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ET

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DES SOCIÉTÉS  
DE LA CROIX-ROUGE

SUPPLEMENT

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## INTERNATIONAL RED CROSS

### *NEW YEAR'S MESSAGE FROM THE RED CROSS*

M. Paul Ruegger, President of the ICRC, and M. Emil Sandström, Chairman of the Board of Governors of the League of Red Cross Societies, have broadcast a message to the world. The message was recorded in 14 languages and issued to 48 countries.

M. Ruegger's address is as follows :

"In the divided world of today, where a doubtful friend is too soon and easily taken for a certain enemy, there are some institutions which must at all cost be preserved. Among them is the Red Cross, a symbol of protest against injustice and violence, working for a world of humanity and understanding. This world must be built, and those who, in all lands, serve under the standard of the Red Cross are its unremitting artisans. It is the earnest and heartfelt wish of the International Committee of the Red Cross, in Geneva, that the year which opens before us should see new progress towards peace and tolerance throughout the world."

Speaking for the League of Red Cross Societies, M. Sandström said :

"I address you, members and friends of the Red Cross in the various countries of the world, on behalf of our International Red Cross Federation, the League of Red Cross Societies. The purpose of the Red Cross has, from its inception less than a hundred years ago, been to alleviate the sufferings of mankind. Starting with the view of bringing relief to the sick and wounded on the battlefield, its sphere of activities has extended, and it wants to give a helping hand wherever suffering and distress prevail. The movement has

spread all over the world and it now spans the globe. Red Cross Societies exist in 68 countries and embrace 100 million people. Its emblem and its work are known and venerated in the most remote places, and the world could certainly not do without the Red Cross. The sufferings in the world are immense. Most of the time, the needs are vastly greater than our means to meet them. But, if our present efforts do not suffice, that is no reason to despair. On the contrary, we must continue to improve and to extend the services of the Red Cross in all fields and in all countries. Here the League has an important part to play. We cannot alter the destinies of the peoples, but we can aid those in need of our help. That we must do to the limit of our strength. Thus, we contribute very actively to the understanding between the peoples and to the preservation of peace, the World's most fervent hope. Let this be the task of the League of Red Cross Societies and of all their members in the New Year."

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# INTERNATIONAL COMMITTEE OF THE RED CROSS

## COMMUNICATION OF THE ICRC TO NORTH KOREA

Geneva, January 8, 1951.

Continuing the efforts it has unceasingly made to carry out its traditional humanitarian tasks for both sides in the Korean conflict, the ICRC has sent the message which follows to H. E. Pak Heun Young, Minister of External Affairs of the People's Democratic Republic of Korea, Pyongyang.

In order to ensure most rapid and certain communication, the message was repeated by radio broadcast. The Committee is thus in a position to make immediate publication, as follows :

“ Geneva, January 5, 1951.

*To H. E. Pak Heun Young, Minister of External Affairs, People's Democratic Republic, Pyongyang.*

“ In the desire of bringing to all victims of the war the strictly impartial aid of the International Committee of the Red Cross, I consider it my duty to propose that I visit your Government in order to examine the different Red Cross problems which have been the object of our several previous communications, sent since June 26, 1950, and referring to (1) Prisoners of War on both sides ; (2) the possibility of protecting the non-combatant civil population, as outlined in our proposal of July 7, 1950, by the creation, in accordance with the Fourth 1949 Geneva Convention, of Security Zones which would be immune from all forms of hostilities, including aerial and naval bombardment.

“ If your Government and the Korean Red Cross agree to examine these urgent problems, I propose to travel personally to Korea in a Red Cross aircraft, registered in Switzerland. The mission would be

composed, in addition to the crew, of a personal assistant and a medical counsellor. The plane would also carry an initial stock of medical supplies provided from various neutral gifts, particularly a gift of the Swiss Government, for impartial and equitable distribution to all victims of hostilities in Korea.

“ The International Committee of the Red Cross would be grateful if Your Excellency would indicate where this plane might land, near to the seat of your Government. Such destination could be communicated to the plane en route to your country and, if possible, during its transit via China. We are at the same time approaching the Governments of your neighbouring countries with which you have diplomatic relations, to ask them to accord, in the spirit of the Geneva Conventions, every assistance in facilitating transit. Details about the plane, personnel of the mission and the crew will be communicated as soon as we receive your acceptance. We shall also communicate the route, which we suggest should be via India, Shanghai, and either Peking or Vladivostok.

“ We ask that you please give this purely humanitarian proposal your urgent personal attention. The International Committee of the Red Cross awaits and confidently hopes for a rapid and positive response.

“ We are repeating the above message by wireless in English and French to ensure its certain delivery.

With the expression of my high consideration.

Paul Ruegger

*President, International Committee  
of the Red Cross*

## PRINCIPAL ITEMS OF INTEREST IN DECEMBER

*Korea.* — The Delegates in South Korea visited the following camps.

UN PoW Transit Camp. November 30 and December 4.

UN PoW Collecting Centre, 10th Corps. December 6.

UN PoW Camp No. 1. December 27 and 28.

*Mission in Amboina.* — The aircraft lent to the ICRC and which brought relief to the population on the Island of Amboina, returned to Geneva on December 16. Dr. Pflimlin, who travelled with the shipment, remained in Indonesia.

The crew of the plane were received by the Committee when they arrived in Geneva.

*End of Bengal Mission.* — The mission of six Delegates and eight Nurses, led by Dr. Roland Marti, which went to Bengal six months ago, has returned to Geneva, its work being considered as completed.

The Hospitals, Clinics, and Child Welfare Centres they set up have been taken over by the Indian and Pakistani authorities, who have expressed their deep appreciation to the mission.

*Kashmir Mission.* — Two Delegates recently visited Yol and Jammu refugee camps in Indian territory, in which there are some 35,000 persons from Kashmir. They also visited refugees in the neighbourhood of Srinagar.

*Germans in Jugoslavia.* — The ICRC has sent 650 individual parcels to German detainees in Jugoslavia. The parcels, distributed by the Yugoslav Red Cross, contained body-building products and vitamins.

*“Volksdeutsche”.* — *Volksdeutsche* and Eastern Germans continue to arrive at Friedland and Furth im Wald, following the Committee's negotiations and thanks to the co-operation of Red Cross Societies in the interested countries.

The last convoy of the year at Friedland brought the number of persons who had passed through the camp in 1950 to 33,266.

There were 35 convoys to Furth im Wald during the year, bringing the total of arrivals there to 13,297.

The Committee arranged for the distribution of clothing and cash to *Volksdeutsche* at Furth im Wald and of parcels with primary necessities in Friedland Camp. A convoy of sixteen *Volksdeutsche* children awaited by their parents in Austria, and twenty-eight for Germany, arrived from Jugoslavia on December 11.

The Committee, through the intermediary of a special Delegate, continued its examination of emigration possibilities and the best manner in which it could help in re-establishing the *Volksdeutsche*. Fresh sums of money were transferred to Hamburg and Munich to continue the Committee's relief for *Volksdeutsche* from Poland and Czechoslovakia.

The German Red Cross at Hamburg received 12,500 DM. to pay for parcels of toilet and other primary necessities, for distribution on behalf of the Committee, in Friedland Camp. The German Red Cross at Munich received a similar amount for the purchase in Germany of clothing for distribution on behalf of the Committee to *Volksdeutsche* arriving at Furth im Wald.

*Refugees in Italy.* — A residue of funds for assisting Displaced Persons was given to the Italian Red Cross which, after inquiry into the most urgent needs of refugees in the camps of Fraschetti and Farfa Sabina, under Italian jurisdiction near Rome, made the purchases most urgently needed and distributed them before Christmas.

*Medical Equipment.* — The Committee made a gift to the Czechoslovak Red Cross of an apparatus, worth approximately 32,000 Swiss francs, for drying blood plasma.

*Visits.* — On December 8, the Committee received the visit of Mr. W. J. Phillips, Secretary of the British Red Cross.

On December 15, Señor Dr. Manuel Prado, President of Peru during the second World War, visited the Committee. He

was accompanied by Señor E. Manchego Herrera, Minister Plenipotentiary of Peru at Berne, Señor Alvarado, Assistant Director of the International Labour Office in Geneva, and Señor Aramburu, Cultural Attaché. They were received by M. Paul Ruegger, President, M. Martin Bodmer, Vice-President, other members of the Committee, and officials. The President of the Geneva State Council and Madame Perréard were also present.

Mlle Dagny Martens, Secretary of the Norwegian Red Cross, paid a study visit from December 10 to 15.

*New Year Message.* — A New Year Message from the President of the International Committee and the Chairman of the League of Red Cross Societies was recorded in fourteen languages and sent out to forty-eight countries for broadcasting.

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*NOTE FOR THE INFORMATION  
OF THE NATIONAL SOCIETIES OF THE RED CROSS  
(RED CRESCENT, RED LION AND SUN)*

« LIEUX DE GENÈVE » AND SECURITY ZONES

Since the international Association for the *Lieux de Genève* (Geneva Areas) was set up with the object of designating zones, by agreement with the enemy, where the civil population of countries at war could take refuge from bombing, the ICRC has followed its work with interest.

The Committee, on its side, had made provision for the creation of Security Zones in the draft of the new Fourth Geneva Convention for the Protection of Civilian Persons. These provisions were, for the most part, adopted by the 1949 Diplomatic Conference.

Since then, the Committee's attention has been drawn to different publications of the Association, and to appeals which it has addressed to Governments and other authorities. Several National Red Cross Societies, when asked for information on the subject by their Governments, addressed themselves to the Committee; these Societies had been struck, as had the Committee itself, by the fact that the documentation submitted to Governments made no mention of Articles 14 and 15 of the Civilian Convention, and there has accordingly been a certain amount of misapprehension.

The ICRC was therefore glad to accept an invitation from the Association to an exchange of views of problems of common interest. Following the meeting, the Association published, in agreement with the International Committee, the following statement.

“ On the proposal of the International Committee for the *Lieux de Genève*, a meeting took place on November 22, 1950, between its representatives and those of the International Committee of the Red Cross.

“ It was noted that the original idea of General Saint-Paul, founder of the *Lieux de Genève*, had been brought appreciably nearer realization

by the provision made, in the 1949 Geneva Conventions, for establishing Security Zones which would be warranted immunity by agreement between the interested countries, and where certain categories of the civilian population would be protected from the effects of war.

“ While continuing its efforts in this direction, the International Committee for the *Lieux de Genève* recently made suggestions of an entirely different character, recommending to each country internal and practical measures for the evacuation and the dispersal of the non-combatant population in wooded and hilly districts, where natural protection can be afforded in places of refuge duly prepared.

“ Contact will be maintained between the two organizations in all matters pertaining to their common purpose : the safeguard of human lives.”

It is therefore clear that the proposals recently submitted to Governments by the Association for the *Lieux de Genève* are quite new, and are not founded on the provisions of the Civilian Convention. They are, rather, suggestions of national application in each State, without there being any need for agreement or even discussion of the subject with other States.

The International Committee of the Red Cross hopes that the present statement will afford the National Societies the required clarification, and is at their disposal for any further information they may desire.

*Geneva, January 15, 1951.*

## PRESS RELEASES

### *ICRC MISSION RETURNS FROM BENGAL*

The mission sent to Bengal by the ICRC has now returned to Geneva.

Following serious disturbances between Hindoos and Muslims, a twofold stream of refugees had set in between the western area of Bengal (under India) and the eastern area (under Pakistan). The two Governments thereupon approached the International Committee with a request for its co-operation in the humanitarian field. The presence in Bengal during the past six months of an ICRC mission under Dr Roland Marti, and comprising six delegates and eight nurses, has largely contributed to restoring quiet and confidence among the refugee masses. The main purpose for which the two Governments invited the Committee's collaboration has thus been achieved.

In addition to this task, the ICRC mission established hospitals, policlinics and child welfare centres in both Indian and Pakistani areas. Helped by the local medical staff, the Committee's personnel did much to instruct the refugees in elementary hygiene and infant nursing. The establishments thus set up have now been taken over by the Indian and Pakistani authorities, who expressed their deep appreciation of the work done by the Committee's representatives. The costs of the undertaking were met out of special relief funds made available in Geneva.

*Geneva, January 4, 1951.*

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### *SAVING THE CHILDREN*

Amongst the activities upon which the Berlin Delegation of the ICRC is still engaged, is the distribution of Streptomycin to doctors treating children with meningitis. The lives of several hundred children in Berlin and Eastern Germany have thus been saved.

During the last three years, the Delegation has issued close on twenty kilos of Streptomycin, provided by Swiss and other donors, and by the Committee itself. The drug was first given for individual cases and later handed to various hospitals in Berlin and Eastern Germany. In this connection, it may be recalled that the International Committee is at present the only foreign welfare organization permitted to operate in Eastern Germany and in all four sectors of Berlin.

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*THE CENTRAL PRISONERS OF WAR AGENCY AND KOREA*

Since the beginning of the conflict in Korea, the Central Prisoners of War Agency in Geneva has received from the Unified Command in South Korea approximately 30,000 individual capture cards. These cards are made out by the prisoners of war themselves and give full information about identity, state of health, address of next of kin, and address to which mail can be sent.

The Agency also received official nominal rolls of about 13,000 North Korean prisoners. These lists and photostats of the capture cards are forwarded on receipt to the North Korean authorities.

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*Henri COURSIER*

*Member of the Legal Service of the ICRC*

## *LEGAL ASSISTANCE FOR REFUGEES*

The XVIIIth International Red Cross Conference (1948) recommended that " National Societies include in their activities, should the necessity arise, legal and social assistance to stateless persons, refugees and war victims ", and requested the League of Red Cross Societies and the International Committee of the Red Cross " to establish a standard programme in this field ".

The two Red Cross organizations communicated the programme in question to the National Societies on February 9, 1949<sup>1</sup>. Contrary to what the promoters of the Stockholm Resolution had expected, the communication was not in itself sufficient to induce individual Societies to undertake this new responsibility, despite the fact that the programme was founded on practical experience. In Italy, an autonomous Section of the Italian Red Cross (Legal Assistance for Aliens = AGIUS) had been set up on the initiative of M. R. Aghababian, an expert in international law, and had, during the four preceding years, given much-appreciated services.

Several of the National Societies which replied indicated that their countries had the facilities necessary for the proposed work, and that an international centre only was needed.

At the time, the International Refugee Organisation (IRO) had so far extended, and its resources were so great in comparison with those of the Red Cross, that the plan seemed to imply unnecessary duplication. Nevertheless, the fact that IRO was an inter-governmental organization sometimes limited its

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<sup>1</sup> See *Revue internationale*, Feb. 1949, p. 127.

action, otherwise so widespread and beneficial. Some categories of refugees—Germans and certain others—were declared not eligible. Such refugees were very numerous in Italy and this, no doubt, is one explanation of the success of AGIUS—assisted as it was by Italian legal experts who, without payment, gave unstintedly of their time.

It is a cause of some regret that the Stockholm Resolution did not arouse more interest in the Red Cross.

The States which set up IRO decided that its activities should come to an end on March 31, 1951.<sup>1</sup> The High Commissioner for Refugees will, according to Resolution 319 (December 3, 1949) of the United Nations General Assembly, take over that part of the functions of IRO which concerns the protection of refugees. He will probably be responsible for more categories of refugee than is IRO, but will not have the same means of giving assistance. The budget will cover only administrative expenses. The High Commissioner will defend the interests of refugees in countries which will be totally responsible for them once the gradual liquidation of IRO has come to an end, but he will have no way of making up material deficiencies.

The High Commissioner has thus an obvious interest in welfare organizations which, of their nature, will be prepared to assist him, and with which both the League of Nations and the United Nations have always worked closely. Had National Societies already set up, as in Italy, special legal assistance Sections, their experience would have been of considerable value also to the High Commissioner in this field.

For his part, M. Aghababian took up the Stockholm proposal, independently of the National Societies. On December 30, 1949, he registered, in accordance with New York State legislation, an agency called "International Legal Assistance Inc.", formed on the AGIUS model but intended to be world-wide.

The principles of this organization have met with the full approval of the International Bar Association and the International Social Service in the United States, religious organiza-

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<sup>1</sup> At its last meeting, in October, 1950, the General Council of IRO decided that the Organization should continue until September 30, 1951.

tions (Catholic, Protestant, Jewish and others), legal associations, Committees of ethnical groups amongst the refugees, numerous institutions (including the International Committee of the Red Cross) and figures well-known in humanitarian affairs. If it succeeds, legal assistance centres, working in liaison, would be formed in many countries; they would group representatives of the organizations named, legal experts and officials who would give necessitous refugees free advice and the benefit of their influence. The international system thus launched would offer adequate guarantees to States which must protect themselves against the admission of undesirable aliens.

The future will show how far the idea can be developed. A Special Committee of the United Nations, set up to find a comprehensive solution of the refugee problem for presentation to the General Assembly, has completed its discussions, in Geneva. It seems an appropriate occasion to examine what in practice has been the work done in Italy, especially for aliens not assisted by IRO. Those interested in the humanitarian aspect of this political problem should clearly appreciate its human implications; in examining the sense of the United Nations decisions, they will be better able to judge what part is left to welfare agencies.

After six years of activity, AGIUS still, as required by its Statutes, legally assists aliens (including the stateless) by :

- (a) — Helping them to protect their rights, through consultations, or by representing them with the administrative and judicial authorities.
- (b) — Drafting petitions and statements of all kinds in connection with actions and appeals.
- (c) — Settling, by conciliation or arbitration, disputes in which they are concerned.
- (d) — Giving diplomatic or consular authorities explanatory consultations or information about the legal position of aliens under Italian law.
- (e) — Publishing information about national and international legislation and jurisprudence concerning aliens.
- (f) — Informing the authorities of measures indicated for the legal protection of aliens.

AGIUS is organized as follows :

- (1) — An Executive Committee, nominated by the President of the Italian Red Cross, with a high official as Chairman, and comprising five legal experts (officials, university professors or lawyers), and the delegates of various administrations, and welfare and legal institutions.  
The Executive Committee is responsible for the practical executive work.
- (2) — A Council of legal experts, legal advisers to diplomatic and consular representations at Rome, and delegates of Italian and international welfare agencies.  
The Council examines general questions and advises.
- (3) --- The Director, with the co-operation of legal experts who prepare the cases, arranges for consultations and for the services of defence counsel. The settling of legal or administrative disputes is entrusted to barristers.

Results have been obtained at small cost. As most of the work is voluntary, the annual budget is no more than 4,000 to 5,000 dollars, provided by the Italian Red Cross and Government, the Holy See, and private donors.

The evident need for similar bodies, from the moment IRO will cease, led the Director of IRO, early in 1950, to recommend that each country should have a National Co-ordinating Committee for institutions dealing with refugee questions. The United Nations Information Centre at Geneva suggested that when IRO ceased to function, these National Committees should assist refugees, ensure that their fundamental rights are accorded, and provide them with certain essential services. Belgium and Great Britain have already formed such bodies. In Belgium, the representatives of twelve social welfare and employment agencies have, with the consent of the Government, set up a Belgian Committee for Refugees, under the patronage of the Belgian Association for the United Nations. In Great Britain, the British Council for Aid to Refugees is directed by a Committee of Government officials, business men and social welfare agencies. IRO helped both Committees with establishment costs.

These bodies, which are to co-operate with the High Commissioner, correspond to the ideas set out by M. Aghababian

and their practical realisation in Italy. We recall in this connection the Memorandum submitted by the International Social Service on July 24, 1950, to the Advisory Committee of the Non-Governmental Organizations.<sup>1</sup> It expressed the hope that the High Commissioner would act on the principle (1) that the Non-Governmental Organizations are particularly qualified to assist the refugees as individuals, provided that the appropriate means are placed at their disposal, and (2) that individual relief be subordinate to preliminary inquiry by a competent social agency. The solution of the refugee problem therefore implied the creation of a relief fund.

The above principles were taken up by M. Aghababian in a statement before the Permanent Committee of the International Conference of Non-Governmental Organizations which met in Geneva in August 1950. Pleading the cause of International Legal Assistance, he said :

“ A refugee may need to establish his identity, obtain as far as possible fresh records of his status, and other papers for himself and his family, his certificates of study or training ; he has to obtain the documents required by the laws of the country of asylum, residence or immigration. Often he has to defend himself against police measures, and show that he is not a danger to public order or security ; this is particularly so if he has entered the country irregularly, or cannot produce a proper passport. He requires international legal assistance to enable him to assemble—failing documents no longer available owing to political events—at least sufficient substitute evidence, in order to avoid administrative arrest, and obtain the necessary permits.

“ Immediately upon his arrival in the new country, the immigrant stands in need of legal assistance, to settle, obtain work permits, secure recognition for his qualifications and professional titles, send his children to school, join a union, and so forth. He usually has neither relations nor friends, and

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<sup>1</sup> See United Nations Economic and Social Council, Document E/C 2/274.

is ignorant of the language and laws of the country. He will need to have frequent recourse to the national Section of International Legal Assistance, to establish the legal ties which still bind him to his former country, where he has perhaps left family, relatives, or sequestered property."

The financial resources of the organization may be made up as follows :

- (1) — Voluntary contributions of member organizations ;
- (2) — Grants which may be obtained from the United Nations, interested Governments, other welfare organizations, and private donors.

Other sources of income are the contributions which the rich foreigner can, in principle, make towards the cost of assisting the less fortunate.

These sources, which may require international agreements or municipal legislation, are listed merely by way of suggestion :

- (1) A stamp, " For Legal Assistance ", to be affixed to :
  - (a) — international licences for motor-cars, motor-cycles, yachts, or private aeroplanes ;
  - (b) — tickets for international first-class travel (sleeper, plane) ;
  - (c) — certain imported luxury articles of personal use.
- (2) Vacant estates of aliens, particularly of stateless persons, who have died without recognised heirs (*bona vacantia*).
- (3) Donation of blocked assets, released on condition that at least one-half be donated to ILA.

These ideas, plans and achievements have a special interest in relation to the cessation of IRO, when the refugee problem will again present acute difficulties.

Some time ago, the United Europe movement, meeting in Rome, estimated the number of refugees in Western Europe. According to statements made at the meeting (the sources of which we cannot vouch for) the territory of the German Federal

Republic had 9,360,000 refugees, Austria more than 300,000, France 700,000 to 800,000, Great Britain 500,000, the Netherlands 12,000, etc.; there were also large numbers in Italy, Greece, and Belgium. In other words, there are millions of persons who, having lost their social position, their means of livelihood, their savings and pension rights, have not yet found a place in the economic and social life of the country which shelters them. Even though food and lodging are of the most primitive kind, the mere cost of housing and feeding them is a heavy burden. Nor do the refugees ask to be kept without giving any return; very many of them are well educated and their technical abilities are not negligible.

The restoration of these people to normal life requires still further sacrifices from countries already impoverished by war. An international fund is required to help face this formidable task.

The texts<sup>1</sup> to be submitted for decision by the United Nations General Assembly in its Autumn session (1950) make no reference under this heading. But at least the preliminary discussions have shown that the United Nations are fully aware of the need of dealing with the question, on the international level, if necessary. They avoided general formulæ—which might have been better in keeping with the general nature of the problem—so as not to anticipate future decisions. They apparently preferred to leave it to the High Commissioner to inform them, in due course, of the different aspects of the refugee question, which vary greatly from one country to another. One example—relief to the Palestine refugees—has already shown that community of assistance in the United Nations is a concept which has more than a mere paper existence.

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<sup>1</sup> Draft Refugee Convention, Draft Statutes of the High Commissioner's Office, and findings of the Special Committee.



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## INTERNATIONAL COMMITTEE OF THE RED CROSS

### *PRINCIPAL ITEMS OF INTEREST IN JANUARY*

*Korea.* — In December, 1950, the Delegates in South Korea visited two prisons: Seoul Civilian Prison (West Gate) and Mapo Prison.

Following these visits, the ICRC, on January 4, 1951, addressed a communication to the President of the Republic of Korea, M. Syngman Rhee, supporting the representations made by its Delegates to the South Korean Government in behalf of the imprisoned civilians.

The note emphasized the necessity of improving the living conditions, particularly in regard to food, accommodation and clothing, and of adopting special measures for the women and children. It also asked that Delegates be authorized to visit the prisons and other places of detention regularly, and that they should be allowed to distribute material relief freely to the inmates; also, that they should receive nominal rolls of the prisoners.

On January 14, 1951, the Delegates visited Taegu Prison.

*Near East.* — Conditions in the Near East are still far from settled—there is as yet no peace treaty between Israel and the Arab States—and the ICRC has accordingly to maintain its Delegations there. A few figures will illustrate the work of the Delegation in Tel Aviv in 1950.

27,930 civilian messages were exchanged between persons in Israel and their relatives in Jordan, Lebanon, Syria, and Egypt.

Of 976 inquiries from different sources in the Near East and from Geneva, replies were given to 712.

Through its intermediary, 301 persons were transferred between Israel and the Arab States.

Arrangements were made for sending monthly consignments of foodstuffs from the Old City of Jerusalem (Arab) to religious and charitable institutions in the New City (Israeli).

The above figures concern the Delegation in Israel in the first place, but also reflect the work of the two Delegates in the Arab countries. Much is the result of the joint action of the Near East Delegates, and illustrates the traditional function of the Committee as neutral intermediary.

*Jerusalem.* — Arrangements were made with the Jordan and Israeli authorities for a supplementary transfer of supplies from the Old to the New City for New Year's Day. The total for the year 1950 amounted to 28,260 kilos.

*Jordan.* — On January 30, the Delegate in Jordan visited Ramallah Prison.

*Greece.* — Continuing his visits to camps and prisons, the Delegate in Greece visited, in January, seven prisons, an agricultural penal colony in Macedonia, and four prisons in Thrace, and distributed relief to the inmates. Four prisons could not be reached owing to snow and bad roads.

*Refugees.* — At the end of December, the head of the Berlin Delegation visited seven camps for Displaced Persons (non-German refugees) in Bavaria: Rosenheim, Moosach, Valka, Altenstadt and Memmingen (Allgäu), Würzburg, and Kleinkötz. These camps, with a capacity varying from 300 to 1500, are occupied principally by people from the Baltic countries, Ukrainians, Czechs, Poles, and Jugoslavs.

*Repatriation of German Prisoners of War.* — During the War, a group of sailors from the German Mercantile Marine had been interned in Goa (Portuguese Indies). The Committee's negotiations to facilitate their repatriation were successful, and most of them reached Germany during 1950. Those still

remaining left Goa on January 22, 1951. Twelve of the group decided to settle definitely in the Portuguese Indies, and their families have been authorized to rejoin them there.

*Travel Documents.* — At the cessation of hostilities, the ICRC created a Travel Document which would allow persons without identity papers to return to their home country or emigrate. It had been decided that the Documents would be issued only until the Governments concerned had provided official identity papers.

The ICRC continued to press that official documents should be substituted for its own. Issue of ICRC Documents is now limited to refugees going to, or passing in transit, countries which recognize only the Committee's Documents, or to refugees in places where they are unable to obtain official papers. Documents are still being issued or renewed in the following: Italy, Trieste, France, Austria, Spain, Egypt, Syria, China, Thailand, Japan and India.

*Greek Children.* — The Swedish mission working at present in Jugoslavia on the repatriation of Greek children has sent the Committee a list of 173 children who have been identified and can be repatriated. The ICRC has sent the list to the Greek Red Cross, which will collect and forward the identity papers required by the Jugoslav Red Cross.

The Greek Red Cross has sent the Committee 170 citizenship papers relating to Greek children in Jugoslavia.

*War Invalids.* — The War Invalid Section continues its collective and individual relief. Mention may be made of a finishing machine for cobblers sent to the Bamberg Section of the Bavarian Red Cross. The Bamberg Section already possesses several workshops for War Invalids, and the machine will be a useful addition to their equipment.

*Relations with the United Nations.* — During his brief visit to Geneva, the Secretary-General of the United Nations, M. Trygve Lie, had a discussion on January 14 with the

President of the ICRC, M. Ruegger, principally in connection with Resolutions of the General Assembly of direct interest to the Committee.

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*Visitors.* — During the month of January, the Committee was visited by :

Dr. E. Sandström, President, League of Red Cross Societies ;  
Mr. B. P. F. Laubscher, President, Eastern Cape Region of the South African Red Cross ;

Mr. Trygve Lie, accompanied by M. Aghnides, Messrs. Owen and Lall, Assistant Secretaries-General, and Mr. Cordier, Personal Assistant to the Secretary-General ;

Mr. Mohanlal Gautam, Member of the Indian Parliament and Secretary-General of the Congress Party ;

Herr Karl Wildmann, Austrian Minister to Switzerland, accompanied by Counsellor Filz, Austrian observer to the European Office of the United Nations, Geneva ;

M. Nicolas Korioukine, Soviet Chargé d'Affaires at Berne ;

Mr. P. S. Scrivener, British Minister at Berne, accompanied by Mr. Lambert, Consul-General at Geneva, and Mr. J. Beith, Representative at the European Office of the United Nations ;

Countess von Waldерsee, Vice-President, and Herr Hartmann Secretary-General of the German Red Cross ;

M. Domori, Member of the Chamber of Counsellors, and M. Oka, Member of the Chamber of Deputies, Tokyo ;

Dr. Pietro Merlo, former President of the Piedmontese Section of the Italian Red Cross.

*JEAN G. LOSSIER*

*Member of the ICRC Secretariat*

## *THE RED CROSS AND PEACE*

### TRENDS AND THEIR DEVELOPMENT

The first objective of the Red Cross—of both the International Committee and the National Societies—was relief for the victims of war; experience in succeeding years extended its scope to take in human suffering under all its aspects. But there is no provision in the Statutes either of the Committee or of the League, or in those (adopted in 1928) of the International Red Cross, that the Red Cross should work for peace.

Up to the first World War, the Red Cross was fully occupied with the physical wounds of war, and scarcely even considered it might work for peace as a conscious aim in itself. When the Red Cross was founded in 1863, Florence Nightingale had already thought of this possibility, asking if systematic efforts on the part of all nations to diminish the horrors of war would not ultimately lead to its complete disappearance.

The Red Cross came into existence on the battlefield; its first task was to aid the military wounded. Thus, from the start, it limited its ambitions. Anxious at all costs to achieve this initial purpose, the International Committee acted with great prudence; so long as Red Cross work was restricted, and not universally recognized, the Committee took care that its aims were clearly defined and its limits respected. The first Geneva Convention had laid down the main functions of the Red Cross, and for a long period this agreement offered a foundation, limited in scope but firmly established in treaty law, which

gave the International Committee uncontested authority at precisely the time when its work began to expand.

There was no question of condoning war, or considering it as a necessary evil; the idea was to make it more humane. Dr. Louis Appia, one of the founders of the Red Cross, reporting on his mission during the war of Schleswig-Holstein wrote: "We must proclaim our regret, our sorrow that we cannot do more; we must protest against this great collective iniquity which is called war—an iniquity which is nothing other than a manifestation of evil in the world."

The Committee, reporting on its work in 1870, said that there is every reason to fear that peace, so stable in appearance, is no more than a truce. But the authors added: "Although war is the natural field of our activities, we see it from so close up that it can only be an object of horror to us, and our ideals, far from depending on war, must necessarily be pacific."

In the following years, the Red Cross had to look after victims of war in ever-increasing numbers, and fresh categories were constantly being added. Responsibilities multiplied: co-operation with the Medical Services of the armed forces, care for prisoners and the shipwrecked, and, later, civilians. Finally, the ravages of war continuing to extend, the Red Cross, as yet very hesitantly, began to aim at working for peace as an end in itself.

The founders were conscious, even while limiting the growing organization, that their work on the battlefield was reminding men they were not only enemies, and preparing for the later growth of a like spirit of charity. What is possible during war should be so, all the more, in peacetime.

In one of his first articles on the Red Cross, Gustave Moynier wrote: "Our efforts to give aid on the battlefields have indirectly served those Societies working for peace, whose object it is to spread the idea of brotherhood amongst nations, and destroy by all possible means the opposition, and even hate, which separates peoples".

In 1884, the Committee's invitation to National Societies to attend the Third International Red Cross Conference, pointed out that the members of relief societies could thus form friend-

ships which "in the day of action, will appear to them as the source of that general fellowship which they will endeavour to inspire". The reference here to the "day of action" is to possible future battles, but, as Henry Dunant had already indicated <sup>1</sup>, there is included the idea of the moral relationship which it is the duty of the Red Cross to instil into all whom it can reach and who believe in it.

It is true that many years were to elapse before it was generally agreed, in the Red Cross itself, that humanitarian work is as effective in peacetime as during war, and that, intervening on behalf of the individual man, the Red Cross greatly increases the hope of peace. At the Rome Conference (1892), the Chairman expressed the hope that, peace being finally established over the entire earth, the Red Cross would become "a fraternal union of the disemployed".

Four years later, the Committee recalled to the National Societies <sup>2</sup> that their training should include practical peacetime work and an organization capable, in the future, of meeting wartime needs.

\* \* \*

It is only in 1919 that, in the appeals and resolutions of International Conferences, we begin to find allusions and texts referring exclusively to the part of the Red Cross in establishing a lasting peace. Nevertheless, an isolated voice, here and there, gave evidence that the question was present in the public mind. Thus, the American Senator, Elihu Root, in the opening address to the Washington Conference (1912), said there had been a feeling in the United States for many years that, although the aim of the Red Cross was to lessen the horrors of war and to alleviate suffering, its ideal was necessarily antagonistic to the idea of war; the programs of the Red Cross, its powerful organization, its compassion, its charity, its love

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<sup>1</sup> In his pamphlet *Les débuts de la Croix-Rouge en France* (The beginnings of the Red Cross in France).

<sup>2</sup> In its Circular No. 91.

of others, would not cease to turn men from the spirit of revenge and cruelty which causes war.

At the end of the first World War, the Red Cross took a decided stand in regard to the problem of peace. The League of Red Cross Societies, set up as a federation of National Societies for peacetime work, tends, as is stated in an initial announcement, to the realization of "that principle of moral fellowship and international help which is one of the fundamental ideas and a characteristic and generous feature of the Red Cross". From then on, under pressure of circumstances, and owing to the fact that the Societies then more clearly appreciated that their moral obligation extended beyond wartime, the whole movement took up the idea of working for peace, and defined its part in this work. All succeeding Conferences came back to the same subject, and adopted resolutions with reference to it.

The Delegates to the Geneva Conference of 1921 discussed the role of the Red Cross in the greatly changed post-war conditions. The Bulgarian Delegate asked if the National Societies should not endeavour to aid in the elimination of war itself, if they "should not undertake the great and noble mission of working, by addresses, pamphlets, and other means, against international enmities, against the hatred between peoples which has recently unleashed the worst disaster that humanity has known".

The Conference requested the International Committee and the League to appeal to all nations to combat the spirit of war rife in the world.

The Appeal was sent out on July 19, 1921, and is particularly significant. It is couched in such strong terms that it could almost be said to reverse the cautious policy adopted in 1863 and justified by events. It is not only said that the Red Cross should fight against the evil of war, but that it was the duty of the organization, to itself and to all who believed in it, to contribute by "disinterested action and universal assistance, towards making war itself disappear". The Appeal furthermore invites all men of good-will, whatever their nationality, religion, profession or condition, to undertake a general and sustained

propaganda campaign against the spirit of war; it is finally set forth that "the Red Cross, not satisfied only to work in peacetime, wishes also to work for peace".

One can hardly go further in affirming what there is in common between the Red Cross and peace, which, to many writers of the nineteenth century, appeared contradictory terms.

Again, the Geneva Conference of 1923 adopted a similar resolution, expressing the desire to see the Red Cross "affirm itself on every occasion as a symbol of peace, believing that this conception is in no way contradictory to the idea of the founders of the Red Cross, but in complete harmony with the spirit and the tradition of the organization".

At every meeting, Delegates emphasized the practical pacifism of the Red Cross. In 1925, the German Delegate affirmed: "Besides its fundamental task in peace and wartime, and so long as politics are not guided by humanitarian considerations, it will be the duty of the Red Cross to proclaim, to men and to nations, the message of reconciliation which its emblem expresses".

The Hague Conference (1928) invited National Societies to consider the moral condemnation of war, and propaganda against it, as one of their first duties.

The most significant steps, however, were taken at the Brussels Conference in 1930. Not only did it adopt a resolution recalling the part which the Red Cross could and should play in bringing peoples together, but several Delegations continued to insist that the Red Cross should intervene specifically—at least unofficially, as, for example, through the Press—in domains in which it had not until then penetrated. According to the declaration drawn up by Prince Carl, President of the Swedish Red Cross, the object was to influence the Press, which, "instead of using the language of nationalism in a tone that is scarcely moderated by a sense of its responsibility, should undertake, as a principal mission, to call for peace and reflexion in days of crisis, and, in calmer days, to promote the spirit of peace, in present and future generations". Because, as the President of the Swedish Red Cross added: "It is clear that the realization

of the Red Cross ideal, which would have charity always triumph, places the Red Cross in the front rank of those who are striving for conciliation amongst the nations and working for peace."

The Norwegian Delegate warmly supported the declaration and emphasized the effective part the Junior Red Cross could play in this connection, by creating links of friendship between the children of all countries.

Finally, we may mention the report of the Czechoslovak Red Cross on the "Red Cross Truce"—which should be compared with the idea of the "Red Cross Day"—and on the peace activity it had already been carrying on. "We have the courage to declare war—war against sickness, against discord, against calumny. This war is manifest in daily acts which are both real and positive".

Other delegates spoke in the same strain, and the Conference, in its XXVth Resolution, expressed the opinion that the Red Cross should "take active steps to discover how the weight of its moral authority and its prestige might be brought in support of the world movement for understanding and conciliation—both essential for the maintenance of peace—and oppose war by all means in its power, thus preventing that suffering, the alleviation of which was its primary motive".

\* \* \*

At the time of the Disarmament Conference, a year later, the International Committee <sup>1</sup> did not hide its alarm at the consequences which might follow the use of new arms and at the idea of total war, which began steadily to gain ground. It emphasized once more that the International Red Cross, resolutely engaged in peace activities, wished to develop and strengthen the Conventions for the limitation and abolition of war. It declared that it was "increasingly necessary to do everything possible to eliminate the recourse to war".

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<sup>1</sup> In its Circular Nos 299 and 300, on the legal protection of civilians against the effects of aerial and chemical warfare.

At the Tokyo Conference in 1934, there was a fresh and generally-supported affirmation that the Red Cross should set itself resolutely against the spirit of war and accordingly do everything, within its own terms of reference, to prevent war.

The head of the Soviet Delegation considered the elimination of war as the "great purpose which is fundamental to the very existence of the Red Cross". Referring to the idea put forward at Brussels four years earlier he stated that today, "the distinctions in former Conventions between combatants and non-combatants—distinctions on which part of the activity of the Red Cross in time of war is based—are no more than a fiction". Recalling the resolution of the 1921 Geneva Conference on the necessity of combating the spirit of war, he added: "It is our duty to proclaim that war should be excluded as a means to which the nations can have recourse in settling their differences".

During the same meeting, and to mention only two noteworthy speeches on this question, the Peruvian and Uruguayan Delegates described the position of the Red Cross as a peacemaker, proclaiming and ensuring in practice the equality of races and intervening "as an active factor in the work of human fellowship". The President of the International Committee, M. Max Huber, stated that "the Red Cross has done pioneer work in the field of international co-operation".

The Conference adopted several resolutions dealing with better understanding between the nations, through the Junior Red Cross and the Red Cross itself. Another resolution emphasized the importance of the Press in maintaining good international relations.

Finally, the Conference adopted its very important Resolution No. XXIV: "The Conference, considering that advances in the technique of warfare offer ever-increasing difficulties to traditional Red Cross work, recommends that all National Red Cross Societies, while, as in the past, neglecting no effort which might help to save millions of human lives, protect millions of others from suffering and privation, and prevent catastrophes which threaten to destroy the intellectual and material heritage accumulated over centuries, should, by every means at their

disposal, intensify their efforts to prevent war and encourage better understanding between nations ”.

During the London Conference (1938), the question of the Red Cross and peace was again discussed. Having noted the report of the League on the educative role of the Red Cross and its moral value, the Conference affirmed its conviction that “ the Red Cross is not only a material force in the service of humanity, but also a spiritual force, uniting all its members in the same spirit of honour and generosity which informs their work ”.

During the same meeting, the Chairman of the British Red Cross, dealing with what it is agreed to call the spirit of the Red Cross, asked the Conference whether part at least of the present distress in some countries could not be avoided, by giving practical effect to the principles of good-will and fair play on which the Red Cross is founded. The speaker foresaw the lot of civilians—given the evolution of modern methods of warfare—if a general conflict should ensue ; he besought the Conference to study with the greatest attention the possibility of finding a remedy.

Finally, we recall the Stockholm Conference (1948), of especial importance, if only for the subjects it had to examine and the numbers of people it represented—a hundred million in all countries of the world. The Conference adopted two particularly significant Resolutions.

In the first, the Conference “ recommends that the Junior Red Cross program stress the importance of international friendship as the basis of world peace ”. In the second, the Conference reaffirms “ abhorrence of war ” and “ determination to work constantly for the development of international understanding, which would lead to an enduring peace between the nations ”. It also endorsed the Declaration on Peace, drawn up by the Board of Governors of the League,<sup>1</sup> stating, *inter alia*, that it is a duty of all who take part in the movement, “ to uphold and support the essential activity of the Red Cross which is mutual help and friendly collaboration between all

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<sup>1</sup> In its XXth Session.

men and people, and thus to help lay foundations on which peace can be established ”.

On several occasions, meetings of the League adopted Peace Resolutions. In October, 1950, the Red Cross Societies and their members were invited to work for the establishment and maintenance of enduring peace between all peoples and nations (Board of Governors, XXIst Session).

Thus, more and more often, and always more firmly, the Red Cross has stated its position in regard to peace.

