

XVIIIth INTERNATIONAL RED CROSS CONFERENCE  
Stockholm, August 1948

REPORT  
of the  
International Committee of the Red Cross  
on its activities  
during the Second World War  
(September 1, 1939 ~ June 30, 1947)

VOLUME I

GENERAL ACTIVITIES



GENEVA  
May 1948

No. 1A

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## PREFACE

*The International Committee of the Red Cross<sup>1</sup> has the honour to submit to the Seventeenth International Red Cross Conference the present Report on the whole of its activities during and immediately after the second World War.*

*Following its usual practice, the Committee wishes to put before the Conference the information which will enable it to form an opinion on the way it has carried out the mandates laid on it by former International Red Cross Conferences, and also on the action it has taken when faced with the unforeseen emergencies of the War.*

*It is the hope of the Committee that this Report will serve too as a documentary background for the discussions from which the Conference can draw the necessary conclusions, when it opens to study the chief aspects of the work accomplished by the Red Cross in a period without compare in its history.*

*This Report is also intended for National Red Cross Societies<sup>2</sup>, for Government authorities, for various humanitarian bodies and for members of the general public, who, since the war ended, have from time to time asked the Committee for detailed information on certain of its activities which, earlier, could only be given in part. It has also a particular message for the Authorities, Red Cross Societies, and individuals whose contributions have enabled the Committee to shoulder its many burdens and without which*

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<sup>1</sup> For the sake of brevity the International Committee of the Red Cross is herein after denoted by the initials ICRC.

<sup>2</sup> It may be mentioned, once and for all, that the expression "National Red Cross Societies" always includes the Red Crescent and Red Lion and Sun Societies.

*its efforts might have proved fruitless. The Committee owes them its most sincere gratitude, and there is also due from it an account of the use it has made of their contributions. It has a similar obligation to the Authorities and Societies who entrusted to it very considerable relief supplies for distribution on their behalf to the victims of the war.*

*Despite the wish of the Committee to give an exhaustive record of its work, and although the present Report is indeed fairly extensive, it has not been possible in practice to give more than a summary, and sometimes only a skeleton account of such varied and complex activities. It has in this way, at times, had to be satisfied with only a glimpse of a particular piece of work at some given moment of its development, or a sample instance of certain undertakings, thus foregoing a description of every enterprise of a similar kind. Admittedly the reader will not always be able to find in the Report a complete and precise answer to questions which, from one point of view or another, he would like to put. The Committee, however, is at all times ready to give fuller details.*

*From the outset it should be borne in mind that this Report, as its title indicates, attempts no more than a record of the Committee's work. A clear picture of the condition of war-victims in each country must not be looked for, nor yet a critical or legal study of how far the terms of the Conventions have been observed. Likewise, the Committee reports only on its own task and makes no attempt to give an account of the achievements of other organizations which worked to great purpose, inspired by the same ideals, and often in close co-operation with it, to mitigate the sufferings of war victims. To have a comprehensive picture of what has been accomplished by the Red Cross, the reports of the National Societies and the League must be read in conjunction with this present record.*

*The drafting of such a Report might have been done in several ways. Each of the Departments might have had separate treatment; the Committee's work might have been described according to the country in which it was performed, or in reference to the nationality of the people to whom it devoted its labours. The Committee felt constrained, however, to adopt an alternative plan, and to arrange its material according to subject matter and in*



reference to the categories of people who needed its help. Therefore, of the three volumes of the Report, one is given to the Committee's work in general, with stress on the protection of war victims, the second to the Central Prisoners of War Agency, i.e., to the supply of information about prisoners of war and internees; the third to relief in kind forwarded to them.

In the first and third volumes, the main headings indicate the various categories of war victims who are the care of the Committee: these are the sick and wounded of the armed forces, prisoners of war, civilian internees, civil populations etc. Within this general scheme, a distinction of nationalities is made in the text, wherever necessary. The activities described, however, are too complex to allow strict adherence to the precise classification which has been mentioned above. In this way, problems of relief connected with the war in the Far East have been given a place in Vol. I, because relief work was closely involved with protection in that theatre of war, and also because both were carried out by one and the same special department. It is in the first Volume too that aid to the sick and wounded of the armed forces is described.

Vol. I, on the Committee's general activities, contains a first Part which serves as an introduction to the whole Report and which must therefore be considered as covering all three volumes. It includes a paper entitled "Principles and Foundations of the Work of the International Committee of the Red Cross", specially contributed by M. Max Huber, former President of the ICRC (now Honorary President). There follow chapters on the organization of the various departments, the Committee's delegations abroad, departments serving general purposes, the financing of the work, co-operation with National Red Cross Societies, the League, Governments and others. The second, third and fourth Parts give the details of general activities for the protection of the wounded and sick of armed forces, prisoners of war and civilians.

Vol. II is of a more technical nature and deals with the work of the Central Prisoners of War Agency and the extension of its researches to cover civilians. After the introduction, Part I gives a general survey of the working methods adopted by the Agency, and Part II has particular reference to the development of the various departments.

*Vol. III deals with relief in kind to war victims. The subject-matter is dealt with rather more fully than in the first two volumes, as it includes the report submitted by the Committee to the various organizations on whose behalf they distributed supplies, and to whom is due a detailed account of their commission<sup>1</sup>. Almost every relief operation, moreover, raised its own particular problems of technical complexity and required to be adapted to the circumstances. The first Part of the volume treats these problems as a whole; the second concerns transport and communications; the third deals with the technical means employed for carrying out relief, and the fourth the part played by the Committee with regard to relief measures in behalf of civil populations.*

*The Report in its three volumes covers the period September 1, 1939, the day of the outbreak of war, to June 30, 1947. The duties imposed on the Committee by the war did not in fact cease in any way with the close of military operations, but went on during the post-war years with a striking continuity, due above all, to the great number of prisoners of war still held in captivity and to the distress of civil populations. The date of June 30, 1947, was cited as a limit in order to give the Committee the necessary time to prepare the present Report, to have it translated into English and Spanish, and, if possible, printed three months before the opening of the Seventeenth International Conference. The Report will be completed by roneoed annexes which the Committee will also submit to the Conference and which will cover, first, their activities from March, 1938 to August, 1939, and secondly, from July, 1947 to the end of June, 1948.*

*As some features of its humanitarian activities have been dealt with in special reports prepared for the Seventeenth Conference, the Committee has done no more in the present report than refer the reader to them. The texts principally concern the work of the Foundation for Red Cross Maritime Transports, the Joint Relief Commission of the International Red Cross, and the Greek Relief Commission.*

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<sup>1</sup> The annex to Vol. III contains solely technical information, such as statistics and summary tables for the use of the institutions from whom donations were received. The Committee will, however, be pleased to provide copies for other persons who are interested in the matter.

*The Committee published early in 1947 a survey of their work during the second World War, entitled "Inter Arma Caritas", which has been printed in five languages. As a narrative in simple form it will serve as an historical supplement to this Report.*

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## PART I

### GENERAL OBSERVATIONS

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#### **I. Principles and Foundations of the Work of the International Committee of the Red Cross <sup>1</sup>**

##### (A). PRINCIPLES

##### **1. The Red Cross Idea**

Since the year 1863, when a committee of five citizens of Geneva, with Henry Dunant as their leading spirit and General Dufour at their head, gave the first impulse to the world-wide movement of the Red Cross, based on the formation of National Societies, and to the first Geneva Convention of 1864, the Red Cross, both as a humanitarian and a social institution has attained far wider scope than its founders ever contemplated.

The distinctive character of the Red Cross organisations' manifold services to nations and humanity, the inherent qualities by which they differ from other and similar philanthropic works, lie in the *particular idea for which the Red Cross stands*. To grasp this underlying principle we must go back to the object which the founders of the Red Cross and the authors of the Geneva Convention had in view. Institutions live and endure by virtue of the steadfastness with which, amidst the changes of the times and despite the appropriate adjustments to new conditions, they remain true to the moral values, in defence of which they made their appearance in history.

The first paragraph of Article 6 of the Geneva Convention of August 22, 1864 sets out in the sober language of international

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<sup>1</sup> This Chapter has been written to serve as an Introduction to the Report of the ICRC, by M. Max Huber, President of the International Committee during the Second World War, now Honorary President.

treaties a high moral principle which was destined to produce far-reaching effects. It runs thus :

*Wounded and sick members of armed forces shall be protected and cared for, without distinction of nationality.*

This means that in the midst of war and fighting, when the whole will of the opposing forces is strained towards mutual annihilation, *succour is demanded for the defenceless victims of hostilities.*

Not less significant than the will to give effective aid is the principle of absolute *impartiality*. Relief is offered to everyone, even to the enemy. Over all differences, even those antagonisms of which war between peoples is the most violent expression, stands the *respect for the human being* in every man, at the moment when he is defenceless and abandons the fight.

For aid to the defenceless, and at first for that aid only, the Geneva Convention devised a method of protection against acts of war, adopting to this end the *symbol of the Red Cross*, to distinguish persons and establishments connected with the work of giving such aid to the wounded and sick members of the fighting forces.

## **2. The Task of the Red Cross**

Ever since the Red Cross came into existence, the National Societies as well as the International Committee of the Red Cross have applied themselves to many and vast undertakings which far outstrip the original aims of the movement. The National Societies could not do otherwise, if they meant to become vital and effective institutions, adapted to the special needs of their respective countries.

The functions of the International Committee, too, have greatly expanded since its early beginnings, partly in connexion with the National Societies' own development, but more especially on account of new tasks assumed in the spirit of the Geneva Convention, either on the Committee's own initiative, or at the request of the International Red Cross Conferences. Most of these latter-day activities as a whole had already

occurred to Dunant's forward-looking mind, as for example relief to Prisoners of War, and to Civilian Populations in time of war and disaster. The enlightened prudence which was a main factor in the swift success of the Committee's early beginnings, must be coupled with a spirit of initiative, both when seeking to introduce new provisions into international law, and when working out practical relief schemes in time of war or general distress.

As originally designed, the object of the Red Cross was to give aid in war, and it was provided with its special protection in international law for this purpose. The widening of its sphere of activity in time of war is therefore still of peculiar importance.

With aid to *wounded and sick members of the fighting forces* regulated by the Geneva Conventions of 1864, 1906 and 1929 as its starting points, the International Committee soon extended its range of interest to embrace prisoners of war as well. During the first World War, and to an even greater extent during the second, one of the main tasks of the Red Cross Societies of belligerent countries — besides their essential and initial work of training and supplying nursing personnel — was to send relief to their compatriots who were *prisoners of war and interned civilians in enemy territory*.

For the International Committee, however, the prisoners of war and interned civilians of all belligerent countries without distinction were equally eligible for the work of aid which the Geneva Convention of 1929 relative to the treatment of prisoners of war makes incumbent upon this institution, investing it with authority to carry out all humanitarian projects in this field, particularly the establishment of a Central Agency for the receiving and transmission of news concerning prisoners.

In the first World War it had already become apparent that the protection which international law afforded *civilian populations* subjected to enemy occupation or otherwise directly affected by acts of war, was still wholly inadequate. The evolution in methods of warfare, the enlisting of the nations' total economic forces in the war effort, and the excesses of occupation authorities during the recent War, increased the

dangers to which civilians are exposed, by placing them in no less a peril than members of the fighting forces at the front.

In view of these circumstances, the International Committee endeavoured, from the year 1918 onward, to secure increased protection in law for these possible victims of future wars. Though, up to 1939, that aim had not yet been achieved, the Committee was nevertheless able to arrive at two notable practical results in the way of material aid to civilians. Unremitting efforts to obtain temporary implementing of the Draft Convention relative to Civilians, endorsed by the International Red Cross Conference held at Tokyo in 1934, led to the application by analogy, to civilian internees at least, of the Prisoners of War Convention. Furthermore, the creation in 1941 of the Joint Relief Commission of the International Red Cross, founded on the International Committee's initiative in co-operation with the League of Red Cross Societies, allowed remarkable work to be done in the field of relief for the civilian populations of occupied territories.

It is inherent in the character of modern warfare that, generally speaking, the only relief activities in behalf of civilians to which belligerents are at all likely to consent, are those destined for categories either wholly, or almost wholly negligible as "war potential", namely children, nursing mothers, old people and the sick.

Reviewing the development of Red Cross activities, especially of the International Committee, we recognize as the common factor the circumstance that they have always been primarily concerned with *war victims who have no part in the actual war effort* — wounded and sick, prisoners of war and other persons deprived of their liberty, children, old people, and so on.

As in its earliest days, so the Red Cross has remained in all the later evolution both of its national and international organisations, essentially a *work of aid* in the widest sense of the term, and first and foremost in time of war. This applies more especially to the International Committee.



### 3. Red Cross Impartiality

The task of the National Societies is above all *national* in scope. Their aim is primarily to assist their own people; their field is mainly their own national territory, or territories perhaps occupied by their own forces. In obedience to the principle on which the Geneva Convention is founded, National Societies accord to the wounded and sick enemy the same care as to the members of their own armed forces. This is the principle of *impartiality*, which finds its application by analogy also to persons of foreign, even enemy nationality, who are within the field of a National Society's activity, for example, prisoners of war and civilian internees. In the nature of things, however, the chief concern of every national Red Cross Society will always lie in relief activities for its own countrymen.

For the *International Committee of the Red Cross*, however, whose most important, if not exclusive task in wartime is to act as a *neutral intermediary* between opponents for *aid to war victims*, and which, unlike any National Society, has no paramount duty towards its own country, impartiality is the vital and predominating principle. This principle can only find application when based upon strict political neutrality, in complete independence of any national or supra-national, political, social or denominational organization. Impartiality means *service to all, given with equal readiness and without distinction*.

Equal readiness, however, does not necessarily imply *simultaneous* or *equal* aid. Relief schemes vary both as to nature and scope, according to the needs of war victims on either side. During the early years of the recent War, relief undertakings in behalf of the Allies far surpassed those for the benefit of Axis countries, as the latter held a much larger number of prisoners of war and were at that time the only Powers occupying foreign territory. Since the Axis capitulation in 1945, the International Committee's work, apart from tasks in connection with displaced persons and relief to civilian populations in Central and Eastern Europe, has become almost exclusively confined to Axis prisoners of war, especially German.

This task is beset with particular difficulty, due to the absence of any Protecting Power, and to the inability of the home country to send its captive nationals relief supplies of any kind.

For the International Committee a war is an indivisible whole, from its outbreak to its close, that is to say, until all the tasks arising out of the peace treaties and the relief of war victims during the immediate post-war period, have been duly performed.

The services of the International Committee are, in principle, the same for all. They are derived from the terms of the first Geneva Convention, whose demand for equal treatment of all wounded and sick is one which allows of no discrimination whatsoever.

A very large part of the International Committee's undertakings can serve the interests of all parties equally, in fact as well as in principle — as for example, the visiting of prisoner of war camps and the transmissions of news. In this respect, differences can occur only through the varying degrees to which the countries concerned, acting through their military and administrative departments and National Red Cross Societies, endorse and encourage the Committee's work.

The same principle of equal service cannot, as a rule, apply to the important field of material relief.

From the Red Cross standpoint, the ideal condition is *to give all relief solely according to need and urgency*, regardless of the participants in the war, or of political, social or denominational groups, but with discrimination throughout in favour of the sick, children, old people, etc., which is wholly compatible with the principle of equality.

To meet the unprecedented financial requirements connected with the supply of food, clothing and medical relief to prisoners of war or civilian populations, the International Committee is dependent upon donations from Red Cross Societies and other welfare agencies, and from Governments. It administers these funds as trustee and intermediary for relief to prisoners of war, internees or deportees of a given country, or to the civilian population of an enemy-occupied territory. Donations had, therefore, to be applied *according to the donors' wishes*, a large

part of the funds furnished by them — especially by National Red Cross Societies — having been contributed by their national public for specific purposes. Had the International Committee accepted only such gifts for war relief as could be distributed strictly according to need, the greater part of its work for prisoners of war and internees, at any rate in the field of material aid, as well as that of the Joint Relief Commission for civilian populations, would not have been possible at all.

The Committee did, however, seek the donors' consent to the giving of more or less proportionate relief to the prisoners of various nationalities — to those at least belonging to the same group of nations. It is true that in the post-war period large donations in money and kind have been made available to the Joint Relief Commission, at its free disposal, but in value these represent only a small part of the gifts intended by the donors for specified beneficiaries (about a hundred million out of a total of 350 to 400 million francs).

The obligation to observe donors' stipulations often led to very great *inequalities in the aid* afforded to various categories of war victims, even within the same group of belligerents. But where no other possible intermediary between donors and recipients exists, the Red Cross cannot make itself responsible for refusing an offer of assistance on the sole grounds that the same help is needed just as much, if not more, in some other place. *Relief to war victims overrides all other considerations.* The impartiality of the Red Cross suffers no prejudice so long as the latter's services, when required *de jure* or *de facto*, are made available to all donors and to all categories of beneficiaries. In such conditions, the Red Cross can act as intermediary for gifts not only in favour of specified nationalities, but also for other groups, selected for denominational or racial reasons. Such was, for instance, the relief sent at a certain time to distressed Jewish communities in certain East European countries.

When donors are anxious to send relief to categories of sufferers who are chosen according to standards other than extreme distress, and when other intermediaries are available, the Red Cross must confine itself to relief schemes which are strictly in accordance with Red Cross principles.

At the same time, however, the encouragement of all relief undertakings that pursue non-political aims both in war and post-war times, will always be an obligation for the Red Cross as a whole, and for the International Committee in particular.

The highest degree of assistance, coupled with strict observance of the principle of impartiality (taken not only as equal readiness to lend aid to all parties, but as equal consideration of all needs of like kind and degree of urgency) — such is the object which the International Committee must keep in view in all its work for war victims. In concrete situations, notably that of war, its foremost endeavour must be to harmonise as far as possible observance of principles with material possibilities of relief.

A relief scheme does not gain specifically Red Cross character from the mere fact that a Red Cross organisation is linked to it as donor or intermediary agent, but only if it springs from a self-dedicated, all-embracing will to aid, free from ulterior motives, direct or indirect, and guided by the sole consideration of human distress. With such a purpose and in such a spirit the Red Cross may accept in principle whatever co-operation is offered <sup>1</sup>.

#### 4. Respect of Law and of Red Cross Principles

Parallel with its functions as promoter of humanitarian undertakings and as neutral intermediary between belligerents in war-time, the Committee also assumes the *duty* of upholding *the basic principles of the Red Cross*, of receiving *complaints concerning alleged breaches of the Conventions*, and of dealing

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<sup>1</sup> This formulation of the principle of impartiality differs somewhat from the statement made at the International Red Cross Conference in London, 1938, in which the Committee alluded especially to its attitude during the Spanish Civil War. The disparity between the two statements is explained by the special circumstances of the former occasion. In that Civil War neither party had made funds available to the Committee for aid to members of its fighting forces in the adversary's hands; these prisoners did however receive assistance from partisans of either side having direct access to one zone or the other.

Such donations as the Committee received, whether earmarked or not, were distributed as evenly as possible between both sides, for the forces of parties approximately equal in strength.

with such *problems as require handling by a neutral organisation.*

For ensuring observance of the laws which protect humanitarian interests, more especially the international agreements relative to Red Cross work, we must distinguish between :

- (a) Measures taken by the Committee *by its own motion* in line with its activities arising out of the Geneva Convention and cognate agreements, and following upon cases brought to its knowledge either by its own delegates or through official channels.
- (b) Measures by the Committee due to appeal *from the outside*, generally from the alleged victims of the breach of law, or from would-be defenders of violated law and humanitarian principles.

Turning to interventions of the first kind, the Committee has made hundreds, even thousands, of these, during the past six years alone, ranging from delegates' talks with camp commanders to notes addressed to the highest government departments, in cases of special gravity. Interventions of this kind, in order to restore any law transgressed or threatened with infringement and to prevent future breaches, are occasionally prompted by complaints received from private persons, when their information appears to be reliable. If the breaches persist they are usually brought to the attention of the adverse party.

In making representations of this kind, the Committee employs the firm and moderate terms which appear best calculated to produce the desired result. For this same reason, such dealings are given publicity only in the rarest cases, a practice

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During the Abyssinian War, the Committee at once offered its services to both parties, but only the Ethiopian government accepted. This relief undertaking never gave rise to criticism, one-sided though it necessarily remained throughout that war.

Equally free from criticism was the Committee's work for both belligerent parties during the recent war, when it was for years so unequal in scope and extent. Neither on one side nor the other did that circumstance ever arouse objections on the grounds of a breach of impartiality. Indeed, no such objection could be maintained, from the standpoint of international law, since the Fourth Hague Convention and the Geneva Convention relative to Prisoners of War both admit relief to this category of war-victims, without any kind of restrictions with a view to parity.

which, generally speaking, has proved its worth. Where the Committee meets with opposition, public protest would not only fail in its purpose, but would doubtless destroy in the country concerned all prospects of other services that remain still possible ; such action would therefore be positively harmful.

Interventions by the Committee of the second kind comprise both enquiries into breaches of law, and the transmission of protests. If impartiality in the sense of universal readiness to aid is an essential Red Cross feature, the non-political character of the institution demands that its impartiality shall be exercised also *in the sense of true justice*, when such is possible.

Accordingly, at the outbreak of the War, the Committee issued and made known both to governments and to the general public the only conditions upon which it was ready, in obedience to the Conventions and to Red Cross principles, to undertake or participate in *enquiries into alleged violations* of the humanitarian interests protected by international law. Contradictory procedure, allowing all parties to state their case, alone offers any prospect of elucidating the true facts ; the Committee therefore acts in cases of alleged violation only with the consent of all parties.

*Protests* made by National Societies, or in exceptional cases by Governments, are forwarded by the Committee without comment to the Red Cross or Government of the indicted country ; a request is added that the responsible authorities examine the matter and enable the Committee to convey a satisfactory reply to the adverse party. This procedure has rarely elicited explanations which were satisfactory from the protesting party's point of view ; it has never resulted in any agreement for a joint and impartial enquiry, in the sense of Article 30 of the Geneva Convention. It should also be noted that some Governments maintain that the Protecting Power alone has authority to transmit protests to Governments, and decline to entertain those forwarded by the Committee, either direct or through the National Red Cross Society.

A very anxious problem for the International Committee arises in this connexion. On receiving trustworthy information as to grave violations of international law or of human rights,

ought the International Committee, of its own initiative, to raise public protest ?

There are three reasons why the Committee did not accept this idea.

In the first place, every protest is a judgment. No impartial judgment is possible unless the conviction reached is based on exact and certain knowledge of the circumstances. This involves an impartial enquiry, hardly ever feasible in war-time.

Secondly, the indicted party will either keep its own public in ignorance of the protest, or present it in one-sided fashion, whilst the opposing side will be free to use it for purposes of propaganda. In every case the indicted party will demand to know why similar genuine or alleged breaches by the adversary have not called forth similar protests. Should the Committee adopt the method of public protest, it would inevitably be forced more and more into taking a definite stand with regard to all kinds of acts of war, and even of political matters. It must also measure all the consequences of this policy, not only as affecting its position in relation to governments, but also its possibilities of humanitarian action, the safeguarding of which is, in the last analysis, its sole concern.

Thirdly, the Committee's considered view, on the grounds of past experience, is that public protests are not only ineffectual, but are apt to produce a stiffening of the indicted country's attitude with regard to the Committee, even the rupture of relations with it. There would thus be a serious risk of sacrificing concrete relief work in behalf of all war victims to the defence of a legal principle.

These are therefore the circumstances which the International Committee has to consider in determining the question : Which is the more important, to sit in judgment and enunciate principles, or to afford relief and put the said principles into practice ?

The Committee has been compelled to give precedence to the practical work of relief. The Red Cross is essentially a work of aid, not an international tribunal ; its decisions must be made in full consciousness of its responsibilities towards the men and women whom it is able — and perhaps alone able — to succour.

## 5. The Humanitarian Task of the Red Cross in its relation to War and Injustice

The relation of Red Cross work to war and injustice gives rise to frequent criticism and misunderstanding.

Why does the Red Cross confine itself to caring for war victims, only a proportion of whom it can reach at best, instead of devoting all its energies to the prevention of war? <sup>1</sup>

This is the kind of thing one often hears. To put the question is to show a complete misunderstanding of Dunant's idea, in which the entire movement had its source. The attempt to eliminate war is one thing; to help its victims when it does occur, is another. Certainly, the men and women who work for the Red Cross should also join in the supreme task of establishing permanent peace, but even whilst pursuing this exalted aim, they must remember that the work of Red Cross organisations must be safeguarded against the possibility, however remote, that war may again break out.

So long as war can still be waged within the compass of international law, so long as men are wounded in combat and taken prisoner, the Red Cross need never doubt its right to develop its works of aid. In case, however, of illegal acts — members of the enemy nation taken as hostages, deported and imprisoned without trial of any sort — we may ask whether our foremost duty is not to protest against the illegality of such proceedings and to endeavour to have such measures rescinded. Here again, measures contrary to the laws of warfare must, like war itself, be considered by the International Committee primarily in the sense of *existing facts*, just as the doctor to whom the sick and wounded are brought turns his attention first to the injury or disease, without going into the human guilt which may be its cause. The Red Cross, above all a work of aid, must first strive to bring *relief* to these victims

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<sup>1</sup> This question was put as early as 1869. See *Bulletin international des Sociétés de la Croix-Rouge*. No 1, 1869, p. 3, and the writer's paper in the *Revue internationale de la Croix-Rouge*, 1940, p. 284, "La Croix-Rouge et la prévention de la guerre".



of war, as to all others. We refer to what we have already said on the subject of protests.

## 6. Humanity and Law

The foundation of Red Cross work in general and that of the International Committee in particular, is the respect for the human person — a principle independent of all written legislative statutes.

Nevertheless, the *relation of humanity and law* is of the highest importance to the activities of the International Committee; it is significant that from its foundation, the Red Cross idea found its expression in an international treaty. Since then, the Geneva Convention has been improved and extended; it forms the starting point for a system of international law which aims at protecting humanitarian interests in war and is embodied notably in the Hague Conventions.

The existence of such a juridical system greatly facilitates the task of the Red Cross and of its national and international organisations, even though the latter have only slight direct mention, as yet, in international treaties. For the International Committee it is of particular value that at least its right to humanitarian initiative is expressly recognised in the Geneva Convention of 1929 relative to the treatment of Prisoners of War.

Where, as in the above-mentioned agreement, the ruling is both thorough and satisfactory, the Committee cannot demand more of governments than the *precise and liberal implementing of the agreement*. Unlike the Protecting Powers, however, the Committee does not represent the interests of any one State and of its nationals in relation with any other belligerent State, but is the advocate of every war victim, considered simply as a human being. It is therefore able to approach Governments with suggestions for useful amendments to existing agreements and with proposals to implement unratified agreements, or draft conventions, or even to introduce entirely new rulings based

on mutual and informal concessions. It is one of the International Committee's important tasks to take the lead in introducing *new international rules* that are adapted to *new circumstances* as they arise. In the recent War, several achievements stand to its credit in this field: concessions in favour of civilian internees, civilian messages, conveyance of relief supplies to prisoners of war and the consequent creation of a Red Cross maritime transport service, care of war-stricken populations in occupied territories, to mention only these.

Because the International Committee bases its activity primarily not on the law of nations, but on the natural law of the human being, its constant endeavour is to maintain and extend its work in behalf of all victims of war, or of situations resembling war, *even where no rules of international law exist* (as in civil wars); further, where such rules are called in question, either because the parties refuse to recognise each other as legally constituted, or because one of them becomes incapacitated through capitulation.

#### **7. Universality of the International Committee's Activity**

Implicit in the International Committee's essential impartiality is the universal character of its work. Universality means that an offer of service applies with unconditional equality to all the parties to a war, and that when all do not equally accept, every opportunity is seized to repeat the offer.

The Committee's universality is not impaired by the fact that one party or the other declines to accept its good offices. Free and reciprocal consent, untainted by coercion of any kind, is the basis of Red Cross practice. The Committee's effective performance may be open to criticism, never its universal readiness to work for all.

Since its work depends for the most part upon the reciprocal interests of two parties, the Committee must endeavour to secure universal acceptance, for every gap caused by one State's refusal is liable to affect all other States indirectly.

Universality does not only mean an attempt to embrace all countries without exception, but also readiness to serve as neutral intermediary for humanitarian purposes in every conflict having the character of war, in all countries and between adversaries of every category.

Universality is, in the last resort, an expression of the fact that Red Cross work is concerned with the human being, considered as an integral part of all humanity, but a part whose inherent value lies beyond dispute.

### **8. Non-Political Character of the Red Cross**

Both the impartiality, which is the special characteristic of the International Committee's task, and the peculiar nature of the Red Cross as a relief institution, make it essential that the Committee should keep its activities *untouched by politics of any kind*, whether of States or parties, classes, races, creeds or ideologies, and unaffected by moral judgments as to the persons who are to be helped, or those with whom relations must be maintained. The necessary relations of confidence which the Committee is anxious to maintain with Governments and Red Cross Societies must be safeguarded at all costs, but solely with a view to the execution of humanitarian tasks.

