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## Annex III

### DOCUMENT SUBMITTED TO THE XVIIIth INTERNATIONAL RED CROSS CONFERENCE

#### REPLY OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS TO CERTAIN ACCUSATIONS CONCERNING ITS ACTIVITY <sup>1</sup>

##### *Introduction*

It will be recalled that in March 1952 the International Committee of the Red Cross (ICRC) had been asked by the United States Government to institute an inquiry on the alleged use of bacteriological weapons in Korea. In accordance with its traditional line of conduct in such a matter, the ICRC then made it known that it would be ready to have such an inquiry instituted, on condition that all the States concerned agreed to it.

The ICRC did not receive any reply from North Korea, nor from the officer commanding the Chinese volunteers. On the other hand, in the course of the following months the ICRC was the object of violent and unjust criticisms, especially in the press and radio of Asiatic and East European countries, criticisms whose aim was to discredit it as an organ qualified for carrying out an impartial inquiry. They have just been taken up again in Toronto at the XVIIIth International Red Cross Conference.

It is impossible to be inordinately surprised at this, in a period when slander, laid down as a method, is rife in international relations and imperils peaceful understanding among peoples.

However, in view of the gravity and insulting character of these charges, the ICRC cannot keep silent. Therefore it hereby declares that it categorically denies these untrue allegations, which grossly distort the facts and deliberately create confusion.

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<sup>1</sup> This document, which was handed to Delegates during the Toronto Conference, has not previously been published ; it is given here for information purposes. See above, page 68.

Most of them are only repetitions of false assertions already made soon after the Second World War, with reference to the way in which the ICRC had interpreted its duties and carried on its activities during this conflict. They had been circulated by a few persons who either were evil-intentioned or had not taken the trouble to obtain accurate information. The ICRC had at that time fully restated the situation. But it will be observed once more how much truth there is in the adage: "If you throw enough mud, some of it is bound to stick".

At the time of the Conferences and international meetings of the Red Cross in 1945 and 1946, the ICRC had earnestly requested those National Red Cross Societies which had or might have criticisms to make, to send them to it in a precise form, so that it might study them, reply to them and, should the occasion arise, derive instruction from them for the future. It had also urged each of these National Red Cross Societies to send a delegation to Geneva in order to examine these criticisms with it, to receive explanations of the possible misunderstandings, and to consult all the relevant documents in its archives. In fact the ICRC attaches the greatest importance to clearing up anything which might be of such a nature as to shake the confidence that the National Societies have placed in it since the founding of the Red Cross. Moreover it was particularly anxious to make more effective an activity which in the course of the most terrible of wars quite obviously showed defects, inherent in a task of this magnitude, in which one must constantly be solving almost insoluble problems, which usually cannot be foreseen. It was therefore desirous of receiving any well-founded and constructive criticism in order to improve its methods.

The preliminary Conference of the National Red Cross Societies, brought together in 1946 by the ICRC, decided, in full agreement with the latter, to set up a special Commission of representatives of the National Red Cross Societies with a view to studying the means of increasing the efficacy of the action of the ICRC. This Commission, whose members were appointed by the Standing Commission of the Conference, invited all the National Red Cross Societies of the World to inform it of the comments and criticisms which they might have to make concerning the activity of the ICRC. *A single Society replied to this offer, restricting itself moreover to tabling articles which had previously appeared in its Review, and about which the ICRC had already publicly furnished all necessary information.*

The ICRC has since published a voluminous Report on the whole of its activity during the Second World War. This work, presented at the XVIIth International Red Cross Conference in 1948, comprises three volumes totalling 1700 pages. This documentation was completed by the pamphlet abstract "Inter arma caritas", and since then,

by annual reports, as well as a number of special publications. Thus any impartial individual has been able to judge of the work of the ICRC, and the same is true today, for these documents are at the disposal of everyone.

Although most of these recently expressed charges are merely old criticisms completely refuted several years ago but exhumed for the needs of the cause, there are some however, just as ill-founded, which refer to more recent events. We shall here apply ourselves to a brief refutation of both kinds.

### *1. Concentration camps in Germany*

The most frequent attack upon the ICRC concerns its alleged inaction in the face of the concentration camp tragedy in Germany. It has amply proved the stupidity of such criticisms by publishing, in 1946, besides the reports mentioned above, a "white book" devoted particularly to this question <sup>1</sup>.

The ICRC restricts itself here to briefly recalling that, at the time of the Second World War, only wounded soldiers or prisoners were explicitly protected by Conventions ad hoc. From 1921 on, the ICRC had done its utmost to assure that civilians in the hands of the enemy might also benefit from a precise legal statute assuring them effective protection and humane treatment. To this end, it had drafted a Convention which was adopted by the XVth International Red Cross Conference at Tokyo in 1934. The World War broke out before this draft could be ratified by the Powers.

Upon the opening of hostilities the ICRC intensified its representations to the Powers, asking them particularly to apply de facto the so-called Tokyo Draft, mentioned above. These appeals went unheeded <sup>2</sup>. At most the belligerents consented to apply the Geneva Conventions by analogy to "civilian internees" in the strict sense of the word, i.e., civilians residing in enemy territory at the beginning of the conflict and interned because of their nationality. Thus about 160,000 civilians benefited from guarantees analogous to those protecting prisoners of war.