War becomes total; the insufficient barriers of International Law are pushed aside, and the moral values on which humanitarian action is founded are threatened. Should a new world war take place, the situation would probably be still worse; total warfare has also made war more brutal and murderous. The Red Cross, in the nature of things and in obedience to its ideal, affirms always more strongly its duty for the future to intervene in behalf of peace. We must still know how, and to what extent, it can do so, because it has a traditional mission in regard to which it cannot be found wanting, and a principle of impartial humanity which it must observe. Suffering is, however, the one field in which it can never remain indifferent.

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The development of arms, the lassitude which makes so many people fatalistic, the frightful devastations and crimes of the last War—all cause the gravest disquiet, especially amongst those who would be called upon under the sign of the Red Cross to defend the inviolability of the human person.

On September 5, 1945, the Committee drew the attention of National Societies to the future tasks which await the movement as a whole. <sup>1</sup> A period was opening in which it was advisable—even indispensable—to review Red Cross principles. The Committee, above all, emphasized its anxiety at the creation and development of new techniques of war.

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<sup>1</sup> See Circular No. 370.

The mobilisation of all the forces of a nation against an enemy State, and the consequent impossibility in practice of making distinctions between combatants and non-combatants, call for thought. For the Red Cross and for mankind, grave moral decisions are involved. Is the individual henceforth to be no more than a mechanical component in the struggle? This, as the Committee pointed out, would mean that the principles of International Law which tend to the physical and moral protection of the individual, had failed. Denying to the individual his value and dignity as a human being, war must end irresistibly in unlimited destruction; mankind, entering into possession of the forces of the universe, seems to use its creations only to feed a destructive mania.

This is a warning: war, rising in our times to a paroxysm, is destroying what for each of us is most sacred in life—a scourge spreading out without limit and gone beyond the possibility of limitation. But if the individual ceases to have legal protection and is considered merely as a mechanical element, what becomes of the law of nations and the laws of war? What value can International Law still have?

The appeal to moral values remains. The ideal of the Red Cross, the Committee affirms in conclusion, by far surpasses International Law and the laws of war. It is precisely because the Committee knows that this ideal is unquenchable, and strong enough to give new life to International Law, that it undertook in 1945 the task of revising the existing International Conventions and preparing a new Civilian Convention. Examined and approved by the Stockholm Conference in 1948, they were, a year later, modified and signed by the Geneva Diplomatic Conference.

Meanwhile, international tension continued to increase. The Committee could not ignore the menace which loomed on the horizon; as its first duty, it recalled to States signatory to the Conventions, that the very foundations of its mission would be swept away and the intervention of the Red Cross rendered nugatory, if it were allowable to attack those who, it had been claimed in signing the Conventions, would be spared and protected. Thus the absolute prohibition of the atomic arm and,

in a general way, unguided missiles, was to be sought, and it was in this sense that the Committee drew up its Appeal of April 5, 1950—an Appeal which has met with a wide response.

This second Appeal, more urgent than its predecessor because of prevailing circumstances and the existing political situation, is also to some extent an appeal for peace. It does not hide the Committee's alarm: war, by very reason of the horror and fury which now characterise it, because of the terrifying arms which modern science has invented, must at all costs be avoided.

The Red Cross has, today, a heightened tone of protest against war. It is striving for peace, for in pointing to the unforeseeable consequences of fresh wars, it helps to deepen the general craving for peace, to sharpen men's consciousness of their danger, and fortify their determination to live at peace in a peaceful world.

It is clear also that the Red Cross, recalling to men the suffering of their fellow-man, and demanding their aid in assisting him, helps to create a spirit which is fundamentally opposed to war. It makes men feel responsible one for the other—a moral conception which, apart from all questions of law and politics, can only serve to foster the spirit of mutual aid and of peace.

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DE LA CROIX-ROUGE

*SUPPLEMENT*

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# INTERNATIONAL RED CROSS

THE INTERNATIONAL COMMITTEE  
OF THE RED CROSS

THE LEAGUE OF RED CROSS  
SOCIETIES

February 15, 1951

## DISPLACED GREEK CHILDREN

*To the Central Committees of  
the National Red Cross  
(Red Crescent — Red Lion and Sun) Societies*

For over two years the International Committee of the Red Cross and the League of Red Cross Societies have made the most strenuous efforts to solve, in agreement with all parties concerned, the problem of repatriating the Displaced Greek Children. Their purpose has not always been fully understood and has led to criticism, often due to lack of sufficient information.

It may therefore be of interest to National Societies to have a general outline of the principal steps taken in the matter, and to be informed of the results that have so far been achieved.

(1) — Early in 1949, our organizations, in conformity with the mandate of the United Nations General Assembly, made contact with the Greek Red Cross and the Greek authorities, as with the Red Cross and the authorities of those countries where Greek children were living ; our purpose was to ascertain

their views on the matter and request their suggestions for a practical settlement to which all parties might be induced to agree. These attempts, initiated in January, 1949, are still being pursued ; up to the present, however, no really constructive suggestions have been put forward by the countries of residence concerned. Far from this, no effect has been given to the proposals which we ourselves submitted to the said countries, although their authorities have always either stated, or let it be understood, that they approved, in principle, of repatriation.

(2) — In order to ascertain the whereabouts of each of the children claimed, the countries in question were asked for lists of Greek children living in their territory ; it was intended to compare these lists with the parents' requests and thus find out what children were actually resident in each country. Each individual case could then have been taken up, and it would have been possible to decide which of the children were in reality eligible for repatriation.

The proposal was ignored or, as in certain cases, accepted and then nothing further done about it. Another method was then tried. From the parents' applications received in Geneva through the Greek Red Cross, lists of the children claimed were drawn up and sent to each of the countries concerned. These were asked to note on the lists, which of the children named were actually living in their territory. As far as we were concerned, it did not follow that every child registered would necessarily be eligible for repatriation ; the lists were simply a basis.

Up to now, only the Czechoslovak and Yugoslav Red Cross Societies have indicated that a small number of the Greek children named are living in their territory. On several occasions we have suggested to the National Societies concerned that we should delegate a representative, instructed to make an objective study of the lists and take note of each Society's comments on them.

We hoped by this means to sort out any doubtful cases and examine them in detail ; later discussion could thus be

avoided, of the kind which has now arisen—the Press has reported on it—in connection with two children repatriated from Yugoslavia, at the request of their fathers in Greece, and whose mothers, it is now stated for the first time, are living abroad.

The proposals mentioned were not accepted, and no reply has been given to the repeated applications for visas which we have made with a view to sending Delegates.

(3) — Anxious at all costs to reach a solution, in spite of these setbacks, we inquired at the end of March, 1950, from the countries concerned, what conditions they considered necessary so that arrangements could be made for the return, at the earliest possible date, of Greek children whose return was justified. With the exception of the Czechoslovak and Yugoslav Red Cross Societies, none of the Societies made any constructive proposal in reply.

Moreover, to ensure that, on our part, everything should be done in complete equity, we obtained a guarantee from the Greek authorities in February, 1949, that any children returned would be at once given back to their parents. If, for technical reasons, this could not be done at once—when, for example, the parents had a long way to travel—the children would remain under our control until they were restored to their relatives. We can therefore give an assurance that the children would not be placed in internment camps on their return to Greece. Thus, twenty-one children repatriated from Yugoslavia in November last remained in the home placed at the disposal of our Delegate, and five days later had all returned to their parents.

(4) — We consider the efforts we have made for more than two years in connection with the Greek children separated from their relatives, as an attempt to solve, in one of its forms, the general problem of re-uniting families dispersed by war. We are prepared to help in restoring to their families all Greek children separated from them, whatever the actual place of residence of the children, or their relatives. It is clear, however, that we must act under the same conditions in each case, and

in this connection, it is essential that all parties concerned agree to give us the necessary facilities for verification and checking. Such facilities were granted when it was necessary to verify in Greece the justification for the claim made by the Greek relatives of children whose presence in one or other of the neighbouring countries had been recognized by it.

(5) — We recall that in March, 1950, we invited the Red Cross Societies of the countries concerned to a conference in Geneva, in order to discuss the problem as a whole, and especially to clear up any cases where the justification of claims for repatriation was contested. The Bulgarian, Rumanian, and Czechoslovak Red Cross Societies did not accept the invitation. The Yugoslav Red Cross accepted in principle, but did not send representatives. No reply was received from the Hungarian and Polish Societies. The Greek Red Cross was the only one to send Delegates to Geneva.

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The above is a general outline, and some details, of our attempts over a period of more than two years to find a solution to the problem of the Greek Displaced Children. In spite of obstacles, we have not yet given up the hope that a solution may be found. We have therefore every reason to rejoice at anything one or other of the National Societies may be able to do in the interests of the Greek families whose members are still separated.

FOR THE  
LEAGUE OF RED CROSS  
SOCIETIES :

G. Milsom  
*Under Secretary-General*

FOR THE  
INTERNATIONAL COMMITTEE  
OF THE RED CROSS :

D. de Traz  
*Deputy Executive Director*

## INTERNATIONAL COMMITTEE OF THE RED CROSS

### *MISSION TO THE FAR EAST*

The mission of the International Committee which left for the Far East on February 26, 1951, on board the aircraft "Henry Dunant"—painted in white with Red Cross markings and piloted by a "Swiss-Air" crew—included, besides the President and Madame Paul Ruegger, M. Alfred Escher, Personal Adviser to the President, Dr. Roland Marti, Medical Adviser, and Dr. Charles Bessero, Medical Delegate.

The mission, in agreement with the Central Government of the People's Republic of China, is proceeding to Peking, where M. Ruegger is to have discussions with M. Chou-en-Lai, Prime Minister and Minister for External Affairs, and with Madame Li Teh Chuan, President of the Red Cross and Minister for Public Health, on Red Cross matters of common interest in existing circumstances to the ICRC and the Chinese Government.

Madame Li Teh Chuan paid a visit to the International Committee in October 1950.<sup>1</sup>

The Government of North Korea, to which the President of the International Committee addressed himself by telegram (repeated by wireless), on January 5, 1951,<sup>2</sup> has not, up to now, replied to M. Ruegger's offer to go personally to North Korea, to examine with the Red Cross there questions relating to prisoners of war, and the possible creation of security zones, in the spirit of the new Geneva Conventions.

The "Henry Dunant" has taken with it a first consignment of medical supplies for the victims of war (wounded,

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<sup>1</sup> See *Revue*, Nov. 1950, p. 863.

<sup>2</sup> See *Supplement* for January 1951, p. 4.

prisoners of war, and civilians) in North Korea. These supplies have been provided in large part from a gift of the Swiss Federal Government, handed to the ICRC for distribution in full independence, in accordance with its traditional neutrality, to victims of the conflict in the Far East.

M. Ruegger intended to break the journey at Karachi and Delhi, to pay visits to the Governments of Pakistan and India, in both of which the ICRC recently brought to an end a relief program for the benefit of Bengal refugees.

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Three days were spent in New Delhi, where the President and Madame Ruegger were the guests of the President of the Indian Republic, Dr. Rajendra Prasad. M. Ruegger was also cordially received by the Prime Minister, Shri Jawaharlal Nehru and the Secretary-General of the Ministry of Foreign Affairs, M. Bajpai, with whom he had useful discussions.

Rajkumari Amrit Kaur, President of the Indian Red Cross and Minister for Public Health, arranged a meeting of the mission with the Committee of the Indian Red Cross, and invited the Chinese Ambassador, General Yuan-Chung-Hsien, to be present. Conversations with the Chinese Ambassador were continued at the residence of the Swiss Minister, and later at a dinner in the Chinese Embassy.

The mission has gone on to Bangkok, Hong Kong, and Peking.

*PRINCIPAL ITEMS OF INTEREST  
IN FEBRUARY*

*Korea.* — Since January 15, Delegates in South Korea have visited nine camps and hospitals and one civilian prison, namely :

January 15	Sub-Camp No. 3 (U.N. POW Camp No. 1).
February 12	U.N. POW Transit Camp, Taejon
» 12	U.N. POW Collecting Centre, Hayang
» 13	U.N. POW Transit Camp, Ch'ungju
» 13	8076th Surgical Field Hospital, Ch'ungju
» 15	Taijon Civilian Prison
» 19	POW Collecting Centre, 3rd U.N. Division
» 19	POW Collecting Centre, 15th Regiment
» 22-23	U.N. POW Camp No. 1. Pusan (Sub-Camps Nos. 3 and 5).

*Indonesia.* — Dr. Lehner, Delegate in Indonesia, visited Amboina Prison and Batu Gadjia Camp at Amboina on December 10, 1950. He arrived in Geneva on March 15 and is being replaced in Indonesia during his absence by Dr. Pflimlin.

*Greece.* — During the last few weeks Delegates have again visited the detainees in certain of the Islands. They also went to the Penitentiary in the island of Ghioura and the principal mainland prisons.

Since 1947, the ICRC has assisted the Greek population as a whole and particularly persons deported or imprisoned. With Government consent and the regular co-operation of the Greek Red Cross, Delegates have made more than one hundred visits to camps and prisons and distributed 136.429 kilos of relief to the detainees.

On March 2, the Delegate visited Kastoros Prison, in Epirus.

*Germany.* — M. Charles de Jenner, head of the Delegation in Germany, again visited Landsberg Prison (American Zone) on

January 5, and Werl (British Zone) on February 12. Many of the inmates in both are former German military leaders sentenced by Allied tribunals.

Following the visits, M. de Jenner had useful discussions with the British and American authorities, including the United States High Commissioner in Germany, Mr. J.J. McCloy.

*Central Prisoners of War Agency.* — Amongst the many duties of the Central Agency, particular importance attaches at the moment to the transmission of information about prisoners of war and men killed in action in Korea.

Since fighting began, the Agency has sent the Government of the People's Democratic Republic of Korea 16,400 photo-stats of capture cards, official lists naming 48,299 prisoners, and 4,829 dead.

The Agency has also forwarded to the Alliance of Red Cross and Red Crescent Societies in Moscow some 250 inquiries from the Japanese Red Cross about missing Japanese military personnel.

*"Volksdeutsche"*. — On February 7, 1951, 37,329 *Volksdeutsche* and East Germans, coming from Poland, passed through Friedland camp; on February 16, 1951, 14,954 *Volksdeutsche* from Czechoslovakia crossed the frontier at Furth im Wald. In both camps the ICRC arranged certain issues to the most needy.

*Courses for Doctors and Nurses.* — In order to have trained personnel ready for missions—especially medical—abroad, the ICRC organized one-month courses for doctors and nurses. The object is to have medical personnel familiar with traditional work and responsibilities under the Conventions. Two courses, attended by three doctors and twelve nurses, have taken place during February and March.

The program included general questions (history and organization of the Red Cross and of the ICRC; Conventions of 1929 and 1949, etc.)—and special activities (Central Agency, relief, and so on).

Practical work was varied with numerous visits—World Health Organization, League of Red Cross Societies, International Union for Child Welfare, International Refugee Organization and International Labour Office. Most of those who attended have returned to their ordinary occupations, but are ready to respond at short notice to any call from the ICRC.

Two of the doctors have gone on mission: Dr. Bessero with the President to the Far East, and Dr. Daulte to Indo-China, to assist M. Aeschlimann.

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*Visitors.* — Since the beginning of February, the ICRC received the following visits:

M. Toru Hagiwara, representing the Japanese Government at Paris, came to Geneva on February 15 to take part in the Shôken Fund meeting; Lord Killanin, Hon. Secretary, and Mr. A.N. O'Brien, Executive Secretary of the Irish Red Cross (who were on visit to the IRO), on February 16; M. Abdul Ghafour Charar, First Secretary at the Afghanistan Embassy at Paris, who was Delegate to the 1949 Diplomatic Conference, on February 28 and March 8; Madame Laura Martinez de Perez Peña, head of the Foreign Section of the Chilean Red Cross, accompanied by her son, on March 8.

## INTERNATIONAL PROBLEMS

### *RESTORATION OF THE RIGHT OF ASYLUM*

The right of asylum is as old as civilisation.

In Ancient Greece the word "Asylum"<sup>1</sup> meant places secure from pillage, such as temples and sacred woods. A man taking refuge there could not be brought out by force. Respect for the local divinity ensured absolute protection.

The custom was maintained by Rome and jealously defended by the Church, which, during the invasions and wars which accompanied the fall of the Roman Empire, tried to give effect to the humane principles of Christianity.

In 511, the Council of Orleans, with the approval of Clovis I, King of the Franks, proclaimed the right of asylum, allowing fugitives to escape private vengeance by seeking refuge in a church.

The annals of the VIth century repeatedly mention Gregory of Tours and his courageous efforts to preserve those who took refuge in the Basilica of St. Martin.

As authority began to be restored, the absolute right of asylum became subject to restrictions, varying with the person and the guarantees secular justice was prepared to offer. In an organized State, responsible for public order, the Church could obviously not protect criminals or evil-doers from legal arrest; but at least it could ensure that they would be protected against inhuman cruelty. Asylum was waived when guarantees against death, mutilation and torture had been sworn on the Gospel. This practice is worth noting; it represents a first essay in humanitarian law. The Church postulated, as the foundation of this law, the dignity of man, created in the image of God.

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<sup>1</sup> ἀ = no + σάλη = pillage.

When customary law was codified in France, early in the XVIth century, the right of asylum in churches finally disappeared, the suppression, in agreement with the Papacy, extending to all European States.

The development of society and the firm hold acquired by laws had by then, in a general way, put an end to private vendettas and internal wars. The individual was face to face with the State, which acted by established rules, applied according to a legal system. Already, legal opinion was contributing to the evolution of law.

The French Ordinance of 1539 recognized as inviolable only the Royal palaces, Ambassadors' residences and—a rather curious survival—the Temple, a former convent of the Knights Templar, to whom the Hospitalers of St. John of Jerusalem had succeeded and whose house became the Grand Priory of France. Until 1789, the great enclosure of the Temple was a place of shelter for insolvent debtors. The right of asylum there was not abolished until the Revolution, when, ironically, the Tower of the Temple, which had protected the King's least worthy subjects, served as a prison for the blameless Louis XVI.

In 1811, Napoleon, at the height of his power, razed the Tower, doubtless to obliterate its associations and emphasize the fact that times had changed. The French Revolution had inaugurated a new system of law, stated in the *Code civil*, as the 1539 Ordinance had codified customary law.

Impregnated with the ideas of the eighteenth century philosophers, the new Code was promulgated "in the name of the fraternity which should unite all men, and of the sacred and inviolable laws of humanity".

The first Article of the Declaration of the Rights of Man and of the Citizen stated: "All men are born free and equal before the law".

Although not founded on the theological concepts on which, in an earlier age, the right of asylum had been based, the law introduced by the Revolution did not the less insist on the principle of respect for the human person. It even extended the previous law in many respects. Foreigners were no longer subject to certain restrictions which had until then been

imposed upon them. They could sue in civil cases, and inherit in the event of intestacy, the right of escheat—succession by the Crown—being abolished. However, while freeing them in this respect, the new legislation imposed in 1792 a fresh obligation, that of passports—an obligation which was to be maintained in France and to spread throughout the world.

It was not likely that such a transformation of the law should leave the idea of asylum untouched.

The right of asylum had gradually disappeared in the form established by the Church, and customary protection by the State was now substituted for the divine protection formerly conferred on those who sought refuge in places of worship.

The law of asylum had ceased to be a right which the individual exercised in the name of principles superior to the law of the State, and became a right which the State itself exercised for the benefit of the individual, in accordance with humanitarian ideas. The distinction is important.

The right of asylum, a prerogative of the State, must be seen first as one of the rules applicable to the admission of aliens in a given territory.

Has the State a sovereign right to make such regulations? or is it limited by the duty of considering aliens as fellowmen, by international usage, and in courtesy to other States?

Asiatic countries hold firmly to the first thesis; the second has come to be more and more widely recognized in the rest of the world and has finally prevailed in International Law. In 1888, the International Law Institute declared: "In principle, each sovereign State is entitled to regulate the admission of aliens, according as it deems fit"; it added, in 1892: "Humanity and justice require that the State, in making such regulations, must, in so far its own security allows, respect the rights and liberty of aliens who wish to enter its territory".

The existence of a right of the individual, as against the right of the State, is here suggested. But the right of the individual is subordinate to the State's security rights.

From this theory derive the general rules governing asylum on board warships and in diplomatic premises, as well as extradition and expulsion.

In its 1898 Regulations, the International Law Institute forbids local authorities to interfere in happenings on board warships (Article 15). All authorities seem agreed that on warships, representing the sovereign power of the State, the right of asylum can be invoked as on the territory of the State itself.

The same applies to embassies, legations and their offices, in virtue of the principles of extritoriality.

It is clear, however, that, in the absence of special agreement, the right of asylum should not apply on board warships or in diplomatic premises, except under the same conditions as apply in the territory of the State itself in regard to extradition treaties.

Extradition, for all practical purposes unknown during ancient times and in the Middle Ages, while the right of asylum was still applied in its original form, began to be recognized in the XIVth century. It was more often used against political refugees than in their favour. Rulers agreed to exchanges of their political adversaries. It was thus that Peter the Cruel, King of Castile, handed over to Don Pedro, on his accession to the throne of Portugal, the murderers of Inez de Castro, whom Pedro forthwith executed in the most barbarous manner.

The theory of extradition has since developed. In the XVIIIth century it became the unchanging rule to refuse extradition in political cases, but to make it the rule in cases of common law misdemeanour. "The knowledge that there is no place on earth where crime will remain unpunished", wrote Beccaria (*Treatise on Crime and Punishment*, par. 25) "would be a most effective means of preventing it".

Apart from extradition, regulated by inter-state treaties, States have the right to expel undesirables. This follows from the principle that the safety of the State is above any personal interest of the individual. International Law, however, places limits on the rights of expulsion enjoyed by sovereign States. In 1892, the International Law Institute proposed that expulsion should depend on a community and not a personal motive, that it should be justified *de facto* and *de jure*, and that there

should be the right of appeal to a judicial or administrative tribunal.

In spite of the evolution of law under the influence of legal opinion, the individual was still practically helpless as against the well-nigh omnipotent State. Even where refugees from political or religious persecution have always been most generously received, in France and Britain, for example, they are completely dependent on the decision of the State, and have no guarantees in their own right.

In England, under the Aliens' Act (1905), an alien shall be considered as an undesirable immigrant if he has been sentenced in a foreign country with which there is an extradition treaty, for an offence which is not political, and which for the country in question is an "extradition offence" in the sense of the Extradition Act of 1870. But if he can show that he is seeking admission either (1) to escape persecution or punishment for political or religious motives, or for a political offence; or (2) to avoid the risk of death, corporal punishment or imprisonment because of his religious beliefs, he shall not be refused simply because he is without resources and/or likely to become a public charge.

Moreover, the passport system, although it had fallen gradually into disuse before the first World War, and scarcely operated except in Russia, Turkey and Rumania, bound the would-be refugee, theoretically at least, very closely to his home country.

Such was the legal position before the first of the two World Wars, which—the second especially—have given the refugee problem and the question of the right of asylum a tragic urgency.

Between the two Wars, the League of Nations tried to codify, as international agreements, the existing regulations concerning the reception of refugees. Serious obstacles were the security requirements of States, and the principle of reciprocity in International Law.

The explanatory text of the French law approving the Refugee Convention of October 28, 1933, is instructive: "It is a matter in which the law, without creating a privilege for

the citizens of a given State, accords aliens the same treatment as citizens, on a single condition: reciprocity, whether by municipal law or by convention.

“ The object of the law is evident. The restriction it imposes is justified, but it could not be applied to refugees. In actual fact, a refusal, because of the absence of reciprocity, to accord an alien the same treatment as citizens, is nothing other than mitigated retorsion—an attempt to retaliate, in the person of its citizen, on a country which refuses to adopt as liberal a regime and accord reciprocity. On what country or Government can one retaliate in the person of a refugee? ”

Most refugees are *de facto* stateless. They have lost the protection of their home country, either by decision of the authority in power, or by their own choice, because they repudiate or fear this authority. Such persons are henceforth deprived of what, through the mutual respect of States, gave substance to their rights. These rights existing only in virtue of what attaches citizens to a given State, they entirely lose legal status and are completely without protection, as against the authorities in the country of reception.

There was an obvious need, therefore—especially in view of experiences during the second World War—of finding some other foundation for the rights of the individual as against the State. By a curious repetition of history, the idea was put forward anew that the individual, as such, had an inalienable right to recognition in law, independently of his allegiance to any given State. On December 10, 1948, the United Nations General Assembly proclaimed the Universal Declaration of Human Rights, Articles 14 and 15 of which read :

#### ARTICLE 14

- (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- (2) This right may not be invoked in the case of prosecution genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

## ARTICLE 15

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality, nor denied the right to change his nationality.

The Declaration, extremely important as it is morally and as a guide, is still, however, in its own terms, only "a common standard of achievement for all peoples and all nations". It has not yet become part of treaty law, and needs implementing by individual States. For this purpose the Human Rights Commission of the United Nations established a draft international Treaty on Human Rights.

The Draft was examined at Geneva in July, 1950, during the session of the Economic and Social Council; it was referred back to the Commission for amendment before submission to the General Assembly.

One of the objections to the Draft is its omission of the right of asylum. The Belgian Delegate, in particular, comparing the Draft to the Declaration, regretted the absence of any mention of asylum. Similar warnings had been expressed in the Human Rights Commission itself. The representative of the International Refugee Organization had pointed out that, in spite of the inclusion of an Article on the right of asylum in the Declaration, and although the Commission had decided to insert such an Article in the Draft or in a special Convention on the subject, nothing had been done.<sup>1</sup> In his opinion, the Commission should recognize the right of the individual to seek asylum; if it was not desired to mention this right in the draft, the Commission could recommend its inclusion in the draft Convention on the status of refugees.

The first of these suggestions is obviously preferable, from a humanitarian point of view, because it tends to affirm the right, and have the signatory States recognize it as belonging to the individual and prior to any implementing legislation.

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<sup>1</sup> Analytical Minutes, 153rd Meeting, United Nations Document E/C/N, 4/SR/153, p. 12.

Investigation of the question is being continued by the appropriate Commission of the General Assembly, which seems likely to follow the Economic and Social Council in inviting the Human Rights Commission to continue the study of new instruments and measures, to cover the other rights not dealt with in the draft international Treaty.

Thus, asylum, first of all individual and founded on respect for a religious idea, grew to be primarily a State prerogative, the State taking precedence always over the individual. The tendency now is to return to the individual right, valid as such in virtue of the respect due to the fundamental liberties of man.

It is to be hoped that the ancient rule will thus be revived, for the benefit of millions of persons ; there is no reason why it should not, while taking full account of what has been learned in the meantime.

Readers will no doubt follow with interest the discussions now in progress on this very important question.

The Geneva Conventions of 1949, signed by sixty-one Governments, give practical recognition to important inferences from the idea of respect for the human person, and are, as it were, a first application of the principles of the Universal Declaration of Human Rights.

The Conventions, designed to operate in time of war, having been adopted, the right of asylum, applicable at all times, may likewise be proclaimed and ratified. This can be brought about if the sense of human fellowship is strong and if good will, the indispensable concomitant of peace, is brought to bear.

*Henri Coursier.*

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

*SUPPLEMENT*

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# INTERNATIONAL COMMITTEE OF THE RED CROSS

## *MESSAGE TO PRESIDENT HO-CHI-MINH*

The ICRC, under the signature of Vice-President J. Chenevière, broadcast the following message twice, on March 22 and 23, 1951, to President Ho-Chi-Minh :

“ The ICRC, in Geneva, refers to the urgent letters it addressed to President Ho-Chi-Minh on November 25, 1949, and November 30, 1950. These letters were handed to representatives of the Democratic Republic of Vietnam, the first at Bangkok, the second at Bangkok and Rangoon.

“ The ICRC desires to inform President Ho-Chi-Minh that it has collected medical supplies for the use of victims of the present situation. These supplies are now due at Hanoi, where they will be in the charge of two of the Committee's Delegates, M. W. Aeschlimann and Dr. Alain Daulte. These Delegates are prepared, in the name of the ICRC, to assist prisoners, internees and civilians in the spirit of the Geneva Conventions, and have been instructed to discuss with the authorities and Red Cross organization of Democratic Vietnam how best they can arrange to do so.

“ The Committee therefore earnestly requests President Ho-Chi-Minh to issue instructions which would allow contact to be made in the very near future and lead to practical results.

“ The Committee attaches the greatest importance to establishing with the authorities and Red Cross of Democratic Vietnam, the relations which are necessary for the relief of the victims of the present events ”.

\* \* \*

On his way back to Geneva from Peking, M. Paul Ruegger, President of the International Committee, called at Hanoi and Rangoon. In both these cities he left a message to the address of President Ho-Chi-Minh, stating that a large consignment of medical supplies, a gift of the ICRC, was due to arrive at Hanoi. The supplies are for the use of civilians, prisoners of war, and the wounded and sick, and are to be forwarded wherever President Ho-Chi-Minh indicates. The operation will be supervised by Dr. Roland Marti, Medical Counsellor to the ICRC, who took part in the mission to Peking.

M. Ruegger, renewing the message broadcast by the Swiss Radio on March 22 and 23 and repeated by the French Radio on March 26, expressed the hope that all facilities would be accorded both by President Ho-Chi-Minh and the French Authorities to ensure the success of the operation, and added: "I rely on the humanitarian spirit of both parties, whom I address in the name of the International Committee of the Red Cross".

The message was again repeated by the Swiss short-wave service on April 1 and 2, 1951.

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*MESSAGE OF THE ICRC TO  
THE SIAMESE RED CROSS SOCIETY*

(April 1, 1951)

On the occasion of Thai Red Cross Day, I am happy to convey to the Siamese Red Cross the warmest greetings of the International Committee of the Red Cross. Our Committee, founded in Geneva in 1863, which had the privilege a year later of initiating the Red Cross and of seeing since then our common ideal spreading throughout the world, takes joy and pride in the efforts, achievements and development of the Siamese Red Cross. A few weeks ago, thanks to the kindness of H.R.H. Prince Chumbot and his able assistants, I had the privilege of visiting the headquarters and hospital of the Red Cross Society of Siam. The members of my mission and I myself were deeply impressed not only by the achievements and the program of your National Red Cross Society, but above all by the true spirit of charity and human solidarity which inspires its work. As was so eloquently recalled by H.M. Queen Rambhai Barni in her broadcast message a year ago, the contacts between the International Committee and its delegates, and the Siamese Red Cross have been close, in war and in peace. They will remain so in future, at a time when the Red Cross can achieve so much by its patient service of brotherhood, in promoting the cause of understanding between the nations.

In the hope that Siam will soon also adhere to the revised and new Geneva Conventions for the protection of war victims, thereby renewing the pledge of the Siamese people to the Red Cross ideal, I express our heartfelt wishes for the ever greater progress of the Siamese Red Cross Society.

*(Signed)* Paul Ruegger.

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## PRINCIPAL ITEMS OF INTEREST IN MARCH

*Mission to the Far East.* — The ICRC mission composed of the President and M<sup>me</sup> Paul Ruegger, M. Alfred Escher, Personal Adviser to the President, and Dr. Roland Marti, Medical Adviser, reached Peking on March 14, the fifth member, Dr. Charles Bessero, Medical Delegate, remaining at Hong Kong.

*China.* — During its stay at Peking, from March 14 to 22, the ICRC mission had full discussions with M<sup>me</sup> Li-Teh-Chuan, Minister of Health and President of the Chinese Red Cross, and with the Committee of the Society.

The President of the ICRC also had a long exchange of views with M. Chou-en-Lai, Prime Minister and Minister for External Affairs of the People's Republic.

*Vietnam.* — The mission broke its journey at Hanoi and Rangoon. In both, M. Ruegger left a new message to the address of President Ho-Chi-Minh, to inform him that a consignment of valuable medical supplies, a gift of the ICRC, was due to arrive at Hanoi for the benefit of civilians, prisoners of war, and the wounded and sick. Dr. Roland Marti, Medical Adviser, who was with the mission, joined the ICRC Delegation which is at present at Hanoi, in order to supervise disposal of the supplies.

M. Ruegger also met General de Lattre de Tassigny and M. Huard, Chairman of the Hanoi Committee of the French Red Cross.

*Siam.* — At Bangkok, a visit was paid to the Siamese Red Cross, whose President is H.M. Queen Sawang Wadhana, and Vice-President H.R.H. Prince Chumbothongs Paribatra. In the company of Prince Chumbothongs, the Secretary-General, Phya Srivisar, and the ICRC Delegate, M. Salzmänn, M. Ruegger visited the headquarters and hospital of the Siamese Red Cross at Bangkok.

*Burma.* — At Rangoon, M. Ruegger met Sir Ba U, President of the Burmese Red Cross.

*India.* — At New Delhi, M. Ruegger met the Prime Minister, Mr. Nehru, and Madame Rajkumari Amrit Kaur, President of the Indian Red Cross and Minister of Public Health.

*Pakistan.* — At Karachi, the President met the Secretary for External Affairs, M. Ikramullah, and made contact with the Pakistan Red Cross.

*Greece.* — In Athens, M. Ruegger met M. Georgacopoulo, President of the Greek Red Cross.

*Italy.* — In Rome, M. Ruegger met Professor Mario Longhena, President of the Italian Red Cross, and Dr. Minnucci; he was also received by the Swiss Minister, M. Enrico Celio.

The mission returned to Geneva on April 4. M. Ruegger held a Press conference at headquarters on April 9, during which he explained the purpose of the mission and outlined the results. A detailed account of the Press conference will be found below.

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*Mission to the United States.* — M. R. Gallopin, Executive Director, and M. Max Wolf, Counsellor, were in the United States on mission, between January 30 and March 23, and made contact with the American Red Cross and Governmental representatives.

*Korea.* — Delegates in Korea visited the female prisoners' compound of Camp No. 1 at Pusan on February 24; on March 3, the Sub-Camp of Camp No. 1, and, the same day, the 14th Field Hospital at Pusan. Official permission having been received to visit the prisons and see the detainees, visits were made on March 10 and 14 to the Civilian Prisons of Taegu and Pusan.

*Burma.* — On February 21, the Delegate in Burma visited Japanese military personnel detained in Rangoon Central Prison.

*Greece.* — On February 28, 1951, the Yugoslav Red Cross informed the Committee and the League of Red Cross Societies that it was ready to repatriate a second group of Greek children who had been claimed by their parents in Greece. A joint Delegate of the Committee and the League left at once and was present at the Greek frontier on March 14, when fifty-four of the children entered Greece. He accompanied them to Salonika, where they were accommodated for the moment in a home, and then handed over in his presence to their parents.

The Committee's Delegate in Greece visited the Averov Prison at Athens on February 15 and 28.

*"Volksdeutsche"*. — The re-grouping of families is continuing. By March 31, 43,587 "Volksdeutsche" and Eastern Germans from Poland had been registered at Friedland Transit Camp. On March 16, the 45th "Volksdeutsche" convoy passed through Furth im Wald Camp, bringing to 16,099 the number of those who had come through from Czechoslovakia to join relatives in Germany.

As previously, a certain quantity of relief was issued to whose most in need in the two camps.

*Relief to "Volksdeutsche"*. — Further sums were transferred to the German Red Cross at Hamburg and Munich to continue relief to "Volksdeutsche" from Poland and Czechoslovakia.

The German Red Cross at Hamburg received 25,000 DM for making up parcels of toilet articles, as well as 372,800 razor blades and 6,120 tooth brushes, to a total value of 8,000 Swiss francs, for inclusion in parcels to be issued in Friedland camp.

At Munich, 15,000 DM were given for the purchase and issue of clothing in Furth im Wald Camp and 5,000 DM for issue in cash to German ex-prisoners arriving in the camp in a destitute condition.

*Germany.* — The Berlin Delegation was asked by the Children's Relief Section of the Swiss Red Cross to arrange a convoy of pre-tuberculous children in Berlin. Under the auspices of the Society, thirty children from the Western Sectors, chosen by the Society's doctor, will be given a four-months stay in Swiss Red Cross sanatoriums and preventoriums.

In March, the Delegation received three kilos of streptomycin, a gift of the Swiss Relief Fund for Europe ; it was used for children with tubercular meningitis in Eastern Germany.

The Delegation also handed the Public Health authorities in Eastern Germany, for issue in the hospitals, a series of new pharmaceutical products, including aureomycin and hydergin.

*War Invalids.* — Amongst relief given by the War Invalid Section during the month of March were ten mechanical chairs for disabled war invalids—six Italian and four Greek.

\* \* \*

*Visitors.* — On March 13, M. César Charles Solamito, Counsellor of Legation, and Private Counsellor to H.R.H. Prince Rainier III of Monaco, visited the ICRC, and, on March 21, M. Tsatsos, Counsellor to the Greek Red Cross.

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*PRESS CONFERENCE, GENEVA, APRIL 9, 1951*

*STATEMENT BY M. PAUL RUEGGER  
PRESIDENT OF THE INTERNATIONAL COMMITTEE  
OF THE RED CROSS (ICRC)*

(1) I should like to speak to you about my recent mission to the Far East, under the following headings :

- (a) My visit to the Chinese Red Cross, which was approved and encouraged by the Central People's Government in Peking, and its Prime Minister, Mr. Chou-en-Lai.
- (b) The efforts of the International Committee of the Red Cross to assist victims of the war in Korea, particularly in North Korea.
- (c) The steps taken, as always on purely humanitarian lines, during my return journey for assistance to victims of the hostilities in Vietnam.
- (d) Finally, my visits to the Red Cross Societies and Governments of countries of Asia signatories to the revised and new Geneva Conventions, or in sympathy with the Red Cross movement.

(2) First of all, I should like to speak about questions regarding specifically China and the Chinese Red Cross.

On January 5, I cabled, in the name of the International Committee at Geneva, to the North Korean Minister, offering, as you know—and this was an unprecedented step—to go myself and meet the North Korean Government, in order to discuss with them, in the spirit of the Geneva Conventions, ways and means of protecting the victims of war in Korea, prisoners of war, the sick and wounded of the armies in the field, and civilians. As a matter for discussion, I suggested again—as the International Committee had already done in July, 1950—the creation of safety zones for the protection of

civilian non-combatants (children, women and old people), and referred to the safety zones created in Palestine by the Geneva Committee, which undoubtedly saved thousands.

The Chinese Government and the Chinese Red Cross had been made aware of my offer. In a cable to Mr. Chou-en-Lai, Prime Minister and Minister for Foreign Affairs in Peking, I had stressed that, *in any event*, whatever the decisions of the North Korean Government might be, the ICRC and I attached the greatest importance to personal contacts with the Chinese Red Cross and the Chinese Government. Naturally, the Presidency of the Chinese Red Cross was similarly informed.

(3) I must state that both the Chinese Government and, previously, the Government of the Soviet Union, to which I had appealed as the Governments of States neighbouring on North Korea, had declared their inability to exercise pressure on the North Korean Government, considered as a Government of a sovereign State, with a view to its acceptance of ICRC missions in North Korea, for the discharge of the Committee's traditional wartime activities.

(4) However, the Chinese Government and the Prime Minister personally had accepted my proposal of a visit to the Chinese capital. The importance of personal contacts between the ICRC, as founder organization of the Red Cross, and the Chinese Red Cross, is obvious, and was well worth the effort of a journey to Peking.

The object of the proposed mission was to discuss with the Chinese Red Cross and the Chinese Government questions of mutual concern to the ICRC, the Chinese Red Cross and the Chinese Government.

(5) I am happy to say that, along these lines, the talks between my mission and the Chinese Red Cross, presided over and led in a most active manner by Madame Li-Teh-Chuan, Health Minister in the Central People's Government in Peking, have been *most satisfactory*. We covered together, and in a constructive spirit, the whole ground of Red Cross work of

mutual and of general interest. We frankly explained our views; we registered the suggestions and proposals made by the Chinese Red Cross in Peking.

(6) I have already informed you about the very positive attitude of China as regards the revised and new Geneva Conventions of August 12, 1949. Not only has there been not the slightest sign of unwillingness to accept the principles embodied in these Conventions—as has been most erroneously and regrettably stated in uncontrolled press reports—but the desire has been formally expressed, on behalf of those concerned, that the Geneva Conventions should receive, as soon as possible, universal approval and application. (As you know, these Conventions have been ratified, until now, by eight of the 61 signatories, France and India being the first and, so far, only large States to have announced their ratification.)

Under the personal impulse of Madame Li-Teh-Chuan, President of the Red Cross and Health Minister in Peking, the considerable work of translating the four revised and new Geneva Conventions into Chinese, has already been completed in draft—a most promising fact.

In general, I found in China very great interest regarding the preparatory legal work carried out, during recent years, by the International Committee in Geneva, and as regards recent and previous publications of our Committee. It will be our endeavour to assist the Chinese Red Cross in establishing in Peking one of the most complete and up-to-date Red Cross libraries in Asia, and to help, as far as possible, in the diffusion of Red Cross principles.

(7) During our talks in Peking, our mission was fully informed about the program, present activities and endeavours of the Chinese Red Cross. Following the events of the last years, this Society has passed through a period of reorganization. It felt it had to concentrate, at first, on interior problems of assistance and Red Cross work within the vast country of China. Local branches and chapters are being developed under the impulse of the President, Madame Li. We have been

informed that the Red Cross idea is spreading also in the groups of the Junior Red Cross.

A great task of the Red Cross is assistance following natural calamities, like floods and drought. Vast stand-by organizations are said to be developed. The principle that guides the Chinese Red Cross— this was explained by the Vice-Chairman— is that of self-help. Nevertheless, I could not but feel personally that in future years, there might be here a field of action for international solidarity, not in the form of outside assistance, but in that of a sort of “international insurance”, as contemplated already in the Statutes of the “International Relief Union”, created by an international Convention, signed in Geneva in 1927, at the suggestion of the Italian Senator Giovanni Ciraolo.