It is conceivable that in the eyes of one belligerent an undertaking of a purely humanitarian character may not be without political, military or moral by-effects. This may occur, for instance, when relief for an occupied country is envisaged, since this invariably raises the question of a breach in the economic blockade decreed by one belligerent against another. But the fact that humanitarian interests may find themselves in opposition to political, economic and military interests, must never deter the Committee from using means put at its disposal to carry out every relief scheme it may consider useful and necessary. Since this can be done only *in agreement with all the belligerent States* within whose bounds, or across whose territory the Committee must work, there can be no question of prejudice to any country's interests. No part of the

work is done secretly, and consent, or at any rate tolerance on the part of the Government in question, gives the action legal sanction, as far as the Committee is concerned.

### **9. Open Dealing and Fairness**

The principle of *open dealing* and *fairness* towards the belligerent parties is observed at all times by the International Committee, and stands in direct relation to the complete absence of any political attachments.

Open dealing means activity carried out with the full acquiescence, or at least the tolerance of the authorities concerned, throughout the territories where the Committee and its representatives operate. It further implies that the Committee's delegates and other representatives pursue no activity other than that which is expressly allowed or tolerated.

Fairness rules out every resort to underhand methods, such as secrecy and dissimulation, even where their use might serve the highest interests of humanity. Even towards persons and institutions whose unreserved frankness cannot be certainly assumed, the Committee's policy must remain the same.

### **10. The Financing of the Committee's Work**

Certain questions of principle arise in this connection.

If it seems feasible, as it is certainly desirable, to place the Committee upon a basis of financial stability, independent of annual voluntary contributions. It can only be so in normal times. In any major war, it is wholly impossible to guarantee the Committee's activities in advance, so unpredictable in kind and unforeseeable in scope do requirements then become.

During the second, as in the first World War, the cost of the International Committee's work had to be met by special contributions from the Swiss people, the Swiss Confederation, as well as Governments and Red Cross Societies, particularly those of the countries at war. The allocation of this financial

burden followed no plan of any kind, nor did the Conventions provide any point of reference.

The International Committee had to keep two ends in view.

(a) To find as ample funds as possible for the financing of its tasks over the entire war and post-war period, such tasks to include both those assigned by tradition or the terms of international Conventions, and others, self-appointed or assumed on request, as changing circumstances demand.

By the above funds are meant the sums required to maintain the Committee's departments at the proper level of efficiency, not monies to be transformed into relief supplies in behalf of third parties.

(b) To maintain its independence in respect of contributors towards its support, that being essential to the execution of its task under its own responsibility and in obedience to Red Cross principles. This end could be achieved, since rather more than half of all donations for general expenses came from Switzerland, and the remainder mainly from belligerent countries, without any single donation of exceptional size to disturb the balance in favour of any one party or country, as against the rest. Furthermore, the donors laid no claim to interfere in the Committee's administrative concerns, nor did they expect any financial supervision other than the balance sheets made accessible to the general public.

The Committee could not see its way to accepting payment by the parties concerned of the cost of single relief operations, nor did it render separate accounts for such expenditure, as they cannot rightly be isolated from the rest, nearly all the Committee's activities in the various countries being closely interdependent. This reservation did not, however, prevent certain Governments and Red Cross Societies from increasing their general contributions, to enable the Committee to carry out particular schemes. The Committee meets the costs of its work out of its total revenues ; in principle, it gives its services free, that is to say, without asking compensation in proportion to services rendered, or even any compensation at all. Owing to

war-time legislation governing the transfer of currency, millions of next of kin who benefited by the Committee's services, were debarred from making any voluntary contribution whatever towards its general funds during the second World War, as had been customary during the War of 1914-1918.

The principle of gratuitous service was waived only in respect of cable charges incurred on behalf of governments or private donors, and the costs of transporting relief supplies. In the latter case, a levy proportionate to the weight of shipments and the Committee's net expenses was collected, but this left no margin for reserve.

Thus, at the end of the War, the Committee is just as poor as it was at the beginning. It has adhered strictly to the principle of complete financial altruism, even at the risk of sacrificing its own future interests. As a result of this policy it found itself in 1945, and again in 1946, compelled to seek aid from the Swiss Confederation and from National Red Cross Societies, failing which its work for war victims and prisoners of war in particular, would have come to a premature close. The Committee's own experience and the comparison with other organizations with which it has cooperated, have led it to the firm conviction that, in the interests of the Red Cross and of its own work and staff, the International Committee should be able to constitute reserves sufficient to ensure its uninterrupted service, even in circumstances financially unfavourable and subject to changes impossible to forecast. Any balance from such reserves would be applied, in obedience to Red Cross principles, to some related activity at the Committee's discretion, provided no other arrangements had been concluded with the donors.

## **11. Peace-Time Work**

The principles set forth in the preceding pages determined the International Committee's work in the recent War, and will also hold good in similar circumstances in the future.

To serve these principles in its *peace-time activities* also, is one of the Committee's essential duties.

The first of these duties is mindfulness of the *spiritual basis of Red Cross work*, which means application of the Red Cross ideal to unforeseen problems and its relations to other currents of thought. This task is pursued through constant exchange of views with the National Red Cross Societies.

Similarly, one of the Committee's foremost concerns is to cooperate with Governments and National Societies in the *development of international law for the protection of humanitarian interests, especially in time of war*.

Defence of the principles of humanity in war is, however, largely dependent upon the degree to which these principles are rooted in the moral consciousness of the individual in time of peace.

It is therefore incumbent upon Red Cross organisations in peace-time to seize every opportunity of proclaiming the ideals upon which their work is founded. They will employ every means of inculcating into young minds, especially through the international organisations concerned with the education of youth, a high conception of service to humanity as a whole and to the individual in particular.

## (B). FOUNDATIONS

### 1. The Right of Initiative

The express recognition given in the Conventions to the International Committee's work in time of war, is scant indeed. Only in the Geneva Convention of 1929 relative to the treatment of Prisoners of War (Art. 79) is mention to be found of the Committee's right to propose the establishment of a Central Prisoner of War Agency, in a neutral country, with a clause to the effect that this stipulation "shall not be interpreted as restricting the humanitarian work of the International Red Cross Committee". Article 88 of the same instrument reiterates this idea in connection with the provisions for supervising the application of the Convention.

This *right of initiative* for humanitarian purposes is the recognition of a *tradition*, that of service begun by the International Committee in 1864 and since steadily developed, mainly on the basis of the revised Geneva Convention of 1906 and the Fourth Hague Convention of 1907. Beyond these agreements, work on this basis in the first World War gave rise to new rules of international law, derived from general practice, and largely embodied in the Geneva Conventions of 1929<sup>1</sup>. The Committee made still further advances in this direction during the war years 1939-1945.

Recognition of the right to initiative should be carefully distinguished from the *implementing of this right*. For the latter, each particular case requires the *consent of the States concerned*, — first of all, of the State in whose territory the Committee is anxious to work, and normally also, of the State for whose nationals its service is destined. As a rule, this consent can only be obtained on the assumption of reciprocity, since most of the Committee's work is done in behalf of persons in territory governed by their own country's enemy.

Thus, immediately upon the outbreak of hostilities in 1939, the International Committee offered its services to all the belligerents, using the same procedure each time a new belligerent entered the conflict.

Almost without exception, the Powers thus approached returned affirmative replies. In point of fact, consent is given only when, and as long as, the Powers expect to *benefit* by the Committee's activities, and in so far as they are prepared to place *confidence* in its exclusively humanitarian purpose. Where belligerents see no likelihood of reciprocal advantage, it is hardly possible to obtain the necessary consent of both sides. But the consent once granted was successfully maintained, even after the capitulation of the Axis Powers, when the prisoners of one party only remained to be cared for.

Securing a general consent, despite its importance, is only a first step. Relief work is for the most part impracticable unless

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<sup>1</sup> Convention relative to Sick and Wounded (1864, revised in 1906 and 1929); Convention relative to Prisoners of War (1929).



the Committee can send its delegates into and through belligerent territory, and this is only possible if they, or other representatives, are approved by the governments concerned and given all the necessary permits. Thus, at every turn the Committee is dependent upon the goodwill of belligerent Powers, and in many cases also of neutral governments.

Lastly, the granting of all such facilities is purely optional and discretionary. It is in the nature of things that there can be no claim in law in this respect, yet a principle of humanitarian law is clearly present and only awaits application. The whole of the Committee's practical work in war-time rests upon the balance of the belligerents' reciprocal interests, on informal concessions voluntarily granted by belligerents to the Committee, and upon the latter's ability to carry out the task it has assumed and to keep the confidence of the governments concerned.

It should be regarded as quite remarkable that so vast an undertaking could stand and prosper for so many years on so slender a foundation, and in the overcharged atmosphere of any conflict, especially of such as existed during the second World War. The only explanation lies in the fact that countless persons all over the world—members of Red Cross Societies, governments, armed forces and the public in general—have been active supporters of the Red Cross idea. The Committee believes this fact to be further evidence of the necessity and moral justification of a neutral and wholly independent intermediary for humanitarian activities in time of war.

The above considerations regarding the foundation of the Committee's work make us realise the greatness of the responsibility vested in this organization. In taking any step, the Committee must aim, first and foremost, at securing and maintaining the active cooperation of the parties concerned, for such cooperation is purely voluntary and often granted only on the strength of the reciprocity observed by the enemy.

The conditional character and interdependence of relief undertakings are often complex, and demand much careful thought and prudence. If the International Committee is led by such considerations to take certain steps in preference to

others, its only concern is the possibility of maximum relief, its sole anxiety being to help human beings in distress.

Whoever makes demands of it should consider that the Committee itself can make no demands at all. It can only labour ceaselessly to obtain the preliminary consent which is indispensable for its undertakings.

## 2. Perpetual Neutrality of Switzerland

The second preliminary condition for the Committee's activity is the *perpetual neutrality of Switzerland*, on whose territory the institution is established and from whose citizens its members are recruited.

It is certainly possible and necessary to act in the spirit of Red Cross impartiality, even on the soil of countries at war and in the actual war zones: such is precisely the *raison d'être* of the Geneva Convention. But, for practical, political and psychological reasons, contact between belligerents for the purpose of relief action can only be established from neutral territory, and through the agency of persons whom neither party can regard as nationals of an enemy, or enemy-occupied country.

What Switzerland's military or political fate in any future war may be, none can foretell. There is one fact, however, which is confirmed by a long political tradition: Switzerland — and we mean thereby the solid and overwhelming majority of the Swiss people — holds fast to the irrevocable political axiom of its neutrality. It will do so as long as this is humanly possible, with no thought of yielding to any momentary consideration of political expediency of any kind. The fact that the International Committee was founded eighty-four years ago in Switzerland, where its headquarters have always been, and that it selects its members exclusively from Swiss citizens, acquires thereby justification which far transcends the mere historic genesis of the Red Cross.

Thanks to this long tradition and the assured support of an entire people, the Committee was able to assemble the large

staff of experienced and skilled assistants and the thousands of devoted workers of all grades who were needed for the execution of the extensive and manifold duties that fell to its share during two World Wars, the second far surpassing the first in the vastness of its operations.

If the Committee was invariably in a position to make its decisions in full harmony with the Red Cross spirit and with the speed and adaptability which constantly changing conditions and extreme urgency demanded, this was due in very large part to its complete independence of all political and administrative control by the Swiss Confederation. Although the Federal Government has always shown entire readiness to assist the Committee, not only financially, but also by the granting of diplomatic passports for its missions, and by other similar facilities, this has never been at the price of concessions. The manner in which the Committee is composed, namely by co-opting of members unconnected with any outside authority and citizens of one small neutral country, has been another decisive element in the rapid and independent execution of its duties.

The International Committee has always been mindful of the fact that activities similar to its own can be, and are undertaken by *neutral countries other* than Switzerland, and has warmly welcomed these parallel undertakings, wherever they have appeared. In the very considerable relief action for Greece, to which the *Turkish Red Crescent* gave the first impetus, *co-operation* by the Committee with *other neutral Red Cross Societies*, and particularly with the *Swedish Government* and the Swedish and Swiss Red Cross Societies was of peculiar importance. Further, without *neutral bases* for Red Cross maritime transport provided by *Portugal and Sweden*, the relief actions for prisoners of war and civil populations in occupied territories would never have been possible.

Unlike the War of 1914-1918, that of 1939-1945 found Switzerland surrounded for a long period by territories under the military control of belligerents belonging to a single group of Powers. As a natural consequence, contact with the Allies was more difficult than with the Axis Powers. All the move-

ments of the International Committee's envoys leaving Switzerland hung upon the readiness of one sole group of belligerents to grant permits of exit and entry. Similarly, all parcels and correspondence to and from Geneva were subject to the goodwill of the censorship authorities of the same group.

It must in justice be admitted that this situation never brought the Committee's work to a standstill, though it certainly occasioned delay. Privacy of correspondence has no great importance for the Committee; since its work is exclusively humanitarian, it has no need of secrecy. Nevertheless, the encirclement of Switzerland by the Axis involved a serious drawback in that simultaneous negotiations at Geneva with representatives of both sides, which had been practicable and fruitful in the first World War, though by no means wholly excluded in the second, were much more difficult to bring about.

Wireless telegraphy, for which the Swiss departments concerned granted the Committee generous facilities, went far towards mitigating Switzerland's military isolation, with consequent benefit to the Committee.

The failure of certain undertakings in the Pacific zone was due less to the geographic factor than to the negative attitude of Japan. Neutral bases in those regions, had all the parties agreed to them, would often have proved of very great advantage. The Committee's efforts to secure such bases were unfortunately of no avail.

### **3. Differences in Relations between Belligerents**

For the International Committee's work, the most favourable situation is that in which *normal relations based on international law exist between all participants* in a war, that is to say, when there is mutual recognition of a status of belligerency and — more important still — when both parties are bound by the *same international agreements concerning the laws of warfare*. In the late War, this was the case at the outset, the situation from the juridical standpoint being clear and uniform.

Later on, as other belligerents not signatory to the same Conventions entered the war, the Committee sought to obtain their governments' consent to the informal application, subject to reciprocity, of the Conventions, particularly of that relative to Prisoners of War.

Negotiations to this effect with Japan succeeded in principle, but the result proved unsatisfactory in practice.

Generally speaking, the rules of international law are implemented only on the basis of reciprocity. Practical success depends, however, not only on legal reciprocity, but also on one national interest balancing with the other. Reciprocity in this sense may rest upon interest unlike in kind, but existing at the same moment ; for instance, during the early years of the recent conflict, when the Allies' main concern was for their prisoners of war, and the Axis Powers' anxiety for their civil internees.

The fact that until the year 1944, enemy or originally neutral territory was occupied by Axis Powers only, threw the balance of the situation on both sides so far out that the Committee could at first do only very little, and that little only very gradually, to aid the population of such territories. Its efforts to secure the temporary application of the Tokyo Draft—*i.e.* the Draft Convention relative to Civilians drawn up by the Committee and adopted by the Red Cross Conference at Tokyo in 1934—were rejected by almost all the belligerents, with an only exception in favour of civilian internees, properly so called.

A further obstacle to the Committee's endeavours arises when the parties to a conflict *refuse each other recognition as States*. This may occur when one belligerent has totally occupied the enemy country and considers it as no longer existent, further, when a government has had to seek refuge on allied soil, or again when fresh combatant forces, and perhaps new governmental authorities arise in occupied territory, or in the unoccupied areas of a country which has capitulated. Faced with such exceptionally varied situations, which the conflicting parties consider not from a legal and debatable point of view, but in a political context, the International Committee can but regard these hostile relations as *de facto* existent, and

attempt to obtain recognition for humanitarian interests, even in such abnormal conditions. The question of either party's legitimacy cannot then be entertained. Situations such as these have some resemblance to civil war; and success depends upon the practical interest the parties take in the Committee's services. A further condition will be the necessary prudence displayed by the neutral intermediary who ventures between warring parties, one of whom denies the legitimacy of the other.

#### 4. International and Internal Relations

The work of the Red Cross, as conceived by its founders, confirmed and guaranteed already by the first Geneva Convention, bears reference to *international relations*. This applies equally to relief activities in behalf of prisoners of war and of civilians in enemy hands. That which, from the standpoint of governments, is mutual regulation of national interests for the protection of their citizens, constitutes from the standpoint of the Red Cross *quâ* institution, regulation for the protection of the individual person's life and human dignity. Regarded from the humanitarian angle, there is no fundamental difference between *international* and *national or internal* relations. The extensive welfare activities which National Red Cross Societies already undertake in peace-time, regardless of political, social and religious considerations, have the individual human being as their object. The problem of impartiality towards friend and foe cannot therefore possibly arise.

Occasionally, in peace-time, the International Committee is asked to protect humanitarian interests by acting in behalf of persons under duress. Where persons of foreign nationality are involved, their own government—contrary to wartime practice—is alone competent and authorised to act in their defence. Quite different is the case of persons whose own government treats them with inhumanity, or of stateless individuals having no adequate protection.

The demands of humanity must never yield to the principle of the sovereign State, which claims the right to settle its own

internal affairs without any kind of outside interference. It is, however, just as clear that intervention in such conditions not only encounters a well-nigh insuperable obstacle, namely, the principle of national sovereignty, but is shorn of the argument of mutual interest, which international relations bring into play.

Thus, it stands to reason that in war-time the International Committee, whose legitimate activity as neutral intermediary is wholly dependent on the goodwill of the belligerents concerned, can still less embark on any interference in the strictly national concerns of any country without exposing its normal work to the gravest risk.

This raises the problem, to what extent the representatives of the Red Cross idea are able to contribute towards the safeguarding of human rights as such, by means of a system of laws that shall be binding upon governments.

## 5. Co-operation

The International Committee, as the Red Cross organisation which in 1863 started a world-wide movement based on a system of national central committees, is naturally anxious to keep in the closest possible touch with all *National Red Cross Societies*, both in time of war and of peace, and to be of service to them, especially in the capacity of neutral liaison between Societies whose direct relations with one another are severed in war-time.

This contact, notably with the National Societies of the belligerent countries, became particularly close in the late War, wherever the tasks of these Societies came within the International Committee's field of action.

Relations with the Red Cross Societies were kept up partly by special missions, but chiefly through the Committee's delegations in many countries and also through the representatives of several Societies who were accredited at Geneva. In spite of such delegations from either side, direct contact between the heads of National Societies and of the International Committee is of course indispensable in all matters of general significance or particular importance.

The International Committee would not have been in a position to fulfil its task as promoter or as neutral intermediary in humanitarian matters, even within the scope of the Geneva Conventions, had it not enjoyed direct access to *Governments*. The implementing of the Conventions rests almost entirely with the State authorities, especially the military or civil departments responsible for prisoners of war, and the medical services. Above all, Governments are alone competent to facilitate the introduction into international law of rules hitherto unknown or not yet applied.

In so far as the Committee's external relations did not consist in written applications or in special missions from Geneva to responsible government authorities, they were maintained through delegations accredited to National Red Cross Societies. Governments, on the other hand, made use of their diplomatic or consular representatives in Berne or Geneva for contacts with the Committee's headquarters.

The Committee's external relations cannot, however, be restricted to National Red Cross Societies and to Governments. It must seek every possible contact and support which may be of use in the fulfilment of duties arising out of its mandates, or which it assumes on its own initiative. Its relief undertakings in behalf of civilian populations, for example owed a great deal to private or semi-official organisations, which either made available the necessary funds and supplies, or else gave indispensable co-operation in the countries for which the relief was intended. The range of the Committee's relations outside National Red Cross Societies and Governments is limited only by the practical scope of the aid to war victims which such relations may render possible at any given time, and by the observance of the principle of impartiality which governs all Red Cross work.

#### **6. Parallel Activities**

The Committee pursues its task alongside parallel actions by Governments, Red Cross Societies and other welfare associations.



As regards the Prisoners of War Convention, supervisory powers in respect of the manner of its application are expressly vested by treaty law in the *Protecting Powers*. Nevertheless, the possibility of corresponding action by the International Committee is also formally recognised.

In actual fact, the Committee has been able, in almost all cases, to carry out its relief work not only for prisoners of war, but also for other categories, in cooperation with Protecting Powers. Occasionally, however, a belligerent has attempted to debar or hamper the work of Committee's delegations by contending that the Protecting Power's representatives were already performing the same services. The Committee was, however, able to obtain recognition of its competency in this field. The parallel action of Protecting Power and Committee has proved useful everywhere, owing to the immensity of the tasks to be accomplished. Even the simultaneous transmission of prisoner of war lists to the Protecting Powers and to the Committee's Central Agency turned out to be both useful and desirable. The transmission of names by cable, which became necessary at the later stages of the war, was the Committee's sole concern.

Despite partial overlapping, the functions of the Protecting Power are fundamentally dissimilar in kind and extent. The Protecting Power is the mandatory of one or both belligerents, with competency to protect the rights and interests of the States from which it derives authority. The Committee is concerned exclusively with humanitarian tasks; its functions are not limited to those which are guaranteed by law, but embrace such enterprises in the interests of humanity as appear essential, or which are justified through a request made by a belligerent.

In cases where no Protecting Power exists—in particular since the capitulation of the Axis Powers—the International Committee has generally attempted to fill the breach as a substitute. Such action, though always strictly in connection with non-political affairs, has extended to fields where the Protecting Power only had functioned hitherto, as for instance with regard to penal or civil litigation in which prisoners of war are involved.

Further possible activities parallel to the Committee's are those of the *neutral Red Cross Societies*, already mentioned. To these must be added the work of the *Joint Relief Commission of the International Red Cross*. In the sense of Art. IX of the Hague Statutes, the Committee invited the *League of Red Cross Societies* to associate in the prosecution of relief activities in behalf of civil populations. To this effect, an autonomous managing organisation, with separate legal status, was created under the direction of the Committee and the League. This Joint Commission, whose general report will be published separately, did most valuable work in the field of relief, and should, in the Committee's opinion, have pursued it during the post-war period, so long as the mandates received were sufficiently numerous to demonstrate its usefulness and ensure its financial stability. In all the undertakings of the Joint Commission, the active co-operation of a strictly neutral body such as the Committee was of vital importance, in negotiations with belligerents and in supervising the work of distribution, which devolved on the Committee's delegates.

The *Foundation for Red Cross Maritime Transports* was called into being in 1941 by the Committee, which also nominated its managing board. In conveying relief supplies by sea for prisoners of war, internees and civil populations, the Foundation rendered signal service both to the Committee and to the Joint Relief Commission.

Other activities sometimes parallel to those of the Committee were carried out by a number of *institutions of international scope*, mainly in the field of *intellectual, moral and spiritual relief*. In that field the Committee confined itself to assisting these organisations by introducing their delegates to belligerents, or by facilitating the transport of their consignments to prisoners of war. With a view to effective service and cooperation among other organisations dealing with intellectual and moral relief, the Committee set up a joint co-ordinating body, over which it presided. The issue to prisoners of war and internees of books for recreation and study was taken over by the Committee for countries to which it alone had access, or where donors particularly desired its assistance. On the other hand, the

Committee made over to these organisations certain of its specific tasks—e.g. the forwarding of relief supplies—wherever, (as notably in the case of the Y.M.C.A.), these agencies could give that practical help which was beyond the Committee's powers, in a particular country or in some special circumstance.

## 7. Personnel

The recruiting and composition of its personnel is a matter of great importance for the Committee, in view of the peculiar conditions to which its whole work is subject. Its main difficulty in this connection is that, to a far greater extent than with any National Red Cross Society, the International Committee's war-time tasks, particularly in the case of a World War, grow out of all proportion to the institution's normal peace-time dimensions. Between 1939 and 1945 the Committee's expenditure increased one hundredfold, while the volume of incoming and outgoing mail became a thousand times greater.

The rapid increase of demands made on the Committee from the summer of 1940 onward could only be met by the enrolment of *voluntary workers*. At first in Geneva only, but later in thirty-three auxiliary branches of the Central Agency set up in various towns of Switzerland, the Swiss people gave proof of the most admirable helpfulness. In the first year of the War, three-quarters of the staff were unpaid, towards the end, about one-half.

The Red Cross movement as created by Dunant was essentially a grouping of voluntary workers—volunteer auxiliaries on the battlefield, volunteer helpers in the Central Committees of the various countries. The International Committee too, from its beginnings to the present day, has maintained in its membership the principle of honorary and unremunerated service.

Strict adherence to this principle encounters serious difficulties, however, when the work stretches out over a very long period, or when it requires expert knowledge. As the cost of living increased and general living conditions became more and more difficult, unremunerated work in the Committee's service

involved ever increasing sacrifices. Even nominal allowances could not meet the situation for long, and such inadequate remuneration soon appeared unjustifiable from a social point of view. For this reason, the Committee was led to employ a growing proportion of paid assistants, to adjust its scale of remuneration more or less to the rising costs of living, and to follow the practice of other employers with regard to insurance, bonuses, etc. By reason of the Committee's limited resources, this policy had the effect of steadily diminishing the gap between the lower-grade salaries and those of the higher responsible officials.

The Committee's activities must not only be directed from a neutral country, but must also be carried out by persons of *neutral nationality*. As a rule, *Swiss workers* have been engaged, chiefly because almost no others were available in the country, and because enough Swiss were found abroad. The Committee was, however, always ready to take other neutrals into its service, if they had more prospect of being acceptable abroad than Swiss. Citizens of belligerent nations were only engaged in Geneva on account of special indispensable qualifications, such as familiarity with other languages. Others were accepted who were of Swiss origin and whose long-standing connexion with Switzerland ensured that they would work in a spirit of neutrality. These foreign assistants did their work in full consciousness of their special responsibility towards the Committee.

Amongst those in the Committee's service, the delegates abroad deserve special mention. These men and women have to face tasks of particular difficulty and responsibility, their activity being exercised at a distance from executive headquarters in Geneva. Life in a belligerent country in any case often involves much hardship : many of the delegates have had to serve for months and even years consecutively in areas exposed to almost constant risk of bombing. Long periods spent in tropical countries, and the constant travelling involved by the visiting of camps make very heavy demands on health. For all these reasons, the delegates' task is one that calls for tireless devotion to the Red Cross ideal. Great firmness and courage,

both moral and physical, and extreme tact are needed in all their dealings. Several have sacrificed their lives on the Red Cross field of honour.

### **8. Duration of War-Time Activity**

A problem of some importance is the delimitation of the period to be regarded as that of the Committee's war-time activities.

Should war be declared, or large-scale military operations take place, the Committee's services are immediately offered. In doubtful situations, such as partisan or civil warfare, the Committee usually waits until an actual state of war exists, or until one side or the other expresses a desire for the Committee's intervention.

In order to give its services rapidly, at any moment, and to the full extent required, the political situation must be closely followed in peace-time and preparations made accordingly, not only by ensuring the conclusion of suitable agreements, but also by making due provision with regard to organisation, equipment and personnel. Thus, as early as the summer of 1938, the Committee made an anticipatory survey of assistants and delegates, and entered into preliminary negotiations with the Swiss authorities for premises and financial advances in case of need, at the same time purchasing the necessary photostat apparatus and other indispensable equipment. Furthermore, the notifications to Governments and Red Cross Societies in case of war were worked out in full detail, as far as possible, more than a year before the time came to send them.

It is easier to determine where the Committee's war-time duties begin than where they end. Neither an armistice, nor the formal conclusion of peace, nor even the dissolution of one belligerent Power marks their term, for they always subsist more or less far into the so-called post-war period. So long as prisoners of war are still detained, they are the International Committee's responsibility until their repatriation. Even when the combat zones disappear with the cessation of hostilities,

the Committee's services are often required, no longer for military, but for psychological reasons, as neutral intermediary between the population and the occupying Power.

The statutes of the International Red Cross require and empower the Committee to take an active part in peace-time and therefore in post-war efforts for the relief of sufferers whose distress is a consequence of the war. As after the first World War, the Committee accordingly took active steps, from the moment of the capitulation of the Axis Powers, to furnish relief not only to various categories of civilians, but to war-stricken populations in occupied and other distressed territories.

The delimitation of the Committee's post-war activities is discussed below.

### 9. Limitations

A word remains to be said on the subject of the limitations of the Committee's activity. These limitations, as already discussed, are inherent in the Red Cross idea, and in the impartiality and non-political character of Red Cross work. But even within this framework, the tasks in a war involving almost the entire world are so vast, that the Committee must remain ever conscious of the painful inadequacy of the material means and personnel at its disposal.

As to *material means*, these consist first of all in funds for the maintenance of activities at headquarters in Geneva and in the delegations abroad. Such funds must be available at the right moment and in the currency required to meet commitments in respect of regular overhead charges (salaries, rent, transport, etc.). The uncertainty as to the arrival of promised contributions and the difficulties connected with currency transfer, together with the important advances which the Committee had to make to cooperating organisations, were the cause of grave financial anxiety throughout the war years ; they called for the utmost caution, as with the post-war period some regular sources of income came to an end, whilst others diminished. Certain tasks, especially the conveyance of relief

supplies, make it not only essential that the Committee should have sufficient means in hand to cover the running expenses of all the departments concerned, but also that the donors should furnish supplies in kind and funds in cash, so that the Committee, within its general financial framework, may undertake and carry out relief schemes of sufficient importance to justify the maintenance of these departments.

