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## **PART III**

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Part III deals first with the development of humanitarian law and the implementing of the Geneva Conventions. It then gives a survey of ICRC activities in relation with Red Cross agencies, international institutions and other organisations for mutual aid. In conclusion it describes the measures which were taken for the diffusion of information concerning the International Red Cross.

### ***I. — DEVELOPMENT OF HUMANITARIAN LAW***

#### **1. RATIFICATION OF THE GENEVA CONVENTIONS OF AUGUST 12, 1949**

##### **(a) New Ratifications and Accessions.**

Since the last Report was issued nine States have formally recognised the obligation of the Geneva Conventions, of which the essential aim is to protect human beings in time of war ; the deposit of the instruments of ratification by San Salvador (June 17), Luxemburg (July 1), Austria (August 27), Syria (November 2), Nicaragua (December 17), Sweden (December 28), the declaration of accession by Japan (April 21), San Marino (August 29) and Vietnam (November 14), were notified by the Swiss Federal Council in Berne to all the parties concerned <sup>1</sup>.

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<sup>1</sup> In accordance with articles common to all the Geneva Conventions of August 12, 1949 (Articles 57 and 61 of the First Convention), the Geneva Conventions are to be ratified as soon as possible, and the ratifications and accessions of Governments, notified in writing to the Swiss Federal Council, will take effect six months after they have been received.

GENEVA CONVENTIONS OF AUGUST 12, 1949

Countries	Year	Ratifications	Accessions
Switzerland	1950	March 31	
Jugoslavia		April 21	
Monaco		July 5	
Lichtenstein		September 21	
Chile		October 12	
India		November 9	
Czechoslovakia		December 19	
Holy See	1951	February 22	
Philippines <sup>1</sup>		March 7 (First Convention)	
Lebanon		April 10	
Jordan			May 29
Pakistan		June 12	
Denmark		June 27	
France		June 28	
Israel		July 6	
Norway		August 3	
Italy		December 17	
South African Union	1952		March 31
Guatemala		May 14	
Spain		August 4	
Belgium		September 3	
Mexico		October 29	
Egypt		November 10	
Japan	1953		April 21
San Salvador		June 17	
Luxemburg		July 1	
Austria		August 27	
San Marino			August 29
Syria		November 2	
Vietnam			November 14
Nicaragua		December 17	
Sweden		December 28	

<sup>1</sup> Ratification of the Second, Third and Fourth Conventions, October 6, 1952

Therefore by December 31, 1953, the States which had ratified or acceded to the four Geneva Conventions of August 12, 1949, numbered 32<sup>1</sup>.

**(b) Table of Ratifications for Accessions as on December 31, 1953.**

The Table on the opposite page shows the ratifications or accessions in the chronological order of their deposit with the Swiss Federal Council.

**2. APPEALS FOR THE RATIFICATION  
OF THE GENEVA CONVENTIONS OF 1949**

**(a) Recommendation of participants in the discussions of October 30.**

During the meeting arranged by the ICRC on October 30<sup>2</sup>, the representatives of National Red Cross Societies who were attending the session of the Executive Committee of the League, in Geneva, recommended the general ratification of the Conventions at the earliest possible date. They expressed their concern at the fact that the majority of States, and most of the great Powers in particular, had not yet ratified the Geneva Conventions of August 12, 1949, which are intended to protect the victims of war—especially civilians. After pointing out that the ratification of the Conventions was the most adequate guarantee of the protection which nobody could deny might some day be necessary, they said in conclusion that the formal recognition of those texts would be a first step towards appeasement and would greatly contribute in restoring humanity's confidence in its future security<sup>3</sup>.

**(b) Letter of the Three Presidents.**

Towards the end of the year the Three Presidents<sup>4</sup> decided to send a letter to the National Societies of countries which had signed, but had not yet ratified, the Geneva Conventions, and

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<sup>1</sup> The ratification of the Government of Turkey, which had been decided before the end of 1953, was only notified early in 1954. — <sup>2</sup> See below page 72. — <sup>3</sup> See ICRC Press Release No. 502 of November 2, 1953. — <sup>4</sup> The Three Presidents of the Standing Commission of the League of Red Cross Societies and the ICRC.

also of countries which had not signed the Conventions and had not yet acceded to them, inviting them to make approaches with a view to hastening ratifications or accessions.

**(c) Message of the President of the ICRC.**

Further, on December 31, M. Paul Ruegger, stated in his annual New Year's message over the air :

" Five years ago sixty-one States signed in Geneva the four Conventions for the protection of war victims. Following a generous impulse, the drafts proposed by the International Committee of the Red Cross were accepted by Governments representing every political opinion. There was hope therefore that all non-combatants would at last be assured of the protection which universal humanitarian sentiment demands.