I felt myself—and still feel—that the continued existence of this Convention must be defended (as I have endeavoured to do), also against the efforts at simplification of the United Nations and the Economic and Social Council, who, so far, have made no constructive proposal for continuing the program of this institution, which might be beneficial indeed, and the underlying idea of which has been felt as a necessity, recently expressed again, though in a different form, in the program of the British Labour Party, published in 1950.

I may recall that, under the Statutes of the International Red Cross, mutual assistance, following natural calamities, is within the scope of the International Committee, as well as of the League of Red Cross Societies.

Having heard about the present endeavours of the Chinese Red Cross, in which, naturally, the ICRC takes the greatest interest, as in duty bound under its Statutes, our mission, for its part, informed the Chinese Red Cross about our recent and present activities in the field, particularly in the continent of Asia—our work, for instance, during the hostilities in Indonesia, in Vietnam, as well as in Palestine; also the relief activities carried out in the spirit of the Statutes of the International Red Cross, together with the League of Red Cross Societies and the Society of Friends—for the benefit of the homeless civilian refugee population in Palestine; finally, the recently

concluded work of four ICRC medical teams, sent out to Bengal at the formal request of the Governments of India and Pakistan.

We have given proofs—and I consider this as most essential—that the activities in the field of the International Committee, as founder organization of the Red Cross, have been, and are carried out in a spirit of absolute neutrality—which is guaranteed by the composition of our Committee—but also with complete impartiality; that we never cease to invoke the universality of the Red Cross; that we act in entire independence of every State, and every association of States, even the United Nations.

We of course amply discussed the problem of Korea; to this I shall refer presently.

Here and now, I will only state that the impartial, neutral independent position of the ICRC has been fully understood in Peking.

(8) Together with the Chinese Red Cross, my mission examined ways and means of rendering closer—as is our mutual, earnest desire—existing ties between the Red Cross Society of China and the International Committee in Geneva. We have agreed to make every endeavour to reach this end.

Our exchanges of views on Red Cross matters will become more extensive and more frequent.

My invitation, extended to the Board of the Chinese Red Cross, to send one of its members or senior officials to our headquarters in Geneva, has been accepted in principle. We shall welcome, when the time comes, this guest from China, as we have welcomed those representatives of Red Cross Societies (in the last place, a member of the Iraqi Red Crescent) who, working with us, will become more familiar with the intricacies of Red Cross work in the international field.

The Chinese Red Cross knows further that we shall always welcome—and most warmly—Red Cross missions they may wish to send to Geneva.

Finally, we examined the possibility of strengthening our delegation in China. Nothing is more erroneous and regrettable than the press information saying that China had refused admission to a delegation of our Committee. As a matter of

fact, the International Committee has relied, also during the last years, on the services of a honorary delegation in Shanghai, whose office is always open. We are considering now the possibility of appointing a full-time delegate to the Chinese Red Cross in Peking, and feel assured that this proposal will find a sympathetic response, although final arrangements have not yet been made on either side. In the meantime, the ICRC is prepared to send one of its members or leading officials to Peking on a temporary special mission.

(9) Questions of mutual interest to China and the ICRC are too numerous to allow of detailed specification. I should like to mention, however, the earnest request of the Japanese Red Cross for early repatriation of some 300 Japanese nurses, stated to be still in China. My request on behalf of the Japanese Red Cross has had a sympathetic hearing. The case of these nurses is under survey; I have been assured of earnest consideration of my application, though it is stated that some of these nurses are willing to continue their work in charitable institutions in China.

Similarly, I have put before the Chinese Red Cross, as before the Chinese Government, the question of the return to Japan of Japanese subjects (former military personnel), who are stated to be still in China. This request has been made in the spirit of the Geneva Conventions.

\* \* \*

(10) I finally should like to aid, under this heading of my report on my Red Cross mission to China, that I feel more convinced than ever of the great importance for the International Red Cross to be able to count on the expression, within the framework of our organization, of the ideas of human solidarity which are part of the heritage of the ancient and always revived Chinese civilization. We all need the contributions of the thought and heart of Asia.

I repeat—formally denying all reports to the contrary—that my contacts and talks in Peking with the Presidency and

the Board of the Chinese Red Cross have been most encouraging. An atmosphere of mutual understanding and confidence has been indeed established.

## II

(11) As regards the endeavours of the ICRC in Korea, which started on the day after the outbreak of hostilities, I refer to the long series of public communications already issued by the International Committee.

The ICRC has sent 24 cables to the North Korean Government, offering its services and recalling the essential principles of the Geneva Conventions. It has made, it is universally known, countless endeavours, as in duty bound, with a view to sending delegates to Korea, to visit prisoners of war, and carry relief to the victims of hostilities in general. These endeavours were not only in conformity with the almost ninety-year-old traditions of the Geneva Committee; they were all the more necessary, the more indispensable in the spirit of the Geneva Conventions, as neither the North Korean nor the South Korean Governments have felt able to appeal to the services of neutral States, to act as "Protecting Powers" under the terms of the Geneva Conventions. The International Committee has done its best, and will continue to do its best.

(12) First of all, a few plain figures and facts. The Central Prisoners of War Agency in Geneva, instituted by the ICRC, has received from United Command in South Korea and transmitted to the adverse party 91,000 names of prisoners of war and deceased who had enlisted in the North Korean forces. The ICRC delegates, admitted to visit the North Korean prisoners of war and the Chinese volunteers fighting under North Korean colours, are regularly sending reports to Geneva, according to the provisions of the Geneva Conventions.

On the other hand, the North Korean Government has, so far, forwarded to Geneva two lists, including the names of 110

prisoners of war. Until now, despite repeated and earnest efforts, a record of which will be published in due course, no ICRC delegate has been able to get into touch with the prisoners of war taken by the North Korean Authorities.

(13) The disproportion is obvious. It has determined the International Committee to authorise its President to offer to go himself to North Korea, in order to discuss the application of the Geneva Convention relative to prisoners of war, as also a problem of primary importance—the protection of civilian non-combatants through the establishment of safety zones.

This message remained without response from North Korea, though it was stated that a reply could reach the President's mission during its stay in China. It has been repeated twice: on January 24, and again on March 19 by the International Committee in Geneva, during the stay of my mission in Peking.

In spite of this most deplorable silence, *I declare that the International Committee at Geneva is ready at any time, to send an authoritative representative to examine impartially and to discuss with the North Korean authorities and the North Korean Red Cross all feasible measures for the protection of war-victims, in the spirit of the Geneva Conventions.*

We earnestly believe, today as yesterday, that this is in the interest of the suffering Korean people as a whole, as well as of the prisoners of war in North Korean hands, and of all war-victims in that country.

\* \* \*

(14) The ICRC has been informed, as previously stated, that the Government of China did not feel able to interfere with the sovereign decisions of the North Korean Government in this respect.<sup>1</sup> Also, the mission of the ICRC to Peking was not primarily called upon to bring up matters outside the range of the most important direct relations between the

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<sup>1</sup> Similar statements had been made also on behalf of the Government of the USSR.

Geneva Committee, on the one hand, and the Chinese Red Cross and the Chinese Government, on the other.

However, the precise wording of the revised and new Geneva Conventions—in which China takes the greatest interest—provides for the possibility of action by Red Cross Societies and other welfare organizations. We have therefore requested the Chinese Red Cross—this also is an unprecedented step—to act for us as far as circumstances allow, and, at all events, in the Red Cross spirit which surely animates the Red Cross Society of China.

(15) We have been officially informed that the Chinese Red Cross Society wishes our Committee to exercise, as soon as possible, its traditional duties. It is only in the meantime, and at our explicit request, that the Chinese Red Cross is willing to act for us, and—I am sure of this—in the same Red Cross spirit which is ours.

We have therefore requested the Chinese Red Cross :

- (a) To distribute, on our behalf, the medicaments brought on our plane and those subsequently sent to Hongkong, to the war-victims in North Korea, wounded and sick of the armies in the field, prisoners of war and civilians, in equal proportions. Upon receipt of the usual reports which will be doubtless forthcoming, further medicaments will be sent by us to the Chinese Red Cross for war-victims in Korea.<sup>1</sup>

I wish to add, in this connexion, that the International Committee in Geneva—knowing that the Hungarian Red Cross was able to convey relief to North Korea—had already sent to the latter, from its own funds, medicaments to the value of 50,000 francs in Switzerland—a value which is multiplied in the Far East. We expect from the Hungarian Red Cross a detailed report on the distribution of these stores to the various categories of war-victims protected by the Geneva Conventions.

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<sup>1</sup> When we left Peking, this question was under consideration ; after our return to Geneva we communicated again with the North Korean Redcross on this subject.

The new gift, to be issued through the agency of the Chinese Red Cross, represents essentially a donation from the Swiss Federal Government for the war-victims in Korea, completed by an important contribution of the ICRC itself.

- (b) I have also requested the assistance of the Chinese Red Cross for the transmission of the *correspondence of war-victims*. The right to correspond is an essential solace for all war-victims, prisoners of war, civilians and their families. The work which has been traditionally carried out in this respect by the ICRC and its Central Agency in Geneva has received further confirmation in the Geneva Conventions. Here again, Red Cross Societies can assist the International Committee—pending possibility for the latter to act itself in North Korea, according to its traditions—and I have requested the Chinese Red Cross to assist us.

Practical ways and means to this end are under consideration. On our behalf, I have stated verbally and in writing that the ICRC was willing and anxious to organize a temporary relay station in non-belligerent territory in the Far-East, for instance at Macao, where it might be possible to centralize and exchange the messages of prisoners of war and civilians, coming, on the one hand, from South Korea and Japan, and, on the other, through the intermediary of the Chinese Red Cross, from North Korea.

We have particularly drawn the attention of the Chinese Red Cross to the system of the 25-word civilian message. Sent by millions during the last World War, on the initiative of Geneva, these have reassured countless families as to the whereabouts of their dispersed members.

I most earnestly hope that it will be possible to work along these lines in a near future.

- (c) We have also, verbally and in writing, asked the Chinese Red Cross to be, in the present circumstances, our intermediary in the search for official and private persons who are missing in North Korea, some of them since the out-

break of hostilities (for instance, the British Minister in Seoul, the Anglican Bishop, the French Chargé d'Affaires and his assistant, as well as a number of religious and other persons whose names have been handed in).

- (d) We have put forward the proposal—always pending the expected possibility for us to act ourselves—that the Chinese Red Cross should assist us in the transmission of food parcels to prisoners of war in North Korea.

We have further suggested that these food parcels should be sent and perhaps stocked in the same way as the medicaments brought by us, and sent for the benefit of the war-victims in North Korea.

- (e) We have offered to make, if required, every endeavour to visit and bring relief to Chinese civilians, interned in East Asia, following the present hostilities in Korea.
- (f) We have, verbally and in writing, fully set out and discussed the advantages of creating in Korea *Safety Zones*, under the terms of the Fourth Geneva Convention of August 12, 1949.

This Convention has, in fact, embodied the terms of a Draft Agreement for the protection of non-combatants—women, children, and old people—in *Safety Zones*.

From the outset of the hostilities in Korea, the ICRC has drawn the attention of belligerents to the importance and valuable possibilities offered by such *Zones*. The establishment of *Safety Zones* in the several areas of Palestine, during the hostilities in that region, saved thousands of lives and gave a real impulse to the proposals now set out in the Fourth Geneva Convention. We were convinced from the start, and are convinced, that the establishment of *Safety Zones* in Korea might preserve considerable portions of the civilians population from the ravages of war.

Our Committee's assistance will be always readily offered and given in connexion with the organization of such *Zones*, and we earnestly hope this repeated suggestion will be actively considered by all Powers concerned.

The sufferings of the civilian population in Korea are, indeed, by all accounts immense.

What we realize today was contemplated and feared previously already by the Geneva Committee, but also by the International Red Cross Conferences, particularly the XVIIth Conference held in Stockholm in 1948 under the presidency of Count Folke Bernadotte. Not only the use of non-directed missiles had then been deprecated, but also indiscriminate bombardment in general and its consequences.

The International Red Cross must make every endeavour and pursue its efforts for the protection of the suffering civilian populations. Only peace can end their suffering; but in the meantime, all available safeguards must be pressed, actively considered and realized by the Powers concerned.

Not all the points raised and discussed in Peking could, naturally, find definite solutions during our nine days talks. But it is most promising, indeed, that all these questions could be raised and discussed in a true Red Cross spirit. Good headway has been made.

I feel convinced of the great part the Chinese Red Cross can play on the Asiatic Continent in the fight against human suffering.

It was with deep satisfaction that I realized, during a long exchange of views with the Prime Minister and Minister for Foreign Affairs of the Central People's Government in Peking, that H.E. Mr. Chou-en-Lai showed the fullest understanding of the neutral, impartial and entirely independent efforts of the International Committee in Geneva.

In some ways, it is no more than a hopeful beginning, which will be pursued. The road for further discussion has, however, been opened.

I also wish to express the Committee's and my own gratitude to all those who have given our mission invaluable assistance. Our thanks are due chiefly to the Swiss Federal Government for their substantial grants of medicaments for the war-victims in North and South Korea; they are due in particular to M. Max Petitpierre, Head of the Federal Political Department, and President of the Geneva Diplomatic Red Cross Conference of

1949, who has given us his full support ; also to the Swiss Minister in Peking, M. Rezzonico, who, though not connected with the talks themselves, gave invaluable assistance for the arrival of our mission and in preparing the atmosphere of our conversations.

I also feel most indebted, for all the advice and support given, to H.E. the Prime Minister of India, Mr. Nehru, and to the President of the Red Cross of India, Rajkumari Amrit Kaur, on whose wise counsel I am always happy to count.

### III

I now come to a few facts relating to a very short visit to *Vietnam*, upon the return of our mission from China.

During the hostilities in Vietnam, the ICRC, which has a delegation on the spot, is also anxious to fulfil entirely its traditional duties. We think, here also, that medical assistance to the war-victims is a great necessity, and a large consignment of medicaments given by our Committee has already arrived at Haiphong.

The Committee had, previous to my arrival, appealed by wireless to President Ho-Chi-Minh, requesting facilities for the passage of these medical stores and a medical officer into the area held by his troops. I confirmed this by a new and personal broadcast message sent from Hanoi, and also had talks on our humanitarian endeavours with the French Commander-in-Chief, General de Lattre de Tassigny. Had it been possible to make the necessary arrangements in time, I would have gladly flown over part of these stores in our plane. As things stand, I have, in reinforcement of our local delegation, left in Hanoi our chief medical officer, Dr. Roland Marti, a Red Cross veteran of the civil war in Spain, and who, during the last World War, was in charge of the protection of Allied prisoners of war in Berlin.

I am hopeful that in the field of this bitter struggle in Vietnam, the Geneva Committee and its delegation will be, to a yet greater extent than heretofore, enabled to discharge its traditional functions, with the support of all concerned.

## IV

I should finally mention that our mission had the opportunity, during our journey, of renewing personal contacts with the Red Cross of the countries in Asia we passed through.

In Karachi, we had talks with the Red Cross and Government representatives of Pakistan, who have always largely supported the work and aims of our institution.

I have already alluded to India, where, during our stay in Delhi, my wife and I were the guests of the President of India, Dr. Rajendra Prasad, and where I was happy to visit again the Indian Red Cross, so inspiringly presided by Rajkumari Amrit Kaur.

In Bangkok, we visited the Siamese Red Cross, actively led by its Vice-President, H.R.H. Prince Chumbhot. I was requested to send a message from the Committee on the occasion of Thai Red Cross day.

Finally, upon our return journey, I was happy to establish personal contacts with the Burmese Red Cross Society and its President, Sir Ba U.

The importance of the Red Cross Societies of Asia, to many of which the ICRC has appointed delegates, need not be stressed. The part they are called upon to play in the present difficult circumstances is very considerable indeed, and they know they can always count upon the endeavours of the Geneva Committee.

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

*SUPPLEMENT*

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## INTERNATIONAL COMMITTEE OF THE RED CROSS

### *PRINCIPAL ITEMS OF INTEREST IN APRIL*

*Indonesia.* — On March 19, ICRC Delegates visited Amboina Prison and the prisoner of war camp at Batu Gadjja (Amboina) and on March 28, Macassar Prison in the Celebes.

*Afghanistan.* — M. G. Hoffmann, ICRC Delegate on special mission, went at the end of April to Cabul, to make closer contact with the Afghanistan Red Crescent, which is being constituted. He also had instructions to visit the authorities and discuss the question of ratifying the new Geneva Conventions. It will be recalled that Afghanistan was represented at the Geneva 1949 Diplomatic Conference and took an active part in drawing up the Conventions.

*Jordan.* — The ICRC Delegate visited Ramallah Prison on March 31.

*Greece.* — The Alexandra Prison, Volos, was visited on March 16, the Penitentiary on March 27, and three prisons at Corfu on March 27 and 28.

*“Volksdeutsche”.* — Since the movement to reunite the members of dispersed families began, 43,879 Volksdeutsche and “Polish Germans” have been transferred to Western Germany via Friedland Camp and, to March 16, 1951, 16,099 Volksdeutsche from Czechoslovakia have reached Furth im Wald transit camp.

*International Red Cross Conference on Refugees at Hanover.* — The International Committee was represented by a Delegation

of four at the International Red Cross Conference on Refugees, called at Hanover by the League of Red Cross Societies.

The German and Australian Red Cross Societies had desired this Conference, and, at the suggestion of the Swiss Red Cross, the decision to hold it was ratified by the session of the Board of Governors at Monaco in Autumn, 1950. The Conference met at Hanover from April 9 to 14, 1951. The Societies of the seventeen following countries were represented :

Australia, Austria, Belgium, Brazil, Denmark, France, Germany, Great Britain, Iceland, Italy, Netherlands, New Zealand, Norway, Peru, Sweden, Switzerland and the United States.

The international authorities and organizations represented included the American, British and French High Commissioners in Germany, the International Labour Organization and UNICEF.

Dr. Bohny, President of the Swiss Red Cross and Vice President of the Board of Governors of the League, acted as Chairman.

The Delegates spent a day and a half in visiting camps, centres and colonies for refugees and stateless persons in Germany. They heard statements of the German authorities on the problem of Eastern minorities transferred to the West, and of other refugees and non-German stateless persons in Germany. Speakers included the German Federal Minister for Refugees, Herr Lukaschek, the President of Lower Saxony, Herr Kopf, the Minister for Refugees in Lower Saxony, Herr Alberts, the State Secretary to the Federal Ministry for Refugees, Herr Schreiber, a Director of the same Ministry, Herr Middelman, and Dr. Lilje, Evangelical Bishop of Hanover.

The League and the ICRC submitted reports, and the German and Austrian Red Cross Societies supplied full information on their work in behalf of Refugees.

The Conference adopted twelve Resolutions, dealing with the necessity for the Red Cross to intervene in behalf of refugees, material and moral needs of refugees, youth assistance, co-ordination of relief, adoption and emigration, reunion of dispersed families, and legal assistance.

The Conference invited the ICRC to continue and extend its activities in this particular field.

The Committee's Delegation took advantage of its visit to Germany to meet the German Federal authorities at Bonn. It had talks at the Federal Chancellery, the Ministry for External Affairs and the Ministry for Refugees. The Delegation also visited the headquarters of the German Federal Red Cross Society at Bonn.

*War Invalids.* — A first consignment of twelve artificial limbs (six legs and six arms), ordered at Cairo for Arab amputees, was handed over at Jerusalem by the ICRC Delegate to the Union of Arab War Invalids.

*International Broadcast.* — The second International Red Cross programm, "A Century Later", was broadcast on May 8, anniversary of the birth of Henry Dunant. In addition to the ICRC and the League, fifteen National Societies took part.

*International Medical Organizations.* — On the initiative of the World Medical Association, a meeting took place on April 25 and 26 of representatives of the said Association, the World Health Organization, the ICRC, the League and the International Council of Nurses. The object was to secure closer co-operation between medical organizations and the Red Cross. The fullest support was promised to the ICRC, especially in wartime. Medical assistance for prisoners, dissemination of medical and therapeutic information in wartime, and the protection of civilians were also discussed. The meeting, which will be followed by others on similar lines, has done much to strengthen relations between the ICRC and the international medical organizations.

*Official Opening of Archives Building.* — On April 27, the new building which contains, amongst other records, the card indexes and files of the Central Prisoners of War Agency, was officially opened in the presence of the Geneva authorities and the Press. Professor Max Huber, Honorary President, M. Paul Ruegger, President, and several members of the International

Committee were also present. The representatives of the municipal authorities were greeted, on behalf of the Committee, by M. E. Chapuisat, member of the ICRC. After thanking the City and Canton of Geneva for associating themselves with the work of the Committee, M. Chapuisat explained the significance of these international archives, which have brought home, in a practical way, to millions throughout the world, the value of Red Cross organizations, and which are, he said, an honour to Switzerland and to Geneva.

After M. Thevenaz, administrative counsellor, had suitably replied on behalf of the authorities, the visitors were shown round the new building.

\* \* \*

*Visitors.* — Recent visitors included :

M<sup>me</sup> Lakshmy P. Krishnappa, of the Indian Red Cross ; a Delegation of seven Brazilian journalists ; Mrs. Nietsche, of the Californian Section of the American Red Cross, and M. Hector Blanco, Uruguayan Chargé d'affaires at Berne and Delegate of the Uruguayan Red Cross.

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*THE INTERNATIONAL COMMITTEE  
OF THE RED CROSS AND THE UNITED NATIONS*

**Resolutions adopted by the United Nations General  
Assembly in its Fifth Ordinary Session**

During its Fifth Session, the United Nations General Assembly adopted three Resolutions which called upon the services of the International Committee of the Red Cross and of the League of Red Cross Societies. The Resolutions concern :

I. — The repatriation of Greek Military Personnel at present in captivity in certain European countries.

II. — The repatriation of Displaced Greek Children.

III. — Measures for the peaceful solution of the problem of Prisoners of War.

The texts of these Resolutions, brought to the notice of the International Committee by the Secretary-General of the United Nations, and of the replies given by the Committee, will be found below.

**I. — REPATRIATION OF GREEK MILITARY PERSONNEL  
IN CAPTIVITY IN CERTAIN EUROPEAN COUNTRIES**

*Letter addressed on December 6, 1950, to the President of the International Committee by the Secretary-General of the United Nations. (This also concerns Point II.)*

(Translation)

Sir,

I have the honour to attach for the information of the International Committee of the Red Cross the text of Resolu-

tions entitled "Threats to the Political Independence and Territorial Integrity of Greece", adopted by the General Assembly in its 313th Plenary Meeting, December 1, 1950.

I have the honour to be,

Sir,

Your obedient Servant

(Signed) Trygve LIE

Secretary-General

#### TEXT OF THE RESOLUTION

*The General Assembly,*

*Having considered* the unanimous conclusions of the United Nations Special Committee on the Balkans concerning those members of the Greek armed forces who were captured by the Greek guerrillas and taken into countries north of Greece,

*Having noted* that, with the sole exception of Yugoslavia, the other States concerned are still detaining these members of the Greek armed forces without justification under commonly accepted international practice,

(1) — *Recommends* the repatriation of all those among them who express the wish to be repatriated;

(2) — *Calls upon* the States concerned to take the necessary measures for the speedy implementation of the present Resolution;

(3) — *Instructs* the Secretary-General to request the International Committee of the Red Cross and the League of Red Cross Societies to ensure liaison with the national Red Cross organizations of the States concerned, with a view to implementing the present Resolution.

REPLY OF THE INTERNATIONAL COMMITTEE  
OF THE RED CROSS

(Translation)

Geneva, January 12, 1951.

Sir,

The International Committee of the Red Cross has noted the text of the Resolution concerning the repatriation of Greek military personnel retained in captivity in certain European countries, adopted by the United Nations General Assembly in Plenary Meeting on December 1, 1950, and communicated in your letter of December 6.

The International Committee has the honour to inform you that the problem posed by this Resolution, which calls for its collaboration, is at present under examination. The Committee will, as soon as possible, communicate to you its conclusions as to the role it could usefully assume in helping to find a solution.

I have the honour to be,

Sir,

Your obedient Servant

(Signed) Paul RUEGGER  
*President*

II. — REPATRIATION OF DISPLACED GREEK  
CHILDREN

*Text of the Resolution communicated to the International Committee in the letter mentioned under Point I.*

*The General Assembly,*

*Noting with grave concern the reports of the International Committee of the Red Cross and the League of Red Cross*

Societies and of the Secretary-General, and particularly the statement that "not a single Greek child has yet been returned to his native land and, except for Yugoslavia, no country harbouring Greek children has taken definite action to comply with the Resolutions unanimously adopted in two successive years by the General Assembly",

*Recognizing* that every possible effort should be made to restore the children to their homes, in a humanitarian spirit detached from political or ideological considerations,

*Expressing* its full appreciation of the efforts made by the International Committee of the Red Cross and the League of Red Cross Societies and by the Secretary-General to implement General Assembly Resolutions 193 C (III) and 288 B (IV),

(1) — *Requests* the Secretary-General and the International Committee of the Red Cross and the League of Red Cross Societies to continue their efforts in accordance with the aforementioned Resolutions ;

(2) — *Urges* all States harbouring the Greek children to make all the necessary arrangements, in co-operation with the Secretary-General and the international Red Cross organizations, for the early return of the Greek children to their parents and, whenever necessary, to allow the international Red Cross organizations free access to their territories for this purpose ;

(3) — *Establishes* a Standing Committee, to be composed of the representatives of Peru, the Philippines and Sweden, to act in consultation with the Secretary-General, and to consult with the representatives of the States concerned, with a view to the early repatriation of the children ;

(4) — *Requests* the International Committee of the Red Cross and the League of Red Cross Societies to co-operate with the Standing Committee ;

(5) — *Requests* the Secretary-General to report from time to time to Member States on the progress made in the

implementation of the present Resolution, and requests the international Red Cross organizations and the Secretary-General to submit reports to the General Assembly at its Sixth Session.

REPLY OF THE INTERNATIONAL COMMITTEE  
OF THE RED CROSS

(Translation)

Geneva, January 12, 1951.

Sir,

We have the honour to acknowledge the receipt of your letter of December 6, 1950, bringing to the notice of the International Committee the text of the new Resolution concerning the repatriation of Displaced Greek Children, adopted by the United Nations General Assembly in Plenary Meeting on December 1, 1950.

The International Committee has noted this Resolution of the General Assembly and intends shortly to inquire from the different States directly interested in the question of the Displaced Greek Children, whether they agree, as far as the work of the Committee is concerned, to the new procedure suggested by this Resolution in order to reach a solution of the problem.

Should these States be unable to agree to the terms of the Resolution, the International Committee will not be in a position to accept it as a basis for a new and more comprehensive effort. In such case, it will continue, in agreement with the League of Red Cross Societies, to operate in the sense of the two Resolutions previously voted unanimously by the General Assembly.

The International Committee will not fail to inform you at the earliest moment possible of the result of this further démarche.

I have the honour to be,

Sir,

Your obedient Servant

(Signed) Paul RUEGGER  
President

### III. — MEASURES FOR THE PEACEFUL SOLUTION OF THE PROBLEM OF PRISONERS OF WAR

*Letter addressed on January 4, 1951, to M. Paul Ruegger,  
President of the ICRC, by Mr. A.D.K. Owen, Acting Secretary-  
General of the United Nations.*

January 4, 1951.

Sir,

In the attached Resolution "Measures for the Peaceful Solution of the Problem of Prisoners of War", adopted by the General Assembly of the United Nations at its 325th Plenary Meeting on the recommendation of its Third Committee (Document A/1749), I have been requested "to establish an *Ad Hoc* Commission composed of three qualified and impartial persons chosen by the International Red Cross, or failing that, by the Secretary-General himself, with a view to settling the question of prisoners of war in a purely humanitarian spirit and on terms acceptable to all the governments concerned".

During the discussions at the Third Committee my representative read the cablegram received in connexion with this question from your organization and from the League of Red Cross Societies. The League of Red Cross Societies stated that the question of prisoners of war was one of the essential prerogatives of the International Committee of the Red Cross, while you in your cablegram advised that the International Committee of the Red Cross could only accept a mandate from the General Assembly if all the interested governments agreed on the draft Resolution under discussion. Subsequently, my representative stressed the fact that there are two international organizations of the Red Cross. The Third Committee, nevertheless, decided to retain the term "International Red Cross" in the Resolution.

In view of the attitude taken by the Third Committee, I have the honour to make the request that the International Committee of the Red Cross and the League of Red Cross Societies, to whom I am addressing a similar note, proceed

jointly in choosing the three members of the proposed *Ad Hoc* Commission.

I have the honour to be,

Sir,

Your obedient Servant,

(Signed) A.D.K. OWEN

*Acting Secretary-General*

TEXT OF THE RESOLUTION

*The General Assembly,*

*Mindful* that one of the principal purposes of the United Nations is to achieve international co-operation in solving international problems of a humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all,

*Considering* that the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations,

*Believing* that all prisoners having originally come within the control of the Allied Powers as a consequence of the Second World War should either have been repatriated long since, or have been otherwise accounted for,

*Recalling* that this is required both by recognized standards of international conduct and the Geneva Convention of 1949 for the protection of war victims, and by specific agreements between the Allied Powers,

(1) — *Expresses* its concern at the information presented to it tending to show that large numbers of prisoners taken in the course of the Second World War have neither been repatriated, nor otherwise accounted for ;

(2) — *Calls upon* all Governments still having control of such persons to act in conformity with the recognized standards of international conduct and with the above-mentioned international agreements and conventions which require that, upon the cessation of active hostilities, all prisoners should, with the least possible delay, be given an unrestricted opportunity of repatriation and, to that end, to publish and transmit to the Secretary-General before 30 April, 1951 :

- (a) The names of such prisoners still held by them, the reasons for which they are still detained and the places in which they are detained ;
- (b) The names of prisoners who have died while under their control as well as the date and cause of death, and the manner and place of burial in each case.

(3) — *Requests* the Secretary-General to establish an *Ad Hoc* Commission composed of three qualified and impartial persons chosen by the International Red Cross or, failing that, by the Secretary-General himself, with a view to settling the question of the prisoners of war in a purely humanitarian spirit and on terms acceptable to all the Governments concerned. The Commission shall convene at a suitable date after April 30, 1951, to examine and evaluate, in the light of the information made available to the Fifth Session of the General Assembly, the information furnished by Governments in accordance with the terms of the preceding paragraph. In the event that the Commission considers that this information is inadequate or affords reasonable ground for believing that prisoners coming within the custody or control of any foreign Government as a consequence of military operations of the Second World War have not been repatriated or otherwise accounted for, the General Assembly :

- (a) Requests the Commission to seek from the Governments or authorities concerned full information regarding such prisoners ;
- (b) Requests the Commission to assist all Governments and authorities who so desire in arranging for and facilitating the repatriation of such prisoners ;

- (c) Authorizes the Commission to use the good offices of any qualified and impartial person or organization whom it considers might contribute to the repatriation or accounting for of such prisoners ;
- (d) Urges all Governments and authorities concerned to co-operate fully with the Commission, to supply all necessary information and to grant right of access to their respective countries and to areas in which such prisoners are detained ;
- (e) Requests the Secretary-General to furnish the Commission with the staff and facilities necessary for the effective accomplishment of its task ;

(4) — *Urgently requests* all the Governments to make the greatest possible efforts, based in particular on the documentation to be provided, to search for prisoners of war whose absence has been reported and who might be in their territories ;

(5) — *Directs* the Commission to report as soon as practicable the results of its work to the Secretary-General for transmission to the Members of the United Nations.

REPLY OF THE INTERNATIONAL COMMITTEE  
OF THE RED CROSS

(Translation)

Geneva, January 12, 1951.

Sir,

I have the honour to acknowledge the letter of January 4, 1951, signed by Mr. A.D.K. Owen, informing the International Committee of the Red Cross of the text of the Resolution adopted by the United Nations General Assembly in its 325th Plenary Meeting : " Measures for the Peaceful Solution of the Problem of Prisoners of War " (Document A/1749).

Mr. Owen requested the International Committee, in conformity with a provision of the said Resolution, to designate

jointly with the League of Red Cross Societies the members of the *Ad Hoc* Commission it has been decided to create.

Since the end of the second World War, the International Committee has done everything in its power to hasten the repatriation of prisoners of war, and you are no doubt aware of its efforts in this direction.

As we underlined in our telegram of December 10, 1950, on the same subject, the 1929 Prisoners of War Convention referred to repatriation, but, as the Armistice in many States has not been followed by a Peace Treaty, it failed to cover the situation which has arisen.

The actual words used at the end of the first paragraph of Article 75 of the Convention are : " In any case, the repatriation of prisoners shall be effected as soon as possible after the conclusion of peace ".

In spite of this difficulty, the Committee has repeatedly addressed itself to the principal Powers holding large numbers of prisoners of war. Drawing attention to the situation, it requested that repatriation be speeded up, and pointed out in this connection that, in the spirit of Article 75, prisoners of war should be sent home as soon as possible after the cessation of hostilities.

In the Conference of Government Experts which met in 1947 to study the revision of the Geneva Conventions, and during the Geneva Diplomatic Conference of 1949, the Committee constantly insisted on the need for modifying Article 75 of the 1929 Convention, in order to make it fully applicable, legally, to the situation which had arisen at the end of the second World War.

At Geneva, the Plenipotentiaries adopted this point of view, and the first paragraph of Article 118 of the new Prisoners of War Convention of August 12, 1949, reads : " Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities ".

The Committee will naturally continue to do everything in its power to secure the repatriation of any remaining prisoners of the second World War, until all have been enabled to return to their homes.

Here, as in all other circumstances, any action the Committee may take must be in conformity with its position as a specifically neutral and impartial body. In other words, it can only operate with the full agreement of the authorities in the interested States.

It was in this sense that, on September 12, 1939, the International Committee addressed a Memorandum to all Governments and Red Cross Societies, drawing attention to its special position, and defining the functions it could adopt when events take place which are likely to give rise to differences between States. In the third part of this Memorandum, the Committee pointed out that it could undertake an inquiry only if a specific mandate had been given it in advance by the Conventions, or by an *ad hoc* agreement between the interested parties.

As the Committee's position has not altered, I presume you will be interested to have cognizance of the text of this Memorandum, copy of which is attached.

It was in application of these same principles that the Committee replied, in its telegram of December 10, 1950, to the draft Resolution submitted by Mr. Martin Hill, that it could not nominate members of the proposed Commission unless all the Governments concerned consented individually or by *ad hoc* agreement.

Since then, the General Assembly has adopted the Resolution proposed by the Third Commission, despite the opposition of certain States.

The International Committee could not take part in the designation of the members of the *Ad Hoc* Commission, unless the conditions laid down in its Memorandum of September 12, 1939, are fulfilled; this does not seem to be the case, as the Resolution of the Assembly was not voted unanimously by the interested States.

I feel convinced you will understand the attitude of the International Committee, which is dictated by its anxiety to safeguard, in all circumstances, the neutrality and impartiality which are absolutely essential to it, and by the desire of doing nothing which might place obstacles to the traditional work it has unremittingly continued in its search for the missing.

We need scarcely add that the present decision will be communicated to the League of Red Cross Societies, which is already familiar with our point of view.

I have the honour to be,

Sir,

Your obedient Servant

(Signed) Paul RUEGGER  
*President*

## ANNEX

### MEMORANDUM

(Translation)

*Geneva, September 12, 1939.*

#### *The International Committee of the Red Cross and Violations of International Law*

## I

The essential task of the International Committee of the Red Cross in wartime is to fulfil the humanitarian obligations which fall to it either directly under the international Conventions (Art. 79, Prisoners of War Convention) or, in conformity with its traditions, under its own Statutes and those of the International Red Cross. The principal objective is to alleviate the evils of war by promoting and co-ordinating relief of all kinds to the victims.

In Draft Conventions, the National Red Cross Societies gave the International Committee the responsibility for setting up Control Commissions in certain cases, and if necessary, organizing the special body which would rule upon violations of the Conventions in specific cases. Under Article 4 of the Committee's statutes, it is likewise said that a special "aim and object" is "to decide on charges of alleged infractions of the Conventions, and, in general, to consider all questions which demand the opinion of a body neutral by definition".

## II

The functions, in regard to violations of the Conventions or any other action likely to be contested between belligerent Parties, which

the Committee might assume, should be exercised only insofar as they do not interfere with its positive humanitarian work, or render it more difficult. In any case, such functions should not absorb too much of its time and energy, nor, above all, risk compromising its reputation—which is indispensable—for impartiality and neutrality. (See attached article by M. Max Huber : “ The Red Cross and Neutrality ”, *Revue internationale de la Croix-Rouge*, No. 209, May 1936.)

During the first World War, the International Committee did not make inquiries into alleged violations.

Visits made to prisoner of war camps, to verify that the Conventions were being observed, were made at the request of both Parties.

In international conflicts after 1918, the International Committee sent complaints received from the Red Cross of a belligerent State to the Red Cross of the country complained of, asking the latter to formulate a reply. The Committee has always reserved the right to publish or not publish such documents.

In one case, the Committee endeavoured to apply Art. 30 of the Geneva Convention by arranging the constitution, with the assent of both Parties in conflict, of an Inquiry Commission. This attempt proved abortive.

### III

If the International Committee agrees to take part in an inquiry about an alleged violation of a Convention, or of humanitarian International Law, it would be on the following principles :

(1) — The Committee could and should not constitute itself into an inquiry commission or an arbitration tribunal, nor designate its members to inquire or arbitrate.

(2) — The Committee would limit itself to trying to find one or more persons qualified to conduct the inquiry, and, if called upon, to pronounce upon points raised by the contending Parties.

(3) — The Committee could not conduct an inquiry, or pronounce on questions if called upon to do so, except in virtue either of a mandate given by a Convention, or of an *ad hoc* agreement. Such agreement it could propose spontaneously, or at the request of one of the Parties. The conduct of the inquiry should furnish all guarantee of an impartial procedure which would give each of the Parties the means of defending its case.

(4) — If the conditions stated do not exist, but if a representative of the International Committee has become aware of acts which may constitute a violation of the Conventions or of the principles of law, the Committee shall be alone entitled to decide whether it shall reserve its Delegate's report, or if, and in what conditions, the report shall be communicated, for a response, to the Party complained of.

(5) — If a belligerent asks the International Committee to make an inquiry, no communication to the public by the Press or in any other way shall be made or authorized on the subject without the consent of the Committee.

(6) — The International Committee devotes itself to safeguarding humanitarian interests in all circumstances, principally in time of war and domestic disturbances. Its special mission, however, which takes priority over all others, is to watch over the interests protected by the Geneva Conventions for the Amelioration of the Condition of the Wounded and Sick, and for the Treatment of Prisoners of War, or any other Conventions proposed by the Red Cross.

If, therefore, the International Committee should be led to make inquiries in the conditions indicated above, such inquiries should bear principally on infractions of the Conventions. Inquiries on violations of the laws of war in general, and especially of regulations referring to methods of war employed, can only exceptionally enter this sphere of the International Committee's work.



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

*SUPPLEMENT*

June, 1951

Vol. IV, No. 6

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## INTERNATIONAL COMMITTEE OF THE RED CROSS

### *PRINCIPAL ITEMS OF INTEREST*

*Western Germany.* — On May 25, the first General Assembly of the German Red Cross since its official recognition by the Government of Western Germany was held at Bonn. The International Committee was represented by M. Martin Bodmer, Vice-President, and M. François Ehrenhold and M. Denis Favre, Delegates. A warm tribute was paid to the work of M. Ehrenhold for the "Volksdeutsche". The Committee's representatives also attended a reception given by the President of the Federal Republic, and a public meeting organized by the German Red Cross.

In the Western Sectors of Berlin, a relief scheme to help 25,000 needy old people has been completed. In co-operation with the Social Welfare Services, the Delegation provided each with a mixed parcel containing two kilos of food, including meat, milk, sugar, and margarine. The gift was made possible by the generosity of "Swiss Relief to Europe", the Swedish, Danish, and South African Red Cross Societies, and the American, British, and Canadian Society of Friends.

The Delegation also handed the Public Health Authorities 47,197 cases of cod-liver oil—a gift of "Norwegian Relief to Europe", which helped some 23,600 sick people.

*"Volksdeutsche"*. — Under the ICRC scheme for reuniting dispersed families, 340 "Volksdeutsche" from Czechoslovakia arrived at Furth im Walde Camp (Bavaria) on April 27 and 28, bringing the total who have passed through to 16,439; the total for Friedland Camp, which receives "Volksdeutsche" leaving Poland, stands at 43,922.

A new group of "Volksdeutsche" children from Jugoslavia crossed the Austrian frontier at Rosenbach (Villach) on April 17. It contained 239 children, of whom 172 have returned to relatives in Germany, and 67 in Austria.

*Greece.* — Relief to the destitute in Greece continues. In March, the Delegates at Athens visited the exile camp of Trikeri, the penal agricultural colony at Kassavetia, near Halmyros, and the prisons of Kardizza, Trikkala, Lamia and Larissa; in April, those of Amphissa, Thebes, Levadia and Chalkis, and at the beginning of May, Aegina Prison. Help, varying in amount according to needs, was given.

Ten cases of medical supplies and bandages, and 3,500 X-ray films of different sizes—the consignment worth in all 19,500 Swiss francs—were forwarded from Geneva.

*Displaced Greek Children.* — On May 24, at Salonika, 214 children claimed by relatives in Greece arrived from Jugoslavia. They were handed over to their parents in the presence of a special Delegate of the ICRC and the League.

*Korea.* — The Delegates in South Korea visited nine prisoner of war camps and one hospital during the month of May.

On June 1, the Committee cabled to the North Korean Government details of the location of prisoner of war camps; this information had been provided by Unified Command of the United Nations forces.

*Japan.* — After protracted negotiations, the transfer to Japan has begun of Japanese military personnel sentenced in the Far East for acts committed prior to war captivity. Those from Hong-Kong arrived at Yokohama on May 17; others, including prisoners in Malaya and Burma, are expected to leave shortly.