Equally important is the question of *available staff*, quite apart from the matter of adequate salaries. The principles which have to be observed in enrolling personnel restrict recruitment to Switzerland for all practical purposes. It is from this one country's population and among Swiss returning from abroad, that the Committee has to draw practically all its workers, whether voluntary or paid. Though Switzerland is small, its multi-lingual character and far-reaching relations abroad enable it to provide a proportionately large number of suitable staff for an institution like the Committee. Towards the end of the war, however, considerable difficulty was experienced in recruiting and retaining competent assistants, owing to the expected early and considerable diminution of the Committee's activities.

This particular difficulty is common to all institutions whose work is by nature temporary and liable to sudden contraction. It is one to which the Committee had to give serious consideration even during the war ; before assuming any fresh tasks it had to decide whether its future resources in funds, supplies and personnel would be sufficient. When the War ended, this problem became singularly acute, as certain countries lost all immediate interest in the Committee's work, whilst others, though vitally interested, were no longer able to give any material support. Consequently, it became the Committee's imperative duty to adjust its policy to new conditions and to determine the principles upon which retrenchment of its activities might be necessary and justified.

The following considerations have therefore governed the Committee's pursuance of its post-war activities.

First and foremost, the essential task which predominated during the war years, namely, care for all prisoners of war,

must be carried through as well as possible, to the end. This is the more indispensable as these men are today deprived of any Protecting Power, as prisoners of war now excite less public interest than other classes of war victims, and their home countries are no longer in a position to assist them.

Further, the Committee must continue or reorganize its humanitarian activities in behalf of war victims of all categories, to whom a neutral organization can render genuine service. This necessity arises wherever certain relief schemes could not be carried out through any other channel.

The traditional duties of the Committee in connection with the development of international law, its cooperation in the revision of existing international Conventions and the drafting of new ones, must be pursued in the interests of the Red Cross cause in general and to ensure the steady continuance of the Committee's work.

On the other hand, the Committee abandons all activities which other organisations are able to undertake and carry out satisfactorily.

The partial or complete renouncement by the Committee of certain tasks which once formed part of its duties, in no case implies a definite withdrawal from any work of this nature. The Committee reserves the right to take up anew, on its own initiative, such work at any future time.

That the Committee's task must undergo restriction is not only due to the fact that its resources in material and staff are limited, but also to the native principle of the institution, which demands action when others cannot act, either because of their belligerent status, or because they are unwilling or unable to assist the victims of war. The International Committee must at all times be mindful to relinquish activities for which its services are no longer necessary or particularly useful. Only in this way can it hold its resources in readiness for fresh tasks, where its intervention is clearly called for, or desirable.

In view of its peculiar situation, the International Committee must always bear in mind the wise limitations which the authors of the Geneva Convention set themselves. Realistic thinking must be its watchword. Still more important is its duty to



keep a constant and attentive look-out for every occasion where it might convey relief to men and women suffering from the results of war, of situations resembling war, or of other disasters. The International Committee must respond to every call of this kind, within the limits of its available resources, and where any likelihood exists that its intervention can attain any useful purpose.

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## II. Internal Organization of the Committee's Departments

### (A). INTRODUCTION

#### 1. Statutes

It will be useful to set out at the beginning of this chapter, the articles of the Committee's Statutes upon which the organization is based. The Statutes were adopted in 1921 and modified on several occasions, the last being March 26, 1946.

*Article 1.* The International Committee of the Red Cross (ICRC) founded in Geneva in 1863, and confirmed by the decisions of the International Red Cross Conferences, constitutes an association governed by Art. 60 et seq. of the Swiss Civil Code, and is therefore a body corporate with civil capacity.

*Article 2.* The ICRC is an independent institution having its own status within the limits of the statutes of the International Red Cross.

*Article 3.* The headquarters of the ICRC are in Geneva.

*Article 6.* The work of the ICRC shall be directed by a Bureau (Executive Board) elected from its members and composed of the President and at least three members.

The ICRC shall decide the duties of the members of the Bureau and the duration of their term of office.

The ICRC shall adapt its administration to the scope and the nature of its undertakings.

The ICRC is free to appoint a Central Management for the direction of affairs, which shall act under the supervision and according to the instructions of the Bureau. The ICRC may also appoint a General Secretariat.

The members of the Central Management and of the General

Secretariat as well as a Treasurer may be chosen from the members of the ICRC, or from outside that body.

*Article 7.* The ICRC shall elect its members by co-optation from Swiss citizens, provided that the number of its members does not exceed twenty-five.

Members shall serve for a term of three years. Each year one-third of the members shall retire, but may be re-elected.

## **2. Organization previous to the outbreak of War**

Before the outbreak of hostilities, the administrative services of the ICRC were on a relatively limited scale, the whole organization being lodged in the few rooms of a villa placed at its disposal by the City of Geneva. The Secretariat, Archives, Treasury, the editorial staff of the "*Revue Internationale de la Croix-Rouge*", Enquiry Section, Spanish Civil War Section and others, in all 57 persons, were adequate to ensure the normal working of the ICRC, under the control of the Bureau provided for by the Statutes, and of a few commissions, composed of members of the ICRC, whose duty it was to deal with current problems.

The Spanish Civil War was coming to an end and with it the work of the Commission for Spain, which during the whole of the conflict had made constant efforts to mitigate the distress caused by it <sup>1</sup>. The political horizon, however, was overcast and relations between the great Powers were becoming strained. Faced with this ominous situation, the ICRC felt it was necessary to be prepared for all contingencies and, on September 10, 1938, they set up the "*Commission des Oeuvres de Guerre*" (Commission for Work in time of War). This body, under the chairmanship of M. J. Chenevière (a member of the ICRC), and assisted by the Secretariat, prepared in minute detail the organization of the ICRC on a war footing. It took steps to secure premises and staff for the future Central PW Agency ; it drafted the text of the Notes to be sent to belligerent Powers

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<sup>1</sup> See Report on the Committee's activities in Spain.

offering the services of the ICRC and making known the opening of the Agency. It drew up the first list of delegates who would be sent into the countries at war.

On September 1, 1939, the ICRC were ready to begin their duties: within a few days, they had moved into the large building lent to them by the City of Geneva (Palais du Conseil Général), recruited their staff and set to work.

#### (B). ORGANIZATION ON THE OUTBREAK OF WAR

Although the structure of their organization remained as before, the scope and new features of the problems with which the ICRC were faced caused them to modify the character and composition of the directing body and the departments. They realized, in view of the many unforeseen questions which called for immediate solution, that their organization should not be tied to any rigid set of rules, but must wait on events. Fresh developments might require the opening of a new department or division, perhaps short-lived, but which might, on the other hand, suddenly expand and assume a certain independence. The ICRC, wholly given up to solving the great problems before them, sought above all to create an efficient organization that would be capable of dealing with the demands of a situation which was always fluid, and called for constant adjustments.

No great changes were made, however, in the working methods of the Committee. In their plenary sessions, the Committee decided all important questions of principle and defined their general policy. In view of the fact, however, that some members were not resident in Geneva, or were tied by their military or professional duties, the general management and the direction of its current work were entrusted to a Commission composed of active members who could attend.

From the outbreak of hostilities, this Commission took up the duties of the "Commission for Work in time of War", of which mention has been made and on September 14, 1939, adopted the title of *General Commission* which in November 1940 was altered to *Co-ordination Commission*. The task of this

Commission was to handle questions of urgency, which arose in great numbers <sup>1</sup>.

The Secretariat, subordinate to the Central Commission and also to the other Commissions recently set up (to which reference is made below) assumed, when its organization had been completed, the functions of an executive body to carry out the decisions of those Commissions. Its responsibilities included the correspondence, the recruiting of personal assistants for the President and members in office, and the drafting of minutes of meetings and discussions. It undertook to some extent the administrative structure of some departments. The Secretariat and the Commissions were responsible for the records, the clerical and stenographic staff and the accountant's office. The work of the various departments of the ICRC were directed and governed by the Commissions.

### **I. Commissions**

On the outbreak of war the Committee instructed members who were qualified by their experience in the War of 1914-1918 or by professional training, to form special Commissions to deal with current business. The principal Commissions were active throughout the war, sometimes after having been recast on more extensive lines. They directed the various undertakings of the organization until the war ended, or whilst the post-war problems persisted. They were as follows :

*Central Commission, called Co-ordination Commission since November 1940.*

This Commission was composed of MM. M. Huber, J. Chenevière, C. Burckhardt and F. Barbey, members of the ICRC. It

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<sup>1</sup> The work of the Bureau provided for by the Statutes was limited to the study of questions which although unconnected with the war, were still within the customary province of the ICRC. It was only later in March 1943, that the Co-ordination Commission took the name and assumed the duties of the Bureau.

managed all branches of the ICRC, directing and supervising the conduct of the work in all departments. Its own responsibility for this service was to the ICRC itself. The Central Commission was under the chairmanship of M. Chenevière and the Co-ordination Commission under that of M. Huber.

*Commission for PW, Internees and the Central Agency.*

(M. Chenevière, M<sup>me</sup> Frick-Cramer, Dr Cramer and Colonel G. Favre.)

This Commission was responsible for :

- (a) Sub-Commission for Civilians (Mlle. S. Ferrière).
- (b) Sub-Commission for Internees in Switzerland (M. P. E. Martin).
- (c) Sub-Commission of the Central Agency, composed of the principal heads of the Agency.

The last-named served as a board of management for the Central Prisoners of War Agency. They issued instructions concerning the opening of new departments and methods of work to the Management responsible for carrying them out. On March 6, 1941, this Sub-Commission was merged with the Commission for Prisoners and Internees.

*Relief Commission.*

(M. C. Burckhardt, Mlle. L. Odier, Mlle. R. Bordier, M. M. Bodmer.)

This Commission directed the Relief Section which was set up during 1940.

*Press and Propaganda Commission.*

(MM. E. Chapuisat, M. Bodmer, G. Wagnière.)

*Administrative Commission.*

(MM. M. Huber, J. Chenevière, R. de Haller, M. Bodmer.)

This Commission dealt with administrative questions and the balancing of income with expenditure.

### *Delegations Commission.*

Instituted at the beginning of 1941 with M. J. Chenevière as chairman.

### *The Bureau.*

(MM. M. Huber, R. de Haller, F. Barbey, P. Des Gouttes.)

Until 1943, the Bureau was in charge of all current business of the ICRC, exclusive of all duties arising from the war. It included the :

(a) *Legal Commission.* — (MM. M. Huber, P. Logo, and P. Des Gouttes).

(b) « *Revue* » *Commission.* — (MM. P. Des Gouttes, P. E. Martin, F. Barbey, G. Wagnière).

### *Standing Commissions.*

(a) *Membership Commission.* — This Commission is concerned with the recruiting of new members of the ICRC. It submits to the Bureau all proposals of a general order, with special reference to the expediency of inviting persons whose abilities or standing might serve the objects of the ICRC, as well as proposals concerning the number of vacancies to be filled, or the choice of candidates.

(b) *Augusta Fund Commission.* — This Commission was instituted for the administration of the "Augusta Fund" and the distribution of revenues.

(c) *Florence Nightingale Commission.* — This Commission decides the award of the Florence Nightingale Medal to nurses, on the recommendation of the National Red Cross Societies.

(d) *Shoken Fund Joint Commission.* — This Commission, composed of three members appointed by the ICRC and three by the League of Red Cross Societies, attends to the administration of the Fund and the distribution of its revenues, in accordance with the regulations adopted by the XVth International Red Cross Conference.

## 2. The Secretariat

This was the executive for carrying out all decisions of the ICRC and the Commissions, with the exception of the duties undertaken personally by members of the ICRC. The staff of three in September 1939 rose to sixteen in November 1940. At that time, it was found necessary to scale the responsibilities and M. J. Duchosal was appointed Chief of the Secretariat and M. J. Pictet, Chief Assistant.

### (C). DEVELOPMENT OF THE ORGANIZATION DURING THE WAR

As the conflict spread, there had inevitably to be a corresponding increase in ICRC activities. The number of departments grew rapidly and the work of the organization as a whole became more complex.

Several departments which had been merged were replaced by "Divisions". New departments were created. Thus the Relief Division, Prisoner of War and Civilian Internee Division (PIC), Information Division, Medical Division, Financial Division, Special Relief Division, Transports and Communications Division were gradually constituted.

In July 1941, the ICRC took the step of founding, in association with the League of Red Cross Societies, the *Joint Relief Commission of the International Red Cross*. Its statutes constitute it a corporate body, legally distinct and with civil capacity. The task of this Commission was to carry out relief schemes for civil populations, victims of the war, women and children in particular, and was at the outset constituted under the direction of two representatives from the Committee, two from the League and a fifth member appointed by the two organizations jointly <sup>1</sup>.

In April, 1942, the ICRC established the *Foundation for the*

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<sup>1</sup> See Report on the Joint Relief Commission submitted to the XVIIth International Red Cross Conference, and (for the ICRC) Vol. III of the present Report.



*Organization of Red Cross Transports*, as an organization legally distinct and with civil capacity. Its task was the purchase or charter of vessels to enable the ICRC to convey relief supplies intended for PW and civil populations. The work of the Foundation was carried on under the auspices and supervision of the ICRC, who appointed the members of the board and provided the initial capital of 10,000 francs <sup>1</sup>.

### **1. The Bureau and the Commissions**

The ICRC decided in March 1943 to give the statutory title of "Bureau" to the Co-ordination Commission, the members and powers to remain unchanged, presided over by M. Huber.

New Commissions were set up. The Commission for Prisoners, Internees and the Central Agency took over the civilians, and was henceforth called the "Commission for Prisoners, Internees and Civilians" (PIC). The Sub-Commission for the Central Agency became a Commission. The following bodies were also constituted: Special Relief Commission (DAS), Transports and Communications Commission, Pharmaceutical Commission, Consultative Medical Commission and Finance Commission.

### **2. Secretariat**

It soon became clear that the members of the ICRC (or more precisely those who were not prevented by their professional duties from giving their services regularly to the organization), however willing, could not carry the whole-burden of the new extensions. It was therefore necessary to strengthen the Secretariat by drafting on to the permanent staff assistants whose qualifications and relevant experience would provide it with a framework adequate for all contingencies. This reconstitution was done in several stages.

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<sup>1</sup> See Report on the Foundation submitted to the XVIIth International Red Cross Conference and Vol. III of the present Report.

The first step was the formation in February, 1942 of a *Central Secretariat*. In addition to the Head of the Secretariat, appointed Secretary-General in June 1942, and his Chief Assistant, three Secretaries were appointed to deal with all general questions relating to the principal Divisions of the Secretariat, i.e. Prisoners and Internees (M. R. Gallopin) ; Relief (M. Hans de Watteville) ; and Delegations (M. C. Pilloud).

In addition to the office of the Secretary-General and the offices of the President and of the ICRC members, the Central Secretariat was responsible for other sections : Delegates' reports, Camp statistics, Liaison, Records and Library, for which the staff totalled 79 in 1944.

To meet the increasing pressure of work, which steadily became more complex, the Bureau of the ICRC in July, 1944, decided to form a General Secretariat subject to its authority and guided by its instructions. It had the following members : M. J. Duchosal, Secretary-General, responsible for all matters of administration and information ; M. H. Bachmann, Assistant Secretary-General, responsible for Relief ; M. R. Gallopin, Assistant Secretary-General, who dealt with matters relating to the conditions and treatment of PW, civilian internees and civilians ; M. J. Pictet, Assistant Secretary-General, responsible for the Secretariat of the ICRC, the Presidency and the Bureau, and also for all questions of international law.

The four members of the General Secretariat were placed on an equal footing ; they attended the meetings of the Bureau in an advisory capacity and formed part of the various ICRC Commissions, with the right to vote.

#### (D). PRESENT ORGANIZATION

##### 1. The President's Office

M. Max Huber had, since the death of M. Gustave Ador in 1928, dedicated himself to the office of President with the highest distinction and devotion. He expressed his wish to retire

at the end of 1944, at the age of seventy. The Committee reluctantly deferred to this request and, on December 4, 1944, appointed as President M. Carl J. Burckhardt, who had been a member of the ICRC since 1933 and who had given eminent service to the organization since the beginning of the War.

Shortly afterwards, M. Burckhardt was appointed Swiss Minister in Paris by the Swiss Federal Council and was therefore obliged to give up his presidential duties. The ICRC then begged M. Max Huber to resume the office of President *ad interim*. He accepted, and on February 24, 1945 was appointed Honorary President, with the office of Acting President, whilst M. Burckhardt became President *en congé* as from May 1945. M. J. Chenevière and M. A. Lombard were appointed Vice-Presidents for 1945. In 1946, M. Ed. Chapuisat was elected a Vice-President.

Two years later, in January 1947, M. Huber asked to be finally released from office as Acting President and on January 29, 1947, the Committee appointed Dr. Ernest Gloor and M. Martin Bodmer as Vice-Presidents for the current year, and at the same time to act as joint Presidents, whilst M. Burckhardt kept the title of President *en congé*.

## 2. The ICRC "in pleno"

The highest authority of the ICRC are the Plenary Sessions which are usually held once a month and which include :

(a) All statutory functions and those deriving from the Swiss Civil Code ; the election of new and honorary members, the President, members of the Bureau and their substitutes, members of the Central Management <sup>1</sup> and the General Secretariat ; the establishment of foundations or associations subordinate to the ICRC ; the appointment of members of such foundations or associations when such appointments depend upon the ICRC and are not delegated to the Bureau.

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<sup>1</sup> See page 59.

(b) Decisions of a general nature relating to the Committee's work and its administration ;

(c) All matters which the Bureau consider desirable to submit to the Plenary Session of the ICRC ;

(d) Proposals and study of schemes put forward by individual members.

The Central Management and the Secretary-General submit monthly reports to the Plenary Sessions on all ICRC activities.

### **3. The Bureau**

No important change in the structure, working methods and composition of the Bureau have occurred since March 10, 1943, when it was merged with the Co-ordination Commission and assumed henceforth the direction and supervision of the Committee's activities.

Art. 6 of the ICRC Statutes<sup>1</sup> together with the " Rules of Procedure for the Bureau " adopted on February 22, 1946, determine the character and duties of this body. The text of the Rules is as follows :

(1) The Bureau shall direct the International Committee's activities unless the latter are determined by decisions made in Plenary Session, or delegated to the President, the Central Management or the General Secretariat, by the Committee or by the Bureau.

(2) The Bureau may set up Commissions within the framework of the organization in general.

(3) The Bureau may entrust special duties to members of the Committee within the framework of the organization in general

(4) The Bureau decides which members of the Committee or staff in its service shall be authorized to sign documents. All documents involving the finances of the ICRC and affecting third parties, shall bear two signatures of persons duly authorized for this purpose by the Bureau.

(5) As a rule, members of the Central Management and the Secretary-General shall take part, in an advisory capacity, in meetings of the

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<sup>1</sup> See page 48.

Bureau, which other members of the Committee's staff may also be summoned to attend.

The Bureau has met at least once a week. Its members study all important documents relevant to the current work of the ICRC. Reports are submitted by members of the Central Management (Director-delegates), and by the Secretary-General concerning questions of interest which have arisen in their respective fields, and on other matters which come within the competence proper of the Bureau, or for which special instructions are required. The Bureau also examines all questions submitted by the various Commissions and in general, all problems of importance.

Those subjects relating to the work and administration of the ICRC and calling for decisions of a general kind are referred to the Plenary Sessions.

As indicated in the " Rules of Procedure " mentioned above, the Bureau appoints the various Commissions of the ICRC and delegates one member as ' liaison ' to each Commission, to report on the measures adopted by them.

In 1947, the Members of the Bureau were—Dr. E. Gloor, Vice-President of the ICRC, *Chairman* ; M. M. Bodmer, Vice-President of the ICRC, Mlle. S. Ferrière, Mlle. L. Odier, M. L. Boissier, Dr. E. Grasset, *Members* ; M. J. Chenevière, M. E. Chaupuisat, M. R. van Berchem, *Assistant Members*.

#### **4. Central Management, General Secretariat and Advisors**

Early in 1946, the ICRC felt it necessary to adopt their working methods to the new and difficult post-war conditions, in order to maintain the work at an efficient level, in spite of reduced staff. On March 1, 1946, the direction of all branches of its work was entrusted to the *Central Management*, to which all departments were subordinate.

The Central Management is subject to the instructions and supervision of the Bureau. It deals with all administrative measures, such as the appointment and discharging of staff,

organizing of sections, and makes all decisions necessary for the general working and co-ordination of ICRC activities.

The Central Management was composed of members of the former General Secretariat, joined later by the Director of Finance and Treasurer : it included :

M. R. Gallopin, Director-Delegate of the ICRC : PW, Internees and Civilian Division (PIC), Central PW Agency, Delegations Division.

M. J. Pictet, Director-Delegate of the ICRC : Secretariat of the Committee and Bureau, Legal Division, Information and « Revue » Division, Archives Division, Translation Section ;

M. G. Dunand, Director-Delegate of the ICRC ; Relief Division, Medical Division ;

M. H. Cuchet, Director-Delegate and Treasurer of the ICRC ; Treasury Division, Administration and Personnel Division.

The Secretary-General of the ICRC, M. J. Duchosal, deals with external relations, in particular those with National Societies, and instructions are given him direct by the Bureau. He takes part in the meetings of the Central Management, which are held at least once a week.

The Director-Delegates and the Secretary-General are present at meetings of the Bureau, when they are given a general outline of action to be taken, for which they are responsible to the Bureau and upon which they make regular reports. They submit to the Bureau all questions requiring confirmation or amendment of instructions received, or which involve an extension of work in progress or the opening of a new field of action. The Central Management also drafts the budget and submits it to the Bureau, which supervises its periodic application. The Management also submits to the Bureau all proposals likely to involve unforeseen expenditure.

As a rule, the Director-Delegates and the Secretary-General also take part, in an advisory capacity, in the Plenary Sessions of the ICRC to which they submit, usually once a month, a general report on work in progress.

The ICRC decided to call upon certain persons, from outside the organization, to act as advisors. They are entitled to bring to the attention of the Bureau any question which has been

debated by any Commission of which they are members. Three counsellors of the ICRC were appointed : M. F. Siordet, Professor A. Beck, and M. G. Golay ; of these, the last two have resigned.

## 5. Divisions

The course of events having caused the ICRC to centralize and co-ordinate the work of the Secretariat, similar measures were required as regards the various departments. Their structure and composition were modified, and they were redistributed amongst a number of Divisions, each corresponding to a well-defined branch of the work.

At the time of writing (June 30, 1947), each of the nine Divisions is under the supervision and responsibility of a Director-Delegate. Each head of a Division is responsible to a Director. This head ensures the proper function of his Division with the help of the heads of Section or Service, and ensures the co-ordination of the work of each department or section. (See attached table.)

### *Alphabetical list of Members of the ICRC from September 1939 to June 1947.*

MM.	G. E. Audéoud	(1925) <sup>1</sup> deceased 1943.
	F. Barbey-Ador	(1915) resigned 1947 ; honorary member.
	R. van Berchem	(1946)
	M. Bodmer	(1940) Vice-President 1947.
	E. Boissier	(1914) resigned 1940 ; honorary member.
	L. Boissier	(1946)
Mlle.	R. Bordier	(1938)

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<sup>1</sup> The date in brackets is that of the member's appointment.

MM.	B. Bouvier	(1919)	resigned 1938 ; honorary member ; deceased 1941.
	Burckhardt, C.J.	(1933)	President from January 1, 1945 ; en congé since May, 1945.
	P. Carry	(1946)	
	E. Chapuisat	(1938)	Vice-President 1946.
	J. Chenevière	(1919)	Vice-President 1945.
Dr.	A. Cramer	(1938)	
MM.	L. Cramer	(1921)	resigned 1946 ; honorary member.
	P. Des Gouttes	(1918)	deceased 1943.
	P. Etter	(1940)	
	G. Favre	(1924)	
Mlle.	S. Ferrière	(1924)	
Mme.	R. M. Frick-Cramer	(1918)	resigned 1946 ; honorary member.
Dr.	E. Gloor	(1945)	Vice-President 1947.
Dr.	E. Grasset	(1945)	
MM.	E. de Haller	(1941)	resigned 1941 ; honorary member.
	R. de Haller	(1924)	Treasurer from 1924 to 1946 ; resigned 1946 ; honorary member.
	M. Huber	(1923)	President from 1928 until December 31, 1944 ; Acting President from May, 1945 to December, 1946 ; Honorary President.
	P. Logoz	(1921)	resigned 1942 ; honorary member.
	A. Lombard	(1942)	Treasurer from 1942 to 1945 ; Vice-President 1945 ; resigned 1946.



	A. Lüchinger	(1946)	
	P.-E. Martin	(1937)	resigned 1946.
	J.-B. Micheli	(1935)	deceased 1945.
	G. Motta	(1923)	deceased 1940.
Mlle.	L. Odier	(1930)	
Dr.	G. Patry	(1929)	
MM.	F. de Planta	(1930)	resigned 1945 ; honorary member ; deceased 1946.
	D. Schindler	(1946)	
Dr.	A.-L. Vischer	(1945)	
MM.	G. Wagnière	(1936)	resigned 1945 ; honorary member.
	W. Yung	(1937)	resigned 1941.
	H. Zangger	(1932)	resigned 1947 ; honorary member.

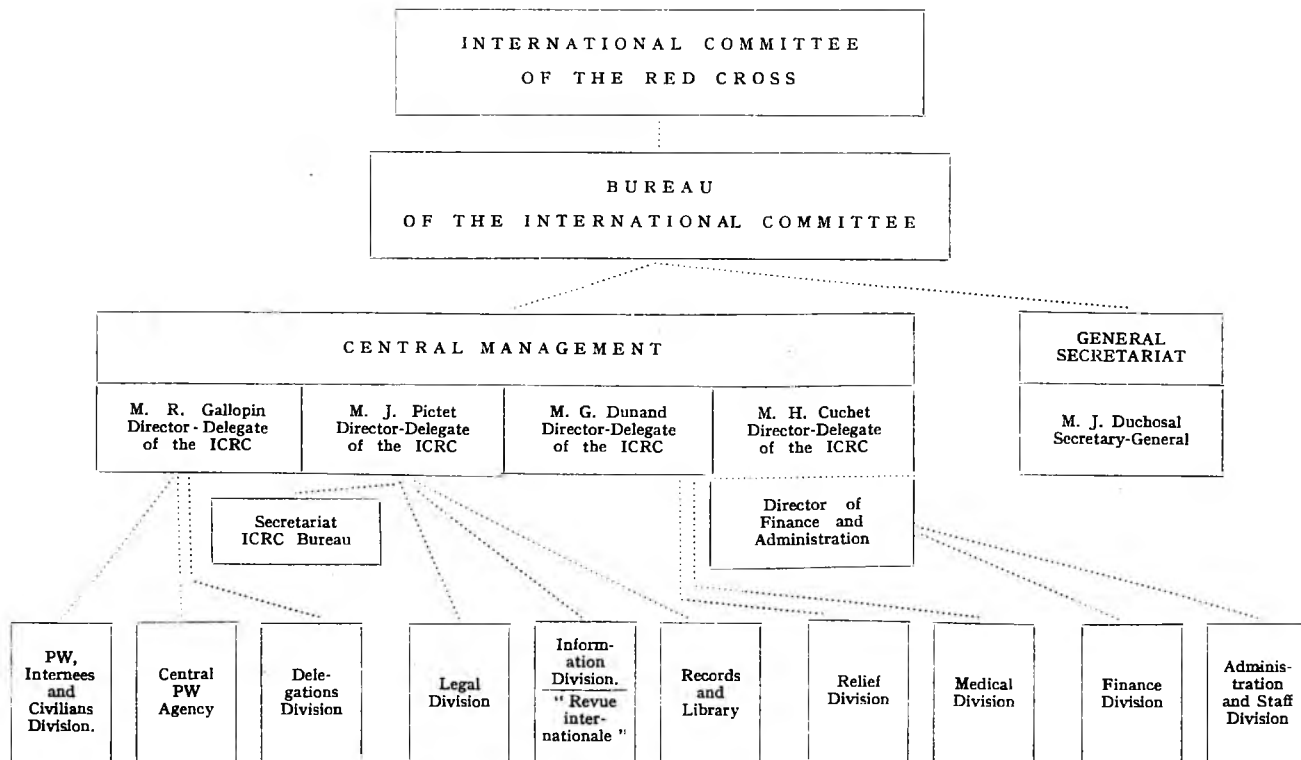
*Statistics of the Committee's Staff.*

	Staff in Geneva	Staff in Switzerland <sup>1</sup>	Staff abroad <sup>2</sup>	Total
On December 31, 1939	360	—	3	363
„ 1940	1306	450	16	1772
„ 1941	1580	1744	36	3360
„ 1942	1595	1417	70	3082
„ 1943	1764	1157	87	3008
„ 1944	1950	1286	137	3373
„ 1945	1454	814	179	2447
„ 1946	771	232	114	1117
On June 30 1947	590	45	87	722

<sup>1</sup> With the exception of Geneva.

