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CENTRAL TRACING AGENCY

The Central Tracing Agency in the Geneva Conventions and their Protocols

The Geneva Conventions of 1949 have no less than 25 articles on the functions of the central information agencies provided for in article 123 of the Third and article 140 of the Fourth Convention, and of which the mandates are in practice assumed by the Central Tracing Agency of the ICRC. The latter, moreover, is referred to by name in article 33 of Protocol I, with an increased role in the centralization of information on the dead and captured.

According to the Conventions, a *Central Information Agency shall be created in a neutral country upon the outbreak of a conflict. The International Committee of the Red Cross shall, if it deems necessary, propose to the Powers concerned, the organization of such an Agency.*

HISTORICAL BACKGROUND.—Prompted by initiatives taken in Basle in 1870, Trieste in 1877, Belgrade in 1912 and Geneva in 1914, the ICRC founded, in 1939, for the requirements of the Second World War, a central agency which, since then, has never ceased to function. It continues as a centre of information on victims of previous wars, and the ICRC makes it available to any party to a new conflict.

On 1 July 1960, the ICRC changed the name of the agency from "Central Prisoners of War Agency" to Central Tracing Agency (CTA), more consistent with the 1949 Conventions which relate to civilian victims as well as to prisoners of war.

TREATY COMMITMENTS.—The duties of the CTA according to treaty agreement are to:

- obtain, centralize and communicate all information on civilian and military victims of war, whether living or dead (prisoners of war, interned civilians, persons reported missing, and so forth) in the power of an enemy;
- reply to requests for news and institute the necessary inquiries;
- ensure that mail is forwarded between captives and their families, and that contact is made, by mail or Red Cross messages, between civilians who are not interned but who have been separated from their kin;
- issue certificates of captivity, sickness and death;
- transmit legal documents such as powers of attorney and wills.

The CTA is therefore the place where two currents meet: the flood of inquiries which prompt it to investigate, and the flood of information which it relays to inquirers. At that junction is the documentation: everything that goes through the CTA leaves a record which will be the source of new information.

Information comes from official and private sources; it is transmitted to the country of origin or residence (prisoners of

war and civilians) or to the Power on which the person depends (prisoners of war). The main official source is the national Official Information Bureau which each party to a conflict must set up at the outset of the conflict. All information from other sources not corroborated by the proper authority is not official.

Information must be transmitted as quickly as possible and the parties to a conflict shall grant the CTA all facilities for that purpose. This implies not only freedom to use all communication systems, including modern data transmission, but also the granting of any necessary priority.

Parties to a conflict, whose nationals benefit from the Agency's services, are asked to give it the financial backing it needs and exemption from postal charges.

To restore communication, elucidate the fate of missing persons, give moral comfort to those who are separated from their kin; these constitute the aims of the CTA which must combine strict attention to detail and rapidity in its work. But it must refrain from transmitting any news which may harm the persons concerned or their families.

Tasks resulting from ICRC humanitarian initiative

In accordance with the development of ICRC activities, the CTA has extended its treaty tasks to the field of "political detainees". It also reunites the members of dispersed families. It assumes the management of travel documents issued by the ICRC to displaced or stateless persons and refugees who, for want of suitable identity documents, find it impossible to return to their countries of origin or usual residence, or to go to a country of their choice which is prepared to admit them.

Activities of the Central Tracing Agency in 1978

In the course of the year the CTA received 39,833 mail items and despatched 42,221 (as against 59,266 and 65,024 respectively in 1977). It also registered and recorded on index cards 89,872 items of new information (110,000 in 1977).

These figures, which reflect only the *work in Geneva* show a decline in the number of cases dealt with since the previous year. This is explained by the fact that most of the cases dealt with at headquarters relate to *sequels of the Second World War or more recent conflicts*. Inquiries relating to these conflicts tend to diminish with time. On the other hand, they entail increasingly complicated research in fields as varied as family reuniting, the issue of certificates of capture, sickness and death, and inquiries into the fate of missing persons.