*Vietnam (Indo-China).* — Seven prison camps and a hospital situated in the neighbourhood of Hanoi and Haiphong were visited during May.

As Dr. Roland Marti's mission to Vietnam was temporary only, M. Paul Kuhne, of headquarters staff, has been appointed to succeed him. M. Kuhne arrived in Indo-China on May 23.

*Salvador.* — The Committee has made a gift of 4,750 Swiss francs to the Salvador Red Cross for relief to victims of the recent earthquake.

*War-Invalid Relief* — The War-Disabled Section, has again provided funds amounting to 42,000 DM for the training of German war invalids. This money has been divided between five professional training centres in Western Germany, and used to purchase machines and tools for invalid workshops, and to provide facilities for greater numbers in each centre.

*Nursing Service* — The pamphlet "Some Advice to Nurses" was sent to all National Societies last October; it was designed for the use of nurses in wartime, printed in the same format as the identity card, and has appeared in seven languages.

To the Committee's knowledge, eight National Societies have reproduced the text in their official Reviews, and seven others have translated it into the national language and had it printed for general issue to nurses.

In general, the pamphlet has been very well received, not alone by the Red Cross, but also by the Medical Services of the armed forces. Several National Societies asked that the text be slightly modified for issue to other Red Cross medical personnel.

In addition, certain Medical Services wished to have an edition suitable for all medical personnel of the armed forces. A new pamphlet: "Some Advice to Nurses and other Members of the Medical Services of the Armed Forces", practically identical with the first, has therefore been edited. There are slight changes: the text has been broken up into headed paragraphs and some details added. It has also been published in three languages, in the identity card format and can be issued with advantage to all categories of medical personnel protected under the First Convention, namely:

- (1) — Medical Personnel of the armed forces employed exclusively in searching for, collecting, transporting, and caring for the military wounded and sick, or in the prevention of disease.
- (2) — Military Personnel dealing exclusively with the administration of medical units and establishments.
- (3) — Chaplains attached to the armed forces.
- (4) — The personnel of National Red Cross and other Relief Societies recognized by their Governments, employed on the same conditions as those listed under the first three headings, and subject to military laws and regulations.
- (5) — Temporary medical personnel while engaged on medical duties.

A number of National Societies have suggested that a third pamphlet for the use of Civilian Hospital Personnel, protected to some extent under certain clauses of the Fourth (Civilian) Convention, should likewise be prepared. This suggestion is at present being considered.

*Talks with National Society Delegates to League Executive Committee* — Several Resolutions of the Stockholm Conference made reference to the need for close collaboration between the International Committee and the National Societies. It is standard practice for the Committee's representatives, in any country to which they may have to travel on mission, to make personal contacts with officials of the National Society, and to discuss matters of common interest to the Societies and the ICRC. As such missions are comparatively infrequent, the Committee took advantage of the expected arrival at Geneva of National Society Delegates to the League Executive Committee and the Standing Commission of the International Red Cross Conference, to propose to the League that such Delegates should meet at the Committee's headquarters for informal discussions. The Chairman of the League Board of

Governors, Judge E. Sandstroem, gave his ready approval. Invitations were accordingly issued to the twenty-seven Societies concerned.

On May 14, 15 and 16, representatives of the following fifteen National Societies attended in response :

*Alliance of Soviet Red Cross and Red Crescent Societies*: Professor Pachkov, Vice-President ; Dr. Pavlov ; Mlle. Mikalevskaja.

*Australian Red Cross*: Lady Owen, A.R.C. representative in Great Britain.

*Brazilian Red Cross*: Mr. T. W. Sloper, B.R.C. Delegate in Europe.

*Chinese Red Cross*: Madame Li-Teh-Chuan, Minister of Health, President of the C.R.C. ; MM. Lin Schih Hsiao, Shen Yi, Chi Seng, and Yin Ming Chih.

*Greek Red Cross*: M. Mindler, Secretary-General.

*Iraqi Red Crescent*: Dr. Sabih Al Wahbi, Iraqi Delegate to the World Health Organization.

*Red Lion and Sun of Iran*: Mr. Hekmat, Vice-President ; M. Esfandiari ; M. Gharib, Counsellor of Legation at Berne, Delegate in Switzerland.

*Italian Red Cross*: M. Minucci, Director, External Affairs Section of the I.R.C.

*Jugoslav Red Cross*: Dr. Pavle Gregoric, Minister of Health, President ; Dr. Olga Milosevic, Secretary-General ; Mme. Milin.

*Mexican Red Cross*: M. J. J. G. de Rueda, Delegate to the Committee and the League.

*Netherlands Red Cross*: M. van Emden, Director.

*Polish Red Cross*: Mme. Domanska, First Vice-President and Head of the External Relations Section.

*Swedish Red Cross*: Judge E. Sandstroem, President, Chairman of the Board of Governors of the League.

*Swiss Red Cross*: Dr. H. Haug, Assistant Secretary-General.

*Turkish Red Crescent*: M. Ali Rana Tarhan, Vice-President ; M. Nedim Abut, Liaison Officer.

In a number of general and individual talks, the ICRC gave its visitors an outline of the most urgent current problems. The following subjects were dealt with: the 1949 Geneva Conventions (ratification, commentaries, diffusion); incidents

in the Southern Moluccas ; protection of German civil workers in France ; legal assistance to former German prisoners of war in France ; civilian relief in Germany ; refugees and " Volksdeutsche " ; relief given by the ICRC and the League in the Near East ; Korea ; unrest amongst refugees in Bengal ; assistance to detainees in Greece ; war invalid relief ; training of medical personnel and nurses.

Comments and suggestions made during the course of these talks were both useful and interesting, and amply justified the Committee's idea of holding them. The eleven Societies which were unable to send representatives expressed their lively interest in the initiative.

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*ANNUAL AUDIT OF ACCOUNTS FOR THE YEAR  
ENDED DECEMBER 31, 1950*

The Annual Accounts of the International Committee of the Red Cross are audited each year <sup>1</sup> by the « Société Fiduciaire Romande OFOR S.A. »

The Society's Report for the year ended December 31, 1950, is given below.

Gentlemen,

On your Committee's instructions, the undersigned firm of auditors, approved by the Swiss Federal Council and the Federal Banking Commission, has audited the Annual Accounts to December 31, 1950, of the International Committee of the Red Cross and of its subsidiary relief works.

On the basis of the vouchers, books and supporting documents placed at our disposal, we have made numerous spot checks and examinations of documents concerning the operating of the ICRC during the year 1950. The entries are in entire conformity with the supporting documents.

We then verified the Balance Sheet and the Statement of Income and Expenditure, as on December 31, 1950. These two documents are shown in annex. They are in entire conformity with the Committee's books and are an accurate record of its financial situation at the end of 1950.

All documents and information we asked for have been readily furnished.

We recall that we have already verified the Annual Accounts for 1950 of the various Special Funds entrusted to the International Committee, namely :

- The ICRC Foundation
- The Augusta Fund
- The Empress Shōken Fund
- The Florence Nightingale Medal Fund.

The auditing of these Accounts, which were found to be accurate, was the object of our special Reports of January 23 and 24, 1951.

Geneva, April 18, 1951.

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<sup>1</sup> See *Revue internationale*, English Supplement, June 1950, p. 97.

## INTERNATIONAL COMMITTEE

## ASSETS

## GENERAL INCOME AND EXPENDITURE

	To 1950 Sw. Fr.	To previous years Sw. Fr.	Total Sw. Fr.
<b>GENERAL OVERHEAD EXPENSES</b>			
Staff remuneration . . . . .	2,110,412.85	—	2,110,412.85
Family and cost of living grants . . . . .	149,613.40	—	149,613.40
Social Insurance (Old Age and State) . . . . .	93,837.65	265.75	94,103.40
Share in staff transport expenses (Geneva-Pregny) . . . . .	57,903.10	—	57,903.10
	<u>2,411,767.—</u>	<u>265.75</u>	<u>2,412,032.75</u>
Postage, telegrams, telephone . . . . .	79,712.09	84.—	79,796.09
Heating and lighting . . . . .	23,255.90	17.50	23,273.40
Office supplies . . . . .	35,825.72	0.78	35,826.50
Office equipment (purchase and upkeep) . . . . .	28,846.92	284.90	29,131.82
Equipment, supervision and upkeep of premises . . . . .	32,972.80	2,627.86	35,600.66
Upkeep of automobiles (cars and lorries) . . . . .	70,780.97	—431.51	70,349.46
Reception of visitors . . . . .	13,429.25	466.70	13,895.95
Press subscriptions, etc. . . . .	13,524.61	885.—	14,409.61
Travelling expenses, Switzerland . . . . .	21,413.40	2,356.10	23,769.50
Travelling expenses, abroad . . . . .	145,915.27	1,341.50	147,256.77
Printing and publishing, Revue, booklets, etc. . . . .	114,712.23	1,269.—	115,981.23
Wireless and films . . . . .	41,327.35	11.05	41,338.40
Allowance for expenses, members of the President's Office	48,110.—	—	48,110.—
Red Cross Conferences and Meetings (including 25,000 francs for XVIIIth International Red Cross Conference) . . . . .	44,692.25	—	44,692.25
Sundry . . . . .	44,939.05	4,055.98	48,995.03
<i>Total</i>	<u>3,171,224.81</u>	<u>13,234.61</u>	<u>3,184,459.42</u>
<b>DELEGATIONS</b>			
Staff remuneration . . . . .	321,161.10	—896.11	320,264.99
Travelling expenses, insurance, Delegates' maintenance and overhead of Delegations . . . . .	1,011,702.03	1,817.98	1,013,520.01
<i>Total</i>	<u>1,332,863.13</u>	<u>921.87</u>	<u>1,333,785.—</u>
<i>Total of expenses</i>	<u>4,504,087.94</u>	<u>14,156.48</u>	<u>4,518,244.42</u>
DEBIT BALANCE AS ON DECEMBER 31, 1949, CARRIED FORWARD . . . . .	—	1,672,740.49	1,672,740.49
<i>Grand Total</i>	<u>4,504,087.94</u>	<u>1,686,896.97</u>	<u>6,190,984.91</u>

OF THE RED CROSS

ACCOUNT AS ON DECEMBER 31, 1950

LIABILITIES

	To 1950 Sw. Fr.	To previous years Sw. Fr.	Total Sw. Fr.
<b>CONTRIBUTIONS AND DONATIONS FOR GENERAL PURPOSES</b>			
Contributions of National Red Cross Societies . . . . .	236,958.95	66,986.79	303,945.74
Contributions by Governments . . . . .	5,193.95	265,075.38	270,269.33
Sundry contributions and gifts . . . . .	61,755.40	9,322.35	71,077.75
<b>Total</b>	<b>303,908.30</b>	<b>341,384.52</b>	<b>645,292.82</b>
<b>INCOME FROM SECURITIES</b>			
Bank interest . . . . .	55,368.60	19,103.45	74,472.05
Interest from Public Securities . . . . .	51,273.15	18,168.20	69,441.35
ICRC Foundation . . . . .	19,249.60	8,523.30	27,772.90
<b>Total</b>	<b>125,891.35</b>	<b>45,794.95</b>	<b>171,686.30</b>
<b>SUMS RECOVERED AND SUNDRY RECEIPTS</b>			
Reimbursements and payments towards headquarters and Delegation expenses . . . . .	675,396.—	90,959.31	766,355.31
Sundry . . . . .	113,357.05	71,320.78	184,677.83
<b>Total</b>	<b>788,753.05</b>	<b>162,280.09</b>	<b>951,033.14</b>
<b>Total Receipts</b>	<b>1,218,552.70</b>	<b>549,459.56</b>	<b>1,768,012.26</b>
<b>LEVY ON PROVISION FOR CURRENT RISKS FOR WRITING-OFF</b>			
BALANCE OF 1949 DEFICIT . . . . .	—	1,137,437.41	1,137,437.41
Deficit as on December 31, 1949, carried forward . . . . . Fr. 1,672,740.49			
Less surplus on accounts entered in 1950 for previous years . . . . . » 535,303.08			
Debit Balance, 1949 . . . . . Fr. 1,137,437.41			
	1,218,552.70	1,686,896.97	2,905,449.67
DEFICIT FOR 1950 . . . . .	3,285,535.24	—	3,285,535.24
<b>Grand Total</b>	<b>4,504,087.94</b>	<b>1,686,896.97</b>	<b>6,190,984.91</b>

We certify that the above General Income and Expenditure Account of the International Committee of the Red Cross as on December 31, 1950, has been drawn up on the basis of the Annual Accounts for 1950, which have been audited and found true.

Geneva, April 18, 1951.

SOCIÉTÉ FIDUCIAIRE ROMANDE OFOR S. A.

## INTERNATIONAL COMMITTEE

## CONSOLIDATED BALANCE

## ASSETS

AVAILABLE AND REALISABLE	Sw. Fr.
Cash in hand . . . . .	52,390.06
Postal Cheque Account . . . . .	164,507.78
Balance at Swiss Banks . . . . .	4,145,662.22
Foreign currency holdings . . . . .	21,106.24
Public and other securities deposited at the Swiss National Bank . . . . .	14,001,014.30
Sundry securities presented to the ICRC . . . . . (nominal value)	1.-
<b>Total</b>	<b>18,384,681.60</b>
EARMARKED	
Advances to Delegations and Delegates abroad . . . . .	1,663,783.93
Governments, official organizations and National Red Cross Societies . . . . .	132,041.83
Sundry Debtors . . . . .	143,274.13
Stocks of pharmaceutical relief supplies . . . . .	36,804.27
Office equipment and furniture . . . . . (nominal value)	1.-
Capital shares in " Foundation for the Organization of Red Cross Transports " (nominal value)	1.-
Legacy, M <sup>me</sup> E. M. Domke (bare ownership) . . . . . (nominal value)	1.-
<b>Total</b>	<b>1,975,907.16</b>
<i>Gross Assets</i>	<b>20,360,588.76</b>
DEBIT BALANCE AS ON DECEMBER 31, 1950	
Debit Balance for 1950 . . . . .	3,285,535.24
<i>Grand Total</i>	<b>23,646,124.-</b>
SUSPENSE ACCOUNT	
Advances to Delegations for relief undertakings . . . . .	85,333.55
Guarantee " Foundation for the Organization of Red Cross Transports " . . . . .	400,000.-

OF THE RED CROSS

SHEET AS ON DECEMBER 31, 1950

LIABILITIES

COMMITMENTS	Sw. Fr.
General Relief Account . . . . .	2,554,446.71
Delegates and Delegations abroad . . . . .	1,126,796.27
Governments, official organizations and National Red Cross Societies . . . . .	1,992,027.51
Sundry Creditors . . . . .	843,267.32
Swiss Confederation Loan . . . . .	3,000,000.—
<i>Total</i>	<i>9,516,537.81</i>
SUNDRY PROVISIONS	
Provision for specific undertakings in case of war . . . . .	5,000,000.—
Provision for general risks . . . . .	4,054,586.19
Provision for XVIIIth International Red Cross Conference . . . . .	75,000.—
<i>Total</i>	<i>9,129,586.19</i>
RESERVE FUND	
Capital Fund as on December 31, 1950 . . . . .	5,000,000.—
<i>Grand Total</i>	<i><u>23,646,124.—</u></i>
SUSPENSE ACCOUNT	
Advances to Delegations for relief undertakings . . . . .	85,333.55
Guarantee "Foundation for the Organization of Red Cross Transports" . . . . .	400,000.—

We certify that the above consolidated Balance Sheet as on December 30, 1950 has been drawn up on the basis of Accounts closed as on December 31, 1950, and audited by us, and that it is a true statement of the financial situation of the International Committee of the Red Cross on the said date.

Geneva, April 18, 1951.

SOCIÉTÉ FIDUCIAIRE ROMANDE OFOR S. A.

## INTERNATIONAL RED CROSS

### *MEETING OF THE STANDING COMMISSION OF THE INTERNATIONAL RED CROSS CONFERENCE*

The last half-yearly meeting of the Standing Commission was held in Geneva on May 12, 1951, with M. André François-Poncet, Ambassadeur de France, in the Chair. All the members were present with the exception of Lord Woolton, who was ill, and for whom Lady Limerick, Vice-President of the British Red Cross Executive Committee, acted as substitute.

Mr. T. J. Nicholson, Vice-President and Executive Director of the American Red Cross—which will be host to the next International Red Cross Conference—was elected by the Commission to fill the place left vacant by the resignation of Mr. Henrik Beer.

The agenda included : Korea, Repatriation of Greek Children, and the Statutes of the International Red Cross. The meeting approved the draft programme submitted for the XVIIIth International Red Cross Conference, to be held in Washington in October 1952. A proposal to increase provisionally the number of members, in order to make the Commission more representative of the Red Cross in general, was rejected; it was considered that the Statutes of the International Red Cross did not allow of such alteration.

## BOOK REVIEW

*Warrior Without Weapons*, by Dr. Marcel Junod. With a preface by Professor Max Huber, sometime President of the International Committee of the Red Cross. London, Jonathan Cape, 1951. 318 pages, with portrait. Price : 12/6 net.

In 1947, Dr. Marcel Junod, Delegate of the International Committee of the Red Cross, published *Le troisième combattant* on his experiences between a first mission to Abyssinia in 1935, and 1945, when he accompanied one of the first Investigation Commissions to Hiroshima. He had in the meantime served in the Spanish Civil War, and during the World War, in Poland, Germany, France, England and Greece. Just before the War ended, he travelled from Moscow across Siberia and Manchuria, in order to investigate Japanese treatment of prisoners of war.

The book has now appeared in an English translation by Edward Fitzgerald, under the title *Warrior Without Weapons*.

Towards the end of this book, a passage occurs :

“ In our plane the physicist Morrison was nervously going from one window to the other studying the scientific message the grim picture held for him ... His nervousness and agitation contrasted with the rather shocked silence of General Newman. As for me, my feelings were very strange. I was less impressed with what I saw than with something I remembered : a picture of burnt and blasted Abyssinian huts and fleeing natives. Though flying above the remains of Hiroshima, it was of Dessie I thought.”

A statesman knows, on many occasions, that lives will depend upon his decision. Many wars have taken place because statesmen believed they had a legitimate right to give vent to their feelings—if not a solemn duty to do so. A Red Cross Delegate never can. In the ten years 1935-1945, the author of this book had much pent up, and he gives the impression of having very considerable satisfaction in stating openly what he has had so often to keep to himself.

Dr. Junod has not attempted to write a history. Out of the vast amount of his material, he has very skilfully chosen, always with an eye for the significant detail and the ironic twist. In

the Spanish Civil War, for instance, he is bitterly and contemptuously attacked in the Press, but succeeds in arranging many exchanges of prisoners. In the closing stages of the war, he is in Valencia and has been there for a time. He awaits the Franco forces with some misgiving, but is politely received by their commander, who, during their interview, passes him a sheet of paper with the Republican Government heading, his own name, and the one word in Spanish "Ojo"—"keep an eye on him". Or again: after the fall of Poland, the Germans made much of a stock of poison gas found in Fort Pilsudski. A tin containing the gas is handed to him for examination. He discovers, underneath, in small lettering, the words "I.G. Farben, Berlin". That particular investigation had not to be carried any further.

Chance meetings and coincidences are adroitly used to bind his story together. In his first assignment in Abyssinia, he found that the only medical services were five or six foreign ambulances. These were mercilessly bombed, the Red Cross markings on them serving as a target rather than a protection. He met two Poles, attached to one of the units, later on, one as a prisoner of war in Germany, the other dying of tuberculosis in a Swiss sanatorium. He heard the story of the bombing of the British ambulance from a mechanic attached to it—"bored to tears at the enforced inactivity which resulted from the fact that he was a prisoner of Franco in a San Sebastian jail".

A Red Cross Delegate on active service is expected to be something of everything, with a good sprinkling of less orthodox qualifications, including good luck and what is briefly, if not elegantly described as "neck". In an enemy-occupied village, the members of a patrol see every inhabitant as a possible killer, and appear themselves in exactly the same light. There is a definite advantage with whichever is first to reckon on the fears of the other. A Delegate must often have this sort of instinct. Time and again, Dr. Junod mentions examples of success achieved by something which, if it was not bluff, was closely akin to it.

A Delegate's weapons are fragile enough. True, he has the Geneva Conventions—when they are enforceable. How real

their value, is well brought out in the instance he quotes of a camp in Germany. British prisoners in it had the complaints to make which no self-respecting soldier will be without, however good the conditions. Separated from them by a double line of barbed wire were a group of Russian prisoners. The Conventions were unfortunately not applicable as between Germany and Soviet Russia. The Germans therefore refused prisoner of war treatment to the Russians; the Delegate was there only exceptionally and by permission of the camp commander.

“ To clear a path for us, the *Feldwebel* did not hesitate to use his whip... Some of the Russians cast furtive glances at me and quickly looked away. I tried to make out the expression on those emaciated faces. They seemed indifferent to the whip which lashed their backs. What was going on in the minds of these men from Eastern Europe? Revolt or fatalism? In any case, they seemed very near the end to me. They seemed to have but one desire: to stretch themselves out and sleep, ...”

Dr. Junod had no right to intervene or protest; nevertheless, he did not let the matter drop. A modest beginning had been made in Spain where a hundred persons, say, condemned on one side, exchanged against a hundred on the other side, meant a saving of two hundred lives—a fact too eloquent for even the fanaticism of a civil war to ignore. It will never be known how many thousands died in Russia and Germany because this form of arithmetic could not be made to prevail.

Even where Conventions are accepted and there is a genuine intention to put them into effect, a great difficulty remains. Conventions are drafted and accepted by legal experts, but if, to take one example, the pilot of a bombing plane falls into the hands of natives in a village which has just been bombed in Abyssinia, it is a lot to expect that his captors will worry about the niceties of international law.

Chapter 5 is entitled “ The Murder of Dr. Vischer ”. For two or three years before the War ended, the International Committee had lost all contact with its Delegates in Batavia, Singapore, Manila, Hong Kong, and Shanghai. All of them were located except Dr. Vischer, who had been in Dutch Borneo when the Japanese invaded. Dr. Junod discovered in Tokyo

that he had died in December 1943—he and his wife had been executed. Junod succeeded in locating the prosecutor. He gives details of his bewildering interview with this man.

“...At the trial itself, Japanese was the only language allowed. There was no interpreter and no defending counsel. Any defence was impossible. Dr. Vischer and his wife were probably unaware that sentence of death had been passed on them when they were taken out to the place of execution and beheaded together with the twenty-six hostages whose lives they had tried to save... And the man who had demanded and obtained the slaughter stood before me, without remorse, impassive. Perhaps he was right from his standpoint. I knew as well as he did that Vischer had been guilty of doing his duty to the last. Guilty of having tried to learn the name of the hostages... guilty of having done everything in his power for the prisoners—out of 700 Allied internees in Borneo, only six were still alive on the day of liberation.”

It is not always remembered that what is known as the neutrality of the Red Cross carries such risks for those who serve the organization. Dr. Vischer and his wife, like the other case specifically mentioned—a young Swiss representing the Committee who went down with a ship carrying relief to Greece—took the risk with their eyes fully open. Their sacrifice, and that of the eight other Delegates who died on service during the War, binds the Red Cross even closer to the victims for whose sake it exists.

Divergence between theory and fact is a constant nightmare for Delegates. Everywhere, it is, in the last analysis, an individual who is responsible—and this brings us to yet another dilemma. No ordinary man could bring himself to annihilate hundreds of people in cold blood. Yet that is the routine duty of a bombing pilot. There is a strong temptation to say, when a nation which has started a war begins in turn to receive its share of attacks, that it is only justice. But the new victims have as little say as the others. To take an example from the book :

On August 6, 1945, Hiroshima had what appeared to be a singularly harmless air-raid. Four B29 planes appeared, but flew off again. At 7.31, the all-clear was given. Feeling themselves in safety, people came out of their shelters and went about their affairs and the work of the day began.

“ Suddenly a glaring whitish pinkish light appeared in the sky, accompanied by an unnatural tremor which was followed almost

immediately by a wave of suffocating heat and a wind which swept away everything in its path...

"Within a few seconds the thousands of people in the streets and the gardens in the centre of the town were scorched by a wave of searing heat. Many were killed instantly, others lay writhing on the ground screaming in agony from the intolerable pain of their burns. Everything standing upright in the way of the blast, walls, houses, factories and other buildings, was annihilated and the debris spun round in a whirlwind and was carried up into the air. Trams were picked up and tossed aside as though they had neither weight nor solidity. Trains were flung off the rails as though they were toys. Horses, dogs and cattle suffered the same fate as human beings. Every living thing was petrified in an attitude of indescribable suffering..."

In Hiroshima and Nagasaki, as in Abyssinia, and all the other countries which, one by one, came or were dragged into the War, thousands were maimed and killed who, by no stretch of the imagination, could be described as belligerents. The very idea of law depends on the existence of right and wrong in the abstract. If a Convention is accepted by a nation, and violated, what is to be done? The idea of War Crimes is a step in the direction of punishing individuals. But if an entire nation is responsible for the violation, the only available punishment seems to be to make war on it—and we are back where we started, especially when it is considered that one primitive atomic bomb made 160,000 victims.

The International Committee is very much alive to this problem, and has appealed to all Governments to consider it. Unfortunately, even if the decision to make war is finally that of an individual, both sides can nearly always convince themselves of their own righteousness. The individual conscience and the professional or political conscience seem to exist on different levels. Dr. Junod's book is a testimony of the persistent claim of the individual to his individuality, whatever the surrounding circumstances. He mentions the sympathy of a hotel porter in Germany after telling him the rumour—false as it happened—that Germany had declared war on Switzerland. He mentions his popularity as an "Americansky" with a Russian general and his friends on the Trans-Siberian railway. He mentions the German Attaché who gave the escaped French

prisoner of war a lift back into France, to hear himself be told, by the man's relatives, that "only a Swiss would have done it."

There is a mention in Dante of a brazen bull designed for Phalaris, the Sicilian tyrant. The shrieks of those roasted inside were to remind bystanders of the roaring of a bull. The designer was the first on whom the invention was tested. It is unfortunately impracticable to suggest that the same attitude be adopted towards atomic scientists, however much we might be inclined to wish for this solution after reading about the scientist who went with the first Commission of Investigation to Nagasaki and kept on saying, "We must open our minds". Nagasaki was a confirmation of a theory he had advanced several years before.

"He turned to me holding a dissected brain, congested and suffused with blood, and in a peremptory voice he said bluntly: "Yesterday it was rabbits; today it is Japanese."

It is not least of the many virtues in Dr. Junod's book that he brings home the full horrors of the ten years he describes, without hysteria, exaggeration, or pomposity, always retaining his sense of humour and his sense of proportion. His book can be read in a few hours, and from every point of view—including the elegant format in which Messrs. Jonathan Cape have produced it—it is readable. Certainly it has lost nothing in translation, although it may perhaps be regretted that the striking photographs in the French edition are omitted. There is a preface by Professor Max Huber, President of the International Committee for many years and still its Honorary President—one of the great figures of the Red Cross. Professor Huber devoted a great deal of what leisure his office left him to a study of the philosophical implications of the Red Cross. His preface is a brief statement of its principles, and in paying tribute to Dr. Junod and his fellow-delegates, he locates their contribution inside the greater framework.

It need not be said that everyone should read Marcel Junod's book, but it certainly can be claimed that few will do so without profit and interest.

*Frank McDermott.*

REVUE INTERNATIONALE  
DE LA CROIX-ROUGE

ET

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DES SOCIÉTÉS  
DE LA CROIX-ROUGE

*SUPPLEMENT*

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# INTERNATIONAL COMMITTEE OF THE RED CROSS

## AIDE-MEMOIRE ON THE REFUGEE QUESTION

*The International Committee has addressed the Aide-Memoire reproduced below to the Diplomatic Conference which opened at Geneva on July 2, 1951, to examine a draft Refugee Convention. It should be read in conjunction with the appeal on Refugees and Stateless Persons of May 1, 1950 (See English Supplement to the Revue, 1950, Vol. III, No. 5, p. 82 et seq).*

\* \* \*

June 15, 1951.

In view of the opening on July 2, 1951, in Geneva, of a Diplomatic Conference with a mandate from the United Nations General Assembly to establish a statute for refugees, the International Committee of the Red Cross believes it may be useful to recall the principles which have led it, on various occasions, to intervene in this field.

In 1948, the Committee submitted to the XVIIth International Red Cross Conference a draft Convention for the Protection of Civilians which contained the following provision :

### *Article 127.* — RETURN TO DOMICILE. EMIGRATION

The High Contracting Parties shall, upon the close of hostilities or occupation, endeavour to facilitate the return to their domicile or the settlement in a new place of residence of all persons who, as a result of war or occupation, are unable to live under normal conditions in the place where they may happen to be.

The High Contracting Parties shall ensure, in particular, that such persons are allowed, if they so desire, to travel to other countries,

and that they are provided for this purpose with passports or equivalent documents.

Without actually mentioning the word "refugee", the first paragraph gives an empirical but humane definition of this term. Article 127 was adopted without change by the Red Cross Conference and formed part of the working document for the 1949 Diplomatic Conference in Geneva.

The Article does not, however, figure in the Fourth (Civilian) Geneva Convention; it is one of the few provisions of the 1948 Drafts which were not incorporated, with or without amendment, into the definitive text.

It would be wrong to deduce from this that the 1949 plenipotentiaries departed from the principle of Article 127; the Conference agreed rather with the opinion expressed by one Delegation that the refugee problem was too large to be dealt with in a few lines of a Convention—whose object, moreover, was quite different. The Delegate who spoke took care also to express his agreement with the "admirable principles and ideals expressed in this text".—No Delegation disagreed with the principles; two—one from South America and the other from Northern Europe—pressed strongly in the appropriate Commission for the retention, in one form or another, of Article 127.

The Conference decided otherwise, apparently because the Economic and Social Council of the United Nations was already well advanced in its study of the refugee problem. In fact, a draft international Convention, constituting a definite statute for refugees, was drawn up some months later by the Council and submitted by it to the United Nations General Assembly.

It is this draft that the forthcoming Conference at Geneva will discuss.

The International Committee can only pay tribute to the spirit in which this draft was conceived. To some extent, it codifies various previous Conventions, many of which had been left unratified; it sets out precise obligations in an attempt to remedy one of the gravest existing human evils.

It may however be asked if, in spite of its detail, the pro-

posed text entirely fulfils the intention briefly stated in Article 127 of the Stockholm Draft. It is true that that Article merely made a declaration, and was still further limited by being optional ; but it at least left it to be clearly understood that a *humane* solution, excluding all unjustified discrimination, should be sought.

It is natural that Government should consider the responsibilities, political, economic and social, they undertake in signing a Convention based on so wide a principle. The Committee, nevertheless, would like to see the general agreement shown at the 1949 Geneva Conference carried over into the texts, at least in so far as the principles are concerned.

Looking at the problem from its own, strictly humanitarian, point of view, the Committee believes that the following ideas should be incorporated :

*Every person forced by grave events to seek refuge outside his country of ordinary residence is entitled to be received.<sup>1</sup>*

*He shall be entitled, moreover, to assistance from the Authorities if unable to lead a normal existence in the territory to which he comes.*

*Should the resulting charge be excessive in relation to the resources of the Authority concerned, the responsibility for it shall, in virtue of their common humanity, become an obligation for the community of nations.*

*This common responsibility shall be accepted and given effect by the appropriate political bodies.*

*Humanitarian organizations shall be entitled, so far as their means allow, to second the action taken by the Authorities.*

The International Committee had these principles in mind when, in its Appeal dated May 1, 1950, it drew the attention of Governments and the responsible institutions to the vital

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<sup>1</sup> This is a new and enlarged conception of the right of asylum. Obviously, reservations similar to those contained in the second paragraph of Article 14 of the Universal Declaration of the Rights of Man also apply here, so that the provision would exclude common law criminals recognized as such by International Law.

importance of not limiting, by a too strict definition, the categories of persons who may be entitled to that status, but of leaving the scope wide and comprehensive, taking into account only the unfortunate position of those who, today as in the future, may have to avail of it.

The Committee has felt it necessary to clarify its position in regard to this grave problem, in the hope that the views of the Red Cross, expressed above, may be borne in mind by all who regard that institution as a valuable agency for the alleviation of human suffering.

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## PRINCIPAL ITEMS OF INTEREST

*Germany.* — In the Western Sectors of Berlin, the Delegation distributed 1,900 kilos of milk, a gift of the American Quakers, to five hundred cancer patients, notified to it by the Public Health Services as being in extreme poverty. In December last, the Delegation had assisted these patients in similar circumstances; the aid then given had helped them for the moment, physically and morally.

Medical supplies and household articles were handed to the German Red Cross in the Western Sectors of Berlin for issue in various refugee camps, hospitals, homes and clothing workshops.

About ten tons of medical supplies were given to the Public Health Services of the German Democratic Republic, for issue according to plans drawn up with the Delegation's approval, to hospitals in the five provinces of Eastern Germany and in the Eastern Sector of Berlin.

A gift of one kilo of streptomycin was handed to the same authorities for distribution centres named by them; it will be used to treat children suffering from tubercular meningitis.

*War Invalids.* — The War Invalid Section has provided a mass radiography apparatus for the Tuberculosis Services in the German Democratic Republic. Accessories were also sent and sufficient film to take 115,000 pictures.

A further gift to Eastern Germany included Braille watches, typewriters and steno-typewriters for the blind; leather and straps for the manufacture of artificial limbs were given to numerous workshops.

*"Volksdeutsche"*. — On June 22, 126 Volksdeutsche children from Jugoslavia arrived in Austria, 98 of them travelling on to Western Germany. This brings to 739 the number of these

children brought back from Yugoslavia, as part of the Committee's scheme to reunite dispersed families.

*Jordan.* — On June 9, the Delegate visited Israeli civilians detained in Ramallah Prison.

*Korea.* — On May 23, Delegates visited prisoners of war in U. N. Transit Camp No. 1; on May 29 and June 9, U. N. Prisoner of War Camp No. 1 (Koje-do), and the Mainland Enclosures and Hospitals at Pusan.

During the month of June, the Central Prisoners of War Agency received from U.N. Command nominal rolls of 23,481 prisoners of war, and 1,593 dead. This information—together with 81 requests for enquiries, some 50 letters and messages referring to, or intended for, prisoners in North Korean hands, and 320 messages from North Korean prisoners to their relatives—were sent, as usual, to the Embassy of the People's Democratic Republic of Korea in Moscow.

Lists concerning Chinese Volunteers taken prisoner were, in addition, communicated to the Chinese Red Cross. This Society also received duplicates of a number of enquiries and messages from relatives of men in the United Nations forces posted missing or presumed taken prisoner.

From unofficial and unverified sources, the Agency also received the names of 647 prisoners in North Korean hands; these have been communicated to the home authorities.

While recently in Peking, the President of the ICRC had requested the good offices of the Chinese Red Cross, asking it to undertake in North Korea certain of the customary duties of the Committee until the latter was in a position to deal with them itself, through its Delegates.

This request, favourably received by the Chinese Red Cross—but subject to the agreement of the North Korean authorities—was brought officially to the notice of the Government by a telegram which M. Ruegger addressed on May 28 to M. Pak Heun Young, Minister for External Affairs at Pyongyang.

Some time ago, the Committee had asked the Hungarian Red Cross to act as intermediary in sending a certain quantity

of pharmaceutical supplies to North Korea. The Society had agreed, but by letter of June 13, 1951, has stated that it is not in a position to forward the consignment.

*Vietnam (Indo-China).* — At the end of May, Delegates visited Hac-Mon, Phu-Lam, Thu-Duc, and Mytho Camps in Southern Vietnam, and on June 5, Sdoc-Ach-Romers Camp in Cambodia. From June 20 to 27, visits were paid to camps of military prisoners in Central Vietnam.

A Red Cross organization of Democratic Vietnam addressed a radio message to the chief Delegate, M. Paul Kuhne, at the end of June, stating it was willing to allow medical supplies to be parachuted in territory controlled by the Vietminh, for issue to prisoners of war. M. Kuhne, in replying, stated that relief at the disposal of the Delegation was also for the military wounded and sick, and for civilian victims. He proposed a meeting with the organization, to discuss conditions of issue.

*Indonesia.* — Dr. Pflimlin, Delegate at Djakarta, paid a three-weeks visit to the Southern Molucca Islands, including Amboina and Ceram.

*Refugees.* — During the Diplomatic Conference at Geneva to establish an international Refugee Convention, M. Ruegger was invited by the Chairman, M. Knud Larsen, during the general discussion, to make a statement on the International Committee's position in regard to refugees, and its various interventions in connection with them.

The text had been drafted for the Conference; it has been communicated, further to the Committee's Memorandum of May 1, 1950: "Refugees and Stateless Persons", to all Governments and National Red Cross Societies.

*JEAN S. PICTET*

*Director for General Affairs of the I.C.R.C.*

## *THE RED CROSS AND PEACE*

### IS THE WORK OF THE RED CROSS PREJUDICIAL TO THE MOVEMENT TO OUTLAW WAR?

Before we look to what the Red Cross can do for peace, charges repeatedly made, and again heard during the Geneva Diplomatic Conference in 1949, must first be dealt with. They are absolutely groundless, but recur so persistently that it seems necessary to refute them here. Stated in different ways, they amount to the following : the work of the Red Cross, in practice and in law, is harmful to the movement to outlaw war.

Curiously enough, the same reproach was made to the founders of the Red Cross. Gustave Moynier, opening the 1863 Conference which gave the organization a semi-official existence, declared :

“ It has been said that instead of seeking ways to render war less murderous, we should do better to attack the scourge at the root, and work for universal and lasting peace in the world. To hear our critics, it would really seem that we are as good as trying to have war accepted as a necessary evil.”

Since then, the Red Cross is supposed, by preparing to serve in time of hostilities and by its advocacy of Conventions to protect the victims, to give war a certain “ recognition”, or at least make it appear to be inevitable. It has been maintained that the Red Cross placidly accepts the idea of war ; that in making war less brutal, it makes it less odious ; that the Conventions mask the reality and create a misleading sense of security.

Others, without reproaching the Red Cross, question the validity of its mission. Unbending pacifists assert that war can only be met by absolute passivity. Some believe contradictory any attempt to lessen the evils of war, because the object of war is to do as much evil as is possible ; it is vain to imagine that war can be made more humane, when it is of its nature opposed to humane sentiments. Others even have gone so far as to say that the most terrible wars are the most humane, because they are the shortest.

\* \* \*

We can preface our reply by affirming that the foundation of the Red Cross and the first Geneva Convention—bound up inseparably with it—constituted one of the most powerful onslaughts made on war since the world began.

It was, nevertheless, since the beginning of the century that war received an unprecedented extension, embracing whole continents, and drawing down death and suffering on ever-increasing numbers. But it was precisely because war was becoming more bloody and “ total ” that the Red Cross and the Geneva Conventions came into existence. Without them, the development would have been the same—but with the difference that the millions whom they saved would also have perished. To be convinced, we need only compare the lot of persons to whom their protection could be extended with those deprived of it. During the second World War the estimated mortality amongst prisoners of war, protected by the 1929 Convention, was 10%, against 90% amongst political detainees who had no such protection.

Until very recently, International Law depended essentially on the principle of State sovereignty.<sup>1</sup> States were completely independent, co-existing simply and each seeing that its own rights were respected—if necessary by recourse to the extreme measure of war. Although the principle was put forward at

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<sup>1</sup> See MAX HUBER : *The Red Cross : Principles and Problems*, Geneva, 1940, p. 10 et seq.

the Congress of Vienna in 1815 that the moral values common to humanity should be protected in International Law, this latter was itself still overshadowed during the nineteenth century by the primacy of material interest.

It is difficult to realize today the extent of the revolution accomplished by the 1864 Geneva Convention, and appreciate how fundamental it was. In ratifying the treaty Governments agreed to limit their own powers ; they forbade violence against the military sick and wounded, their nursing personnel and the buildings and material devoted to their use. Thus the Geneva Convention established a barrier, protected by the Red Cross emblem, beyond which war dared not penetrate.

With the exception of certain existing regulations which refer to shipping, war now for the first time conceded something to law. Moreover, moral ideas touching the human person now entered into relations between States. Political and military interests no longer had the field to themselves. It was still necessary to ensure that, even at the height of the struggle, the humane principle should prevail, that the person who suffers must be respected and aided with equal care, whether friend or enemy.

The boldness of the 1864 treaty had few counterparts in its time ; on it, the whole construction of the Geneva Conventions has been built. The principle, limited in application at first to wounded combatants, slowly extended to other categories of persons disabled, or not directly participating. Prisoners of war and the shipwrecked were the first to benefit by the extension. Today, civilians have at last obtained, against arbitrary treatment by an enemy, the safeguards which they were so long without.

Red Cross initiative has not been confined to its specific domain ; it has given an impulse to the great modern tendency in International Law to limit the recourse to arms, substitute the pacific settlement of disputes, and, finally, outlaw war. The first in line was the St. Petersburg Declaration of 1868 against the employment of certain projectiles, by which the Powers bound themselves to consult in future ; then came the Brussels Conference in 1874, certain proposals of which were embodied

in the Hague Conventions of 1899 and 1907. The latter attempted to define the laws of war and opened the way to the creation of Inquiry Commissions and Arbitration Courts. Shortly before the first World War agreements were signed subordinating the recourse to war to a procedure of impartial inquiry. In 1919, the Covenant of the League of Nations went still further, imposing the settlement of disputes by arbitration, or, in default, mediation of the League and application of the new idea of sanctions. The next stage was that of treaties of arbitration and conciliation, which require peaceful settlement in every circumstance. Finally, by the Kellogg Pact of 1928, States renounced the recourse to war in settlement of their differences. These principles were taken up again at the end of the recent War, and on them the work of the United Nations is founded.

