low-flying military aircraft equipped with passive IR electro-optical observation equipment. The purpose of the test was to see how well medical buildings and vehicles bearing a standard distinctive emblem could be identified using modern methods of aerial observation, in particular passive IR equipment. The same test was done during the day with photographs in the visible band of the spectrum. *Photos Nos. 2 and 3* give



**Photo No. 2**

Night observation from the air using passive IR.  
Height 200 m AGL.

The vehicles can be seen but the red crosses are totally invisible.

Copyright: Militärflugdienst Dübendorf



**Photo No. 3**

Observation from the air  
(visible band).  
Height 100 m AGL.

The different vehicles are clearly visible but not the red crosses. The red cross flags on the building, however, are clearly visible.

Copyright: Militärflugdienst Dübendorf

a good idea of the results obtained. In the case of night observation, none of the distinctive emblems on the buildings, vehicles or the hospital train is visible, the reason being that there was no difference of temperature between the red of the cross and the white background. On the other hand, the automobiles are clearly visible thanks to the residual heat given off by their engines.

During the daytime tests the distinctive emblems on the flags were clearly visible, whereas the stickers in fluorescent colours were hardly recognizable, even at short distances (about 100 m).

The third series of aerial observations was carried out in the same place as the second, but from a helicopter (*Photo No. 4*). The idea was to see how well an observer could recognize the different types of distinctive emblems used to identify medical vehicles. The results obtained, which are given in *Chart No. 2*, confirmed those of the first tests carried out in a flat area.

## **2.2 Ground observations during the day**

A series of tests was also made of ground visibility, on rugged terrain, of buildings and moving and stationary vehicles bearing red crosses of different sizes, and of troops wearing red cross armbands and tabards, and helmets with red crosses made out of whatever was at hand, for example cut-outs from fluorescent red and white stickers.

*Chart No. 3* gives the results. All the distinctive emblems measuring over 1 m across were still recognizable at 400 m, but anything smaller was barely recognizable at 300 m. The armbands, tabards and helmets could only be recognized with certainty at 100 m. Unfortunately, the test site was such that it was not possible to make observations at greater distances; the visibility of the distinctive emblem beyond 400 m can nevertheless be estimated with relative accuracy from the aerial observations.

## **2.3 Ground observations at dusk and at night (*Photo No. 5*)**

A series of tests was conducted with specially made red cross and red crescent boards 1 m across (*Annex I*). The main purpose of the tests was to assess different types of paint and manufacturing processes intended to ensure greater visibility at night, in poor weather, and above all when using electro-optical means of observation such as II sight systems and IR cameras (thermal imaging).

These tests were conducted at dusk and in the evening; it was raining and the night was very dark (residual luminosity: 1-3  $\mu$ lux). For the sake of comparison, two ambulances bearing the traditional distinctive emblems and fluorescent red cross stickers were also used. The boards and vehicles were observed from a maximum distance of 600 m, first with the naked eye, then using II sight systems and a thermal imaging camera.



**Photo No. 4**

Observation from the air.  
Height 500 m AGL.

Only the distinctive emblems more than 2 m across are clearly visible and identifiable.

Copyright: Swiss Army

CHART No. 2

**VISIBILITY TEST OF THE EMBLEM**

Observation: from the air, with the naked eye  
 Date: 27 September 1989 Time: 10.30 – 11.30 a.m.  
 Weather: Overcast (approx. 7 octas at 2000 m AGL)

**Medical vehicles**

Height (AGL)	500 m	1000 m	1500 m			
Hospital train	④	④	④			3 m × 3 m
Ambulance No. 1	④	③	②			1 m × 1 m
Ambulance No. 2	④	③	②			1 m × 1 m
Bus	④	④	③			3 m × 3 m
	④	③	②			2 m × 2 m
Truck	④	④	③			3 m × 3 m

**Buildings**

Red cross flag	④	④	④			10 m × 10 m
Red cross flag	④	④	③			5 m × 5 m
Red crescent flag	③	②	②			3 m × 3 m

**Troops**

Tabards	①	—	—			
Armbands	—	—	—			
Helmets	①	—	—			

CHART No. 3

**VISIBILITY TEST OF THE EMBLEM**

Observation: from the ground, with the naked eye, of stationary or moving vehicles

Date: 27 September 1989 Time: 11 a.m.

Weather: Overcast (approx. 7 octas at 2000 m)

**Medical vehicles**

Distance	50 m	100 m	200 m	300 m	400 m	
Hospital train	④	④	④	④	④	3 m × 3 m 2 m × 2 m
Ambulance No. 1	④	④	④	④	④	1 m × 1 m
	④	④	③	③	④	0,50 m × 0,50 m
Ambulance No. 2	④	④	④	③	③	2 m × 2 m
	④	④	③	②	②	0,50 m × 0,50 m
Medical bus	④	④	④	④	④	3 m × 3 m 2 m × 2 m
Medical truck	④	④	④	③	③	2 m × 2 m

**Buildings**

Red cross flag	④	④	④	④	④	10 m × 10 m
Red cross flag	④	④	④	④	④	5 m × 5 m
Red crescent flag	④	④	④	—	—	3 m × 3 m

**Troops**

Tabards	④	④	②	—		
Armbands	④	③	①	—		
Helmets	④	③	①	—		



**Photo No. 5**

Observation of red cross and red crescent boards (1 m x 1 m)  
at dusk.  
Distance 100 m.

Copyright: ICRC  
Th. Gassmann

At dusk all the boards were visible and easily recognizable by the naked eye at up to 500 m. The results of the tests made at night using the II sight systems are given in *Chart No. 4*. Most of the boards were clearly visible and recognizable at up to 200 m, with the exception of Boards Nos. 2, 6 and 7.

When observed from different distances using the IR camera (passive observation), none of the distinctive emblems on the eight boards (red crosses made of different types of material and using different kinds of paint) was either visible or recognizable. The red crosses on the vehicles were obscured by the heat given off by the engines.

On the other hand, the observations made using II sight systems revealed major differences in the characteristics of visibility depending on the type of paint or materials used to manufacture the red crosses. For example, the crosses on Boards Nos. 1, 3, 4 and 5 were perfectly visible and recognizable, while those on Boards Nos. 6, 7 and 8 could hardly be discerned.

On one ambulance, the sticker with a fluorescent red cross was not visible, whereas the red crosses painted on the other ambulance were clearly visible.

When observed at close quarters (200 and 100 m), still using image intensifiers, all the boards were clearly visible and the red crosses and crescents relatively easy to recognize, with slight differences due to the type or the combination of paints used.

Only the emblems on Boards Nos. 2, 6 and 7 were difficult or impossible to discern. For example, Board No. 2 appeared only as a shiny white surface.

The red cross sticker on one of the ambulances was not visible. The red crosses painted on the ambulance were barely visible.

Even at a distance of 50 m, the red cross on the sticker was not visible, whereas the red crosses painted on the other ambulance were perfectly visible and clearly recognizable.

The tabards worn by the soldiers became visible at 100 or 50 m only, but the red crosses were not always clearly identifiable. The white helmets were clearly visible but again it was not easy to recognize the red crosses.

The tests conducted using a thermal imaging (passive IR) camera at a distance of 50 m were inconclusive: the boards were visible but the red crosses could not be seen.

Tests were also made with the boards lit up by the headlights of two vehicles, a short distance away in an attempt to heat them and have the

CHART No. 4

**VISIBILITY TEST OF THE EMBLEM**

Observation: from the ground, image intensifying sight system

Date: 27 September 1989 Time: 8.15 p.m.

Weather: Rain

Residual luminosity: 1-3  $\mu$ lux

**Boards 1 m  $\times$  1 m**

see Annex 1

Distance	50 m	100 m	200 m	300 m		
No. 1	④	④	④	③		
No. 2	②	②	①	①		
No. 3	④	④	③	③		
No. 4	④	④	③	③		
No. 5	④	④	③	③		
No. 6	④	③	②	②		
No. 7	④	③	②	②		
No. 8	④	③	③	②		

**Vehicles**

Ambulance No. 1	*	*	*	*		
Ambulance No. 2	④	③	②	*		

\* Brilliant white ground, red cross (crescent) not visible, but visible to the naked eye

**Troops**

Red cross tabards	③	②	—	—		
Red cross armbands	—	—	—	—		
Red cross helmets	②	②	②	—		

red crosses give off IR radiation, even at a very low level. The only result was increased brilliance at the spot lit by the headlights; none of the red crosses could be recognized.

Finally, observations were made at varying distances (50 and 150 m) using II sight systems and IR lighting of the boards. At both distances, all the boards were clearly visible and recognizable, with the exception of Board No. 3.

Use of a thermal imaging camera gave no better results: the red crosses and crescents remained invisible.

Boards No. 3, 6 and 8 were clearly visible when lit by IR and observed using image intensifiers but the red crosses on the ambulances remained invisible under the same conditions.

## 2.4 GDA tests using electro-optical methods

These tests consisted essentially in observing the red cross emblem using electro-optical means, such as II sight systems and thermal IR, for example thermal imaging.

The report drawn up by the GDA contains the principal results of the tests conducted in the laboratory and in field conditions and their interpretation in terms of physics. This article is not the appropriate place to comment on the technical details. Suffice it to say that the laboratory tests confirmed the field observations and made it possible to assess a number of means for improving the visibility of the red crosses when observed using electro-optical means.

For the low light visibility tests, II sight systems equipped with second and third generation II tubes were used (the typical light sensitivity of the tubes is given in *Annex II*).

These systems can be used with light levels of only a few  $\mu\text{lux}$ , whereas cameras fitted with image intensifiers can detect light levels as low as  $10^{-4}$  lux. Tests under these light conditions were made at night in the field and in controlled laboratory conditions.

The result obtained showed that with II sight systems visibility can be improved by using red crosses manufactured with paint containing reflective materials.

Infrared observations were made in two specific "windows", determined by the atmospheric transmission conditions (*see Annex II*), between 3 and 5  $\mu\text{m}$ , and 8 and 12  $\mu\text{m}$  for far IR, or thermal IR. It should be mentioned that, making an object visible in near IR, in which II sight systems operate, is quite a different matter from making it visible in far IR.

The GDA report also emphasizes that widely varying factors influence thermal imaging, in particular certain adjustments of the instruments used for observation. In practice, all the instruments can give a complementary image, meaning that the “hot” parts appear in black instead of white, and vice versa. Depending on the instrument’s settings (offset, contrast, amplification), very different details can be highlighted of the same image.

According to the experts, it nevertheless seems that it might be possible to make the distinctive emblem visible by thermal IR, but additional research would have to be conducted. The GDA obtained some encouraging results in tests using a red cross emblem with special thermal IR characteristics.

### **3. Tests with flashing blue lights and the distinctive emblem**

#### **3.1 Tests of flashing blue lights on medical aircraft**

These tests were conducted in accordance with a programme drawn up by agreement between the GDA’s special section for test flights and the ICRC. Seven flights were made between 10 a.m. and 9 p.m. and two types of flashing lights were tested in different meteorological and visibility conditions.

At dusk and at night the lights were clearly visible and recognizable up to 10 km, but during the day visibility in normal light did not exceed 1.5 km.

For these tests a HELLA KG system (type 2LA 003 322) of flashing blue lights, lent by the manufacturer and mounted on an Alouette III helicopter (*Photo No. 6*), was used. Two strobe lights were made available, one with a blue dome and the other with a clear dome and a blue filter, meaning that the latter could be used as a white anti-collision strobe light or a blue medical light. The strobe light with the blue dome was a prototype, while the strobe light with the built-in switchable blue filter was in mass production.

Each test consisted of two flights, one at a height of 1000 m AGL, the other at 200 m AGL. The helicopter approached the airfield (approximate direction NE-SW) from a maximum distance of 8 km during the day and 15 km at dusk and at night. The observations were made from the control tower at intervals of 1 km (500 m at the end of the approach). During the first two flights, made between 10.45 and 11.15 a.m., the helicopter was



**Photo No. 6**

Swiss Army Alouette III helicopter used to test the visibility of the flashing blue light.

Copyright: ICRC  
Th. Gassmann

equipped with the strobe light with a blue dome (200 eff.cd. power), the prototype. The weather conditions were as follows:

General visibility:	15 km
Weather:	fair, cloud cover 6 octas
Luminosity:	2700 lux
Height:	1000 m AGL (first flight) 200 m AGL (second flight).

In these conditions, the helicopter was just barely visible at 5 km; it became vaguely recognizable at 4 km and was clearly identifiable only at 3 km. The blue light could be seen only at 1.5 km but appeared to be white; it could be identified without error only at 1 km.

During the second flight, made at 200 m AGL, the weather conditions were identical. The results were slightly better because the helicopter could be clearly seen although not really identified at 6 km. It could be recognized distinctly only at 3 km. The blue light could be seen but only vaguely at 2 km, but was perfectly visible and recognizable at 1.5 km.

For flights 3 and 4 (between 2.15 and 2.45 p.m.), the light with the blue dome was replaced by the standard strobe light (100 eff. cd. power), fitted with a blue filter, making it possible to have a flashing blue or white light. The weather and visibility were the same as for the first two flights, except the luminosity was 3200 lux. Flight 3 was made at 1000 m AGL, flight 4 at 200 m AGL.

At both altitudes the results were basically the same as for the first two flights. The helicopter was perfectly visible and recognizable at 4 km; the blue light became visible but was not yet recognizable at 2 km. The flashing blue light became visible but was only barely identifiable (the white predominated) at 1.5 km; it was perfectly visible only at 1 km and less. This light tended to go from blue to white as the distance increased.

Flights 5 and 6 were made at dusk (between 7.35 and 7.47 p.m.), again at heights of 1000 and 200 m AGL respectively. Visibility was still 15 km and cloud cover 6 octas, while luminosity was rapidly falling from 190 to 60 lux.

At 1000 m AGL, the following observations were made.

The helicopter was not identifiable beyond 5 km; however, the blue light was already visible at 6 km but appeared white. It turned blue at 4 km and was clearly recognizable at 3.5 km. When passing overhead the blue light was clearly visible.

At 200 m AGL, the following observations were made.

The helicopter could be recognized only at 4 km, but the blue light was already visible at 6 km, appearing mainly white. It became clearly visible and recognizable as a blue light at 4 km.

The final flight was made at night at 1000 m AGL. Visibility was still about 15 km but there were some light fog patches beneath a cloud cover of 6 octas.

At a distance of 15 km from the observation point, the helicopter indicated its position by switching on its landing lights; at that point the flashing blue light was already visible but looked white. From 12 km the flashing light was clearly blue and became increasingly visible as the helicopter approached.

The results of these different tests reveal that the strobe light with the blue dome remained blue over a slightly greater distance than the standard light.

By day, neither of the lights was recognizable beyond 1.5 km. At dusk and at night, visibility was excellent and the blue light could unerringly be identified up to 10 km.

The helicopter used had only one flashing blue light. A plane fitted with two lights, one on the tail and the other on the under surface of the fuselage, could perhaps be more easily identified, but not necessarily at a greater distance. It will in any case not be possible, with the strobe lights currently available, to attain the desired distance of 3 nautical miles (about 5.2 km). To be seen at that distance, the radiated light power would have to be increased, with all that entails: increased weight and power consumption and more complex installation.

Moreover, at present no manufacturer of aeronautical navigational lights has plans to produce a blue light meeting these requirements. Regrettably, too, with the exception of HELLA KG, which has made a considerable effort in this respect, no other manufacturer to our knowledge has undertaken development work on such a light, the market being probably much too small.

### **3.2 Visibility tests of the distinctive emblem and the flashing blue light at sea**

The British Royal National Lifeboat Institution did a number of visibility tests on the emblem and the flashing blue light at sea. The

tests were conducted in August and October 1989 at Weymouth. Red cross stickers measuring 1 and 2 m across were put on an Arun-class lifeboat and a 2-m square flag was mounted on the bridge (*Photo No. 7*). The boat was fitted with a standard flashing blue light (55 watts, 120 flashes/minute).

The tests took place in variable weather conditions, meaning both on clear and sunny days and on overcast (8 octas) and rainy days. Observations were made from the air and sea at different angles. The test results were as follows:

From the air, the 2x2 m red cross emblems were visible and recognizable up to about 700 m. They were no longer recognizable beyond 900 m (1000 yards). The observations at sea level gave the same results.

These results were obviously greatly influenced by the general conditions of visibility, which deteriorated sharply in overcast or rainy weather.

The tests on the blue light were conducted in the rain; visibility of the flashing blue light did not exceed 900 m.