<sup>2</sup> The figures in this column include only delegates and assistant-delegates, and not the delegation staffs of Swiss or other nationalities, representing an average total of about 300 persons.

## GENERAL ORGANIZATION OF THE COMMITTEE'S DEPARTMENTS



### **III. Activities of the Committee's Delegations in various parts of the world**

#### **(A). GENERAL OBSERVATIONS**

To play the part of intermediary between belligerents in wartime, in what concerns the work of mercy, calls, at least to some extent, for direct personal contacts. The Committee's activities are sustained from outside sources, and are likewise wholly directed towards the outside. Liaison, therefore, with the National Red Cross Societies and with Governments is indispensable. This is the task of the special missions and permanent delegations.

If the Committee's role were exactly defined by the Conventions, a corps of delegates—or at least a skeleton staff—could be built up beforehand, and its duties, including relations with authorities, defined in advance. But this is not the case, and it is left to circumstances and governments to decide.

At the outset of the war the situation was fairly simple. A few countries only were affected, most of them within easy reach of Geneva. As soon as the "Blitz" against Poland was ended, the war became more or less static. The earliest and, for a time, the sole concern of the ICRC was to ensure the functioning of the Central Prisoners of War Agency, and to visit the camps. Appropriate arrangements had to be made on the spot with the authorities and the national Societies, to speed up the transmission of lists and other information to the Agency. Visits to the camps, a practice begun during the first World War which proved of immense benefit to the inmates, had to be resumed. In 1914 prisoners of war had no more protection than that given by the inadequate provisions of the

Hague Convention : in 1939, on the other hand, their situation was covered in detail by a complete legal code, namely the 1929 PW Convention. It fell to the Committee's delegates, and to the representatives of the Protecting Powers, to watch how this Convention was applied. The task of visiting the camps was entrusted preferably to doctors, because of their special qualifications. Knowing just how much trained men can endure without undue risk, medical practitioners are less easily impressed than laymen by apparent deficiencies, not detrimental to health. On the other hand, they are able to recognize defects which would escape the inexperienced eye. What interests them is to find out not only whether rations are "good", but whether they have sufficient nutritive value.

As the conflict spread, the tasks of the ICRC rapidly increased. The Agency had to exchange correspondence with all countries, precisely at a time when communications were paralysed. In all theatres, the number of prisoners of war mounted with great speed. In Europe, in the Axis countries alone, they already numbered several million. Those taken by the Allies, until the last few months of the war, were less numerous, but were scattered far and wide ; from the battlefields of Europe and North Africa they were sent to camps as far away as India, the United States and Australia. Each new declaration of war, even in the case of the countries farthest away from the theatre of operations, led to the internment of hundreds, if not thousands of civilians, in America, the Far East and South Africa, as well as in Europe. For visits to be made to these widely scattered camps, delegates were needed.

The war had spread wide over a great extent of the world. Graver was the fact that each day its ravages went deeper and continued to make fresh classes of victims. To the prisoners of war and civilian internees, ever growing in number, were added millions of other victims, all the populations suffering from starvation and persecution, from bombing and forcible separation from their homes. Prisoners and internees were not always adequately protected by the Conventions, or failed to have the benefit of their proper application. The ICRC interceded and negotiated ; it endeavoured to fill existing gaps by

particular schemes. The Committee tried to do what it could for the persons who enjoyed no treaty protection ; it suggested projects, organized, and above all improvised. This work required a still larger number of delegates.

With each phase, the war brought new problems and at the same time destroyed the means of solving them. The belligerents not only used weapons such as bombs and shells that shattered the lines of communication and forced the ICRC constantly to seek fresh routes and means of transport ; they also resorted to blockades, the censorship, and other restrictive measures. The medical delegates had an increasingly valuable part in the work, and it became necessary to have the help of legal advisers to carry on negotiations, commercial agents to buy relief supplies, shipping agents to transport the goods, and experienced business men to organize the work. In a small country like Switzerland, which was concentrating all its energies on national defence, it was not easy to find all the help needed in such exceptional circumstances. The ICRC was unable to send out the requisite number of delegates as promptly as it could have wished, since the belligerents were not always disposed to receive them. Weeks, often months, were wasted in attempts to secure travel permits.

The few delegates who were available, had to undertake the most varied tasks. They had to represent on the spot all the departments of the Geneva organization. The allocation of duties could be easily settled in Geneva and in those countries which were far from the scene of the fighting and where problems were few and unvaried. But this was not possible in Germany, nor in the occupied countries. Here, in consequence of bombing and shortage of supplies, the daily cry was for immediate relief of all kinds ; here, above all, the need was for prompt and decisive action in emergencies. At such times the organizer had to act as lawyer, the legal expert as public health officer, the doctor as merchant and diplomatist. In some of the oppressed countries, where everything was destroyed, pillaged or laid waste, the delegate was obliged to undertake, over and above his official duties, yet other tasks, arising out of his very presence in the country. The mere sight of a sign-plate bearing the

Red Cross raised boundless hopes ; in their distress, people credited the delegate from Geneva with almost superhuman powers.

We cannot describe here the duties of a delegate ; his work forms an essential part of the activities of the Committee itself ; he is both a source of information and an executive agent. Each chapter, every page almost, of this Report should convey to the reader a picture of his work, his constant endeavours and, above all, the conditions in which he often had to labour. Think of him in the cities where, for weeks on end, the bombers carried out their deadly mission by day and by night. Imagine him returning from an exhausting expedition, to find masses of arrears to be dealt with in his shelter : to-morrow he will have to be out on the roads again, inspecting camps or organizing transport. This involved hours of car-driving ; he must be ready at any instant to stop and jump into a ditch to escape the planes which attacked every moving object. On all sides were traces of previous bombings, which he just managed to escape, railway lines cut, roads destroyed, towns in flames, office-buildings gone, the authorities vanished. Carefully worked-out plans were thus obliterated, and the delegate was compelled constantly to have recourse to new and improvised schemes.

These arduous and manifold duties had sometimes to be carried out unaided ; the delegate was suddenly cut off from Geneva and from his colleagues ; post-office services failed and no assistance was available. Sometimes the delegate always worked single-handed, and did so until the end of the war. Such was the case of certain delegates in the Far East ; official recognition was sometimes refused to them, and they were always strictly supervised and under a cloud of suspicion. Cut off in foreign countries, they had to be prepared for everything and make decisions upon which the fate of thousands depended. To all these considerations, add at times a pitiless feeling of helplessness. The whole purpose of the delegates' work is to protest against suffering. Too often the answer to such protest is renewed suffering and more massacres. What could they achieve scattered over a world given up to self-destruction ? How could their inadequate means challenge the forces unleashed by the war ? These were the men who had to meet all contingencies.

A mere handful, where there should be a hundred or a thousand, they were men devoted to duty, who never flinched. They persevered, because the ICRC which they represented is the "guardian of humanitarian principles", signifying life and health for millions of beings condemned by war to suffering and death. They believed in their mission, and this belief, in the tragic circumstances in which they found themselves, when all principles were betrayed and noble words lost their significance, made them persist stubbornly, in spite of all obstacles and without ever losing courage.

The ICRC can declare that, in the gravest moments, in the most exposed situations, where many of them barely escaped with their lives, these representatives did their task with a high sense of duty and in a spirit of entire selflessness.

The present Report renders a last tribute to those of them who died at their post.

Ernest BAER	Delegate in British India, died of sun-stroke while visiting PW camps.
Robert BRUNEL	Delegate in Greece, died of exhaustion as a result of over-work at his post.
Richard HEIDER	Convoy agent, drowned when his relief ship for Greece was torpedoed.
Charles HUBER	Delegate in Germany, killed in a road accident in the pursuit of his duties.
Johann JOVANOVITZ	Delegate in Germany, shot accidentally by a sentry whose signal he had not observed.
Georges MOREL	Delegate in Australia, died in the execution of his duties in the Dutch East Indies, in consequence of a delayed operation.
Dr. S. PARAVICINI	Chief of the delegation in Japan, worn out by the difficulties of his position and duties.
Marcel REUTER	Convoying agent on board SS <i>Embla</i> , died at sea.
A. William SCHMID-KOECHLIN	Delegate in Belgium, died on service in consequence of refusing to take sick-leave.

Matthaeus VISCHER Delegate in Borneo, and his wife. Suspected of espionage by the Japanese owing to their insistence on conveying relief to PW. Both were condemned by court-martial and shot.

To this list could be added the names of all the local assistants recruited by the ICRC and who died at their posts.

#### (B). GROWTH OF THE DELEGATIONS.

The representation of the ICRC abroad was at first established in order to meet urgent requirements. It was later organized in accordance with existing needs and circumstances, often despite manifold difficulties. The measures to be taken were pressing and the obstructions many, so that improvisation was always more or less inevitable. This should be kept in mind in reviewing rapidly the main phases of the conflict and in noting their influence on the setting up of the delegations and their particular tasks.

##### 1. First Phase (*September 1939 to June 1940*).

When Poland was invaded, and Great Britain and France declared war, the ICRC offered its services to the belligerents as intermediary in the humanitarian field. At the same time it despatched a special mission to *Germany*, one to *France*, and one to *Poland*; the last-named was obliged to make a detour by way of Rumania, and failed to reach its destination, being forestalled by military operations. These missions were reinforced as needed. At the same time, the Committee took the initiative in setting up permanent delegations in certain countries less easily reached from Geneva, such as *Great Britain*, *Egypt* and the *Argentine* (for Latin America).

The main tasks were to make arrangements on the spot for regular liaison with the Central Prisoners of War Agency, to visit prisoners camps, and in general, to establish the bases from which the Committee's work could go on, to meet the developments of the war.



## 2. Second Phase (*June 1940 to June 1941*).

It was during this period that the first increase in the number of delegations took place. In the course of a few weeks, that is from June 1940, the "blitz" in the West enabled the Germans to take prisoner two million Allied troops, thus confronting the ICRC with an immense problem which continued to be one of its chief anxieties until the end of the war. From this time onward the special missions, in spite of their proximity to Geneva, no longer sufficed. A permanent delegation had to be set up in Germany and at once became the most important of all these missions.

Hardly had military operations ended, for the time being, in Western Europe, when fighting broke out elsewhere. It flared up anew in the Balkans with the war between Italy and Greece, followed by the German invasion of South-eastern Europe in the spring, which caused a fresh influx of prisoners into the territory of the Reich. Fighting was resumed too, in Africa, and after more prisoners had been taken on both sides, the fall of Addis Ababa resulted in an entire Italian Army being made prisoner by the British. These men were immediately removed to camps scattered throughout most of the Dominions and the British Colonies. The Near East also became a theatre of war.

These events obliged the ICRC to set up delegations, one after the other in *Italy, Greece, Australia, Syria, India, Yugoslavia* (Belgrade), *Italian East Africa* and *Ethiopia*, in *British East Africa*, in *French Equatorial Africa*, in *Ceylon* and even as far away as *New Zealand* and *Rhodesia*.

The tasks devolving upon the delegates grew in proportion to this increase in their number. To the prisoners of war there were now added Civilian Internees, in whose behalf, on a basis of analogy, the ICRC invoked the 1929 Convention and in general succeeded in obtaining its application. They were to be found in all the belligerent countries, not only in the homeland, but also in the most distant colonies. This meant so many more camps to visit, and new problems to solve. Also, the Central Agency, in addition to its work for PW, now took

on the immense task of helping the civilians, those millions who had been isolated and scattered by the mass exodus of refugees, by invasion, air bombardments, or simply by the forming of new battle-fronts. This was a heavy burden on the delegates, who were beset with enquiries, and overwhelmed with applications for help. The Relief Department assumed such proportions that the delegates, especially in Germany, had to undertake an immense amount of work, in addition to camp visiting, reports, and endless negotiations with the authorities in order to ensure transport to the camps, storage, and distribution of the thousands of tons of foodstuffs, medical supplies and clothing. At *Lisbon* and *Marseilles*, the ICRC had to set up managing delegations, amounting to shipping agencies, to handle the unloading, reloading, and transport as far as the Swiss depots, of the shiploads of relief parcels arriving from countries overseas.

This period witnessed the opening of a permanent secretariat in *Paris*, a special office in *Washington*, and a delegation in *Brazil*.

### **3. Third Phase** (*Summer of 1941 to end of 1943*).

During this period the conflict spread to the whole world. It began with the German invasion of the Soviet Union. Unhappily, the belligerents on the Eastern Front were not bound by the 1929 PW Convention, since this agreement had not been ratified by Russia. The Committee's offers of assistance were set aside. There could be no delegation in the Soviet Union and the delegates in Germany were, in spite of their efforts, unable to do anything for the Russian PW. Nevertheless, at the outbreak of hostilities, a delegation was set up in *Ankara* to deal with a possible exchange of mail and nominal rolls of PW between the USSR and Germany. Except in a few instances, this delegation was unable to play its intended part. It was, however, able to serve as a forwarding agency for PW mail in the Near and Middle East, and ultimately became a useful base for relief work in Greece and the Balkans.

In December 1941, a new and unexpected problem arose, which remained a constant source of anxiety. This was the

Japanese attack on Pearl Harbour, followed by declarations of war by Germany and Italy against the United States, and the lightning advance of the Japanese in the Far East and Pacific.

The ICRC already had a representative in Washington, and henceforward this delegation was to be of great importance. On the other side of the Pacific, there was only a small delegation, in Java. The ICRC was anxious to be represented wherever PW and civilian internees were found. As it took weeks, sometimes even months, to send delegates from Geneva, arrangements were made by correspondence to recruit Swiss citizens on the spot, who consented to take on this mission, without being able to form any idea of its scope and difficulties. As from January 1942, the ICRC appointed delegates in *Tokyo*, the *Philippines*, *Shanghai*, *Singapore* and *Hong-Kong*, and in 1943, for China at *Chung-king* and lastly in *Siam*. Japan, however, had not ratified the 1929 PW Convention. The ICRC's offer of its services, its insistence on carrying out its customary work, failed to evoke any response on the part of the Japanese authorities. They consented however to recognize officially only the delegates in Tokyo, Shanghai, and Hong-Kong, but the activities of these delegates were tolerated rather than permitted. As to the ICRC's other representatives, these could act only in a personal capacity. It was not until the last phase of the war that the Committee was authorized to send delegates from Geneva, and even then only to Tokyo. Its representatives in the Far East were until the end obliged to act as single-handed agents. Scattered as they were over an immense territory, their task was overwhelming, so great were the needs both of PW and civilians, and so formidable were the obstacles to be overcome. Misunderstood, constantly hindered and under suspicion, sometimes bullied, and always isolated, they were yet undiscouraged, and displayed the greatest perseverance and devotion to duty. Two of them died at their posts.

Hardly had the military situation in the Far East become stabilized, for the time being, than a new development occurred in the West. In October, 1942, the first British offensive in Libya began, followed in November by the Allied landing in

French North Africa. From then onwards the campaign continued, leaving in its train a growing mass of PW of the Axis countries, until the liberation of Africa was completed in May. The campaign was resumed almost immediately in Italy. Then came the Italian capitulation, followed by the dividing-up of the peninsula, as a result of military events and the internal political situation.

Events of such magnitude had profound repercussions upon the Committee's work. The existing delegations in Egypt had to be immediately reinforced, and new ones created. This was all the more necessary as Switzerland had become surrounded since the occupation of the southern zone of France, and communications with the Allied countries, already slow, had become very difficult. In Germany, because of the concentration of PW in one country, the centralization of the military and other authorities, and the state of communications by road and rail (still adequate at that time), it was possible to maintain a single delegation in the capital, whence the delegates could travel round to the camps and also telephone to Geneva. In the Mediterranean zone, on the other hand, the prison camps were so scattered, the Allied military authorities so many, the situation so fluid and communications so difficult, that a number of new delegations had to be set up, and were at once faced by the most varied tasks. In 1943 therefore, delegations were opened at *Oran*, *Tunis*, and *Tangier*; then in *Milan*, *Florence*, and *Verona*; in *Genoa*, *Turin* and *Palermo*, and finally, in January 1944, in *Naples*; whilst special missions were sent to the *Yemen*, *French Equatorial Africa*, and the *Gold Coast*.

Even in countries at a great distance from actual operations, each new declaration of war, or merely the breaking off of relations, led to the internment of civilian residents, or of sailors from torpedoed and scuttled vessels. Moreover, when groups of armed men, escaped PW, or civilians fleeing from persecution began to enter the territory of certain neutral countries, internment camps were set up by the neutrals. In all these instances, the ICRC claimed and secured the right to carry out its work of charity in the camps. This meant the opening of new delega-

tions, usually staffed by people recruited on the spot. In the winter of 1941-1942 this was done in *Surinam*, *Haiti*, and *Jamaica*; the following summer in *Venezuela*, *Columbia*, and *Mexico*, and next in *Uruguay* and *Bolivia*; by the autumn there were delegations in *Brazil* and *Madagascar*; the year after in *Croatia*, *Switzerland*, *Spain*, *Hungary* and *Cuba*.

The "World War" had also become a "total War". Economic and financial blockade and counter-blockade, and, in the occupied countries, requisitioning in bulk, were now added to the air raids which destroyed ports, railway-stations, and industrial plant, gradually paralysing economic life, and the submarine warfare which sent to the bottom food supplies on which whole populations depended. The economic situation in Europe and the Far East deteriorated still further, with much consequent ill effect on the prisoners of war. The efforts to bring relief to these men had to be intensified, at the very time when barriers of all kinds were increasing. These efforts, especially in the case of PW in the Axis countries, became very considerable and called for the constant reinforcement of the existing delegations. Besides the PW there were millions of civilians who appeared to be exposed to starvation. For them, there were no conventions, excepting the old-fashioned Hague Regulations, which had not been honoured and which, as far as the ICRC was concerned, offered no basis for action. Nevertheless, with the means at its disposal, sadly inadequate in face of the disaster, the ICRC and its delegations did all that they could. After various minor attempts, relief work on a larger and more permanent scale was organized for Greece. Soon after the total occupation of that country, the delegation in Athens, which had been set up to carry on the usual activities in behalf of PW, collaborated in the general relief scheme by organizing soup-kitchens. But this was not enough, and the gravity of the situation aroused public opinion throughout the world. Thanks in particular to the neutral intervention of the ICRC, food supplies came through the blockade. The delegation thereupon set up a relief organization which, with the help of a Swedish delegation, assumed vast dimensions. The aim was nothing less than to organize the revictualling of an entire

country on a permanent basis. Besides the delegates the in capital, others were required in *Salonika, Thessaly, Corfu*, and elsewhere<sup>1</sup>.

There were other countries to be helped, as well as Greece. The problem was so great that a special body was set up jointly by the ICRC and the League of Red Cross Societies, to deal with relief for civil populations. But the strictness of the blockade permitted the despatch of food supplies only to those countries where the ICRC was able effectually to supervise their distribution. This meant more work for many of the existing delegations, which in consequence were further reinforced, and the creation of new outposts. There was one in *Rumania*, where grain was bought and shipped to the hunger-stricken countries, one in *Belgium* for the supervision of relief distribution, and one in *San Sebastian*, as a forwarding agency.

This situation, as one can imagine, reacted on the organization of the work even in Geneva itself.

During the first two phases of the war, the delegates were few and their tasks, like those of the ICRC, limited. Communications with Geneva were, moreover, relatively easy. The delegates were attached direct to the members and secretariat of the ICRC, and questions relating to their missions were dealt with in Geneva by departments organized on a geographical basis. In the early spring of 1941 it was decided to co-ordinate this work by means of a weekly meeting of those members of the ICRC and the Secretariat most nearly concerned, for the purpose of examining in common all the problems relating to the activity and structure of the delegations.

The third phase and the spread of war all over the globe, obliged the ICRC to instal delegates in nearly all countries. The resulting expansion of activities called for the sharing out of the work in Geneva among special departments known as "Divisions". As communications with headquarters became increasingly difficult, sometimes breaking down altogether, it was no longer enough for a delegate to set out armed with instructions from the Agency and a programme of camp visits.

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<sup>1</sup> See Vol. III, Part IV.

In most instances, he had to work for one or more of the Divisions, and to be ready, according to circumstances, to engage in all the different fields of activity of the ICRC at the same time. Some went to posts where they would be working single-handed. Others might have to do so at any moment. Thus they had to be adequately informed of the activities of the ICRC throughout the world and of the general policy governing them.

All this added to the difficulty of recruiting delegates, which became a serious anxiety for the ICRC. It was a question of finding enough men, and qualified men. In 1943 a delegate had to be ready to face any situation. He had to have wide experience in his profession and to be a capable linguist ; he had besides to be a man of sound intellectual, physical, and moral stamina.

Moreover, this recruitment involved serious practical difficulties, such as permits and visas, the planning of itineraries, and the obtaining of transport or transit permits. In some cases almost the whole of the food supplies needed for the delegate and his staff had to be provided.

From the beginning of 1942, it was found necessary to set up a separate office to deal exclusively with certain administrative questions. A special news-sheet gave each delegation in all the five continents regular information of a general kind, concerning the work in Geneva and that of the other delegations, and guidance for their instruction and in their practical work. A Delegations Office had the task of co-ordinating all matters concerning the delegations. Then, in the spring of 1943, a Delegations Division took its place beside the other chief divisions, as an integral part of the ICRC. All activities were centralized in this Division : recruitment, appointment and training of delegates, travel arrangements, general instructions, and periodic meetings to hear reports and deal with the work of delegates returning to, or passing through Geneva.

At the end of 1943 it was found necessary to set up a Delegations Commission. This body, composed of members of the Committee and senior staff representatives, met weekly in order to outline general policy, determine questions of principle, take important decisions, and to bring delegates returning from missions up to date on the situation.

#### 4. Fourth Phase (*January 1944 to August 1945*).

During this last phase, the only new addition to the network of the ICRC delegations was opened at *Bratislava*. Already at the end of 1943 this network covered the entire globe (not taking into account the USSR), with the exception of the Netherlands and Poland. It became necessary, with the constant expansion of military operations and the growing complexity of the problems, to make changes in the structure and functions of many of the delegations, and to reinforce some of them.

The Red Army offensive, which in a fairly short time liberated the south-east and east of Europe, caused hardly any changes. At the same time, it had the effect of cutting off the delegates from Geneva just at the moment when they were being confronted with new tasks. For instance, during the last few days of the fighting in Hungary, the delegation in Budapest was called upon to play a vital part in the protection of certain sections of the civil population, and then to supervise important relief services. The setting up of the branch delegation in *Vienna* was not permitted by the German Authorities until December, 1944, and that in *Prague* until April, 1945. They became first rank delegations from the time of the liberation and were immediately confronted with extremely delicate problems. The same thing happened in Greece. After the British landing, the delegation acted as neutral intermediary between the EAM forces and the Greek Government, whilst continuing to help in the distribution of food supplies to the country.

In Italy, the numerous small delegations made it possible, as the fighting lines shifted, to carry on the relief activities of the ICRC uninterruptedly, and independently of immediate reinforcements. In France, on the other hand, the situation was quite different. The Allied landings cut the routes to Switzerland by which relief supplies for the camps in Germany were transported. Once more measures had to be improvised and a new delegation had to be installed in *Gothenburg*, in Sweden, to supervise the unloading and re-shipment to *Lübeck*



(where a branch delegation was opened) of the relief supplies hitherto shipped via Lisbon and Marseilles. Next, the liberation of France entailed the immediate reorganization of the Paris delegation. That office, which during the German occupation Central PW worked mainly for the Agency, was reinforced on several occasions after September 1944. To it were transferred certain members of the Algiers delegation, in order to deal with the problem suddenly created by the presence of growing numbers of German PW in a territory still in a state of disorganization. Two regional delegations were opened, one in *Lyons*, to deal with routine tasks, the other at *Toulon*, to take over the activities formerly carried on by that in Marseilles.

Throughout the war, the ICRC had endeavoured to set up delegations in all the countries occupied by Germany. All that it had been able to do for Norway, Belgium, and France was to send at first, special missions attached to the delegation in Berlin. Later it was allowed to have a "liaison agent" in Belgrade and a secretariat in Paris. In the end, its efforts were successful, in respect of France, Belgium and Belgrade, but were always frustrated in the case of the Netherlands and Poland.

It was in Germany that the events of the last few months of the war had the most serious results. The combined effects of the Allied offensives and of the bombing destroyed cities and communications, paralysed transport, and scattered the administrative officials. In the midst of this, entire camps were hastily emptied of PW, and these had to set out on foot and without food supplies. The task of carrying on the work of the Agency, and of bringing up relief to the millions of prisoners in Germany created a complex problem, the factors of which changed every day. The organization was hurriedly decentralized, and new delegates recruited and trained in haste. But visas and permits could only be obtained with great difficulty and transport was lacking. No sooner had five or six new delegates set out, than more were needed. In April 1945 they numbered forty. This was a large figure, compared with the strength of other delegations (there were at that time 179 delegates in all throughout the world), but insufficient for the work to be done. The ICRC succeeded, by dint of negotiation,

in despatching as a desperate measure a number of delegates who agreed to go and stay in certain concentration camps, to act as hostages, as it were, in order to save the prisoners from last moment extermination.

The capitulation of Germany did not bring order into this state of affairs immediately. Masses of German prisoners now filled the camps which the Allied PW left empty. On every hand millions of people, former deportees, displaced persons from all the once occupied countries, were waiting (and some would have to wait a long time yet) for repatriation. Food was short ; so were medical supplies and clothing.

For a time the delegates scattered throughout the country, overwhelmed with applications of all kinds and from all sides, carried out as best they could the charitable precepts of the Red Cross, with the small means at their disposal. Each one, on his own for the most part, acted as an autonomous delegation for the region where he happened to be. In contrast, the members of the delegation in Berlin, still at their post in their bombed offices, were reduced to idleness. The occupying authorities left them little scope for action and in the end, without giving any reasons, interned them in camps in Russia for some months before sending them home to Switzerland. These men, and one woman, had for years devoted themselves to giving moral encouragement and material relief to those behind the barbed wire ; day by day they had endeavoured to establish contacts between families separated by the war ; now they found themselves prisoners in their turn, without any delegates to visit them, and with no news of their relatives or of the ICRC.

Finally the work was reorganized, as far as this was possible in such chaos. Germany was divided into four separate zones, and there was no question of re-establishing a single delegation. To meet those facts, the ICRC set up four autonomous posts, one at *Frankfort on Main*, for the American Zone, with branch delegations in *Munich* and *Bayreuth* ; a second at *Vlotho*, for the British Zone ; a third at *Baden-Baden*, for the French Zone, with branch delegations at *Freiburg in Breisgau* and *Bad Kreuznach* ; and a fourth, a little later, in *Berlin*.

The same was done in Austria. In addition to the delegation in Vienna, others were opened at *Salzburg, Bregenz, Bad Gastein*, then at *Innsbruck* and *Linz*, and some time later at *Klagenfurt*.

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Five years had passed since the armistice between France and Germany. Now the Allied held as many millions of prisoners as the Reich had captured at the time of that armistice. During the five years the work of the ICRC had, reckoned quantitatively, been far more extensive in behalf of Allied men than for those of the Axis Powers. The situation was now reversed. The ICRC henceforth had to concern itself in greater degree with the captives of the Allies. The delegations in the chief Allied countries were reinforced in their turn, whilst new ones were set up in the liberated countries, that is, in the *Netherlands, Denmark, Norway* and *Poland*. To turn to another region, the *Dodecanese*, a delegation was opened to issue relief to the inhabitants of these islands.

When the war ended in the Pacific, the Japanese authorities at last consented to give official recognition to those delegates whose activities so far, they had tolerated only as "private charitable work". Also it was only at this late date, between the atomic bombing of Hiroshima and that of Nagasaki, that the Tokyo delegation, whose chief had died at the beginning of 1944, received the help for which it had been waiting eighteen months. It was the first that the ICRC had succeeded in sending from Geneva since the beginning of hostilities in the Far East, in 1941. Month after month had passed before Tokyo agreed to the appointment of a successor to the Director and of an assistant delegate ; further months were taken up in negotiations and waiting for all the necessary visas ; and finally, many weeks had to be spent to reach the destination.

When the fighting ceased, the Allied Powers requested the delegations in Japan to come to the help of their fellow-countrymen, ex-prisoners of war and internees, and to prepare their repatriation. True to Red Cross principles, the delegates then turned without pause to concern themselves with the

lot of the millions of Japanese who had fallen into the hands of the victors.

## 5. The Post-War Period

The end of hostilities did not permit as rapid a "demobilization" as had been hoped. So long as millions of PW remained to be repatriated, they had to be looked after. In certain countries their numbers diminished and it was possible gradually to reduce the delegations. In others, on the contrary, the vast numbers of PW, their dispersal in numerous labour detachments, their state of destitution, the lack of all relief supplies from their home country and the still strained economic situation of the territories in which they were held captive, required a reinforcement of the delegations. It was then the delegation in France assumed the greatest importance.

The work of the ICRC for other classes of war victims also did not come to an end immediately. Help of every description was urgently needed to alleviate the sufferings caused by war. The ICRC gave its assistance, and that of its delegations, as long as it could. Fresh conflicts, local ones admittedly, broke out in various parts of the world, in Indonesia, Indo-China, in Greece. These too, required the despatch of delegates.