These constant efforts over a quarter of a century gave rise to great hopes. In this relatively short period all that was hoped for has not been realized; inevitable—and often unjustified—disappointment has followed. But the Red Cross does not depend on the progress of the international spirit, any more than it is shaken by its setbacks. Existing before this evolution, the organization remains independent of it and continues its own way. Whether efforts to outlaw the recourse to arms are regarded sceptically or with optimism, no one can deny the changed position of war in International Law since 1864. The founders of the Red Cross, raising their standard on the field of battle, and securing treaty recognition for the right to do so, struck a shrewd first blow against the Moloch of war.

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Some think contradictory the fact that the same Powers which solemnly outlaw the recourse to arms send their plenipotentiaries to Geneva to revise and develop Conventions to attenuate the horrors of war. If contradiction there be, it is that inherent in all things human, and which is at the same time the bane of man and his salvation. For the Red Cross, however, there is no contradiction. From the very first, those who devote themselves to the Red Cross have had no more ardent wish than to see

peace and justice triumph over war and violence. Nor did they confine themselves to pious aspirations. In the very centre of the fighting, their actions were those of peace. They did not shut their eyes to the facts, however distressing they might be, nor to the grim reality of war. The cause is best served by facing the worst.

The preparation of the Red Cross and of Medical Services throughout the world, and the revision of the Geneva Conventions, presuppose that wars are still possible. This possibility cannot be seriously ignored. In 3,400 years of recorded history, there have been some 3,150 years of war, local or general, and only 250 of peace; more than 8,000 peace treaties have been signed.<sup>1</sup> Since 1914, there has not passed a year, or even a day, without armed conflict, international or civil, in some part of the globe.

At present, and without hazarding any idea about the probability or improbability of new conflicts, it cannot be denied that security and armaments weigh heavily in international politics. Armies, navies and air forces are being increased, the techniques of war developed; after the atomic bomb, we are told of weapons even more terrible.

When all States shall have laid down and destroyed their arms, and when it will have been made impossible to replace them—on that date the Red Cross can also dispense with its arsenal, or rather, turn it over entirely to working for the health and betterment of peoples. But where Governments, maintaining and developing large forces, even for purely defensive purposes, themselves show that they do not believe war impossible, there is a clear duty on those to whom it falls to assist non-combatants, to ensure that protective measures are taken while there is still time. The responsibility is not determined by the probability of war at any particular moment, but only—and always—by the worst eventuality, however improbable it may be. The Red Cross must be ready, whether the chances are nine out of ten,

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<sup>1</sup> See the communication to the International Diplomatic Academy, January 17, 1930, by Prof. Pella: *The Briand-Kellogg Pact and its consequences in International Law and the Municipal Law of States.*

or one in a thousand. This " war preparation " of the Red Cross is the last which can be abandoned.

We must learn also from dearly-bought experience. When the first World War ended, there was a great wave of optimism : this war would be the last, there never will be another. People asked if the Red Cross should not simply disappear, or at the most, be preserved as a museum piece. What actually and most fortunately happened was that a good part of Red Cross energies were diverted to peacetime work : helping those stricken by disease, disaster, and want ; assisting children, the weak, and have-nots generally.

The change was salutary and inevitable ; but in making it, the Red Cross wisely remained true to its historic principles. It continued to take the practical and legal precautions war might render necessary. The event has well justified this prudence : had the unthinking optimism of 1918 prevailed, there would today have been many with guilty consciences.

Wishful thinking did, however, lead to one disaster. The first World War had, with cruel effect, shown how great the need was for a Convention for the effective protection of all civilians. At the Armistice therefore, the International Committee began a study of ways to prevent a repetition of the incidents it had had to meet by improvised means. In 1921, it proposed to the Tenth International Red Cross Conference that a treaty to protect civilians should be studied concurrently with that for prisoners of war. With the support of the entire Red Cross, it prepared the necessary drafts.

But this attempt proved abortive. It was believed in high places that the moment was ill-chosen for suggesting to Governments the preparation of a charter for civilians in wartime ; the very idea would appear, in international circles, a betrayal of the cause of universal peace. Protests were even made when the Red Cross took up the new and redoubtable problem of chemical warfare. For these reasons, the 1929 Diplomatic Conference dealt only with the armed forces.

The Committee none the less persevered ; it prepared a new and comprehensive draft which was adopted by the Fifteenth International Red Cross Conference (Tokyo, 1934) ; this draft

should have been submitted to a Diplomatic Conference called by the Swiss Government. Replies to the invitation were slow in coming in—the urgency of the question was then far from being apparent—and it was only in 1939 that it was possible to fix the date: early in the year 1940.

It was too late. War prevented the adoption of an agreement which would have assured to all civilians, including those in occupied territory, protection equal at least to that enjoyed by prisoners of war under the 1929 Convention. There is no need here to dwell on the persecution suffered by so many civilians, the massacres of hostages, mass deportations, death camps. No one would now dare to say that it was wrong to establish finally, in 1949, a Geneva Convention for the protection of civilians.

The elaboration of humanitarian Conventions has something of a parallel in Pascal's famous proposition. Either there will be wars or there will not; if there are, the Conventions will save what can still be saved of humanity and civilization; if there should not be, the labour spent—a few years work by a handful of men in each country—will be largely compensated by the knowledge that the Conventions are, and will for the future be superfluous.

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Peace will always ultimately depend on moral factors. The founders of the Red Cross wrote: "The great collective iniquity which is called war is no other than one of the manifestations of evil in the world".<sup>1</sup> In our civilization, where men are increasingly interdependent, peace can be established only if it is deeply rooted in every individual. Each must look to his own heart, banish hatred and make peace with his fellows, beginning with the nearest.

The Red Cross is the outcome of an attempt to eliminate war from human relations by the action of moral forces. Its role is decisive, beginning with its value as a symbol and an

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<sup>1</sup> See *La guerre et la charité*, by G. MOYNIER and L. APPIA. Geneva, 1865.

example. On the battlefield, it forces enemies to conclude a truce ; when war makes its tragic divisions, it forms a last bridge. In the middle of violence, it intervenes without ever resorting to violence. It sets the idea of brotherhood and love as a perpetual reproach.

The Red Cross has also a more direct influence for peace. It has created a propitious international climate, and, in its own field, is one of the surest foundations of peace. It works for better relations between peoples by making them conscious of their interdependence ; it induces friendly competition, creates a network of responsibilities assumed in common for the good of all. Better than most, the Red Cross knows the wounds inflicted by war for having bound them up ; far from hiding them, it shows their repulsiveness, in order to disgust men with war. A valuable auxiliary of propaganda for peace, it loses no occasion of proclaiming that its most urgent desire is that peace shall not be troubled.

But even more directly, the Red Cross combats war by making it more humane. <sup>1</sup> Although its ultimate object is world peace, it could not, in its present state, hope to banish the scourge of war ; it therefore concentrates on lessening the ravages. There is no want of logic in this, it being universally recognized as desirable to try attenuate evils which cannot be wholly suppressed forthwith. Peace requires that each should make the best use of the means at his disposal.

Every practical act of the Red Cross in wartime comes under this heading, and there can be no doubt of the justification for this attitude. No one questions the need for an efficient health organization or a fire brigade, but it is not for any love of disease or fire. Nor does anyone think of blaming doctors or firemen because sickness and fires still occur.

In the field of law, there are also attempts to make war more humane : such is the origin of the laws of warfare. The ravages and cruelty which hostilities bring in their train must

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<sup>1</sup> See Louis DEMOLIS : *De l'action préventive de la guerre à son humanisation*. Revue internationale de la Croix-Rouge, September, 1936, page 713, and *La Croix-Rouge et son action internationale*, May, 1940, page 372.

be foreseen and resisted ; otherwise they will take on frightening proportions. If war is a crime, to wage war inhumanely is a double crime.

The advocates of "total war" discountenanced any attempt to limit war or spare anyone, on the pretext that excessive suffering would automatically shorten the fighting. We do not believe that a single authority could be found today to support such a theory. This was the language of executioners, who may have wanted war, but never expected to be themselves its victims. Independently of all moral considerations, the experience of two World Wars and a large-scale civil war has adequately shown that the brutality of war does not affect its duration, and that terroristic measures prolong the hatred and spirit of revenge to which they give rise or save up for the future.

Moreover, the existence of humanitarian Conventions does nothing to promote war. A belligerent who ignores these basic principles will find that resulting indignation and resistance is greatly intensified.

It therefore cannot be said that the Red Cross is complacent about war. Its existence, its work, its policy, are a living protest against the misuse of material forces. If ever the red cross on the white ground, symbol of disinterested sacrifice, is torn down and disappears, it will soon be replaced by another emblem, also universally known : the black flag with the skull and cross-bones. There is no doubt that this flag will bring peace—R.I.P.

The Red Cross is the only great idea in whose name men have never slain ; it remains one of the few reasons for not losing hope. Its work during many years offers the certainty and proof that love is stronger than death.



## INTERNATIONAL COMMITTEE OF THE RED CROSS

### *PRISONERS OF WAR IN KOREA*

On August 6, the President of the International Committee sent the message given in full below, to (1) Kim-ir-Sem, Prime Minister and Commander-in-Chief of the People's Democratic Republic of Korea ; (2) General Ridgway, Commander-in-Chief of the United Nations Forces ; and (3) Peng Te Huaih, Commander-in-Chief of the Chinese Volunteers in North Korea.

In order to ensure delivery, the text was also broadcast, and released to the Press.

In the name of the International Committee of the Red Cross, in Geneva, I feel bound at this moment to appeal once more to the Powers belligerent in Korea, the Commanders-in-chief of the United Nations Forces, of the People's Democratic Republic of Korea and of the Chinese Volunteers operating in Northern Korea, and thus to the Plenipotentiaries in Kaesong.

By cable of July 3 we recalled our previous endeavours to convey relief to the victims of the war, and stated our readiness to send teams, which are standing by, to assist to fulfil the duties which the International Committee is bound to perform according to its traditions and under the Geneva Conventions. We have duly noted, from messages broadcast by both belligerent parties, that the vital question of prisoners of war is included in the agenda of the Kaesong Conference, the convening of which as a prelude to an armistice and peace has been warmly welcomed by the Red Cross world. Possible delays in the cease-fire negotiations should not be allowed to affect the hoped-for and long-expected measures which should, and must, bring relief under the Geneva Conventions to all prisoners of war. We request, therefore, those authorities who have not yet agreed to Delegates of the International Committee contacting the prisoners of war detained by them to do so without further delay, particularly in the light of the following facts.

During the thirteen months of the Korean war, and up to now, we have been able, under the Third Geneva Convention, to forward

to the North Korean Government names of 163,539 prisoners held by the United Nations Forces, this figure comprising names of 14,347 Chinese Volunteers ; whilst only 110 United Nations prisoners held by the forces of the People's Democratic Republic of Korea have been officially notified to Geneva. Wireless and Press communiqués have given names of further prisoners, but this information was not confirmed through channels prescribed in the Geneva Conventions for transmission to the adverse party. The International Committee of the Red Cross has constantly offered to contact regularly, through its Delegates, all prisoners of war. Whilst able to work in this respect in South Korea, it regretfully states again that it has not been enabled to do so in respect of the prisoners of war held by the North Korean authorities, who have not so far admitted our impartial delegates. Moreover, all our endeavours to convey medical supplies for sick and wounded of the forces, for prisoners and civilian war-victims in North Korea, have so far failed, but we recall that the stocks earmarked for such purposes, and part of which are at Hongkong, remain available, as well as food-parcels for prisoners of war.

For all this we have been pleading for a year in the spirit of the Red Cross. We have registered, from the outset, the declaration of North Korea of July 13, 1950, that they would abide by the terms of the Prisoners of War Conventions. One by one, the Powers associated with the action of the United Nations have given similar assurances. We feel the time has come for those concerned to face the responsibility of fulfilment or non-fulfilment of this undertaking. The International Committee in Geneva remains anxious, and willing, to perform its traditional duties, as demonstrated by all its endeavours and the twice repeated offer of its President to go personally to North Korea. Although the implementation of the Geneva Convention is a matter for the Governments concerned, the fate of the prisoners of war remains a primary consideration for the International Committee.

Therefore, whatever delay the settlement of other issues may involve, we hope no further obstacles will be opposed to the establishment of necessary personal contacts, in the spirit of the Third Geneva Convention, between our Delegates and the prisoners whom they have been so far debarred from visiting.

We earnestly request a positive reply to this appeal which, to ensure reception, will also be published immediately and repeated by radio.

(s.) Paul RUEGGER  
President of the International  
Committee of the Red Cross

Geneva, August 6, 1951.

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## PRINCIPAL ITEMS OF INTEREST

*Germany.* — At the end of July, three Swiss tuberculosis specialists gave several lectures to Berlin colleagues in one of the city hospitals. The lectures, dealing with present developments in therapeutics and especially with the use of recent discoveries in antibiotics, were made possible by Swiss Relief to Europe (ASE), which paid all the expenses. The Committee's Berlin Delegation made the local arrangements, leaving the Public Health authorities to draw up the actual program. The courses lasted several days; lectures were followed by discussions and demonstrations, and alternated with hospital visits.

The matter is particularly interesting because it was the last of the many contributions made by ASE to relief in Germany which it operated jointly with UNICEF, and through the intermediary of the ICRC Berlin Delegation.

ASE was one of the largest contributors to various schemes—such as school meals in Eastern Germany and holiday camps in Berlin—organized under the Committee's auspices for needy children and young persons, and expectant or nursing mothers. The following figures give an idea of the extent:

From 1949 to January 1951:

ASE relief in Eastern Germany and Berlin: 825,000 kilos (769,000 kilos foodstuffs, 56,000 kilos medical supplies and miscellaneous).

Total value: 1,975,651 Swiss francs (Eastern Germany: 1,343,041 Swiss francs; Berlin 623,610).

Beneficiaries: 414,886.

389 clinics, hospitals, and homes for children were aided.

*Greece.* — Between June 1 and July 15, the Committee's

Delegates at Athens visited 15 prisons in Epirus, Central Greece, the Peloponnese, the Ionian Islands, Crete and Makronissos. They also saw several reformatories and a children's home. Relief was given out as needed.

*Poland.* — See page 141.

*Jugoslavia.* — See page 141.

*Iraq.* — M. P. Gaillard, Delegate in Jordan, visited Baghdad in July. He was received at the headquarters of the Iraqi Red Crescent by the President, Arshad Pasha Al Omari, and leading officials, with whom he had talks on various questions of interest to the ICRC in its work in the Near East. He called on several Government officials, and in the absence of the Prime Minister, was received by the Minister for Industry and Commerce, Abdul Majid Mahmoud.

*Korea.* — Between July 17 and 19, the Committee's Delegates visited the following sub-divisions of UN POW Camp No I: Enclosure No 1, and 14th Field Hospital, at Pusan; Enclosures Nos 6, 7, 8 and 9, and 64th Field Hospital at Koje-do, and several work parties attached to the camp.

On July 3, a week before the first meeting of the plenipotentiaries at Kaesong, the Committee sent a telegram to Prime Minister Kim-ri-Sen, Commander-in-Chief of the People's Democratic Republic of Korea, to General Ridgway, Commander-in-Chief of the United Nations Forces, and to Peng Te Huaih, Commander-in-Chief of the Chinese Volunteers.

The message recalled the Committee's repeated efforts to have the possibility of carrying out its customary duties on behalf of the war-victims in Korea. The Committee was ready to assist wounded and sick prisoners of war and civilians, as stipulated in the Geneva Conventions, and to facilitate the return of those who had been obliged to leave their homes. The firm hope was expressed that, in case of an armistice, the right under the Conventions of the military and civilian victims to help and material relief would be borne in mind.

The Committee had relief supplies waiting at Hong-Kong. The message concluded in expressing the Committee's desire to be allowed to fulfil its duties in accordance with its traditional principles of strict neutrality and impartiality.

On page 136 will be found the text of a further message cabled on August 6 to the three Commanders-in-Chief. To ensure reception, the message was repeated by the Swiss short-wave station of Schwarzenburg ; it was read twice in each of the broadcasts, on August 8, at the following hours : 9.30, 13.30, 15.30, 17.30 (GMT).

During the month of July, the Central Prisoners of War Agency continued its regular transmission to the North Korean Embassy at Moscow of the names of North Korean prisoners and Chinese Volunteers taken by United Nations forces.

Thanks to the kindness of the Zurich offices of International Business Machines, the Agency was able to index some 180,000 notifications about prisoners taken by the United Nations; this work will speed up any tracing which may be necessary. The IBM system works by perforating coded details on cards, and their mechanical selection afterwards according to the classified information needed.

*Vietnam (Indo-China).* — On July 26, M. Paul Kuhne, ICRC Delegate in Vietnam, met three representatives of the Red Cross of the Vietnam Democratic Republic. The meeting took place at Hung-Hoa, on the Red River, in an area neutralized for the purpose.

The main subject of discussion was the method of distributing medical supplies which are available for the wounded and sick military and civilian prisoners and the civil population.

*War Invalids.* — At the request of the Jaffa War Invalid Association, the Committee's War Invalid Section sent all National Red Cross Societies the Association's appeal to set up an international war invalid organization. Without committing itself in the matter, the ICRC declared its readiness to forward replies received.

## *MISSION TO WARSAW*

The International Committee welcomes the opportunity of sending occasional missions to countries where it is not permanently represented. One such mission has just returned from Warsaw, where it was the guest of the Polish Red Cross.

The Delegates, Dr. R. Marti and Mr. F. Ehrenhold, discussed a wide range of humanitarian questions which interested the Polish Red Cross and authorities. Numerous discussions took place, some at the Ministry of External Affairs. The Delegates were happy to learn that the new Geneva Conventions of 1949 were being closely examined and that an edition in Polish had appeared.

August 3, 1951

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## *MISSION TO BELGRADE*

A mission of the International Committee has returned to headquarters after a short stay in Belgrade. The Delegates (Messrs. René Bovey and H.G. Beckh) had talks with the Yugoslav Red Cross and the responsible government departments. They found there was great interest in Jugoslavia in the Geneva Conventions of 1949. Jugoslavia was one of the first countries to ratify, and has now adapted its legislation to the provisions of the new Fourth Convention for the protection of civilians. The revised penal code, which came into effect on July 1, has articles on the repression of breaches of the Conventions and on the protection of the Red Cross emblem. The Yugoslav Red Cross is taking steps to make the principles of the treaties widely known.

Questions discussed by the Delegation in Belgrade included (1) the situation of former German military personnel still held in Yugoslavia ; (2) ways and means for regrouping—particularly in Germany and Austria—families of German origin from Yugoslavia, who were scattered during the war and the post-war period ; (3) cooperation by the Committee in the return to Yugoslavia of children who had left the country during the war ; and (4)—a question of manifest importance—the systematic tracing of missing persons of various nationalities, especially those from countries bordering on Yugoslavia.

August 3, 1951

*JEAN G. LOSSIER,*  
*Member of the ICRC Secretariat*

## *THE RED CROSS AND PEACE - II*<sup>1</sup>

### ETHICS AND POSITIVE ACTION

The Red Cross is a living idea at all times. It is more spectacular in wartime, but in peace and war it is fundamentally the same. Striving to ensure that the dignity of the individual shall be respected in all circumstances, without regard to political, social or religious antagonisms, the Red Cross must necessarily evince a horror of war, which holds in contempt all that is essential to human dignity.

More, it helps restore confidence even by its very existence ; in times that have witnessed so much cruelty, it can, even if almost alone, recall man to what is worthy of him. Peace, always in jeopardy, depends on each individually, and so the Red Cross addresses itself to all.

The International Red Cross, intervening when and how it can, is not, however, alone in working effectively for peace. Each in its own country, the National Societies work for the same end in fulfilling their daily task and in their constant effort to combat the spirit of war. This requires vigilance ; as auxiliaries of the armed forces they could easily acquire a militaristic spirit, little in keeping with Red Cross ideals. As against this, they advocate and organize mutual aid, contributing to the appeasement of conflict at home, and the removal of enmities. This point falls into perspective if we consider

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<sup>1</sup> See *Revue*, English Supplement, April, 1951, p. 26-36.

the Societies' world membership of several hundred millions, including that part of the next generation which is enrolled amongst the Juniors.

It has, therefore, seemed the more useful to study in the following pages the reasons why the Red Cross should desire peace and strive for it in the moral sphere, as in the legal and practical.

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Constructing peace—a gigantic task—is a function of a right state of mind. It can be reached only with difficulty, but no effort must be spared in this modern crusade. This applies with greater force to the Red Cross, whose members are defending peace merely by their attitude ; in helping others, they understand one another better, and this is in itself a step towards concord.

Acting simultaneously on individuals and communities, the Red Cross operates towards a higher conception of international ethics, founded on respect for others—a principle equally valid for nations and individuals. It urges men to aid one another and encourages nations to do the same. A striking example is the immediate relief given during natural disasters by National Societies, in response to the call of the League and the International Committee ; for this purpose, each National Society undertakes to maintain permanent contact with the others, with a view to mutual assistance. This unity, slowly come to recognition, is a reason why the Red Cross must persevere in its work. It thus encourages the hopes of men of good will and shows that an international ethic is possible.

One hope for peace is that international life should be governed by a code of law. The Red Cross, neutral to all antagonism, has done much to promote this development and hasten the advent of a world conscience. Men are carried by a perception of their common ideas and feelings to wider and more generous horizons.

The mortal danger to the world which results from the

discovery of new weapons is part of this view, and it is clear that every effort must be made to ban methods of mass destruction—incendiary, chemical, bacteriological, or atomic. The Red Cross member, as a worker for peace, must necessarily oppose these fearful weapons which kill without discrimination, and against whose effects whole populations are defenceless.

It is partly these new and terrifying elements which have obliged the Red Cross to adopt a different but always more resolute attitude towards the problem of war and peace. They have increased its responsibilities and made its participation in the daily life of each of us appear increasingly more urgent and necessary.

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Hand in hand with this moral association, the Red Cross has worked in more positive ways to bridge the gap through legislation and international organization. It is not true, as has been alleged, that the Geneva Conventions represent the accepting of force as an arbiter. On the contrary: their object is to circumscribe the terrible effects of war; legal texts have been drawn up in a refusal to take war as inevitable.<sup>1</sup> The International Committee, in working for a completion of what was begun in previous Conventions, has tried to safeguard the essential human rights, should further wars occur; it hoped, as have done those who drew up the earlier Conventions, to safeguard in this way an important part of our moral heritage.

It is one evidence of civilization that recognition of human dignity is becoming more automatic and widespread. The Red Cross is thus engaged in a civilizing work when defending this dignity—which in reality can have its full significance only in peace. The Red Cross is engaged in a work of peace, even in the midst of war itself. If war is, as has been said,

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<sup>1</sup> See Jean S. Pictet: "The Red Cross and Peace. Is the work of the Red Cross prejudicial to the movement to outlaw war?" *Revue internationale*, English Supplement, July, 1951, pp. 126-134.

the greatest destroyer of civilization, the determining effort of the Red Cross has been to preserve those values which have gained universal acceptance, in all religions and in all humanistic systems.

In the canon of International Law which has come into being and, during the last hundred years, has shown itself to be firmly grounded, the Red Cross has seen, paradoxical as it may appear, a promise of peace. If States agreed to limit by convention the sovereignty which, for the nineteenth century, had been a dogma, surely it is possible that by contracts freely entered into, men may succeed in ending the conflicts which divide them. The mutual respect for engagements which springs from goodwill should be possible in general, as it is individually. History shows that the national entity may be influenced by the example of its individual components.

This brings us back to our first point. If the Red Cross succeeds in promoting the growth in all sections of the population, in all countries, of individual units of goodwill, the consequences must necessarily be profound on the larger structures—the national, and even the universal. At a time when public opinion is so powerful, statesmen could scarcely ignore the general desire for understanding and the deeper friendship built up through the action of individuals and communities.

Examination will show a movement towards increased individualism in every social evolution. This movement has now become universal, and the foundation of the Red Cross is one of these important events which mark a stage in human history. For the first time there is an international body of law which recognizes equal value to each man, and the equal right of each to life and dignity.

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The first object of the Red Cross, on its foundation in 1863, was to guarantee to the individual certain rights on the field of battle; its scope since then has almost infinitely widened.

In peacetime, entirely new work was taken up—very often,

pioneer social work. In the anarchical world of today, it is one of the few resorts to which men and women without protection can turn. Its practical work and widening moral influence have helped to instil ideas of liberty and personal dignity into the public mind. The development of the Geneva Conventions which the Committee has promoted, the extension and variety of National Society activities show the Red Cross to be a creative element of the better world for which we hope. The fact that it was founded in the middle of the last century locate it, from the historical point of view, as one of the most remarkable features of the great ethical movement which, since the end of the eighteenth and especially during the nineteenth century, led humanity to respect man as such, irrespective of national, political, religious or other considerations.

Previously, suffering was considered a kind of absolute, and society as a whole was scarcely called upon to supply a remedy. The social order was not so much a means of making law more equitable, as a system which implied a personal moral obligation. Modern civilization, on the contrary, is tending to speed up history, filling man with the idea of his powers and the hope of a world as yet only foreshadowed by the present—a world which may become more just in its institutions and its way of life, if all work to achieve it.

The Red Cross itself, sprung from the deepest sources of this movement, calls on each of us to take an active attitude towards the joys, pains, and sufferings that affect the human heart. In this sense, we may say that the universe it postulates is a peaceful one. Only slowly, however, did the Red Cross accept the broadening implications of its mission—that it should occupy itself not only with the suffering born of war, but also with those evils which arise out of the consequences of war, or those which, inherent in our ordinary lives, multiply in peacetime. This wider view goes back only to the first World War.<sup>1</sup> Until then, the negative aspect of international relations had alone taken up its attention; the positive aspect, that of trying to promote better understanding between nations,

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<sup>1</sup> See Part I, English Supplement, April, 1951, pp. 26-36.

seemed yet excluded; the opinion prevailed in Red Cross circles that when relations were normal, they were not called upon to intervene.

And still the very fact that the Red Cross, faced by a human being in pain, was indifferent to his nationality, shows it was struggling against the divisions that provoke strife. The Red Cross is a living demonstration of the fact that humanity is one, and that, in spite of appearances, the artificial divisions, made down the centuries are disappearing, like those of race and class.

The Red Cross recognizes only one common citizenship, that of the suffering. Here again it works for peace. Ignoring in practice all national distinctions, it tends to efface the causes of war and hate which nationalisms represent. It is not halted by these slender barriers, often established by the chances of war and treaties; it ignores frontiers, making men find themselves in a single unity.

The Red Cross does not see in the individual a citizen of any particular nation, but of the world, representing the humanity which is our common birthright and of which we cannot be deprived. This attitude of viewing the person aided from a higher standpoint, obliges him also to consciousness: he wishes to be as the Red Cross sees him, to reach this higher plane where the traditional distinctions of race, class and nation are overcome.

Thus, there dawns for him a new idea of his place in the world, an entity wider than the hills, the plain or the city which, until then, had bounded his outlook. He becomes conscious of his links with fellow-beings whom he can not see, whose daily struggle he does not share and whose joys and he but vaguely divines.

He knows that the Red Cross considers all men equal, helping those he can see, like him in need, and also those he will never know, living in distant countries under their own laws, far different from his. It is a step towards peace to recall in practice that there exists an implied nationality, side by side with the others, which the Red Cross recognizes in all its work, and that in so doing it helps to bring peace into the world.

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In so far as they consider the significance of what they have undertaken, members of the Red Cross are defenders of peace, since war destroys that for which they have engaged themselves—human fellowship and the safeguarding of individual dignity. They defend a peace which is still only potential ; their object is not to guarantee one way of life rather than another, one political conception which they prefer to another ; they act because peace contains the elements of a justice which can be, and the seed of a better society. Their preference is not for a peace dependent on any balance of political power ; to their mind, it is only in peace that the civilization prefigured by the Red Cross as a movement can gradually emerge. It is not, in sum, any preconceived political attitude or sentimental reaction which makes the Red Cross worker resolutely prefer peace to war, and stake all on a peaceful solution of conflicts. That is why he must condemn all aggression. The present order of things may appear unjust, but his confidence in man obliges him to believe that there is no situation, however desperate, which cannot be saved by goodwill and a friendly approach. The example of Dunant at Solferino shows that, even in the most extreme distress, a single act of charity can touch others to the depths, and move them to similar deeds. Without the gesture of Dunant it is possible that Castiglione would never have heard from its women the cry which has been re-echoed by succeeding generations : « *Siamo tutti fratelli !*—We are all brothers ! »

This cry was in itself a poignant appeal for peace. It reflects the lasting faith of men in the more charitable world which, as we all intuitively feel, can only arise in peace. It may be further off than we at present believe : we know that modern warfare, with its power of total destruction, can bring about the annihilation of multitudes, and destroy incalculable riches.

Today war is without pity : dust and ruins are all that its passage leaves. Become general, it would destroy the moral and material foundations of our common civilization, and

dissolve what is left to men of the waning confidence in their destiny, after two world conflicts, War must for a long time make conditions of adequate material existence impossible, and the personal security to which each should be entitled.

On us depends the world of tomorrow. Great resources are necessary, if general living standards are to be raised. The humanitarian ideal will be fully realized, consuming as it were reasons for its own existence, only when the fear of poverty is no longer present and ceases to be a pervading obsession. As long as there is insecurity, men are afraid and refuse to trust one another. It is difficult to trust if one fears.

Further, the very act of aggression has often fear at its root. There follows an increase of the mass cowardice which induces us to accept passively the prospect of fresh wars. The Red Cross rejects this spirit, affirming that men should meet one another half-way, and stimulate that confidence and trust which can conquer fear.

Many, in desperation, have addressed themselves to the Red Cross as a last resource, and with faith that its flag means that nothing is impossible to charity. They were not mistaken: that is what the Red Cross symbolizes—that and a pride in our common humanity.

It must continue and further extend its mission. Proving by deeds that charity can work miracles, it is an abundant source of hope.

\* \* \*

Moral ideas are rich in many ways; coming from many sources, they strengthen men of varied backgrounds and beliefs. The Red Cross, the embodiment of altruism, finds its origins in the twin principles of fellowship and personal responsibility. Each is responsible for his neighbour, whoever he may be—and the more so, if he needs our help. The Red Cross, therefore, symbol of this interrelationship extending all through the world, must necessarily declare for peace and strive to establish harmonious relations.

It does not first enquire into philosophical grounds, or the motives which make us conscious of our affinity with those who suffer. The outward expression of this mysterious impulse is accepted without question as to its origin. The Red Cross can accordingly embrace men and women who in religious and philosophical convictions vary to extremes. It feels, however, that this common ground may be too narrowly circumscribed—and current developments seem likely to limit it still further.

Increased vigilance is required. With the keenest apprehension, the Red Cross sees the world torn asunder once more and piling up new armaments, both material and ideological. It is because we are living in an exceptional—perhaps our most tragic period, that the Red Cross, guardian of a certain human birthright which is in danger of extinction, is called upon to defend peace more boldly and resolutely than ever.

Out of the past the future is shaped. The past makes its demands ; its lesson is ever-present. Men may be increasingly isolated, separated by misunderstanding and hatred. This solitude can be overcome in mutual aid, for which the Red Cross provides a channel.

The seeds of peace are sown when we help others—and above all our enemies, because they are in distress. This idea of service is beyond political, social and economic considerations, in a moral sphere where peace may really take root. To reach it, the contradictions of our human condition must be overcome ; but there only can be the final reconciliation of man with man.

\* \* \*

This ethic may appear difficult, requiring unceasing and sometimes disproportionate effort. But the worst danger for the Red Cross would be to rest on its laurels. Conscience is only too prone to relax ; it must be kept awake.

Those who, early in the century, induced the Red Cross to enter new fields, had understood that a peaceful era was a first and indispensable condition of the awakening of mankind

to a sense of its humanity. Calling our attention to the predicament of others, the Red Cross hastens the coming of this age. In the moral sphere, our actions have far-reaching effects. Our acts of fellowship make men conscious of their dignity; at the same time they feel responsible for the dignity of their fellowman, who and wherever he may be.

There is also a fellowship—a partial fellowship—created by war; it has its origins in hatred and revenge, and is thus the total negation of the human, all-embracing fellowship, which it is the duty of the Red Cross to realize.

The Red Cross tends unceasingly to give life to the relationship between all human beings. If it remains active in peacetime, constantly broadening its field of action, it has the more reason to do so when there is threat of war. It is war precisely which divides the world into friends and enemies—a fatal split in the ethic of service that inspires the Red Cross. This is one of the many reasons which makes the Red Cross declare for peace. Not that peace necessarily leads to human fellowship; often it is the culmination of injustice and oppression. But in peace, in spite of all, many things can survive which war tends to destroy; there are no longer the arbitrary destruction refusal, hatred, rejection of many amongst the enemy who are doomed to extermination—practices which are multiplied and justified in the name of war.

If the worst must sometimes happen and hostilities break out, the Red Cross then becomes the symbol of protection to the combatant wounded and sick. The sign, to some extent, itself constitutes protection. Displayed on buildings, staff and material entitled to respect under the Conventions, it represents humanity protecting itself in its weakest members—its wounded and sick.

In such event, the Red Cross ensures continuity. It keeps alive certain moral values threatened by the unleashing of brute instincts and which, when peace returns, will remain as witnesses that humanity has survived, and that its survival requires never-ending sacrifice. If the Red Cross seemingly gathers its forces more resolutely in time of war, it is because the heritage in its trust then appears most gravely menaced.

Its responsibility is extreme, especially today, when each of us in the Red Cross may be called upon at any moment, and from one instant to the next, to fulfil his humanitarian duty.

\* \* \*

He who bears the Red Cross on the battlefield marks a protest against the inevitability of war, against the unloosing of forces which destroy humanity, against the cruelty of the methods used, and above all, against the degradation of body and soul which the tentacles of modern war carry with them. Those who serve the Red Cross, in so far as they accomplish their duty to the full, thus, consciously or not, become a living protest.

This is equally true of peace and war. During peace, which always remains uncertain, their silent protest against the vilification of the individual prefigures a time when the dignity of every human being will be safeguarded. If a contention often heard is true, that the present anxiety comes especially from the dwindling of all human feeling, it is clear that the Red Cross cannot give up this problem, and that it is responsible in part for establishing the permanent peace that is so earnestly desired. In the last analysis—as was recalled so urgently at Stockholm in 1948—it cannot remain passive before a threat of war.

The Red Cross deplures all recourse to arms as a means of settling disputes. Henry Dunant, in an address he signed with the great pacifist Bertha von Suttner, and which was approved by the World Peace Congress at Hamburg in 1897, proposed as one of the most effective methods of maintaining peace, the conclusion of arbitration treaties between States and the setting up of an international arbitration tribunal. This is the atmosphere of mutual tolerance which the Red Cross in its daily work tries to create.

Thus, even more than the other great humanitarian organizations of our day, the Red Cross is aware of the inestimable value of peace. More than any other, its members know what

suffering is, because it is their constant endeavour to relieve and eliminate it. They are familiar with all the evils of war from close-up ; for this reason, the Red Cross—a vast organization by the number of its members—is fully conscious of the present dangers, and expresses an unswerving desire for peace.

At the same time, it takes care, as the resolutions of the last international Red Cross conference clearly show, to ensure the continuity of the principles which decide and govern its work of charity. In spite of all, certain essential rights must be recognized to man, whoever he may be—simply because he is man.

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DE LA CROIX-ROUGE

*SUPPLEMENT*

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## INTERNATIONAL COMMITTEE OF THE RED CROSS

### *PRISONERS OF WAR IN KOREA*

The ICRC has published the text of telegrams sent on August 6,<sup>1</sup> and repeated by radio, which M. Ruegger addressed to the Commanders-in-Chief of the belligerents in Korea on the subject of prisoners of war—a question which has been under constant review in Geneva.

General Ridgway, Commander-in-Chief of the United Nations forces, replying to previous messages also made public said:

“ I fully understand and share the desire of the Committee that the existing facilities for help and relief to war victims be extended, and assure you that the offers of the Committee will be considered by me and by higher authorities. ”

Referring especially to the Committee's cable of August 6, General Ridgway added on August 9 :

“ Confirming my message of August 6, 1951, I have a deep interest in your worthy endeavour to extend help and relief to war victims in Korea and assure you that your offers will receive sympathetic consideration. ”

The Government of South Korea, through its President, also cabled an affirmative reply on August 9.

Up to the present, no answer has arrived from Kim Ir Sen, Prime Minister of North Korea and Commander-in-Chief, to the Committee's most recent appeal, made in conformity with the spirit of the Geneva Conventions. His reply, as likewise that awaited from General Peng Te Huaih, Commander-in-Chief of the Chinese Volunteers, will be published when received.

August 21, 1951

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<sup>1</sup> See *Supplement*, August, 1951, p. 136.

## PRINCIPAL ITEMS OF INTEREST

*War Invalids.* — The War Invalid Section recently placed 5,000 Swiss francs at the disposal of the Paris Delegation, to continue its medical assistance to a group of Polish war invalids who are completely destitute.

*“Volksdeutsche”.* — The Committee continued its efforts to have the regrouping of *Volksdeutsche* families started again at an early date.

*Greece.* — Five tons of rice have been sent to the Athens Delegation for children and sick adults.

*Deportees and Refugees.* — A letter has been received from the “Lagergemeinschaft Sachsenhausen”—a group of former deportees to Sachsenhausen-Oranienburg Camp—thanking the Committee and asking it to express gratitude to all who sent gifts to the concentration camps through the intermediary of Geneva. The message states that the food parcels sent to the camps, and still more, those handed out on the roadside when the inmates were being evacuated, were instrumental in saving many lives.

The expression of thanks has accordingly been passed on to the Joint Distribution Committee in Paris and Geneva, the French Embassy and Belgian Legation at Berne, the Belgian and Netherlands Red Cross Societies (through their representatives in Switzerland), the Norwegian and Swiss Red Cross Societies, European Student Relief, and the International Quaker Centre in Geneva.

The Swiss Relief Fund for Europe is at present helping many *Volksdeutsche* from Austria to emigrate to Brazil; some 500 have already left. The Committee was able to assist by providing its Travel Documents to emigrants who had no identity papers and no way of procuring them. These docu-

ments are recognized by both the Austrian and Brazilian authorities, and were accepted as valid to receive Italian and French transit visas.

*Near East.* — For a number of reasons — particularly the decrease of work in Israel and Jordan—the Committee decided to close its Delegations in Tel Aviv and Jerusalem. The first closed on August 31, as arranged; the second will continue to the end of September. Part of the work will be done in future by local organizations; cases which call for the neutral intermediary of the Committee will be dealt with by the Cairo Delegation. This marks a reversion to the system existing before the Palestine conflict; Cairo will be headquarters for the Near East, with the exception of Syria and Lebanon, where a permanent Delegation is being maintained.

*Iran.* — M. Pierre Gaillard, Delegate to Jordan, left Cairo on August 22 for a short trip to Teheran. He discussed various aspects of Red Cross work in the Near East with the Red Lion and Sun Society, and Government representatives.

*Vietnam (Indo-China).* — On July 26, M. Paul Kuhne, Delegate in Vietnam, met representatives of the Red Cross of the Vietnam Democratic Republic. The meeting, which took place in a neutralized zone, dealt mainly with the distribution of medical relief for war victims in Republican territory. A second meeting was planned.

After coming to Geneva to report and receive fresh instructions, M. Kuhne, on September 2 and 3, broadcast a message for the Chairman of the Vietnam Democratic Red Cross, Dr Ton That Tung, proposing a further meeting. A large quantity of medical supplies, for use as previously suggested, could then be handed over by the Committee, and the Democratic Vietnam authorities provide lists of their prisoners of war and civilian internees.

*Korea.* — During the month of August, the Central Prisoners of War Agency received 1,054 capture cards and 41 lists comprising a total of some 5,000 names, of North Koreans and Chinese

volunteers taken by United Nations forces. The lists were sent to the home countries, with 2,176 messages and 342 inquiries.

On September 4, a telegram was sent to inform the President of the Korean Red Cross at Pyongyang of the International Business Machines system installed in the Korean Service,<sup>1</sup> and inviting a representative to Geneva to see the system in operation.

M. Max Wolf, Counsellor, went to Japan and Korea in August. His talks with the Japanese authorities and Red Cross, the United Nations High Command, and M. Syngman Rhee, President of the Republic of Korea, bore solely on the Committee's traditional activities in present circumstances.

*Japan.* — Further military personnel sentenced in various Far Eastern countries for acts committed prior to war captivity are being transferred to Japan. Thirty men left Rangoon by sea on August 6, and were given clothes and blankets by the ICRC before leaving. Two hundred more from Malaya and North Borneo were taken on board at Singapore. The ICRC had been asked to help in organizing the convoy.

*San Francisco Conference.* — By letter of August 16, Mr. Dean Acheson, U.S. Secretary of State, invited the President of the International Committee, on behalf of the convoking Government, to be present at the San Francisco Conference. M. Ruegger left Geneva on September 1 with M. Roger Gallopin, Executive Director, and M. Max Wolf, Counsellor.

Their presence at the Conference was due to the fact that the International Committee is mentioned in an Article of the Peace Treaty with Japan. The Article provides that certain Japanese assets abroad will be handed to the Committee, to be used in aiding a large category of former prisoners of war in the Far East, and their next of kin. The mandate will be executed in full independence, through the intermediary of national organizations in the countries concerned, and on conditions laid down by the Committee itself.

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<sup>1</sup> See *Supplement* for August, 1951, p. 140.