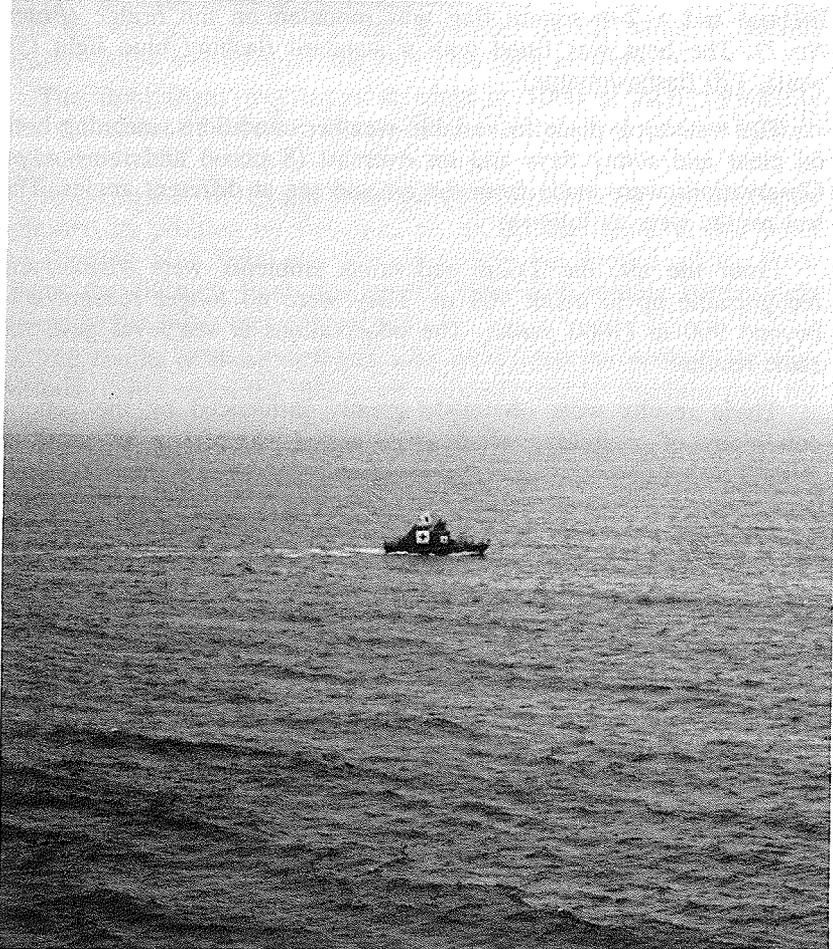
#### **4. Comments and conclusions**

These visibility tests of the emblem and flashing blue lights demonstrated yet again that identification using only the distinctive emblem is limited both by distance and by the technical means of observation used, mainly opto-electronic.

Given the means of modern warfare, one can reasonably wonder whether it still suffices to use only the distinctive emblem to mark medical facilities, transports and units. The different visibility tests described above show that this is no longer the case. We therefore feel that a way must be found as a matter of urgency to enable medical facilities and transports to identify themselves by technical means in addition to using the distinctive emblem.

Annex I to Protocol I additional to the 1949 Geneva Conventions already takes a step in that direction and contains a number of provisions on the use of technical means of identification.

As concerns the emblem as such, it must obviously be as large as possible if it is to be recognizable at a great distance. However, beyond 3 km a 5-m flag is no longer recognizable even if visibility is good. The



**Photo No. 7**

Observation at sea.  
Rescue craft with red crosses.  
Distance: 1/4 nautical mile.

Copyright: ICRC  
Th. Gassmann

tests showed that the red crescent emblem, all other things being equal (size, distance, lighting, etc.), was much less easily recognizable than the red cross.

In poor visibility, at dusk or even at night, II sight systems should make it possible to identify a painted red cross emblem or a red cross flag, but the same is not true of passive IR observation (thermal imaging). Solutions could be found, but at the cost of major research and development work, perhaps involving new technology and materials. A number of ideas have already been put forward in this context. Although they merit serious consideration, it would be premature to go into them in this article.

Another source of concern is the range of the flashing blue light used to identify medical aircraft.

In a follow-up to Resolution 17 of the 1974-1977 Diplomatic Conference, the International Civil Aviation Organization (ICAO) introduced in its Airworthiness Technical Manual (Doc. 9051) rules for the use of the flashing blue light to identify medical aircraft protected under Articles 36 of the First Geneva Convention and 39 of the Second Convention, and Articles 8(m) and 18 of Additional Protocol I. These provisions recommend that the lights be bright enough to be visible at a distance of 3 nautical miles (about 5.2 km). This same distance is recommended in Chapter XIV, para. 4.2, of the International Code of Signals of the International Maritime Organization (IMO).

The results of the tests demonstrate that while the flashing blue lights were indeed visible and recognizable at up to 10 km at night and at dusk, by day their visibility did not exceed 1.5 km in normal light. There is a long way to go before reaching the visibility recommended by the ICAO and the IMO. If medical aircraft are indeed to be identified at that distance, the range of the lights will have to be increased. This implies greater weight and power consumption, a more complex installation, and probably a new type approval requirement for the aircraft concerned. The operating cost of using the material would probably increase.

As mentioned previously, there is at present no flashing blue light for medical aircraft on the market, except for the one used in the tests, which was developed and manufactured by HELLA KG. To our knowledge, no other manufacturer has done any development work on this.

These tests of the visibility of the distinctive emblem and the flashing blue lights made it possible to assess the current situation using the new technical means of observation widely employed by the world's armed forces. The results not only established more clearly the characteristics of visibility and identification of the emblems used to mark medical units, means of transport and facilities, but also confirmed their limitations.

Improvements must be made in the marking of medical facilities, transports and troops if the protection to which they are entitled under the 1949 Geneva Conventions and Additional Protocol I is to be effective. Serious progress will have to be made and the combined efforts of all interested parties will be required to obtain satisfactory results.

**Gerald C. Cauderay**

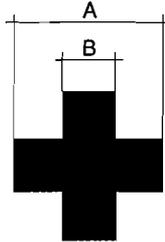
**Gerald C. Cauderay** trained and worked for several years as a merchant navy radio and radar officer. He later held a number of senior positions in the electronics industry, in particular in the fields of telecommunications and marine and aeronautical radionavigation, before being appointed Industrial and Scientific Counsellor to the Swiss Embassy in Moscow. At the ICRC, Mr. Cauderay is in charge of matters related to the marking and identification of protected medical transports and units and to telecommunications.

We wish to express our gratitude to the different services of the Swiss Army and the Swiss Federal Military Department for their support and co-operation in the conduct of the visibility tests. We should like to thank in particular the Chief of the General Staff, the Swiss Army Surgeon General and his staff, and the Command Air Force personnel for their efficient logistical and technical help, without which the tests could not have been done. Our thanks also go to the Royal National Lifeboat Institution, in Poole, Dorset, UK, which conducted the tests at sea.

## ANNEX I

### LIST OF MATERIALS USED FOR THE VISIBILITY TESTS

#### 1) Red cross and red crescent flags and stickers



- a) red cross flag (to mark a hospital)  
*dimensions*: white square: 1000 cm × 1000 cm  
red cross: A 730 cm  
B 200 cm
- b) red cross flag (to mark a building used as a hospital)  
*dimensions*: white square: 500 cm × 500 cm  
red cross: A 335 cm  
B 50 cm
- c) red cross flag or sticker (to mark vehicles, trucks or trains)  
*dimensions*: white square: 300 cm × 300 cm  
red cross: A 200 cm  
B 60 cm
- d) red cross flag or sticker (to mark ambulances)  
*dimensions*: white square: 200 cm × 200 cm  
red cross: A 130 cm  
B 40 cm
- e) red crescent flag (to mark vehicles, trucks or trains)  
*dimensions*: white square: 300 cm × 300 cm  
red crescent  
max. height: 220 cm

## 2) Red cross and red crescent boards

*dimensions*: of the board: 100 cm × 100 cm  
of the red cross: A 80 cm  
B 20 cm  
of the red crescent: approx. 80 cm (max. height)

*Manufacturing process*: FOREX (polystyrene foam) backboard with ordinary and/or special paints.

### ***Technical details:***

- |       |                              |   |
|-------|------------------------------|---|
| No. 1 | white ground<br>red cross    | = opaque white "Vinaprint" * 110<br>= PVC MG 8 red  |
| No. 2 | white ground<br>red cross    | = opaque white "Vinaprint" * 110<br>= MG 65 fluorescent   |
| No. 3 | white ground<br>red cross    | = opaque white "Vinaprint" * 110<br>= reflective red, "Scotchlite" **                             |
| No. 4 | white ground<br>red cross    | = opaque white "Vinaprint" * 110<br>= Q 8 synthetic red painted on PVC MG 28, black               |
| No. 5 | white ground<br>red cross    | = opaque white "Vinaprint" * 110<br>= PVC Q 8 red on silver MG ground (with aluminium pigments)   |
| No. 6 | white ground<br>red cross    | = reflective white "Scotchlite" **<br>= PVC Q 8 red on silver MG ground (with aluminium pigments) |
| No. 7 | white ground<br>red crescent | = reflective white "Scotchlite" **<br>= PVC MG 8 red  |
| No. 8 | white ground<br>red crescent | = white "Scotchlite" **<br>= PVC Q 8 red on silver MG ground (with aluminium pigments)            |

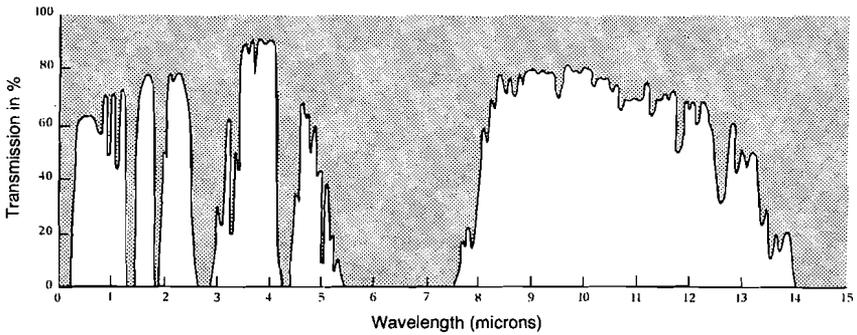
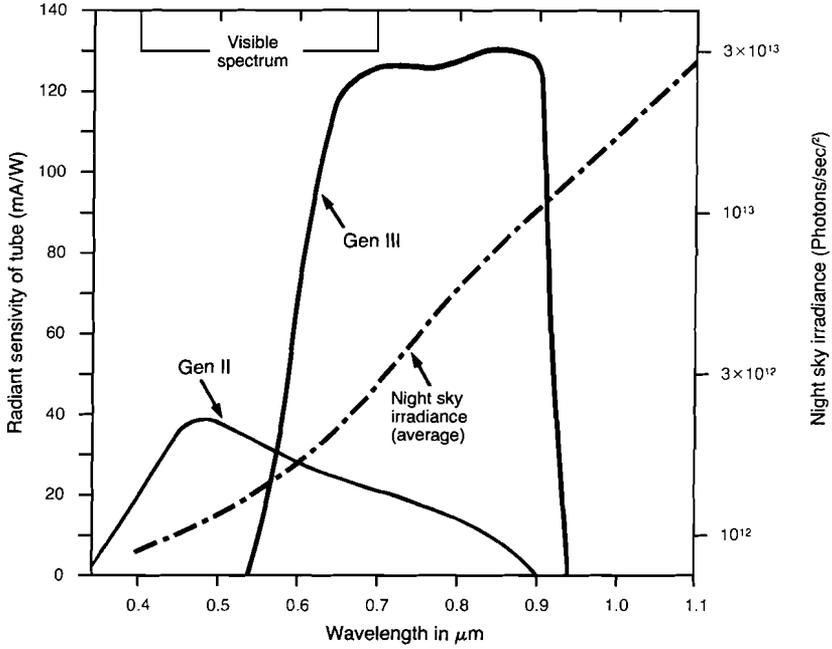
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\* "Vinaprint", a brand name of N.V. Unico S.A., 1740 Ternat, Belgium.

\*\* "Scotchlite", trademark of 3M, St. Paul, Minnesota, USA.

## ANNEX II

### TYPICAL SPECTRAL RESPONSE CURVES OF 2<sup>nd</sup> AND 3<sup>rd</sup> GENERATION IMAGE INTENSIFIER TUBES



SPECTRAL TRANSMISSION OF ATMOSPHERE

# The customary law of non-international armed conflict

*EVIDENCE FROM THE UNITED STATES CIVIL WAR*

by Michael Harris Hoffman\*

## INTRODUCTION

James Surget made no impact on history. He did, however, make an impression on Washington Ford. The latter sued him in 1866 regarding the destruction of 200 bales of cotton.

In May 1862, Ford owned a plantation in Mississippi, a state then in rebellion against United States authority. The local commander of rebelling forces ordered his troops to burn all cotton along the Mississippi River that was vulnerable to capture by the United States army. Surget assisted in the destruction of Ford's cotton. Ford sued him to recover for its value.

This case was ultimately reviewed by the United States Supreme Court, the nation's highest judicial authority. The court's decision in that case confirmed a pattern of earlier appellate decisions by other courts—decisions that have surprising relevance for contemporary humanitarian law.

The cases were generally unremarkable in character. Many were private disputes, revolving around issues as minor as the ownership of a horse or mule. Underlying all of these lawsuits, as finally summed up in Surget's case, were principles transcending the issues pressed by individual litigants. These principles set forth certain minimum standards of treatment that citizens are due from their government in time of internal armed conflict and its aftermath.

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\* The opinions expressed in this article are those of the author and are not necessarily those of the American Red Cross.

The United States Civil War was fought from 1861 to 1865. It began in April 1861 after eleven southern states declared their secession from the United States to form the Confederate States of America. The Confederacy covered 750,000 square miles.

The United States government opposed secession and a large army was mobilized to suppress the rebellion. In the official report of the 1860 census the total population of the United States was stated to be 31,443,321.<sup>1</sup> During the war the total number of men who served in the army of the United States, which was called the Union Army, was 2,100,000. Another 800,000 are estimated to have served in the Confederate Army.<sup>2</sup> By the time the rebellion was defeated in the spring of 1865 approximately 623,000 had been killed from all causes. At least 471,000 more were wounded during the conflict.<sup>3</sup>

Although a major war, it was never considered to be an international one. Very soon after secession, commissioners were sent to Europe to gain diplomatic recognition for the Confederacy. Although Great Britain accorded the Confederacy belligerent rights, Confederate representatives struggled vainly to secure diplomatic recognition until the collapse of the rebellion. No government ever recognized the Confederacy as a sovereign nation.

Published opinions of state and federal courts, records of Union Army commands, and advisory opinions of military lawyers of that period reflect a consensus that humanitarian law (then referred to as the law of war or the law of nations) was to be applied by government authorities during internal armed conflict. This article reviews the evidence for that consensus, then examines a sampling of the decisions from civil litigation. These private suits demonstrate the existence of customary law anticipating Article 6 of Protocol 2 to the Geneva Conventions of 1949.

## I. THE LAW OF ARMED CONFLICT IMPLEMENTED

In the early months of the war, some Union commanders issued orders which demonstrated appreciation of the need for legal restraints on the conduct of soldiers in the field. One admonished his troops to respect the inhabitants of northern Virginia:

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<sup>1</sup> E. B. Long with Barbara Long, *The Civil War Day by Day*, Garden City, New York: Doubleday and Co., Inc., 1971, p. 700.

<sup>2</sup> James H. McPherson, *Ordeal by Fire*, New York: Alfred A. Knopf, 1982, p. 181.

<sup>3</sup> E. B. Long with Barbara Long, *op. cit.*, p. 711.

*"It is again ordered that no one shall arrest or attempt to arrest any citizen not in arms at this time, or search or attempt to search any office, or even to enter to the same; without permission".*

He made it clear that they were not there to act in judgement against disloyal citizens.

*"The troops must behave themselves with as much forbearance and propriety as if they were at their own homes. They are here to fight the enemies of the country, not to judge and punish the unarmed and helpless, however guilty they may be; when necessary that will be done by the proper persons."*<sup>4</sup>

Ten days later, the commander of Union troops in western Virginia voiced his concerns in a similar order. He cited "numerous instances of plunder", and warned his men not to enter the homes of local inhabitants without permission from the owners, "except in cases of absolute necessity", and not to use threats or intimidation to secure permission to enter. In closing the order, the following guidance was set forth:

*"It is earnestly enjoined on all officers to do their utmost to ferret out the perpetrators of outrages on the rights of citizens, by persons apparently in government employ, in order that thieves and plunderers, who follow the army or attach themselves to it, may be prevented from disgracing our arms."*<sup>5</sup>

In October 1861, another senior Union commander informed his forces of his concern over the abuse of private citizens and seizure of their property. He, too, considered this conduct unacceptable and intended to "suppress practices which disgrace the name of a soldier."<sup>6</sup>

Although these orders show awareness of the need for constraints on the conduct of soldiers in war, nothing is articulated as to the existence of laws governing armed conflict.

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<sup>4</sup> *General Order Number 18*, Headquarters Department of N.E. Virginia, July 18th, 1861. This and all other general orders cited are to be found in the manuscript collections of the United States Government National Archives in Washington, D.C. They are in record group number 94, where they are organized in bound volumes according to the commands which issued them.

<sup>5</sup> *General Order Number 3*, Headquarters of the Army of Occupation, Western Virginia, July 28, 1861.

<sup>6</sup> *General Order Number 19*, Headquarters, Army of the Potomac, October 1, 1861.