But civilians of occupied territories, detained for political reasons or as a preventative measure, most of whom were deported to Germany, remained deprived of all protection. And so the ICRC was not able to carry on its usual relief action on their behalf. Until almost the end of the war access to concentration camps was stubbornly

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<sup>1</sup> "Documents sur l'activité du CICR en faveur des civils détenus dans les camps de concentration en Allemagne (1939-1945)"

<sup>2</sup> Only the German Government declared that it was "ready to discuss the concluding of a Convention for the protection of civilians, based on the Tokyo Draft".



forbidden to it and to all others <sup>1</sup>. They did not wish its representatives to see what no one was supposed to see.

Although deprived of a legal basis and confronted with consistent refusals, the ICRC did not become discouraged. It obtained permission to send food-parcels to prisoners whose names and addresses it knew. This concession appeared ridiculous, since the German authorities refused it precisely this information. But having obtained a few names indirectly, it began sending parcels. Acknowledgements came back to it, signed not only by the beneficiary but by other prisoners. Packages were immediately sent to all, and each package represented that much news for a family. Thus, step by step, the ICRC was able to dispatch 750,000 parcels. It was with great difficulty moreover, that it managed to secure them in an exhausted Europe, for the Allied blockade made no exception for these prisoners.

Following a trip to Germany made by its President in March 1945, the ICRC finally wrested belated but important concessions from the Reich. During the final days of hostilities, some of its delegates were able to enter certain concentration camps and remain there until the liberation. They were truly voluntary hostages and prevented in this way last minute massacres, sometimes at the risk of their lives. Moreover the ICRC made up thirty-seven columns of trucks, which it sent from Geneva and Lübeck, across a Germany in chaos. They sometimes passed through the line of fire bringing food, day and night—even on the roads—to the mingled stream of starved civilians and war prisoners whom their guards were hastily evacuating. It also managed to free some captives, in particular several hundred women from Ravensbrück, whom it transported to Switzerland. However incomplete these results may have been, the ICRC saved, nevertheless, in this way, tens of thousands of lives.

We see that throughout the war the ICRC never ceased to storm the most formidable fortress set up at any time in defiance of humanity and to harass the Reich authorities on behalf of detained civilians. It was by this constant pressure that it attained the results above-mentioned which, generally speaking, could not be attained by any belligerent or neutral Power <sup>2</sup>.

Some now blame the ICRC for not having "protested" against concentration camps and not having denounced the atrocities committed therein. In fact it did not cease to lodge protests with the authorities concerned. A great part of its efforts consisted of a long series of protests ; and many improvements were due to protests of this nature.

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<sup>1</sup> The city of Theresienstadt was however visited in June 1944 by a delegate of the ICRC. See below, page 103.

<sup>2</sup> The effective intervention of the Swedish authorities and of the Swedish Red Cross, and especially of its regretted Chairman, Folke Bernadotte, should also be mentioned.

As regards *public* protest however, the ICRC purposely did not do so. In the absence of an adequate Convention it had no right to insist upon access to camps. During the war the ICRC had no more and no less information than anybody else as to what was happening in these camps. What could it tell the public? Was it to quote Press-cuttings which anyone could read, or to pass on rumours? *In the same manner today the ICRC does not lodge protests concerning concentration camps of which it is notified, but to which it has no access.*

Above all, its experience has shown that a protest of this kind is quite futile. In Germany, it would even have compromised, no doubt irrevocably, the effective day-to-day work that the ICRC was accomplishing for two million prisoners of war and for certain civilian internees. Indeed, Berlin had even threatened, when faced with the ICRC's insistence, to repudiate the Geneva Convention relative to the treatment of prisoners of war, which on the whole was respected.

Sensational demonstrations sometimes appear to enhance momentarily, an institution's prestige, but the ICRC considered that this conception of its prestige—which it seems to have lost with those who are attacking it—was not worth the sacrifice of a single human life. *Public protests are sometimes, through the illusion they create of having taken action, the easiest way of relieving one's conscience.* But for those bound by other practical and imperious duties, it is sometimes better to work quietly, in the paramount interests of the victims even at the risk of being misunderstood and slandered.

To reproach the ICRC for not having put an end to the horrors of the concentration camps—a result which the most powerful nations of the globe took six years to achieve, at the cost of thousands of dead and the destruction of a continent—is still to pay tribute to it, For the impossible would not be asked of it, if it had not been able, in other fields, to achieve the impossible. But the Red Cross has no use for a tribute which calls forth so much blood and so many tears.

And lastly let us emphasize that the ICRC's initiatives in favour of prisoners of war, although recognised by the Convention of 1929 (art. 88), were dependent on agreement by the States involved. The ICRC found itself therefore all the more at the mercy of any Government when it was dealing with civilians without similar conventional protection. The ICRC cannot force its way through any door. No one knows this better than those Governments, who, since the beginning of the Korean war, refuse it every access into North Korea, even while they claim to apply the Conventions.

## 2. *Soviet war prisoners in Germany*

The ICRC has been reproached for not having been able to help the Soviet prisoners of war in Germany. Its reports on the camps visited by its delegates supposedly concealed crimes committed against these prisoners.

The fact is that the ICRC, because of the refusal or the silence of the States involved, was unable to act in favour of Russian prisoners of war in Germany, in the same way that it was unable to act in favour of the Axis prisoners of war in the Soviet Union. The conflict in Eastern Europe was characterised by a lack of these international humanitarian guarantees which made it possible, in other places, to improve appreciably the fate of prisoners of war—exchange of lists and news, visits to the camps, sending of supplies, etc. Why? Only the two great antagonists of the East could explain this, each in its own sphere. One fact stands out: millions of prisoners of war, on both sides of the front, were denied services which the ICRC had nevertheless offered to provide.