## MODEL LAW FOR THE PROTECTION OF THE RED CROSS EMBLEM AND TITLE

*All countries party to the four Geneva Conventions of August 12, 1949—and especially the First—are under obligation to give effect by appropriate legislation to the clauses prohibiting abuse of the red cross (red crescent, red lion and sun) emblem, and the arms of Switzerland.*

*The Committee has felt it might be helpful if it drew up—as it did in 1932—a text which could serve as a model for national legislation.*

*Reference may also be made to the Commentary on Articles 53 and 54 of the First Convention (1949), published by the Committee in the Revue internationale de la Croix-Rouge (April 1951, p. 280 et seq.) under the title “La répression des abus du signe de la Croix-Rouge”, which may be taken as the explanatory comment of the following text.*

*The Model Law is not intended to cover abuses which are breaches of the laws of war and can occur only during a state of hostilities. Such breaches include, especially, hostile acts committed under cover of the emblem, the affixing of the emblem to buildings or things which the Geneva Conventions do not protect, and the wearing of the emblem in sight of the enemy by unauthorized persons. These violations of existing Conventions come most often under the military penal codes, either in virtue of special Articles or of general provisions forbidding violations of the laws and customs of war. Abuses of this nature are undoubtedly more serious than those covered by the Model Law, and must be severely put down. The Conventions, moreover, oblige States to enact the necessary legislation to suppress all infractions.<sup>1</sup> The Committee proposes to draft model provisions for insertion in penal military codes or special legislation; these clauses would refer especially to abuses of what is called the protective sign.*

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<sup>1</sup> See Convention I, Art. 49; II, Art. 50; III, Art. 129; IV, Art. 146.

*The English wording of the Articles reproduces the French legal terminology of the original draft, and should be taken only as a general indication.*

## MODEL LAW

To give effect to Articles 44, 53 and 54 of the (First) Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of August 12, 1949, to Articles 43, 44, and 45 of the (Second) Geneva Convention for the Amelioration of the Condition of Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, of August 12, 1949, and to Articles 18-22 of the (Fourth) Geneva Convention relative to the Protection of Civilian Persons in Time of War, of August 12, 1949, be it enacted as follows: <sup>1</sup>

### ARTICLE I

The emblem of the red cross on a white ground and the words "red cross" or "Geneva cross" shall be reserved at all times for the protection or the designation of personnel and material protected by the First and Second Geneva Conventions of August 12, 1949.<sup>2</sup> This protection and designation extends to establishments, units, personnel, material, vehicles, hospital ships and other craft of the Medical Services of the land, sea, and air forces, and those of the ...<sup>3</sup> Red Cross and other Relief Societies duly recognized and officially authorized to aid the military Medical Services. It further extends to chaplains of the forces.

The emblem may be used for no other purpose, except as is provided in Articles 2 to 5 hereunder.

<sup>1</sup> The Preamble to be set out according to the usage in each country. It may, for example, recall that the State has ratified the Geneva Conventions, and is thereby obliged to protect the red cross emblem.

<sup>2</sup> The 1949 Conventions are cited in the draft, but it may be suitably adapted by States which are party only to the Geneva Convention of 1929 or the XIth Hague Convention (1907). In countries which have no access to the sea, the references to the Second Geneva Convention and to objects protected by it may be omitted.

<sup>3</sup> The name of the country to be added wherever required.

## ARTICLE 2

With the express authorization of the State,<sup>1</sup> the red cross emblem may be employed to designate the establishments and staffs of duly recognized civilian hospitals, hospital zones and localities reserved for the wounded and sick, the craft utilised by duly recognized Coastal Rescue Services, and convoys of vehicles, hospital trains, vessels or aircraft for the transport of wounded and sick civilians, the infirm and maternity cases.

## ARTICLE 3

Apart from its work for the military wounded and sick, the ... Red Cross may at all times use the red cross emblem and title in its activities which conform to the principles laid down by the international Red Cross conferences, and in accordance with municipal legislation, and its own Statutes. The conditions under which the emblem is then employed must be such that it cannot, in time of war, be considered as implying the protection of the Geneva Conventions ; the emblem shall be of relatively small dimensions,<sup>2</sup> and may not appear on an armlet or be displayed on roofs of buildings.

The ... Red Cross shall issue regulations for the use of the Red Cross emblem and title, as far as the organization itself is concerned ; these regulations shall be subject to government approval.

## ARTICLE 4

The international Red Cross agencies and their duly authorized personnel shall be entitled at all times to use the red cross name and emblem.

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<sup>1</sup> The name of the State may be replaced throughout by the title of the competent Service. The military authority should, in time of war, be able to control and regulate all uses of the red cross sign.

<sup>2</sup> The Geneva Convention has not fixed maximum dimensions for what is known as the purely « indicator » sign, but there is no reason why municipal law should not do so. Regulations could be made, for example, fixing the flag for a building at one metre square, twenty cm. sq. for a vehicle, and two cm. square for personal use.

## ARTICLE 5

The red cross name and emblem may, with the express authorization of the ... Government and Red Cross, be employed in peacetime on vehicles in use as ambulances, and on relief posts whose sole function is to give first aid free of charge to injured or sick persons.

## ARTICLE 6

Any unauthorized person who wilfully employs the red cross emblem, or the words "red cross" or "Geneva Cross", or any other sign or word constituting an imitation thereof, or liable to be confused therewith, regardless of the object of such employment and of the original date of adoption, or who utilizes such emblem or words for commercial purposes on signs, posters, advertisements, prospectuses, or business papers, or who displays them on goods or wrappings, or sells, or offers for sale or places in circulation goods so marked, shall be liable to fine or imprisonment.<sup>1</sup>

## ARTICLE 7

Because of the confusion which may arise between the arms of Switzerland and the red cross sign formed, in tribute to that country, by reversing the Federal colours, the use of the arms of the Swiss Confederation or of marks constituting an imitation thereof, whether (1) as trademarks or commercial marks or as parts of such marks, or (2) for purposes contrary to commercial honesty, or (3) as a distinctive sign for products, or (4) as a trading sign, or (5) as a method of advertising in whatever form, or (6) in circumstances capable of wounding Swiss national sentiment, shall be prohibited, at all times, irrespective of the date of adoption.

Offenders are liable to fine.<sup>2</sup>

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<sup>1</sup> Insert here the minimum and maximum penalties in accordance with penal legislation. The penalties might be less than in the corresponding Article of the military penal code, but should be sufficient to act as deterrents.

<sup>2</sup> Minimum and maximum penalties might also be specified here.

## ARTICLE 8

Commercial names, manufacturers' or trade marks, and industrial designs or models, which are contrary to the present Act, shall be refused registration.<sup>1</sup>

## ARTICLE 9

Should a corporate body commit a breach as defined in Articles 6 and 7, the shareholders, members, directors, authorized representatives, members of the staff of the managing board or of a controlling or liquidating body who have committed the said breach shall be liable to a penalty.

## ARTICLE 10

The competent authority may issue provisional orders, *inter alia*, for the seizure of goods and wrappings bearing marks which are contrary to the present Act.

The Court may, in case of acquittal, order the removal of the unlawful signs and the destruction of the tools and implements used exclusively for the affixing of such signs.

After the signs have been removed, the goods and wrappings which have been seized shall be returned to their owners.

## ARTICLE 11

The present Act shall be applicable at all times without prejudice to those provisions of the military penal code which take effect in wartime.

## ARTICLE 12

Articles 4 and 6, and 8 to 11, shall apply, by analogy, to the emblems of the red crescent on a white ground or the red lion and sun on a white ground, as well as to the words "red crescent" and "red lion and sun".

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<sup>1</sup> Registration Offices, which vary in title, might be expressly named.

The right of persons who have employed these emblems or words from a date previous to the entry into effect of the present Act shall, however, be reserved.

### ARTICLE 13

Persons responsible for breaches of the present Act shall be prosecuted by the judicial authorities.

The ... Red Cross shall be entitled to prosecute directly before the competent Courts persons responsible for breaches of the present Act.<sup>1</sup>

(Final Provisions to be added as is customary in the State concerned.)

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<sup>1</sup> The wording may vary according to the country. It is important that the National Red Cross should be entitled to lodge complaints and be party to the judicial proceedings.

*BRIEF SUMMARY  
OF THE FOUR GENEVA CONVENTIONS*

Several National Societies have expressed the wish that a condensed summary of the Geneva Conventions of 1949 be issued for the use of members of forces and the public.

The Committee has now published a summary of this kind in French, English and Spanish and forwarded copies to all Societies. The text of the summary is given hereunder.

\* \* \*

*Even in war and in regard to the enemy, certain rules of conduct must be observed; the principal expression of these rules is in the four Geneva Conventions of August 12, 1949, now signed on behalf of practically all countries.*

*The Geneva Conventions are founded on the idea of respect for the individual and his dignity as such. Persons not directly taking part in hostilities and those put out of action through sickness, wounds, captivity or any other cause must be respected and protected against the effects of war; those who suffer must be aided and cared for without discrimination.*

GENERAL RULES COMMON TO THE FOUR CONVENTIONS

Once armed conflict breaks out, the Conventions shall be applicable in all circumstances (2).<sup>1</sup>

In case of civil war or internal strife, certain essential principles at least must be observed (3).

The following are prohibited at all times and in all places: the taking of hostages, execution without regular trial, torture,

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<sup>1</sup> The Roman numerals in brackets refer to the number of the Convention; the Arabic numerals indicate Articles.

and all cruel and degrading treatment (I-IV, 3 ; I, II, 12 ; III, 13 ; IV, 32, 33).

Reprisals on persons protected by the Conventions are forbidden (I, 46 ; II, 47 ; III, 13 ; IV, 34).

No one may renounce or be forced to renounce the protection accorded him by the Conventions (I-III, 7 ; IV, 8).

Protected persons must at all times be able to have resort to a Protecting Power (the neutral State responsible for safeguarding their interests), and to the International Committee of the Red Cross, or any other qualified humanitarian agency (I-III, 8, 9, 10 ; IV, 9, 10, 11).

I. GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK IN ARMED FORCES IN THE FIELD, OF AUGUST 12, 1949.

II. GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF WOUNDED, SICK AND SHIPWRECKED MEMBERS OF ARMED FORCES AT SEA, OF AUGUST 12, 1949.

The *wounded and sick* of armed forces must be respected and protected in all circumstances. There must be no attempt on their lives or violence on their persons. They must be aided and cared for (I, 12, 15).

The *shipwrecked* shall be similarly treated (II, 12, 18).

Belligerents must treat the wounded, sick or shipwrecked members of enemy forces taken prisoner as they do their own (I, 12, 14 ; II, 12, 16).

The dead must be collected and their bodies protected against robbery (I, 15 ; II, 18).

Bodies must be identified before burial and death confirmed, if possible by medical examination (I, 16, 17 ; II, 19, 20).

Everything which serves for the care of the wounded and sick shall, in their interest, be respected and protected—namely : personnel, establishments, vehicles, and medical supplies belonging to the military Medical Services, the National Red Cross or

other Relief Societies—and shall be indicated by the emblem of the red cross on a white ground.

*Medical and religious personnel* includes: (a) persons responsible for the care and transport of the wounded and sick, and for the prevention of disease (doctors, orderlies, nurses and stretcher-bearers); (b) the administrative staff of medical establishments and units; (c) chaplains (I, 24-27; II, 36, 37).

Such personnel shall wear an armband with a red cross, and carry an identity card (I, 40; II, 42). They may bear arms for their own defence and that of the wounded (I, 22; II, 35).

If medical and religious personnel fall into enemy hands, they shall be allowed to continue their duties towards the wounded and sick (I, 19). Personnel whose retention is not indispensable to the care of prisoners shall be repatriated (I, 30, 31; II, 36, 37). Those retained shall not be considered as prisoners of war and shall have wide facilities for their work (I, 28).

Civilians may not be prevented from giving care and shelter to the wounded and sick, whoever they may be, and shall not be penalized for doing so; they must on the contrary be aided in this work (I, 18).

*Medical units and establishments* shall include all buildings or permanent installations (hospitals, stores, etc.), or mobile units (ambulances, field hospitals, tents, open-air installations, etc.) used exclusively in collecting and caring for the wounded and the sick (I, 19).

They may not be attacked or damaged, or prevented from operating even if, for the moment, they do not contain either wounded or sick (I, 19).

The same shall apply to medical vehicles: ambulances, lorries and trucks, hospital ships, lifeboats, medical aircraft, etc. (I, 35, 36; II, 22-27, 38, 39).

*Medical equipment* (stretchers, medical and surgical appliances and instruments, medical supplies, dressings, etc.) must never be destroyed, but must be left at the disposal of the medical personnel, wherever they may be (I, 33, 34; II, 28, 38).

The *emblem of the red cross*<sup>1</sup> on a white ground, symbol of aid to the wounded and sick, shall be used to designate buildings, staff, and material entitled to protection. It may not be otherwise employed and must at all times be scrupulously respected (I, 38-44; II, 41-43).

### III. GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR, OF AUGUST 12, 1949.

#### *Status.*

Members of the armed forces and assimilated personnel<sup>2</sup> who fall into enemy hands shall become prisoners of war (4). They shall then be in the power of the enemy State, but not of the individuals or troops who have captured them (12).

Prisoners of war are entitled in all circumstances to humane treatment and to respect for their persons and their honour (13, 14).

They shall all be treated alike; privileged treatment may be accorded only on grounds of health, sex, age, military rank or professional qualifications (16).

Prisoners of war, if questioned, are bound to give their name, first names and age, rank and army number. They may not be compelled to give other information (17).

They shall be entitled to retain their effects and articles of personal use. The enemy may impound their military equipment, except articles of clothing and feeding utensils. Sums of money and valuables may not be taken from them except against receipt, and must be handed back at the time of release (18).

Prisoners of war shall in general be subject to the discipline and the military code of the capturing State (called the Detaining Power) (39, 82-88). For security reasons, their liberty

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<sup>1</sup> Some Middle and Near East countries use the red crescent in place of the red cross; in Iran (Persia) the red lion and sun is used.

<sup>2</sup> Assimilated personnel covers members of militia and volunteer corps (including those of organized resistance movements not part of the regular forces) when they are attached to a belligerent and (1) have a responsible leader; (2) wear a fixed distinctive sign, recognizable at a distance; (3) carry arms openly, and (4) conform to the laws and customs of war.

may be restricted, but they may not be imprisoned unless for breaches of the law (21). Before sentence, they must have the possibility of stating their case (96, 99, 105, 106).

### *Conditions of captivity.*

The Detaining Power shall supply prisoners of war free of charge with adequate food and clothing, provide them with quarters not inferior to those of its own troops, and give them the medical care their state of health demands (15, 25, 26, 27, 30).

Prisoners of war, with the exception of officers, may be obliged to work. They shall receive pay; working conditions shall be equal to those of nationals of the Detaining Power. They may not be compelled to do military work, nor work which is dangerous, unhealthy, or degrading (49-54).

When taken prisoner, they shall be enabled to advise their next of kin and the Central Prisoners of War Agency (International Committee of the Red Cross). Afterwards, they may correspond regularly with their relatives, receive relief, and be attended by clergymen of their own religion (33, 70, 71, 72).

They shall be entitled to elect a spokesman (prisoners' representative), who shall act for them with the authorities of the Detaining Power and with welfare organizations assisting them (79).

They shall have the right to address complaints and requests to representatives of the Protecting Power who are authorized, as are Delegates of the International Committee of the Red Cross, to visit the camps, and talk with them either directly or through their representative (78, 126).

The text of the Convention must be posted up in each camp, so that prisoners may at all times ascertain their rights and duties (41).

### *Repatriation.*

Prisoners of war certified seriously ill or wounded shall be repatriated, but may not afterwards take up active military duties (109, 117).

At the end of active hostilities, prisoners must be released and repatriated without delay (118).

#### IV. GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR, OF AUGUST 12, 1949.

A civilian is defined as a person who does not belong to the armed forces and takes no part in hostilities. Civilians may never be attacked ; they shall be respected, protected, and at all times humanely treated (3, 27). They shall be entitled at all times to correspond with their relatives (25).

Civilian wounded and sick, civilian hospitals and staff, and civilian ambulances shall be the object of particular respect and may be placed under protection of the Red Cross emblem (16-22).

The Convention deals specially with civilians in enemy hands, and distinguishes two categories (4) :

a) *Civilians in enemy territory.*

Unless security reasons forbid, civilians in enemy territory must be allowed to leave (35). If they do not leave or are retained, they shall be treated in the same way as aliens in general (38). If security reasons make their internment imperative, they shall have the right to appeal, and to have their case impartially reviewed (41-43).

b) *Population of occupied territory.*

The civilian population shall, so far as possible, be enabled to continue as usual (47). The Occupying Power shall be responsible for the maintenance of public order (64).

Deportations and transfers of population shall in general be prohibited (49). Every compulsory enlisting of manpower shall be subject to strict regulation. Persons under eighteen years of age are entirely excepted, and enlisted workers may not be forced to do labour which would make them participate in

military operations (51). Pillage and unnecessary destruction of property are forbidden (33, 53).

The Occupying Power shall be responsible for the welfare of the children (50), the maintenance of the medical and health services (56), and the feeding of the population (55). It shall allow the entry of relief consignments, and facilitate their transport (59-62). In general, the authorities, administration, and public and private institutions shall continue to function (54, 63, 64).

The Occupying Power has the right to defend itself against acts hostile to its administration and the members of its armed forces (64). It may introduce special laws in this connection (64). It may try accused persons before its own tribunals, but no sentence may be pronounced without regular trial (66). It may, for imperative security reasons, intern certain persons (78). All these measures are, however, governed by explicit provisions and subject to the supervision of the Protecting Power (65-77, 78, 136, 137, 143).

\* \* \*

Civilians in enemy territory and the inhabitants of occupied territories have certain rights in common.

They are in all circumstances entitled to respect for their persons, their honour, family rights, religious convictions and practices, and their manners and customs. They shall at all time be humanely treated (27); no coercion shall be exercised against them (31). Women shall be especially protected against any attack on their honour, and, in particular, against rape and any form of indecent assault (27).

These civilians shall have the right of free resort to the Protecting Power, the International Committee of the Red Cross and the National Red Cross of the country where they may be (30). The representatives of the Protecting Power and of the International Committee shall be able to visit them freely (30, 143).

The enemy Government shall be responsible for the treatment given them by its officials or military personnel (29).

Finally, should they be interned—a measure which cannot be taken as a form of punishment—they shall be entitled to treatment which shall in general, and taking into account the fact that they are civilians, be analogous to that of prisoners of war (79-135).

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#### ERRATUM

Our attention has been drawn to an unfortunate but obvious printer's error in the *Supplement* (May, 1951, page 79). "German and *Australian* Red Cross" should of course read "German and *Austrian* Red Cross".

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REVUE INTERNATIONALE  
DE LA CROIX-ROUGE

ET

BULLETIN INTERNATIONAL  
DES SOCIÉTÉS  
DE LA CROIX-ROUGE

*SUPPLEMENT*

October, 1951

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INTERNATIONAL COMMITTEE OF THE RED CROSS

*MESSAGE FROM M. PAUL RUEGGER  
TO THE INTER-AMERICAN RED CROSS  
CONFERENCE AT MEXICO*

M. Rodolfo Olgiati, member of the ICRC, delivered on October 9 to the Inter-American Red Cross Conference at Mexico, the following message from M. Ruegger, President of the Committee :

“ It is with great pleasure, tempered by deep emotion, that I am sending the present message to the distinguished gathering at Mexico of representatives of the Inter-American Red Cross Societies, under their eminent Chairman, Don Alejandro Quijano. This meeting, convened by the Mexican Red Cross and the League of Red Cross Societies, is taking place at a propitious but decisive moment in the history of mankind. Amongst the dearest hopes of the founder of our world movement, the Genevese philanthropist Henry Dunant, was one which I now see being carried into effect : the peoples of the whole American Continent united in a common belief in, and attachment to, the ideals, work and future of the Red Cross.

“ In 1863, the International Committee of the Red Cross, with Henry Dunant as Secretary and General Dufour as first President, launched an idea which has, since then, successfully extended to all the countries of the world. The Committee can therefore but rejoice at the spirit which informs your meeting, and gladly respond to the desire of all National Societies here assembled, to develop the scope and influence of the Red Cross. I was myself fortunate, last year, to gain personal and first-hand experience of the remarkable manner

in which the principle of charitable assistance is applied in this great country, which is your host today. I was satisfied that the Red Cross plays a very considerable part in the minds of the Mexican people.

“ We live at a time in which conflicts of opinions and ideologies are sharper than ever. Whole countries, nay whole continents, are divided into strictly separated compartments. The stern principle : “ *cujus regio, ejus religio* ” (my creed is that of my masters), which emerged as the fruit of the wars that devastated Europe during the 17th and 18th centuries, is again current, and renders antagonisms still more acute. If we refuse to despair of the future of mankind, we must needs cling to everything which still *unites* us, in a world of contrasts and conflicts.

“ Common denominators are growing daily fewer ; those that survive are the more valuable. The desire which we all nourish to raise the standard of public welfare is one of these—despite the fact that ways and means suggested are so strictly opposed, and spiritual values so diversely appreciated. Another factor is the development of science, considered as a powerful agent of human progress. Most effective of all is the yearning of the peoples for the abolition of war and the institution of lasting peace. And, as far as we are concerned, I would speak of that world unity which is the recognition of the admirable work of the Red Cross organization. That unity, it is our privilege to maintain, to proclaim and to strengthen by all possible means.

“ The Red Cross flag, symbol of fraternal assistance in the struggle against human distress, has quickly earned, in a few score years, instinctive acceptance by men and women of goodwill in every nation. This rapid success implies heavy responsibilities—that especially of keeping intact the heritage of the Red Cross and upholding our common principles, despite the influence of passing modes and opinions. The Red Cross will be strong and effective in the crusade against human suffering, in so far as it remains united. Such unity must not be sought only within the framework of its national or international agencies—a purpose fairly easy of attainment, if all

manifest their goodwill—but also, and especially, in the basic conception of what is the essential task of the Red Cross. It is not enough that every country and every continent should recognize the symbol, and the same name of Red Cross, or Red Crescent. Name and symbol must be living entities; they must everywhere correspond strictly to a living idea and belief, of which our founder, Henry Dunant, was the messenger: every victim, whether friend or enemy, has a claim to fraternal, generous and disinterested assistance; there can be no discrimination made in the fight against distress, but only constant regard for the dignity of the human individual.

“ If such be our doctrine, if such be the foundations of the Red Cross, universally recognized as intangible, we shall find in it a guarantee—the most essential, perhaps—of the harmony to which mankind aspires.

“ The Red Cross Societies of the American Continent can, by their work and union in a common effort, lead the world on the path of future progress. It is in this spirit that the International Committee of the Red Cross, true to its mission to establish a common belief in a will for peace, greets the representatives of the American Societies assembled here today. ”

## PRINCIPAL ITEMS OF INTEREST

*San Francisco Conference.* — The President of the ICRC, M. Paul Ruegger, has returned from the San Francisco Peace Treaty Conference, which, with M. Roger Gallopin, Executive Director, and M. Max Wolf, Counsellor, he attended on the invitation of Mr. Dean Acheson, United States Secretary of State and Chairman of the Conference. On his arrival in Geneva, M. Ruegger gave a general account of the mandate which the Powers signatory to the Treaty wished the Committee to assume, in providing relief to former Allied prisoners of war in Japan.

At San Francisco, M. Ruegger and his advisers explained in detail to the principal Powers concerned how, in accepting such a task, the Committee had to be governed by traditional Red Cross principles of neutrality and impartiality. This point of view was sympathetically received.

Highly complex questions are now involved, and discussions on the Committee's possibilities of action are continuing with the States interested. Letters exchanged between Mr. Kenneth Younger, British Minister of State, Ambassador John Foster Dulles, Deputy Leader of the United States Delegation, and M. Ruegger underlined the necessity for the Committee's complete independence in all circumstances.

During the San Francisco Conference, M. Ruegger had cordial talks with M. Yoshida, Japanese Prime Minister and Minister for Foreign Affairs, and other members of the Japanese Delegation.

*Conference of Welfare Organizations.* — The Standing Conference of Welfare Organizations at Geneva, under the Chairmanship of Mr. Elfan Rees, of the World Council of Churches, met on September 28, to consider, *inter alia*, the problem of legal assistance for refugees.

M. Rodolfo Olgiati, member of the ICRC, opened the discussion and reviewed the present situation. He recalled the recommendation adopted by the Stockholm Red Cross

Conference in 1948, for a programme of legal assistance to be undertaken by the Red Cross. The Conference held at Hanover in April last, which the ICRC attended, had approved the establishment in Germany of an autonomous section of the German Red Cross, on the lines of the similar department of the Italian Red Cross, known as Agius. M. Olgiati added that other Red Cross Societies were similarly interested.

On May 1, 1950, the ICRC issued an appeal to Governments on behalf of refugees and submitted a Memorandum on the same subject to the Geneva Diplomatic Conference on refugees in July, 1951. It was in the spirit of these documents, M. Olgiati said, that the Committee recommended the establishment of an international system of legal assistance to refugees.

*Greece.* — The ICRC Delegation in Athens supervised the issue to Greek detainees of further relief supplies provided by welfare organizations in France, Hungary, Norway, Sweden, and Switzerland. The goods, which include foodstuffs, clothing, footwear, toilet requisites and medicaments, are first assembled and packed at Geneva, and dispatched monthly to Athens.

Consignments since June last are valued at 52,000 Swiss francs. Further shipments of clothing, footwear and blankets, estimated at 11,500 francs, were sent direct from London to the Piraeus, and distributed by the ICRC Delegation.

The Committee also supplied its Delegation with medical relief, in the shape of antibiotics and bandages valued at 10,500 francs.

The Secretary-General of the Delegation, M. Germain Colladon, reached Geneva from Greece on September 20. Before his departure from Athen he visited the following prisons and penitentiary colonies in the Dodecanese: Chios, Mytilene (Lesbos), Vathy (Samos) and Syra (Syros). He also saw several prisons in Athens and at the Piraeus.

*War Invalids.* — During August, 1951, the Committee's Department for War Disabled dispatched further collective and individual relief. The supplies included 650 million units of penicillin, for the use of hospitals in Western Germany.

A shipment of 158 kilos of felt, for the manufacture of surgical appliances, was sent to Eastern Germany for the benefit of war amputees.

*Iran.* — M. Pierre Gaillard, ICRC Delegate in the Middle East, recently spent a week in Teheran, where he had informal talks with leading members of the Red Lion and Sun Society, and with the Foreign Minister and other Government representatives.

M. Gaillard noted keen interest for the 1949 Geneva Conventions; these have been translated into Persian, and their ratification is being considered. He reported on the wide range of the Red Lion and Sun's activities. The Society has some forty thousand members, in sixty regional branches, and maintains over seventy medical centres, including twelve hospitals, which are managed by the Society's own staff.

*Relief Work in Jerusalem.* — Reference has been made on several occasions to the scheme for assisting Christian communities in the Old Town of Jerusalem, which are situated in Israeli territory. Help was given by the ICRC Delegation by convoying transports of foodstuffs supplied by Christian communities in the part of the Old Town held by the Arabs.

In view of the closing down of the Jordan Delegation, arrangements have been made with both Israel and Jordan to continue these transports as in the past. The last transport convoyed by the ICRC Delegation arrived safely on August 31.

*Korea.* — During the first fortnight of September, the ICRC Delegates in Korea visited the following camps :

UN POW Camp No. 1 ;  
Transit Camp No. 1 (Jongdungpo) ;  
Collecting Centre, 1st Corps (Uijongbu) ;  
Transit Camp No. 2 (Wonju) ;

and the four following Collecting Centres :

1st Marine, 8th Division ;  
ROK Division ;  
1st Marine Preregiment ;  
Treatment Front Line.

*Japan.* — Dr. Otto Lehner, ICRC Delegate, who recently returned to Geneva from Indonesia, left for Tokyo on September 18. He was due to take over responsibility for the ICRC Delegation in South Korea.

*Publications.* — The Committee published, a few months ago, a leaflet entitled "Some Advice to Nurses". The leaflet was written by Mlle. Lucie Odier, member of the ICRC, and is for the use of personnel attached in wartime to the Medical Services of the forces and called on to nurse the sick and wounded. It gives, in simple language, a summary of the rights and duties of nursing personnel under the 1949 Geneva Conventions.

Following suggestions made by Red Cross Societies and Army Departments, a revised edition of the leaflet has been issued, to apply not only to nurses but to the medical personnel of armed forces in general.

This publication has been already translated into seventeen languages, including Chinese, Korean, Siamese, Arabic, Persian and Afrikaans. National Red Cross Societies and Army Medical Services of twenty-four countries have issued it to their personnel.

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*CONTRIBUTIONS BY NATIONAL SOCIETIES TO THE  
INTERNATIONAL COMMITTEE*

(Contributions made from Jan. 1 to Sept. 30, 1951)

National Societies	1951	Previous years
Australia . . . . .	25,680.—	
Belgium . . . . .		17,520.— (for 1950)
Canada . . . . .	30,345.—	30,336.65 (for 1950)
Colombia. . . . .	2,000.—	
Costa Rica . . . . .	480.—	
Denmark. . . . .	2,000.—	
Dominican Republic . . . . .	427.70	
Finland . . . . .	5,000.—	
Greece . . . . .	2,280.—	
Great Britain . . . . .	24,460.—	
Guatemala . . . . .	600.—	
Hungary . . . . .		2,250.— (add. for 1949) 3,600.— (for 1950)
Iceland . . . . .	500.—	
India . . . . .	4,512.50	
Iran . . . . .	1,200.—	
Iraq . . . . .	2,160.—	
Ireland . . . . .	2,443.—	
Lebanon . . . . .	840.—	
Luxemburg. . . . .	600.—	600.— (for 1950)
Netherlands . . . . .	20,000.—	
New Zealand . . . . .	6,051.85	
Norway . . . . .	3,000.—	
Pakistan . . . . .	12,950.—	
Peru. . . . .		2,168.90 (for 1950)
Philippines . . . . .	3,840.—	
Carried forward	151,370.05	56,475.55 Swiss Francs

National Societies	1951	Previous years
Brought forward	151,370.05	56,475.55
Poland . . . . .	12,360.—	12,360.— (for 1950)
Portugal . . . . .		2,500.— (for 1950)
San Salvador . . . . .	132.—	
South Africa . . . . .	14,653.55	
Turkey . . . . .	11,880.—	5,070.— (add. for 1949)
		2,100.— (add. for 1950)
United States . . . . .	107,500.—	
Totals	<u>297,895.60</u>	<u>78,505.55</u> Swiss Francs

Further contributions, advised or in course of transfer, will figure in the next list, to appear in our December issue.

Referring to the applications to National Societies by the Finance Commission of the ICRC, the Committee would be grateful to all Societies whose contribution have not yet been remitted or advised, to take the necessary steps at their earliest convenience.

## INTERNATIONAL RED CROSS

### *MEETING OF THE STANDING COMMITTEE OF THE INTERNATIONAL RED CROSS CONFERENCE*

The Standing Committee met recently in Paris at the offices of the French Red Cross, under the Chairmanship of M. André François-Poncet. The ICRC was represented at the session by its President, M. Paul Ruegger, who was accompanied by M. Martin Bodmer, Vice-President, M. Jean Duchosal, Secretary-General, and M. W. Michel, principal Delegate of the Committee in France.

The meeting decided to accept the offer of the Canadian Red Cross to hold the XVIIIth International Red Cross Conference at Toronto, in the month of July, 1952.

Following the meeting, M. Ruegger had talks, amongst others, with the President of the French Red Cross, Professor Brouardel, and General de Lattre de Tassigny, French High Commissioner in Indo-China.

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CLAUDE PILLOUD

Head of the ICRC Legal Service

## THE QUESTION OF HOSTAGES AND THE GENEVA CONVENTIONS

*“ The taking of hostages is prohibited ”.*

Such is the text of Article 34 of the Fourth Convention of August 12, 1949, relative to the Protection of Civilian Persons in Time of War. If this is the shortest of all the Articles in the Convention, there are few whose importance is greater ; it ends a practice repugnant to every right-thinking person and forms a remarkable advance in International Law as applied to war.

### DEFINITION AND BACKGROUND

Under the term “ hostages ” so many different categories of persons have been included, in theory and in practice, that it is not easy to give a definition that will cover all. The word “ hostage ” derives from the idea of a pledge given ; it was in this sense that the Romans employed the term *obses*. In a general way, it may be said that by hostages, we should understand citizens of a belligerent State who, willingly or not, are in the power of an enemy State, and who answer with their lives or their liberty for the fulfilment or non-fulfilment of certain acts.

This definition could hardly be called explicit ; a number of examples may help to make it clearer.

(a) — In the Middle Ages and up to the seventeenth century, persons, generally chosen from the immediate entourage of the

Sovereign or from amongst the notabilities of a city, were handed over to a conquering State or faction, or taken by them, as pledges for the execution of a treaty, an armistice, or some other agreement. In case of non-fulfilment, they were at the mercy of those who held them. One of the best-known examples is that of the Burghers of Calais.

In more recent times, there is the case of Lords Sussex and Cathcart, who, under the treaty of Aix-la-Chapelle in 1748, remained on parole in Paris until Cape Breton Colony was restored to France. The *Dictionnaire diplomatique* mentions that in 1861, France held four hostages, sons of the leading chieftains of the Upper Cazamance (Senegambia), as guarantees of the treaty of February 14 of the same year.<sup>1</sup>

This type of hostage has completely disappeared in modern times; temporary occupation of all, or part, of the territory of the defeated State is resorted to as a means of assuring the execution of an armistice or peace treaty.

(b) — “ Travelling ” hostages are inhabitants of an occupied territory forced to accompany railway trains or road vehicles, to ensure the security of the transports and prevent attacks by the population. 1

This practice was apparently employed for the first time by Germany during the Franco-German war of 1870-1871; it was also used by British troops in the Boer War. During both World Wars it was a frequent occurrence. The practice may appear to have a certain justification in given cases, it being clearly understood that it is a means of protecting a train or convoy against illegal acts, and not against attack by regular troops. It has never been considered admissible, for example, that advancing troops should try to protect themselves by driving inhabitants or prisoners of war before them.

During the first World War, because of the torpedoing of many hospital ships by German submarines, Great Britain put German officer prisoners of war on board her hospital ships.

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<sup>1</sup> See *Dictionnaire diplomatique*, published by the Académie diplomatique internationale, Paris, s.d., Vol. II, p. 275, under the heading “ Otages ”.

This case is slightly different, as it is not subordinate to the occupation of a territory.

(c) — The most frequent example during the two World Wars was the taking by Occupying Powers of persons—generally notabilities of a town or district—as hostages to ensure order and the security of the occupying troops. The hostages were shot or held prisoner if there were attacks against the occupation forces and the guilty could not be arrested.

This practice appears to be comparatively recent. During the Italian campaign, Napoleon I took hostages to ensure order, but the only penalty inflicted was deportation to France.<sup>1</sup> Germany took hostages on a large scale during both World Wars (we shall revert to this), as did the Japanese in the Philippines in 1941-1942.

(d) — After an outrage in occupied territory, a number of inhabitants might be arrested and the threat made that they would be executed or held in prison, unless the guilty were denounced.

(e) — Hostages were also taken and held by Occupying Powers to ensure the delivery of food and provisions, or the payment of an indemnity.

(f) — Hostages have also served to guarantee the lives of those taken by the enemy, or the lives of persons arrested for other reasons and threatened with execution.

Thus, during the recent War, the Germans arrested a certain number of Dutch citizens in the Netherlands in reprisal for the internment of Germans in the Dutch Indies; they were termed hostages. They were first interned in Buchenwald Camp, where ICRC Delegates saw them on several occasions, and later transferred to Hertogenbosch in Holland, where the ICRC was also able to afford them relief.

It should be remarked that until the 1929 Prisoners of War Convention, prisoners were to some extent treated as hostages, on whom reprisals might be taken. The first World War afforded notorious examples.

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<sup>1</sup> See Arthur KUHN, *American Journal of International Law*, 1942, p. 27 et seq.

Again, during the recent War, the Germans frequently arrested persons and put them to death in reprisal for attacks against German soldiers. These were not properly speaking hostages, because their arrest followed the attacks the occupant decided to punish, but there are close analogies between them and hostages.

#### THE LAW UP TO THE WAR OF 1939-1945

The idea that the innocent may be punished for the guilty has always been considered revolting, and this principle has been held as true in natural law since ancient times. Protests were raised in Roman times against the ill-treatment and killing of hostages. More recently the protest was taken up again by the great lawyers Grotius and Vattel.

The term "hostage" was applied only to persons detained to guarantee the execution of an undertaking (see (a) above). The opposition of Grotius and Vattel to this practice was not useless, and it has entirely disappeared.

The earliest regulations concerning hostages, *lato sensu*, were those inserted into the Hague Conventions of 1899 and 1907. The Regulations annexed to the Fourth Hague Conventions have no express provision concerning hostages. Two Articles should however be borne in mind :

*Article 46*: "Family honour and rights, the lives of persons, and private property... must be respected."

*Article 50*: "No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be considered as jointly and severally responsible."

Respect for the "lives of persons" is obviously incompatible with the killing of hostages—which might also be looked upon as a "general penalty". This opinion is shared by most authorities. Nevertheless, opinion is not unanimous, and it was claimed, especially on the German side, that in the absence of express prohibition, the taking and execution of hostages may be regarded as legitimate when it becomes necessary to ensure order in occupied territory.

After the first World War, the Allies demanded the trial of a number of German military and civilians who had committed war crimes. The Paris Peace Conference appointed a Commission to enquire into responsibilities in relation to the War. The Commission drew up a list of war crimes which it considered should be punished; the list included the killing of hostages. During the Leipzig prosecutions which followed, however, the question of hostages was not brought up.

The ICRC, for its part, did not let the matter rest. Under Art. 2 of the 1929 Prisoners of War Convention, drafted by the Committee, reprisals against prisoners of war are forbidden, and henceforth prisoners could under no circumstances be looked upon as hostages by the Detaining Power. This was a great step forward.

At the same time, the ICRC drew public attention to the necessity for a Convention to protect civilians in time of war. It did not prove possible to submit the question to the 1929 Diplomatic Conference in Geneva, which however recommended that such a Convention be drawn up in the near future. A draft was made by the ICRC and adopted by the Tokyo Red Cross Conference in 1934; the Diplomatic Conference to examine it in 1940 was called off. This "Tokyo Draft" deals with hostages in two provisions: (1) Article 4, applicable to enemy civilians on the territory of belligerents, prohibits the taking of hostages; (2) In the case of enemy civilians on territory occupied by a belligerent, Article 19 (a) provides as follows:

"Where, as an exceptional measure, it appears indispensable to an occupying State to take hostages, the latter must always be treated humanely. They must under no pretext be put to death or submitted to corporal punishment."

While it did not prohibit the taking of hostages, the Tokyo Draft at least forbade their execution.

#### THE 1939-1945 WAR AND SINCE

In September 1938, the ICRC proposed that belligerents should put the Tokyo Draft into force by agreement. Un-

fortunately, they either refused, or did not reply.<sup>1</sup> The most they agreed to do was to apply to enemy civilians interned on their territory the provisions relative to prisoners of war.

Thus, civilians in occupied territory were protected only by the provisions of the Hague Regulations, which were to prove lamentably inadequate.

The Committee's appeal of July 24, 1943, to belligerent States urged them to respect, even in the face of military considerations, the natural right of men to be protected against arbitrary treatment and not made responsible for acts they have not committed. This appeal likewise remained almost unheeded.

We need not go into details about the way in which hostages were taken and executed during the War. The Courts which tried German war criminals examined the matter at great length; all occupied countries from France to Greece, and Norway to Jugoslavia, suffered bitterly by this practice.

The War ended, the Allied Powers, who had proclaimed their intention of punishing those guilty of war crimes, concluded the London Act of August 8, 1945, concerning the trial and punishment of major European war criminals. In the Charter annexed to this agreement (Art. 6 (b), War Crimes) the "killing of hostages"<sup>2</sup> is mentioned. This reference was not made in the original draft and was introduced towards the end of the Conference which established the London Act, without any indication being given as to the reason for its previous omission or for its inclusion.<sup>3</sup>

The killing of hostages was also included as a war crime in Law No. 10 of the Control Commission in Germany, and was entered in the legislation of most States.

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<sup>1</sup> The German Government alone declared itself ready to discuss the conclusion of a Convention on the basis of the Tokyo Draft. See *General Report of the ICRC, 1939-1947, Vol. I, p. 567-572.*

<sup>2</sup> The term "killing of hostages" is sometimes translated in French by "*exécution d'otages*". This is not altogether satisfactory, as the word "*exécution*" gives the idea of death after sentence of a Court; this obviously does not apply to hostages.

<sup>3</sup> Report of Robert H. Jackson, United States Representative to the International Conference on Military Trials, London, 1945. Department of State, Publication 3080, February, 1949.

In a judgment delivered on September 30, 1946, the International Military Tribunal, sitting at Nuremberg, admitted that ill-treatment of the civilian population in occupied territory and the killing of hostages—both, according to the London Act, to be considered as war crimes—are contrary to the laws and customs of war, as expressed in Article 46 of the Hague Regulations.<sup>1</sup> In regard to Field Marshal Keitel, the International Military Tribunal took the following acts as proved :

“ On September 16, 1941, he ordered that attacks against German soldiers in the East should be answered by the shooting of 50 to 100 Communists. On October 1, he gave orders to his subordinates to retain hostages permanently, to be executed, should there be attacks on German soldiers.”<sup>2</sup>

There is therefore no doubt that the International Military Tribunal considered the execution of hostages as contrary to the existing laws and customs of war, and it does not appear that there was any discussion on the subject.

This opinion was not shared by the American Military Tribunal which judged Field Marshal List and a number of co-accused. The judgment pronounced by this Court on October 18, 1948, is particularly interesting and, both on account of its detail and the care with which it was drawn up, is a valuable contribution to International Law. It gives a comprehensive review of the question of hostages in law, and attempts a constructive solution. The Tribunal began with the idea that it was not the object of Article 50 of the Hague Regulations to suppress all reprisals ; this is shown by the minutes of the Hague Conference of 1899. Although many authorities condemn the execution of hostages, opinion is not unanimous. Finally, and most important, the rules of war drawn up by several States for their troops were determinant for the Tribunal.

