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V. RELIEF TO CIVILLIAN WAR VICTIMS

REFUGEES AND STATELESS

On numerous occasions the ICRC has stated its position in regard to the refugee problem. The Committee esteems that all refugees should be protected without distinction. This work does not come within its competence, and it has no intention of encroaching upon the activities of organisations which have been appointed for the purpose of dealing with refugees. Its efforts are confined to cases where no organisation is in a position to assist. This qualification applies to all its interventions, which might otherwise appear to be irregular both in time and place.

A number of German nationals in *Israel*, who did not come within the scope of the International Refugee Organization, approached the ICRC, requesting to be repatriated to Germany. The Committee conveyed their request to the German Government, who stated that they were in principle prepared to bear the cost of the repatriation, but requested the International Committee to assist by directing its delegate in Israel to question German nationals wishing to return to their country of origin, informing them of the steps to be taken for the purpose.

Early in February, the ICRC was informed of the case of a group of Austrians in *China*, who could not leave the country through lack of funds. The delegate of the International Committee in Vienna immediately took the matter up with the Austrian Government, and discussions are still going on. These persons are under threat of expulsion by the Chinese authorities.

The closing down of the International Refugee Organization (IRO) made it necessary for the ICRC to take over certain refugee cases with which that body had been concerned.

When it was decided to found the "Refugee Service Committees" to take over part of the IRO work, the ICRC was merely represented on these committees by its delegates, e.g. in *Austria* and *Lebanon*.

In *Spain* however, the IRO agency was closed down before all "eligible" refugees had been listed. The agency therefore requested the permanent delegate of the ICRC in Madrid to help about sixty refugees, of whom the majority were due to receive visas for new countries in November and December 1951. The delegate of the ICRC made all necessary approaches to the Spanish authorities and the Consular services concerned, thus giving these refugees the possibility of emigrating to countries disposed to receive them. Moreover, the delegate arranged for medical treatment for a few chronic cases, and relief supplies for detained persons whose names and addresses had been sent to the ICRC.

The ICRC representatives in *Shanghai* have made efforts to help about 6,000 alien refugees.¹ Their assistance was not confined to raising funds locally and providing accommodation. With the agreement of the local authorities they also issued ICRC Travel Documents (about 100 during the first quarter of 1951), and "good record" certificates for refugees travelling to countries where such documents are required. In the autumn of 1951 the Chinese authorities decided to expel all alien refugees in *Shanghai*. The ICRC immediately started negotiations with the High Commissioner for Refugees, IRO and certain Governmental delegates to the United Nations Organization. The ICRC was pleased to note that the question had been partially solved by the allocation of a grant to allow individual emigrations to be continued and assistance on the spot for some of the *Shanghai* refugees.

At the request of a Ukrainian welfare society the ICRC instructed its *Middle East* delegate to investigate the position of about a hundred Ukrainian refugees who had been placed in assigned residence by the Iraqi authorities. As a result of the delegate's intervention these refugees' living conditions were improved, and

¹ Of whom about 1,000 are not considered by IRO as "eligible".

they were either able to emigrate or obtained permission to reside in Iraq.

The Frascette di Alatri Camp in *Italy* still gives shelter to a fairly large number of refugees of various nationalities, who entered Italy clandestinely. The ICRC has sent a certain amount of relief supplies, and has purchased an extensive dental surgery equipment. In addition, thanks to the kind offices of the Italian Red Cross Social Service for packing and distribution, small individual parcels were presented to all the camp inmates for Christmas.

The ICRC has made it a duty to attend all the principal Conferences concerned with the refugee question. It sent Observers to the Second Conference of Non-governmental Organizations relative to migrations, held in Geneva under the auspices of the United Nations and the International Labour Office in March 1951.

Observers from the ICRC were also present in Naples, October 1951, to attend the Conference on Migration convened by the ILO.