The legal position was simple: the U.S.S.R. (like Finland, it must be added) had not ratified the 1929 Convention concerning the treatment of prisoners of war. Consequently, the enemies of the U.S.S.R. were no more bound in relation to her by this treaty than the U.S.S.R. was in relation to them. Therefore, the ICRC did not have a Convention on which to act and, in theory, could have considered that this conflict did not concern it, as long as its intervention was not requested. A great Power no doubt has reasons not to ratify a Convention. How could that Power expect the ICRC to obtain from its enemy what it withheld itself?

Nevertheless, the ICRC did not for one moment lose interest in this distressing problem. Simply in the name of the humanitarian principles of the Red Cross, it offered all its services to the belligerents in the conflict of Eastern Europe. It renewed its offers, it persisted, it repeatedly took steps in this matter. In vain.

At the beginning of the conflict in Eastern Europe, the Soviet Government had however replied to the ICRC's proposals. Without recognising the 1929 Convention, it declared itself willing to send out news of prisoners of war, on condition of reciprocity. For their part, the Axis Powers had successively agreed to exchange information on prisoners with the enemy. A first list of Soviet prisoners of war—three hundred names written in pencil—was received from Germany and was sent on. It was also the last. Although other belligerent Axis Powers continued to send lists, even in the absence of reciprocity, the German authorities, invoking the fact that no news whatever was being sent from the U.S.S.R., refused to furnish any further information until reciprocity became effective. No progress was possible without a truly positive gesture from one or the other of the principal antagonists. The ICRC redoubled its efforts with each of them, but without success.

The same thing happened, alas, when the ICRC endeavoured to obtain that, on both sides of the front, its delegates should be able to visit the prisoner-of-war camps, as they were doing on a large

scale for prisoners in the other theatres of war. At the beginning of the conflict, when two members of the ICRC were negotiating in Berlin, they were invited to go to Hammerstein, to a camp where captured members of the Soviet armed forces had recently been taken. That visit, an exceptional one and in a way a "symbolic" one since the Convention was not operative, did not however present the same character as the visits made according to uniform rules by the ICRC delegates.

From then on the ICRC was not authorized to visit Soviet prisoners of war in Germany, not even, in mixed camps, the sections where Soviet prisoners were grouped. The authorities of the Reich based their argument on the fact that Moscow refused to allow visits to German prisoners of war in the U.S.S.R. The ICRC therefore could not have "revealed" or "concealed" anything whatsoever regarding Soviet prisoners of war. Its numerous reports on its delegates' visits deal only with the treatment of prisoners of other nationalities and solely with the sections reserved for the latter <sup>1</sup>.

In the matter of material supplies, circumstances were no different, since the Allied blockade made all conveyance of supplies to prisoner of war camps in Germany subject to control by the ICRC delegates. And as we have seen, the right to exercise such control was refused to them where Soviet prisoners of war were concerned. It was only during the last months of the war, when camps had to be opened up in Germany to keep the prisoners away from the front, that the white trucks of the ICRC, who were indiscriminately supplying all prisoners on the roads, came to the help of the columns of Soviet prisoners which they met on the way. The U.S.S.R. remained silent regarding the information she received on this matter <sup>2</sup>.

*The 1929 Convention not being operative, the two hostile Powers presumably had the right to refuse the services of the ICRC. It was their business. But it was also their responsibility. Let no one attempt to throw it back upon the ICRC. It is not the ICRC who invented war and its cruelties. It is not the ICRC who wages it.*

Anyway, Geneva was not the only possible intermediary. The attempts of Sweden and Bulgaria, Powers protecting Soviet and German interests, did not yield any better results. No other State, no other institution, could achieve anything.

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<sup>1</sup> Two or three times, delegates of the ICRC visited camps in which there were, among others, Soviet prisoners of war. They took note of the fact that the latter needed clothing and that it would also be necessary to send them food. In a purely personal capacity, and under the responsibility of the Officer commanding the camp, Dr. Junod was once able to take a look at a camp for Soviet prisoners of war.

<sup>2</sup> The ICRC was able to visit, once, Soviet prisoners of war in Rumania and in Finland, and in this latter country, to bring the prisoners some supplies.



This failure, and the failure with which the ICRC met in the case of concentration camps and, partially, in the Far Eastern conflict, are not failures of the Red Cross, but failures of our civilisation.

### 3. *The ICRC Appeal of 30 December 1943*

On 30 December 1943 the ICRC called upon the belligerent Governments for two particular purposes. First of all it invited the Powers to refrain from using measures of revenge and more especially processes of law as a means of reprisal against prisoners of war and internees. Secondly, the ICRC expressed its deep anxiety over the fact that modern warfare increasingly endangered the civilian population.

The first part of this memorandum gave rise to an entirely wrong conclusion. The ICRC was held to oppose the trial and condemnation of prisoners who had been found guilty of crimes committed before their capture. Efforts were even made to imply a "protest" against the sentence, at Kharkov, delivered against three German prisoners who had committed atrocities against the civilian population.

The argument on which our opponents base their interpretation is a *mangled quotation* of the memorandum of 30 December 1943. This memorandum was published in the "*Revue Internationale de la Croix-Rouge*" (issue of January 1944). All readers can satisfy themselves that the ICRC does not take sides—and has never done so—concerning the trials of war prisoners for acts committed before their capture. It was only protesting against legal processes brought *as a means of reprisal*, i.e. in reply to an action, considered unlawful of the enemy State.

This consideration obviously did not cover the Kharkov trial, since as far as the ICRC could tell, it had not been brought as a means of reprisal. It did, however, cover the declaration made by the German Government, on 22 December 1943 which was broadcast by the whole press, announcing that *as a means of reprisal* against the Kharkov trial, American and British war prisoners in the hands of the Reich would be brought up for judgment. Though it is impossible to determine with certainty whether their decision was influenced by the appeal of the ICRC, it must be recalled that the German authorities did not put their threats into execution.

