



SUPPLEMENT

VOL. II

REVUE INTERNATIONALE
DE LA CROIX-ROUGE

ET

BULLETIN INTERNATIONAL
DES SOCIÉTÉS
DE LA CROIX-ROUGE

SUPPLEMENT

Vol. II, 1949

GENÈVE

1949

REVUE INTERNATIONALE
DE LA CROIX-ROUGE
ET
BULLETIN INTERNATIONAL
DES SOCIÉTÉS
DE LA CROIX-ROUGE

SUPPLEMENT

June 1949

Vol. II, No. 6

CONTENTS

	Page
The Geneva Diplomatic Conference.	192
Work of the Central Agency for Prisoners of War	195
The International Committee's Aid to the Indi- genous Poor of Jerusalem	200
The International Committee's Work in India and Pakistan	204

Published by
Comité international de la Croix-Rouge, Genève
Editor : Louis Demolis

THE GENEVA DIPLOMATIC CONFERENCE

The Diplomatic Conference convened at Geneva by the Swiss Federal Council, for the establishment of international Conventions for the protection of war victims, held its opening meeting on April 21, 1949, under the chairmanship of M. Max Petitpierre, *Conseiller fédéral* and head of the Swiss Political Department.

The purpose of the Conference is the revision of two Red Cross Conventions, the first for the relief of sick and wounded combatants, the other relative to the treatment of prisoners of war. A further item on the agenda is the conclusion of a Convention for the protection of civilian persons in time of war. This is an entirely new field and involves the framing of a new diplomatic instrument.

In this respect the present Conference bears some analogy to that of 1864, which was also confronted by entirely novel problems. The adoption of a Convention for the protection of civilians in war time would mark an advance in international law as notable as the step taken 85 years ago, when the States agreed to a substantial limitation of their sovereign rights by accepting the neutralization of sick and wounded military personnel and of hospital staffs.

With the exception of a few countries unable to attend owing to their great distance from Geneva, almost all the States in the world are represented at the present Conference. Of the chief parties to the recent war, Germany alone is absent; this is due to the fact that there is no sovereign German State and that Germany has no government capable of speaking, or taking written engagements in her name.

Japan is attending the Conference in the capacity of an observer.

The Conference is of far-reaching importance for the entire Red Cross movement, since the decisions it is called upon to make will confirm the humanitarian principles on which the Red Cross has been built.

It should be noted that the Draft Conventions adopted at Stockholm serve as a basis for the discussions of the assembly.

Although the Red Cross, and more particularly the International Committee, have traditionally taken the lead in preparing the Drafts, it is the responsibility of the Governments to sign and ratify these Conventions and to ensure their enforcement. Thus, if its Drafts are to have some prospect of acceptance, the Red Cross must, whilst enunciating the demands of humanity as clearly as possible, pay due regard to the principle of State sovereignty.

Therefore, in preparing the Drafts now under discussion, the Committee did not draw solely upon its experience in nearly all the battle zones (except the Russo-German front) during the last world war. It also took account of the experience of the national Red Cross Societies, whom it convened, for this purpose, at a Preliminary Conference held in the months of July and August, 1946. Besides this, the Committee armed itself with the advice of Government experts representing the principal belligerent powers of the last war, who met at Geneva in 1947. Lastly, the Government representatives assisted in the preparation of the final Drafts on the same terms as the delegates of the national Red Cross Societies.

Although the present meeting is a diplomatic Conference, the International Committee has been invited to attend in an expert capacity. In view of the preponderating role it played in the framing of the Drafts, the Committee is in a position, through its delegates, to elucidate the topics brought under discussion, to comment on the texts approved at Stockholm and to dwell upon the humanitarian principles of which it has been made the trustee.

The Conference divided into three Commissions: the first of these is considering the Draft Revision of the Convention of 1864—already revised in 1906 and 1929—for the Relief of the Wounded and Sick, and the draft revision of the Tenth

Hague Convention (1907) for the adaptation of the Geneva Convention to maritime warfare. The second Commission is considering the Revised Draft Convention on the treatment of prisoners of war : whilst the third is engaged upon the new Draft Convention for the protection of Civilian Persons in time of war.