When there was an end of military operations and gradually communications were restored, it was possible to put the work on to a normal footing. Direct contact was renewed with the delegations hitherto isolated, and at last, particularly after 1946, it was possible to shut down one after the other, a good many outposts, thus foreshadowing the closing of all the remaining delegations in a world now once more restored to order.

### (C). A FEW FIGURES

#### (a) *Staff of the permanent Delegations.*

In 1940 the number of delegations increased from three to 12, that of the delegates from three to 16. These numbers grew steadily and in 1945 reached their highest point, namely :

76 delegations and 179 delegates. In 1947, there were still 43 delegations and 106 delegates.

Between 1939 and 1947, 340 persons altogether were recruited to represent the ICRC abroad. These figures do not, of course, include the subaltern staff.

(b) *Special Missions of the ICRC.*

The special missions, carried out from Geneva by persons not members of the permanent delegations numbered 214. The detail is as follows :—

In 1939 . . . . .	6
In 1940 . . . . .	28
In 1941 . . . . .	20
In 1942 . . . . .	17
In 1943 . . . . .	33
In 1944 . . . . .	26
In 1945 . . . . .	28
In 1946 . . . . .	20
1947 . . . . .	16
Total . . . . .	<u>194</u>

(c) *Camp visits.*

The ICRC delegates have carried out 11,175 visits to PW and civil internee camps, as follows :

In 1939 . . . . .	25
In 1940 . . . . .	200
In 1941 . . . . .	700
In 1942 . . . . .	1,000
In 1943 . . . . .	1,250
In 1944 . . . . .	1,400
In 1945 . . . . .	2,200
In 1946 . . . . .	3,300
In 1947 January to June . . . . .	<u>1,100</u>
Total . . . . .	<u>11,175</u>

(d) *Distances covered.*

The distances covered by the Committee's delegates by rail or road, on land, sea or air amounted to some 16,430,300 km. (roughly 10 million miles), a distance equal to 410 times round the world. Whereas the distance covered in 1939 was 30,000 km. (roughly 18,000 miles), the figure grew steadily until 1945, when it reached 4,135,000 km. (roughly 2,500,000 miles).

(D). GLIMPSES OF THE DELEGATES AT WORK

More than one ICRC delegate could, if he wished, write a stirring tale of his adventures. The reports on their missions alone would give material for an epic, telling of the tribulations of the delegates in the Far East, the mishaps which befell them, how they were arrested, released, then arrested again and subjected to endless questionings. It would relate the tragic fate of one delegate and his wife, who were arrested, tried, condemned and put to death because their executioners could not understand that their zeal to bring some measure of relief to the prisoners of war was disinterested. We hear of the wonders done by some other delegate in organizing a Christmas celebration in one of the camps; of the invention and boldness, sometimes even cunning, which they all displayed, or of the hazardous journeys of the relief columns in Germany during the last phase of the war. The life of the delegations in the battered and besieged cities would have a part too, and many more stories besides.

If the whole tale cannot be told here, a few extracts, taken from diaries and reports, will throw light on often remarkable features of the life on service of the ICRC delegate.

*In the Mediterranean, October 27, 1943, evening.*

Under a leaden sky the freighter *Padua* was ploughing its way doggedly through the dark water. The holds were loaded to capacity with sacks of mail and parcels being shipped from Lisbon to Marseilles. The ICRC delegate asked the vessel's position, "Where are we, captain? We should have passed Sète by now..."

The skipper was an old sea-dog, a Portuguese, tough and grouching and yet not insensitive. Not a landmark, not a lighthouse, not a gleam to be seen along the French coast...

Towards midnight the delegate went to his cabin and was soon fast asleep. He was awakened by a terrific explosion. He sprang from his bunk, turned the switch, but there was no light. Groping his way forward, he opened the cabin door. The water had reached the gangways; groans and cries rent the night. A rush of water forced him back into his cabin. He was quite cool, but felt curiously detached. His mind was working clearly and he filled his lungs with all the air they could hold, then held his breath. As the sea water flooded the cabin he swam his way out. The current dragged him under water and forced him along the gangway. He reached the stern of the vessel and the companion-way leading up between decks, but he could no longer struggle against the suction of the ship which was dragging him down. It was the end.

Artificial respiration was bringing him back to life... The captain and some of the crew, whose cabins were in the forecastle had managed to cut the lashing of the life-boats. Hearing the delegate's calls for help, they had finally discovered him and fished him up, naked, as he clung to the bars of a hen-coop afloat in the water.

So he was saved, the sole survivor of the eight men in the *Padua's* stern. But there were still five miles to the shore...

### *Salonika, 1944.*

For over a year, at an extremely awkward time, the ICRC delegation had been carrying on relief for the inhabitants of the town and province. Oppressed by the victors, the country was constantly the scene of skirmishes, assassination of members of the occupying forces, reprisals and executions. Constant vigilance was required, because of the military patrols, the partisans and the mined and destroyed roads.

As he was returning from one of these relief expeditions at the beginning of August, a delegate learned that the little town of Naoussa, situated on a plateau on a spur of the Vermion range,

had been liberated by the partisans. The Germans had fallen back to the railway station six kilometres from the town, and the population was without food. He decided to make a detour by way of Naoussa to examine the situation on the spot.

Before turning off on the Edessa road, at Verria, he gave the driver careful instructions. The road was mined in places, and it was essential not to exceed twelve miles an hour, and to slow down still further if fighting was going on between the Germans and partisans, as the sporadic shooting seemed to prove. Finally, he told him that if the car was attacked, he must stop at once.

The car went forward cautiously. The driver fixed his eyes on the road, while the other occupants kept a look-out over the country. To their left was the Salonika-Florina railway, to the right a small plain stretching to the foot of the Vermion, a stronghold of the partisans, from which the Germans had never managed to dislodge them. The travellers were now quite close to the place known as *Aghios Nicolaos*, barely two miles from Naoussa. Suddenly, a burst of firing, doubtless aimed at the car. The driver hastily pulled up, the passengers sprang out and into a ditch at the right of the road, and lay down in eight inches of water. In front of them the car was half concealed by a field of maize. That might just save the engine. The firing was coming from the direction of the partisans. Hadn't they seen the Red Cross on the car? Or did they take it for a ruse? For half an hour the bullets rained down. The car was hit; windows were broken and a tyre burst. Now the shots were coming from the other side, from the railway. The Germans in the station replying, no doubt. The travellers were caught in the cross-fire. Fortunately, the German's firing showed that they had recognized the Red Cross emblems and were trying to spare the car whilst they aimed at the partisans.

After half an hour the firing stopped suddenly. Was the skirmish really finished? Repairs were made hurriedly. The delegate decided to go on foot with his secretary to the village of Aghia Marina, three miles away. From there he would try to telephone the partisan headquarters. The car was left in the care of the driver.



Finally, at nightfall the travellers arrived at Naoussa, which was bedecked with Greek and Allied flags and where they were given a grand welcome. At partisan headquarters, apologies were made and everyone was glad that the incident had no serious consequences.

The food situation was indeed very precarious, and relief was needed. As the German had control of the Salonika-Verria-Naoussa road, there was no direct route for supplies to be brought up. But there were tracks through the mountains between Naoussa and Verria, where there was a depot of ICRC food and medical supplies. A mule train could convey them.

*Paris, August 15, 1944.*

The ICRC representatives had learned that the hospital at Orleans was asking urgently for medicaments, pharmaceutical stores, and special foods for diets, and that the "Stalag" was running short of food supplies.

Five tons of relief goods were loaded on to a truck furnished by the French Red Cross, and two of its men, the driver and his mate, accompanied the delegate.

The party was off next day at 15 hours. On reaching Etrechy, five miles from Etampes, the truck was stopped by SS men, who inspected the delegate's credentials for his mission. Disregarding their permit, they ordered him to return to Paris. The party made some show of acquiescence and the truck turned back. Half a mile on the road it turned off towards Douray, reached La Ferté-Alais, and then proceeded on its way towards Malesherbes, using secondary roads to by-pass the town. In the neighbourhood of Pithiviers it came out on highway 51, and continued in the direction of Orleans.

After a few wayside incidents, the travellers reached Vominbert, nears Orleans, towards 21 hours. Civilians waved and made signals to warn them that fighting was going on near by. Apparently an American armoured column had attacked Orleans that afternoon. The crackle of machine-guns could be heard, and at short intervals rifle-fire and artillery. The delegate decided to park the truck in the courtyard of a farm for the time being.

At night fall rifle-fire ceased, but the bombardment continued.

At dawn on August 17, the car pursued its way, soon reaching Orleans, where all the inhabitants, in spite of injunctions, were rejoicing and thronging the streets, which they had decked with the French and Allied colours.

At the St. Aignan Hospital the delegate was given a warm welcome by the President of the local Red Cross Committee, and by the two doctors, a French senior officer and a British captain, who had been prisoners of war. The German guard had just surrendered, and the prisoner patients had been freed. The French officer told them that on August 14, all the prisoners of war were to have been sent by train to Charleville, via Paris, but that the Resistance, warned in time, had blown up the line a few miles from Orleans. The prisoners managed to escape and hide in the woods.

The food and medical supplies were handed over to the hospital, where injured civilians were being brought in constantly. The situation was most alarming. From Olivet, a district occupied by the Germans on the left bank of the Loire, the artillery was shelling Orleans without a pause. All along the river bank the streets were under constant fire. At the request of the town authorities, the delegate and his two companions used their truck to take relief supplies to people cut off in certain quarters. Bullets whistled about their heads. German soldiers hidden on the roof-tops were firing down into the streets; Americans answered their fire, and so did the civilians. The house from which women and children were to be taken was in a street running down to the quay along the Loire, and exposed to gun-fire. A shell passed over the heads of the rescuers; civilians shouted, but all the occupants were unharmed.

In the afternoon the bombardment stopped. His work done, the delegate decided to return to Paris. He called at American headquarters, where a Colonel received him very courteously and asked him to remain in Orleans until the Allies arrived in Paris.

"Is that an order, Sir?" the delegate asked. "No, but it's for your own sake."

The Red Cross representative thanked him, then pointed out on the map the route he wished to follow. They showed him approximately the positions of the spearheads of the American armoured columns along the road to Pithiviers. The three men started off at once for the capital, which they reached in the afternoon of the following day, after an eventful journey.

*Germany, February, 1945.*

Military events on the Eastern front had led the German authorities to move the prisoner camps from the regions threatened by the Russian advance and place them nearer the centre of the Reich. The withdrawal was made in headlong haste. In long columns, the exhausted men were obliged to make forced marches, often sustained by only a single slice of bread daily. They suffered from cold, as well as hunger, and hundreds died by the roadside in the Government General of Poland or the Protectorate of Bohemia and Moravia.

After many attempts, the delegation in Berlin at last succeeded in finding out the route these columns were following and the approximate time-tables. It got permission to try and reach them with supplies. Plans were made for transport by road. Simultaneously an attempt would be made to send parcels by rail, to reach them at certain points on the way. One column, marching towards Carlsbad and Marienbad, was reported ; it included about fifteen thousand prisoners of war, mostly British, together with three to four thousand Russians, whom, in theory, the ICRC was unable to help.

One delegate was given the task of taking four truck-loads of parcels, which had been held up at Weissenfels near Leipzig, to Carlsbad and Marienbad. This was his story :

"We set off towards Weissenfels, along the autostradas constantly patrolled by the formidable "Tiefflieger" <sup>1</sup>. The little 5 h.p. car did marvels. It even climbed, without chains, the snowy passes of the Sudeten mountains, though not, sometimes, without the help of a sturdy horse, and thanks also to

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<sup>1</sup> Aircraft, hedge-hopping and dive bombing, ordered to patrol the railways day and night.

the driver, a man of skill as well as of never failing good humour—one of the most precious qualities you can have in war time.

“In my pocket was a special pass from GHQ of the Armed Forces of the Interior, under whose authority the prisoners of war had recently been placed. This document gave formal permission to supply food to prisoners of war on the march, and requested all civil and military authorities to assist in this task. It would help me to use persuasion when meeting officers behind the lines who wanted to abide strictly by regulations. For instance, the commandant at Weissenfels refused to hand over the parcels for the prisoners, on the grounds that he had not received orders to do so. Waved my pass and threatened to return to Berlin forthwith, unless he gave the necessary orders immediately to arrange for their transport to Carlsbad. The threat went home. Next, I tackled the railways. There was a shortage of rolling stock and only the transport of vital war supplies was allowed. Once more, scared them declaring I would go off to Berlin at once to complain to those who gave me the permit. Within a few hours, cars were found, loaded, sent on their way towards Carlsbad under responsible military escort (for thefts were already frequent) and some were even coupled to passenger trains. They arrived in time, after only four days’ journey. A real achievement it was for a line badly knocked about by constant Allied bombing.

At Carlsbad, military HQ responsible for the PW columns ordered a forty-eight hours’ rest and the prisoners were quartered in neighbouring villages within a distance of about six miles. Trucks were found to distribute the relief supplies. Needless to say how we found the petrol, except that the method resembled rather closely that of the black market gentlemen.

At last the moment came for the distribution. Each of the Allied camp leaders had received their share, and I wanted to see them give out the supplies. The sight really defied description. Imagine men who had been on the march for five weeks, in the snow and cold, on empty stomachs, with feet bleeding. That is no exaggeration, but the actual, brutal truth. Now they were each going to receive eleven pounds weight of supplies, including 100 cigarettes, a tin of powdered

coffee, biscuits, meat, chocolate, soap. Their delight at these gifts which seemed to have descended from the skies was rapturous ; they had to be stopped from stuffing themselves with the whole lot at once. The scene was too much, and I left them to get on with the distribution alone.

The next day a British R.A.M.C. Major told me that his men sang as they covered the last few miles before the distribution. The Red Cross had arrived—they were saved ! And the next day, too, passing alongside the column which was on the march again, I saw it wreathed in a cloud of smoke from thousands of cigarettes. The British camp leaders had not forgotten the Russians, who had received one parcel for every three men.

That day I realized more than ever before what a great privilege it is to act as delegate. An easy task, because one never asks anything for oneself, one is always doing something for neighbours in distress. I realized too, that material help that saves the body goes with the encouragement that raises men's spirits. The British Major whom I have mentioned, confirmed this by telling me that the very word that we had arrived gave new strength to the whole column. They no longer felt themselves abandoned in enemy country, under the cold eye of armed guards, a prey to the cruelty of some. The Red Cross had succeeded in tracking them, and hope was reborn.

*April, 1945 in Vienna.*

The city was encircled and on fire. It was being battered by "Stalin's barrel organs", the famous Russian guns. Street fighting had begun in the suburbs. Soviet planes were all the time on reconnaissance duty in the incredibly blue spring sky. For some days the ICRC representatives had been living in cellars, without water, proper shelter, or hot food. Civilians crowded round their doorway, women, young girls, children, a few old people, asking for shelter and protection. All squeezed in and huddled together with us.

A shell fell on the house opposite, the injured came to ask for help. A dressing station was improvised with haphazard gear. Several volunteers, young Frenchmen, "conscript workers", and Austrians, undertook a search among the still smoking

wreckage. In a half demolished room they found an old man, badly hurt, beside the dead body of his wife. He was carried back to the first aid station, where he was nursed and his life saved.

This episode was hardly over, when again there was a knocking on the door of the refuge. This time it was a woman about to give birth to her child. A Dutch doctor, a deportee, examined her. He gave his opinion, she could only be saved by a Caesarean operation. But there were no surgical instruments, only a pair of scissors and forceps, from a small first aid kit. Outside the battle was raging and the nearest hospital was half an hour away. The discussion was carried on by candle-light. Volunteers came forward, offering to risk the trip to the hospital. They decided to take the chance. In the darkness, the bold trip succeeded. The operation was performed, and mother and child saved.

But the fighting was coming nearer. It had now reached the street of the shelter. A Russian soldier, seeing the Red Cross emblem, brought in his officer who had been hit by machine-gun fire at point-blank range, and was dying. It was a hopeless case, but all the same the officer was taken to a German military hospital. The next day the soldier came for news. As he didn't see his officer in the shelter, he accused the delegates of making away with him and threatened them with his revolver. So the delegate, with the soldier's weapon against his ribs, went along to the hospital. There he learned that the officer had died. Fortunately for the delegate, a Russian prisoner patient saw what had happened, and intervened. The soldier was shown the body of his officer and the marks of the operation by which they had tried to save him at the last moment. The soldier burst into tears and kissed the hands of the man whom he had been threatening to kill only a moment before.

On the way back, a man whom the ICRC delegate had taken under his protection was hit by a fragment of a shell which burst over their heads. His injuries, apparently superficial, became infected and three hours later he was dead. The delegate hadn't even a scratch.

However, Vienna had fallen. The most amazing rumours were flying round. The authorities had vanished, everyone was

a law unto himself. People came to the delegation one after the other, for hours on end. The mere sight of the Red Cross emblem aroused boundless hopes, sometimes foolish ones. A man came to ask the delegate to arrange to send him to South America as quickly as possible ; another insisted that he should take his race-horse under his protection.

*Rhodes (Dodecanese), February 10, 1945.*

On a cold morning, the famished inhabitants of the town were awakened by the ringing of all the church bells. The weather was wild and stormy, the sea rough.

The quay-side was thronged by thousands of beings, either skeletons, or swollen by hunger œdema. With emaciated arms they were pointing out to sea where three, four, and then five large boats were emerging from the mist and skimming over the waves with all their canvas spread. The only flag they displayed was that of the Red Cross, hoisted high on the mast-head and smacking in the wind. By agreement with both parties, the ICRC had been, at long last, permitted to bring food supplies to the famine-stricken Dodecanese Islands, which had been going through a time of untold distress.

A great shout went up from the crowd, borne by the wind to the sailors on board.

In the bows of the leading vessel the delegate and his assistant peered wide-eyed at the scene, not yet understanding.

The walls of the town, quays, streets and windows were black with people. Hundreds of Swiss flags were flown alongside the Greek colours. The bells pealed incessantly.

A cutter belonging to the occupying authorities left the harbour ; the ships took in sail and with the greatest caution, threatened their way through the mine-fields surrounding the island. The shouts had ceased. Everyone was watching with a strained attention—would they hit a mine ?

The ships no longer answered the helm and tried in vain to follow the cutter, which from time to time was hidden by huge waves. At last, after about an hour, the convoy entered the harbour. The cargo was safe. The shouting resumed,

songs were taken up ; the crowds threw thousands of flowers into the sea.

German officers were there to meet the travellers, who were drenched by the waves and exhausted by ten days' buffeting of the seas. The crowd breaking through the barriers, swarmed round the visitors, embracing them and carrying them shoulder-high in triumph.

One delegate had a dislocated shoulder, and his colleague was ill and had to be operated on on the following day. But their mission was accomplished.

### *Germany, 1945.*

On April 27, 1945, one of the Committee's delegates was travelling between Uffing and Moosburg. He had learnt during the night, at Moosburg, that a convoy of political detainees was in the neighbourhood, marching on the high road. He set out immediately, and discovered them about midday. Permission having been given to issue the foodstuffs on his lorry, the guards were ordered to keep off the mass of the detainees who were ordered to march past in single file to take their share. After receiving their parcels, the men went to the adjoining fields and started to eat !

It was an almost incredible scene : a mixed crowd of Russians, French and Poles, many of whom threw themselves on the food like wolves. The guards experienced the greatest difficulty in keeping back the crowd and preventing the entire truck-load from being pillaged and dispersed. Some of the detainees, however, showed strict discipline in standing aside and awaiting their turn. Some had lost an arm and had but one wounded hand, bound up in a few dirty rags. Seizing the parcel with their stumps they breathed a few words of thanks in some strange language.

These creatures, all emaciated and verminous, their eyes deep sunk in their sockets, trembled in anticipation. They were going, for once to eat their fill.

Although talking was strictly prohibited, one Frenchman managed to whisper as he passed "Major So-and-so, tell my wife at Nantes".



The endless procession continued. All these people came from Buchenwald. They had been on the road for twenty days, and had had nothing to eat for the last five days.

We close this short account by quotations from the report of a Delegate, who successfully carried out various relief schemes in behalf of the populations who were encircled in the German "pockets" along the Atlantic coast, after the Allied landing in France. The delegate was then instructed to convey relief supplies to Allied prisoners of war at Dunkirk; he was to enter the "pocket", which included about 18 miles of sea coast and was roughly 10 miles in depth, and to reach the town which had been entirely cut off from the outside world since October 1944.

On reaching Allied H. Q., the responsible British Officers smiled in doubt and surprise at the Delegate's plan. On learning that a wireless application to the German Commander at Dunkirk had been sent from Lorient by the Committee's representative and that the latter had received permission to enter the town via Lon-Plage, the British were convinced that the scheme was feasible.

The following remarks are taken from the Delegate's diary :

On the following morning, left by car with three officers ; on the way, crossed endless columns of enormous tanks returning from the lines in clouds of dust. Soon reached the road leading straight on between two rows of poplars as far as the German lines, about two kilometres distant.

The British officers advised me to walk, as far as possible, in the middle of the road and not to venture into the ditches on either side where I might, they said, hit upon unpleasant booby-traps. They then left me, wishing me good luck.

Walked along the road carrying my attaché case in one hand and a large Red Cross flag over my shoulder. Before leaving, the British officers had promised that there would be no artillery fire directed towards the zone where I was to cross the lines at about 4 p.m., but that I must at all events have crossed by that time. To begin with, everything went well ; the tanks had left deep marks in the road, which were adequate guides ; from time to time, to left and right, outposts were visible,

lurking behind trees or ruined walls ; machine-gun fire and single shots from time to time. The position grew worse as soon as the tracks stopped ; the road was now sown with shell splinters and debris thrown up by explosions. A few yards further, a dead horse lay across the road, with swarms of flies. The road had been cleared of trees and the stillness was disquieting. I kept straight on, however, always along the middle of the road, as I had been advised. Soon reached an American car, almost entirely destroyed, and about 200 metres further a burnt-out tank which completely blocked the road. Doubtful as to what to do, waved my flag and called out, but elicited no reply. Finally decided to walk round the tank with all due care and without touching anything. A few yards further the road was strewn with what seemed to be mole hills, though the metallic sheen of mines was clearly visible. Thought that I had really reached the German lines, and could go no further ; waved my flag again and shouted in German, asking that someone should come to meet me. No answer, except an occasional rifle shot. On the point of turning back, when two German soldiers came out of heap of ruins in which the road had entirely disappeared about 300 yards further on. The two men came towards me by a roundabout route. Briefly explained to them who I was, what I wished to do, that I was expected by the German HQ at Dunkirk, and asked to be taken there. They agreed and told me to follow, stepping exactly in their tracks. Suddenly one of them said "But we have forgotten to blindfold him according to orders". Having blindfolded me, each man took me by an arm and we continued our progress for about half a mile. Felt that the ground was very rough, but had no idea of where we were. Suddenly on reaching more even ground one of the men said "Look out now, you'll have to get on the back seat of this motorbike". Holding my attaché case in my arms I got in the back seat, still blindfolded. Anyone who has tried to ride a motorbike in such conditions knows it is a very unpleasant business, because you always lean the wrong way and at every instant feel as if you were falling off. At length, we halted and I was led into a building and the handkerchief untied ; we were in the HQ of the company occupying this

sector. Was told that a car would be available in a few minutes, meanwhile the German officers asked me to share their meal, but my appetite was none too good after these various incidents. However, they insisted on my swallowing an omelette which proved so indigestible that it must have been made with Diesel oil... Rations were extremely short at that time in Dunkirk, and the German soldiers themselves were none too stout. A few minutes afterwards the car was ready ; blindfolded again, and off we went.

On the way loud reports shook the car—a couple of Allied shells had just fallen a few yards off. At last reached H.Q. Dunkirk and was received by the C.O. Was then told that the answer to my wire had been garbled : to enter Dunkirk I should have waited for a momentary suspension of fire : the place where I had stopped on the road was already about 300 yards inside the mine field ; both the American car and the burnt-out tank were stuffed with explosives and if I had been unfortunate enough to touch anything I should not have had the pleasure of writing this diary.

All these incidents were quickly forgotten, and three days later, after successful negotiations, I was able to enter the Dunkirk prison with four tons of relief supplies. The Allied prisoners of war for whom the supplies were intended, received me with loud cheers for the Red Cross. Their excitement at making contact with the outside world after being entirely cut off during six months is a thing which your delegate can never forget.

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## IV. Finances <sup>1</sup>

### (A). GENERAL OBSERVATIONS

In the years immediately preceding the second World War, the financial position of the ICRC was somewhat precarious. Its resources were made up of voluntary contributions from National Red Cross Societies and revenue from its own invested capital and its Endowment Fund.

Although several International Red Cross Conferences had passed recommendations urging on National Societies to increase their financial support to the ICRC, contributions from these Societies during the years 1920 to 1939 provided only 44 per cent of its income, and covered only 38 per cent of its expenditure.

The Endowment Fund, a separate trust, was constituted in 1931 (ICRC Trust) by a donation of 500,000 francs from the Swiss Confederation, and was added to the already existing trust fund of 386,000 francs. This trust fund only reached a million francs when the Nobel Prize was awarded to the ICRC in 1945. Despite the recommendations of the International Conferences, neither Governments nor National Societies helped to increase it in any marked degree, and the ICRC only had at its disposal the income from this trust fund, amounting to some 24,000 francs per annum.

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<sup>1</sup> For reasons of accountancy, it has been necessary to close the present report on the finances of the ICRC as on December 31, 1946, and not on June 30, 1947. The financial period for 1947 will be dealt with in a chapter of the Report on the work of the ICRC from July 1, 1947 to June 30, 1948.

These two sources of income were never sufficient during this period to cover the expenditure of the ICRC, which did not, however, exceed the modest average of 130,000 francs per annum. The ICRC was therefore obliged to use the slender capital it had accumulated after the first World War and which, early in 1939, only amounted to about 163,000 francs.

When the second World War broke out, the ICRC would have been unable to start its activities, and in particular the immediate organization of the Central Prisoners of War Agency, without a loan of 200,000 francs which it sought from the Swiss Confederation, and a similar sum subscribed during the summer of 1939 by Swiss business concerns. In this manner, the ICRC was able, in 1939, to cover its still modest requirements, which amounted on an average to about 15,000 francs monthly. In 1940, a collection taken in Switzerland made it possible to balance its budget. At the beginning of the following year, about three-quarters of its resources derived from Switzerland.

In general, the resources of the ICRC during the second World War were composed of donations from Governments, National Red Cross Societies, organizations, business concerns and private donors, and of collections made in Switzerland. When appealing for financial assistance, the ICRC always maintained the principle of refusing contributions which the donors wished to be earmarked to meet the cost of some particular undertaking. The aim of this policy was to assert the Committee's complete independence and the neutral significance of its undertakings, which formed a whole and depended one on the other for being put into effect.

In the war years there was a considerable increase in the Committee's running costs. Whereas, at the end of 1939, they scarcely exceeded 100,000 francs, they had in 1941 risen to about three million francs, and in 1945 reached their peak of seventeen millions and a half, that is nearly a million and a half per month. From 1939 to December 31, 1946, the ICRC had spent a total of about 55 million francs to carry out its humanitarian work, without taking into account the cost of the Relief Departments, which amounted to over fifteen million francs, and was borne by the National Societies and Governments

concerned <sup>1</sup>. It should be noted, in this connection that this outlay of fifteen millions enabled the ICRC to forward relief supplies of all descriptions for a total value of over 3,000 million Swiss francs.

The sum which the ICRC expended during *six years* of war amounted to about 55 million Swiss francs. When compared with the sum total of war expenditure of all the belligerents, it equals the cost of *six hours* of the war !

The annual balance sheets of the ICRC for 1942 and 1943 alone show a relatively important credit balance remaining at the disposal of the Committee. The difficulties encountered during these years, however, by most of the delegations abroad in sending their accounts to Geneva (which could not be entered in the Committee's books before the documents were received) meant that these credit balances, calculated without those particular items, were purely fictitious. Further, the ICRC was obliged to make advances, sometimes amounting to several millions, to National Societies, and even to some Governments, to meet expenditure for which they were directly responsible, incurred for relief operations and for transmission of messages by post, cable or radiotelegram. The ICRC charged neither interest nor commission on these advances, although they represented direct expenditure.

From 1944, these credits rapidly diminished, on account of the development in the Committee's activities as the war reached its climax.

In 1945, the financial situation of the ICRC began to be very critical. Although its activities showed no decline, its principal sources of revenue were decreasing, and in some cases were completely exhausted. The contributions of the Italian Government were suspended after the 1943 armistice, and the regular grants by Germany and Japan ceased on the capitulation of these two Powers. Large remittances placed at the disposal of the ICRC by the Japanese and German Governments shortly before the end of the war were frozen by the financial measures taken at that time by the Allies. (The Committee still remains

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<sup>1</sup> See Vol. III.

unaware of what will be done with the greater part of these funds.) Moreover, the majority of other Governments and National Societies who had, until this date, been the most direct source of the Committee's income, ceased their payments, or reduced them considerably in the course of 1945. At the end of the financial year 1945, the available credit balance amounted only to 200,000 francs, apart from a sum set aside to underwrite certain important risks still outstanding. The Committee, therefore, emerged from the war years just as poor as it was at the outset.