### 4. *The Delegates of the ICRC.*

It is alleged that the delegates of the ICRC who were performing their duties in Germany during the Second World War, and particularly Dr. Otto Lehner, now working in Korea, drew up „optimistic" reports on the visits they paid to various camps; it is inferred that this "optimism" amounts to complicity with the Nazi criminals.

The ICRC recalls the fact that its delegates made numerous visits to prisoner-of-war camps, at more or less regular intervals—though in view of the number of such camps the intervals were considerable—both in Germany and in the countries under German occupation. These reports give an accurate picture of the conditions which in fact existed at the time of the visits, and they were based not only on the observations made by the delegates, but also and above all on the reports of camp spokesmen of the prisoners themselves. It was always possible for the delegates to converse alone with these men, except usually in the case of representatives of Polish prisoners. It should be emphasized that only those prisoners who enjoyed the protection of the 1929 Convention could be so visited. As has been explained above, camps for Soviet prisoners, concentration camps where political prisoners were detained, camps for members of the Resistance forces, and camps for Italian military internees in Germany were closed to the delegates of the ICRC with almost no exceptions.

After each visit, the delegates drew up a very detailed report, organized according to a scheme which entailed more than twenty headings (strength, general description, accommodation, food, clothing, hygiene and medical care, correspondence, complaints, etc.—including the heading dealing with recreation, which is to-day ironically quoted out of its context). These reports were sent by the ICRC to the country of origin of the prisoners and to the Detaining Power. A covering letter asked the Detaining Power to make any improvements deemed necessary, where the delegates had been unable to effect them on the spot.

The honesty of the Committee's reports could be easily confirmed by the country of origin of the prisoners visited, by the prisoners themselves, and by a comparison with the reports of the representatives of the Protecting Powers, who visited the same camps, though they sent their reports only to the prisoners' country of origin. In the "Revue Internationale de la Croix-Rouge", the ICRC published only extracts from some of these reports, in order to give their readers a general idea of the activity of the delegates. The size of the "Revue" and its character, forbade the printing *in extenso* of the ten thousand reports of visits received in Geneva.

It is clearly impossible to maintain that no infraction escaped the vigilance of the ICRC delegates. The limitation imposed by the Detaining Powers on the number of these delegates made it impossible for them to be everywhere at all times<sup>1</sup>. They did all that their numbers and their status allowed. They were men, and like other men. None the less, the ICRC, with all its collaborators, wishes to pay

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<sup>1</sup> In 1940 there were in the whole world 16 delegates of the ICRC. This number increased progressively to a maximum of 179 in 1945—a figure which does not include the staff office of the delegations.

special tribute to its delegates throughout the world, who with complete courage, devotion, and sense of duty persevere in their difficult task, sometimes to the point of endangering their own lives. Nine have died at their posts, of whom one fell to the bullets of a firing squad. They had faith in their mission, and they performed it with utter devotion.

It has been stated that concentration camps were opened to the ICRC's delegates only in the last stages of the war (April 1945), and then only within strict limits. It should be explained, however, (since our detractors seek to create confusion) that in June 1944, after a year of effort, an ICRC delegate, Dr. Rossel, was allowed to visit the town of Theresienstadt (Teresin) in Czechoslovakia ; *not the fortified prison where political detainees were housed, but the city itself* <sup>1</sup> of which the Germans had made a "model ghetto", and where they had assembled such Jews as they had particular reason for handling carefully. Even so, the delegate was accompanied by the SS, and had to undertake to reveal none of his findings.

The town of Theresienstadt was organised as a community, and conditions there bore no resemblance to those in the real concentration camps of evil memory.

The delegate of the ICRC could only report what he had seen. It can be imagined that if the Detaining Power permitted a neutral delegate to enter the place, it was because he would find nothing there to criticize <sup>2</sup>. No one was tempted for one moment to draw therefrom any reassuring conclusions about conditions in the concentration camps properly so called, and especially the nearby fortress of Theresienstadt, which nobody was permitted to enter until its liberation. Moreover, the ICRC did not circulate this report.

In the last stages of the war, in April 1945, two delegates of the ICRC, Messrs. O. Lehner and P. Dunant, once more gained admission to Theresienstadt, where conditions were still relatively good. They learned on the other hand that large groups of internees had been deported from the city to "death camps". It was conceded to the delegates that no further deportations should take place before the camp was liberated, and even that other prisoners being transferred to Germany should be taken to Theresienstadt.

M. Dunant stayed at Theresienstadt from May 2 to May 10. He arranged that all authority over the town and the prison, which he had emptied, should be transferred to himself. He took the prisoners

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<sup>1</sup> In the same way the delegates visited the *town* of Oranienburg, where were the headquarters of the concentration camp organisation, in an attempt to obtain from the authorities permission to act in the interests of the prisoners. But they never obtained permission to visit the *camp* in that town.

<sup>2</sup> This town was also exhibited to neutral delegates not belonging to the Red Cross.



under his own protection, and handed them over, their lives saved, to the armies of liberation.

Between 1942 and 1945, Dr. Lehner made 314 visits to prisoner-of-war camps in Germany. Towards the close of hostilities he took a leading part in arranging for convoys of white ICRC trucks to bring food to prisoners and deportees. For these achievements he was publicly thanked, together with his colleagues of the ICRC delegation in Germany, by the very people whom he had helped and in some instances saved from death, and particularly by the association of Belgian deportees.