This ambiguity also showed up elsewhere. In an 1862 decision on other issues, the United States Supreme Court was noncommittal on whether international rules would be applied in the crisis at hand:

*“The laws of war, as established among nations, have their foundation in reason, and all tend to mitigate the cruelties and miseries produced by the scourge of war. Hence the parties to a civil war usually concede to each other belligerent rights. They exchange prisoners, and adopt the other courtesies and rules common to [international] wars.”*

Later in its opinion, it addressed the issue of applying those rules to the ongoing conflict:

*“Whether the President in fulfilling his duties, as Commander-in-Chief, in suppressing an insurrection, has met with such armed hostile resistance, and a civil war of such alarming proportions as will compel him to accord to them the character of belligerents, is a question to be decided by him, and this court must be governed by the decisions and acts of the Political Department of the government to which this power was intrusted.”<sup>7</sup>*

Enter Francis Lieber. A veteran of the Napoleonic wars and the Greek War of Independence, he emigrated to the United States in 1827. At the time of the United States Civil War, he was a professor at Columbia College in New York. Two of his sons were soldiers in the Union Army, and one served in the Confederate forces.<sup>8</sup> On November 13, 1862, he wrote to his friend, General-in-Chief of the Union Armies, Henry Halleck. Halleck, known as “Old Brains”, was the author of a treatise on international law and a recognized expert on the subject.

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<sup>7</sup> *The Prize Cases*, 17L. Ed. 459, 476, 477 (U.S. 1862). All citations here to published judicial decisions are in the general form utilized by common law attorneys. Most decisions cited are either of the United States Supreme Court, which will be cited with (U.S.), or the decision of the highest appellate court of an individual state. One decision from a federal trial court is cited, and one from an intermediate New York State appellate court. Jurisdictions can be identified by the state name, which is put in full form in the parenthesis. The report series cited for each decision is not necessarily the official publication which would be cited formally. The author has attempted to cite those reports which are most likely to be available to the reader. Full references to each volume of judicial opinions cited will be found in the bibliography.

<sup>8</sup> Richard Shelly Hartigan, *Lieber's Code and the Law of War*, Chicago: Precedent, 1983, pp. 5-7.

In his letter to Halleck he stated his belief that “a set of rules and definitions” should be implemented for the conduct of the United States forces in the field. Ultimately he persuaded Halleck to appoint a special board to propose guidelines for military use. The board included four military officers and Lieber. After the board went through several revisions, a final draft code for conduct of troops in the field was approved by President Lincoln on April 24, 1863.<sup>9</sup> Known as General Order Number 100 at that time, this document is internationally famed as “the Lieber Code”.

It covered many subjects. Among them were martial law, retaliation, treatment of non-combatants, treatment of prisoners, status of partisans and armed enemies not belonging to the armed enemy forces, use and abuse of flags of truce, spies, exchange of prisoners, parole of prisoners, surrender, and assassination. Section 10 specifically addressed the issue of civil war.

Lieber suggested in the code, which was also a commentary, that there were times when it would be necessary to apply humanitarian principles to the conduct of forces engaged in a civil war. He took pains to state that such humanitarian application of the law of armed conflict would not derogate from the government’s claims of sovereignty over insurgent forces and their supporters:

*“When humanity induces the adoption of the rules of regular war toward rebels, whether the adoption is partial or entire, it does in no way whatever imply a partial or complete acknowledgement of their government, if they have set up one, or of them, as an independent or sovereign power. Neutrals have no right to make the adoption of the rules of war by the assailed government toward rebels the ground of their own acknowledgement of the revolted people as an independent power.”*<sup>10</sup>

The question left open by the Supreme Court in 1862 was thus answered by the Lieber Code and the practice of the Union forces in the field. The Lieber Code helped focus the Union Army’s implementation of the laws of armed conflict. The Judge Advocate General of the Army, the chief legal officer of the Union forces, was often called upon during the war to render legal advice to commanders and military tribunals regarding this law. Their questions cover a wide range

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<sup>9</sup> *Ibid.*, pp. 13-15.

<sup>10</sup> Hartigan, *op. cit.*, pp. 69-70.

of the issues in the Lieber Code, indicating conscientious efforts at compliance with its terms.

The Judge Advocate General and his subordinates advised on a wide range of issues, including violation of flags of truce, destruction of railroads, bridges and steamboats, cutting telegraph wires between military posts, recruiting for the enemy within U.S. Government lines, assisting Union soldiers to desert, attempting to assist the enemy by transporting contraband items to them, and conspiracy to violate the laws of war by destroying life or property in aid of the enemy.<sup>11</sup>

A conspicuous example of the careful attention given to the law of armed conflict is reflected in the findings of a "Council of War", which was convened in 1864 at the order of a senior commander of the Union Army. He directed a panel of high-ranking army and navy officers to examine allegations that a captured Confederate general had violated the laws of war. They investigated whether General R. L. Page, by "destroying or injuring the works, armament, and munitions at Ft. Morgan, Alabama, of which he was then commander, after he had abandoned the defense of the Fort and indicated his intention to surrender by hoisting the white flag" had committed an offense. The Council had orders to report the facts and render its opinion to the commander.

The Council evaluated the evidence and provided these findings. A white flag had been hoisted at the fort at 6 a.m. on August 23, 1864. No public property had been destroyed after that time. The evening before, some 90,000 pounds of gunpowder were destroyed by water when a fire took place. That same evening guns at the fort were also spiked by order of General Page. No supplies were destroyed or damaged other than by the effects of the fire. The Council gave the opinion that "Brigadier General Page is not guilty of a violation of the laws of war". The convening general approved the findings of the commission.<sup>12</sup> This impartial treatment of a high-ranking Confederate officer demonstrates that the laws of armed conflict were not simply a vehicle for justifying the punishment of Confederate soldiers or civilians.

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<sup>11</sup> Colonel William Winthrop, *A Digest of Opinions of the Judge Advocate General of the Army, with Notes*, Washington, D.C.: Government Printing Office, 1880, pp. 328-329.

<sup>12</sup> *General Order 50*, Headquarters, Military Division of West Mississippi, September 4, 1864.

The treatment of civilians generated important questions. When two Union soldiers were captured by civilians, taken from their lines and turned over to the enemy, the local commander ordered the arrest of an equal number of civilians who were to be held until those responsible were given over to Union Army custody by the Confederates. The Judge Advocate General held that this was an act of retaliation which was justified by the laws and usages of war.<sup>13</sup> In another case, pertaining to civil power of the occupier, it was held that the municipal laws of conquered territories continued in effect during the military occupation except insofar as it was necessary to suspend their operation due to the needs of the occupying forces.<sup>14</sup>

Military courts tried many defendants for alleged violation of the laws of war through activities as guerrilla fighters. There was controversy over Confederate use of "partisan rangers". The Confederate government asserted that they were part of the regular army of the Confederate States. Though this was not in accordance with the opinion of the Union forces, a measure of grudging recognition was given to these men as legitimate combatants. Others, however, operated in independent bands which engaged in activities not considered to have legitimate military purposes, such as robbery and looting of property.<sup>15</sup>

The Judge Advocate General frequently advised military courts on those issues. Military tribunals also tried other alleged offenses against the laws of war. The importance that was accorded to these rules was demonstrated by the care given in analyzing the defenses available to suspected spies. Sometimes the Judge Advocate General's advice was a matter of life and death, for executions were carried out in some espionage cases.

He held that when an enemy soldier penetrated Union lines disguised as a civilian, it would be presumed that he came in as a spy. However, those so charged could rebut that presumption by showing that they came for some other purpose, such as a family visit. If such could be demonstrated, the offense would be "a simple violation of the laws of war," rather than the offense of espionage.<sup>16</sup> When a civilian entered Union lines from enemy territory without authority he could

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<sup>13</sup> William Winthrop, *Opinions of the Judge Advocate General of the Army*, *op. cit.*, p. 305.

<sup>14</sup> *Ibid.*, p. 306.

<sup>15</sup> William Winthrop, *Military Law and Precedents*, 2nd edition, Washington, D.C.: Government Printing Office, 1920, pp. 783-784.

<sup>16</sup> *Opinions of the Judge Advocate General of the Army*, *op. cit.*, p. 455.

not properly be regarded as a spy merely because he had violated "the law of war prohibiting intercourse between belligerents."<sup>17</sup>

A soldier separated from his forces when they retreated from Maryland in 1864 was charged upon arrest with being a spy. The opinion of the Army's chief legal officer, however, was that insofar as he had been wandering in disguise within Union lines only for the purpose of finding an opportunity to make his way back to the enemy's forces, he could not properly be charged with the offense of espionage. He had to be treated as a prisoner of war.<sup>18</sup> On three occasions, he advised officers that a spy who successfully returned to Confederate lines, and was later captured, could not be brought to trial as a spy. Such action could only be taken if the individual was caught while engaged in espionage.<sup>19</sup>

A ruling of one civilian court on espionage and the laws of armed conflict was published. In 1865 Robert Martin petitioned for judicial release from the custody of U.S. military authorities. Martin, a Confederate officer, had been detained within Union lines disguised as a civilian. He was charged with committing espionage and arson in New York City. He argued that with the end of hostilities in the spring of 1865, he could no longer be held to face espionage charges. The court agreed.

The opinion contained this assessment:

*"I do not question that the crime of arson, even when committed in places remote from military camps, forts, arsenals, or other places directly connected with military operations, as in the case of the prisoner, may be a military offense, and as such cognizable, in time of war, before a military court, by the usage and law of nations."* However, *"The restoration of peace absolved all offenses by the public enemy committed during the existence of the war, so far at least as the acts committed are sanctioned by the laws of war..."*.

The court ordered Martin's discharge from military custody and release to the warden of the city prison for possible prosecution on non-military arson charges.<sup>20</sup>

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<sup>17</sup> *Ibid.*, p. 456.

<sup>18</sup> *Ibid.*, p. 456.

<sup>19</sup> *Ibid.*, p. 456.

<sup>20</sup> *In the Matter of Martin*, 45 Barb. 142, 143, 144, 145, 149 (New York, 1865).

Military attorneys carefully reviewed questions of prisoner-of-war status in a number of opinions. An engineer captured on a Confederate steamer was held to be properly detained as a prisoner of war, as civil employees serving with the enemy army in the field were on the same footing as soldiers of that army.<sup>21</sup> Some men were captured who appeared to be operating as partisans on a raid into Indiana, a state far removed from active military operations. They were held by civilian authorities to be tried for robbery.

The Confederate government's agent for exchange of prisoners made an official request that they be protected and exchanged as prisoners of war, asserting that they were Confederate soldiers. The Judge Advocate General held that as there was serious doubt about their actual status, this defense should be raised during the civilian criminal trial.<sup>22</sup> Prisoners of war were held not to be protected from trial before military tribunals for law of war violations committed before capture.<sup>23</sup>

Confederates were also treated as belligerents in matters of prisoner exchange and parole. In July 1862, a cartel was signed between the United States Government and Confederate authorities for the parole and exchange of prisoners.<sup>24</sup> One John M. Henderson found out how seriously the government of the United States took its obligations under this cartel.

He was captured by the Confederates, held as a prisoner of war, and eventually paroled. He was sent to a special Union Army camp in Annapolis, Maryland, where parolees were detained until such times as the authorities formally exchanged them for Confederate prisoners of war. He left camp without authorization and was arrested by military police near his father's home in Pennsylvania.

He sued for his release in United States District Court, asserting that he was a minor at the time of his enlistment, and had enlisted without his father's consent. The court held that under other circumstances that would suffice to order his release from military control. However, more important factors had to be considered in this case.

The Court wrote of the war that "Although a rebellion, it has assumed such huge dimensions, with all the characteristics of a public war, that the Government have been compelled, from motives of

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<sup>21</sup> William Winthrop, *Opinions of the Judge Advocate General of the Army*, *op. cit.*, p. 392.

<sup>22</sup> *Ibid.*, pp. 392-393.

<sup>23</sup> *Ibid.*, p. 393.

<sup>24</sup> William B. Hesseltine, *Civil War Prisons: A Study in War Psychology*, New York: Frederick Ungar Publishing Co., 1978, p. 68.

humanity, to treat it as such, and to apply to it the rules of civilized warfare.” The government was found to be exercising proper authority when it agreed to the exchange of prisoners.

The court found a sound policy behind the cartel agreement:

*“Sometimes prisoners of war are permitted, by capitulation, to return to their own country, upon condition not to serve again during the war, or until duly exchanged. Good faith and humanity ought to preside over the execution of these compacts, which are designed to mitigate the evils of war, without defeating its legitimate purposes... John M. Henderson is remanded to the custody of the United States provost marshal, to be returned to Camp Parole, Annapolis, Maryland, there to wait the orders of the War Department for exchange as a prisoner of war...”*<sup>25</sup>

Scrupulous adherence to the cartel was found at the highest level. In 1862 the Attorney General, the chief legal officer of the United States government, was called on by President Lincoln to advise whether paroled U.S. soldiers who were not exchanged could be employed in frontier operations against Indian tribes. Though the government was hard pressed to find troops who could be spared for that duty, the Attorney General found of the cartel that “The language employed is unusually clear and explicit, and there is no doubt or ambiguity in it, and therefore no room for construction. The soldiers of either party captured by the other party, and paroled, but not exchanged, are forbidden, in terms, *to take up arms again*—they are forbidden to *discharge any duty usually performed by soldiers*—forbidden to do any *field duty*.” He concluded that it was impermissible to use these soldiers in any military operations against Indians.<sup>26</sup>

In closing this survey of policies on implementation of humanitarian law, it is worth noting that one appellate court produced an opinion on the acceptability of obedience to superior orders as a defense in criminal cases. It foreshadowed issues debated 80 years later.

The trial arose from a death in the closing days of the war. P. N. Riggs, a private in the 9th Tennessee Cavalry, was conducting a reconnaissance as part of a column of Union soldiers. The force

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<sup>25</sup> *Henderson v. Wright*, 5 Philadelphia Reports 299, 300, 301, 302 (U.S. District Court 1863).

<sup>26</sup> 10, *Op. Att’y Gen.*, 357, 358, 359 (1862), Washington, D.C.: W. H. & O. H. Morrison.

rode up to the house of one Captain Thornhill. Gunfire started while Thornhill was talking with them and he ran. Thornhill was pursued, then killed about 20 yards from the spot where the shooting began. Several witnesses saw Riggs in the column of troops and this led to criminal proceedings.

In 1866 a jury convicted him of murder and he was sentenced to 15 years imprisonment. At his trial, the judge gave charges (instructions) on the law of war for the jury's consideration in reaching its verdict:

*"The Court, among other things not excepted to, charged the jury, in substance, as follows: 'A soldier in the service of the United States is bound to obey all lawful orders of his superior officers, or officers over him, and all he may do in obeying such lawful orders, constitutes no offense as to him. But an order illegal in itself, and not justified by the rules and usages of war, or in its substance being clearly illegal, so that a man of ordinary sense and understanding would know, as soon he had heard the order read or given, that such order was illegal, would afford a private no protection for a crime committed under such order, provided the act with which he may be charged, has all the ingredients in it which may be necessary to constitute the same crime in law. Any order given by an officer to his private, which does not expressly and clearly show on its face, or in the body thereof, its own illegality, the soldier would be bound to obey, and such order would be a protection to him. No person in the military service has any right to commit a crime in law, contrary to the rules and usages of war, and outside of the purposes thereof; and the officers are all amenable for all crimes thus committed, and the privates likewise are answerable to the law for crimes committed in obeying all orders illegal on their face and in their substance, when such illegality appears at once to a common mind, on hearing them read or given.' We think there is no error in this charge."*<sup>27\*</sup>

Taken together, the practice of military and civilian authorities and decisions of civilian courts show that laws of armed conflict were deemed applicable to the Civil War in the United States. Though in 1862 the U.S. Supreme Court was uncertain whether

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<sup>27</sup> *Riggs v. State*, 43 Tenn. 70, 71, 72, 73 (Tennessee 1866).

\* The case was remanded for a new trial, as the evidence of record did not clearly support the jury's verdict.

such rules would be applied in this war, it had no problem making the determination in retrospect:

*“The concession made to the Confederate Government in its military character was shown in the treatment of captives as prisoners of war, the exchange of prisoners, the recognition of flags of truce, the release of officers on parole, and other arrangements having a tendency to mitigate the evils of the contest. The concession placed its soldiers and military officers in its service on the footing of those engaged in lawful war, and exempted them from liability for acts of legitimate warfare.”*<sup>28</sup>

The humanitarian concerns underlying the cases from that era are well exemplified in a decision rendered by the Supreme Court of Tennessee in 1868:

*“The principles of christianity and of common humanity, as understood in the present age, impose the obligation to relieve and care for the sick and wounded belligerent, to perform many acts which tend to mitigate the necessary horrors and cruelties of war. This obligation is equally binding upon all to whom the opportunity for its discharge is presented.*

*The same assistance to preserve life or alleviate suffering which may be rendered to a sick or wounded rebel by his surgeon or his comrade, may, in case of necessity, and at the proper time, be lawfully rendered by the loyal citizen or soldier. Neither soldier nor citizen can lawfully give aid or comfort to the rebel actually in arms, but the moment the rebel soldier is hors de combat, the situation is changed, and his life may be preserved, and his sufferings relieved, though the effect is to preserve a soldier to the enemy, and thus indirectly aid the rebellion.”*

This opinion did not resolve an issue of humanitarian law. It was the basis for deciding a landlord’s suit for unpaid rent. In 1862 Andrew Fottrell leased a house to Dr. Daniel German. German was a doctor in the Confederate army.

Evidence introduced at trial showed that at the time Fottrell leased the premises, he knew that the lease was being made in order for the house to be used as a hospital for sick and wounded Confederate soldiers. Active military operations were underway and Confederate authorities had been sending large numbers of sick and

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<sup>28</sup> *Williams v. Bruffy*, 24 L. Ed. 716, 718 (U.S. 1877).

wounded Confederate soldiers to that area with orders for citizens to provide them accommodations.