The ICRC further assisted in the work of the Conference convened at Geneva in February UIPE for the study of the question of young refugees in Germany, Austria and Italy, and again in the work of the Conference held in Hanover early in April, convened by the League of Red Cross Societies at the request of the German Red Cross for a special study of the protection of refugees in Germany.

In July it followed the work of the Diplomatic Conference called to draw up proposals for refugee status. Having been requested by the Chairman in the course of the general discussion to express his views, the President of the ICRC gave the following summary of the International Committee's previous declarations relative to the refugee question.

AIDE-MÉMOIRE ON THE REFUGEE QUESTION

June 15, 1951.

In view of the opening in 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 principle; 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 proposed 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 Governments 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 refugee outside his country of ordinary residence is entitled to be received.”¹

¹ 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.

“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.”

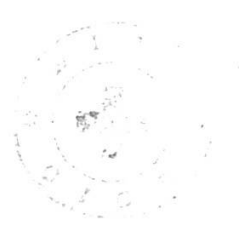
The International Committee had these principles in mind when, in its Appeal dated May 1, 1950, it drew the attention of Governments and the responsible institutions to the vital importance of not limiting, by a too strict definition, the categories of persons who may be entitled to that status, but 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.

In December the International Committee attended in an advisory capacity at the meeting of the Advisory Council of the High Commissioner for Refugees, in Geneva.

LEGAL ASSISTANCE

The temporary Study Commission, instituted in Geneva in October 1950 to examine the advisability of setting up international legal assistance in accordance with the suggestion of Mr. Aghababian ¹, was closed down in October 1951, the co-ordination of the various schemes proposed being left in the hands of the ICRC. The Permanent Committee of the International Con-

¹ See ICRC Report for 1949, page 55, and 1950, page 41.



ference of Non-Governmental Organizations, Geneva, which is concerned with refugee questions, had already approved the project at a meeting in September 1951.

What practical results may be expected in the near future?

It must be clearly understood that legal assistance to refugees cannot usefully be attempted without the approval of the High Commissioner for Refugees, who is solely competent in the matter in accordance with international conventions. At the same time the Statutes of the High Commissioner formally contemplate the High Commissioner's co-operation with the qualified non-governmental institutions. The question in point therefore is the organization of collaboration between the National Red Cross Societies and the International Red Cross on the one hand with the High Commissioner on the other in the matter of legal assistance to refugees.

Since the creation of AGIUS, which serves as a model and has proved to be a most happy combination of public authority and private initiative under Red Cross auspices, two legal assistance sections were set up last year, one in Germany, the other in Greece; and the constitution of other sections is now being considered in Austria, Brazil, Venezuela and other (South) American States.

The legal assistance Section of the *German* Red Cross is still in the preparatory stage. The favourable attitude of the Bonn Government authorities to the scheme points to useful work being accomplished in the future.

The Legal Assistance Section of the Greek Red Cross has already been put in action with statutes (based on those of AGIUS) which are most commendable as regards clarity and practical application. With the agreement of government authorities, the Section has in particular assisted persons sentenced for offences against the State, which is a proof of its desire to be impartial and its allegiance to the most noble of Red Cross traditions; no distinction is made between friends or enemies where human suffering is involved.

As a result of steps taken by the delegate of the International Committee in *Austria* a very simple scheme is suggested. It is proposed that the Bar Council should nominate in each judicial area one member, to give free legal assistance to persons concerned.

These persons it is suggested, should be received by him on a specified day of the week and at certain hours on presentation of a recommendation from the local Red Cross. The idea has been cordially welcomed by the Bar Council : it is now being studied by the Austrian Red Cross : and the ICRC has instructed its Vienna delegate to assist in making it effective.

TRAVEL DOCUMENTS

As indicated in previous reports¹, the ICRC created the "Travel Document" with a view to the repatriation or emigration of persons without identity papers or any possible means of acquiring them.

For 1951 the ICRC issued 2,259 Travel Documents², and prolonged the validity of 327 previously issued.