When the Axis countries were occupied by the armies of liberation, the ICRC's delegations remained, according to custom, on the spot to continue their humanitarian work. Most of these delegations were tolerated by the Soviet military authorities, and were able to perform part, at least, of their proper functions. Dr. Lehner and his colleagues, on the other hand, who stayed in Berlin, had to watch their liberty of action being taken completely from them. They were finally taken to the U.S.S.R. in June 1945 and for several months interned in a camp before being repatriated. They never learned what motives had inspired this measure. These delegates drew up no report on this period of their lives.

Another delegate of the ICRC, M. Paul Wyss, has been criticized in the same way for reporting "optimistically" on the visit he made, on September 17 and 18, 1944, to the transit camp at Pruszkow, where the Germans had collected civilians evacuated from Warsaw after the revolt and before the liberation of the Polish capital. To this end certain sentences have been quoted which, taken out of their context, acquire an entirely different meaning. And silence is maintained about all the rest of the report, which depicts eloquently the complete destitution of the refugees <sup>1</sup>.

And no mention is made of the fact that, at the time of his visit Mr. Wyss was able to supervise the distribution of the first two carloads <sup>2</sup> of relief goods sent as an emergency measure from Geneva, with great difficulty, by the Joint Commission of the International Red Cross, the common organ of the ICRC and of the League. And complete silence is observed about the International Red Cross having thus been the first to relieve the lot of these unfortunate people.

Finally, recent Press articles have accused the ICRC of having drawn up a report describing favourably the living conditions in

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<sup>1</sup> Large extracts from this report were published at the period in the "Revue internationale de la Croix-Rouge", October 1944, pp. 775 ff., accompanied by photographs. The impartial reader will therefore be able to judge for himself.

<sup>2</sup> All told, approximately 15 carloads arrived in succession at the Pruszkow camp during this period, as well as 198 cases of clothing brought by truck.

the Buchenwald concentration camp. Now, this alleged report is a "French Radio Bulletin" of August 3rd, 1944. It does not in any way concern the ICRC. But this fact is significant as to the unfair methods which are being used to attack our institution.

##### 5. *The Neutrality, Impartiality and Independence of the ICRC*

The critics of the ICRC have gone as far as to cast suspicion on its neutrality, impartiality and independence. No more serious reproach could be directed against it, for it touches upon the very essence of the institution. The ICRC can only reject it indignantly.

It is well known that at the foundation of the Red Cross lies a principle of humanity, by virtue of which every man that suffers must be respected and aided. It follows from that, that help must be impartial, disinterested: it must be offered without distinction to all those who, in a given place, are in need of it: it stands above the most violent antagonisms. Thus in time of war or of internal disturbances, the enemy will be aided no less than the friend. Likewise at all times, service will be rendered whatever may be the race, religion, political opinions or economic means of the victim.

If impartiality is to regulate the whole of the Red Cross work, the ICRC must even maintain a veritable neutrality, for its essential role is to intervene between belligerent powers. This neutrality, which in this case, moreover, is a moral notion and not a juridical one, is not negative like the neutrality of States: it consists in the will to place oneself equally at the service of all. That obviously does not mean that the service rendered by the ICRC is equally extensive for all categories of war victims. The activity of the ICRC in a country depends above all on the consent of the authorities of that country; furthermore, the destination and extent of relief to be transmitted depend on the contributors. Is it the fault of the ICRC if one belligerent is more generous than another towards its prisoners of war or is more attached to the principles of humanity than its adversary?

Neutrality is a primary obligation for the ICRC. Neutrality also imposes complete independence on it with regard to every kind of power, to every kind of politics, national or international, and to every confessional or class interest.

That is why it is indispensable that the members of the ICRC should be selected by co-optation amongst the citizens of a small neutral country: Switzerland. The ICRC is therefore entirely national by its composition just as it is international by its activity. This duality has nothing contradictory in it, quite the contrary: if it can play its role as an impartial intermediary between belligerents, it is precisely and only because its members are nationals of a country, the neutrality of which is historical and unconditional.

The ICRC absolutely denies having failed in its neutrality or its independence in any way. It has always offered its services to all, and no authority has ever interfered in the conduct of its activities. The members of the ICRC, who number 25 at the maximum, have not undergone any influence, direct or indirect, exercised by foreign Powers. If each one of them, like every free man, may have personal convictions or sympathies with regard to political problems, national or international, in no case have these influenced their Red Cross work or the decisions which they may have made in this field.

What claim is made in order to attack the independence of the ICRC? The fact that three-quarters of its resources are said to come from the "Anglo-American bloc". The work of the ICRC is maintained only by the voluntary gifts that it receives from the National Red Cross Societies, from Governments and from private institutions or persons.

Here are the principal origins of the resources of the ICRC, from 1939 to 1951:

|                         |       |
|-------------------------|-------|
| Switzerland . . . . .   | 33.7% |
| Japan . . . . .         | 14.2% |
| Germany . . . . .       | 9.8%  |
| France . . . . .        | 8.9%  |
| United States . . . . . | 7.7%  |
| Great Britain . . . . . | 7.6%  |
| Italy . . . . .         | 4.8%  |
| Canada . . . . .        | 3.8%  |
| Australia . . . . .     | 2 %   |
| South Africa . . . . .  | 1.2%  |
| <hr/>                   |       |
| Total . . . . .         | 93.7% |

Is it the fault of the ICRC if certain countries have not shown any generosity with regard to its work? It rests on them alone to appear amongst the subscribers; they may be assured that their gifts will be received with gratitude.