Under normal circumstances, the court found, a contract formed to assist in providing aid and comfort to the rebellion against the United States would be void.

*“But where an act, permitted by the laws of war, is of such a nature that its performance by some one is demanded by the dictates of humanity as acknowledged by civilized nations, and a refusal to perform it would be cruelty and inhumanity, there it may lawfully be performed. As both parties, however, are supposed to act upon these principles, and if one party ignore them, the other would do the same, the right cause can not be supposed to be the loser by their recognition”. Therefore, “In view of the evidence in the record, it should have been left to the jury to say whether there existed at the time of the making of the contract, such an immediate pressing necessity for hospital buildings for the care of persons then actually sick, wounded, or suffering, that it was required by the dictates of humanity that a building should be furnished for that purpose. The judgement will be reversed, and a new trial awarded.”<sup>29</sup>*

This case reveals an interesting facet of Civil War jurisprudence. Important, fundamental principles of humanitarian law were found applicable to a non-international conflict in the context of private disputes of no factual interest or apparent economic consequence to anyone other than the parties involved. Most of these suits were demands of compensation for confiscated property. The legal principles elucidated by the courts in these cases, however, are of continuing importance in the law of non-international armed conflict.

Litigants frequently took cases on appeal. As a result the legal issues and facts in their cases have been preserved in published judicial reports. That these events ended in private litigation is a reflection of the fact that this was a civil war. The parties obviously knew each other prior to the disputed events, or identified each other soon thereafter, only because they lived in close proximity. It would seem unlikely for such lawsuits to have arisen in any other context.

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<sup>29</sup> *Fottrell v. German*, 45 Tennessee 476, 478, 479, 480 (Tennessee 1868).

## II. PRINCIPLES FROM CIVIL LITIGATION

In some cases, a decision hinged on whether the property was subject to destruction or confiscation. The authorities of Christian County, Kentucky brought suit against former soldiers of the Confederate Army for burning down the county courthouse. The defendants argued that they acted as belligerents in destroying the courthouse, and not for their own purposes. Therefore they were not liable for damages. The court recognized that destruction and capture of public and private property was lawful when such acts would benefit a belligerent or weaken its enemy.

*“But this right is not unlimited. The modern law of nations, now authoritatively settled and wisely recognized throughout the civilized world, excepts from capture or destruction such public property as courthouses, churches, and property of literary institutions, unless used for some military purpose by the captor’s enemy. In support of this position, the authorities are so abundant and concurrent as to dispense with any particular citations.”*

The complainants did not have to show whether the destruction was spontaneous or by virtue of superior orders, as “an unlawful act cannot be justified by an unlawful authority or command to do it”. Therefore, “on international and common law principles, we adjudge that the petition in this case sets forth a good cause of action...”. The complaining party was allowed to proceed to trial.<sup>30</sup>

A former Confederate general was sued for removing cotton, corn and fodder from a plantation in January 1862. The defendant argued that he was ordered by his superior officers to take the provisions for use by the troops of his command and to prevent this property from falling into the hands of the enemy. He argued that his actions were all authorized by the laws of war, and he was therefore protected from any recovery by the owners of that property.

The trial judge instructed the jury, “If there was a state of war existing between the United States and the Confederate States in 1862, when the property in question was taken and removed, and if General Mercer was an officer in the Confederate Army, and as such officer ordered the removal and taking of said property by the command of a superior or higher officer of the Confederate States, as an act of war,

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<sup>30</sup> *Christian County Court v. Rankin*, 63 Kentucky 502, 503, 504, 506 (Kentucky 1866).

then Mercer is protected, and is not a trespasser, and is not liable to respond in damages". The instruction was upheld. The appellate court stated that "If the recognition of belligerency means anything, it means that the acts of individuals, in the legitimate progress of the war, are to be treated as the acts of the belligerents; that the individual is not responsible to the civil tribunals, for any act done in the legitimate progress of the war".<sup>31</sup>

In 1864 Jesse Broadway left his home, which was within the Confederate lines in North Carolina. While he was behind Union lines Melcher Rhem, a Confederate soldier, went by order of his captain, seized a mule belonging to Broadway and turned it over to a Confederate quartermaster.

The issue considered on appeal was whether Broadway could sue Rhem for taking property when he was acting in a military role. The court said no. It held that prior precedents "show that by the law of the United States a capture of property (at least of all such as may be useful to a belligerent) is not unlawful, and to preclude the idea that a soldier making such capture under orders from the commanding officer and in the course of military duty can be held liable to an action by the party injured. If it were otherwise a peace would be impossible. The cessation of the conflict of arms and by organized forces would be succeeded by conflicts in the courts even more direful and more fruitful of vindictive feeling. Southern soldiers would be sued for trampling down the grass in Pennsylvania and Northern ones for doing the same in Georgia. The absurdity and injustice of these results repel the idea that the courts of belligerent countries can give redress for damages sustained in war. Good policy and the common interest of all sections of a country which has been engaged in a civil war require that the wounds it has made be healed as speedily as possible, and that the memory of it should pass away".<sup>32</sup>

In some cases, the court's decision turned on the status of the defendant at the time of his actions. The purchaser of a lot of mules sued the former Confederate officer who had forcibly confiscated them. The defendant argued that he took them for the use of the Confederacy and because he was concerned that they were being transported to the Union Army. On appeal, the judgement against the defendant was upheld "because there was no ground to apprehend that the destination of the mules was contraband; and more materially

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<sup>31</sup> *Stafford v. Mercer*, 42 Georgia 556, 557, 561, 562 (Georgia 1871).

<sup>32</sup> *Broadway v. Rhem*, 71 North Carolina 162, 167 (North Carolina 1874).

because, at the time of the seizure and conversion, the appellant was a parol prisoner of the United States, denuded of all belligerent rights to capture, and had neither order nor other authority to take the mules for Confederate use”.<sup>33</sup>

In November 1864, two men following behind a body of Union soldiers, and wearing Union uniforms but denying that they were soldiers took a horse belonging to William Worthy. In 1866 Worthy saw the horse and demanded its return. The demand was refused and he sued. Worthy asked for a jury instruction that the defendants needed to show that the captors who took the horse were part of the Union Army. The court refused to give this instruction.

The judgement was reversed on appeal. “Under the facts as shown by the record, this was a robbery. The two men, even if soldiers, were not with their company, and they denied being soldiers. They were evidently thieves, bummers, men who followed the army to steal, and who formed a part of that horde of robbers who usually attend an army”.<sup>34</sup>

Men named Cochran and Thompson were sued on the basis of events that occurred around midnight on June 25, 1863. They were part of a group that went to the home of William Dunlap. After knocking at the door and yelling they were admitted, and then took control of a man named Edmund Tucker at gunpoint. He was pulled from the house by his hair and threatened with execution. Then he was tied up, put on a horse and taken to a neighbor’s house where he was locked up with others in a smokehouse. A guard of eight armed men surrounded it.

Tucker had been a soldier in the Union Army, but was earlier discharged because of poor health. He had been at home for some time, but kept his presence there concealed from all but his friends. Cochran and Thompson claimed that at the time they apprehended Tucker he was a Union soldier. The trial evidence showed that some of those involved in the arrest, including Thompson, were Confederate soldiers, and that Cochran was a civilian and the one who “led the crowd”.

In instructing the jury, the trial judge stated that although the civil war was in progress at the time of this episode “the acquirement of belligerent rights would not be held to confer upon citizens, residing within the military lines of the belligerent power, the right to assume

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<sup>33</sup> *Beck v. Ingram*, 64 Kentucky 355, 356 (Kentucky 1866).

<sup>34</sup> *Worthy v. Kinamon*, 44 Georgia 297, 298, 299 (Georgia 1871).

the exercise of violence upon their fellow citizens; neither can it justify violence on the part of soldiers enlisted in the so-called Confederate Army, against the citizens of the Country not arrayed in hostility against their cause, especially when such soldiers were not acting, at the time, under the orders of some superior officer properly in command of them". The jury ruled in favor of the plaintiff and awarded a substantial sum in damages. This instruction and the jury's verdict were upheld on appeal.<sup>35</sup>

Some lawsuits were also directed at the victors. In a suit to recover the value of a confiscated horse, an appellate court held that it was an error for a trial judge to instruct a jury that soldiers of the Union Army could, without special order, make a capture of any property as contraband of war. Under the laws of nations and the laws of war a soldier could not act without general or special orders when seizing property.<sup>36</sup>

Confiscation practices of Union occupation authorities ultimately received scrutiny by the U.S. Supreme Court. Sometimes Union forces levied special assessments in occupied areas. In 1862 an assessment of about \$700,000 was levied upon individuals and corporations in New Orleans for the benefit of the poor. In 1864 a subsequent levy of \$5 was assessed on each bale of cotton brought into that city, to be applied for charitable purposes. On other occasions and in other commands, orders were issued for assessments for the benefit of loyal citizens who had suffered from confiscation of property or conscription of relatives into the Confederate forces. Other assessments were applied to help support refugees driven into Union lines by activities of the Confederate forces.<sup>37</sup> Although special levies were allowed, they were distinguished from outright and generalized confiscation.

In 1863 an order was issued by the commander of Union occupation forces in New Orleans requiring banks to hand over all monies credited to any corporation, association, or pretended government that was "in hostility to the United States". At the time that this order was issued, the city of New Orleans had been controlled by Union forces for more than 15 months and that occupation had gone unchallenged. The United States Supreme Court noted that this was not a seizure of property for immediate use by the army. It was merely an attempt to seize private property which "though it may be subjected to confisca-

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<sup>35</sup> *Cochran v. Tucker*, 43 Tennessee 152, 153, 154 (Tennessee 1866)

<sup>36</sup> *Branner v. Felkner*, 48 Tennessee, 195, 196, 197, 198 (Tennessee 1870).

<sup>37</sup> William Winthrop, *Military Law and Precedents*, *op. cit.*, p. 807.

tion by legislative authority, is, according to the modern law of nations, exempt from capture as booty of war”.

It was conceded that as the war had not ceased at the time of confiscation, the commanding general had the power to do all acts permitted by the laws of war, “except so far as he was restrained by the pledged faith of the government... A pledge, however, had been given that rights of property should be respected. When the city was surrendered to the army under General Butler, a proclamation was issued, dated May 1, 1862, one clause of which was as follows: ‘All the rights of property of whatever kind will be held inviolate, subject only to the laws of the United States’”.<sup>38</sup>

The most important, fundamental principal underlying these cases was finally resolved in the previously described lawsuit against James Surget for destruction of bales of cotton. The United States Supreme Court held that the destruction of property by a belligerent in the Civil War, acting in accordance with the laws of armed conflict, was not an act which made them liable for civil damages. This even though the Supreme Court did not recognize any legal authority in the Confederate government.

*“To the Confederate Army was, however, conceded, in the interest of humanity and to prevent the cruelties of reprisals and retaliation, such belligerent rights as belonged, under the laws of nations, to the armies of independent governments engaged in war against each other; that concession placing the soldiers and officers of the rebel army, as to all matters directly connected with the mode of prosecuting the war, ‘on the footing of those engaged in lawful war,’ and exempting them from liability for acts of legitimate warfare”*.<sup>39</sup>

The Court noted that the complainant appeared not to have supported the United States government during the war, and left open the question of whether a loyal citizen could sue for damages suffered during an insurrection. That question was answered indirectly in another case.

In January, 1864 a Confederate soldier named Williams helped seize cattle for military use during an army raid in West Virginia. Williams was later sued by the owner of the cattle. West Virginia was not a Confederate state, and the court did not address the issue of the complaining party’s loyalties during the war. The case was decided on

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<sup>38</sup> *Planters Bank of Tennessee v. Union Bank*, 21 L. Ed. 473, 478 (U.S. 1873).

<sup>39</sup> *Ford v. Surget*, 24 L. Ed. 1018, 1021 (U.S. 1878).

an unrelated issue, but the basic facts of the dispute were reviewed. The opinion merely stated that:

*“For an act done in accordance with the usages of civilized warfare, under and by military authority of either party, no civil liability attached to the officers or soldiers who acted under such authority”*.<sup>40</sup>

Before assessing the significance of these cases, it should be recognized that humanitarian principles were not uniformly applied during the Civil War. Some violations of the law of war received little attention, but others stirred controversy at the time and have not yet been forgotten.

### III. CONSPICUOUS VIOLATIONS OF THE LAW OF WAR

Military operations in the Kansas-Missouri area were especially notorious for violations of the law of war. Killing of prisoners, violence against civilians, endless reprisals and counter-reprisals reached their height in Lawrence, Kansas on August 21, 1863. The undefended town was burned and 183 non-combatant male civilians killed by Confederate partisans.<sup>41</sup> In revenge Union officials forced the removal of a large part of the civilian population of western Missouri.<sup>42</sup> Other theaters of military operations were not known for such intensive violation of the law of war, but an especially notorious episode took place in Tennessee the following year.

In April 1864, Confederate soldiers captured Fort Pillow. A number of defending Union troops appear to have been killed after surrender. This was a source of controversy for many years.<sup>43</sup> In 1864 General William T. Sherman led his Union Army through Georgia. The latter phase of his campaign saw widespread looting and the city of Atlanta was largely destroyed. Much targeted property, such as railroads, had strategic value, but personal possessions of inhabitants were also stolen and destroyed with little restraint.<sup>44</sup>

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<sup>40</sup> *Freeland v. Williams*, 33 L. Ed. 193, 195, 197 (U.S. 1888).

<sup>41</sup> James H. McPherson, *Ordeal by Fire*, *op. cit.*, p. 189.

<sup>42</sup> J. G. Randall and David Donald, *The Civil War and Reconstruction*, 2nd edition revised, Boston: Little Brown and Co., 1969, pp. 235-236.

<sup>43</sup> Mark Mayo Boatner III, *The Civil War Dictionary*, New York: David McKay Company, Inc. 1959, pp. 294-295.

<sup>44</sup> J. G. Randall and David Donald, *op. cit.*, pp. 427-429.

The treatment of prisoners of war was perhaps the most controversial issue raised by the conflict. Early in the war prisoners were well treated, but later prisoner exchanges ended, southern prisons became overcrowded, and suffering increased. Confederate prisoners suffered poor treatment in northern prisons as well.

Andersonville prison in Georgia was the focus of a controversy that acquired international notoriety. Over 12,000 Union prisoners died there.<sup>45</sup> The camp commandant, Henry Wirz, was tried, convicted and executed for conspiring to impair the health of and destroy prisoners of war, and for murder “in violation of the laws and customs of war”.<sup>46</sup>

There is a lesson herein. Compliance with the law of war unfortunately tends to be forgotten, and the legacy must be sifted from old documents. The memory of violations is often kept alive forever. Those who are skeptical of the effectiveness of humanitarian law should be reminded that its successes, too, are part of the historical record.

#### IV. CONCLUSIONS

It is easier to assess the scope of legal protection accorded to combatants and non-combatants when its limits are identified. On December 8, 1863, President Lincoln issued a “Proclamation of Amnesty and Reconstruction”. Under its terms, a full pardon and restoration of property, except slaves, was offered to those in rebellion who would swear an oath of allegiance to the United States and its laws regarding slavery. Limited exemptions were made from this offer for high-ranking Confederate officials.<sup>47</sup>

Following the assassination of President Lincoln his successor, President Johnson, offered a wide amnesty in May 1865 at the close of the failed rebellion. There were again some exemptions from this offer, but those excluded from the amnesty benefited by the liberal grant of individual pardons upon application.<sup>48</sup>

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<sup>45</sup> *Ibid.*, p. 337.

<sup>46</sup> William B. Hesseltine, *Civil War Prisons*, *op. cit.*, pp. 240-241, 244.

<sup>47</sup> James McPherson, *Ordeal by Fire*, *op. cit.*, p. 391.

<sup>48</sup> E. B. Long with Barbara Long, *The Civil War Day by Day*, *op. cit.*, p. 691.

It was clear that the pardoning power was vested only in the President. The Attorney General offered that opinion at the end of the war.<sup>49</sup> In 1876 the United States Supreme Court conclusively established that grants of amnesty or pardon were entirely within the discretion of the executive branch of government for "... as sovereign, they might recall their revolted subjects to allegiance by pardon and restoration to all rights, civil as well as political. All this they might do when, where, and as they chose. It was a matter entirely within their sovereign discretion".<sup>50</sup>

The courts did not raise a prerequisite of amnesty or pardon to defend against civil actions. Counsel for the defendants did not find the point worth raising, even though their clients undoubtedly had received clemency. This demonstrates that the protection from civil liability accorded to belligerents was entirely separate from questions of amnesty. Compliance with the laws of armed conflict automatically entitled them to protection in subsequent related civil proceedings.

Article 6 of Protocol II provides protection to those facing penal prosecution. The practice of United States military authorities during the Civil War provides strong evidence of a customary prohibition of punishment for legitimate acts of belligerency during a full-scale rebellion. The civilian cases provide evidence of other customary protections that reach beyond issues of criminal law.

These cases demonstrate that individuals who had been in rebellion were also to be protected from nonpenal sanctions for their acts. This can be reasonably interpreted to include protection from government fines as well as lawsuits by private parties, and protection from punitive limitations on their right to earn a livelihood or participate in other phases of community life that remained open for citizens who had not engaged in rebellion.