GERMAN-SPEAKING MINORITIES (Volksdeutsche and East Germans)

The ICRC has continued to assist in bringing together members of families of German origin.³ From March 1950 to December 1951, 43,922 persons from Poland and 16,740 from Czechoslovakia were given shelter, the former in Friedland camps, the latter in Furth im Walde, until they could join their relatives in West Germany.

In, 1951, 772 children (588 travelling to Germany, 176 to Austria, 5 to France, 2 to Great Britain and 1 to Switzerland) who arrived in four convoys from Yugoslavia, were handed over to their parents. Two doctors appointed by the ICRC examined the children at the Austro-Yugoslav frontier in presence of the

¹ See ICRC Report (1939-1947) Vol. I, page 669.

² 357 were issued through delegations, i. e.

Innsbruck	49	Cairo	35
Caracas	9	Madrid	4
Shanghai	153	Genoa	97
Hong Kong	1	Tokyo	9

³ See ICRC Report for 1949, pages 57-58.

Vienna delegate of the ICRC and representatives of the Yugoslav, German and Austrian Red Cross Societies.

Including these children, 61,808 persons were thus united with their families. This result was due to the assistance granted to the ICRC by National Red Cross Societies, charitable institutions and official authorities. It was not achieved without difficulty. The ICRC had frequently to intervene. As a neutral intermediary, absolutely unpolitical, it had on many occasions to advise that the past should be forgotten, and to point out that the success of the undertaking depended upon the goodwill of those engaged therein.

The ICRC also continued its efforts for the reunion of *Volksdeutsche* families between Germany and Austria.¹

The Conference which was convened at Hanover in April by the League of Red Cross Societies on the suggestion of the German Red Cross to study the position of refugees in Germany, expressed its approval of the work done for the reunion of families and requested the ICRC in Resolution No. XI to continue its efforts in this direction.

The ICRC was also concerned, as in the past, with individual cases not included among the collective convoys. In several isolated cases reunion was effected.

CHILDREN

In regard to the *repatriation of Greek children*² a final solution of the problem has not yet been reached.

Partial results were however obtained in 1951. They were due in great part to the favourable attitude of the Yugoslav authorities.

Early in the year the Swedish mission in Yugoslavia forwarded to the ICRC a list of 173 children, whom it had identified and who

¹ It should here be mentioned that, contrary to the indication given in the ICRC Report for 1950 (page 43), the persons exchanged were not threatened with expulsion.

² See ICRC Report for 1949, page 60 and Joint Report of the ICRC and the League to the XVIII International Red Cross Conference (Toronto July-August 1952).

could be repatriated. The ICRC transmitted the list to the Greek Red Cross, in order to obtain through its intermediary the children's identification documents, for which the Yugoslav Red Cross asked. A convoy of 54 children crossed the Yugoslav frontier in March bound for Salonika, followed by two more convoys of 214 children in May and 96 in October. The children were on each occasion accompanied by representatives of the Yugoslav Red Cross. In Salonika they were handed over to their parents in presence of delegates of the ICRC and the League and the representatives of the Greek Red Cross.

Other children, besides those of Greek nationality left Yugoslavia to join their parents under the auspices of the ICRC.¹

During the summer the Czechoslovak Red Cross requested the International Committee to take charge during their passage in Switzerland (while changing from one plane to another at Zurich) of a few Czech children leaving Yugoslavia for their own country.

A slight hitch having occurred, the children had to remain several days in Switzerland; during this time they were looked after by the ICRC who asked the Swiss Red Cross to assist in obtaining the necessary transit visas.

NURSES

Publications.

The booklet, "Some Advice to Nurses", published in October 1950, has met with a most favourable welcome in Red Cross circles.