Subscribers doubtless believed that, as the war had come to an end and fighting zones which only neutrals had been able to cross no longer existed, the ICRC could immediately close down its services. Unfortunately, the countless ills which the war had brought in its train did not cease with the end of the fighting. Had the Committee closed its work at too early a date, it would have failed in its duty. Millions of PW were still held in captivity; their number was even greater than at the peak of the conflict. As the Protecting Powers considered their mandate at an end, the ICRC was henceforth practically the only body able to help these men. The occupation of the defeated countries called for a neutral intermediary, and it was only by slow degrees that living conditions became any easier for the civil populations.

The interventions of the ICRC, entirely humanitarian and impartial, should be in the first place based on the moral and physical needs of the various classes of war victims. The Committee has, indeed, at no time believed that it should make its services depend on the funds at its disposal at any given moment, nor on the reciprocity, simultaneous or successive, of interests of the belligerents concerned. Further, the Committee could not feel free to give up its activities so long as Powers still holding PW, and occupying authorities or governments of liberated states agreed to its intervention, or begged, maybe, for its help. The ICRC considered that its work from the outbreak of the war until it ended, and during the aftermath, as a complete whole.

However, even whilst confining its efforts to those particular

duties imposed by its tradition, and whilst practising the greatest possible economy, the Committee found itself inevitably compelled to raise funds necessary for that work. Had it not done so, great numbers of PW and other victims of the war would have lacked its help and been deprived of the benefit of much of its experience. The significance of the work to which it had applied itself since 1863 would thereby have been weakened.

An urgent appeal was therefore made to many Governments and National Red Cross Societies. In spite of some generous donations, the Committee would not have been able to meet current expenses, or even maintain its solvency, if the Swiss Confederation had not responded to its request and consented to make the necessary advances. When the financial position of the Committee was made known to the Swiss Federal Council in the autumn of 1945, the question at once received the sympathetic attention of the Federal Chambers, which immediately recognized its urgency and voted an advance of five million francs; in April 1946, this sum was increased by a further decision to seven millions and a half. Without these grants, the Committee would have been obliged at once to close the greater part of its departments, as from April 1, 1946, and to cancel all staff engagements in Switzerland and abroad.

Nevertheless, the financial position of the ICRC still remained problematical, and it could not continue to rely upon one Government for its financial requirements. In June 1946, a circular letter was sent to Governments and National Red Cross Societies, setting forth the Committee's financial position, and stressing its imperative need of funds to carry on its work.

Two months later, on the proposal of the ICRC, the Preliminary Conference of National Red Cross Societies was held in Geneva. The Committee's appeal was favourably received and, on a motion of the American Red Cross, the Conference, in a fine spirit of co-operation, decided by a unanimous vote that fifteen million Swiss francs should be placed at the Committee's disposal, until 1950, by the National Red Cross Societies. A special Commission was set up on the spot to draw up a scale of participation of each National Society respectively in the first



instalment of ten millions, to be paid before the end of 1947. This Commission, composed of members of the French, Belgian, British, Italian and Swedish Red Cross Societies, settled on a scale of contributions based as far as possible on the relative financial position of each country. The schedule was communicated to the National Societies by the French Red Cross, the representative of which was chairman of the Commission. Attention was drawn to the necessity for the contribution to be paid with as little delay as possible, if necessary with the help of Government grants or of public subscriptions.

By the end of December 1946, some National Societies had already made over their contribution to the ICRC ; others sent word that they agreed, on principle, with the scale, and that their share would be paid in the near future. The Committee expressed its gratitude to all concerned. The general result of this scheme for financing the work of the Committee and the conclusions to be drawn therefrom will only be available during 1948.

## (B). RECEIPTS AND EXPENDITURE

In order to examine the receipts and expenditure of the ICRC a distinction should be drawn between the following items :

### 1. General Account of the ICRC

This account is the sequence of the accounts submitted by the ICRC in peace-time. As, however, during the past seven years the ICRC and its departments were almost exclusively engaged in war work, the items of the General Account are small, compared with those of the War Work Account.

A schedule is annexed showing the annual statements of this account from 1939 to the end of 1946.

*Receipts.* — These include the revenue from the Committee's investments and from the Endowment Fund, as well as contributions from National Societies, sundry donations and payments. Except in 1946, in which year the ICRC received an extra-

ordinary grant from the War Organization of the British Red Cross Society amounting to nearly two million francs, in recognition of the work accomplished by the Committee during the War, the receipts varied very slightly from one year to another.

*Expenditure.* — This comprises, in particular, current working costs, including the salaries of staff engaged before 1939 (which have been carried to War Work Account since 1943), subscriptions to the Central Standing Bureau of the International Relief Union and to the Information Centre for Chemical Warfare, the costs for the “*Revue internationale de la Croix-Rouge*”, and, in 1939, an allocation of 50,000 francs by the ICRC to the Central PW Agency to enable it to start work.

## 2. War Work Account

This account covers, in the first place, all expenditure on war activities (working costs of the ICRC, the Central PW Agency and delegations abroad) and, on the credit side, payments made to the ICRC for this work by belligerent and neutral Governments, National Red Cross Societies, the public and various Swiss authorities and organizations.

With regard to the expenditure and receipts of the Divisions of the ICRC engaged in material relief activities, and in land and sea transport<sup>1</sup>, the figures have not been entered in the War Work Account, the finances of these services having been kept apart.

A distinction should be drawn in the War Work accounts between,

(1) The funds which the ICRC had at its free disposal ;

(2) Funds made over by donors for transmission, or for specified purchases. These monies were placed in the hands of the Committee as trustee and have no direct bearing on its financial situation. There is therefore no need to comment on them.

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<sup>1</sup> This refers to the Divisions for Collective Relief, Pharmaceutical Supplies, Special Relief, Road Transport and Individual Relief, whose activities and finances are described in Vol. III.

As the ICRC has only received reimbursement for a certain proportion of its services (distribution of relief supplies, and forwarding of certain types of messages), the greater part of its work had to be paid for by contributions given unconditionally, but without any assurances as to the amount or the time during which the support would be granted.

The annexed schedules show (1) the fluctuations in the chief contributions made by Governments and National Societies, and (2) the proceeds of public subscriptions, and the grants made by private bodies in Switzerland.

It should be recalled that the ICRC gave initial financial support to two organizations: the *Foundation for Red Cross Transports*, for which the initial capital of 10,000 francs was provided by the Committee, and the *Joint Relief Commission of the International Red Cross*, for which the capital of 10,000 francs was made up of equal contributions from the Committee and the League of Red Cross Societies.

It does not seem necessary to enter here into a detailed account of the manifold expenditure incurred by the ICRC in recent years. At the end of each financial year, the Committee has submitted detailed statements of accounts to National Red Cross Societies, Governments and the principal donors, showing the curve of receipts and expenditure. These statements were also published in the " *Revue internationale de la Croix-Rouge* ". Further, the Committee's accounts were audited during, and at the end of each financial year by qualified auditors, whose reports were also submitted by the Committee to the Governments and National Societies concerned.

Nevertheless, a few general details regarding the most important items of expenditure may be found useful.

#### (a) *Staff salaries*

As already stated, a great many of the staff were voluntary workers. During the first years, the salaried personnel were paid on a very low basis. Later, the continual increase in the cost of living and the lengthening period of the war made a general rise in salaries necessary which, however, only became effective for the majority of the staff in 1944.

As on December 31	Salaried staff in Switzerland and abroad	Average salary for each member and per month
1939	85	—
1940	726	120
1941	802	120
1942	1096	200
1943	1391	250
1944	1725	315
1945	1571	360
1946	799	400

(b) *Delegations and missions*

The work of the ICRC made it necessary to open a number of delegations abroad, and to appoint many delegates. These delegations made it possible for the Committee to extend beyond measures its effective work for the victims of the war: at the same time, they entailed large expense, which accounted for fully one-third of the whole of the Committee's expenditure from 1939 to the end of 1946.

(c) *Central PW Agency*

The provision of funds for the Agency were assured by the ICRC from its general receipts. A numerous staff and the most varied installation and equipment involved fairly large expenditure. It should be noted, however, that these costs would have been very much greater had the ICRC not been able to use, from 1939 to the end of 1946, the Hollerith Machines generously lent by Mr. T.J. Watson, of the International Business Machines Corporation <sup>1</sup>.

(d) *Rents*

As already stated, the authorities of the City and Canton of Geneva, with great generosity, put at the disposal of the ICRC, rent free, most of the premises which were gradually required. The rent charges the Committee saved in this way amounted to over one million francs.

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<sup>1</sup> For supplementary details see Vol. II.

### (e) *Telegrams*

From 1942, practically all communications with the outside world were cut, and the ICRC had then to make an ever-increasing use of the telegraph. Until the summer of 1942 the charges for telegrams sent by the Committee (the majority of which directly concerned National Societies or Governments) were entirely borne by itself.

In view of the great increase in this expenditure, the ICRC could no longer put off a decision to charge the cost of telegrams in future to the bodies and persons concerned. The Committee had, however, to meet the amounts due to the Swiss postal authorities, and to advance the funds required for this purpose. The refunds were only made after long delay, and some accounts had in fact still not been settled by June 30, 1947.

In order to simplify and to speed up the payment of accounts due to the Committee for telegraphic transmission of lists of PW and civilian internees, a system called "Collect Account", (which until then had not been employed in international exchanges with Switzerland) was adopted; it worked from 1942 until January 1947 in the following manner.

The companies (transmitting and receiving) entered into an agreement whereby the addressee, duly recognized by both administrations, guaranteed the payment of charges on arrival, and was responsible for these charges to the receiving company. Senders could thus transmit telegrams without paying the costs, which were borne by the addressees. This system was only in force for certain Governments and National Red Cross Societies.

While the "Collect Account" proved satisfactory, the ICRC was obliged, as for ordinary telegrams, to advance large sums, the refunding of which was, in some cases, only made after a long delay.

At the end of 1944, an agreement was made between the Committee, the Japanese Government and certain Allied Governments, for the exchange by telegram of family messages, of not more than 10 words, between PW in Japanese hands and their next of kin, through the intermediary of the ICRC. The charges for telegrams sent from Japan were paid on their arrival

at Geneva by the ICRC, who forwarded the message and invoiced the amounts to the National Societies concerned.

In the same manner, these Societies paid telegram costs as far as Geneva and were debited by the Committee for transmission charges to Japan. This wireless telegram service ceased in August 1945, and was financed from funds previously handed to the ICRC for the purpose by the National Societies and Governments concerned. Over 150,000 wireless telegrams were transmitted by this arrangement.

From 1939 to 1946, the ICRC Telegraph Service handled telegrams which cost in all, over six million Swiss francs, without including those sent through the "Collect Account".

#### (C). TREASURY DEPARTMENT

In early September 1939, the Committee's finances and accountancy were dealt with by a staff of four people, under the direction of one of the Committee members, acting as Treasurer. This small section rapidly grew in numbers, and by the end of 1943, the staff had increased to thirty. There followed the appointment of an executive, called the "Financial and Administrative Department", which was the responsibility, at first of the Treasurer of the ICRC and later (when the Central Management was set up at the beginning of 1946) of a Director-Delegate. At this time, the Department included 60 members, engaged in correspondence, book-keeping, delegation accounts, money transfers, money orders, telegrams, statistics and filing.

The Treasury Department would have grown to far greater proportions, had not independent accounts sections under the control of the Treasury been organized in the principal Relief Divisions.

The chief duties of the Treasury consisted in receiving the funds sent to the ICRC and in notifying the Divisions concerned of their receipt, in settling accounts on behalf of the said Divisions and, generally speaking, in effecting all movements of funds required by the Committee's work. The Treasury also supervised income and expenditure in respect of overhead charges.

Among these duties, two items call for more detailed explanation and comment : they are (1) the transmission of funds for relief, and (2) the transfer of funds to the delegations of the ICRC :

### (1) *Transmission of Funds for Relief*

Whereas the transmission of funds for collective relief, (money sent to groups of PW, civilian internees or other war victims), was dealt with by the Special Relief and the Far East Divisions<sup>1</sup>, transfers of relief funds to third parties were handled by the Treasury. These remittances, forwarded by post or through a bank (when available), or through the Committee's delegations, were very numerous, being about 100,000 from 1939 to the end of 1946. The total figures were as follows :

1939 . . . . .	Fr. 9,152.94
1940 . . . . .	„ 209,565.61
1941 . . . . .	„ 394,639.82
1942 . . . . .	„ 496,535.47
1943 . . . . .	„ 683,293.79
1944 . . . . .	„ 1,091,054.83
1945 . . . . .	„ 1,440,307.55
1946 . . . . .	„ 869,358.87
	<u>Fr. 5,193,908.88</u>

### (2) *Transmission of funds to the Delegations*

The Committee often met with the greatest difficulties in sending to its delegations abroad the money required for their current expenses and maintenance, as well as the funds needed to purchase locally considerable relief supplies for victims of the war. The belligerents lost no time in tightening their economic and monetary restrictions. The freezing of funds, the difficulty of obtaining the necessary permits, and restrictions of every kind entailed applications without number, and retarded and

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<sup>1</sup> See below Chapter on Far East (par. 6) and Vol. III.

seriously hampered the work of the Delegations. These restrictions had also their effect in neutral countries, which were obliged in their turn to take protective measures. It should, however, be recorded that both the Swiss Federal authorities and the Swiss banks showed great understanding of the Committee's difficulties, and helped to promote many of these operations. The Committee had, nevertheless, on some occasions, to devise new methods in order to meet the calls on its services. At the end of 1944, for instance, when postal and telegraphic communications with Rumania and Hungary had broken down, the Delegations in these countries had to fall back on the issue of a certain number of certificates, in order to obtain locally the funds they could no longer receive from Geneva, and which were necessary for financing their work <sup>1</sup>.

Arrangements for transferring funds to the Delegations in the Far East became extremely difficult from 1944, in which year the Japanese Government decreed that remittances to individuals in countries and territories occupied by their forces must in future be sent first to Tokyo, and no longer direct to the addressees. Further, this Government demanded that funds remitted in Swiss francs for the various delegations of the ICRC in the Far East should be paid out in local currency, at an arbitrary rate of exchange fixed by the Japanese themselves. This proceeding greatly reduced the purchasing power of the available funds and also caused delay which much impeded relief work, since the delegates in occupied territories were unable, through lack of money, to make immediate purchases of essential goods at a time when prices were constantly rising. To meet the situation, they decided to make arrangements with private persons and local firms, who placed large sums at their disposal. These measures, which the delegates took at very great risk, forestalled considerable loss to donors and made it possible to purchase and distribute without delay large quantities of goods for the benefit of PW and civilian internees held in these areas.

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<sup>1</sup> For further details see Vol. III (Special Relief Division.)



## LIST OF ANNEXED SCHEDULES <sup>1</sup>

1. *General Account*. — Receipts and expenditure for the financial periods 1938 to the end of 1946.
2. *General Account*. — Contributions by National Red Cross, Red Crescent and Red Lion and Sun Societies from 1939 to the end of 1946.
3. *War Work Account*. — Receipts and expenditure from September 1, 1939, to December 31, 1946.
4. *War Work Account*. — Working costs incurred in Geneva from 1939 to the end of 1946.
5. *War Work Account*. — Government grants from 1939 to the end of 1946.
6. *War Work Account*. — Grants from National Red Cross Societies from 1939 to the end of 1946.
7. Total contributions by various countries (Governments and Red Cross Societies), from 1938 to the end of 1946.

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<sup>1</sup> For technical reasons of accounting the schedules relative to the General Account (Nos. 1 and 2) and that which sets out the results of this account (No. 7) also include the financial period of 1938.

# RECEIPTS AND EXPENDITURE FOR THE

## GENERAL

	1938	1939	1940
	Sw. Fr.	Sw. Fr.	Sw. Fr.
RECEIPTS :			
Revenue from investments ICRC . . .	10,782.40	8,745.45	8,313.05
Revenue from Foundation for ICRC. . .	28,805.65	28,688,—	28,642.50
Donations and Sundry Receipts (including gift from the Vatican = 42,500 fr.)	3,154.77	26,202,—	29,483.19
Contributions of Red Cross Societies (see 2.) . . . . .	98,054.24	80,453.33	77,406.26
Special contribution British Red Cross			
Actual Receipts . . . . .	140,797.06	144,088.78	143,845,—
Withdrawn from ICRC funds		62,092.35	
Carried forward . . . . .			
Totals . . . . .	140,797.06	206,181.13	143,845,—
EXPENDITURE :			
Administrative expenses . . . . .	101,361.36	119,954.65	105,035.80
U.I.S. Central Permanent Office. . .	7,612.75	7,308,—	7,308,—
"Revue internationale de la Croix-Rouge"	6,500.—	5,500.—	8,500.—
Research Centre on Chemical Warfare	1,680.65	2,000.—	1,865.70
Fund for XVIIth Conference . . . .		5,000.—	5,000.—
Mission to Moscow . . . . .	10,000.20		
XVIth Conference . . . . .	24,603.75		
Various missions . . . . .	721.45	3,032.55	9,175.60
War Work Account . . . . .		50,000.—	
Sundries . . . . .		786.76	
Actual Expenditure . . . . .	152,480.16	193,581.96	136,885.10
Transfer to ICRC Funds . . .			
Deficits carried forward . . . . .	152,480.16	193,581.96	136,885.10
Deficits to be carried forward . . . .	916.07	12,599.17	
Credit carried forward . . . . .	— 12,599.17		6,959.90
TOTALS . . . . .	140,797.06	206,181.13	143,845,—

## ANNUAL FINANCIAL PERIODS 1939 TO 1946

## ACCOUNT

1941	1942	1943	1944	1945	1946
Sw. Fr.	Sw. Fr.	Sw. Fr.	Sw. Fr.	Sw. Fr.	Sw. Fr.
8,521.65	8,603.20	10,083.35	10,037.45	12,784.55	20,078.85
27,661.95	28,161.60	28,755.15	23,077.55	27,000.75	24,094.05
15,119.18	15,860.96	11,408.65	30,556.53	97,023.25	63,477.60
54,810.43	80,856.23	64,954.72	54,801.79	70,770.29	55,083.64
					1,989,500.—
106,113.21	133,481.99	115,201.87	118,473.32	207,578.84	2,152,234.14
6,959.90			56,439.61		
113,481.99	133,481.99	115,201.87	174,912.93	207,578.84	2,152,234.14
87,992.37	145,825.51	17,208.57	16,825.94	27,062.64	34,626.64
5,785.50		2,674.90			
4,700.—	9,600.—	3,000.—	1,000.—		8,000.—
1,925.40	1,925.—	1,925.—	1,925.—	1,800.—	1,800.—
5,000.—	5,000.—	5,000.—	5,000.—	5,000.—	5,000.—
4,923.50		85.27		350.—	6,899.01
2,746.34			25,369.70		
113,073.11	162,350.51	29,893.74	50,120.64	34,212.64	56,325.65
			124,792.29	173,366.20	2,095,908.49
113,073.11	162,350.51	29,893.74	174,912.93	207,578.84	2,152,234.14
	— 28,868.52	28,868.52			
		56,439.61			
113,073.11	133,481.99	115,201.87	174,912.93	207,578.84	2,152,234.14

# CONTRIBUTIONS FROM NATIONAL SOCIETIES

## GENERAL

	1938 Sw. Fr.	1939 Sw. Fr.	1940 Sw. Fr.	1941 Sw. Fr.
Albania . . . . .	350.—	336.—	—	—
Belgium . . . . .	—	2,947.—	—	—
Brazil . . . . .	1,186.97	—	—	—
Bulgaria . . . . .	—	1,098.90	1,000.—	1,564.94
Canada . . . . .	873.—	1,105.—	4,934.86	—
Chile . . . . .	—	1,800.—	—	871.50
Costa-Rica . . . . .	108.75	—	—	—
Cuba . . . . .	330.—	—	223.—	214.—
Czechoslovakia . . . . .	—	1,058.95	—	—
Danzig . . . . .	150.—	150.—	—	—
Denmark . . . . .	1,450.68	1,850.14	1,690.75	1,665.—
Dominican Republic . . . . .	871.—	—	434.78	—
Ecuador . . . . .	100.—	—	100.—	200.—
Egypt . . . . .	547.05	—	894.80	—
Eire . . . . .	—	—	—	3,455.—
Esthonia . . . . .	—	224.85	—	—
Finland . . . . .	1,431.30	1,367.37	1,318.10	1,295.34
France . . . . .	2,422.—	2,346.—	—	—
Germany . . . . .	13,105.50	4,005.—	3,926.25	3,870.—
Great Britain . . . . .	4,399.50	3,643.50	—	—
Greece . . . . .	472.44	475.43	433.50	—
Guatemala . . . . .	84.30	69.85	52.35	186.75
Hungary . . . . .	—	400.—	—	—
India . . . . .	1,620.—	1,525.—	—	2,560.—
Iran . . . . .	—	696.93	700.—	—
Iceland . . . . .	—	—	—	—
Italy . . . . .	4,281.75	—	4,338.60	4,290.05
Japan . . . . .	10,000.—	10,000.—	10,000.—	10,000.—
Latvia . . . . .	500.—	1,329.—	—	—
Lithuania . . . . .	800.—	—	—	—
Mexico . . . . .	—	—	—	1,072.50
Netherlands . . . . .	2,403.50	2,403.27	2,371.35	243.35
Netherlands East Indies . . . . .	—	—	—	1,137.—
Norway . . . . .	2,326.50	1,492.54	1,475.01	1,474.50
Peru . . . . .	227.80	—	80.—	—
Poland . . . . .	1,647.20	1,666.50	2,702.50	—
Rumania . . . . .	153.15	766.30	608.90	—
San Salvador . . . . .	—	—	1,016.—	—
Siam (Thailand) . . . . .	1,536.35	—	1,272.—	1,236.—
South Africa . . . . .	211.90	204.60	174.—	—
Sweden . . . . .	2,229.—	2,127.—	2,120.—	2,049.50
Switzerland . . . . .	800.—	800.—	1,000.—	1,000.—
Turkey . . . . .	10,476.—	10,264.20	9,757.95	—
United States . . . . .	21,740.—	22,300.—	13,365.—	12,900.—
U.S.S.R. . . . .	7,218.60	—	8,916.56	3,525.—
Yugoslavia . . . . .	2,000.—	2,000.—	2,500.—	—
TOTALS. . . . .	98,054.24	80,453.33	77,406.26	54,810.43

## TO ICRC, FROM 1938 TO END 1946

## ACCOUNT

1942 Sw. Fr.	1943 Sw. Fr.	1944 Sw. Fr.	1945 Sw. Fr.	1946 Sw. Fr.	Totals Sw. Fr.
—	1,062.92	694.45	—	—	2,443.37
1,384.15	2,800.—	3,000.—	—	2,985.—	13,116.15
—	1,793.75	—	4,159.82	1,913.50	9,054.04
—	4,694.82	—	5,000.—	—	13,358.66
28,939.20	—	—	—	—	35,852.06
—	623.10	520.80	1,052.84	500.—	5,368.24
—	—	—	—	—	108.75
—	—	—	—	—	167.—
—	—	—	—	—	1,058.95
—	—	—	—	—	300.—
1,801.48	1,801.48	1,801.48	1,801.48	1,789.07	15,651.56
—	—	—	—	1,290.—	2,595.78
100.—	—	—	—	42.50	542.50
—	—	—	—	—	1,441.85
—	—	—	—	8,637.50	12,092.50
—	—	—	—	—	224.85
1,275.—	1,275.—	1,275.—	1,275.—	3,000.—	13,512.11
—	—	—	—	—	4,768.—
3,870.—	5,160.—	—	10,320.—	—	44,256.75
—	—	—	—	1,989,500.—	1,997,543.—
—	—	—	—	6,502.50	7,883.87
189.45	—	187.65	—	193.50	963.85
200.—	1,006.65	—	—	—	1,606.65
1,260.—	1,260.—	1,260.—	1,260.—	1,241.10	11,986.10
—	—	—	—	600.—	1,996.93
—	—	1,000.—	—	—	1,000.—
—	6,200.—	—	—	—	19,110.40
20,000.—	9,975.—	10,000.—	—	—	79,975.—
—	—	—	—	—	1,829.—
—	—	—	—	—	800.—
—	—	—	—	1,720.—	2,792.50
1,147.90	—	—	2,295.80	—	10,865.17
—	—	—	—	—	1,137.—
2,949.05	—	2,949.05	2,949.05	5,166.67	20,782.37
—	200.—	—	2,150.—	4,232.30	6,890.10
1,392.—	1,400.—	1,400.—	—	—	10,208.20
—	—	673.10	—	—	2,201.45
—	—	—	—	390.—	1,406.—
—	—	794.06	—	—	4,838.41
—	—	—	—	—	590.50
2,052.—	2,052.—	2,050.—	2,049.—	4,100.—	20,828.50
1,000.—	1,000.—	1,000.—	1,000.—	1,000.—	8,600.—
9,771.—	9,780.—	9,780.—	9,770.20	9,780.—	79,379.35
—	12,870.—	12,900.—	25,687.10	—	121,762.10
3,525.—	—	3,516.20	—	—	26,701.36
—	—	—	—	—	6,500.—
80,856.23	64,954.72	54,801.79	70,770.29	2,044,583.64	2,626,690.93

# RECEIPTS AND EXPENDITURE FROM WAR WORK

RECEIPTS	1939 Sw. Fr.	1940 Sw. Fr.	1941 Sw. Fr.
Grants from Governments (see Schedule 5) . . . . .	200,000.—	348,333.36	946,302.95
Grants from National Red Cross Societies (see Schedule 6) . . . .	5,721.16	263,503.95	465,328.01
Grants from corporations, firms and private individuals . . . .	22,340.09	489,912.28	286,644.77
Collections in Switzerland . . . .		921,549.96	1,941,617.06
Sale of postage stamps . . . . .	16,566.45	100,009.30	183,871.94
Reimbursement of cost of messages and cable charges . . . . .			
Sundry receipts and reimburse- ments . . . . .	2,038.85	8,494.25	19,034.05
Contribution of Relief Departments Grant from IRCC . . . . .	50,000.—		
	296,666.55	2,131,803.10	3,842,798.78
Carried over from previous period		179,960.55	1,170,615.57
	296,666.55	2,311,763.65	5,013,414.35
EXPENDITURE :			
General expenses at Geneva (see Schedule 4) . . . . .	88,542.35	1,003,703.18	2,408,345.37
Missions and delegations . . . .	18,686.65	120,339.—	533,772.97
Paid into Reserve Accounts . . . .		17,105.90	
Grants to Fund and Sundry Expenses . . . . .	9,477.—		275.10
	116,706.—	1,141,148.08	2,942,393.44
Credit carried forward . . . . .	179,960.55	1,170,615.57	2,071,020.91
Deficit carried forward . . . . .			
	296,666.55	2,311,763.65	5,013,414.35

## Schedule 3

SEPTEMBER 1, 1939 TO DECEMBER 31, 1946

ACCOUNT

1942 Sw. Fr.	1943 Sw. Fr.	1944 Sw. Fr.	1945 Sw. Fr.	1946 Sw. Fr.
4,664,553.20	2,972,239.94	3,037,473.65	2,062,590.99	590,557.74
454,989.64	994,467.79	1,073,765.61	2,325,150.81	3,403,693.54
372,769.58	757,249.83	1,026,037.19	486,982.27	534,485.90
1,997,778.60	2,546,966.80	3,103,081.80	2,078,602.50	1,879,616.81
298,842.16	317,423.15	382,634.07	113,436.37	32,660.25
	2,093,574.16	1,934,368.55	1,697,567.45	669,007.91
615,622.78	1,029,263.60	503,399.81	580,474.06	
		1,619,183.65	2,461,081.91	1,091,198.62
8,404,564.96	10,711,185.27	12,679,944.33	11,805,886.36	8,201,220.77
2,071,020.91	6,042,216.18	8,058,849.73	5,959,075.34	207,118.20
10,475,585.87	16,753,401.45	20,738,794.06	17,764,961.70	8,408,338.97
3,593,963.02	6,480,056.13	8,496,749.64	9,950,077.51	6,817,902.93
839,406.67	2,214,495.59	4,957,969.08	7,057,765.99	4,618,577.76
		1,265,000.—	550,000.—	
		60,000.—		50,000.—
4,433,369.69	8,694,551.72	14,779,718.72	17,557,843.50	11,486,480.69
6,042,216.18	8,058,849.73	5,959,075.34	207,118.20	3,078,141.72
10,475,585.87	16,753,401.45	20,738,794.06	17,764,961.70	8,408,338.97

# GENERAL EXPENSES

## WAR WORK

GENERAL EXPENSES	1939	1940	1941
	Sw. Fr.	Sw. Fr.	Sw. Fr.
Salaries . . . . .	27,777.15	519,207.20	1,404,207.12
Discharge allowances . . . . .	—	—	—
Outside teams . . . . .	—	9,067.05	13,402.11
Postage, messages, telephone, telegrams, wireless . . . . .	19,099.20	161,719.22	329,321.56
Photostats . . . . .	—	97,999.80	157,481.09
Publicity, propaganda, exhibitions cinema films, lectures, entertainment etc. . . . .	—	4,081.95	72,189.47
Office furniture and sundry printing . . . . .	16,318.40	112,041.31	248,393.30
Rents, lighting, heating and office maintenance . . . . .	—	4,464.95	1,325.—
Furniture, stationery, typewriters office installations and equipment . . . . .	22,949.45	46,262.50	100,751.05
Maintenance of motor vehicles, fuel oil, tyres, repairs, etc. . . .	—	—	—
Sundry expenses, insurance, Swiss Mobilization Fund, sundry relief supplies, travel, passports, etc.	2,398.15	48,859.20	81,274.67
(See Schedule 3) TOTALS	88,542.35	1,003,703.18	2,408,345.37



## INCURRED AT GENEVA

## ACCOUNT

1942 Sw. Fr.	1943 Sw. Fr.	1944 Sw. Fr.	1945 Sw. Fr.	1946 Sw. Fr.
2,295,053.88	4,129,689.30	5,703,469.65	7,343,230.10	5,080,035.55
—	—	—	34,915.60	331,573.20
10,542.27	33,635.23	52,590.48	77,960.57	291,317.22
430,433.23	1,213,680.65	1,171,863.46	705,053.62	215,176.81
86,445.10	155,945.41	346,526.53	297,541.78	46,923.80
185,786.40	141,602.38	192,732.29	374,046.34	80,990.75
267,382.98	259,809.79	456,433.87	413,628.51	193,417.89
4,857.85	126,938.87	123,078.80	132,795.71	105,738.19
201,992.08	263,782.75	407,189.24	272,302.39	80,862.61
—	—	—	171,463.32	210,006.56
111,469.23	154,971.75	42,865.32	127,139.57	181,860.35
3,593,963.02	6,480,056.13	8,496,749.64	9,950,077.51	6,817,902.93

# GOVERNMENT GRANTS TO ICRC

## WAR WORK

	1939 Sw. Fr.	1940 Sw. Fr.	1941 Sw. Fr.
Government of: Australia . . .	—	—	—
Bavaria . . .	—	—	—
Belgium . . .	—	—	—
Belgian Congo .	—	—	—
Canada . . . .	—	—	19,000.—
France . . . .	—	172,000.—	386,000.—
Germany . . .	—	94,500.—	320,515.—
Great Britain .	—	70,800.—	191,962.95
Greece (London)	—	—	—
India . . . . .	—	—	—
Japan . . . . .	—	—	—
New Zealand .	—	—	8,625.—
Poland . . . .	—	11,033.36	5,200.—
Rumania . . .	—	—	—
Slovakia . . .	—	—	—
South Africa . .	—	—	—
Switzerland . .	200,000.—	—	—
Yugoslavia . .	—	—	15,000.—
Town of Freiburg-in-Breisgau .	—	—	—
TOTALS (See Schedule 3)	200,000.—	348,333.36	946,302.95

\* Grant for 1946/47 of the Canadian Government, credited for the year 1947 (= \$40 000.).