Another principle is discernable in these cases. They provide evidence of a customary requirement that private citizens have recourse to an independent judicial authority to resolve grievances against the government and other citizens arising from non-international armed conflict.

The consensus in the decisions of judges and military authorities was clearly drawn to honor preexisting rules of armed conflict. In so doing, these soldiers and jurists themselves left a compelling record of precedent for our own time. They showed that in coping with a major

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<sup>49</sup> 11 *Op. Att'y Gen.*, *op. cit.*, 204, 206 (1865).

<sup>50</sup> *Lamar v. Browne*, 23 L. Ed. 650, 653, 654 (U.S. 1876).

rebellion, a government's obligation is not limited to enforcing humanitarian safeguards on the battlefield. It must also provide a fair and rational forum in which former belligerents and non-combatants can protect themselves from more subtle forms of legal or administrative oppression away from the scenes of war.

**Michael Harris Hoffman**

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## **Visits to the ICRC**

- ICRC President Cornelio Sommaruga received the members of the *International Law Commission* (ILC) at ICRC headquarters on 7 June 1990.

The Commission is a subsidiary body of the United Nations General Assembly. Its 34 members are elected from among the most eminent representatives of the world's different legal systems. The Commission is entrusted with the task of promoting the codification and development of international law. It is currently working on the codification of offences against the peace and security of mankind (which include war crimes) and the setting up of an international criminal court.

During the visit the ICRC President stressed the need for the ILC and the ICRC to pursue their already constructive working relations and spoke to Commission members about the prohibition of the use of certain weapons causing unnecessary suffering, the ratification of the Protocols additional to the Geneva Conventions and the dissemination of international humanitarian law. Mr. Sommaruga also outlined the ICRC's main concerns regarding its activities in the field and respect for international humanitarian law.

Professor Shi (China), Commission Chairman for 1990, thanked the ICRC for its unfailing readiness to co-operate with the Commission and stressed the importance of the ICRC's role in implementing international humanitarian law.

- The ICRC President met *Nelson Mandela*, Deputy President of the African National Congress (ANC), in Geneva on 9 June.

Mr. Mandela, who was released from detention in South Africa in February after 27 years, was visited regularly by the ICRC while he was in prison. Two of the delegates who participated in the visits were present during the meeting.

Nelson Mandela expressed his gratitude to the ICRC and praised its "professional and efficient" work. He also thanked the institution on behalf of all past and present ANC detainees, and said that only a prisoner could understand how beneficial and essential the visits were.

Mr. Sommaruga outlined the main activities of the ICRC in South Africa, especially the assistance programmes carried out in collaboration with the South African Red Cross for thousands of victims of the violence in Natal province.

- Mr. *Tadeusz Mazowiecki*, Chairman of the Council of Ministers of the Republic of Poland, and Mr. *Salim Ahmed Salim*, Secretary-General of the Organization of African Unity (OAU), were received at ICRC headquarters on 12 June.

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## Missions by the President

From late May to July 1990, the President of the ICRC, Mr. Cornelio Sommaruga, carried out missions to Liechtenstein, Czechoslovakia, Belgium and Iceland.

- **Principality of Liechtenstein**

At the official invitation of Mr. Hans Brunhart, Liechtenstein's Head of Government, and Princess Marie of Liechtenstein, President of the Liechtenstein Red Cross, the ICRC President, accompanied by Mr. Claudio Caratsch, ICRC Vice-President, went to Vaduz on 28 and 29 May 1990.

Mr. Sommaruga expressed his deep gratitude to the Principality for its generous contribution to the ICRC budget and voiced the hope that the Liechtenstein government and Red Cross would in future also be able to contribute to the institution's operational activities.

The National Society's General Assembly took place in the presence of the Reigning Prince Hans Adam and the Head of Government. The ICRC President addressed the Assembly, speaking mainly on the subject of humanitarian mobilization.

- **Czechoslovakia**

President Sommaruga was in Prague from 11 to 13 June to attend a symposium, organized by the League of Red Cross and Red Cres-

cent Societies in co-operation with the Czechoslovak Red Cross, on "Europe in transition — the humanitarian perspective" (see the report on this symposium on p. 357).

While at the symposium Mr. Sommaruga and Mr. Pär Stenbäck, League Secretary General, met Ms. Caslauska, adviser for humanitarian affairs of the President of the Czech and Slovak Federal Republic, Mr. Vaclav Havel, to discuss problems confronting the Czechoslovak Red Cross. They also met Mr. Alexander Dubcek, Speaker of Czechoslovakia's Federal Assembly, who thanked the ICRC for its intervention in behalf of Czechoslovak hostages captured by UNITA in 1983.

Mr. Sommaruga also had meetings with representatives of many National Societies attending the symposium. These included the new leaders of the eastern European Societies such as Ms. Landman, Vice-President of the German Red Cross of the German Democratic Republic, Dr. Vaclav Burian, President of the Czechoslovak Red Cross and Mr. Reszo Sztuchlik, President of the Executive Committee of the Hungarian Red Cross.

#### ● **Belgium**

On 20 June, Mr. Sommaruga went to Brussels at the invitation of the Belgian parliament. He was first received by Mr. Swaelen, President of the Senate, and the Directors General of the Belgian Red Cross. He then gave a talk on the ICRC's mandate, activities and financial needs to the members of the Chamber of Representatives' Foreign Relations Commission and the Senate's Health and Environment Commission. In the discussion that followed, many questions were asked about various aspects of the ICRC's present and past activities and what the Belgian parliament could do to support the institution.

President Sommaruga was accompanied to Belgium by Mr. Michel Convers, Head of the ICRC's Operational Support Department.

#### ● **Iceland**

At the invitation of the government of the Republic of Iceland and the Icelandic Red Cross, the ICRC President, accompanied by Mr. Jurg Bischoff, his assistant, and Ms. Sophie Graven from the Division for Principles and Relations with the Movement, made an official visit to Reykjavik from 1 to 4 July. The purpose of the visit was to consider with the Icelandic government the possibility of increased financial support for the ICRC budget and to strengthen the ICRC's relations with the Icelandic Red Cross.

During his talks with Mr. Steingrímur Hermannsson, the Icelandic Prime Minister, and Mr. Jón Baldvín Hannibalsson, Minister of Foreign Affairs and Foreign Trade, Mr. Sommaruga thanked the Icelandic government for its financial support and reviewed the ICRC's activities throughout the world, then placed particular emphasis on national legislation to implement international humanitarian law, the dissemination of that law, the international community's collective responsibility in the event of violations of humanitarian law and the need to continue humanitarian assistance to the Third World. He furthermore asked for Iceland's support in the ICRC's endeavour to have the Protocols additional to the Geneva Conventions ratified by a greater number of States.

Mr. Sommaruga was also received by Mrs. Vigdis Finnbogadóttir, President of the Republic of Iceland and patroness of the National Society.

The ICRC representatives were welcomed at the Icelandic Red Cross headquarters by Mr. Gudjon Magnússon, President of the National Society and Vice-President of the League. He gave them an account of several of the Society's main activities, including a workshop that produces appliances for the disabled, a shelter for young people suffering from psychological and social problems and a centre for people undergoing medical treatment. Leading officials of the National Society expressed their desire to be more active abroad, in particular by increasing the number of medical staff placed at the ICRC's disposal.

Lastly, Mr. Sommaruga gave a lecture at the University of Reykjavik.

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*EXTERNAL ACTIVITIES**May-June 1990***Africa****Sudan**

The ICRC resumed its regular flights to destinations in Sudan after a six-month interruption during which it had been able to carry out only a few technical flights. As from 3 May ICRC flights were made to the following places in accordance with a flight plan submitted each week to the two parties: Wau, Juba and Malakal from Khartoum; and Kongor, Leer and Bor from Lokichokio (Kenya). The aircraft carried ICRC staff and also seed, tools and various equipment necessary to implement veterinary programmes.

Road convoys continued to bring relief supplies to southern Sudan from the ICRC base in Lodwar despite poor weather conditions and an earthquake that damaged roads and destroyed a bridge. In the period under review two road convoys journeyed safely from Lodwar to Bor and Kongor. The ICRC also carried supplies by barge on the Nile, from Bor to Leer via Adal and to Yirol via Ghambe.

In addition to providing assistance to the people living in the regions affected by the internal conflict, the ICRC was called on to help those displaced as a result of tension at the border between Sudan and Chad. On 27 and 28 May, three ICRC flights delivered relief supplies (blankets, tarpaulins, soap, durra and vegetable oil) to El Fasher; from there the National Society organized distributions.

**Ethiopia**

On 19 June an agreement was concluded between the ICRC, the Ethiopian government and the National Society setting out the terms and conditions governing the work of the ICRC surgical teams sent to Ethiopia to supplement the medical personnel already on the spot.

In early June, as soon as the ICRC received official confirmation that its assistance to the war-wounded would be welcomed, a delegate and a doctor were sent to Bahr Dar, Dessie and Asmara to assess

surgical needs there. As local facilities for the reception and care of patients were found clearly insufficient to cope with the influx of wounded, the ICRC immediately dispatched several medical teams to the area. They arrived in Addis Ababa towards the end of the month, and a surgical team was already at work in Dessie by 24 June.

## **Somalia**

A first ICRC road convoy left the port of Berbera on 26 May for Boroma via Hargeisa, carrying food supplies to the displaced people sheltering in the hills north-east of Boroma, whose living conditions had been found extremely precarious during a survey in February. Between 28 May and 1 June a total of 14,600 people received ICRC food aid. On the return journey delegates carried out surveys near Hargeisa.

In co-operation with the UNHCR, the Ethiopian and Somali governments and National Societies and its own delegation in Addis Ababa, the ICRC completed arrangements enabling it in July to begin repatriating Ethiopian refugees living in camps in north-west Somalia.

## **Uganda**

Some 120,000 displaced persons grouped in more than ten camps in the Kumi district had still not been able to return to their villages by the end of June. Initially the ICRC had provided only non-food aid to these people since other organizations were supplying them with food. During the month of June, however, the growing insecurity caused these organizations gradually to withdraw. Faced with this critical situation, the ICRC agreed to take over food distributions as from July for a three-month period. In the last week of June, ICRC delegates registered about 8,500 recipients.

After a year's absence the ICRC returned to Kitgum, where it organized a series of dissemination talks, carried out medical surveys and resumed its tracing work. It also returned to Soroti, after a three-month interruption, to continue its tracing and protection activities for the civilian population there.

## **Mozambique**

In May and June ICRC delegates carried out several missions overland to the areas affected by the conflict. In the province of Nampula they noted a lack of medicines and basic medical supplies, a problem which the ICRC hopes to remedy despite the hazardous

conditions and the difficulty of transporting and delivering goods to isolated areas accessible only on foot through the bush and forest.

Another mission to the province of Zambezia took considerably longer than expected owing to unsafe conditions. The delegates, who were unable to maintain contact with the ICRC during the mission, nevertheless managed to assess the needs of about 150,000 people living in isolated groups. There, too, the main problems noted were a lack of medicines and basic medical supplies, as well as inadequate sanitary facilities. However, the nutritional level of these people appeared satisfactory.

## **Liberia**

Because of the rapidly deteriorating situation, particularly in the capital, Monrovia, the ICRC took steps to protect the civilian population. Following the attack in early June on the camp for displaced persons set up in the grounds of the United Nations Development Programme (UNDP) offices, the UN agencies withdrew from the country. Families subsequently took refuge in a centre run by the Lutheran World Federation (LWF), which was placed under the protection of the Red Cross emblem.

The National Society carried out thrice-weekly food distributions to displaced persons temporarily living with relatives or in makeshift shelters.

Faced with a massive influx of people seeking ICRC protection, the delegation in Monrovia opened a centre on 15 June in a Methodist school large enough to house up to 1,000 people. The National Society provided round-the-clock medical care and supplied food and other basic necessities to those sheltering there.

ICRC delegates also evacuated 60 foreign students at the request of the UNHCR, one of the agencies that had left the country in early June.

In the medical sphere the ICRC organized an ambulance service and, on the basis of a survey, decided to provide medical supplies and medicines to the hospitals and dispensaries in rebel-held territory.

Neighbouring countries continued to receive waves of refugees. In early June 10,000 people left Liberia for Sierra Leone, where the National Society had set up a tracing office.

## **Latin America**

### **Nicaragua**

From the outset of the negotiations which led to the disbanding of the Contras, the ICRC has signalled its interest in the peace process to the parties concerned and has on several occasions offered its services to help resettle the former Contra guerrillas.

During the demobilization in June, the ICRC delegation kept a close watch on the situation in case any protection or material assistance was needed. Material aid was planned for late June solely for displaced civilians (Jinotega and Bluefields) and for refugees returning to their homes (Puerto Cabezas and Rio Coco Arriba).

Apart from the delegation's activities in connection with the demobilization, the Toncontin agreement of 23 March 1990, which ended a 10-year conflict, allowed delegates to start scaling down their activities in places of detention as the security detainees whom the ICRC had been visiting had almost all been released. Where necessary, the amnestied prisoners and their families continued to receive ICRC assistance.

### **El Salvador**

ICRC delegates were able to respond more effectively to the civilian population's needs in terms of medical care, protection and the exchange of family news. On their frequent visits to conflict areas the delegates observed that the situation was slowly returning to normal, although civilians continued to be killed and injured by indiscriminate attacks or abandoned explosives such as mines and grenades.

In June, ICRC delegates visited 94 places of detention and spoke to 221 prisoners there.

### **Panama**

General Manuel Noriega, overthrown when the military regime in Panama was removed from power, was visited by an ICRC delegate for the second time along with two other Panamanian prisoners of war at the Metropolitan Correctional Centre in Miami, where they have been detained since January 1990.

## **Asia**

### **Afghan conflict**

In May and June ICRC delegates in Pakistan and Afghanistan continued their efforts to assist victims of the Afghan conflict. They carried out missions to numerous regions, including some to which they had never before had access.

In early June an ICRC team from Quetta (Pakistan) entered the city of Kandahar for the first time. The delegates contacted the local authorities there, assessed the medical facilities and undertook various tracing activities. Another team left Kabul to visit, also for the first time, the region of Shakardarah north of the capital. This initial mission in early May was followed by several more to assess the advisability of setting up a first-aid post and decide on its location. Negotiations to this end took place in Herat and Mazari-i-Sharif with the parties concerned.

Meanwhile the ICRC sent a fourth surgical team to its hospital in Kabul to cope with a high influx of wounded and numerous surgical interventions.

### **Sri Lanka**

As soon as the clashes broke out, on 11 June, between government forces and LTTE (Liberation Tigers of Tamil Eelam) fighters in the north-east of the island, the ICRC contacted the two parties to remind them of its role in such situations. Emergency measures were taken and delegates carried out several surveys to determine the humanitarian assistance required by civilians affected by the events. They also visited persons arrested in connection with the events in Trincomalee, Batticaloa and Colombo.

In addition to its activities in the north-east, the delegation continued its other tasks, particularly visits to persons detained in connection with the inter-Sinhalese conflict. Since the visits first began in October 1989, over 16,000 prisoners have been seen in more than 280 places of detention, both in the capital and the provinces.

### **Cambodian conflict**

In the belief that the exchange of news between Cambodians living in the border camps and their families who stayed in Cambodia has a significant impact on the decision of camp-dwellers to return home, the ICRC decided to increase its tracing activities for these people.

After a year of training, restructuring and painstaking work, a real flow of correspondence in the form of Red Cross messages had been established between camp-dwellers and their families in the period under review. The number of successfully completed tracing enquiries concerning people living in Cambodia also rose considerably. In June alone, for example, 130 such enquiries were resolved, in comparison with 188 for the whole of 1989.

## **Indonesia**

On 22 May and 5 June the ICRC organized the departure of 45 people from East Timor to Portugal as part of a programme to send people to Portugal and Australia initiated by it ten years ago. Under the programme 930 people have so far left the country with the agreement of all parties concerned.

## **Middle East**

### **Iran/Iraq**

The ICRC continued to be concerned about the plight of prisoners of war captured by both sides during the conflict. It therefore submitted a plan for humanitarian action to Iran on 3 May and Iraq on 7 May. The plan calls for both parties to provide the ICRC with a list of all prisoners identified as wounded or sick who should be repatriated as soon as possible, and a list of all prisoners of war, whether they are already or are not yet registered, and whether or not they are interned. This would make it possible to notify the prisoners' countries of origin and families and allow the ICRC to set up a programme of visits which should begin in both countries one month after the handing over of the list.

The Director of Operations visited Tehran from 18 to 21 May and Baghdad from 8 to 12 June to discuss the plan with the authorities concerned.

Following these talks, a final version of the plan, taking into account the comments of the two countries' authorities, was submitted by the ICRC to the two parties in mid-June. It was accompanied by a *note verbale* asking for a formal reply from the governments in Tehran and Baghdad to the proposals.

In addition the ICRC, particularly its New York delegation, maintained contact with the permanent members of the United Nations Security Council and representatives of several other countries to keep them informed about the plan and how it was received.