The procedure of ratification of these Conventions is, however, too slow, especially in the case of the greatest Powers. The founder organization of the universal movement of the Red Cross considers that it must impress upon the Powers the importance of ratifying these treaties, of endorsing the obligations which they incurred when endeavouring to give a wider scope to the Geneva Conventions. Thus they will give the world a further proof of their desire for peace, whilst at the same time assuring their citizens that, as far as individual protection promised by treaty can be assured, in case of war, this will be done.

It must be hoped that, in the same spirit they will also make progress towards finding a solution to the great problem of the protection of civilian populations against weapons of massive and indiscriminate destruction—a problem, towards the solution of which the International Committee in Geneva has never ceased to devote its undivided attention and the study of which it will continue to pursue in the hope of a better future."

**3. DISSEMINATION OF THE GENEVA CONVENTIONS**

The Geneva Conventions cannot produce their protective effect unless all who will have to apply them are acquainted

with the provisions contained therein. In this connection, it is prescribed that States should "disseminate the text of the present Convention as widely as possible in their respective countries... so that the principles thereof may become known to the entire population" <sup>1</sup>.

**(a) Official Translations.**

The official texts of these instruments of humanitarian law are in French and English, and translations in Spanish and Russian have been established by the Swiss Federal Government, the depositary of the Conventions. There also exist Arab, Chinese, Czech, Danish, Flemish, German, Hebrew, Indonesian, Iranian, Italian, Korean, Norwegian, Polish, Serbo-Croat and Swedish translations.

In the course of 1953 the ICRC received the Russian version of the four Geneva Conventions from the Swiss Federal Council in Berne, also an official Danish translation and a copy of the Mexican Official Gazette giving the Spanish translation.

**(b) Information on behalf of University students.**

Several universities, including Lyons, Modena and Brussels Universities, which had been provided by the ICRC with a complete collection of documents on the Geneva law, have added the study of the Conventions to their courses.

Efforts have also been made by German universities to give their students a knowledge of the Geneva Conventions, and on May 8, 1953, the direction of the German Red Cross Society instituted awards to young jurists for treatises on subjects drawn from the Conventions.

On Page 69 particulars will be found of the lectures given by the President of the ICRC at the International Law Academy, The Hague, on the organisation of the International Red Cross, considered from legal aspects, particularly in relation to the Conventions of August 12, 1949.

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<sup>1</sup> See Fourth Geneva Convention of August 12, 1949, Article 144.

#### 4. COMMENTARY ON THE NEW GENEVA CONVENTIONS

##### (a) English Translation of the Commentary on the First Geneva Convention.

The *Commentary* on the First Geneva Convention, reviewed in the previous annual Report <sup>1</sup>, appeared in the English version during 1953.

##### (b) Extracts from the Commentary published in the "Revue internationale de la Croix-Rouge".

Extracts from the *Commentaries* on the Third and Fourth Conventions, as well as various surveys, of which some will be included in the final edition, were published in the *Revue internationale de la Croix-Rouge* under the following titles :

"Le médecin dans les Conventions de Genève de 1949" <sup>2</sup> ; "L'homme de confiance des prisonniers de guerre" <sup>3</sup> ; "Peut-on modifier le statut des prisonniers de guerre" <sup>4</sup> ; "Les hôpitaux civils et leur personnel" <sup>5</sup> ; "La protection pénale des Conventions humanitaires internationales" <sup>6</sup> ; "Le problème de la capacité civile des prisonniers de guerre et des internés civils dans les Conventions de Genève" <sup>7</sup>.

##### (c) Information Notes on Juridical Questions.

The ICRC has continued to publish replies to requests for information on the Geneva Conventions and cognate questions.

Last year's Report and the *Revue internationale de la Croix-Rouge* (November, 1952) referred to the publication of the first two "Information Notes" and explained the reasons which had led the ICRC to publish the pamphlets. Their purpose is to bring to the notice of National Red Cross Societies the replies given by the ICRC to requests in connection with the interpretation of certain clauses of the Geneva Conventions, or the best means of dealing with special cases in conformity with the provisions of the Conventions, when the replies are of general interest.

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<sup>1</sup> See *Report on the Work of the International Committee of the Red Cross (January 1 to December 31, 1952)*, page 58. — <sup>2</sup> See *Revue internationale de la Croix-Rouge*, February and March, 1953. — <sup>3</sup> Do. June, 1953. — <sup>4</sup> Do. July and September, 1953. — <sup>5</sup> Do. August and October, 1953. — <sup>6</sup> Do. November, 1953. — <sup>7</sup> Do. December, 1953.