What alarms and saddens the ICRC, much more than the attacks against its neutrality, is the discovery of the profound causes underlying them: the very neutrality of the Red Cross is no longer universally understood <sup>1</sup>.

The great idea which had its birth on the battlefield of Solferino and which, since then, has gained the whole world and has served as a basis of modern international law—the man who suffers is to be

<sup>1</sup> Thus in the Review of the Bulgarian Red Cross, of March 9th, 1952, at the end of an article expressing criticism of the ICRC, the following sentence is found: "These facts prove that the theory of the ICRC, which is to be above questions of class, party, and politics, is false."

aided without any distinction — appears once more to be questioned or even rejected by a portion of mankind. Those who reject it, subordinating everything to the political or social purpose which they have assigned themselves, are brought to condemn the acts or conceptions which do not directly favour it. In their eyes, not to choose sides is therefore the equivalent of favouring the adversary. And the action of the Red Cross is refused not only to those who are considered as being individually unworthy but also to whole groups who are placed under a collective interdict.

6. *The possible participation of the ICRC in an investigation of the alleged use of bacteriological weapons in Korea*

The attitude taken by the ICRC when a request for an investigation of the alleged use of bacteriological weapons in Korea was referred to it by the Government of the United States has provoked particularly violent and tendentious attacks.

It is claimed that the ICRC itself proposed this investigation, whereas it is said to have refused its assistance in other cases, in particular with regard to air bombardments in North Korea. There has even been put forward a monstrous insinuation that the only aim of such an investigation would be to inform the American army of the military effectiveness of the bacteriological weapon. The ICRC has also been accused of having concealed documents regarding violations of international law in the Italo-Ethiopian conflict of 1935-1936.

In this field the ICRC has always held unswervingly to the same line of conduct, clearly defined in a memorandum published on September 12th, 1939, and several times communicated to Governments. Briefly, the ICRC cannot involve itself in investigation proceedings regarding an alleged violation of international law unless it has the agreement of the States concerned and has been requested to do so by one of them. It could not, moreover, constitute itself an investigating commission, but would limit itself to choosing, outside of its own membership, persons qualified to undertake the investigation.

When a request for an investigation to be made in Korea, on both sides of the front, was referred by the Government of the United States to the ICRC, the latter informed both parties that it would be ready to have such an investigation undertaken subject to their agreement. In view of this possibility, the ICRC considered designating within Switzerland personages holding all the required scientific and moral qualifications, to whom scientists chosen by National Red Cross Societies of Asiatic countries not taking part in the conflict, would have been added. The commission thus constituted would have had to be assured, on both sides of the front, of the co-operation of

the authorities and the specialists designated by them. Thus each of the belligerent parties would have had full scope to verify the work of the commission.

No reply having come to it from the authorities of North Korea, the ICRC suspended as from April 29th the technical preparations which it had been undertaking for any proper purposes.

The ICRC had maintained the same attitude when on previous occasions it had been invited to constitute an investigating commission, both in 1936, at the time of the Italo-Ethiopian conflict, and in 1943, with regard to the disinterments at Katyn. The necessary conditions not having been attained in either case, the investigations did not take place.

With regard to the latter of these cases, a request to participate in the identification of the bodies of Polish officers found in the forest of Katyn had been referred to the ICRC, on April 15th, 1943, by the German Red Cross, and, on April 17th, by the Polish Government in London. The ICRC made its reply known publicly on April 23rd. It indicated that, other things being equal, it would be disposed to lend its good offices for the designation of neutral experts, on condition that all the parties involved requested it to do so. Now, on May 4th the Polish Government withdrew its request. The Government of the Reich, for its part, never confirmed the communication of the German Red Cross. As for the Government of the U.S.S.R., it did not address any application to the ICRC in this respect. This being so, the conditions stated by the ICRC were not fulfilled. It did not therefore, take part, even indirectly, in any investigation of the so-called Katyn affair.

Since the 1929 Geneva Convention established the principle of an investigation to be opened in case of alleged violations (Article 30), requests to take part in such a procedure have been referred to the ICRC by Governments on three occasions only.

When the ICRC gave its known reply to the request for an investigation, coming from the Government of the United States, with regard to the use of bacteriological weapons in Korea, it was accused of not having followed up an analogous request previously formulated by the Federation of Democratic Women. Actually, this Federation did not present any request for an investigation but simply referred protests to the ICRC. The ICRC cannot, moreover, follow up a request for an investigation unless it emanates from a Government. If it were the Government of the People's Democratic Republic of North Korea which had requested an investigation, the ICRC would have followed up this application in the same manner as that of the United States.

The ICRC has also been accused of being a "depraved lackey" of the American Government since it was sufficient that this Govern-



ment should ask that an investigation be opened, for the ICRC to declare itself ready to organize it. It might just as well be claimed that the ICRC is, quite on the contrary, in the pay of the Government of the People's Democratic Republic of North Korea, since it was sufficient that this Government should refuse this investigation for the ICRC to abandon it.

Independently of that, in the course of the various conflicts that have been rife in the world, the ICRC has naturally received a large number of protests and communications regarding violations of humanitarian rules of international law. They are divided into two distinct categories.

The first includes the numerous complaints regarding the non-application, by the nation under whose power the persons protected by the Geneva Conventions are placed, of such and such a particular provision of the aforesaid Conventions. These complaints, which deal most frequently with a permanent situation, intensify still further the ceaseless efforts of the ICRC. By appropriate interventions, by visits to prison camps or internment camps, etc., it can in most cases remedy the defective situations that are pointed out to it, on the practical level, to the extent, of course, that it is authorized to exercise its activity in the country concerned.