## **Iran**

Following the earthquake on 21 June which destroyed entire villages, especially in the province of Gilan, the ICRC delegation did everything possible to find out whether the prisoners of war being held in the devastated areas had been affected. According to the authorities, only a few prisoners of war were injured. Message forms were handed over to the Red Crescent Society of the Islamic Republic of Iran for rapid distribution to the prisoners concerned so that they would be able to reassure their families in Iraq as soon as possible.

At the same time, delegates in Iraq distributed similar message forms to those Iranian prisoners of war held there whose families were living in the stricken area.

## **Lebanon**

While the ICRC continued to press for the release of its two delegates abducted in Sidon on 6 October 1989, the delegation in Beirut went on helping the victims of the Lebanese conflict. Working in conjunction with the Lebanese Red Cross, the ICRC continued to assist displaced families. It took relief supplies into the new Christian battle areas of Metn and Kesrouan and into the Iklim al Touffah region affected by the inter-Shi'ite conflict. The regular visits to hospitals and dispensaries to provide them with basic medical supplies were also continued, except when fighting was so intense as to force the delegation to suspend its work in certain areas.

Meanwhile, delegates carried on with their visits to places of detention, where they saw over 500 detainees in May and June. During the same period, the ICRC was present on two occasions when prisoners were released by the Lebanese Army commanded by General Aoun. The delegates checked the identity of those released and in some cases made arrangements for their return home. The Lebanese Forces also released a group of six detainees on 7 June.

## **Israel and the occupied territories**

Violent clashes shook the occupied territories after the Rishom Le Zion shooting on 20 May. ICRC delegates helped take the injured to hospital and ensured that ambulances were able to do their work unhindered. ICRC teams visited hospitals and dispensaries, providing emergency medical supplies and putting the injured in touch with their families when necessary.

Finally, the ICRC issued a communication to the press stressing that for the second time in less than a month, the occupied territories had been the scene of violence and repression in which hundreds of people had been injured and dozens had died. The ICRC voiced its acute concern about the persistence and aggravation of the conflict and urged the occupying power to do everything it possibly can to ensure that the lives and physical integrity of the civilian population are respected.

## **Europe**

### **Romania**

After the clashes on 13 and 14 June in Bucharest, the ICRC offered its services to the Romanian government to visit people detained in connection with the events. The ICRC's approaches were backed up by a letter from Mr. Cornelio Sommaruga, its President, to Mr. Ion Iliescu, the Romanian President. The Romanian authorities assented and visits to the places of detention began on 25 June. Unfortunately, the visits were broken off five days later by the authorities, who felt that it was a breach of Romanian law to allow ICRC delegates to have interviews in private, as required by the ICRC's criteria, with detainees awaiting trial. The ICRC immediately contacted the Romanian authorities to clarify the nature of their objection and obtain guarantees for the continuation of the visits in accordance with the ICRC's standard procedures.

Following the events of 13 and 14 June, the ICRC team also visited hospitals which had admitted casualties. It was partially thanks to supplies previously provided by the ICRC and National Societies that the hospitals in Bucharest were able to deal with the sudden influx of injured people.

## ***EUROPEAN SYMPOSIUM IN PRAGUE***

### **Europe in transition – the humanitarian perspective**

The recent changes in Europe present new challenges for humanitarian organizations. How does the International Red Cross and Red Crescent Movement plan to meet them? What new possibilities do they provide for humanitarian endeavour? Such were the questions dealt with at a symposium held in Prague on 12 and 13 June 1990 and entitled "Europe in transition – the humanitarian perspective".

Some seventy representatives of 24 European National Societies, the League, the ICRC and the Henry Dunant Institute and eminent political, economic, social affairs and human rights experts took part in the symposium, which was organized by the League of Red Cross and Red Crescent Societies and the Czechoslovak Red Cross. Representatives of four National Societies from North and South America and from Asia also attended as observers.

Speaking at the opening ceremony, *Mr. Vaclav Burian*, President of the Czechoslovak Red Cross, said that the recent political, economic and social events in central and eastern Europe have opened the way to democracy, to political pluralism and a market economy; and they have created momentum which will help to safeguard human rights. The changes would have far-reaching consequences for the National Societies of Europe and should, he said, be viewed realistically. Human and financial resources should be mobilized to help rebuild the countries affected and to give new impetus to co-operation in Europe. Dr. Burian stressed the importance of the Red Cross and Red Crescent principles continuing to guide humanitarian endeavour, remarking that those principles were undeniably being instrumental in the resurgence of moral values.

Dr. Burian went on to describe the development of the Czechoslovak Red Cross and then advocated a number of reforms to make its work in behalf of the country's communities more effective and to win their support. In particular, the Society intends to make

innovations in its medical and social welfare services, increase health education and its own role in improving the environment, promote first-aid training, disaster preparedness and youth programmes and knowledge of the Movement's principles and ideals.

*Mr. Pär Stenbäck*, League Secretary General, felt that the time had come to analyse the impact of the political, economic and military changes in Europe on humanitarian work. These changes, which were already affecting the countries of eastern, western and southern Europe engaged in a process of integration, would certainly make themselves felt throughout the continent. The new Europe which was emerging was already in a position to become a truly humanitarian continent.

Admittedly the opening of its borders, the so-called peace dividend, the rise in ethnic tensions and large-scale movements of people all represent an immense challenge for Europe. To meet this challenge, said Mr. Stenbäck, the National Societies would have to reorganize themselves and redefine their relationship with their respective governments. Assistance for European Societies must be based on careful analysis of all resources available and of the needs existing in the world, and must not neglect the most needy and vulnerable groups, notably those of the Third World.

Finally, *Mr. Cornelio Sommaruga*, President of the ICRC, said that the symposium provided the Red Cross and Red Crescent with an opportunity to look back at the past, reflect on the challenges of the present and decide for the future. He then submitted for consideration three words, three guidelines: honesty, trust and imagination.

First of all, he said, it must be acknowledged with *honesty* and humility that "history, external pressure and, on occasion, lack of boldness and compromise too readily accepted have cost the Red Cross some of its independence, neutrality and humanity". It was equally necessary to be honest in our perception of the major issues in the European countries – the influx of refugees, racism and discrimination, the inadequate protection of minority groups, the temptation to be selfish and narrow-minded, ecological dangers and unemployment.

*Trust* must be shown in tackling these problems, trust in the Movement's ideal which continues, despite the vicissitudes of history, to motivate humanitarian action and spur efforts to overcome indifference, selfishness, silent complicity and neglect.

But we must, he said, go further still and show *imagination* by constantly searching for ways of giving better help and being more active, more effective and more responsible while upholding the principles of independence, impartiality and universality. For the invincible nature of human dignity is at stake and must be defended despite

injustice, violence or torture; international political life must be imbued with the values of solidarity and respect for the individual.

\* \* \*

On the first day of the symposium, a number of experts gave lectures on political, social and economic changes in Europe. Adam Roberts, Professor of International Relations at Balliol College, Oxford, spoke on "Europe in transition from the historical perspective", whilst Jenoe Kovacs, member of the Hungarian Parliament's Commission for Human Rights, gave an analysis of "Europe in transition as seen by a politician". Alexander M. Vacic, Director of the Division for Economic Analysis and Projections of the UN Economic Commission for Europe, then lectured on "Europe's transitional economies – an economist's overview and forecast". Other lectures were given by Gervase Coles, Senior Legal Advisor to the UN High Commissioner for Refugees, who addressed the subject of "Uprooted people in a transitional Europe, as seen by an international civil servant", Vadim Zagladin, Advisor to the President of the USSR, who examined the origins of the transition process in Europe and new forms of co-operation between West and East, Rupert Neudeck, a journalist with the *Frankfurter Rundschau* who talked about the changes faced by the media, and Asbjørn Eide, Director of the Norwegian Human Rights Institute, who spoke on "Europe in transition – the humanitarian perspective".

All these speakers dealt with various aspects of the changes in Europe and stressed the interdependence of all the countries on the continent and the need to find joint solutions to problems such as mass migration, racism and environmental destruction. Recent political developments and the new importance attached to participation by the municipalities and non-governmental organizations open up new possibilities for the National Societies and the Movement, both in giving assistance to disadvantaged groups and in spreading knowledge of human rights and humanitarian law.

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On the second day, the participants split up into four groups to discuss, respectively, migration and refugees; mobilizing resources; health and social welfare; and relations with other humanitarian organizations.

As the purpose of this symposium was above all to assess the situation of the Red Cross in Europe and to examine the new possibilities opening up there for the National Societies in particular and the Movement in general, it reached no formal conclusions and adopted no resolutions.

The concerns of the participants were nevertheless made clear in the group discussions. Their suggestions may be summarized as follows:

### **Migration/refugees**

- Launch public awareness campaigns to prevent hostility towards foreigners.
- Assist refugee integration in the host country.
- Facilitate voluntary repatriation by establishing ties with the country of origin.

### **Mobilizing resources**

- Facilitate an exchange of information between European National Societies on legal restrictions on, and tax concessions to facilitate, fund-raising.
- Take part in a fund-raising seminar proposed by the Norwegian Red Cross for September/October 1991.

### **Health and social welfare**

- Draw up a list of health and social welfare activities and select those which could be entrusted to properly trained volunteers.
- Involve young people more closely in decision-making.
- Plan the training of volunteers to meet needs related to new National Society activities.
- Encourage co-operation in the health and social welfare spheres between the central committees of the European National Societies.
- Plan a meeting for the European National Societies' advisers in health and social welfare.

### **Relations with other humanitarian organizations**

- Draft a resolution for the 1991 International Conference recommending that in as many countries as possible the National Society should be responsible for the co-ordination of international aid received at the time of a natural disaster.

— Organize a European Red Cross symposium in 1991 with the theme “How to develop a modern and competitive Society”.

When the group meetings ended, a message from Mr. Vaclav Havel, President of the Czech and Slovak Federal Republic, was delivered by Ms. Vera Caslauska, his adviser for humanitarian affairs. President Havel welcomed the changes in the Czechoslovak Red Cross, which was thus reinstating its noble ideals, and stressed his government’s firm intention of supporting the National Society’s work.

Finally, the Netherlands Red Cross offered to host a European Regional Red Cross and Red Crescent Conference in 1992.

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JOINT COMMISSION  
OF THE EMPRESS SHÔKEN FUND

Geneva, 11 April 1990

CIRCULAR No. 81

*To all National Red Cross and Red Crescent Societies*

**Sixty-ninth distribution of income**

The Joint Commission entrusted with the distribution of the income of the Empress Shôken Fund met in Geneva on 28 March 1990. The Ambassador and Permanent Representative of Japan in Geneva, His Excellency Mr. Hidetoshi Ukawa, attended the meeting and represented the Japanese Red Cross Society.

The Commission approved the statement of accounts on the situation of the Fund as at 31 December 1989 and noted that the balance available amounted to 334,611 Swiss francs.

In examining the 34 projects presented by 31 National Societies, the Joint Commission reviewed the experiences of the past few years, and reconfirmed the following criteria:

- a. To restrict the number of grants, thereby increasing the amount of each so as to permit the beneficiary National Societies to implement the plans envisaged;
- b. To consider requests only from developing National Societies unable to have their projects financed otherwise and, among such Societies, whenever feasible, those which have hitherto benefited least from assistance from the Empress Shôken Fund;
- c. To refrain from considering requests from National Societies which have received grants in the past and which did not meet the requirements under Article 7 of the Regulations stipulating that the beneficiary National Societies are to submit a report on the use of the grants received.

- d. In the event of an allocation the Secretariat of the Joint Commission will decide whether purchase arrangements will be made by the League's Logistics Service or directly by the beneficiary Society.
- e. If the item(s) requested is (are) immediately available on the local market or can be manufactured locally, the National Society shall submit to the Joint Commission an original offer or pro forma invoice, drawn up in English, French or Spanish and indicating a reliable date of delivery. In accordance with internationally accepted business rules the Joint Commission will transfer 50% of the indicated price to enable the National Society to place the order. The balance will be transferred only upon receipt of the seller's or manufacturer's delivery form and of the final invoice on which the initial down payment is duly entered.
- f. If the goods are to be imported, the League's Logistics Service will handle all purchase and shipping arrangements. The beneficiary Society may wish to communicate to the Joint Commission the name and full address of its shipping agent.
- g. Allocations remaining unclaimed or unused after twelve months will be withdrawn and added to the amount available for the next distribution.

Thirty-one National Societies submitted requests for allocations from the 69th distribution of income and the Joint Commission decided to make the following grants based on the above-mentioned criteria:

		<i>Swiss francs</i>
<b>1) Antigua and Barbuda</b>		
1 4WD Toyota Land Cruiser for disaster relief and first-aid activities		33,000
<b>2) Benin</b>		
1 "Toyota Hiace" minibus for first-aid and Red Cross Youth activities		30,000
<b>3) Chile</b>		
1 "Volkswagen" 1600cc minibus to facilitate community services of the regional Red Cross branch of Puerto Montt		20,000
<b>4) Fiji</b>		
Training and library facilities, i.e. building materials and equipment, and wheelchair workshop equipment		12,000
<b>5) Ghana</b>		
1 lorry for use in disaster preparedness and other Red Cross activities		50,000
<b>6) Indonesia</b>		
Mannequins (dolls) and recording paper for first-aid training		25,000

<b>7) Lesotho</b>	
1 4WD “Volkswagen” minibus for health, social welfare and Red Cross Youth activities	35,000
<b>8) Mongolia</b>	
1 computer set INTEL 80386 and NEC Colour TV model CT 2003 MT for the dissemination of international humanitarian law	30,000
<b>9) Peru</b>	
To set up a wheelchair bank of about 50 wheelchairs at the headquarters of the Peruvian Red Cross	18,000
<b>10) Somalia</b>	
To partly finance the establishment of a 24-hour ambulance service in Mogadishu and surroundings	50,000
<b>11) Western Samoa</b>	
1 “Toyota Hiace” minibus for health and social welfare activities	30,000

The above allocations total 333,000 Swiss francs. The Joint Commission decided that the unused balance of 1,611 Swiss francs will be added to the income available for the 70th distribution (1991).

Pursuant to the Fund’s Regulations, each beneficiary Society must submit to the Joint Commission a report on results achieved in using the equipment purchased with the grant. The Joint Commission requests that these descriptive reports be sent not later than twelve months after receiving the allocation, accompanied, if possible, by photographs illustrating the activities carried out thanks to the allocation. The report should show whether the grant has enabled the Society to implement the programme, and whether the programme has in fact met the needs of the population, so that the Joint Commission can form an opinion on results achieved.

The Joint Commission reminds beneficiary Societies of Article 6 of the Regulations which prohibits the assigning of the grant for purposes other than those specified without the prior consent of the Joint Commission.

### **70th distribution—1991**

**The 1990 income will be distributed in 1991. To help National Societies make applications in accordance with the Regulations, the Joint Commission will mail model application forms to all National Societies in August. It will also supply National Societies with criteria and guidelines regarding projects that could be financed—wholly or partly—by the Empress Shôken Fund.**

**Requests for grants must be submitted to the Secretariat of the Joint Commission before 31 December 1990.**

*For the Joint Commission*

*International Committee  
of the Red Cross*

Mr. M. Aubert (Chairman)  
Mr. M. Martin  
Mr. S. Nessi

*League of Red Cross and  
Red Crescent Societies*

Mr. P. Stenbäck  
Mr. B. Bergman  
Mr. K. Watanabe  
Mr. P. Tischhauser (Secretary)

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### INTERNATIONAL SEMINAR IN TAORMINA (SICILY)

## Protection of human life and civil defence

A seminar on the theme "Protection of human life and civil defence", organized by the International Institute of Humanitarian Law in San Remo and the Italian Red Cross, was held in Taormina (Sicily) from 4 to 8 April 1990, bringing together for the first time representatives of the International Red Cross and Red Crescent Movement and civil defence services. There were about 60 participants from 18 National Red Cross and Red Crescent Societies, the League Secretariat, the ICRC and national civil defence organizations from seven countries, as well as members of the International Institute of Humanitarian Law and representatives of the central committee and the provincial and local committees of the Italian Red Cross.

The opening ceremony took place in the presence of H.E. Mr. Vito Lattanzio, Italian Minister of Civil Defence, Mr. Mohamed Essaafi, Under Secretary-General and Disaster Relief Co-ordinator of the United Nations, Mr. Sadok Znaidi, Secretary-General of the International Civil Defence Organization (ICDO), Mr. Remo Paolini, *Vice Commissario Straordinario* of the Italian Red Cross, Mr. Jovica Patrnogić, President of the International Institute of Humanitarian Law, and representatives of the provincial and local authorities.

The seminar was chaired jointly by Mr. Paolini and Mr. Patrnogić. There were three topics on the agenda:

- Assistance activities of civil defence services in peacetime and in armed conflicts.
- The role of volunteers in the performance of civil defence tasks.
- International status of civil defence services.

### 1. Civil defence and assistance in peacetime and in armed conflicts

The subjects were introduced by Dr. Ugo Genesio, Secretary-General of the International Institute of International Law. The first

speaker, Mrs. Yolande Camporini, Technical Adviser for Statutory Matters and Dissemination at the League Secretariat, presented a report on assistance provided by the Movement's components in peacetime. After outlining the various stages of such assistance (disaster preparedness, emergency relief, medium- and long-term reconstruction plans), she described the ways in which the Movement (and the League in particular) gives assistance in the event of a natural disaster and the relations between the Movement and other relief organizations.