## 5. IMPLEMENTING OF CERTAIN PROVISIONS OF THE GENEVA CONVENTIONS

The evolution of law within the humanitarian field is a continuous action which should be pursued unceasingly, at least in relation to work which may be instrumental in preparing the way for setting up international custom.

The following questions were studied during the period covered by the present Report :

### (a) Identity discs and cards.

The identification of medical and religious personnel, the recording of the wounded and sick of combat areas and the accurate designation of combatants who have fallen into enemy hands, play an important part in the Geneva Conventions of 1949.

Article 16 of the First Convention provides for the identification of the wounded, sick and dead collected by the belligerents, by means in particular of the identity disc which should be carried by all members of armed forces, whether combatants or non-combatants ; with regard to non-combatants, that is to say members of the medical and religious personnel, they should receive a special identity card, in accordance with Article 40 of the First Convention.

The application of those provisions from the outbreak of hostilities naturally implies the taking of necessary measures in peace-time, which has been the case for France and Switzerland in particular.

### (b) Protection of expectant mothers and children.

The Munich Tracing Service of the German Red Cross has kept the ICRC informed of its studies in connection with a draft scheme for the identification of children, in accordance

with Article 24, § 3, of the Fourth Geneva Convention of August 12, 1949.

**(c) Penal sanctions of the humanitarian Conventions.**

In the course of the last few years, the need of penal sanctions for all breaches of the rules of humanitarian law has been emphasised by the highest authorities<sup>1</sup>.

Penal sanctions of the humanitarian Conventions appeared on the Agenda of the 6th International Congress on Penal Law, which was held in Rome from September 27 to October 3, 1953, and at which the ICRC was represented by the head of its Legal Department, who was also entrusted with the General Report on that question<sup>2</sup>.

At the close of the general discussion, a resolution was adopted, recommending in particular that national laws for application should be inspired by common principles, and that a model law for that purpose should be placed before States which had signed (or acceded to) the Geneva Conventions of 1949, in order that the guiding principles and penal sanctions should be as uniform as possible.

**(d) Exemptions to facilitate the implementing of the Conventions.**

As it is generally known, the provisions of the Geneva Conventions, and resolutions adopted by the XVIIth and XVIIIth International Red Cross Conferences, recommend the granting of facilities for the despatching of relief supplies intended for war victims, and for transmitting information concerning the latter.

In this connection the ICRC maintained contacts with the Universal Postal Union in Berne and the International Tele-communication Conference, which met in Buenos Aires.

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<sup>1</sup> See the address given by the Sovereign Pontiff, Pius XII, in Castel-Gandolfo, on October 5, 1953, to the Members of the International Congress on Penal Law; the principal passages of the address were published in the *Revue internationale de la Croix-Rouge* (November, 1953).

<sup>2</sup> See the Report of M. C. Pilloud published in the *Revue internationale de la Croix-Rouge* (November, 1953).

## 6. MEDICAL PERSONNEL

### (a) Draft Agreements for the Retention and Replacement of Medical and Religious Personnel.

Two draft agreements were submitted and commented upon by the ICRC during the sixteenth Session of the International Information Office for Military Medicine and Pharmacy, held in Rome in October 1953.

The draft agreements, based on the results of an enquiry sent out by the Office to its members, will be the object of further careful examination before they are submitted to Governments.

### (b) Protection of Civilian Medical Personnel.

On the same occasion the question of the protection to which civilian medical personnel should be entitled in wartime<sup>1</sup> was examined. After hearing the reports of the Yugoslav delegate and the representative of the World Medical Association, and noting the comments of the ICRC, the Conference passed a resolution to the effect that the position of the civilian medical personnel not protected by the Conventions should be re-examined in view of effective protection.

### (c) Studies relative to the Institution of International Medical Legislation.

Several jurists<sup>2</sup> and numerous members of Army Medical Services had expressed the wish for the doctor's rights and duties in regard to his national and professional responsibilities to be specified. The question was examined during recent medical congresses, with a view to drafting international medical statutes, which would lead to setting forth regulations in a form which has still to be determined.

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<sup>1</sup> See *Revue internationale de la Croix-Rouge*, August 1953: *Commentaire des articles 18 à 20 de la IV<sup>e</sup> Convention de Genève relative à la protection des personnes civiles en temps de guerre, du 12 août 1949*.

<sup>2</sup> See, in particular, Paul DE LA PRADELLE: *Statut international de la Médecine*, Editions internationales, Paris 1950.