## FROM 1939 TO END OF 1946

## ACCOUNT

1942	1943	1944	1945	1946	Total
Sw. Fr.	Sw. Fr.	Sw. Fr.	Sw. Fr.	Sw. Fr.	Sw. Fr.
8,250.50	—	—	206,341.90	69,152.50	283,744.90
—	—	—	—	1,500.—	1,500.—
50,000.—	—	200,000.—	—	150,310.55	400,310.55
—	—	—	18,640.25	—	18,640.25
38,240.—	—	269,068.—	—	{ 155,340.—	481,648.—
—	—	—	—	{ 170,782.50*	170,782.50*
800,000.—	1,400,000.—	400,000.—	800,000.—	—	3,958,000.—
308,000.—	429,500.—	667,574.—	262,500.—	—	2,082,589.—
391,008.70	746,831.25	777,105.—	717,075.—	179,268.75	3,074,051.65
—	86,000.—	86,250.—	—	—	172,250.—
—	25,799.85	—	—	—	25,799.85
—	252,000.—	587,685.—	—	—	839,685.—
—	17,250.—	43,125.—	43,175.—	29,875.—	142,050.—
—	—	—	—	—	16,233.36
—	—	6,666.65	—	2,110.94	8,777.59
—	14,858.84	—	14,858.84	—	29,717.68
51,810.—	—	—	—	—	51,810.—
3,000,000.—	—	—	—	—	3,200,000.—
17,244.—	—	—	—	—	32,244.—
—	—	—	—	3,000.—	3,000.—
4,664,553.20	2,972,239.94	3,037,473.65	2,062,590.99	590,557.75 + 170,782.50*	14,822,051.83 170,782.50*
General Total. . . . .					14,992,834.33

(See Schedule 7)

GRANTS FROM NATIONAL RED CROSS, RED CRESCENT AND RED  
WAR WORK

	1939 Sw. Fr.	1940 Sw. Fr.	1941 Sw. Fr.
Red Cross and Red Crescent Societies of			
Afghanistan . . . . .	—	—	—
America . . . . .	—	56,872.50	109,839.40
Argentina . . . . .	5,721.16	2,243.95	—
Australia . . . . .	—	—	22,753.45
Belgium . . . . .	—	—	—
Bulgaria . . . . .	—	—	—
Canada . . . . .	—	—	14,530.66
Ceylon (B.R.C.) . . . . .	—	—	—
Chile . . . . .	—	—	1,227.—
Egypt . . . . .	—	—	1,668.20
Eire . . . . .	—	—	—
Germany . . . . .	—	—	—
Great Britain . . . . .	—	—	107,140.—
Guatemala . . . . .	—	—	—
Haiti . . . . .	—	—	—
Hungary . . . . .	—	—	—
India . . . . .	—	—	8,446.—
Italy . . . . .	—	—	108,000.—
Netherlands . . . . .	—	—	—
Netherlands East Indies . .	—	—	25,000.—
New Zealand . . . . .	—	—	—
Norway . . . . .	—	—	—
Mexico . . . . .	—	—	—
Paraguay . . . . .	—	—	—
Poland (London) . . . . .	—	—	—
San Salvador . . . . .	—	—	2,410.80
Slovakia . . . . .	—	—	—
South Africa . . . . .	—	4,387.50	4,312.50
Switzerland . . . . .	—	200,000.—	—
(See Schedule 3) TOTALS	5,721.16	263,503.95	465,328.01

\* Grant of the Canadian Red Cross for 1946/47, credited for 1947 (Canadian \$150,000.—).

## Schedule 6

LION AND SUN SOCIETIES TO ICRC FROM 1939 TO END OF 1946  
ACCOUNT

1942 Sw. Fr.	1943 Sw. Fr.	1944 Sw. Fr.	1945 Sw. Fr.	1946 Sw. Fr.	Total Sw. Fr.
—	—	—	35,354.16	—	35,354.16
115,606.90	383,985.55	351,700.—	1,513,085.—	2,639,671.19	5,230,760.54
580.20	—	—	—	—	8,545.31
—	137,398.—	—	344,529.—	346,800.—	851,480.45
1,384.—	—	—	—	—	1,384.—
2,608.24	—	—	—	—	2,608.24
—	77,294.69	115,942.03	116,504.85	{ 125,055.51 640,478.20*	449,327.74 640,478.20*
—	—	—	—	578.20	578.20
—	—	—	1,081.90	2,004.30	4,313.20
—	—	—	—	—	1,668.20
8,637.50	—	8,637.50	—	—	17,275.—
—	—	—	—	900.—	900.—
62,220.—	62,220.—	406,057.20	62,220.—	31,151.—	731,008.20
—	—	—	189.05	—	189.05
—	—	—	—	6,000.—	6,000.—
—	—	1,200.—	—	—	1,200.—
—	34,600.—	69,213.80	—	—	112,259.80
240,000.—	140,000.—	—	20,000.—	—	508,000.—
—	—	—	46,710.—	10,000.—	56,710.—
—	—	30,000.—	—	—	55,000.—
—	11,767.75	17,356.80	53,052.85	39,127.65	121,305.05
—	29,853.35	—	—	—	29,853.35
—	3,843.85	—	—	—	3,843.85
—	211.10	—	—	—	211.10
—	—	—	17,300.—	—	17,300.—
—	—	—	—	—	2,410.80
—	15,000.—	14,858.85	—	—	29,858.85
23,952.80	98,293.50	58,799.43	115,124.—	202,405.69	507,275.42
—	—	—	—	—	200,000.—
454,989.64	994,467.79	1,073,765.61	2,325,150.81	3,403,693.54 + 640,478.20*	8,986,620.51 640,478.20*
Total . . . . .					9,627,098.71

(See Schedule 7)

# TOTAL CONTRIBUTIONS BY VARIOUS COUNTRIES (GOVERNMENTS)

Countries	1938 Sw. Fr.	1939 Sw. Fr.	1940 Sw. Fr.	1941 Sw. Fr.	1942 Sw. Fr.
Afghanistan . . . . .	—	—	—	—	—
Albania . . . . .	350.—	336.—	—	—	—
Argentina . . . . .	—	5,721.16	2,243.95	—	580.20
Australia . . . . .	—	—	—	22,735.45	8,250.50
Belgian Congo . . . . .	—	—	—	—	—
Belgium . . . . .	—	2,947.—	—	—	52,768.15
Brazil . . . . .	1,186.97	—	—	—	—
Bulgaria . . . . .	—	1,098.90	1,000.—	1,564.94	2,608.24
Canada . . . . .	873.—	1,105.—	4,934.86	33,530.66	67,179.20
Chile . . . . .	—	1,800.—	—	2,098.50	—
Costa Rica . . . . .	108.75	—	—	—	—
Cuba . . . . .	330.—	—	223.—	214.—	—
Czechoslovakia . . . . .	—	1,058.95	—	—	—
Danzig . . . . .	150.—	150.—	—	—	—
Denmark . . . . .	1,450.68	1,850.14	1,690.75	1,665.—	1,801.48
Dominican Republic . . . . .	871.—	—	434.78	—	—
Egypt . . . . .	547.05	—	894.80	1,668.20	—
Eire . . . . .	—	—	—	3,455.—	8,637.50
Ecuador . . . . .	100.—	—	100.—	200.—	100.—
Estonia . . . . .	—	224.85	—	—	—
Finland . . . . .	1,431.30	1,367.37	1,318.10	1,295.34	1,275.—
France . . . . .	2,422.—	2,346.—	172,000.—	386,000.—	800,000.—
Germany . . . . .	13,105.50	4,005.—	98,426.25	324,385.—	311,870.—
Great Britain . . . . .	4,399.50	3,643.50	70,800.—	299,102. 95	453,228.70
Greece . . . . .	472.44	475.43	433.50	—	—
Guatemala . . . . .	84.30	69.85	52.35	186.75	189.45
Haiti . . . . .	—	—	—	—	—
Hungary . . . . .	—	400.—	—	—	200.—
Iceland . . . . .	—	—	—	—	—
India . . . . .	1,620.—	1,525.—	—	11,006.—	1,260.—
Iran . . . . .	—	696.93	700.—	—	—
Italy . . . . .	4,281.75	—	4,338.60	112,290.05	240,000.—
Japan . . . . .	10,000.—	10,000.—	10,000.—	10,000.—	20,000.—
Latvia . . . . .	500.—	1,329.—	—	—	—
Lithuania . . . . .	800.—	—	—	—	—
Mexico . . . . .	—	—	—	1,072.50	—
Netherlands . . . . .	2,403.50	2,403.27	2,371.35	243.35	1,147.90
Netherlands East Indies . . . . .	—	—	—	26,137.—	—
New Zealand . . . . .	—	—	—	8,625.—	—
Norway . . . . .	2,326.50	1,492.54	1,475.01	1,474.50	2,949.05
Paraguay . . . . .	—	—	—	—	—
Peru . . . . .	227.80	—	80.—	—	—
Poland . . . . .	1,647.20	1,666.50	13,735.86	5,200.—	1,392.—
Rumania . . . . .	153.15	766.30	608.90	—	—
Salvador . . . . .	—	—	1,016.—	2,410.80	—
Siam . . . . .	1,536.35	—	1,272.—	1,236.—	—
Slovakia . . . . .	—	—	—	—	—
South Africa . . . . .	211.90	204.60	4,561.50	4,312.50	75,762.80
Sweden . . . . .	2,229.—	2,127.—	2,120.—	2,049.50	2,052.—
Switzerland . . . . .	800.—	200,800.—	201,000.—	1,000.—	3,001,000.—
Turkey . . . . .	10,476.—	10,264.20	9,757.95	—	9,771.—
United States of America . . . . .	21,740.—	22,300.—	70,237.50	182,739.40	115,606.90
U.S.S.R. . . . .	7,218.60	—	8,916.56	3,525.—	3,525.—
Yugoslavia . . . . .	2,000.—	2,000.—	2,500.—	15,000.—	17,244.—
<b>TOTALS</b>	<b>98,054.24</b>	<b>286,174.49</b>	<b>698,243.57</b>	<b>1,466,441.39</b>	<b>5,200,399.07</b>

## AND RED CROSS SOCIETIES) FROM 1938 to 1946

1943 Sw. Fr.	1944 Sw. Fr.	1945 Sw. Fr.	1946 Sw. Fr.	Total Sw. Fr.	%
—	—	35,354.16	—	35,354.16	
1,062.92	694.45	—	—	2,443.31	
—	—	—	—	8,545.31	
137,398.—	—	550,870.90	415,952.50	1,135,225.35	4.16
—	—	18,640.25	—	18,640.25	
2,800.—	203,000.—	—	153,295.55	414,810.70	1.52
1,793.75	—	4,159.82	1,913.50	9,054.04	
4,694.82	—	5,000.—	—	15,966.90	
77,294.69	385,010.03	116,504.85	1,091,656.21	1,778,088.50	6.52
623.10	520.80	2,134.74	2,504.30	9,681.44	
—	—	—	—	108.75	
—	—	—	—	767.—	
—	—	—	—	1,058.95	
—	—	—	—	300.—	
1,801.48	1,801.48	1,801.48	1,789.07	15,651.56	
—	—	—	2,190.—	2,595.78	
—	—	—	—	3,110.05	
—	8,637.50	—	8,637.50	29,367.50	
—	—	—	42.50	542.50	
—	—	—	—	224.85	
1,275.—	1,275.—	1,275.—	3,000.—	13,512.11	
1,400,000.—	400,000.—	800,000.—	—	3,962,768.—	14.54
434,660.—	667,574.—	272,820.—	5,400.—	2,132,245.75	7.82
809,051.25	1,183,162.20	779,295.—	2,200,497.95	5,803,181.05	21.30
86,000.—	86,250.—	—	6,502.50	180,133.87	0.66
—	187.65	189.05	193.50	1,152.90	
—	—	—	6,000.—	6,000.—	
1,006.65	1,200.—	—	—	2,806.65	
—	1,000.—	—	—	1,000.—	
61,659.85	70,473.80	1,260.—	1,241.10	150,045.75	0.55
—	—	—	600.—	1,996.93	
146,200.—	—	20,000.—	—	527,110.40	1.93
261,975.—	597,685.—	—	—	919,660.—	3.38
—	—	—	—	1,829.—	
—	—	—	—	800.—	
3,843.85	—	—	1,720.—	6,636.35	
—	—	49,005.80	10,000.—	67,575.17	
—	30,000.—	—	—	56,137.—	
29,017.75	60,481.80	96,227.85	69,002.65	263,355.05	0.96
29,853.35	2,949.05	2,949.05	5,166.67	50,635.72	
211.10	—	—	—	211.10	
200.—	—	2,150.—	4,232.30	6,890.10	
1,400.—	1,400.—	17,300.—	—	43,741.56	
—	7,339.75	—	2,110.94	10,979.04	
—	—	—	390.—	3,816.80	
—	794.06	—	—	4,838.41	
29,858.84	14,858.85	14,858.84	—	59,576.53	
98,293.50	58,799.43	115,124.—	202,405.69	559,675.92	2.05
2,052.—	2,050.—	2,049.—	4,100.—	20,828.50	
1,000.—	1,000.—	1,000.—	1,000.—	3,408,600.—*	12.51
9,780.—	9,780.—	9,770.20	9,780.—	79,379.35	
396,855.55	364,600.—	1,538,772.10	2,639,671.10	5,352,522.64	19.65
—	3,516.20	—	—	26,701.36	
—	—	—	—	38,744.—	

4,031,662.45 4,166,041.05 4,458,512.09 6,850,095.62 27,246,623.97 97.55 + 2.45 = 100%

Grants by National Societies, Ordinary Account . . . . . 2,626,690.93 (Schedule 2)

Grants by National Societies, War Work Account . . . . . 9,627,098.71 (Schedule 6)

Grants by Governments, War Work Account . . . . . 14,992,834.33 (Schedule 5)

Total as above . . . . . 27,246,623.97

\* Not including the receipts of collections made in Switzerland from 1940 to 1946 and amounting to Sw. Fr. 14,469,222.53. (See Schedule 2, Annual Receipts of ICRC.)

## V. Activities of the General Utility Services

Most of the Committee's departments gave direct assistance to the victims of the war, and their activities are manifest throughout this Report, without there being usually need to mention them. But in addition, certain important departments known as General Utility Services are different in their purpose, and it is appropriate that their work should be briefly mentioned here.

### (A). REVUE INTERNATIONALE DE LA CROIX-ROUGE

The creation of an *International Bulletin of Red Cross Societies* was suggested at the International Red Cross Conference of 1867, and examined by the ICRC in a memorandum dated June 20, 1868. It was finally decided upon at the Berlin Conference in 1869. The Fourth International Red Cross Conference, which met in 1887, confirmed this decision, and recommended that the Societies concerned should co-operate as actively as possible in the publication of this quarterly.

After the war of 1914-1918, the ICRC decided to publish the *Bulletin* monthly as part of a *Revue*, which would include articles on the implementation of the Geneva Convention, on problems of welfare, and studies on Red Cross questions and on the wider aspects of humanitarian work.

Today, the *Revue Internationale de la Croix-Rouge* (published in French) is in its twenty-ninth year and the *Bulletin international des Sociétés de la Croix-Rouge* in its seventy-ninth year.

During the second World War, the ICRC attempted to give in its pages a picture of its manifold activities, in so far as these



were of a kind that could be openly discussed, without doing harm to the cause of the persons who required help. The Committee endeavoured to make of their official publication, which was issued to government authorities, the Diplomatic Corps, the Red Cross Societies throughout the world, national and international welfare agencies and numerous subscribers, a means of information, the value of which was enhanced by the fact that the war hindered, or even stopped the free interchange of news.

Thus, the *Revue internationale* gave regular publicity to the appeals and memorandums which the ICRC issued to Governments and Red Cross Societies ; it published juridical articles on the application of the Geneva Conventions ; studies relating to the basic principles of the Red Cross ; information concerning the delegations established by the ICRC in all parts of the world and the visits of these delegations to PW and civilian internee camps ; information on the work done by the Central PW Agency ; on wide-scale relief schemes, and so on. A particular section was devoted to the rules and regulations concerning PW, civilian internees and enemy aliens, to the protection given by the emblem of the Red Cross, and to lists of books and articles on this subject. A special chapter dealt with air-raid precautions for civilian populations ; short summaries, reviews of books and magazine articles completed this documentation.

The *Bulletin*, which constitutes the second part of the *Revue*, was available to all the Red Cross Societies who desired to publish communications ; its chief purpose was to stress the activities of the members of the Red Cross community, by publishing their statutes, the composition of their central Committees, and so forth.

During the War, the circulation of the *Revue* was much hampered, but efforts were made to overcome these obstacles. It should be noted that the despatch of the Committee's official organ to certain countries, and in particular to the PW representatives in the camps in Germany, raised sometimes insuperable opposition on the part of the censors. In future, the Committee will claim the right of free circulation for its mail, publications and *Revue*. Its cause, which is also that of the Red Cross, calls for the widest publicity of its views and the facts

which can inform the public with all due clearness as to the true nature of its mission.

After the end of the war, and in reply to an appeal made by UNESCO, the Committee presented entire collections of the *Revue* to the libraries and universities of devastated towns in Belgium, Germany and France.

The Committee intends to pursue the publication of its monthly organ and to bring it up to date. It is now studying the question of an English edition ; this is primarily a financial problem, which it is difficult, but not impossible to solve.

National Red Cross Societies can give invaluable help to the *Revue* and especially to the *Bulletin*, by supplying data on their activities. The Committee requests these Societies to continue their help in this connection. It would greet, in the course of the next few years, a wider exchange of information, which is useful in developing the spirit of human solidarity on which their common activities are founded.

#### (B). PUBLICATIONS

From 1939 to 1947, the Committee issued a large number of books and pamphlets dealing both with its work as a whole, and with single aspects. It also published studies, lectures and talks given by its members or its staff.

The following is a list of the principal publications <sup>1</sup> during this period :

*How the International Committee of the Red Cross was founded and what it is doing.* — Geneva, December 1941, 8vo, illustrated, 18 pp. (In French, English, Spanish and German. Out of print.)

*The Work of the International Red Cross Committee and of the Central Agency for Prisoners of War from the outbreak of War,*

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<sup>1</sup> These include only publications edited by the Committee itself and not the very numerous articles on its work which appeared in various quarters.

- September 1st, 1939, until December 31st, 1941.* — Geneva 1942, 12mo, 38 pp. (In French, English and German.)
- Relief for Prisoners of War and Civilian Internees.* — Geneva, 4to, 24 pp. (In French, English and German.)
- The Work of the International Committee of the Red Cross.* — Geneva, 1944, 4to, 67 p., illustr. (In French, English and German.)
- The International Committee of the Red Cross. Intellectual Relief.* — Geneva, 1944, 4to, 28 pp. (In French English and German.)
- Documents sur l'activité du Comité international de la Croix-Rouge en faveur des civils détenus dans les camps de concentration.* — Genève, 1945, 8vo, 156 pp. (In French only.)
- Documentation relative à l'assistance aux invalides de guerre.* — Genève 1946, 8vo, III pp. (In French only.)
- Report of the " Foundation for the Organization of Red Cross Transports " on its operations since inception in April 1942 up to 31st December 1946 delivered to the International Committee of the Red Cross, Geneva, in March 1947.* — Geneva, April 1947, 8vo, 29 pp. (In French and English.)
- Inter Arma Caritas. The Work of the International Committee of the Red Cross during the Second World War.* — Geneva 1947, 8vo, 135 pp., illustr. (Popular account of the war work of the ICRC. In French—two printings—, English, Spanish, German and Russian).
- Max HUBER, President of the ICRC. — *Au service du Comité international de la Croix-Rouge.* — Geneva, 1943, 12 pp. (In French and German.)
- Ed. CHAPUISAT, member of the ICRC. — *Le Comité international de la Croix-Rouge et la guerre.* — Geneva, 1940, 8vo, 15 pp. (In French, three printings, 1940-1943.)
- R.M. FRICK-CRAMER, member of the ICRC. — *The International Committee of the Red Cross and the International Conventions relative to Prisoners of War and Civilians.* — Geneva, 1945, 8vo, 29 pp. (In French and English.)

Jean S. PICTET, Director-delegate of the ICRC. — *Le droit international et l'action du Comité international de la Croix-Rouge en temps de guerre.* — Geneva, 1943, 8vo, 34 pp. (In French only ; two printings.)

Jean-G. LOSSIER, Assistant Head of Department. — *De la question des messages familiaux à celle de la protection des civils.* — Geneva 1943, 8vo, 26 pp. (In French only.)

R. M. FRICK-CRAMER, member of the ICRC. — *Au service des familles dispersées.* — Geneva, 1944, 8vo, 11 pp. (In French and German.)

Max HUBER, Acting and Hon. President of the ICRC. *Principles, Tasks and Problems of the Red Cross in International Law.* — Geneva, 1946, 8vo, 42 pp. (In French, English and German.)

Carl J. BURCKHARDT, President of the ICRC. *Das Kriegswerk des Internationalen Komitees vom Roten Kreuz.* — 1945, 8vo, 23 pp. (In German only.)

Marguerite VAN BERCHEM, Head of Section. — *Les Sections auxiliaires du Comité international de la Croix-Rouge.* — Geneva, 1947, 4to, 33 pp. (In French only.)

Max HUBER, Hon. President of the ICRC. *Principles and Foundations of the Work of the International Committee of the Red Cross (1939-1946).* — Geneva, 1947, 8vo. 41 pp. (In French, English and German. This paper will be found at the head of the present Report.)

Georges DUNAND, Director-delegate of the ICRC. — *The International Committee of the Red Cross in Latin America.* — Geneva, 1947. 8vo, 38 pp. (In French, English, Spanish and Portuguese.)

Mention should also be made of the Minutes of Conferences of delegates of Red Cross Societies, and of Government Experts (dealing chiefly with the revision of the Conventions), reports on the financial situation of the ICRC, the yearly audit of accounts, and chapters of this Report, of which advance publication has been made.

## (C). INFORMATION

The extent of the work brought by the War and the constant development of the Committee's organization led to the setting up of a Press and Information Department. This was on a small scale in the first years of the war, but became an independent Division in 1943. In the interest of its work, the Committee had to establish contacts throughout the world, and to get in touch with ever wider circles: prisoners' next of kin, civil populations, agencies who donated relief supplies, etc. Thus arose the need for internal and external information.

### 1. Internal Information

The Information Division, with the help of the Committee's delegates throughout the world, gathered from the international press all particulars which could be of use to its work. Newspaper cuttings—some 4,000 a month—were classified in a folder, which was issued, sometimes daily, to all the Committee's departments.

A wireless monitoring service, equipped with recording apparatus, listened in and transcribed the information given by radio. This means of information was extremely valuable when Switzerland was entirely surrounded by the Axis Powers.

Two roneographed bulletins, for internal use, one dealing with the work of the Agency, the other with that of the delegations, sent out a steady stream of information and directives to the outside sections in Switzerland and to the delegations abroad.

Periodical talks to the personnel of the various Sections (some of which were highly specialized) gave these an opportunity to become acquainted with the general lines of the Committee's work.

### 2. External Information

It must be confessed that the Committee did not, perhaps, attach enough importance to external information, considering

the extent of its task. Chiefly concerned with alleviating countless forms of suffering, to the best of its ability, the ICRC devoted its main energies to projects which brought direct and immediate relief. The Committee was, further, reluctant to spend too much of its always insufficient means, on work which was not obviously concerned with the relief of human distress. The members and staff of the ICRC, who were wholly absorbed in their task and constantly faced with new, urgent and complex problems, had difficulty in finding time themselves to describe these tasks. In many cases where the Committee's interventions with the belligerents were not founded on any Convention, its policy was to observe discretion ; any publicity given to its humanitarian efforts might have imperilled their success, and diminished the chances of achieving similar results in the future.

Despite a reduced budget and the lack of any systematic publicity scheme, the Information Division did its best to tell the world about the needs of the victims of war, and its own manifold activities in their behalf.

*Releases* — This work of information was carried out, first and foremost, through the press. The Division proceeded to publish release information in several languages, which was handed to the national and foreign agencies in Switzerland. From September 1, 1939, to June 30, 1947, these releases numbered 347.

*Bulletin*. — As from 1943 up to 1946, an information bulletin, published in several languages, was also issued monthly to the press.

*Press*. — On important occasions, press conferences were held, especially in Switzerland. Their purpose was to supply full particulars to the correspondents of Swiss and foreign newspapers on the main features of the work done, and to give them an opportunity for putting questions and discussing problems which were a concern to public opinion.

*Publicity*. — The Division also wrote newspaper articles and paragraphs on the chief activities of the ICRC. Their art department included some 15,000 photographs, besides those

taken by the Committee's delegates in the camps. The Division also replied to applications from Red Cross Societies, newspaper writers and the public. Several posters and propaganda tracts were published in connection with public subscriptions in Switzerland.

*Wireless.* — Through the support and generous help of the Swiss Broadcasting Company, in particular of its Geneva office, many wireless talks about the work of the ICRC were given on medium wavelengths by the station at Sottens, and on short wavelengths by the station at Schwarzenburg. Hundreds of reports, interviews and news items were thus broadcast throughout the world, repeated in six languages. Radio plays for the general public were given on several occasions.

*Cinema.* — After the press and radio, we turn to the cinema. The Committee endeavoured to make the meaning of its work and of the Red Cross known through films which would make direct appeal to the public. Four reels, with sound tracks in several languages, were edited during the war, and were most successful. "The Flag of Humanity" and "One door is still open", which were news-reels, showed the departments of the ICRC at work. "The Missing Soldier" and "Prisoners of War", written in imaginative form, related the lives of PW, with the help of settings which were as true to life as possible.

*Exhibitions.* — Lastly, several permanent and travelling exhibitions were arranged in Switzerland and showed the public what was the real situation of the victims of the war, and the work of the ICRC. In Geneva itself, a permanent exhibition was displayed in the building of the Agency, which was seen by thousands of visitors of every kind. The ICRC also took part in exhibitions planned by National Red Cross Societies or by other associations.