In the second introductory report, Mr. Antoine Bouvier, member of the ICRC Legal Division, presented the provisions of Protocol I relative to civil defence. He first described the process which led to the adoption of the rules in question, then examined their field of application and main characteristics.

The two introductory reports gave rise to a very interesting discussion during which representatives of several National Societies spoke about their institutions' work in assisting the victims of conflict or natural disaster and their activities in the field of prevention. They also mentioned the role of National Societies in civil defence and the links between the Red Cross or Red Crescent and civil defence services.

The account given by Mr. Hildebert Heinzman, Assistant Director of the Swiss Federal Office of Civil Defence, of the aims and activities of civil defence and its possibilities and limitations from the standpoint of international humanitarian law, was highly appreciated.

## **2. Civil defence and voluntary service**

The second theme was introduced by Mr. Jacques Meurant, in his capacity as member of the Council of the San Remo Institute. He addressed the subject of civil defence and voluntary service in general before going on to examine, with the help of practical examples, the tasks facing volunteers in civil defence organizations and the specific role of volunteers in National Red Cross and Red Crescent Societies. In the course of the ensuing debate, different volunteer groups from the Italian Red Cross spoke about their own activities.

## **3. International status of civil defence**

The third topic was introduced by Mr. Sadok Znaidi, ICDO Secretary-General, whose presentation was entitled "International status of civil defence and international co-operation".

The question of international co-operation in the field of civil defence gave rise to a lively debate. In fact, as can be seen from the high number of contributions which were added to the main reports, all the proceedings were held in a constructive atmosphere.

#### **4. Conclusions and recommendations**

At the end of the seminar the participants adopted a summary of the proceedings with a number of conclusions and recommendations, some of which are reprinted below:

- ***Protection and assistance***

“While existing activities at national and international level, carried out by states and numerous other organizations, represent a very valuable contribution to the protection of victims of all disasters, including armed conflicts, these activities could be intensified and improved in the spirit of humanitarian solidarity, in order to satisfy more completely the needs of victims for protection and assistance. These improvements are desirable in all aspects of such activities, including planning, organization, harmonization, required resources and national and international co-operation.

Studies should be undertaken to develop adequate international legal rules, and these should be based on widespread practice and on existing law related to disaster relief.

For efficient development of assistance activities in disasters, of key importance is the preparation of the disaster relief plan for the national territory, whose elaboration should be promoted in all countries.

Considering that civil defence organizations, existing in many countries, are an important factor in protecting victims and property, it is highly desirable to establish such organizations in all countries of the world, in particular in developing countries, and to increase the international co-operation of these organizations.”

- ***Civil defence and humanitarian law***

“It needs to be recognized that the special protection of civil defence under the provisions of international humanitarian law comes within the context of the general protection of the civilian population and the limitations on the means and methods of warfare. This special protection should be applied, and countries should adapt their organizations to the

standards prescribed in international humanitarian law. The dissemination of knowledge of these rules on civil defence is an important way to promote their application. The role of ICDO in this sphere was particularly stressed and should be continued.”

The participants agreed to emphasize the following points:

- “The problems of enhancing and rendering more effective the harmonization of activities of many participants in international relief actions deserves to be studied further, bearing in mind the specific role of UNDRO in natural disasters;
- all the activities in the field of disaster relief are to be considered as a contribution to the protection of certain basic human rights. In this respect the question of the right to humanitarian assistance and corresponding obligations of states and organizations should be studied further.”

● *Volunteers and civil defence*

“The inclusion of volunteers and their increased role in non-governmental organizations, in carrying out civil defence tasks should be encouraged, and questions relating to their motivation, recruitment, training and deployment should be examined further.

As regards the participation of Red Cross/Red Crescent volunteers in civil defence activities, National Societies should specify, in agreement with the competent authorities, the forms of their contribution to these activities, while respecting the Fundamental Principles of the Movement.

The study of various types of activities and problems encountered in carrying out disaster relief actions should be pursued, in particular in the light of the deliberations of the seminar. The IIHL is encouraged to continue its work in this important international humanitarian field, and to co-operate with all those organizations which are ready to support such work.”

The participants also thanked the Italian national and regional authorities and the Italian Red Cross, in particular the Committee of Messina, for their hospitality and the steadfast commitment of their volunteers.

## **Romania ratifies the Protocols**

On 21 June 1990, Romania ratified the Protocols additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of international (Protocol I) and non-international (Protocol II) armed conflicts, adopted in Geneva on 8 June 1977.

In accordance with their provisions, the Protocols will enter into force for Romania on 21 December 1990.

Romania is the **97th State** to become party to Protocol I and the **87th** to Protocol II.

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## BOOKS AND REVIEWS

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### THE EARLY YEARS OF THE RED CROSS

#### HENRY DUNANT THE FOUNDER OF THE RED CROSS

*His compassion has saved millions*

This richly illustrated 65-page book<sup>1</sup> tells the story of Henry Dunant's life and work.

In the first few pages the author describes Dunant's childhood in Geneva and his visit to Algeria, before turning to the battle of Solferino which was to influence the rest of Dunant's life. Strongly affected by the veritable slaughter that he witnessed there and impressed by the solidarity of the local population towards the wounded whom he was trying to assist, Dunant began to dream of a better world. His book "A Memory of Solferino" which, in Pam Brown's words, was going to change the world, directly inspired the founding of the Red Cross by the Committee of Five. Henry Dunant fell into disgrace not long after, but the Red Cross continued to grow, especially during the Franco-Prussian war of 1870.

The author comes back to Henry Dunant again, describing the last years of his life spent in Heiden, and the recognition of his work which finally came with the award of the first Nobel Peace Prize in 1901. The narrative ends with the description of the development and activities of the Red Cross movement which is seen as Henry Dunant's legacy.

The book also contains a chronological table of the most important dates in the history of the Red Cross from the birth of Henry Dunant to the present day, a glossary of the main terms used in the text and an alphabetical index.

*Françoise Perret*

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<sup>1</sup> Brown, Pam, *Henry Dunant: The founder of the Red Cross—his compassion has saved millions*, Exley Publications Ltd., Watford, 1988 (People who have helped the world).

## THE HIDDEN STORY OF THE RED CROSS

### *The turbulent beginnings of the Red Cross*

The beginnings of the Red Cross are turbulent indeed, as depicted in Angela Bennett's lively and often mischievous account of the first fifty years of the Red Cross, a book in which she reveals a hitherto unknown portrait of Henry Dunant, Gustave Moynier and the other founders of what was to become the International Committee for Relief to the Wounded and later the ICRC.<sup>2</sup>

Mrs. Bennett's exuberant imagination, her liking for Henry Dunant and her sometimes biased opinion of his opponents, her ironic view of Moynier, of Geneva society and of Europe's diplomatic and military circles in the late nineteenth century, engulf the reader as if in a tide: all at once he is plunged into the horrors of the battlefield at Solferino, and relives Dunant's act of kindness and the enthusiasm prompted by the publication of *A Memory of Solferino*. Then he follows the first deliberations of the International Committee for Relief to the Wounded, which led to the adoption in 1864 of the Convention for the Amelioration of the Condition of the Wounded in Armies in the Field and to the setting up of the first national relief societies, which soon became very active in the many conflicts raging at the time.

The reader also observes the increasingly important co-ordinating role conferred on the International Committee by successive Conferences of the Red Cross. Finally, he cannot remain indifferent to Dunant's and Moynier's personal destinies, which throw into relief the sharp contrast in the characters of the two men who left such a strong imprint on the early years of the Red Cross. This early period is to some extent the backdrop of the story, narrated in a captivating if not always objective manner.

Although quite an extensive bibliography is listed at the end of the book, a number of quotations unfortunately cannot be traced for lack of detailed references. This is regrettable inasmuch as the book attempts to provide a vivid and simple survey of the main achievements of early international humanitarian law in the following fields: neutrality of the wounded, of non-combatants and of medical and sanitary personnel coming to their aid; extending the scope of the principles set out in the first Geneva Convention to cover naval warfare and include provisions concerning the transport of the wounded and shipwrecked; respect for the red cross emblem—despite frequent misuses from the outset; the absolute necessity of ensuring that the first Convention was known and respected by the signatory States and their armed

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<sup>2</sup> Bennett, Angela, *L'histoire cachée de la Croix-Rouge. Les débuts mouvementés de la Croix-Rouge*, Ed. Favre S.A., Lausanne, 1989, 223 pp. The author is a journalist and copywriter who began her career in London before moving to Switzerland. She became interested in the Red Cross when she was invited to assist in the English translation of the first volume of the history of the ICRC, *From Solferino to Tsushima*, published by the Henry Dunant Institute in 1985.

forces; first aid given by a hostile Power to soldiers wounded or detained by it.

The book is aimed at a wide audience—especially young people—wishing to discover in an attractive if not always exhaustive manner the origin and principles of what is today known as the International Red Cross and Red Crescent Movement.

*Brigitte Lacroix*

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### RISING FROM THE ASHES<sup>3</sup>

#### *Development Strategies in Times of Disaster*

Basing their analysis on the premise that non-governmental organizations' goodwill alone is not enough to provide adequate assistance to people stricken by disaster and that "imposed" aid can have negative long-term effects, the authors of this book reflect on how best to avoid the pitfalls of relief work in emergency situations.

The authors present eleven case studies taken from different contexts (Ethiopia, Colombia, Philippines, Thailand, etc.), arguing that the affected population should participate in relief operations so as to lay the foundation for reconstruction and development. In high-risk areas where many disasters occur development may be essentially defined as the process by which vulnerabilities are reduced; it should be seen as the ability to prevent or overcome a disaster, both by individuals and at the regional or national level.

This book also aims to help narrow the gap between generally accepted principles (such as the principle that all emergency aid must further development), implementation policies and the actual practice of NGOs, which provides numerous examples of inadequacy and amateurism.

*Jean-Luc Blondel*

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<sup>3</sup> Mary B. Anderson and Peter J. Woodrow, *Rising from the Ashes. Development Strategies in Times of Disaster*, Westview Press, Boulder & San Francisco, UNESCO, Paris, 1989, 338 pp.

## NEW PUBLICATIONS

### ● **International law governing the conduct of hostilities**

This volume is a collection of treaties of the law regulating the conduct of hostilities.

This body of law, often referred to as the “law of the Hague”, is of particular importance in alleviating the effects of armed conflict in that it regulates and limits the methods and means of warfare used by the parties to the conflict. This law has developed over the centuries through the customs of States and in addition to this customary law, a number of treaties have been concluded. Some treaties, such as the Hague Regulations of 1899 revised in 1907, codified a wide range of existing customary law, whereas others, e.g. the St. Petersburg Declaration of 1868 and the Geneva Gas Protocol of 1925 codified or regulated specific areas.

Although not reproduced in this volume, as they are published separately, it should be noted that the Protocols of 1977 additional to the Geneva Conventions of 1949 provide a very important contribution to the law on the conduct of hostilities, in particular by reaffirming the customary law principle, hitherto unstated as such in treaty form, that the civilian population should not be made the object of attack.

All treaties regulating the conduct of hostilities, as well as international customary law which binds all States, are based on two connected fundamental principles, namely, those of military necessity and humanity, which together mean that only those actions necessary for the defeat of the opposing side are allowed, whereas those which uselessly cause suffering or losses are forbidden. The two major areas of regulation to achieve this aim are those of the choice of targets and the use of weapons, as will be seen from the collection of treaties in this volume. It presents the texts of a series of international agreements relating to neutrality, weapons and the conduct of hostilities on land, at sea and in the air.

Published by the ICRC; 1990, 200 pp. (also published in *French* and *Spanish*).

Price: 15 Swiss francs.

Orders for this publication may be sent to the ICRC's Publishing and Documentation Service (COM/EDOC).

- **Principales nociones e institutos del derecho internacional humanitario como sistema internacional de protección de la persona humana**

*(Main ideas and principles of international humanitarian law as an international system for the protection of the individual)*

This 102-page handbook for Spanish human rights instructors has just been published by the Inter-American Institute of Human Rights in San José (Costa Rica) and the ICRC. It was compiled at the suggestion of the Institute, which regularly gives interdisciplinary courses (to which the ICRC has contributed since 1983) on human rights and humanitarian law.

The handbook was written by *Christophe Swinarski*, ICRC Regional Delegate for Argentina, Bolivia, Brazil, Paraguay and Uruguay. It deals with the origin, definition and development of international humanitarian law, its content (“Law of The Hague”, “Law of Geneva”), its field of application and its implementation, the mandate and activities of the ICRC, and international humanitarian law and human rights.

#### *JUST PUBLISHED*

- ***Humanity*—News from the International Promotion Bureau**

*Humanity* is the monthly bulletin of the International Promotion Bureau, edited by its co-directors Maurice Graber and George Reid. The Bureau was established by the ICRC and the League in June 1990 to organize the World Campaign for the Protection of Victims of War, to set up, together with the Spanish Red Cross, the Movement’s programme for the 1992 Universal Exposition in Seville and to find sponsors and carry out the promotional activities necessary for the success of the Campaign and the aforesaid programme.

The first issue of the Bulletin, published in English, French and Spanish, contains information on the progress of the Campaign (see the *Review* of March-April 1990, No. 275, p. 138, and May-June 1990, No. 276, p. 275) and on the projects of a number of National Societies. It gives a first list of National Society co-ordinators responsible for organizing the Campaign at the national level, as well as news about the Red Cross and Red Crescent pavilion at Expo’ 92 in Seville.

The International Promotion Bureau will regularly supply the National Societies with promotional material such as posters, badges and T-shirts, and photos and articles for their publications.

## COMING SOON

### ● Children in war

The International Red Cross and Red Crescent Museum is currently preparing an exhibition on children in war. The exhibition is supported by UNICEF and will be inaugurated on 11 September 1990. When opened in 1988, the Museum itself already had a collection of some 10,000 photographs from over 60 countries, many of them showing the plight of children in wartime. It has meanwhile added many photos of modern conflicts and will be presenting a selection of 105 photos on the subject of children in war from 1900 to the present time.

A special contribution by the ICRC has made it possible to prepare a book, also entitled "*Children in War*", to accompany the exhibition.

The first part of the book will comprise the photographs selected for the exhibition. The second part will consist of the major international agreements on children that have been reached in this century. A third section will contain a number of legal commentaries and the International Red Cross and Red Crescent Movement's statements with regard to children in war during the 1980s. These texts deal largely with the question of what should be the minimum age for combatants, the participation of children in hostilities and the need to give them legal protection in connection with modern war. A fourth section will contain a number of observations prompted by key events in the development of protection for children over the past ninety years.

The publication of this book, some 140 pages in length, is scheduled to coincide with the World Summit for Children, to be held at United Nations headquarters on 29 and 30 September.

An account of both the exhibition and the book "*Children in War*" will be given in a subsequent issue of the *Review*.

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## **15th Round Table on current problems of international humanitarian law**

*(San Remo, Italy, 4-8 September 1990)*

The traditional San Remo Round Table will be organized by the International Institute of Humanitarian Law (IIHL)\* under the auspices of the International Committee of the Red Cross, the Office of the United Nations High Commissioner for Refugees, the United Nations Centre for Human Rights, the International Organization for Migration and the League of Red Cross and Red Crescent Societies.

Prominent members of these international organizations, together with governmental and independent experts from all over the world, will attend this important traditional humanitarian gathering and join in open, informal dialogue to develop ideas on current humanitarian problems.

The *Round Table* will address the following main subjects: obligation of third States to ensure respect for IHL; role of the United Nations; inquiry procedures and terms of reference of the International Fact-Finding Commission; and suitability of a system of periodic reports on the implementation of IHL.

*The Red Cross and Red Crescent Symposium* will discuss national law and policy in the development of National Red Cross and Red Crescent Societies, whilst the *Refugee Day* will be devoted to consideration of a realistic approach in asylum policy.

The International Institute of Humanitarian Law will celebrate its 20th anniversary with a concert by the San Remo Symphony Orchestra and performances by the soprano Barbara Hendricks and the pianist Justus Frantz, both of whom are Goodwill Ambassadors for UNHCR.

An account of the work of the Round Table will be published in a subsequent issue of the *Review*.