Moreover, a Joint Commission composed of representatives of the three Commissions is studying the Articles common to all the Conventions ; these Articles deal in particular with the principle itself of protection for war victims, with the scope of the Conventions and with the repression of violations.

With regard to current work in general, the most important points before the Conference, apart from provisions on the detailed measures for the protection of war victims, are the following :

(a) The Preamble to the Conventions, setting forth the humanitarian principles on which the States will base their commitments to each other ;

(b) Application of the Conventions not only in the event, as hitherto, of a duly declared international war, but also in the case of other conflicts ;

(c) Extension of the provisions of the Convention to new classes of combatants (such as partisans, members of resistance movements, etc.) ;

(d) Repression of violations of the Conventions ;

(e) Regulation of the use of the emblem : red cross, red crescent and red lion and sun.

WORK OF THE CENTRAL AGENCY FOR PRISONERS OF WAR

At the beginning of this year the Central Prisoners of War Agency, which had been in possession of the *Palais du Conseil Général* since September 1939, was moved to the headquarters of the International Committee of the Red Cross. The archives of the national and technical services are now installed in four wooden hutments, together some hundred and fifty yards in length.

Of the thousand full-time Agency workers in 1944-45, about fifty remain.¹⁾

Certain well-defined tasks still demand this organization's attention. Firstly, it will be realised that whilst the second World War may be formally ended, peace has neither been fully restored nor diplomatically concluded. Numbers of prisoners of war remain in captivity, and many civil and military victims of the war cannot or will not, for various reasons, return to their native country. The International Refugees Organization has been created to provide for the hundreds of thousands of "Displaced Persons" and to aid their resettlement in other countries. However, in many cases, the Agency remains the only possible intermediary between these "exiles" and their families, where it has been able to establish such a contact.

The Agency's services have been maintained, however, largely to continue the search for, and identification of, those who died in the War. Several hundred enquiries a day do, in fact, still reach the Agency, and the latter does its best to make prompt replies.

¹ From 1939 to 1947, monthly reports on the Agency's work appeared in the *Revue internationale de la Croix-Rouge*.

Finally, it should be remembered that in the period since 1945, existing conflicts have been prolonged, or new ones have developed: to mention only the most important, there have been wars and armed conflicts in China, Indochina, Malaya, Greece and Palestine, in all of which the good offices of the International Committee have been sought. This has given rise to an extensive correspondence. The following brief and incomplete review of the subjects of this correspondence shows their very wide range and complexity:

- (1) — Missing combatants, presumed captured or dead.
- (2) — Prisoners of war, not yet released.
- (3) — Prisoners eligible for release, or already released and not yet in their homes.
- (4) — Inventory and transmission to next of kin of deceased combatants' or prisoners' personal possessions.
- (5) — Requests for, and despatch of, death certificates of prisoners of war, civilian internees or deportees.
- (6) — Search for "Displaced Persons" who do not come under the jurisdiction of the International Refugees Organization, such as Central and Eastern European nationals who have left their native country, either voluntarily or under duress, and who cannot correspond with their families.
- (7) — Nationals of occupied countries voluntarily or forcibly incorporated in the *Wehrmacht* and thereafter posted missing, either during, or since the end of the hostilities.
- (8) — German civilians residing or having resided in territories detached from the former German Reich in 1945.
- (9) — Transmission of family messages between countries deprived of postal inter-communication, i.e. between Russian-occupied Germany, and Japan, and between Greece and the other Balkan States.

- (10) — Search for foreigners in Switzerland, the International Committee acting as a National Tracing Bureau.
- (11) — Extraction from the archives of information requested by National Societies¹.
- (12) — Identification of members of the armed forces whose burial place shows only their name, and service or prisoner of war number.

One of the special duties of the Agency is the preparation of "captivity certificates". A very large number of former prisoners of war are, in fact, without material evidence of their confinement, and proof of some sort is required by the International Refugee Organization and often, on emigration, by the authorities of the reception country, or its consular representative. The Agency is the sole possessor of full documentation on prisoners of war and can, on demand, give full particulars about any individual's captivity, such as date of capture, prisoner number, name of camp, etc. Up to the present, 16,000 captivity certificates have been issued.