The following passage is taken from the judgment :

“ In two major wars within the last thirty years, Germany has made extensive use of the practice of killing innocent members of the

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<sup>1</sup> *Jugement du Tribunal militaire international*. Imprimerie des journaux officiels, Paris, 1946, p. 22.

<sup>2</sup> *Loc. cit.*, p. 40.

population, as a deterrent to attacks upon troops and acts of sabotage against installations essential to its military operations. The right to do so has been recognized by many nations, including the United States, Great Britain, France, and the Soviet Union. There has been complete failure on the part of the nations of the world to limit or mitigate the practice by conventional rule. This requires us to apply customary law. That international agreement is badly needed in this field is self-evident.”<sup>1</sup>

The texts of the military regulations on which the Tribunal relies are so important that it is worth while reproducing them here :

United States, *Rules of Land Warfare*. F. M. 27.10.1940, 358, letter (d) :

“ Hostages taken and held for the declared purpose of ensuring against unlawful acts by the enemy forces or people may be punished or put to death if the unlawful acts are nevertheless committed.”

Great Britain. *Manual of Military Law* (1939), Article 458, *Collective Punishments* :

“ Although collective punishment of the population is forbidden for the acts of individuals for which it cannot be regarded as collectively responsible, it may be necessary to resort to reprisals against a locality or community for some act committed by its inhabitants or members who can not be identified.”

Having come to the conclusion that, in certain cases, International Law unfortunately sanctions the killing of hostages, the Tribunal tried to determine the conditions under which such decision might be lawful. Close study of the judgment reveals the seven following conditions :

- (1) The step should be taken only “ as a last resort ” and only after regulations such as those elaborated by the Tribunal had first been enforced.
- (2) Hostages may not be taken or executed as a matter of military expediency.
- (3) “ The population generally ” must be a party “ either actively or passively ” to the offences whose cessation is aimed at.

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<sup>1</sup> *Law Reports of Trials of War Criminals*. H. M. Stationery Office, London, 1949, vol. VIII, p. 63.

- (4) It must have proved impossible to find the actual perpetrators of the offences complained of.
- (5) A proclamation must be made, "giving the names and addresses of hostages taken, notifying the population that upon the recurrence of stated acts of war treason, the hostages will be shot".
- (6) "The number of hostages shot must not exceed in severity the offences the shooting is designed to deter."
- (7) "Unless the necessity for immediate action is affirmatively shown, the execution of hostages or reprisal prisoners without a judicial hearing is unlawful."<sup>1</sup>

It was because these conditions were not observed, and on account especially of the disproportion between the gravity of the act committed and the number of hostages shot, that the Tribunal had found Field Marshal List and certain of his co-defendants guilty. It applied the same rule in the case of persons whom the German authorities put to death in reprisal for attacks, without their being first designated as hostages and arrested.

The Netherlands Special Court of Appeal had also to deal with the question of hostages in its judgment delivered on January 12, 1949, against H. A. Rauter. The Court declared the execution of hostages in the Netherlands illegal, adopting a very different line of argument, which extended to all measures of reprisals against the populations of occupied territories. The relevant passage of the judgment reads:

"In the proper sense, one can speak of reprisals only when a State resorts, by means of its organs, to measures at variance with International Law, on account of the fact that its opponent—in this case the State with which it is at war—had begun, by means of one or more of its organs, to commit acts contrary to International Law, quite irrespective of the question as to what organ this may have been, Government or legislator, Commander of the Fleet, Commander of Land Forces, or of the Air Force, diplomat or colonial governor.

"The measures which the appellant describes... as "reprisals" bear an entirely different character; they are indeed retaliatory measures taken in time of war by the occupant of enemy territory, as a retaliation not of unlawful acts of the State with which he is at war,

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<sup>1</sup> *Loc. cit.*, p. 78.

but of hostile acts of the population of the territory in question, or of individual members thereof, which, in accordance with the rights of occupation, he is not bound to suffer.”<sup>1</sup>

The Special Court was thus led to the conclusion that acts committed by the population of occupied territory against the occupant can not give rise to reprisal; only acts committed by the enemy State can justify it. In other words, in the opinion of the Special Court, inhabitants of occupied territories are not organs of the State, even if they succeed in forming organized resistance groups and are aided from abroad.

Lord Wright, Chairman of the United Nations War Crimes Commission, has devoted a most valuable article to the problem of the legitimacy of putting hostages to death.<sup>2</sup> The particular competence in the matter of this writer makes his opinion the more valuable. His personal conclusion is that the killing of hostages is contrary to the laws of war, that it is not permissible in any circumstances, and that it amounts to murder. He is particularly critical of the American Military Tribunal judgment in the List case—especially of the fact that the judgment admitted the killing of hostages in certain circumstances. He quotes in support authorities from Grotius to Professor Hyde. The opinion stated seems certainly in keeping, as we have said, with the logical interpretation of Articles 46 and 50 of the Hague Regulations, and with the principles of natural law. Wright relies especially on the principles of natural law, side by side with the legal decisions already mentioned. His thesis is somewhat weakened, however, by his disregard of the facts of the case, and of the instructions given by States to their own armies.

Moreover, Wright, while quoting Paragraph 358 of the *American Manual of Land Warfare*, points out that another paragraph provides that hostages, once taken, shall be treated as prisoners of war; this, in his opinion, can not be reconciled with the idea that these hostages may be put to death. As reprisals against prisoners of war are forbidden by the 1929

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<sup>1</sup> *Law Reports of Trials of War Criminals*. H. M. Stationery Office, London, 1949, vol. XIV, p. 132.

<sup>2</sup> *British Year Book of International Law*, 1948, p. 296.

Convention, prisoners of war shall not in any circumstances be put to death unless they have committed acts which, after regular trial, may involve the death sentence. Nevertheless, the fact of saying that persons shall be treated as prisoners of war does not necessarily imply that they shall be given prisoner of war status. This has been brought home to the ICRC on many occasions. What is generally implied is that the persons in question shall, while detained, be given the material treatment of prisoners of war. In any case, the expression used is ambiguous, and if it was intended that these hostages should be prisoners of war in actual fact, it should have been expressly stated. This important point seems to have escaped the notice of the writer.

*Conclusions.* — The three judgments quoted and the opinion stated by Wright are based on rather different conceptions. It is especially disquieting that three of the highest instances should have reached conclusions which vary a good deal, and the reader is entitled to ask which of them he should rely upon.

We believe that Articles 46 and 50 of the Hague Regulations do not, if logically interpreted, permit the taking or killing of hostages. Moreover, the principles of natural law are entirely against such practices, which contradict the ideas of equity that men of goodwill acknowledge; it was probably this idea which confirmed Wright in his views. The present writer fully concurs, feeling that it is wholly in accordance with the general principles of the Preamble to the Hague Convention, especially where it says that "inhabitants remain under the protection and the rule of the principles of the law of nations". To that is added the innate repugnance of punishing innocent persons.

This being clearly understood, it must at the same time be noted that many provisions of the Hague Regulations have fallen into disuse, either because they were not applied by all belligerents (e.g., Articles 25 and 23 (*g*)), or because one belligerent failed to apply them, and this did not cause any reaction on the part of the adversary.

Moreover, whatever the opinion of legal experts, only States are competent to give an authoritative interpretation of a

Convention they have ratified. In preparing the instructions for their armed forces, the United States, Great Britain and Germany (and as appeared from the List trial, France and Soviet Russia), interpreted Articles 46 and 50 in a sense which allowed them to take hostages and put them to death. This is a fact which can not be ignored, even if in practice it appears that Germany alone had recourse to these methods. When a rule of International Law is intentionally ignored by several great Powers, it is somewhat difficult to claim that it continues to be in force.

Thus, for example, the International Military Tribunal at Nuremberg refused to admit that Admiral Doenitz had conducted submarine warfare against British armed merchant ships in a manner contrary to the rules of International Maritime Law, because it was proved before the Tribunal that the British Admiralty and Admiral Nimitz, in the United States, had given similar instructions to their own forces.<sup>1</sup>

We are therefore inclined to the opinion that, in view of the interpretation given to the Hague Regulations by several great Powers, it is not possible to claim that International Law wholly forbids the taking and killing of hostages. This is borne out of the fact that the Tokyo Draft contained express provisions on the subject of hostages which would have been pointless if it had been thought that existing prohibitions were adequate. Similarly, the 1949 Diplomatic Conference in Geneva thought it necessary to introduce in the Civilian Convention a provision expressly forbidding the taking of hostages.

In the List case, the American Military Tribunal set forth with great care the conditions under which hostages might legitimately be taken, and, in certain cases, put to death. It is not our business to discuss these questions, which in any case appear to be in accordance with current International Law, with a possible reserve as to judicial competence in such matters.

Nevertheless, there remains an extremely serious gap, and the remark applies to all measures of reprisal: the proportion which should exist between the breach and the penalty. In the

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<sup>1</sup> *Jugement du Tribunal militaire international*, Imprimerie des journaux officiels, Paris, 1946, p. 47.

List trial, the German authorities had ordered the execution of one hundred hostages for every German soldier killed. There is here a manifest disproportion ; but what number would be reasonable? The Tribunal gave no reply. The question then arises : Should we apply the law of retaliation—eye for eye, and so forth ?

The truth is, that when it comes to killing innocent people for acts committed by third parties, equity is ruled out. Reprisals on the innocent are always immoral, and it is useless to try and make them legitimate by regulating them. The only solution to the problem is total prohibition ; this, the 1949 Diplomatic Conference in Geneva has done.

Lastly, we may note that the very interesting argument put forward by the Netherlands Special Court of Appeal does not appear to take into account the position adopted by other States in this problem, and the instructions given to their armed forces. The American and British War Manuals do not distinguish between acts committed by organs of the State and those committed by individuals. In our opinion, the attempted distinction between such acts remains illusory, and would be a further source of difficulty in establishing the facts. Moreover, the Netherlands Court did not deal with the root of the problem, namely, the taking and killing of hostages.

#### THE NEW LAW

In the preparatory work and revision which it began on the Conventions in 1945, the ICRC considered from the start that a clear and unequivocal prohibition of the taking of hostages should be an essential element of the Convention for the protection of civilians in wartime. The proposal was adopted without discussion by all the meetings to which it was submitted : the Preliminary Conference of National Red Cross Societies (1946) ; the Government Expert Conferences (1947) ; the XVIIth International Red Cross Conference (1948), and finally, the 1949 Diplomatic Conference, where it became Article 34 of the Fourth (Civilian) Convention.

The text was not changed during any of these discussions. Certain Delegates proposed the amendment: "The taking of hostages is strictly forbidden." They were quickly convinced that the introduction of the word "strictly" added nothing to the sense, that a prohibition can not be more, or less, strict; furthermore, the Convention contained prohibitions in other Articles, and it would be scarcely feasible to establish distinctions of degree between them.

Other Delegates suggested the wording: "The taking of hostages and their execution are prohibited." This proposal was also dropped without difficulty; it is slightly illogical, since it is difficult to see how hostages can be executed if they cannot be taken.

Article 34 is in Part III of the Convention, in the Section which contains provisions common to the territories of the Parties in conflict and to occupied territories. It thus applies to all protected persons, as defined in Article 4.

It should be noted that Article 34 gives no definition of hostages. We have seen that there may be many definitions; here, the word is to be taken in its widest sense, to include all the categories we have mentioned.

Article 33 very happily completes and considerably reinforces the prohibition of the taking of hostages. It runs as follows:

"No protected person may be punished for an offence he or she has not personally committed..."

Reprisals against protected persons and their property are prohibited..."

Thus, under Article 33, the arrest and execution of persons, following an attack on occupation troops, is likewise ruled out. In addition, the fact that there must be individual responsibility for offences is irreconcilable with the taking of hostages.

Article 33 and 34 therefore establish, without any possible doubt, the illegality of all the practices we have examined above, and bring the law into complete harmony with the principles of natural law—ignored with such tragic consequences during the War.

It is true that Article 5 contemplates certain derogations, where there is a menace to the security of the State or of an Occupying Power. It is quite clear, however, that such derogations can not go to the length of disregarding the fundamental rules of Articles 33 and 34, and especially to the point of executing a person without trial and without a precise and specific charge. The necessary safeguards are imposed by Paragraph 3 of Article 5.

Finally, even in civil war, Article 3, common to the four Conventions, prohibits the taking of hostages. The Diplomatic Conference considered that the principle was fundamental and should be applied at all times and in all places.

Thus, the new Convention banishes a repugnant practice from International Law, and gives full satisfaction on this point to all who believe that justice is an essential element of civilization.



REVUE INTERNATIONALE  
DE LA CROIX-ROUGE

ET

BULLETIN INTERNATIONAL  
DES SOCIÉTÉS  
DE LA CROIX-ROUGE

*SUPPLÉMENT*

November, 1951

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## INTERNATIONAL COMMITTEE OF THE RED CROSS

### PRINCIPAL ITEMS OF INTEREST

*Preparations for the XVIIIth International Conference of the Red Cross.* — The Secretary-General has visited Toronto to discuss with the Canadian Red Cross the organization of the XVIIIth International Conference, which is to be held there in July/August, 1952.

The discussions lasted three days. The Chairman of the National Executive Committee, the National Commissioner, and his staff decided on the steps considered necessary.

*Greece.* — Between September 15 and October 10, visits were paid by the Athens Delegation to the prisons of Gythion and Kyparissia, the camp for political exiles at Aghios Efstratios and the camp for exiled women at Trikkeri (Volos).

*Greek Children.* — On October 15, the ICRC and the League of Red Cross Societies sent to the Secretary-General for the VIth General Assembly of the United Nations, their third report on the repatriation of Greek children.

On October 29, 96 children repatriated from Jugoslavia arrived at Salonika. Members of the Yugoslav Red Cross escorted the party. A few days later, they were handed over to their parents in the presence of the Delegate from the ICRC and the League, and of representatives of the Greek Red Cross.

*Regrouping of Families.* — During the summer, the Czechoslovak Red Cross asked the ICRC to help in arranging the transfer to their own country of a number of Czechoslovak children residing in Jugoslavia. Three of them are already back with their families, after a short stay in Switzerland, where they were welcomed and housed by the Swiss Red Cross.

*Korea.* — The ICRC had forms prepared in Korean for the despatch and receipt of news about civilian and military persons in Korea. At the beginning of October a number of these forms were sent to Mr. Li-Don-En, Chairman of the Korean Red Cross, at Pyongyang, asking that they be completed and returned to Geneva.

The Central Prisoner of War Agency was officially notified during September and October of the names of 4,886 North Korean military personnel and of 7,837 Chinese volunteers taken prisoner by United Nations forces, and of 1,003 military personnel who died.

As previously, this information was transmitted to the home Powers through the North Korean Embassy in Moscow, together with 9 folders containing letters, 9 express-messages and 41 requests for enquiries. Duplicates were sent to the Chinese Red Cross.

. During the same period, the Central Agency received from Hong Kong and transmitted certain details—picked up from the Chinese radio or found in the Chinese papers—about twenty-four prisoners who had served in the United Nations forces. Some 1,975 items have been obtained in this way from unofficial and unchecked sources and retransmitted with all reserve by the Central Agency.

The ICRC is continuing its efforts to find some channel for gifts which various agencies and private individuals are requesting it to send to war victims in North Korea.

The review "Zdrowie" reported that a collection in aid of the Korean civilian population had been organized by the Polish Red Cross; the Bulgarian Red Cross Review also mentions gifts it had collected and sent to Korea. The ICRC wrote to these Societies, on October 5 and 19 respectively, asking if they would be willing to forward to the Korean Red Cross in Pyongyang the gifts people wished to entrust to the Committee.

*Vietnam.* — For the second time, the Delegate, M. Paul Kuhne, has met three representatives of the Red Cross of the Democratic Republic of Vietnam. The second meeting took

place at Hung Hoa on October 15, in the same place as the first in July. The representatives accepted 800 messages and letters for retransmission, and 109 requests for enquiries.

As M. Kuhne had to give up his work temporarily for health reasons, the Committee has appointed M. J. de Reynier, former Delegate in South Korea, as head of the Delegation in Indo-China. M. de Reynier left Geneva on November 7.

*War Invalids.* — The War Invalid Section continued its work of collective relief during October, and examined 66 individual cases. A British film entitled "Return to Action", dealing with the re-education of the disabled was acquired.

An interesting report from Tokyo tells of various activities made possible by a gift from the ICRC: relief supplies to war invalids, treatment of several war-blinded ex-servicemen, and so on.

*Questionnaire on Nursing Services.* — A questionnaire has been sent to National Red Cross Societies and military Medical Services on the duties and status in wartime of nurses, medical orderlies, assistant nurses, and VADs. The enquiry deals in particular with recruitment, standards of training, and status (ranks and corresponding duties, hours of service, leave, the wearing of uniform, pay and insurance, accommodation and subsistence, etc.).

The material thus collected will enable the Committee to give authoritative replies to the frequent requests for information received from national organizations. It might also usefully contribute towards achieving certain standards and improving the material and moral conditions of nursing personnel.

The Ministries of Defence, War or Foreign Affairs in various countries, the national Nursing Associations, and several international organizations will receive copies of the questionnaire.

*EXCHANGE OF CORRESPONDENCE  
BETWEEN THE CHINESE RED CROSS  
AND THE I.C.R.C.*

We reproduce below in full, correspondence recently exchanged between the Chinese Red Cross and the International Committee of the Red Cross :

NATIONAL RED CROSS SOCIETY  
OF CHINA  
22 Kanmein Hutung Peking, China

*Translation*<sup>1</sup>

July 11, 1951.

Mr. Paul RUEGGER

President  
International Committee of the Red Cross

Geneva  
Switzerland

Dear Sir :

Under the instructions from Mme Li-Teh-chuan, President of the Red Cross Society of China, I have the honour to present you the following statement concerning the request of the International Committee of the Red Cross to have the Red Cross Society of China act on behalf of the International Committee in the Democratic People's Republic of Korea.

The Red Cross Society of China has never accepted such a request to work in the Democratic People's Republic of Korea on behalf of the International Committee of the Red Cross. The Red Cross Society of China has repeatedly pointed out

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<sup>1</sup> This translation was received from the Chinese Red Cross at the same time as the original letter in Chinese.

that if the International Committee of the Red Cross itself wishes to carry out its work in the Democratic People's Republic of Korea, it should make direct contact with the competent authorities of that country. Before the International Committee of the Red Cross obtains the consent of the competent authorities of the Democratic People's Republic of Korea, the Red Cross Society of China is not in a position to consider any action relating to the work proposed by the International Committee.

The Red Cross Society of China, therefore, considers that the following two statements do not correspond with the fact and may easily lead to misapprehension of the parties concerned :

- (1) The cable sent by the President of the International Committee of the Red Cross on May 29, 1951, to the Minister of the Democratic People's Republic of Korea, and a copy of which was transmitted to Mme Li Teh-Chuan, President of the Red Cross Society of China, stated :  
" DURING MY RECENT MISSION PEKING I REQUESTED CHINESE REDCROSS ACT ON BEHALF INTERNATIONAL RED-CROSS COMMITTEE IN KOREAN PEOPLES DEMOCRATIC REPUBLIC WHERE CIRCUMSTANCES PERMIT AND UNTIL COMMITTEE IS ITSELF ENABLED BY YOUR GOVERNMENT TO CARRY OUT ITS TRADITIONAL ACTIVITIES IN YOUR COUNTRY STOP CHINESE RED CROSS INFORMED ME IT DESIRES INTERNATIONAL COMMITTEE TO ACCOMPLISH ITSELF SOONEST POSSIBLE ITS CUSTOMARY TASKS AND ACTIVITIES BUT IS NEVERTHELESS PREPARED ACCEDE MY REQUEST ON RECEIVING YOUR GOVERNMENTS APPROBATION STOP."
- (2) In a statement delivered by the President of the International Committee of the Red Cross at a Geneva Press Conference on April 9, 1951, and published in both the *Revue Internationale de la Croix-Rouge et Bulletin International des Sociétés de la Croix-Rouge*, No. 388 and its Supplement, Vol. IV, No. 4, he mentioned : " WE HAVE BEEN OFFICIALLY INFORMED THAT THE CHINESE RED CROSS SOCIETY WISHES OUR COMMITTEE TO EXERCISE, AS SOON AS POSSIBLE, ITS TRADITIONAL DUTIES. IT IS ONLY IN THE

MEANTIME, AND AT OUR EXPLICIT REQUEST, THAT THE CHINESE IS WILLING TO ACT FOR US..."

The Red Cross Society of China hereby requests this letter be published in full in the Revue Internationale de la Croix-Rouge et Bulletin International des Sociétés de la Croix-Rouge as correction for the above mentioned statements.

Your sincerely,

Lin SHIH-HSIAO  
Assistant Secretary General  
of the Red Cross Society  
of China

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RADIOGRAMME

sg 145 peking 69 27/X 2228 rs =

Reçu : 21/X-51            VIA RADIOSUISSE  
de : shai pax

It = intercroixrouge

Genève

president ruegger your letter dated july 27 was not received until october 23 stp regarding the question of icrc carrying on work in korea cma we have always held that your committee should directly consult with the authorities concerned of the democratic peoples republic of korea stp please kindly publish this cable together with the letter of our society of july thirteenth finis litechuan president chincross +

Her Excellency

Madame Li TEH-CHUAN

Minister of Public Health and  
President of the Chinese Red Cross

22 Kanmein Hutung  
Peking

Geneva, July 27, 1951.

Madam,

I have the honour to acknowledge the receipt of the letter of your Red Cross Society, signed by Mr. Lin Shih-hsiao, Assistant Secretary General, and relating to the endeavours of the International Committee of the Red Cross in behalf of the victims of warfare in Korea. We have noted the contents of your letter with regret, above all in view of the continued absence of any positive reply on behalf of the North Korean Authorities to our numerous appeals and approaches, the only object of which was, and is, to be enabled to carry out our traditional activities under the Geneva Conventions, activities the recognition of which—in particular as far as the Prisoners of War Convention is concerned—were implied in the telegram sent on July 13, 1950, by the Foreign Minister of the People's Democratic Republic of Korea to the Secretary General of the United Nations.

We also deeply regret your statement that the Chinese Red Cross feels unable, in the absence of any agreement between ourselves and North Korea, to act with and for us in discharging the aforesaid international activities for the protection of war victims, as set out in the various letters and memoranda handed to the Chinese Red Cross during my stay in Peking in March, 1951. Although I readily recognise that we have received no written reply to our requests in this connection, I was, at the time, happy to see affirmed, on March 21, by the Chinese Red Cross, that your Society would wish to see us at work in North Korea and would do its best to this effect. We also understood that, pending the possibility for us to carry out all our traditional activities, that the Chinese Red Cross would

respond favourably to our endeavours, particularly as regards relief. In this expectation—as we recalled again in Geneva last May, when we had the opportunity of seeing your Excellency here—we left in HongKong an important stock of medicaments intended for war victims in North Korea (sick and wounded of the forces, prisoners of war and civilians) which had been flown there from Geneva.

In taking note of your statement of July 17, I cannot therefore refrain from expressing our great disappointment. Nevertheless the International Committee still hopes and expects that, in accordance with the Geneva Conventions, ways and means will at last be found, even though only after more than a year of warfare, to convey the required assistance provided for under the Geneva Conventions, to the victims of hostilities in North Korea, among whom there are also wounded Chinese Volunteers.

According to your wish your statement will be published, together with my reply, in the “Revue internationale de la Croix-Rouge”, as soon as you have confirmed your agreement to this procedure.

I take this opportunity of informing you furthermore that the International Committee feels the time has come to publish shortly a volume containing a full record of the steps taken, and the cables and memoranda sent to the belligerent Powers engaged in the Korean conflict.

Please accept, Excellency, the expression  
of my highest consideration.

Paul RUEGGER.

JEAN G. LOSSIER,

*Member of the ICRC Secretariat.*

## THE RED CROSS AND PEACE (III)

### RESPONSIBILITIES

We have seen that the Red Cross, in the course of its history, has become ever more strongly conscious of the fact that it is working for peace ; we can therefore deduce that its guiding principles are those which tend to bring men closer together and create a spirit of peace <sup>1</sup>.

In what is at present being done to banish the threat of war, the importance of the Red Cross <sup>2</sup> and of organizations working under its emblem in promoting a more tolerant civilization became quite evident. This was particularly so in regard to the value and effectiveness of its influence in favour of a better understanding between peoples, and in education, at all stages.

It is because their contribution may be so considerable that it is now necessary to examine various aspects and inherent difficulties, and the responsibilities which devolve as a consequence on the leaders and members of humanitarian organizations.

If there is to be general agreement as to the part the Red Cross can play in the work for peace, certain points must first be made quite clear.

The Red Cross, while acting in the immediate present, in response to incessant calls, is not thereby obliged to disregard the future. On the contrary ; it can not adopt a fatalistic attitude and accept the fallacious argument that, war being

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<sup>1</sup> See *Supplements*: February and August, 1951.

<sup>2</sup> And, of course, those of the Red Crescent and the Red Lion and Sun.

inseparable from human nature, it would be useless for organizations whose essential duty is to deal with crying immediate needs, to attempt to prevent it. The Red Cross looks constantly to the future; in the man it helps spontaneously because he is suffering and alone, it divines the man he will be tomorrow when, with confidence restored, he again becomes a creative factor in the world—a world where charity will have reaped its harvest and opened up fair new prospects.

Should it, because of its very special constitution—making it an autonomous entity and a federation at the same time—maintain, as some advocate, a cautious attitude to everything which lies outside its traditional mission? Should it refuse to accept work for peace as a duty—one, moreover, which will henceforth assume vast importance?

The Resolutions of the International Red Cross Conferences appear certainly to point a direction. These Conferences, bringing together Delegates of the National Societies, the Committee and the League, and representatives of Governments signatory to the Conventions—practically all countries of the world—are both the reflection of and the controlling factor in the movement. As well as laying down policy, the decisions taken form a sort of internal law, existing side by side with the official international codes and operative as between the members of the Red Cross.

As the National Societies have recognized in their Statutes that they are members of the community of the International Red Cross, their own future conduct is thus defined, but the International Red Cross, naturally, could not force one attitude rather than another on the national elements which compose it. Its policy in regard to peace has, however, been clearly and positively defined, and is founded above all on the idea of human fellowship. As Dunant instinctively went beyond national barriers, the Red Cross goes beyond national opinions and divisions to affirm the human responsibility in face of the grave dangers which now threaten.

It would be foolish to deny that divergences exist, and dangerous to try suppress them. What is important is the common ground, and the practical work of the Red Cross allows

even existing differences to yield profit. This is the vital Red Cross contribution to peace; unlike other international work, it is not founded on an ephemeral convergence of views.

\* \* \*

The complexity of the problem demands that we examine the various parts of which the Red Cross is made up, in order to find whether or not they are likely to be helpful in the movement for peace.

*International* presupposes *national*. The Red Cross is composed of National Societies and must consequently recognize that national differences are real. But its object is to transcend this reality. Relying on organizations which often, because of their work, are closely allied with the State, it must, as an international body, stand for something which goes beyond individual States and, in the name of a moral internationalism, refuse the fragmentation of which States themselves are the manifestation.

Many misunderstandings have their origin in this ambiguous situation. The Red Cross can regard peace only from the international standpoint, and its very structure prevents it from having any part—other than in questions of relief—in quarrels between States. International, for the Red Cross, accordingly signifies the desire to find points of contact on which community can be based. It was in this sense that the five Swiss citizens took the word in naming the Relief Committee for the military wounded which they had founded—the Committee which was to give the word *international* a moral value that attains full significance in moments of danger, whether on the battlefield or when, like today, peace is gravely threatened.

There is no doubt that if the Red Cross is obliged, in order to fulfil its mission, to preserve a true neutrality, this idea of neutrality (which, it need hardly be repeated, is never the same as indifference) should be re-examined and defined, in order to bring out more clearly the meaning it is acquiring in the vicissitudes of the times, now that human beings everywhere

are being drawn to an increasing extent into the affairs of the world around them. The organization of peace raises urgent problems, of the importance of which the Red Cross is well aware. Nevertheless, in the name of the universality on which it is founded, it continues to proclaim the principle which, for it, takes precedence over all others: in the face of suffering and ruin, distinctions disappear.

It works for the good of humanity. But it could have quite the contrary effect if, intending to act for superior interests and mobilising for the purpose the good will of many, it should, without even realizing what it was doing, serve partial or limited interests. This is an obvious danger; it is accordingly clear why the International Red Cross should intervene only if the moral principles which inspire it are at issue. The National Societies also must be careful to avoid taking sides in purely national affairs so that they can devote themselves, when necessary, to their proper objects.

Pushed to extremes, nationalisms give rise to discrimination and division. But the National Societies depend socially and morally to some extent on the environment and on the peoples from which they emanate. They must face facts and not ignore national currents. Consequently, the sharper divisions become, the more difficult becomes their task. And yet the very justification of their existence would disappear if they were ever to forget our common humanity and the fact that suffering makes no distinction of persons.

Even more, in regard to peace, must they resist being swept along with the crowd, resist the growing tendency to regard war as inevitable. In the ideal of the Red Cross there is a whole-hearted acceptance of man's responsibilities, wherever they may lie. There will be peace to the extent that men prove themselves as ardent in its pursuit as in their desire for it. Peace is a fact of history and history is what men are ceaselessly creating and modifying.

The Red Cross cannot regard war as a means of settling international conflicts, although ready at all times to bind up the wounds war leaves. It is thus above all in peace that it has its justification and can give full significance to its work.

Only in peacetime is there a hope of finding in human relations the increasing tolerance which war necessarily banishes.

\* \* \*

There can be no frontiers where humanitarian work is concerned. The Red Cross must remain universal. The humanity which governs its actions is universal and is present in the heart of all men, even if but faint or even, for the moment, indiscernable. None, feeling isolated, should have the temptation to break with the human community symbolized by the universality of the Red Cross.

Even in peacetime, a break inside the work would have incalculable consequences. Belief in the oneness of humanity, which calls for Red Cross intervention and gives point to it, could scarcely remain intact in individuals who had seen a final rupture in the human community. What a degradation and cause of discouragement to men of good will would such a break represent!

All the more reason is there for fearing such break in wartime, when the Red Cross, universal and impartial, offers a sole refuge. It then acts in the name of positive law, but at the same time appears as the guardian of an international law which is founded in the nature of man. This mission may call for restraint to a degree which can be profoundly trying. To be allowed help, it must keep its opinions to itself. To respond to the appeal of those who have been stricken, it must contain its desire to protest. Only by such restraint can it, in all circumstances, translate into practice the ideal of human fellowship.

Even in this limited sphere, there are many disappointments. In the last analysis it is not the National Society which decides whether or not an intervention is possible in its territory; it is the Government which must first be convinced that there are moral, supra-national principles in question, in the light of which the course it had in mind may be modified. The approach must be made not to men, but to administrative

machines whose reactions may now be human, now inhuman, spontaneous generosity alternating with national hatreds.

The Red Cross furthermore intervenes to unite, not to separate. Its object is not to divide but to render humanity more conscious of its unity. It does not presume to judge either institutions or the men with whose lives they are bound up.

The defence of humanitarian principles may be considered the essential mission of the Red Cross. They must be kept alive and be applicable through all the political and social fluctuations of States. Such changes it can regard with indifference so long as the States, by agreeing to meet under its auspices, show themselves to be active participants in the international community of the Red Cross. It is thus that the Red Cross has remained universal in a world divided as ours is and, as we have seen, this universality is one of the conditions of its existence.

It works for peace. But with difficulty, because it has only one weapon : the humanity which each possesses—a fragile support, in periods of tension especially—to which it appeals as the supreme resource to which mankind can turn, hoping to prevent the greatest disasters. The will to survive, in spite of political and social changes, has characterised Red Cross history. Through all the shifting social and political structures in the changing stream of time which alters the form of nations, certain principles abide—the attributes of a civilization which has slowly been built up in the course of thousands of years.

For the Red Cross, each State, in signing the four Geneva Conventions, has undertaken to respect this common heritage. The ratification of humanitarian conventions, needless to say, binds the State not only in time of war but also, morally, in time of peace. Having striven to uphold certain moral values in the abnormal conditions of war—when there is the constant urge of opportunist and strategic considerations to flout and violate them—why should it not respect them in the days of peace which are favourable to the establishment of normal relations ?

In entering the community of the Red Cross, each National Society undertakes to defend in its own country the imperative

principles of preserving human dignity and helping those in need. They have a duty consequently to make the national authorities aware of these responsibilities. The Societies do not pass judgment on any particular action of a State ; they have no right to do so. They merely ask to be allowed, in all circumstances, to go to the help of the victims.

It is because they feel that they share the common destiny of all that members of the Red Cross are able to find, regardless of all differences, a common aspiration—the will to be and remain human. If men ever ceased to have that feeling of underlying fellowship, if they no longer perceived what binds them together regardless of nationality, doctrine, race or religion, mankind would lose one of its noblest features—and there could be no true peace.

\* \* \*

He who works in the Red Cross and wishes to fulfil the moral engagement he has contracted, knows the difficulty of being always what he must always try to be, and constantly keeps his reactions under control. He knows how difficult it is to rise superior to his prejudices, the opinions current in his own circle—which will naturally leave their traces—and his personal preferences, in order to arrive at a more just and equitable appreciation of persons and things.

Aware of these difficulties and conscious of his own weakness, he knows how much is required of him and with what humility he must face the responsibility of defending humanitarian ideals in his daily labour. This humility in the individual member informs the whole movement, which at certain decisive moments, can make its voice heard ; as, for example, when the International Committee put forcibly before Governments the dangers to us all of new weapons ; as also when, during the War, it addressed an appeal to the belligerents and defended the principle of International Law which forbids the bombardment of other than military objects. However solemn such utterances may have been, they were, nevertheless, but warnings, not expressions of judgment.

But if the Red Cross cannot disregard the existing situation, it is not in any way bound to follow historical movements. In the introduction to its Report for the period of the first World War, the Committee, speaking of its complete liberty of action, stated: " True to its duty, it is the defender of charity and justice. These two principles, without which humanity is unworthy of the name, the Committee not only proclaims but preserves against all attack. Keeping distinct from national animosities, it must seek to embody the conscience of all men." Humanity may be approaching a decisive crisis. The responsibility of Red Cross members, whether those in charge or the rank and file is accordingly extended, even though few of them may have realised this fact. They must be always ready to attend to the suffering.

They desire peace because peace alone justifies the faith in man and his destiny which makes them act. Inside the movement, they know that to act means to work with greater earnestness for the benefit of others, and, by such action, to promote the spirit of fellowship and trust without which nothing great can ever be achieved<sup>1</sup>.

They can unceasingly affirm their determination to secure peace in these times by helping the Red Cross in its activities, by making it better and more widely known, more universal—by having both States and citizens admit its right to intervene and be present. Every repulse to the Red Cross, every refusal to allow it act should be considered by them as an offence to humanity, and lead them to affirm their conviction with greater obstinacy. Every setback to the Red Cross is an added danger to peace, since it means that the feeling of humanity is deserting men's hearts—the feeling on which the consolidation of lasting peace depends.

The effects of our actions continue through time and space; they invite a response, and thus, little by little, in assisting our neighbour who suffers, we are helping to create around us an atmosphere favourable to mutual aid. Peace increases

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<sup>1</sup> In connection with the personal engagement which the Red Cross ideal presupposes, see our *Fellowship: The Moral Significance of the Red Cross*. Geneva, 1948.

the chances of success ; war does not destroy the usefulness—the relief work done in wartime makes that clear—but reduces the scope, and diminishes the future possibilities.

\* \* \*

There is often a tendency to see in the Red Cross only its medico-social work, which greatly extends in wartime. This work is vitally important. But if it was sufficient in itself, why should the Red Cross have chosen peace as one of the supreme objectives? It might have been content merely to care for the wounded, but it was carried always further. Its members, when they came to ask the profounder reasons for what they did, had necessarily to think on the question of peace and war. Their service is essentially one from man to man : care for the distress of another—because of the reflection in him of the humanity which is in all of us—impels us to act and consequently draws us towards each other. It is this which justifies sacrifice for our neighbour's benefit, and brings about the wider union which surpasses our private circle of family and friends.

With such an ideal before him, how can the Red Cross worker fail to suffer most keenly from the divisions which rend mankind? How can he fail to desire most ardently that the atmosphere of friendship which he has built up around him should be spread in increasing measure? Each may thus become an enthusiastic worker for peace...

The members of the Red Cross are engaged in a fight which is a constant demonstration of the fact that men, in helping each other, respect each other as individuals. The day its supporters throughout the world give proof that they are all, everywhere and at all times, profoundly conscious of the fact, it can be said with certainty that the cause of peace has advanced. Unfortunately, that day has not yet come!

In reality, the impressive figures often quoted to show how widespread the movement is are not an indication of its strength, but a measure of its responsibilities.

This brings us one of the most serious difficulties which the Red Cross has at present to face. It is vital, when so many

essential human values are trodden underfoot, that each member take it on himself to further the Red Cross ideal by his own attitude, by the influence of his faith and actions. In regard to the immediate future, this may appear pointless. It is better, however, that the ideal should be high and that we always feel obliged to reach out beyond ourselves. This demand may be abnormal, but the times are not less so.

But the contrast between high ideals and a world crazy with fear explains, to some extent, why the appeals of the Red Cross appear to arouse a fainter response today ; it throws a light on the shortcomings apparent in all too many leaders and members of humanitarian organizations. The design is so lofty, how could men always be worthy of it ? The Red Cross should never serve as an alibi or pretext ; it is an opportunity for proving the power of ideals, and for showing that mankind is becoming aware of itself and of its destiny. It is thus most urgent for each one of us to have a sense of his mission. We can then give practical expression to the spirit of peace—an essential prerequisite of the coming of that era of peace for which, as we have seen, the Red Cross longs.

## PRESS RELEASES

### *DELEGATES OF THE WORLD COUNCIL OF PEACE VISIT THE INTERNATIONAL COMMITTEE*

Geneva, October 23, 1951.

On Tuesday, delegates of the World Council of Peace, M. Joliot-Curie, President, M<sup>me</sup> Cotton, President of the Women's International Democratic Alliance, M. Yves Farge, former Minister, Professors Infeld and André Bonnard, visited the headquarters of the International Committee.

M. Joliot-Curie and his colleagues were received by MM. Boissier, Gloor and Bodmer, Vice-Presidents of the International Committee, and members of the administration.

This meeting (at the request of the World Council of Peace) was an occasion for a useful exchange of views upon questions which, within their respective spheres, are of interest both to the International Committee and the World Council of Peace.

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### *EMERGENCY RELIEF FOR ITALY*

Geneva, November 20, 1951.

In view of the appalling devastations by flood in Italy, the International Committee of the Red Cross at Geneva has decided to send an emergency relief column; it left Geneva at midday for Bologna, via the Simplon and Milan.

Three of the white lorries bearing the red cross have taken blankets and sheets, and sufficient milk and tinned soup and meat to feed a thousand people for ten days; a quantity of medical supplies was also included.

The team, under the control of two Delegates, will place itself at the disposal of the Italian Red Cross and Authorities.

In the sphere which belongs more specifically to it—relief to the victims of war and its consequences—the Committee very recently allocated a quarter of a million Swiss francs for the victims, direct and indirect, of hostilities in Italy. This relief, financed by the Committee's Relief Fund, will be supervised by the Italian Red Cross and will assist military and civilian repatriates, war invalids, and tuberculous military personnel. It will also cover the upkeep of a hospital for tuberculous children from those parts of Central and Southern Italy, which suffered particularly during the War.

The President of the International Committee has informed the President of the Italian Red Cross, that in view of the extent of the present catastrophe in Italy, the Committee is quite willing that part of the relief just mentioned should be appropriated for use in the emergency which has now arisen.

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## INTERNATIONAL COMMITTEE OF THE RED CROSS

### PRINCIPAL ITEMS OF INTEREST

*Great Britain.* — The Committee will in future be represented in London by the honorary Delegate, M. Henry Wasmer.

*“Volksdeutsche”.* — Under the scheme for regrouping families which the Committee is continuing in co-operation with the Yugoslav Red Cross and the National Societies of other interested countries, 207 Volksdeutsche children arrived in Austria from Yugoslavia on November 24. Of these children, 199 were awaited by relatives in Germany, 5 in France, 2 in England, and 1 in Switzerland.

A further group of about the same size is being got ready. Two doctors nominated by the Committee will medically examine the children at Bled, where the Committee's Delegate at Vienna and representatives of the Austrian, German, and Yugoslav Red Cross Societies will be present.

*Relief for the War Blind.* — The War Invalid Section has received from Australia a legacy for equal division between victims of war in Finland and Poland. After discussion with the National Societies of these two countries, the Committee forwarded a first consignment of articles requested, namely Braille watches for the war blind—20 to Finland and 186 to Poland.

The Section had also sent the Delegate in Korea 14 Braille watches for blind prisoners.

*Korea.* — Several reports have been received from the Delegation in Korea on prisoner of war camps visited in September, namely :

- U.N.POW Camp No. 1 (Koje-Do and Pusan) ;
- Transit Camp No. 2 (Wonju) ;
- Transit Camp No. 1 (Yondungpo) ;

1st Marine Division POW Collecting Centre ;  
1st Marine Regiment POW Collecting Centre ;  
8th Republic of Korea Division POW Collecting Centre ;  
1st Army Corps POW Collecting Centre.

Following routine procedure, these reports were sent to the North Korean Embassy at Moscow for transmission to its Government. The Committee also regularly informs the Foreign Affairs Ministry at Pyongyang by cable of visits of its Delegates to camps and of the despatch to Moscow of reports on them.

During November, the Central Prisoners of War Agency, Geneva, communicated to the Moscow Embassy the names of 4,942 prisoners of war, and of 913 North Koreans and Chinese who have died ; it also forwarded a quantity of requests for news. As is periodically done, the Committee cabled to the Foreign Affairs Ministry at Pyongyang on November 30, a summary showing what documents, lists of names and inquiries were transmitted via Moscow during the previous months.

