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Humanity in times of war

Soon after the outbreak of the war between Iran and Irak, I was able to visit some badly injured Iraki prisoners of war in a Teheran hospital. This was possible as I was then working for the Delegation of the ICRC (International Committee of the Red Cross) which was then building up its organisation in the Islamic Republic of Iran for care of prisoners of war. I often met a liaison officer of the Iranian armed forces, and with the aid of numerous quotations from the various Geneva Conventions, I would discuss with him what minimum protection and what guarantees of basic rights his country had assured the prisoners of war by its signature of these Conventions. As the radical spiritual leaders had not yet concerned themselves with these matters, our talks went smoothly and in a cooperative atmosphere. That was why colleagues and I gained access to the hospital room where four Iraki patients were confined. One of them was a young man who had become a paraplegic through his injuries from shrapnel. He dictated to me a few words of greeting to his family. A few weeks later, he died of pneumonia. The ICRC forwarded the letter to his family.

The humanitarian principle on which this action was based had been expressed for the first time in Geneva on August 21, 1864 in a Convention under international law. The representatives of 16 European states decided that in the event of the cruel machinery of war being set in motion, they would mutually agree to respect a code of conduct embodying compassion with its victims, even a sort of "close season" for them. Thus every soldier who was wounded on the battlefield would from that moment on no longer be regarded as an enemy, but without any regard for his origin or nationality should simply be treated as a human being in need of care and protection. It was furthermore decided that the personnel responsible for taking care of the wounded should be given the status of neutrality as indicated by the red cross – the hospitals should likewise be placed under protection and should not be attacked.

The idea of this Convention came originally from the Geneva businessman Henry Dунant, who obtained support from the private non-profit-making Geneva Association for Public Benefit: this later became the

ICRC. They succeeded in convincing the Federal authorities of the justice of their cause, and Berne gave its blessing to their initiative. Thus it was the Federal Council that issued the invitation to the various foreign powers to be represented at the 1864 conference, and in the Convention itself, the Swiss government was designated as the official depositary for the documents confirming the ratification of the Convention by the foreign states.



Evacuation of casualties to Benguela, Angola, by the ICRC. (Photo: Y. Müller)

It had been an important historical event for various governments back in 1864 to come to a mutual understanding whereby they limited their sovereign right to annihilate inhabitants of an enemy state – or even their own inhabitants – in order to impose their will on the opposing government. The statesmen recognised that the effect of reciprocity would be in their own interest. "If I treat a wounded enemy considerately, my enemy is likely to give good treatment to any soldiers of mine who are wounded as well as being taken prisoner. And a spreading realisation of this will improve the combat morale of my own troops."

Over the years, this has resulted in a broadening of the concept of a "close season" for wounded prisoners and their helpers. In addition came the experience won from forms of warfare that were becoming increasingly "total". After the end of World War II, and at the request of the ICRC, the Swiss government convened a diplomatic conference in 1949, and this conference resulted in the formulation of four Geneva Conventions, to embody a broadening of the original Convention.

They widened the protection afforded to war casualties, to include those from naval battles, and recognised the right of protection to which those persons should be entitled who do not take part, or who no longer take part, in armed conflict. The rights of protection were defined in detail for prisoners of war and for civilians living under enemy military occupation. With very few exceptions, all these agreements have been adhered to by all member states of the United Nations Organisation.

In 1977 a further diplomatic conference prepared two supplementary Protocols, which were aimed at improving the protection afforded to the civilian population in international conflicts and at defining the status of irregular combatants (Protocol I), and at ex-



Lebanon: The ICRC also helps in the exchange of messages between separated members of a family.

(Photo: T. Gassmann)

tending the application of the protection principles to armed conflicts of non-international character (Protocol II). The process of ratification of these Protocols met with greater opposition from the governments than had been expected, and has thus still not been completed.

The most serious challenge to humanitarian policies in recent years has been the failure of certain states to fulfil their obligations under the Conventions. Admittedly, Article 1 of each of the four Conventions is worded as follows: "The contracting States undertake to comply with the provisions of this present Agreement and to enforce its observance." But when it has for instance been a matter of repatriating the prisoners of war, numbering some one hundred thousand, in Iran und Irak, the countries with the greatest influence evidently gave precedence to commercial interests and considerations of power policy rather than to a decisive confirmation of their humanitarian intentions.

Victor Kocher, "NZZ", former delegate of the ICRC