During the war years, personal relations and friendships sprang up between civilians and prisoners of war, and the Agency is often requested by civilians to supply former prisoners' addresses, so that, for instance, a recent birth can be announced, or the ex-PW can be asked for written testimony of his good treatment at the hands of the civilian. Other requests come from the ex-prisoners themselves, anxious to trace and thank friendly civilians.

Several hundred thousand Italians, mostly in the armed forces, were deported to Germany after the events of 1943. Their names were not forwarded to the Agency, but the latter nevertheless received their family messages, which it delivered after recording the essential data they contained. It was owing

¹ The Agency's card index contains 40 million separate cards, whilst the personal files occupy some 1,600 yards of shelving.

to this precaution that the Italian Service of the Agency has, at the request of the *Ufficio Prigionieri di Guerra* in Rome, been able to identify Italian internees who died in captivity. In most cases the date and place of birth and the family address are not given, or the name is disfigured. Nevertheless, according to the competent authorities, the Agency has, in 85% of the cases, succeeded in establishing the identity of the dead man, or at least in gathering details which have enabled local provincial or communal investigations to be made. The number of meticulous tracing operations and the insight required by such problems can well be imagined.

Other problems have arisen through the disappearance of servicemen, and particularly civilians, in Eastern Europe and the Far East. These the Committee is not able to solve: none the less the Agency has to inform enquirers accordingly, and this gives rise to extensive correspondence, particularly with Germany and Austria.

The Agency has received a very large number of requests for enquiry into the fate of soldiers and civilian who disappeared during the fighting in Epirus and Macedonia. It should also be noted in this connection that claims for the repatriation of Greek children are all directed to the Agency, in accordance with a request by Mr. Trygve Lie, Secretary-General of the United Nations, to the International Committee and the League of Red Cross Societies, which in its turn was dictated by a Resolution adopted by the General Assembly of the United Nations on November 27, 1948.

The Iberian Service of the Agency receives requests to aid Spanish children joining their parents abroad. After forwarding all the documents required by both sides, such as the parental authorisation and administrative permits, the Service is informed of the time and place at which the children will cross the frontier, which it then telegraphs to the parents.

A Palestine Service was set up on the outbreak of war in that country, and requests for information were not slow in coming in: various enquiries have been made and messages have been forwarded. However, these are normal Red Cross

duties and fall largely to the International Committee's delegations in the Near East.

Lastly, it should be remembered that, almost every day, the Committee receives requests for extracts from the records it compiled during the first World War (1914-1918). These archives, though greatly reduced by the removal of obsolete documents, are still voluminous. All the card-indexes and lists of prisoners of war and civilians under the care of the International Committee in the period from 1914 to 1922 have been preserved and systematically classified.

THE INTERNATIONAL COMMITTEE'S AID TO THE INDIGENOUS POOR OF JERUSALEM

During his tour of the Near East last February, M. Paul Ruegger, President of the International Committee, was deeply impressed by the tragic and at the same time paradoxical situation of the 15,000 indigenous poor of Jerusalem, whose normal livelihood had been brought to an end by the turbulent conditions of the war and who had in consequence been reduced to a state of utter destitution.

Despite these circumstances, they had been given no assistance whatever; at the same time others, who had come to Jerusalem in the capacity of refugees, were beneficiaries under the scheme administered by the International Committee's Commissariat for Aid to Palestine Refugees, and initiated by the United Nations. Supplies under this scheme could only be given to those who were *bona fide* refugees, that is to say, persons who had been driven from their homes by the war. Jerusalem thus harboured two classes of destitute—one as badly off as the other—the refugees and the "poor inhabitants". But, whilst the first were being helped, the conditions of the second became increasingly wretched: the Committee's delegates, bound by the United Nations' instructions, had no authority to make over any of their supplies to these people.

The situation held a certain danger of unrest, particularly as it was difficult to convince those who were receiving nothing from the United Nations that they were not entitled to such relief, while from the point of view of humanity, it was equally difficult to deny that their position was patently unjust.