The Agency has also sent the President of the Korean Red Cross at Pyongyang a fresh supply of forms in Korean for the despatch and receipt of news about civilian and military persons in Korea. At the request of the New Zealand Red Cross, the Committee also communicated news of the death of a Korean sailor in New Zealand.

By letter of November 28, the Committee asked the Red Cross of the People's Democratic Republic of Roumania, which has a medical team in Korea, if it would agree to forward to the Korean Red Cross at Pyongyang gifts which various groups, associations and individuals wished to give the International Committee for victims of the war in North Korea.

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## MEMORANDUM

### THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND ALLEGED VIOLATIONS OF INTERNATIONAL LAW

Geneva, November 23, 1951.

#### I

Since the beginning of the Korean conflict, the International Committee of the Red Cross has received nineteen communications relating to alleged violations of international law, in particular, the Geneva Conventions of 1929 and 1949. Eleven of them are from National Red Cross Societies not belonging to belligerent States.

The latest communication received is the "Rapport de la Commission de la Fédération démocratique internationale des Femmes en Corée" ("Report of the Commission of the Women's International Democratic Federation in Korea").

#### II

As a general rule—and particularly during the second World War—communications relating to violations of the humanitarian rules of international law fall into two distinct categories:

(a) Complaints that a Power detaining persons protected by the Geneva Conventions has failed to apply specific provisions of the Conventions. Such complaints generally relate to a continuing state of affairs, and result in a further intensification of the unremitting efforts of the International Committee. By appropriate intervention, visits to camps for prisoners of war or civilian internees, etc, the Committee can as a rule remedy the unsatisfactory conditions brought

to its notice, though only, of course, to the extent to which it is allowed operate in the country concerned.

(b) Those relating to the alleged violations of the tenets of international law or accepted humane principles, which result from the methods of warfare employed ; they nearly always refer to past events, regarding which the International Committee is not in a position to undertake the enquiries which would be necessary.

The present Memorandum deals with the second category only.

If received from *National Red Cross Societies*—particularly those of belligerents, as was generally the case during the World War—it is customary for the International Committee to transmit such complaints or protests to the Red Cross of the State against which the allegation is made, offering to act as intermediary in transmitting any reply it may receive. This procedure, which is in accordance with a long-standing tradition, was expressly approved and confirmed by Resolution XXII of the International Red Cross Conference (Stockholm, 1948). The Resolution also emphasises the obligation of the National Societies to forward these protests to their Governments, and recommends that they “do all in their power” to ensure that their Government “make a thorough investigation”.

When received from *Governments*, it is customary for the International Committee to transmit such complaints or protests to the authorities of the State implicated. In such cases, also, it offers to act as intermediary for the transmission of any reply.

### III

There is frequent misconception as to the precise role played by the International Committee in this connection, and a tendency to think that, in addition to transmitting protests, it is itself competent to inquire into the allegations.<sup>1</sup> The

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<sup>1</sup> The First Geneva Convention of 1929, and the four Geneva Conventions of 1949, make no mention of the International Committee in the clauses which provide that the interested parties may demand an enquiry which shall be conducted in a manner to be decided between themselves.

Committee therefore considers it necessary to recall once more the limits within which, should the occasion arise, it might undertake to make an enquiry.

In its Memorandum of September 12, 1939, to the belligerent States at the beginning of the World War, the International Committee set out the principles which must necessarily govern its intervention should it be requested to institute an enquiry. It continues to be guided by those principles. They are briefly as follows :

- (1) The International Committee can undertake no enquiry except in virtue (*a*) of powers conferred on it in advance by a Convention or (*b*) of an ad hoc agreement by all the interested parties.

It does not constitute itself into an Enquiry Commission : it limits itself to choosing, from outside its own members, one or more persons who are qualified to carry out the enquiry.

- (2) The enquiry procedure must guarantee complete impartiality, and enable the parties to state their case.

No communication relating to a request for an enquiry or to the enquiry itself shall be made to the public without the prior consent of the International Committee.

- (3) The Committee's primary mission in time of conflict, taking precedence over all others, is to watch over the interests protected by the Geneva Conventions. Therefore, if it should agree to conduct an enquiry in the conditions indicated above, such enquiry should bear primarily upon infringements of the said Conventions ; only exceptionally could an enquiry into alleged violations of the rules of war in general come within its scope.

- (4) The International Committee could not undertake an enquiry if there were a risk of thereby rendering more difficult or even impossible its normal practical work for war victims, or compromise its indispensable impartiality and neutrality.

A Delegate of the Committee who has personal evidence of facts which may constitute violations of Conventions or of principles of law, reports to the Committee, which decides on what communication is to be made to the party implicated.

Since the beginning of the Korean conflict, the Committee has not been asked—nor was it asked during the World War—to inquire, under the conditions mentioned above, into alleged violations of international law.

#### IV

It is a fundamental task of the International Committee to work for the development of humanitarian legislation—in particular the Geneva Conventions—for the protection of war victims.

Under the terms of the Geneva Conventions of 1949, the actual supervision of their application is entrusted to the Protecting Powers.

In watching over their application, the International Committee, through its Delegates, does in fact exercise a certain degree of supervision. But its essential task, in time of conflict, is to carry on the humanitarian work entrusted to it by the Conventions and devolving on it under its own Statutes and those of the International Red Cross. Instead of passing judgment, the Red Cross must bring help. Before theorizing about principles, it must translate them into action.

The work of helping must always come first.

#### FOR THE INTERNATIONAL COMMITTEE OF THE RED CROSS

Léopold Boissier  
*Vice-President*

Jacques Chenevière  
*Vice-President*

JEAN S. PICTET,  
*Director for General Affairs of the ICRC*

## THE SIGN OF THE RED CROSS

Commentary on Chapter VII — The Distinctive Emblem —  
of the Geneva Convention  
for the Amelioration of the Condition of the Wounded and Sick  
in Armed Forces in the Field  
of August 12, 1949.<sup>1</sup>

### ARTICLE 38. — EMBLEM OF THE CONVENTION

*As a compliment to Switzerland, the heraldic emblem of the red cross on a white ground, formed by reversing the Federal colours, is retained as the emblem and distinctive sign of the Medical Service of armed forces.*

*Nevertheless, in the case of countries which already use as emblem, in place of the red cross, the red crescent or the red lion and sun on a white ground, those emblems are also recognized by the terms of the present Convention.*

#### I. *Origin of the red cross emblem*<sup>2</sup>

Long before the Red Cross was founded, hospitals and ambulances were sometimes marked on the battlefield by a flag of a single colour, which varied according to the occasion

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<sup>1</sup> The International Committee has frequent queries about the provisions of the First Geneva Convention (1949) dealing with the red cross emblem, and consequently believes the following paper may be useful. It will probably be included later in the "Commentary" which the Committee is preparing on the Conventions as a whole.

<sup>2</sup> In the following pages, "red cross" is printed in lower case when it refers to the heraldic emblem, capitals being used for the "Red Cross" as an institution. If generally adopted, this system might avoid confusion.

or the country. From the beginning, those responsible for the Red Cross and the Geneva Convention recognized the need for a uniform international emblem to signify the immunity to which the wounded and the medical personnel should be entitled.

The sign of the red cross on a white ground originated in the historic International Conference which sat in Geneva from October 26 to 29, 1863, and laid the foundations of the Red Cross organization. The emblem was then discussed only in its relation to voluntary orderlies. Dr. Appia proposed a white armlet; the Conference—probably on the suggestion of General Dufour—decided to add a red cross.

The Diplomatic Conference which, in 1864, drew up the first Geneva Convention, officially adopted the red cross on a white ground, this time as a single distinctive emblem for all Army medical personnel, and for military hospitals and ambulances.

Neither in 1863, nor in 1864, does there appear to have been any conscious intention of reversing the colours of the Swiss flag. No contemporary evidence supports this idea, and it may be that the analogy was not remarked until later. The first written mention is by Gustave Moynier in 1870.

The 1906 Conference, which revised the Convention, added a clause stating that the emblem was adopted as a tribute to Switzerland, and was formed by reversing the Swiss Federal colours.

The term "Red Cross", to cover the work of voluntary relief to the military wounded, was first used by the Netherlands Society in 1867, and had some difficulty in finding general acceptance. By 1885, however, it was in wide use.

The red cross emblem is sometimes called the "Geneva Cross", not because it forms part of the Genevese armorial bearings—which are entirely different—but because it was first used in Geneva.<sup>1</sup>

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<sup>1</sup> For further comment on the origin of the red cross, see the paper by the present writer in the *Revue internationale*, English Supplement, March 1949, p. 127.

## 2. *Authorized Exceptions*

The necessity for having a single emblem only was obvious, but although universally established—at least legally—by the 1864 Convention, this unity did not long survive.

Turkey which, in 1865, had adhered without reservations to the Geneva Convention, notified the Swiss Federal Council in 1876, during the war first with Serbia and later with Russia, that its Medical Services were flying a red crescent, and not the red cross, because this sign was offensive to Moslem soldiers. They had apparently not forgotten the Crusaders. Russia, which entered the war in 1877, at first contested Turkey's right to modify unilaterally the clause of a treaty, but later agreed to the red crescent being used, against the promise that the Turks would continue to respect the red cross of their opponents.

At the Hague Peace Conference in 1899, which drew up the Xth Convention adapting to maritime warfare the principles of the Geneva Convention, the Turkish Delegate declared that the red cross would be replaced by the red crescent on the flags of Turkish hospital ships. The Siamese Delegate asked recognition for the right to use the red flame, the Persian Delegate the red sun. The United States Delegate then proposed that the red cross should be replaced by an emblem acceptable to all. As the Hague Conference was not competent to revise the Geneva Convention, it took note only of the reservations and recommendations made. The International Committee has never ceased to regret that the former unity had been broken.

The 1906 Conference, which revised the Geneva Convention, confirmed the adoption of the red cross sign, without any exception, and emphasized by its unanimous vote—as we shall see later—that the emblem had no religious significance. Turkey, not represented in 1906, adhered to the Convention in the following year only under reservation of the red crescent being recognized. During the revision of the Tenth Hague Convention in 1907, the Conference, as in 1899, merely noted the reservations made by Turkey and Persia.

On the proposal of Turkey, Persia, and Egypt, the 1929 Conference, for the second recast of the Geneva Convention,

unanimously recognized the red crescent, and the red lion and sun for the three countries which already used these emblems. It was thus intended to forestall any further exceptions. Several Moslem States, however, adopted the red crescent after 1929, and the Committee did not feel this was sufficient grounds for refusing recognition to their Societies.<sup>1</sup> It had even, in 1924, recognized the Persian Red Lion and Sun Society—a decision that was apparently premature.<sup>2</sup>

The Committee has at least been successful in its formal opposition to the introduction of several other emblems suggested.

### 3. *Return to a Single Emblem*

A very strong movement to return to a single emblem was apparent during the meetings for the revision of the 1929 Convention. The Commission which drew up the first draft in 1937 was unanimous on this point. It stressed that the red cross is an international sign, devoid of any religious significance, and that attempts to substitute national or religious emblems were illogical; there would be a consequent risk of confusion with national flags which, in time of war, represent belligerents. The Preliminary Red Cross Conference in 1946 was of the same opinion. Some Delegations recommended that steps should be taken in Near East countries<sup>3</sup> to explain the real significance of the red cross emblem. One Delegate remarked that the arithmetical *plus* sign—which is a cross—was not objected to anywhere on these grounds. The representative of one of the countries using the red crescent, however, maintained that it was still impossible to introduce the red cross sign in Moslem countries, but did not deny that it might one day be possible

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<sup>1</sup> It may be noted that Lebanon and Pakistan have adopted the red cross emblem. The Lebanese Red Cross was recognized by the Committee in 1947, and the Pakistan Red Cross in 1948.

<sup>2</sup> It was not until 1929 that the Geneva Convention recognized this emblem. Moreover, as Persia is not party to the 1929 Convention, the stipulation covering this emblem has not formally taken effect.

<sup>3</sup> None of the Eastern and Far Eastern countries hesitated at first to adopt the red cross.

to do so. The Conference did not suggest that the text of the Convention be amended.

Similar discussions arose at the Experts Conference (1947), and the following year at the Stockholm International Red Cross Conference. This latter, without recommending a change in the Convention, expressed the hope that the interested Governments and National Societies would endeavour to revert as soon as possible to a single red cross sign.

This was the situation on the eve of the 1949 Diplomatic Conference. The Society of the Red Shield of David, operating as a relief society in Israel, meanwhile asked to be recognised as a member of the International Red Cross, whilst retaining the right to use as emblem the Shield of David, in red on a white ground.<sup>1</sup>

In its "Remarks and Proposals" to Governments participating in the Geneva Conference, the Committee suggested ways of solving this difficult question.<sup>2</sup> One was that exceptions should be tolerated only for a limited period, to allow the countries concerned to instruct their peoples; the red cross sign would be progressively substituted for the exceptions. Another suggestion was that the red cross sign should be generally used, but that certain countries be authorized to add their own symbol (in small dimensions) in the corner of the flag. A third course was to design a wholly new, neutral emblem for those countries only which found it absolutely impossible to accept the red cross. Finally, it was observed that Iran, the only country to employ the red lion and sun, might agree to give it up, thus leaving only a single exception: the red crescent.

#### 4. *Discussions at the 1949 Conference*

Apart from a very slight change in wording, Art. 38 follows the corresponding 1929 text. There were nevertheless impor-

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<sup>1</sup> The Shield of David is the Jewish, six-pointed star, formed by two intersecting triangles.

<sup>2</sup> See "Remarks and Proposals" I.C.R.C. Geneva, 1949, pp. 15-17.

tant and protracted debates in the Conference, showing three main tendencies :

- (a) To return to the single red cross emblem. The Conference, while desiring to see all countries one day adopt the red cross on a white ground as the single distinctive emblem, has nevertheless recognized that it is not possible for the moment to revert to this unity.<sup>1</sup>
- (b) To increase the number of exceptions. The Conference first considered the proposal of the Israeli Delegation to recognize the Red Shield of David. The suggestion was later made that each country be itself allowed to choose any red symbol on a white ground. These suggestions were rejected by the Conference, which was fully aware of the danger they represented—substitution of national religious symbols for a charitable, and necessarily neutral, sign, thus opening the way to a multiplicity of emblems which would undermine the universality of the red cross and diminish its protective value.<sup>2</sup>

It should be remembered that the Committee had already been asked to admit several new emblems, such as the flame, shrine, bow, palm, wheel, trident, or cedar. The amendment proposed by the Israeli Delegation was rejected in the final vote in plenary session by a majority of only one (21 for, 22 against, 7 abstentions).<sup>3</sup>

- (c) To abolish not only the exceptions, but the red cross itself and replace all existing emblems by a geometrical sign to be decided upon.

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<sup>1</sup> See Report of the First Commission on Art. 31 of the Draft.

<sup>2</sup> See the statement by M. Paul Ruegger, President of the ICRC, to the Plenary Assembly of the Conference, July 21, 1949, *Revue internationale de la Croix-Rouge*, English Supplement, October 1949, pp. 352-355.

<sup>3</sup> When signing the Convention, the Israeli Delegation made a reservation about the use of the red shield in Israel. Certain Delegations pointed out that this reservation was invalid. We do not wish to raise here the difficult problem of the value of reservations, which is now being studied internationally. According to several writers, whose opinion we share, the only effect of reservations is to limit the obligations accepted under a Convention; they cannot create, for the other contracting parties, obligations which exceed the stipulations of the said Convention.

One Delegate suggested a red heart as the symbol of charity ; it would be conventionalized in the form of an isosceles triangle with the apex pointing downwards. This revolutionary proposal did not stand examination. It was at once felt that to abandon a long and universally known and respected emblem, of such high moral significance as the red cross, would be a most dangerous innovation.

Present arrangements were therefore maintained : the red cross remains, as well as the two exceptions—the red crescent and the red lion and sun. These two signs may be used not only by the countries that adopted them in 1929, but also by those which used them between 1929 and 1949. From 1949, the Convention is opposed to their adoption by further countries.<sup>1</sup>

## 5 *Nature of the Sign*

### A. Neutrality

The sign of the red cross on a white ground, accepted by the Geneva Convention from 1864 down to our times, is above all, as Art. 38 says, " the emblem and distinctive sign of the Medical Service of armed forces ". It is also, as we shall see in connection with Art. 44, the emblem of the Red Cross.

The sign was intended to be international and neutral, as the symbol of disinterested aid to the wounded, friend or foe. It is not the Swiss armorial bearings which were adopted, even though the choice formed a tribute to the country where the Red Cross came into existence. The reversal of the Swiss colours created a new emblem, bereft of any national association.

Similarly, the emblem was to be without religious significance, because it had to be employed by persons of all beliefs. This was always considered self-evident in official circles, and it

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<sup>1</sup> The following five States, party to the Geneva Convention, had recognized Red Crescent Societies, and had adopted the red crescent before 1949 : Egypt, Iraq, Jordan, Syria, and Turkey. Four Soviet Republics have also adopted the red crescent : Azerbeidjan, Tadjikistan, Turkmenistan and Uzbekistan. In Afghanistan, a red Crescent Society has, for several years, been in process of formation.

The red lion and sun is used only in Iran.

may be superfluous to enlarge on the subject. Nevertheless, certain Delegations at the 1949 Conference thought they could cast a doubt on the matter and thus justify rejection of the red cross and its replacement by symbols which in fact have a religious or national connotation. It is therefore better to dispel any uncertainty on this point.

The Conferences of 1863 and 1864 which adopted the red cross sign, stressed the universal and neutral character of the emblem. M. Max Huber, President of the ICRC for close on twenty years, wrote :

“It was the intention neither of Dunant and his collaborators, nor of the States party to the Geneva Convention, that the work and emblem of the Red Cross should have any specific religious or philosophical significance. On the contrary, the movement was not only to be at the service of all, but should be capable of attracting everyone to it.”<sup>1</sup>

The 1906 Diplomatic Conference introduced into the Geneva Convention the phrase stating that the red cross emblem was formed, as a tribute to Switzerland, by reversing the Federal colours. “This tribute in 1906”, wrote Paul Des Gouttes, “had also another object: to state officially and explicitly the absence of any religious significance in the emblem.”<sup>2</sup>

Louis Renault, a leading figure at the Geneva and Hague Conferences, wrote in his General Report to the 1906 Conference :

“As we know, it was in no sense as a religious symbol that the cross was adopted by our predecessors; they thought of Switzerland, which had given them hospitality and which had taken the initiative in their meeting... The foregoing explanation should satisfy all requirements, proving as it does that the emblem adopted cannot offend any religious convictions. The Conference has explicitly admitted that the emblem carries no religious significance, and the formula proposed has for object to underline the purely historical origin of the red cross

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<sup>1</sup> Max Huber. *The Red Cross: Principles and Problems*. Geneva 1946. See also *The Good Samaritan*, London, Gollancz, 1945.

<sup>2</sup> Paul Des Gouttes. *Commentaire de la Convention de Genève du 27 juillet 1929*, Geneva, 1930, p. 143.

and the character of the emblem... The absence of religious significance is shown clearly enough, even if implicitly, by the expressions used.”<sup>1</sup>

We emphasize again that the 1906 Conference—as Louis Renault noted—unanimously agreed that the red cross sign had no religious significance. The following is quoted from the Proceedings :

Sir Ardagh proposed that the Meeting should decide categorically whether or not the present system had a religious character. The President called upon the Meeting ; as no Delegate spoke, the President took it that no one attached religious significance to this sign.<sup>2</sup>

At the 1929 Conference, the Plenipotentiaries spoke in the same sense ; the Egyptian Delegate stated :

It is not for religious reasons that we have the red crescent or the red lion and sun.<sup>3</sup>

At the 1949 Conference the principal Delegate of the Holy See recalled that “ the red cross had been chosen in tribute to Switzerland and it has always been emphasized—in 1906 especially—that this emblem is void of all religious significance ”.<sup>4</sup>

In the face of such testimony, need we insist further ?

The emblem of the Geneva Convention is also that of the Red Cross. What is true for one is true for the other. Neutrality in religious matters is a fundamental, statutory principle of the organization. It is difficult to see how its flag could have any other meaning.

The red cross emblem is intended to signify one thing only—but that is far-reaching : respect for the individual who suffers and is defenceless, who must be aided, whether friend or enemy, without distinction of nationality, race, religion, condition or opinion.

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<sup>1</sup> See Actes de la Conférence de Genève de 1906, p. 260.

<sup>2</sup> Actes de la Conférence de 1906, p. 162 et seq.

<sup>3</sup> Actes de la Conférence de 1929, p. 248 et seq.

<sup>4</sup> Summary Report of the 32nd meeting of the First Commission (June 23, 1949).

People may associate this cross with the Christian cross in their own minds, but such interpretation cannot have any official or international standing. "The Red Cross" wrote M. Max Huber, "is and must continue neutral. Consequently, it is for each of its members to decide on what religious or philosophical beliefs he bases his own work; this is a purely personal question to be decided in the quiet of one's own conscience and, in the very interests of the organization, is not a matter for public discussion".<sup>1</sup>

## B. Form of the Cross

As the Geneva Convention states that the red cross on a white ground is "formed by reversing the Federal colours", it has been asked if it should not therefore have the same form as the Swiss cross—which has been fixed.<sup>2</sup> This is an obvious mistake. The word "colours" should be taken in its proper sense—in reference to the red and white of the flag. If it had been intended to speak of the arms, the word "reversing" would not have been used. The Proceedings of the 1906 Conference are explicit: the meeting deliberately refrained from giving fixed dimensions to the cross, since this might have opened the way to dangerous misuse. The reasons are evident. If the form of the cross had been explicitly defined, attacks on installations protected by the Convention might have sought justification in the fact that the emblem had not the prescribed dimensions. Similarly, unscrupulous persons could have taken advantage of the rigid definition to use a slightly larger or smaller red cross for commercial purposes.

For the same reasons, the Convention did not lay down conditions about the shape of the white ground, nor—as Switzerland has done for its flag—about the exact shade of red in the cross. Some National Societies—as they are perfectly entitled

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<sup>1</sup> See *The Good Samaritan*, p. 29.

<sup>2</sup> In 1889, the Swiss Federal Assembly declared that the "arms of the Confederation consist of a white cross, upright and humetty, placed on a red ground, having arms equal to each other and a length exceeding their thickness by one-sixth". In heraldic parlance, "humetty" is used of a cross whose arms do not extend to the edges of the shield.

to do—have defined the form of cross to be used.<sup>1</sup> Most of them seem to have chosen a cross made up of five equal squares—the shape which can be most easily mass-produced.

### C. Official Standing

Article 38 speaks of “the heraldic emblem of the red cross on a white ground”. The word “heraldic” was not used by chance in 1906, but chosen, after due consideration, in preference to any other.<sup>2</sup> The word was intended to give the red cross emblem the same standing as official arms.

Apart from stipulations of the Geneva Convention (in Art. 53), it may be noted that the Paris Convention of March 20, 1883, for the protection of industrial property (revised in 1925 and again under revision at present), forbids misuse of official arms.

## ARTICLE 39. — USE OF THE EMBLEM

*Under the direction of the competent military authority, the emblem shall be displayed on the flags, armlets and on all equipment employed in the Medical Service.*

This Article reproduces Art. 20 of 1929, with slight changes of wording.

### I. *The Protective Sign*

A fundamental distinction must now be made, to which we shall return at greater length in dealing with Art. 44. It concerns the two distinctive uses of the red cross on a white ground.<sup>3</sup> The first use—to which the precise reference of

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<sup>1</sup> The Turkish Red Crescent has fixed its emblem by Statute: a red crescent on a white ground, the points turned towards the left. On the flag, however, the points of the crescent are turned in the direction opposite to the flag pole. The flag and crescent have the same dimensions and proportions as the Turkish national flag, as fixed by law.

<sup>2</sup> Proceedings of the 1906 Conference, IVth Commission, 5th Meeting.

<sup>3</sup> This expression will henceforth be understood to cover also the red crescent and the red lion and sun, in respect of the countries which use these emblems.

Art. 39 is limited—is as a *virtually constitutive element of protection*. We shall refer to it briefly as *the protective sign*. It has this connotation when displayed on installations, persons and objects entitled to respect under the Convention.

The second use—which follows from Art. 44, Par. 2—is *purely indicatory*, to designate persons or objects connected with the Red Cross; this does not, and is not intended to, imply the protection of the Convention.

The emblem has its essential significance when used as a protective sign, and is then known as the “emblem of the Convention”. Its use takes on a very practical importance in time of war, particularly in a zone of military operations.

In principle, the emblem should be displayed on installations, persons<sup>1</sup> and objects protected by the Convention. If the enemy is really to be able to accord persons or objects—and especially installations—the respect required by the Convention, he must obviously be given a reliable means of recognizing them as such.

We use the qualification “in principle” for two reasons.

(1) — There is no obligation on the belligerent to mark his units with the emblem. Sometimes, in front-line positions, a commander will camouflage his medical units in order to conceal the presence or real strength of his forces. But as the enemy can respect a medical unit only if he knows of its presence, respect for the camouflaged unit will be theoretical only; it will be exposed to long-range enemy fire. In case of occupation, for instance, when the enemy has recognized the medical unit, he must evidently respect it. It is for this reason that we stated above that the emblem was a “virtually constitutive” element of protection under Convention rules.

(2) — It will not always be possible to place the emblem on every object—on small surgical instruments for example. Smaller parts, however, are included in the larger unit, which will be marked.

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<sup>1</sup> “Persons” clearly means medical and religious personnel, and not the wounded and sick themselves.

The distinctive sign under the Geneva Convention is not the red cross alone : it is the red cross on a white ground. The red cross must therefore be displayed on a white ground ; this will not only obviate disputes but, by the contrasting colours, give better visibility. Should there be good reasons, however, why an object protected by the Convention can be marked only by the red cross without the white ground, belligerents may not plead the fact as a pretext for refusing respect.

## 2. *Control by Military Authority*

The initial phrase of Art. 39 is most important : use of the emblem is " Under the direction of the competent military authority." This replaces the 1929 wording : " With the permission of the competent military authority."

The new wording is preferable ; it shows, quite as well as the old, that it is for the military commander to give or withhold permission ; moreover, he alone, as we shall see, can order that a medical unit be camouflaged.

In addition, the new text states that the military authority is at all times responsible for the use made of the emblem, must keep a constant check on it, and see that it is not wrongfully used by the troops or by individuals. Again, the earlier expression could give rise to the false idea that permission is necessary for each new use of the sign while, in practice, a general permission is given once for all. In so far as the Medical Services are concerned, the authorization must be largely presumed.

Who is the " competent military authority " ? In 1929, a definition was deliberately avoided, so as to allow flexibility. The question is a domestic one for the armed forces of each country. If an officer exceeds his competence, he is responsible to his superiors alone. The wounded can not be allowed to suffer thereby ; the enemy could scarcely plead lack of competence, to justify his denying protection to a medical unit obeying the requirements of the Convention.

What is important is that all armed forces should have official control over every use of the emblem.

ARTICLE 40. — IDENTIFICATION OF MEDICAL  
AND RELIGIOUS PERSONNEL

*The personnel designated in Article 24 and in Articles 26 and 27 shall wear, affixed to the left arm, a water-resistant armband bearing the distinctive emblem, issued and stamped by the military authority.*

*Such personnel, in addition to the identity disc mentioned in Article 16, shall also carry a special identity card bearing the distinctive emblem. This card shall be water-resistant and of such size that it can be carried in the pocket. It shall be worded in the national language, shall mention at least the surname and first names, the date of birth, the rank and the service number of the bearer, and shall state in what capacity he is entitled to the protection of the present Convention. The card shall bear the photograph of the owner and also either his signature or his fingerprints or both. It shall be embossed with the stamp of the military authority.*

*The identity card shall be uniform throughout the same armed forces and, as far as possible, of a similar type in the armed forces of the High Contracting Parties. The Parties to the conflict may be guided by the model which is annexed, by way of example, to the present Convention. They shall inform each other, at the outbreak of hostilities, of the model they are using. Identity cards should be made out, if possible, at least in duplicate, one copy being kept by the home country.*

*In no circumstances may the said personnel be deprived of their insignia or identity cards nor of the right to wear the armband. In case of loss, they shall be entitled to receive duplicates of the cards and to have the insignia replaced.*

PARAGRAPH I. — THE ARMBAND OR BRASSARD

I. *Bearer*s

The only change on the 1929 text, as far as the armband or brassard is concerned—the distinctive sign, visible at a

distance, for medical personnel—is that it shall be water-resistant.

As before, all permanent medical and religious personnel belonging to the Medical Services, the Red Cross, or any other recognized relief society of a belligerent or a neutral, are entitled to wear the armlet. These persons are governed by Articles 24, 26, and 27. We shall see in connection with Art. 41 the arrangements for temporary medical personnel, who may now wear a distinct armlet.

Under Art. 44, Par. 2, National Red Cross Societies may not employ the armlet in wartime for activities not protected by the Convention—that is, other than their work with the Medical Services. The armlet, consequently, is always a protective sign.

## 2. *Description*

As in 1929, the brassard shall “bear the distinctive emblem”; this being a red cross on a white ground, the armlet, theoretically, need not necessarily be itself white. But there it is distinctly stated in Art. 41 that the armlet for the temporary medical personnel shall be white.

It is, however, now the custom everywhere for all medical personnel to wear the white armlet with a red cross, and it is to be hoped that this practice will remain. In addition to the advantages in manufacture, the contrast of colours makes for better visibility.

The armlet is to be “water-resistant”. This provision, which aims at keeping it in good condition, should be considered as a recommendation. Obviously, the fact that an armlet is not waterproof could hardly be held to deprive it of its protective value.

As in the case of the red cross generally, the form and dimensions of the brassard are not stated—for the same good reasons. It is again provided, however, that it shall be affixed to the left arm: “affixed”, because it should not be taken off and put on at will, and the risk of loss must be avoided; “on the left arm”, because it should be in a stated place, where the eye will naturally look for it. Here again, a belligerent

could not claim the right to deny protection to a medical orderly who for some plausible reason wore the brassard on his right arm.

### 3. *Stamp of the Military Authority*

The *bona fides* of the bearer must above all be ensured ; the armlet may be worn only by those so entitled under the Convention.

The brassard is not in itself sufficient evidence ; as has been remarked, it is a simple matter to make an armlet and to slip it on—in which case, even if worn for its legitimate purpose, the bearer is still liable to a penalty. The belligerents must have sufficient guarantees.

What gives value to the armlet and justifies its use, is the fact of its being stamped and issued by the military authority. This time, the condition is essential and absolute. Issue alone no longer suffices, as it did in 1864 ; the official military stamp must be there to show that the armlet has been issued under authority. The enemy can, of course, satisfy himself on this point in case of capture ; but a possible check of this sort is most valuable since it can prevent abuses.

What “military authority” is competent to stamp and issue the armlet ? As we have already said in reference to Art. 39, where the expression “competent military authority” is also used, precision on this point was deliberately and properly avoided in 1929.

In 1929, even the word “competent”, which had formerly appeared in the provision that now corresponds to Art. 40, had been intentionally dropped. It was then said that the issue of armlets might be particularly urgent in certain circumstances, and should therefore be facilitated. We feel that subtlety of interpretation is not justified. Art. 39 has a general sense, and applies also to the brassard ; the need for displaying the emblem on buildings or vehicles could easily be as urgent as the issue of armlets. Most important of all, the question of competence, as we said in reference to Art. 39, is a domestic one for the armed forces.

Whether or not the word "competent" is kept, the use of the emblem must clearly be regulated by an official military authority fully aware of its responsibility; the issue can not be left to the initiative of the first comer. Similarly, in the present Article, what is necessary is that the official military authority, whose name appears on the stamp, shall be responsible for the issue.

We turn now to the issue of the armlet to persons who, in the sense of Art. 18, are called upon by the military command to help care for the wounded. In view of the restrictive character of the relevant Articles (Art. 40, Par. 1, and 44, Par. 1) we believe that in general the answer is "No", but circumstances may justify exceptions.

#### 4. *Use of the Flag by Medical Personnel*

However useful the brassard, it is in no way a sufficient means of identification. Being so small, it will not be sufficiently visible to ensure security. A frequent practice for medical orderlies or stretcher-bearers who are detailed to collect the wounded between the lines, is to carry and wave a white flag with the red cross.

There is nothing to prevent this custom in the Convention. A group of orderlies, however small—one, even—has to be considered as a medical unit. Use of the flag in such circumstances must naturally be *bona fide*, and could obviously not, for example, be used to cover fighting troops.

The best way to ensure the security of medical personnel would of course be for them to wear a distinct uniform, the same in all countries, which its colour would distinguish from those of the troops. This was already suggested when the Red Cross was founded; up to now the idea has not been entertained, but might one day be seriously taken up.

#### PARAGRAPHS 2 AND 3. — THE IDENTITY CARD

The armlet will not suffice to confirm status; the bearer, if he falls into enemy hands, must be able to show that he is

entitled. He must also be able to prove membership of the medical or religious personnel, if he is to secure the status to which he has a right under the Convention, and be eligible for repatriation. A particular identity card is therefore necessary.

### 1. *Standardization*

As compared to 1929, a thoroughgoing change has been introduced in the system of identity documents. This system lacked simplicity and uniformity. Identification was by an entry in the pay-book, or by a special document ; only personnel of National Red Cross and other relief societies assisting the official Medical Services were required to carry a certificate with photograph. During the second World War, as during the first, the regulations were observed very perfunctorily. Medical personnel taken prisoner were often unable to have their status and their right to repatriation recognized, and the International Committee had endless trouble in helping them establish their identity.

To avoid these serious difficulties in future, the 1949 Conference adopted a proposal in the draft revision, to have a standard identity card in each country. Permanent staff, both personnel and chaplains, belonging to the forces or to Red Cross Societies, will now have the same type of identity card.

It is also recommended that the card should be of the same type in all countries. A specimen is annexed to the Convention as a model and this, it is to be hoped, will be followed. On the outbreak of hostilities, the parties must at least communicate to each other a specimen of the card they have in use.

Identity cards must be made out, if possible, in duplicate, one for the bearer, the other to be kept by his home country. If he is taken prisoner and has lost his card, proof of his status is obtainable from the duplicate. This precaution was recommended by the ICRC, and will avoid dispute. During the preparatory revision work, some experts had proposed that duplicates of all identity cards issued should be sent to Geneva. This course did not appear feasible, as Governments sometimes wish to conceal the exact numbers of their medical personnel.

## 2. *Description*

The characteristics of the card and the information it contains make it a particularly valuable document.

First of all, it must bear the red cross emblem.

To make it more durable it is, like the armband, waterproofed. In some countries the card is now entirely covered by a transparent, non-inflammable plastic, which cannot be removed from it.

The card is pocket-size. This is of set purpose; it was found that when the card was too big, it was usually left in the pack—usually not carried into battle—or left in the barracks or base camp.

The card must be worded in the national language. For practical reasons, the Conference rejected an earlier proposal that the items should be given in several languages; this is evidently optional, and countries with little-known languages will doubtless prefer to use also a second and more generally known one. The same will apply to countries with more than one national language.

The card must give at least the surname and first names of the bearer, his date of birth, rank, and service number. Other details may be added, if thought fit.

The card must also indicate in what capacity the bearer is entitled to the protection of the Convention. In this connection, it would appear necessary to state whether he belongs to the medical or religious personnel, the medical staff proper or the administration, the official Medical Services or a recognized relief society (belligerent or neutral).

Further details seem highly desirable in the interest of the wounded and sick. Captured medical staff should be detailed at once and employed according to their particular qualifications. At the Conference, the Delegation which suggested this course specified "professional qualifications". This expression does not appear in the final text, but we feel the idea should be kept in mind. Not alone would it be useful to distinguish between physicians, surgeons, dentists, orderlies, stretcher-

bearers, etc., but still further to subdivide physicians into eye-specialists, neurologists, and so on.

The card must bear the photograph of the owner—an essential element for identification. Considered too elaborate in 1929, the photograph has since become so commonplace as to have been accepted without discussion.

This does not apply in the case of finger-prints. The proposal to make them obligatory was rejected, even though they offer a more certain means of identification than photographs, and are more easily obtained. The difficulties were sentimental: in some countries only convicts or alleged offenders have their finger-prints taken, and the public has this association in mind. With time, this prejudice will probably disappear.

At present, finger-prints are optional; so are signatures, because illiteracy is still more wide-spread than is generally supposed. Consequently, either finger-prints, or the signature, or both, may be required by the State; but one or other must appear. It can not be too highly recommended to have both.

The final condition is the most important: "It shall be embossed with the stamp of the military authority." It is this stamp which makes the card, as the armlet, authentic. It will be noted that the word "embossed"—i.e. stamped by pressure—is used; experience has shown that the usual ink stamps can rub off and be imitated with comparative ease.<sup>1</sup>

### 3. *The Identity Disc*

Paragraph 2, dealing with the identity card, begins with the words "In addition to the special identity disc mentioned in Art. 16". This refers to the disc—preferably double—which all military personnel must wear, so that bodies can be identified.

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<sup>1</sup> In a final Resolution, the Conference recommended that States and National Societies take all necessary steps, in time of peace, to provide medical personnel with their identity cards and armlets.

PARAGRAPH 4. — CONFISCATION PROHIBITED. — REPLACEMENT

The Geneva Conference retained and made more precise the 1929 provisions under which medical personnel may keep their identity papers and wear the armlet in all circumstances, even when retained by the enemy to assist their countrymen who are prisoners.

The provision is necessary. In both World Wars medical personnel were sometimes deprived of armlet and card—a convenient way for the captors to shirk their obligations. Such practice must be strictly forbidden; national authorities only should be entitled to withdraw them. Should the brassard or identity card be lost or destroyed, the owner is entitled to new ones. This provision obliges not only the home Power, but also the capturing Power in respect of enemy personnel who have neither card nor armlet, and it must cooperate in supplying replacements. During the recent War, the ICRC assisted in transmitting a great number of identity cards to personnel in captivity.

ARTICLE 41. — IDENTIFICATION OF AUXILIARY PERSONNEL

*The personnel designated in Article 25 shall wear, but only while carrying out medical duties, a white armlet bearing in its centre the distinctive sign in miniature; the armlet shall be issued and stamped by the military authority.*

*Military identity documents to be carried by this type of personnel shall specify what special training they have received, the temporary character of the duties they are engaged upon, and their authority for wearing the armlet.*

Art. 40 refers to permanent personnel only; Art. 41 deals with the identification of temporary personnel—those covered by Art. 25—who are detailed only occasionally for medical duty. Trained to act as auxiliary orderlies or stretcher-bearers, they are detailed in case of need to search for and assist the

wounded. Otherwise, they do regular duty. Until recently, such troops were generally bandsmen.

Strictly speaking, auxiliary personnel were not protected on the battlefield under the 1929 Convention, but they were entitled to repatriation if taken prisoner. The position is now radically different: they are protected whilst on medical duty at the front but, once captured, are not entitled to repatriation. The regulations for their identification had therefore to be changed.

#### PARAGRAPH I. — SPECIAL ARMLET

The 1929 Conference thought better not to protect auxiliary personnel on the battlefield, because it was not considered possible, for fear of abuse, to allow them to wear the armlet, and permit them to remove and replace it at will, according as they were combatant or not. The emblem must not be "removable".

In 1949, it was thought that auxiliary personnel on medical duty may have protection on the battlefield; but the Conference still feared the risk of issuing the ordinary brassard of the permanent personnel to the temporary. It compromised by deciding on a separate armlet.

To avoid confusion, none of the suggestions for a distinct emblem was adopted—e.g. displaying the initials of the words "Auxiliary Personnel" (which would in any case have had to vary with the language used).

Recourse was therefore had to the red cross or the authorized exceptions. To distinguish the new brassard from the ordinary armlet, the dimensions of the emblem were to be smaller.

The Convention, it may be noted, specifies that the temporary armlet shall be white; this does not apply to the permanent. It also stipulates that the emblem of reduced size shall be placed in the centre of the armlet.

The brassard must be issued and stamped, as the other, by the military authority (see above under Art. 40).

Although ingenious, the solution adopted does not avoid the very real drawback of decreased visibility. The ordinary

armlet is already unsatisfactory on this point, the new all the more so; the object, which is to protect the temporary personnel, may thus be defeated. There is likewise the considerable risk of confusion between the two.

#### PARAGRAPH 2. — IDENTITY DOCUMENTS

Once in enemy hands, auxiliary personnel are prisoners of war, and not entitled to repatriation (See above under Art. 29). The experts therefore considered it unnecessary to provide them with a distinct identity card.

As the Detaining Power may employ auxiliary personnel on medical duty when necessary, their ordinary identity documents shall specify any special training they have received, the temporary character of their duties, and their right to a separate brassard. Reference should be made to Art. 17, par. 3, of the Third (Prisoner of War) Convention, 1949, which provides that every person liable to become a prisoner of war must have an identity card, the exact specifications for which are detailed.

*(To be continued)*

## PRESS RELEASES

### *NEW MEMBERS OF THE ICRC*

Geneva, November 28, 1951.

The International Committee of the Red Cross communicates :

During the year 1951, three Members of the Committee expressed the desire to be released from their obligations as active Members. They are Mlle Suzanne Ferrière, Colonel Georges Patry M.D., and Dr. Adolphe Vischer. In view of their outstanding services, the Committee has appointed them honorary Members.

The Committee has elected two new Members : Mademoiselle Marguerite van Berchem and Monsieur Frédéric Siordet.

Mlle van Berchem did very valuable work during the War, especially as head of the Colonial Service of the Central Prisoners of War Agency, and in organizing auxiliary sections of the Agency in different Swiss towns.

Monsieur Siordet has devoted himself to the Committee's work since 1943, and, as Counsellor, and on many missions abroad, has rendered eminent service.

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#### BOOK REVIEW

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