The other category comprises protests concerning the alleged violation of great principles of international law or of humanity, resulting from the methods of warfare employed. These communications nearly always deal with facts that belong to the past and with regard to which the ICRC is not in a position to proceed to the necessary factual verification.

When the protests of this latter category emanate from National Red Cross Societies, the ICRC, in conformity with a tradition sanctioned by the International Conference of the Red Cross, sends them to the Red Cross of the State involved, offering its mediation for the transmission of the reply.

When the protests emanate from governments, the ICRC transmits them to the authorities of the State involved.

It has always been in full conformity with these rules that the ICRC has acted following protests or communications that it has received regarding violations of humanitarian law, and, in particular, with regard to the air bombardments in North Korea. None of these constituted a request for an investigation, which, moreover, only a Government would have been qualified to formulate.

During the course of the Italo-Ethiopian conflict, the ICRC did not turn over the documents which it had received regarding violations of international law, to the Committee of Thirteen of the League of Nations. This interstate organism was then engaged in procedures relating to sanctions. The neutrality and the role of the ICRC obliged

it, then as now, to stand apart from any action of a political character. Furthermore, the negotiations with the two conflicting States, to initiate an investigation through the services of the ICRC, were under way. Besides, the ICRC had to maintain relations with both belligerents which would permit it to pursue its humanitarian activity in the interests of the victims of the conflict. At the period, the ICRC informed National Red Cross Societies, and governments, of the foregoing situation, by means of its 325th Circular, of April 27th, 1936, and a collection of documents entitled "The Red Cross and the Italo-Ethiopian Conflict", published at the end of the same year.

#### 7. *The role of the ICRC Delegates in Korea*

The ICRC delegates now at work in South Korea are accused of having drawn up "optimistic" reports on their visits to prison camps, of having "concealed atrocities" and of not having presented any report on the incidents that occurred at the Koje camp.

With regard to the role played by the ICRC delegates in Korea and to the sincerity of their reports, we can only refer to what we have said about their activity at the time of the Second World War<sup>1</sup>. They are now showing the same conscientiousness, the same devotion and the same courage as formerly.

The ICRC published, in the April 1952 number of the *Revue internationale de la Croix-Rouge*, that is as soon as it was possible, a detailed report on the Koje incidents.

If our accusers assume the right of criticising the activity that the ICRC delegates have been authorized to carry on in South Korea, they are careful not to remind anyone that this activity has been developed without the slightest measure of reciprocity. No ICRC delegate, in fact, has ever been permitted to proceed into North Korea. Indeed, every intervention of the ICRC in the interests of the prisoners of war or of the interned civilians in North Korea has been systematically rejected, in spite of the provisions of the Geneva Convention<sup>2</sup>. The facts speak for themselves and it is not necessary to say anything further about them.

#### 8. *Repatriation of Children and Help for Refugees*

The ICRC has reason to be surprised at the attacks directed against it with regard to the repatriation of Soviet and Polish children. Not only has it never "refused to take part" in such repatriations, but on the contrary, it has repeatedly offered its good offices to that end.

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<sup>1</sup> See above, page 98 ff.

<sup>2</sup> In this regard we refer the reader to the *Recueil de documents concernant le conflit de Corée*, which has just come off the press.



Guiding itself by the rule of absolute impartiality which constitutes one of its principles of action, it has endeavoured, both in Poland and elsewhere, to repatriate children whom events had carried off from their parents. As its activity report for the year 1947-1948 (page 68) specifies: "The ICRC interested itself, in the autumn of 1947, in the repatriation of Polish children who were in Spain. The resulting exchange of correspondence with the ICRC delegation at Warsaw and the delegation of the Polish Red Cross at Geneva terminated on October 30th, 1947, the date on which the children left Spain". Besides, when in July 1948 the Polish Red Cross and the International Refugee Organization had concluded an agreement with regard to the repatriation of the children, the ICRC delegation at Berlin, as is indicated in the same report, on the same page: "collaborated with the Polish Red Cross in aiding the Polish children awaiting repatriation. The relief which it distributed was used in particular for supplying children's homes and repatriation convoys with food". And that is not all; the report regarding the year 1949 recalls (page 59) that: "the Committee offered to help in repatriating Polish children from Germany; for this purpose it loaned wagons, and gave out provisions and blankets on the convoys."

These facts are known to the whole of the Red Cross world to which these reports were distributed. For five years they have been uncontested by anyone, and the Polish Red Cross can bear witness to their accuracy.

It should be added that even after the Polish Government forced the closing, in November 1949, of its delegation in Poland, the ICRC sent the former head of this delegation on a mission to Warsaw in July 1951, to inform the competent authorities of the Polish Red Cross and Government that it was ready to intervene for the purpose of repatriating Polish children sought by their parents who were still detained in Germany. It asked only that the Polish Red Cross should send it a list.

Its intervention in this matter was inspired by just those principles which moved it, jointly with the League of Red Cross Societies, to appeal in January 1949 to the United Nations for the repatriation of Greek children. In both these cases, the intervention was on behalf of parents who requested it themselves.

The agreements reached between the ICRC and the LRCS on the one hand, and the Secretary-General of the United Nations on the other, did not trespass on the independence of the two Red Cross organizations, and when (too seldom, as they feel) they succeeded in their task, the children in question were handed over not, as has been so violently alleged, to political agents, but directly to their own parents, and in the presence of representatives of the Greek Red Cross.