Accordingly, on his arrival in Geneva, M. Ruegger sought to devise a remedy for the situation. The Committee itself had no funds with which to purchase supplies, and its entire food stocks in the Near East amounted only to some 150 tons of goods. None the less, it was decided that a very limited relief operation could be begun with these meagre reserves,

whilst an appeal was being made to a number of Red Cross Societies and private donors for the means of undertaking a systematic relief scheme. On February 27 the first distribution of food rations to the "poor inhabitants" took place; on that day, 2700 persons received a fortnight's ration consisting of flour, sugar, fats, dried vegetables and raisins. Distributions followed on the ensuing days, until 11,000 people in all had been supplied.

Nevertheless, if it was to be really effective, the scheme had to rest on a permanent basis, the fortnightly rations to be standardised as follows:

Flour: 3 kilos. Rice: 500 grams. Oil: 200 grams. Raisins: 250 grams. Preserved meat: 1-2 tins.

Early in May, ration issues were going on regularly: with the donations it had received, in particular from Canada and Great Britain, the Committee would be able to continue them until July. The food had been distributed by one of the Committee's nurses, who had to cope with many organising difficulties. The first of these was the danger of placing the rations in the wrong hands: a list of the legitimate recipients had therefore to be drawn up. This was done in cooperation with the local authorities and the Military Government of the Old City. Individual ration cards were then issued. The aid given by the "muktars" (the local mayors) and the military authorities was invaluable. The actual circumstances of the applicants were investigated by a team of local volunteer nurses, and every precaution was taken to ensure that the food went to those most in need of it.

In all 2617 families, comprising 12,403 persons, were fed. After the first issue, a new class of destitutes appealed to the Committee; these were the members of the Armenian community and destitute people who had until then been aided by the religious foundations in Jerusalem, such as the Algerian, Indian, Bokharian and Afghan Hostels. The people supported by these hostels and the members of the Armenian community were not, of course, native to the country, but they had nearly all resided in Palestine for a great length of time: some had been born there. It was reasonable therefore to admit their

claim since, having stayed in Jerusalem, they could be placed in the same category as the "poor inhabitants". Relief is in this way now being extended to a total of nearly 13,000 people.

In addition to the fortnightly ration allowance, milk is needed for infants and nursing or expectant mothers, and a soup kitchen is required for cases of extreme impoverishment. The Committee is also about to set up a dispensary, where the poor can have first aid and essential treatment.

For this, the Committee relies upon the generous response of those to whom it has appealed. The aid it is administering with all urgency serves to pacify emotions and to restore a degree of calm to the Holy City.

Jerusalem has been in a constant state of tension since the opening of the Palestine conflict, owing to the geographical situation of the town and the factions which developed within it on the first day of war. It would certainly have been dangerous in the end to continue aid to the refugees, whilst neglecting the "indigenous poor". The Committee's relief action has thus had moral and psychological benefits that are by no means the least significant of its effects.

* * *

GIFTS IN CASH AND IN KIND FOR THE RELIEF OF THE INDIGENOUS POOR OF JERUSALEM

<i>Donors</i>	<i>Gift</i>
International Committee's reserve in Palestine, provided chiefly by the Government and Red Cross Society of the Netherlands East Indies, the Turkish Government and Red Crescent Society, and the American Red Cross	150 tons (about)
Canadian Red Cross	\$5000
Private donor in Great Britain	£50
The Belgian Mission to Palestine	9½ tons of clothes
The Jewish Society for Human Service (through the British Red Cross)	£4000
The Red Lion and Sun of Iran	7880.45 Lebanese pounds
International Committee of the Red Cross.	50,000 Swiss Fr.
Canadian Red Cross	100 cases of fish