## **7. PROTECTION OF CIVILIAN POPULATIONS FROM AERIAL WARFARE**

The ICRC had conversations in April 1953 with a few representatives of National Red Cross Societies, concerning the dangers to which civilian populations were exposed by the use of certain new weapons. The discussions gave support to the International Committee's idea of making a thorough study of the laws applicable to all forms of aerial bombardment, with a view to finding, if possible, definite regulations which would be likely to increase the protection of civilian persons.

Having decided to submit the question to the survey of experts from various countries, invited in their personal capacity, the ICRC continued for the rest of the year to make preparations for the meeting, and took the necessary steps for convening the experts early in 1954.

## **8. POLITICAL DETAINEES. WORK AND REPORT OF THE COMMISSION OF EXPERTS CONVENED BY THE ICRC**

In June 1953 a Commission of Experts, composed of eminent jurists of various nationalities, met at the ICRC headquarters in Geneva, and prepared a Report on the question of assistance to political detainees.

On many occasions the attention of the ICRC had been drawn to the plight of persons who had been arrested, placed in solitary confinement, deprived of all contact with their families, without any humanitarian organisation being allowed to visit them. Early in 1953 it was decided to convene a small Commission of Experts to study the question of assistance to that category of political detainees, in particular those whose detention was the consequence of civil wars or internal disturbances. In taking its initiative the ICRC had no intention of encroaching upon the rights of States, or of passing judgment upon the motives for the deprivation of

liberty, but merely to obtain the humane treatment of persons, in conformity with the general principles of law and civilisation. Those principles were in fact inspired by the Geneva Conventions, in particular by Article 3 of the said Conventions.

The Commission met from June 9 to 11, 1953, in the presence of M. Paul Ruegger, President of the ICRC, and MM. Léopold Boissier and Frédéric Siordet, Vice-Presidents, also several members of the administration. Its composition was the following :

M. Maurice BOURQUIN, Professor at the University and the University Institute for Higher International Studies, Geneva-Brussels.

M. Roberto CORDOVA <sup>1</sup>, Ambassador for Mexico, Mexico.

Professor Nihat ERIM, former Vice-President of the Council and Minister of State, Ankara.

Professor Gilbert GIDEL, President of the Curatorium of the Academy of International Law, The Hague, Paris.

M. Jean GRAVEN, Professor at Geneva University, Judge of the Court of Appeal, Geneva.

Professor Max HUBER, Honorary President of the International Committee of the Red Cross, Geneva-Zurich.

M. Caracciolo PARRA-PÉREZ, Ambassador for Venezuela, Permanent Delegate for Venezuela with UNESCO, Paris.

Judge Emil SANDSTRÖM, Chairman of the Board of Governors of the League of Red Cross Societies, Stockholm.

M. Giuseppe SARAGAT <sup>1</sup> Member of Parliament, Rome.

Professor Carlo SCHMID, Vice-President of the Bundestag, Bonn.

Professor Maurice Bourquin acted as Chairman of the Commission, and the Report was drafted by Professor Gidel.

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<sup>1</sup> MM. Cordova and Saragat were not able, on account of personal commitments, to proceed to Geneva to attend the meeting of the Commission. M. Juan G. de Rueda, Delegate for Europe of the Mexican Red Cross, kindly lent his services in deputising for M. Cordova.

The Report met with unanimous approval. It was published by the ICRC and communicated to National Red Cross Societies, and Governments party to the Geneva Conventions. The text of the document will be found on page 84.

## *II. — RELATIONS WITH RED CROSS ORGANISATIONS*

### **1. NATIONAL RED CROSS SOCIETIES AND THE LEAGUE OF RED CROSS SOCIETIES**

The ties existing between the ICRC, the League and National Red Cross Societies form at the present day a very solid structure for the defence of Red Cross principles and the implementation of humanitarian law.

During the past year the management of the ICRC remained in close contact with the Secretariat of the League of Red Cross Societies. Joint meetings were held each month, consecutively at the League and ICRC headquarters, to examine the activities common to both institutions, the implementing of the resolutions of the XVIIIth International Red Cross Conference and special questions, in particular the creation of new Red Cross Societies, the international broadcast on Red Cross Day (May 8) and various measures for propagating the knowledge of Red Cross principles and activities.

### **2. MISSIONS OF THE ICRC**

#### **(a) Missions of the President of the ICRC.**

Early in January M. Paul Ruegger visited London where he had interviews with leading personalities of the British Red Cross Society, in particular with Lady Limerick, Vice-Chairman of that Society. During his visit the President of the ICRC had