Several National Societies, wishing to distribute the booklet both to nurses and to other members of their personnel, made various suggestions for modifications with which the ICRC complied. Other modifications were suggested by certain Governments with a view to the distribution of the booklet to medical personnel of armed forces. All these suggestions were adopted by the ICRC; and the text was also amplified on points which it was thought might have a useful bearing on the training of military

¹ See below page 47.

medical personnel. A second edition was published in pocket form like the first edition, and English and Spanish translations were also made. In the new edition the booklet will serve both for nurses and all other members of the medical personnel protected by the First Convention. The ICRC has been notified of translations of the booklet into Afrikaans, Arabic, Chinese, Greek, Italian, Korean, Norwegian, Persian, Russian, Swedish and Thai. It is in use for the training of medical personnel in Australia, Canada, Chile, Ecuador, India, Italy, Jordan, New Zealand, Norway, Pakistan, South Africa, Sweden, Thailand, Uruguay and Venezuela.

At the request of a National Red Cross Society, the ICRC held an enquiry as to the status of medical personnel in the various countries in war-time. Questionnaires and an explanatory letter were sent to all National Societies and Medical Services of the States signatory to the Geneva Convention, to obtain particulars of the training, enrolment, rank, duties, pay, working hours, accommodation, food, insurance and grants for nurses, orderlies, assistant-nurses and voluntary aids employed in hospital services in time of war. In each country the Ministries concerned were advised of the International Committee's enquiry addressed to their respective Medical Services.

By the end of the year, the ICRC had received 27 replies from National Societies, 18 from Medical Services and 15 from Ministries.

The Nursing Section has continued to carry on correspondence concerning the nursing personnel, for instance on the subject of :

- (a) Applications for employment;
- (b) Requests for information;
- (c) Requests for relief;
- (d) The defence of the interests of nursing personnel while in the hands of the adverse party.

With a view to being ready for emergencies, the ICRC decided early in the year to organize study visits of three or four weeks for doctors and nurses desirous of taking part therein to make them acquainted with the traditional activity and principles of the Red Cross. Two groups took part in these visits, the first (4 nurses

and 2 doctors) from February 5 to 28, and the second (9 nurses and 1 doctor) from March 5 to 30.

WAR DISABLED

a) *Collective relief.*

The ICRC made a special effort in 1951 to encourage the re-education of war disabled in Germany. Apparatus and equipment for various training centres were provided for a value of about 38,000 francs.

Material for making prostheses (in leather, felt or webbing), typewriters and typing machines for the blind, surgical instruments and an instrument for radiomicrophotography in connection with the struggle against tuberculosis were provided.

The Australian Red Cross requested the ICRC to deal with the legacy of the late Alfred Edward Pridham. Following the deceased's wishes, the legacy was divided into two equal parts, one for relief to Finnish war victims in Finland and the other for relief to Polish war victims in Poland. After consulting the Red Cross Societies of these two countries, the Disablement Section forwarded 136 Braille watches to the Polish Red Cross, 24 Braille watches and a watchmaker's lathe to the Finnish Red Cross.

From its own resources the ICRC sent 30 food parcels to war disabled in Poland. A further 5,000 francs were allocated for *Polish* war disabled resident in *France*.

Four invalid chairs were sent to Greece, bringing the number of invalid chairs presented to amputated Greeks by the ICRC up to 136. Six similar chairs were sent to *Italy*. A typewriter was offered to a training school for the blind at Graz, and Braille watches were distributed to blind Austrians.

Fourteen Braille watches were made available to the ICRC delegate in Korea for North Korean or Chinese war-blinded.

Orthopaedic apparatus was provided for 27 Arabs who had suffered arm or leg amputations.

The total value of these relief supplies exceed 96,000 francs.

b) *Individual Relief.*

825 disablement cases were examined in 1951. After investigation 125 requests from disabled persons of 15 different nationalities were granted. The relief supplied consisted of prostheses, orthopaedic apparatus and footwear, invalid chairs and tyres, Braille watches, typewriters for the blind, wireless sets, bed-tables, watchmakers' tools, medicaments, tonics and clothing, and represented a total value of over 11,000 francs.

After negotiations with the ICRC the Customs Head Office in Berne granted exemption from Customs duties for family parcels intended for French ex-servicemen undergoing treatment at Leysin.