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## ADDRESSES OF NATIONAL RED CROSS AND RED CRESCENT SOCIETIES

- AFGHANISTAN (Democratic Republic of) — Afghan Red Crescent Society, Puli Hartan, *Kabul*.
- ALBANIA (Socialist People's Republic of) — Albanian Red Cross, Boulevard Marsel Kashen, *Tirana*.
- ALGERIA (People's Democratic Republic of) — Algerian Red Crescent, 15 bis, boulevard Mohamed V, *Algiers*.
- ANGOLA — Cruz Vermelha de Angola, Av. Hoji Ya Henda 107, 2. andar, *Luanda*.
- ARGENTINA — The Argentine Red Cross, H. Yrigoyen 2068, 1089 *Buenos Aires*.
- AUSTRALIA — Australian Red Cross Society, 206, Clarendon Street, *East Melbourne 3002*.
- AUSTRIA — Austrian Red Cross, 3, Gusshausstrasse, Postfach 39, A-1041, *Vienne 4*.
- BAHAMAS — The Bahamas Red Cross Society, P.O. Box N-8331, *Nassau*.
- BAHRAIN — Bahrain Red Crescent Society, P.O. Box 882, *Manama*.
- BANGLADESH — Bangladesh Red Crescent Society, 684-686, Bara Magh Bazar, Dhaka-1217, G.P.O. Box No. 579, *Dhaka*.
- BARBADOS — The Barbados Red Cross Society, Red Cross House, Jemmotts Lane, *Bridgetown*.
- BELGIUM — Belgian Red Cross, 98, claussée de Vleurgat, 1050 *Brussels*.
- BELIZE — Belize Red Cross Society, P.O. Box 413, *Belize City*.
- BENIN (People's Republic of) — Red Cross of Benin, B.P. No. 1, *Porto-Novo*.
- BOLIVIA — Bolivian Red Cross, Avenida Simón Bolívar, 1515, *La Paz*.
- BOTSWANA — Botswana Red Cross Society, 135 Independence Avenue, P.O. Box 485, *Gaborone*.
- BRASIL — Brazilian Red Cross, Praça Cruz Vermelha No. 10-12, *Rio de Janeiro*.
- BULGARIA — Bulgarian Red Cross, 1, Boul. Biruzov, 1527 *Sofia*.
- BURKINA FASO — Burkina Be Red Cross Society, B.P. 340, *Ouagadougou*.
- BURUNDI — Burundi Red Cross, rue du Marché 3, P.O. Box 324, *Bujumbura*.
- CAMEROON — Cameroon Red Cross Society, rue Henri-Dunant, P.O.B 631, *Yaoundé*.
- CANADA — The Canadian Red Cross Society, 1800 Alta Vista Drive, *Ottawa*, Ontario K1G 4J5.
- CAPE-VERDE (Republic of) — Cruz Vermelha de Cabo Verde, Rua Unidade-Guiné-Cabo Verde, P.O. Box 119, *Praia*.
- CENTRAL AFRICAN REPUBLIC — Central African Red Cross Society, B.P. 1428, *Bangui*.
- CHAD — Red Cross of Chad, B.P. 449, *N'Djamena*.
- CHILE — Chilean Red Cross, Avenida Santa María No. 0150, Correo 21, Casilla 246-V., *Santiago de Chile*.
- CHINA (People's Republic of) — Red Cross Society of China, 53, Ganmien Hutong, *Beijing*.
- COLOMBIA — Colombian Red Cross Society, Avenida 68, N.º 66-31, Apartado Aéreo 11-10, *Bogotá D. E.*
- CONGO (People's Republic of the) — Croix-Rouge congolaise, place de la Paix, B.P. 4145, *Brazzaville*.
- COSTA RICA — Costa Rica Red Cross, Calle 14, Avenida 8, Apartado 1025, *San José*.
- CÔTE D'IVOIRE — Croix-Rouge de Côte d'Ivoire, B.P. 1244, *Abidjan*.
- CUBA — Cuban Red Cross, Calle Calzada 51 Vedado, Ciudad Habana, *Habana 4*.
- CZECHOSLOVAKIA — Czechoslovak Red Cross, Thunovská 18, 118 04 *Prague 1*.
- DENMARK — Danish Red Cross, Dag Hammarskjölds Allé 28, Postboks 2600, 2100 *København Ø*.
- DJIBOUTI — Société du Croissant-Rouge de Djibouti, B.P. 8, *Djibouti*.
- DOMINICA — Dominica Red Cross Society, P.O. Box 59, *Roseau*.
- DOMINICAN REPUBLIC — Dominican Red Cross, Apartado postal 1293, *Santo Domingo*.
- ECUADOR — Ecuadorean Red Cross, calle de la Cruz Roja y Avenida Colombia, *Quito*.
- EGYPT (Arab Republic of) — Egyptian Red Crescent Society, 29, El Galaa Street, *Cairo*.
- EL SALVADOR — Salvadorean Red Cross Society, 17C. Pte y Av. Henri Dunant, *San Salvador*, Apartado Postal 2672.
- ETHIOPIA — Ethiopian Red Cross Society, Ras Desta Damtew Avenue, *Addis-Ababa*.
- FIJI — Fiji Red Cross Society, 22 Gorrie Street, P.O. Box 569, *Suva*.
- FINLAND — Finnish Red Cross, Tehtaankatu, 1 A. Box 168, 00141 *Helsinki 1415*.
- FRANCE — French Red Cross, 1, place Henry-Dunant, F-75384 *Paris*, CEDEX 08.
- GAMBIA — The Gambia Red Cross Society, P.O. Box 472, *Banjul*.
- GERMAN DEMOCRATIC REPUBLIC — German Red Cross of the German Democratic Republic, Kaitzer Strasse 2, DDR, 8010 *Dresden*.
- GERMANY, FEDERAL REPUBLIC OF — German Red Cross in the Federal Republic of Germany, Friedrich-Erbert-Allee 71, 5300, *Bonn 1*, Postfach 1460 (D.B.R.).
- GHANA — Ghana Red Cross Society, National Headquarters, Ministries Annex A3, P.O. Box 835, *Accra*.
- GREECE — Hellenic Red Cross, rue Lycavittou, 1, *Athens 10672*.
- GRENADA — Grenada Red Cross Society, P.O. Box 221, *St George's*.
- GUATEMALA — Guatemalan Red Cross, 3.ª Calle 8-40, Zona 1, *Ciudad de Guatemala*.
- GUINEA — The Guinean Red Cross Society, P.O. Box 376, *Conakry*.
- GUINEA-BISSAU — Sociedad Nacional da Cruz Vermelha de Guiné-Bissau, rua Justino Lopes N.º 22-B, *Bissau*.
- GUYANA — The Guyana Red Cross Society, P.O. Box 10524, Eve Leary, *Georgetown*
- HAITI — Haitian National Red Cross Society, place des Nations Unies, (Bicentenaire), B.P. 1337, *Port-au-Prince*.

- HONDURAS — Honduran Red Cross, 7.<sup>a</sup> Calle, 1.<sup>a</sup> y 2.<sup>a</sup> Avenidas, *Comayagüela D.M.*
- HUNGARY — Hungarian Red Cross, V. Arany János utca, 31, *Budapest 1367*. Mail Add.: *1367 Budapest 51. Pf. 121.*
- ICELAND — Icelandic Red Cross, Raudararstigur 18, 105 *Reykjavik*.
- INDIA — Indian Red Cross Society, 1, Red Cross Road, *New-Dehli 110001*.
- INDONESIA — Indonesian Red Cross Society, II Jend Gatot subroto Kar. 96, Jakarta Selatan 12790, P.O. Box 2009, *Jakarta*.
- IRAN — The Red Crescent Society of the Islamic Republic of Iran, Avenue Ostad Nejatollahi, *Tehran*.
- IRAQ — Iraqi Red Crescent Society, Mu'ari Street, Mansour, *Bagdad*.
- IRELAND — Irish Red Cross Society, 16, Merrion Square, *Dublin 2*.
- ITALY — Italian Red Cross, 12, via Toscana, 00187 *Rome*.
- JAMAICA — The Jamaica Red Cross Society, 76, Arnold Road, *Kingston 5*.
- JAPAN — The Japanese Red Cross Society, 1-3, Shiba-Daimon, I-chome, Minato-Ku, *Tokyo 105*.
- JORDAN — Jordan National Red Crescent Society, P.O. Box 10001, *Amman*.
- KENYA — Kenya Red Cross Society, P.O. Box 40712, *Nairobi*.
- KOREA (Democratic People's Republic of) — Red Cross Society of the Democratic People's Republic of Korea, Ryonhwa 1, Central District, *Pyongyang*.
- KOREA (Republic of) — The Republic of Korea National Red Cross, 32-3Ka, Nam San Dong, Choong-Ku, *Seoul 100-043*.
- KUWAIT — Kuwait Red Crescent Society, P.O. Box 1359 Safat, *Kuwait*.
- LAO PEOPLE'S DEMOCRATIC REPUBLIC — Lao Red Cross, B.P. 650, *Vientiane*.
- LEBANON — Lebanese Red Cross, rue Spears, *Beirut*.
- LESOTHO — Lesotho Red Cross Society, P.O. Box 366, *Maseru 100*.
- LIBERIA — Liberian Red Cross Society, National Headquarters, 107 Lynch Street, 1000 *Monrovia 20*, West Africa.
- LIBYAN ARAB JAMAHIRIYA — Libyan Red Crescent, P.O. Box 541, *Benghazi*.
- LIECHTENSTEIN — Liechtenstein Red Cross, Heiligkreuz, 9490 *Vaduz*.
- LUXEMBOURG — Luxembourg Red Cross, Parc de la Ville, B.P. 404, *Luxembourg 2*.
- MADAGASCAR — Malagasy Red Cross Society, 1, rue Patrice Lumumba, *Antananarivo*.
- MALAWI — Malawi Red Cross Society, Conforzi Road, P.O. Box 983, *Lilongwe*.
- MALAYSIA — Malaysian Red Crescent Society, JKR 32 Jalan Nipah, off Jalan Ampang, *Kuala Lumpur 55000*.
- MALI — Mali Red Cross, B.P. 280, *Bamako*.
- MAURITANIA — Mauritanian Red Crescent, B.P. 344, aneue Gamal Abdel Nasser, *Nouakchott*.
- MAURITIUS — Mauritius Red Cross Society, Ste Thérèse Street, *Curepipe*.
- MEXICO — Mexican Red Cross, Calle Luis Vives 200, Col. Polanco, *México 10*, Z.P. 11510.
- MONACO — Red Cross of Monaco, 27 boul. de Suisse, *Monte Carlo*.
- MONGOLIA — Red Cross Society of Mongolia, Central Post Office, Post Box 537, *Ulan Bator*.
- MOROCCO — Moroccan Red Crescent, B.P. 189, *Rabat*.
- MOZAMBIQUE — Cruz Vermehla de Moçambique, Caixa Postal 2986, *Maputo*.
- MYANMAR (The Union of) — Myanmar Red Cross Society, 42, Strand Road, *Yangon*.
- NEPAL — Nepal Red Cross Society, Tahachal Kalimati, P.B. 217 *Kathmandu*.
- NETHERLANDS — The Netherlands Red Cross, P.O.B. 28120, 2502 *KC The Hague*.
- NEW ZEALAND — The New Zealand Red Cross Society, Red Cross House, 14 Hill Street, *Wellington 1*. (P.O. Box 12-140, *Wellington Thorndon*.)
- NICARAGUA — Nicaráguan Red Cross, Apartado 3279, *Managua D.N.*
- NIGER — Red Cross Society of Niger, B.P. 11386, *Niamey*.
- NIGERIA — Nigerian Red Cross Society, 11 Eko Akete Close, off St. Gregory's Rd., P.O. Box 764, *Lagos*.
- NORWAY — Norwegian Red Cross, P.O. Box 6875, St. Olavspl. N-0130 *Oslo 1*.
- PAKISTAN — Pakistan Red Crescent Society, National Headquarters, Sector H-8, *Islamabad*.
- PANAMA — Red Cross Society of Panama, Apartado Postal 668, *Panamá 1*.
- PAPUA NEW GUINEA — Papua New Guinea Red Cross Society, P.O. Box 6545, *Boroko*.
- PARAGUAY — Paraguayan Red Cross, Brasil 216, eq. José Berges, *Asunción*.
- PERU — Peruvian Red Cross, Av. Camino del Inca y Nazarenas, Urb. Las Gardenias — Surco — Apartado 1534, *Lima*.
- PHILIPPINES — The Philippine National Red Cross, Bonifacio Drive, Port Area, P.O. Box 280, *Manila 2803*.
- POLAND — Polish Red Cross, Mokotowska 14, 00-950 *Warsaw*.
- PORTUGAL — Portuguese Red Cross, Jardim 9 Abril, 1 a 5, 1293 *Lisbon*.
- QATAR — Qatar Red Crescent Society, P.O. Box 5449, *Doha*.
- ROMANIA — Red Cross of the Socialist Republic of Romania, Strada Biserica Amzei, 29, *Bucarest*.
- RWANDA — Rwandese Red Cross, B.P. 425, *Kigali*.
- SAINT LUCIA — Saint Lucia Red Cross, P.O. Box 271, *Castries St. Lucia, W. I.*
- SAINT VINCENT AND THE GRENADINES — Saint Vincent and the Grenadines Red Cross Society, P.O. Box 431, *Kingstown*.
- SAN MARINO — Red Cross of San Marino, Comitê central, *San Marino*.
- SÃO TOMÉ AND PRÍNCIPE — Sociedade Nacional da Cruz Vermelha de São Tomé e Príncipe, C.P. 96, *São Tomé*.
- SAUDI ARABIA — Saudi Arabian Red Crescent Society, *Riyadh 11129*.
- SENEGAL — Senegalese Red Cross Society, Bd Franklin-Roosevelt, P.O.B. 299, *Dakar*.
- SIERRA LEONE — Sierra Leone Red Cross Society, 6, Liverpool Street, P.O.B. 427, *Freetown*.
- SINGAPORE — Singapore Red Cross Society, Red Cross House 15, Penang Lane, *Singapore 0923*.
- SOMALIA (Democratic Republic) — Somali Red Crescent Society, P.O. Box 937, *Mogadishu*.

- SOUTH AFRICA** — The South African Red Cross Society, Essanby House 6th Floor, 175 Jeppe Street, P.O.B. 8726, *Johannesburg 2000*.
- SPAIN** — Spanish Red Cross, Eduardo Dato, 16, *Madrid 28010*.
- SRI LANKA** (Dem. Soc. Rep. of) — The Sri Lanka Red Cross Society, 106, Dharmapala Mawatha, *Colombo 7*.
- SUDAN** (The Republic of the) — The Sudanese Red Crescent, P.O. Box 235, *Khartoum*.
- SURINAME** — Suriname Red Cross, Gravenberchstraat 2, Postbus 2919, *Paramaribo*.
- SWAZILAND** — Baphalali Swaziland Red Cross Society, P.O. Box 377, *Mbabane*.
- SWEDEN** — Swedish Red Cross, Box 27 316, *102-54 Stockholm*.
- SWITZERLAND** — Swiss Red Cross, Rainmattstrasse 10, B.P. 2699, *3001 Berne*.
- SYRIAN ARAB REPUBLIC** — Syrian Arab Red Crescent, Bd Mahdi Ben Barake, *Damascus*.
- TANZANIA** — Tanzania Red Cross National Society, Upanga Road, P.O.B. 1133, *Dar es Salaam*.
- THAILAND** — The Thai Red Cross Society, Paribatra Building, Central Bureau, Rama IV Road, *Bangkok 10330*.
- TOGO** — Togolese Red Cross, 51, rue Boko Soga, P.O. Box 655, *Lomé*.
- TONGA** — Tonga Red Cross Society, P.O. Box 456, *Nuku'Alofa, South West Pacific*.
- TRINIDAD AND TOBAGO** — The Trinidad and Tobago Red Cross Society, P.O. Box 357, *Port of Spain, Trinidad, West Indies*.
- TUNISIA** — Tunisian Red Crescent, 19, rue d'Angleterre, *Tunis 1000*.
- TURKEY** — The Turkish Red Crescent Society, Genel Baskanligi, Karanfil Sokak No. 7, 06650 Kizilay-*Ankara*.
- UGANDA** — The Uganda Red Cross Society, Plot 97, Buganda Road, P.O. Box 494, *Kampala*.
- UNITED ARAB EMIRATES** — The Red Crescent Society of the United Arab Emirates, P.O. Box No. 3324, *Abu Dhabi*.
- UNITED KINGDOM** — The British Red Cross Society, 9, Grosvenor Crescent, *London, S.W.1X 7EJ*.
- USA** — American Red Cross, 17th and D. Streets, N.W., *Washington, D. C. 20006*.
- URUGUAY** — Uruguayan Red Cross, Avenida 8 de Octubre 2990, *Montevideo*.
- U.R.S.S** — The Alliance of Red Cross and Red Crescent Societies of the U.S.S.R., I, Tcheremushkinskii proezd 5, *Moscow, 117036*.
- VENEZUELA** — Venezuelan Red Cross, Avenida Andrés Bello, N.º 4, Apartado, 3185, *Caracas 1010*.
- VIET NAM** (Socialist Republic of) — Red Cross of Viet Nam, 68, rue Ba-Triêu, *Hanoi*.
- WESTERN SAMOA** — Western Samoa Red Cross Society, P.O. Box 1616, *Apia*.
- YEMEN ARAB REPUBLIC** — Red Crescent Society of the Yemen Arab Republic, P.O. Box 1257, *Sana'a*.
- YEMEN** (People's Democratic Republic of) — Red Crescent Society of the People's Democratic Republic of Yemen, P. O. Box 455, Crater, *Aden*.
- YUGOSLAVIA** — Red Cross of Yugoslavia, Simina ulica broj 19, *11000 Belgrade*.
- ZAIRE** — Red Cross Society of the Republic of Zaire, 41, av. de la Justice, Zone de la Gombe, B.P. 1712, *Kinshasa*.
- ZAMBIA** — Zambia Red Cross Society, P.O. Box 50 001, 2837 Saddam Hussein Boulevard, Longacres, *Lusaka*.
- ZIMBABWE** — The Zimbabwe Red Cross Society, P.O. Box 1406, *Harare*.

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**INTERNATIONAL  
REVIEW**

**Visibility of the distinctive emblem  
on medical establishments, units  
and transports**

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**The customary law of  
non-international armed conflict**