All these efforts of the ICRC fell within its most general terms of reference—the reuniting of families whom the course of events has torn apart. Acting as it does, outside any political loyalty, the ICRC ignores of set purpose all internal dissension. The idea of political crimes is alien to it ; the judging of criminals is the business of courts, and in this field the ICRC is not competent to act. Its own humanitarian actions in no way impair the normal course of justice. It is for that reason that the ICRC, as often as it has been able, has striven to reunite, so that they may remake their lives, persons who, though guilty of no crime against humanity, have been cruelly victimised by circumstances. The Universal Declaration of Human Rights reserves to every man the right to seek a home at his own will, and it is in the spirit of this declaration, which is in complete conformity with its own principles, that the ICRC has acted.

Its action, as its reports bear witness, has been completely impartial. Referring, for example, to the issue of travel documents to facilitate the repatriation or emigration of those whom circumstances had forced to leave their homes, the report for the year 1949 reads as follows (p. 56) : “ The Documents, issued free, served for repatriation as well as emigration. Nationals of East European countries used them to return home ”. A particular case in point was of Soviet citizens, former members of the militia, who were detained in Spain, and could not return without such documents.

All these facts must be remembered if we are to appreciate the real value of the work of the ICRC. The National Societies of the Red Cross are in a particularly good position to evaluate this work. It is their duty, in conformity with their origin, to keep such an international spirit as will allow them, if necessary, to take an interest in the suffering of both friend and foe, yet not to abandon any of the national virtues which are the very foundation of their Government's recognition of them.

9. *The prohibition of non-directed weapons and the development of the spirit of peace*

It has been said that the ICRC “ has refused to fight for the prohibition of atomic, bacteriologic, and chemical weapons and that it has refused to adhere to the universal peace movement ”.

When gas was first used as a means of warfare, the ICRC stigmatized this action in the famous appeal of February 1918. Ever since, the protection of civilian populations against non-directed weapons has been one of its main preoccupations, although this was not covered by the Geneva Conventions. It created a “ documentation centre ” regarding aero-chemical warfare and it can be considered as one of the pioneers of passive air defence.

In the field of law it endeavoured to secure from the Powers the abolition of the bombing of all objectives not specifically military. It organized conferences of experts and consultations, and submitted suggestions to the League of Nations and the Disarmament Conference. Its efforts contributed to the conclusion of the Geneva Protocol of 1925 for the prohibition of asphyxiating gases and bacteriological means of warfare.

During the Second World War the ICRC called upon the belligerent States, on several occasions, inviting them to restrict bombing to military objectives only, and to spare the civilian population. The most important item, dated 12th March 1940, drew up practical suggestions. Finally, the ICRC recommended several times the creation of security zones<sup>1</sup>.

The Powers, however, did not take any notice of these appeals, and the unparalleled magnitude and violence assumed by the war more than justified the anxieties expressed by the ICRC at the beginning of the conflict. Mass bombing, which destroyed whole sections of towns, was followed by rockets and finally by the atom bomb.

These facts, and more particularly the latter, led the President of the ICRC to send a Circular (No. 370) *as early as the 5th of September 1945*, drawing attention to the grave consequences entailed by the use of atomic energy in warfare.

The ICRC itself submitted to the Preliminary Conference of the Red Cross Societies in 1946, and, later, to the XVIIth International Conference of the Red Cross in Stockholm in 1948 a resolution—which was adopted—begging the Powers to prohibit the use of non-directed weapons, atomic energy, or any other similar force, for warlike purposes. The ICRC submitted a special report (No. 10) on this item to the Stockholm Conference.

On 5th April 1950, the ICRC delivered to all countries a solemn appeal regarding the prohibition of atomic and other non-directed weapons. The countries who have failed to reply are those who today raise the criticisms which we refute here. Our appeal would have carried more weight if these Governments had responded to it.

It is quite clear that, if any institution has worked in this field, it is the ICRC.

As for the cause of peace, no one is ignorant how near that lies to the heart of the Red Cross. The recognition of the value of the individual, the protection of the individual life, the fulfilment of each man's proper destiny, have been the objects towards which all its work has tended. The very existence of the Red Cross constitutes a living protest against the unleashing of material forces of destruction.

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<sup>1</sup> For further details, see the Report of the ICRC on its activity during the Second World War—Volume 1, page 681.

The ICRC, with the means at its disposal and in the manner proper to its function, works for the ideal of peace, and every day contributes by practical action to greater friendship between the peoples of the world.

Moreover, in 1951 it devoted to this subject several papers which were published under the title "The Red Cross and Peace", as well as a radio broadcast in 1952.

The ICRC has not "joined" the "World Committee of the Partisans of Peace", if that is to be made the charge against it. As an institution, the ICRC has never joined and could never join another institution. None the less, it has been in touch with this Committee and keeps itself informed about its work.

Generally speaking, the principles of the ICRC forbid it, whether on the problem of peace or on any other problem, to adopt any sort of political attitude. Its essential task is still this: to intervene in case of war to protect human beings and alleviate their suffering, when all other communications between States may have been broken. This mission it can only fulfil by virtue of its impartiality, which it must safeguard above all else. Having no ideology but its own, it must not even seem to be partisan as between the various Powers, nor must it pronounce judgment on their several acts or opinions concerning the problems of world organization. In its devotion to the ideal of peace, it must not trespass on territory where other institutions, who are not constrained by the same limits, and who have no other purpose but this, can function more effectively.

It is by keeping faith with its historic principles that the ICRC will remain worthy of its predecessors, and will keep intact the inheritance which is its legacy from them. It is in the same way that it can continue to defend the cause of humanity, and the cause of peace, with a devotion in which it yields to no one.

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