*THE INTERNATIONAL COMMITTEE'S
WORK IN INDIA AND PAKISTAN*

It will be remembered that on the proclamation of the independence of India, civil disturbances broke out over the division of the country into two principal States, and that mass migrations between India and Pakistan took place. No other result was to be expected in an area where geographical boundaries rarely corresponded with ethnic and religious divisions. The population movements caused by those differences was so large that at one time there were as many as four million refugees on Indian soil and six million in Pakistan. In addition to this, armed fighting soon began, with serious consequences, particularly in Kashmir: this conflict resulted from a dispute between the Maharajah of Kashmir, who was anxious for the State's incorporation with the Indian Union, and a large section of his subjects, who were Muslims and consequently desired to be placed under Pakistani control. On the Maharajah's appeal, troops of the Indian Union occupied the territory, opposed by the adverse faction, known as Azad Kashmir. The United Nations lent its good offices and was eventually able to arrange an armistice. Although the situation was thus restored, the country remains, after the prolonged fighting, in a state of disorder and division. Both sides continue to hold prisoners of war and political captives, whilst several thousand women and children were carried off by the armies during hostilities.

In 1947 the Committee's delegate to India and Pakistan was already actively seizing every opportunity, as a neutral intermediary, to aid the return of refugees and to secure exchanges of prisoners. He also obtained relief for Indian internees in Kashmir and his conciliatory influence was instrumental in the negotiation of several repatriation agreements.

The scope of this work was such that the International Committee sent a new mission to the area at the end of 1948, with the approval of the Indian and Pakistani authorities. This mission has, during recent months, visited several prisoner of war camps; it has repeatedly been to Yol (India), where 75 Pakistani prisoners are held, and to Attock (Pakistan), where there are 600 Indian prisoners. One delegate went to Gilgit, in Northern Kashmir, where there are 54 Indian prisoners.

The question of an exchange of able-bodied prisoners has been broached, and has in the main been discussed directly by the General Staff of each country. In this particular case it is the function of the Committee's delegates rather to assist in the practical execution of repatriation schemes, but they have also offered their services to the negotiators, in the interest of a fruitful outcome of the talks. As is often the case in these questions, both parties had some difficulty in agreeing on the form of repatriation. Should there be a general exchange of all prisoners, or merely a *per capita* barter? In the present case, Pakistan holds 600 Indians, whilst the Indian Union has taken only 75 Pakistani¹. The International Committee cannot lend itself to any sort of bargaining, and when its mediation is required by the two parties, it always recommends a general exchange, by categories where necessary.

An exchange of sick and wounded prisoners also took place. Last February the Pakistan Government unconditionally returned 15 wounded men, followed later by seven more. The Indian Government returned eight sick and wounded prisoners.

The Committee's delegates also concerned themselves with the relief of prisoners of war. One delegate went to the Yol and Attock camps with supplies for the Pakistani PW, given by the Pakistan Red Cross, and for the Indian PW, given by the Indian Red Cross.

¹ The number of Pakistani prisoners should be somewhat higher than the figure given, and the Committee's delegates asked the Indian and Jammu Kashmir Governments to undertake an active search for these men. This was done, and 60 new prisoners were discovered and immediately visited by a delegate of the Committee.

Two exchanges of political prisoners were carried out under the supervision of the Committee's delegates, who also secured an intensification of the search for the women and children abducted during military operations. Whereas the Indian and Pakistan Governments were already actively engaged in these searches, the two Governments set up in Kashmir accepted the delegates' cooperation. A hundred and fifty women and children were returned to Pakistan, whilst 140 women and children from Batyal Camp were exchanged for 250 women and children from the camp at Muhallah Ustad. These achievements by the Committee's delegates were particularly appreciated by the Indian Government, which then officially asked for their cooperation so as to speed up similar repatriation schemes.

The delegates also took up the problem of the refugees. This is, of course, a particularly difficult question: there are at present in this area nearly 600,000 homeless people, living in the most wretched moral and material conditions. The Committee itself has no means to aid them, and may only draw attention to their circumstances and give them moral aid. The delegates have visited several camps, including that at Wah (Pakistan) containing 20,000 refugees, that at Darhal (Kashmir) holding the same number, and the camp at Alibeg (Azad Kashmir) where over 1,200 people are housed.

The International Committee's mission to India and Pakistan will continue for some time. It will do its utmost to secure the general repatriation of prisoners of war, to hasten the search for abducted women and children and, as far as its means allow, to improve the lot of the refugees. The Indian and Pakistan authorities have on several occasions expressed their appreciation of the delegates' work in those two countries.