CTA activities relating to *current conflicts* are described in that part of this report which is devoted to "activities throughout the world". Indeed, the cases arising in these conflicts are, as far as possible, dealt with by tracing offices in the field. We therefore merely point out that the increase of CTA commitments in particularly complex situations—especially in Africa—caused a substantial rise in the number of operational tasks, both at

headquarters and in the field. The CTA in Geneva had to meet needs for qualified staff in the field and handle the heavy workload involved in the management of a constantly developing organization.

Finally, we would mention that in 1978 was initiated the programme for the micro-filming of records which are rarely consulted. Some 17 million documents are involved.

Relations with the tracing offices of National Societies

The CTA endeavours to intensify its contacts with the National Societies, either to induce them to set up tracing offices of their own with technical assistance from the CTA, or, with National Societies which already have a tracing office, to discuss and standardize working methods. In 1978 it had exchanges of views in this field with the Red Cross Societies of the Federal Republic of Germany, the United Kingdom, Hungary, Poland, Romania and Czechoslovakia. The persons in charge of their tracing offices visited the CTA headquarters in Geneva.

WORK TO ORDER ON AN INDUSTRIAL SCALE

The conflict in the Asian Sub-Continent (1971), brief as it was, necessitated records on 600,000 index cards, the transmission of 15 million messages and the registration of 500,000 people desiring to go to Pakistan or to Bangladesh.

Time is therefore of the essence, and yet every one of the thousands of cases is given individual attention, a personal file is opened and the CTA sees the case through to the very end. Quick action and perseverance is called for: although the CTA must follow the operational pace of the ICRC, it must also continue its work when the crisis is past and when indifference has erased emotion.

For example, 33 years after the end of the Second World War, the Polish Service of the CTA received, in 1978 alone, 12,125 requests, despatched 14,776 mail items, initiated 1,023 inquiries, closed 211 cases and issued 2,665 certificates of captivity.

PRINCIPLES AND LAW

Reorientation of ICRC activities in the juridical field

For many years the ICRC had laid emphasis in its juridical activities primarily on the development and reaffirmation of international humanitarian law. Its efforts bore fruit with the adoption in 1977, by the Diplomatic Conference, of the two Protocols additional to the Geneva Conventions of 1949 (see Annual Report 1977, pp. 40-45).

In 1978, the ICRC took up the task of furthering the implementation of what had been achieved in the juridical field, and its efforts may be expected to be intensified in the next few years. These efforts are being applied in three directions:

- (1) to encourage States to become parties to the Protocols;
- (2) to analyze and comment on the new law;
- (3) to disseminate international humanitarian law in general and the Principles and ideals of the Red Cross which are closely linked to it.

The first point is dealt with on pages 55 and 56 and the third on pages 57 to 61 of the present Report.

The second point consists mainly in drawing up a commentary to the 1977 Protocols. Having participated in all the stages of their elaboration, the ICRC experts certainly appear to be qualified for the task. Like the Commentary to the Geneva Conventions, this publication will be a tool for all who will be required to apply the new law, and a work of reference for those who teach and conduct research in international humanitarian law. This activity still being in the internal stage, it will not be discussed in this Report.

ICRC activity and doctrine

But doctrine, even more and beyond questions of law, has always occupied a preponderant place in ICRC activity. Indeed, there are extensive areas of ICRC activity which are not covered, or are only partly covered, by international humanitarian law. The ICRC endeavours, in such cases, to base itself on principles which ensure the continuity of its work. The principles concern partly internal, partly public matters, and they are established by the ICRC itself. They cover the most diverse fields such as ICRC activities in favour of "political" prisoners (see on this subject page 42), or such important questions as "the Red Cross and Peace", or "the emblem". But they deal also with less general problems, such as the attitude of the ICRC to the detention of hostages, or the communication of protests at alleged violations of the Conventions. As can be seen, the principles define the attitude to be adopted by the ICRC in situations covered by international humanitarian law (emblem, breaches of the Conventions) but in which rules for complementary action are still wanting. Furthermore, they provide guidelines in matters not considered by the law.

In sum, in the framework of the authority confirmed by the Statutes of the International Red Cross, the ICRC formulates principles which guide its action whenever no basis, or no