*Lectures, etc.* — To these large-scale publicity methods should be added public lectures given in Switzerland or abroad by members of the ICRC or of the staff about the work done in Geneva. Visits to the headquarters of the ICRC and its departments were arranged for persons passing through Geneva, who

could thus gain some idea of the scope and complexity of the work.

With few means at its disposal, the ICRC thus contributed usefully towards making more widely known the principles which are the foundation of the Red Cross, and bringing home the rules of humanity and mutual assistance which they represent. The war being now concluded, the Committee will pursue its work in this field and endeavour to inform the peoples with a spirit of peace and solidarity, pledges of a better future.

#### (D). TRANSLATIONS

At the outbreak of the war, the volume of correspondence sent to the ICRC in languages other than French<sup>1</sup> increased rapidly.

The ICRC thereupon applied itself to writing part of its communications in the other languages most widely used, to make its replies clear and less liable to misinterpretation.

During the first two years of the war, the Committee had no expert staff for this work : each department did, to the best of its ability, its own translation work. Faced by work on an ever increasing scale, the Committee engaged the services of two full-time translators in 1942. In April 1943, an expert Translation Section had to be opened.

This Section had to deal mainly with :

(a) recruiting the necessary staff, both permanent and temporary ;

(b) enabling the ICRC to answer correspondents in their own languages, especially civil or military authorities, national Red Cross Societies, welfare agencies and so forth ;

(c) translating into French all documents written in a language unfamiliar to the department that had to deal with it ;

(d) drafting in the languages required, all documents sent out by the Committee (letters and notes, informations, circulars,

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<sup>1</sup> According to the bye-laws of the International Red Cross Conference, the official language of the Conference is French. Moreover, the great majority of the members and staff of the ICRC are French-speaking.



reports, publications, press articles ; legal, historical and diplomatic texts, etc. used by the Committee in its own work, and books giving publicity to the work of the ICRC or to Red Cross principles in general) ;

(e) supplying interpreters in talks with foreign visitors, at international conferences, and so forth.

The Translation Section soon comprised twelve members, who were able to carry on the work in the seventeen following languages :

Bulgarian, Czech, Danish, Dutch, English, Esperanto, German, Hungarian, Italian, Norwegian, Polish, Portuguese, Rumanian, Russian, Serbo-Croat, Spanish, Swedish.

As regards translations into Albanian, Arabic, Greek and Hindustani, the Section had recourse to outside help. The most widely used languages were English, German and Spanish.

From the time it was opened until June 1947, the Section translated into the above languages 36,874 pages. This figure gives, however, a very incomplete picture of the mass of the work accomplished. It is perhaps of interest to mention here some of the difficulties encountered.

In the first place, a well thought out and well drafted text is always easier to translate than one which is not. To the former category we must reckon the mail received by the Committee from official bureaux, Red Cross Societies, and so on. On the other hand, the translation of letters sent by PW and next of kin, many of whom had had only elementary education and were unaccustomed to express themselves in writing, involved a considerable amount of labour. In such instances, the translator had also to be an interpreter, and as a preliminary, discover the probable meaning of these communications. The translation of texts in languages which are little known in Europe also offered particular difficulties. Such was the case of the voluminous mail from Indian PW in Germany, which was almost always written in unfamiliar dialects. These were turned over to an ICRC delegate who had lived in India. Letters in Arabic and Turkish raised no great difficulty, as the Section

enlisted the services of Egyptian and Turkish students resident in Geneva.

It was, however, in the field of "technical" translations, on subjects such as law, medicine or biology, that the Section encountered the greatest difficulties, due to the particular knowledge required.

The types of documents to be translated were varied in the extreme. Amongst the documents issued by the Committee, mention should be made of the numerous reports on camp visits which the delegates of the ICRC sent to Geneva in German or English, and which had to be translated into English or French, for communication to the Detaining Power and Power of origin. After the war, the voluminous documents relating to the international Conferences held in Geneva in 1946 and 1947, (the Preliminary Conference of national Red Cross Societies and the Conference of Government Experts for the study of the Conventions) was likewise issued in an English version; so were the various Reports on these two important sessions. The Translation Section made out in English, Spanish, German and Russian the translation of the book "Inter Arma Caritas" and at present it is undertaking, with the help of outside staff, the English and Spanish versions of the present Report and the documentation which will be submitted to the XVIIth International Red Cross Conference.

#### (E). RECORDS

The Registry of the ICRC, a most essential working implement, developed in proportion to the Committee's activities, which were themselves subject to events. The Registry was therefore organized not in accordance with any logical or uniform scheme, but in a practical manner, which enabled rapid and accurate research.

The Registry (or Archives) is subdivided into two sections: (a) Permanent Records; (b) War-work Records, relating to the recent War. To these must be added the Photographic Department and the Library.

## **1. Permanent Records**

These records contain, in files classified according to subject matter, all the documents relating to the development, history and activities of the Red Cross on national and international lines. They include, for instance, the papers dealing with the constitution and recognition of the national Red Cross Societies, and with the revision of the Conventions.

This service has charge of the archives of the ICRC relating to the international or civil wars which preceded the recent war, such as the War of 1870, the first World War of 1914-1918, the war in Abyssinia, 1935-1936, the Civil War in Spain, 1936-1938, and so on.

## **2. War-Work Records**

These records are subdivided into several departments :

(a) *Correspondence.* — This includes all the incoming or outgoing mail of the Committee's general departments and is classified according to the different criteria : subject matter, correspondents and date.

The total number of files in these records was 2,742 at the end of June 1947. Placed one above another, they would form a column some three hundred and thirty feet in height.

To allow research in these files, a single card-index according to subject and to name, including over 70,000 cards, was established after the dictionary-catalogue system. Three other card-indexes relating to : (1) the Protecting Powers, (2) international events and (3) the activities of the Committee's chief delegations, facilitated the work of the staff of the Records Division.

(b) *Camp strengths.* — This department centralized information reaching the ICRC on camp strengths and the nationality of PW and other detainees. The particulars received were transcribed to cards of different colours, each corresponding to the status of the detainees (PW, civilian internees, political deportees, civilian workers, displaced persons, and so forth),

on the basis of one card each per class of detainees in the same camp.

Amongst the various sources from which these data were derived were, first and foremost, the reports by the Committee's delegates on their camp visits.

(c) *Indexing of Delegates' Reports.* — The delegates' reports on their camp visits—independently of the information which was turned over to Camp Strengths—were a most valuable source of information on the manner in which the 1929 PW Convention was applied in the camps. To this end, they underwent a second indexing which led to all important facts concerning the treatment of PW being transcribed to cards of different colours, according to the main chapters of the Convention. This indexing operation enabled the ICRC to check the implementing of the Convention and to undertake the negotiations required in the interests of both PW and civilian internees. It also gave the ICRC the necessary basis for its studies in view of the revision of the Conventions.

When these operations were finished, the reports were catalogued and bound at the rate of 5 to 10 reports per volume on an average. As on June 30, 1947, the number of these volumes was 1,335.

### **3. Photographic Department**

In addition to written evidence, the records also filed several thousand photographs, mostly taken by the delegates and illustrating the work of the Committee in all its fields. These photographs are filed according to subject matter and countries. A card index supplies a complete catalogue of this collection, and enables all the photographs relating to a given subject to be found at once.

### **4. Library**

Besides the chief publications of national Red Cross Societies, the library of the ICRC contains a number of works relative to the history and activities of the Red Cross. This library is, of

course, available to the national Societies and to any person who is interested in the work of the Red Cross.

When the work of the ICRC was at its peak, the staff of the Records Division numbered twenty.

#### (F). COMMUNICATIONS

To carry out its duties, the ICRC must have means of communicating with the various belligerent countries. Moreover, Art. 36 of the 1929 PW Convention stipulates that letters and cards from PW "shall be sent by post by the shortest route". The breaking of communications between the two groups of belligerents, aggravated by the Allied blockade and the Axis counter-blockade, was so complete that the work of the ICRC in behalf of war victims ran the risk of being seriously imperilled, or even entirely stopped. The problem to be solved was more diplomatic than technical: this was to establish, through direct negotiation, special lines of communication between the belligerents. A department, the Transport and Communications Division was opened by the ICRC, to study the questions raised daily by the state of communications throughout the world, and to find a new route whenever one was closed. The task of this Division grew considerably as time went on; during the last months of the war, it allowed the relief of the ICRC to be carried on, and avoided the complete breakdown of the PW mail service.

The work of the ICRC in conveying relief by sea, rail and road is dealt with in Vol. III. We shall therefore confine the following remarks to the difficulties encountered in postal communications.

The encirclement of Switzerland by the Axis Powers after the Franco-German armistice deprived the Committee of direct communications with the Allied Powers. In consequence, the ICRC proposed to the belligerents in June 1940, several solutions. These included the use of aircraft and ships sailing under a particular status, and a wireless station reserved for the Committee's requirements. Unfortunately, the belligerents were

unable to come to an agreement on the subject. The ICRC could therefore do no more than to apply to the competent authorities in the various States, each time it received complaints about the defective working of the mail service. The Committee itself could only transport mail for PW and internees when this was the sole means of preventing complete suspension of postal connections. The belligerents were anxious that action by the Committee should not relieve the enemy of his responsibility in this respect. It was for this reason that, despite the great uncertainty of communications in the Balkans, the ICRC was not authorized to open a shipping route in the Eastern Mediterranean.

The improvements secured by the ICRC in the transmission of mail, by recommending new technical methods, better routes of communication, or more rapid censoring, did not succeed in amending a situation which deteriorated as time went on. On June 20, 1944, the ICRC therefore addressed a memorandum to the belligerent States party to the PW Convention, recalling their obligations under Art. 36 to 41, which govern the relations of PW with the exterior. The Committee also alluded to the fact that the organization and functioning of postal services were wholly outside its province. Consequently, the ICRC requested these States to take all measures likely to speed up the postal service for PW and civilian internees. The Committee further recalled that it already served as intermediary in forwarding large numbers of civilian messages (25-word family messages), and that it was carrying on a steady correspondence about civilians with the various national Red Cross Societies and welfare agencies. This correspondence was subject to the same delay as PW and internee mail, and the ICRC asked the Governments concerned to take measures to hasten its transmission.

Two months later, the situation became still worse, as the result of the Allied landing in France. Until then, PW and internee mail, and civilian messages to and from Germany and the occupied countries, had been forwarded via Spain and Turkey. When events made it impossible to follow these routes, the ICRC had the mail from Germany handed to it, and

then organized between Geneva and Marseilles a regular road transport service which ran for almost a year. The delegation in Marseilles was responsible for the forwarding of this mail overseas, the other delegations serving as relay stations, whenever necessary. Thus, the mail bags were usually handed over to the post offices only on arrival at the country of destination. We may quote as an instance of a particularly complicated route the mail service between Geneva and Belgrade, which passed successively through the delegations at Marseilles, Rome, Algiers, Cairo, Ankara and Sofia.

The mail for France and Belgium was carried by road from Geneva to Lyons, where it was handed over to the French post office.

A mail service for PW and civilian internees between Great Britain and Germany had been organized by the British Legation in Berne, in agreement with the ICRC and the Swiss Post Office. The mail was carried by road from Geneva to an air-field in liberated France, and then taken by air to Great Britain.

The best solution, however, was that adopted for transmission of PW and internee mail to and from the United States. By agreement between the United States and Swiss Governments, the mail was carried, as from December 1944, by American aircraft which landed at Geneva on an average twice a week.

In addition to these regular services, the ICRC often had to resort to exceptional means of transport such as couriers, road caravans, block-trains, etc.

It will be recalled that the mail for PW, internees, the Central PW Agency and the ICRC (as far as PW and internees are concerned) are exempt from all postal charges. But civilian messages, and the correspondence of the ICRC not relating to PW or internees, do not benefit by free postage. As a rule, these two kinds of correspondence followed the same routes, but were conveyed quite separately. Sometimes, however, the ICRC had to find routes for mail subject to postal charges, different from those already utilized for PW and internee mail.

From September 1944, communications between Central Europe and the remaining world were possible only through

the ICRC, at any rate as regards PW and internee mail and 25-word civilian messages. The end of the war in May 1945 brought no improvement ; on the contrary, all communications with Germany were cut over a period of five months. When they were resumed in September 1945, 1,200 bags of mail for Germany had accumulated in Switzerland, and the ICRC organized for this purpose a regular road service which delivered the letters in each of the occupation zones. These deliveries were carried out six times monthly until April 1946, when postal connections were partially restored.

On several occasions the ICRC took steps, but without success, to secure permission to carry mail by means of aircraft flying under special safeguards, but the chief scheme submitted to the Governments concerned, in July 1943, was to institute a regular air-line between Geneva and Lisbon, under the sponsorship of the ICRC. Shortly afterwards, Germany agreed to convey Red Cross mail free of charge by the German air line which linked up Stuttgart and Lisbon, and the opening of a special line was no longer required <sup>1</sup>.

As a general rule, the extreme slowness in postal relations compelled the ICRC to take persistent action with all the means at its disposal. It suggested new methods of correspondence, such as express messages, which were used on a large scale, and wireless messages, which unfortunately never got beyond the initial stage. It asked for improvements in the censorship system, and had free postage extended to all victims of the war, whether military or civilian. At its request, the Swiss Wireless Company instituted direct wireless connections with Cairo and Algiers to cover its requirements. To reopen contacts with delegations cut off from Geneva, the ICRC had recourse to the telephone and telegraph services of various States, to special couriers, and also to the diplomatic bag of several countries.

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<sup>1</sup> As regards communications with the Far East, which raised equal difficulties, see the chapter on the Conflicts in the Far-East.



## (G). MAIL SECTION

### 1. Registering of Mail

Before war broke out, one person sufficed to register all the correspondence received in Geneva. Registration consisted, and still consists in giving a number to each item received, and to list it in a " Mail Sheet " for the information of heads of departments, to add a brief *précis* opposite each number, and to indicate on the document the name of the person who has to handle it. From September 1939, the growing bulk of mail involved several changes.

The checking of incoming mail passed gradually from the Mail Registration to the Sorting Service opened in 1939. The latter sent it direct to the sections started to meet the growth of the Committee's work. Thus, the Divisions for Relief, Information, Transport and Communications, and Accountancy were led to set up their own registration and " mail sheet ". From then on, the Registration Service proper dealt only with the mail received by the general departments of the ICRC. Moreover, from 1943, besides allocating the incoming items to the responsible staff members, it made copies for all departments concerned. The Mail Sheet henceforth was completed by the following indications : filing symbols (under which copies are filed), the departments who had received copies, and so forth.

In 1945, the staff numbered 12. At the end of 1946, reduction in the bulk of the mail and the closing down of certain departments allowed the Registration Section once more to take over the checking of mail for the Relief and Information Division.

### 2. Telegraph Service

From August 1940, a separate telegraph service became necessary ; it was managed by an expert. In 1941 and the following years, the work of this service grew steadily until the staff numbered eight assistants. The reader will more easily understand these requirements when he is told that from

September 1, 1939, to September 30, 1947, the telegrams received in Geneva numbered 348,636, and those sent out 219,513. Over this same period, the total cable charges debited to the ICRC was about six million Swiss francs, of which over half had to be met by the Committee itself.

The incoming telegrams included many requests for news, and many lists of PW and internees<sup>1</sup>. The telegrams sent from Geneva gave the answers to these requests for news and forwarded the lists received. Telegraphic transmission of lists of PW and internees was in current use between the ICRC and the overseas countries.

The wireless also allowed the ICRC to maintain regular connections with the belligerent States and with its delegations in Europe and elsewhere.

When a telegram referred to several questions, it was divided up by the Telegraphic Section, which sent to each department or staff member copies of the passages which concerned them.

An achievement in this field was the introduction of wireless messages for PW and internees in the Far-East and their next of kin. The steps taken by the ICRC with Governments and Red Cross Societies led to an arrangement whereby PW and internees could send to their relatives and receive in reply a wireless message containing ten words of news at most. Receipt and forwarding were ensured in both directions by the ICRC. The despatch of these messages began early in January 1945 ; when this service was closed in August of the same year, about 57,000 messages had been forwarded.

#### (H). LIAISON

This Section was opened in August 1941, and always occupied two members of the staff. Their work was to act as liaison officers between the general departments of the ICRC and its

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<sup>1</sup> A list received by radio from the United States soon after the entrance of that country into the war contained the names of all the German, Italian and Japanese civilians recently interned ; this cable included 267 pages and showed over 13,000 names.

specialized divisions, such as the Central PW Agency, the Relief Division, etc. In a complex and highly subdivided organization like the ICRC, it was indispensable to coordinate the work and avoid both gaps and duplication.

The Liaison Section distributed throughout the offices concerned copies of the Committee's incoming or outgoing mail, and all documents. Since it was informed of the work of each Division, it played the part of an internal information bureau.

The Section also made up very full card indexes, supplying all necessary particulars on Red Cross Societies, Governments, diplomatic representatives, official information bureaux and the many agencies with which the ICRC is in contact.

## (I). MANAGEMENT

### 1. Staff

On September 1, 1939, the staff of the ICRC in Switzerland numbered about fifty; on December 31, 1944, they were close on 3,500. Such an increase will convey an idea of the magnitude of the problems to be solved by the ICRC in recruiting staff. Up till the end of 1943, the staff were mostly volunteers (1617 voluntary, against 1391 paid workers); but as time went on, the proportion was reversed. As explained above, the ICRC very soon felt the need for recruiting a fairly large number of particularly qualified staff members on a regular basis and for a certain period; it had consequently to begin by offering them an allowance, and then a regular salary. The salaries offered by ICRC remained, however, very low and never exceeded on an average 500 Swiss francs a month. Such a low figure does not seem to have hindered recruitment, for the ICRC always had a fairly large number of applicants on its books; on the other hand, the smallness of the salaries led to many resignations, which involved new appointments. Offers of voluntary service were always very numerous, and in areas of Switzerland outside

Geneva proved most valuable in setting up departments, called "Auxiliary Sections" in many places<sup>1</sup>.

Few organizations have been faced with the same need of finding workers with such varied qualifications. To fill responsible posts (Central Directorate, Secretariat, Directors of Divisions and their immediate assistants), the ICRC had by degrees to enlist the services of lawyers, doctors, authors, journalists, expert translators and interpreters, records officers, librarians, and so on.

As regards the Central PW Agency, the chief qualification of the staff was the ability to make out, classify and handle the millions of cards which were the basis of the Agency's work. The utilization of the Hollerith Business Machines led to the appointment of a staff who thoroughly understood their running.

The Relief Division and the Transport Division each had a personnel composed of experts in international trade, customs, railway and maritime questions, assisted by a staff who had business training. To these two Divisions were attached the convoying agents, who had to accompany the ships chartered by the ICRC carrying relief supplies (56 agents for 43 ships), and towards the end of the war, the fleets of vehicles which the ICRC had to organize to convey food supplies to the PW camps, when railway communications in Central Europe had been paralysed by air bombardments. This last department required the engagement of hundreds of fresh personnel, such as fleet leaders, garage directors, drivers, mechanics, and so on.

The Accountant's Department, which the extent and complexity of the Committee's daily financial operations made most important, recruited its staff from amongst qualified accountants and bank clerks. Mention should also be made of employees who did various technical and administrative jobs, which although on a lower grade, were indispensable to the smooth working of the organization.

The ICRC further undertook to secure for its staff the privileges granted under social legislation, to compensate as far as possible for the low scale of salaries.

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<sup>1</sup> For fuller particulars, see Vol. II.

Holidays with pay (up to three weeks) were allowed and sick leave with pay (up to six weeks a year). In addition, a winter bonus, on a sliding scale, was paid each year to all the staff, to help them to meet the extra expenses due to the cold season. In 1943, this was completed by a family allowance.

In the field of insurance, the ICRC voluntarily paid half the unemployment insurance premium to which all paid staff are liable under Swiss law. Further, it contracted for a collective accident policy during and out of working hours, for all the staff who wished to avail themselves of it. The ICRC also made available to its personnel, by 1942, the services of one, and later of several staff nurses. Their duties included first aid in cases of accident or sudden indisposition during working hours, answer to applications for advice or assistance, visiting and nursing sick members of staff confined to the house. From 1942 until Dec. 31, 1946, the staff nurses who carried out their duties with unremitting care, were called upon for over 40,000 cases.

In addition to this welfare service, the ICRC in September 1945 started a legal assistance service, to give aid and advice to the staff who had legal or private difficulties.

In its anxiety to have closer and more understanding relations with the staff, the ICRC founded in February 1944, an "Advisory and Liaison Committee". From 1944 to 1946, this included 18 members, twelve of whom were elected by the staff, three by the heads of departments and three were appointed by the ICRC. Reductions in staff in 1947 reduced these figures by one third. The duty of this body was to lay before the ICRC any recommendations or grievances of the staff. It carried out its difficult task to general satisfaction; in most cases its suggestions in favour of the staff were approved by the ICRC.

One fact, however, greatly hampered the recruitment of staff throughout the war: the ICRC could obviously give its assistants no assurance as to the duration of their appointment. This fact, added to that of a low scale of salaries, led to the resignation of many qualified workers. At the beginning of the war, employees could be dismissed at 24 hours' notice; later, this previous notice was extended to two months. The personnel

had reason to fear that their dismissal might occur at a time when the economic situation made it difficult to find new positions. When the close of the war led to a reduction of the work, and consequently of the staff the ICRC, on the proposal of the Advisory and Liaison Committee, decided to give all members of the staff who were dismissed an allowance proportionate to their years of service and to the amount of their salary, the maximum compensation being 1,000 Swiss francs.

## **2. Premises**

The ICRC never had any serious difficulty in finding the necessary premises in which to carry out its work. This was due to the understanding and good will of the authorities of the Canton and City of Geneva, who made an invaluable contribution to the work of the ICRC by offering the free use of the main premises which the Committee required, as circumstances demanded, namely the "Palais du Conseil Général", the Rath Museum, the former Hotel Beau-Séjour, the former Hotel Métropole and the former Hotel Carlton, where the ICRC has at present its headquarters.

The first Sections of the Agency were installed in the autumn of 1939 in the "Palais du Conseil Général", which they very soon filled to capacity. They were soon joined by the ICRC and its Secretariat, who had until then remained at the Villa Moynier, the headquarters of the Committee since 1933. In view of the immensity of the work, the "Palais du Conseil Général", despite its dimensions (some 3,000 square metres) became in turn too small, and the ICRC, to relieve congestion in its departments, also took possession of the Rath Museum and had to rent about thirty flats successively in various parts of the town.

Even this was, however, still insufficient, and new premises had to be found. Various departments were installed in the former building of the Swiss Banking Corporation, which this establishment offered free of charge; the former Hotel Beau Séjour became the headquarters of the Relief Division, and the Exhibition Buildings, a large hall of 10,000 square metres,

housed the dumps of relief parcels for PW. The ICRC itself and its Secretariat, whose staff had also greatly increased, were lodged in the former Hotel Metropole, situated in the heart of the city of Geneva.

The steadily increasing bulk of relief supplies of all kinds for PW which passed through Switzerland compelled the ICRC to find new warehouses, in particular at the Cornavin Station, and the bonded warehouse in Geneva, the Renfile warehouse (in the Canton of Geneva), in the towns of Vallorbe, Bienne, etc. <sup>1</sup>.

When the work of the ICRC reached its peak, the surface of the premises occupied by the Committee was over 33,000 square metres.

The close of the war and the reduction in its wartime activities enabled the Committee to regroup many departments and to give up most of the buildings and premises previously occupied. The reconditioning of the Hotel Métropole as an hotel led the ICRC to move its headquarters to the former Hotel Carlton, situated near the United Nations, where it is at present settled with its general departments.

### **3. Office Supplies**

This department had to find the necessary furniture and office machines required (about 1,500 typewriters and 50 accounting machines), and to ensure the regular issue of stationery in the various premises occupied by the ICRC. From January 1, 1941, the date when regular statistics were first made out, to June 30, 1947, the Office Supplies Department issued over 26 million sheets of typing paper, over seven million envelopes, over 42 million cards and over 44 million forms of all kinds.

At the outbreak of the war, the Department received invaluable help from the Secretariats of the great international organizations—League of Nations and International Labour Office—whose work was reduced as a result of the war, and who kindly lent large quantities of furniture and numerous type-

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<sup>1</sup> See Vol. III.

writers, which were in use until 1946. These loans, which dispensed with renting or purchasing equipment, enabled the ICRC to effect a considerable saving.

#### 4. Maintenance

As the departments of the ICRC were thus dispersed throughout the whole town of Geneva, a messenger service had to ensure liaison between the various premises and buildings; this included a number of cyclists and a small motor-truck. Within the buildings themselves, documents were carried by floor messengers.

The many removals of departments from one building to another which had to be done as quickly as possible, to ensure the least possible delay, required the services of a permanent expert staff of workmen, carpenters, labourers, electricians, and so on.

The various premises and buildings occupied had of course to be cleaned and repaired. The above staff, with the help of a team of about thirty cleaners, attended to this.

#### (J). TECHNICAL DEPARTMENTS

When the war broke out, one person did the roneograph work for the ICRC, with one machine. Subsequently, eleven more assistants had to be engaged (this was the figure in 1946), with four electric copying machines (three purchased and one hired). This department was sometimes helped by extra staff.

The Roneo Department had to reproduce all documents sent out in large numbers (reports on camp visits; documents for conferences; four periodical publications, etc.) From 1942 to June 30, 1947, this department typed 63,693 stencils and roneographed 6,027,036 pages.

In April 1943, the ICRC purchased a mimeographing machine, which enabled all the usual printing to be done and with which not only the cards used by the Hollerith machines were printed,



but also a large number of forms and cards used by the Central PW Agency.

The number of typewriters was so large (1500 at the beginning of 1945) that a repair department of eleven mechanics had to be set up. These employees made 40 to 50 complete overhauls of typewriters on an average per month in a special workshop, and a large number of daily repairs which were done in the offices.

A Photostat Department was also opened, the greater part of whose work was for the Central PW Agency<sup>1</sup>. The general departments often applied to this service for blocks for printing purposes, or photostats of documents which had to be kept in the records at Geneva.

The ICRC also employed two, and sometimes three draughtsmen who made out the most varied notices, labels and file-titles, statistical graphs, reproductions of maps, panels for ICRC exhibitions, and the plans of many premises occupied by the various departments.

For reasons of economy, the ICRC also opened a binding-shop, where three employees were occupied in binding the numerous documents turned out by the Roneo Department, and also in repairing books, dictionaries and atlases, which had become damaged through hard usage.

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<sup>1</sup> See Vol. II.

## **VI. Relations of the International Committee with the National Red Cross Societies and with the League of Red Cross Societies**

### **(A). RELATIONS WITH NATIONAL SOCIETIES**

#### **1. Cooperation and Liaison**

The ICRC, as the institution which in 1863 gave the first impulse to the world wide service of the Red Cross, based on Central Committees which had to be set up in all countries, naturally endeavours to remain, in time of peace as in time of war, in close contact with the National Red Cross Societies, and to act in complete understanding with them.

The tasks imposed by the war on these Societies, as on the Committee, involved an extension of their relationship. Thus there grew up between the Committee and the Red Cross Societies during the World War a multiplicity of far-reaching ties of many kinds, and this was undoubtedly to the greatest advantage of the common task of the Red Cross in protecting the victims of war.

Since it is impossible to give a complete account here of the relations of the ICRC with the National Societies, or of all matters involving their co-operation, we must confine ourselves to quoting some examples only, whilst referring the reader for further material to the other chapters of the present Report.

At the very beginning of hostilities, the ICRC communicated to the National Societies the text of the letter of notification which it had addressed on September 4, 1939, to the Governments of the belligerent States. In this letter it placed its ser-

vices at their disposal, offering to do its part on the humanitarian plane in relieving the distress caused by the war, according to its customary role and to the extent of its powers.

In this Note it defined the tasks it intended to undertake in the war, especially those of ensuring the application of the Geneva Conventions relating to the treatment and exchange of medical personnel, and the organizing of a general scheme of relief for prisoners, both civilian and military, for the able-bodied as for the sick and wounded.

When informing them of this Note, the ICRC begged the Red Cross Societies to recommend to their respective Governments the applications it had made to them, asking them to facilitate its humanitarian undertaking. It also offered its services to the Red Cross Societies in organizing the despatch and distribution of relief in money or in kind to their countrymen who might be held prisoner in belligerent countries and would need help.

In its circular letter No. 360 to the Central Committees of National Red Cross Societies, dated September 18, 1939, the ICRC, after referring to the varied branches of its work, laid stress on the importance it attached to the co-operation amongst themselves of all National Societies. This was to ensure—within the framework of their national duties—the exchange of news concerning the victims of war and all activities forming part of the programme of welfare laid down by the International Red Cross Conferences. The ICRC declared itself ready to play its customary role of neutral intermediary for this object.

The Committee addressed another circular letter to the National Societies in November 1939. This letter explained the serious difficulties encountered daily in securing the agreed facilities and exemption from charges in respect of postal, customs and transport services for letters and parcels addressed to PW, civilian internees, military internees in neutral countries, and sick and wounded combatants.

In drawing the attention of National Societies to the importance and urgency of these problems, the Committee invited them to seek, together with their Governments, the solutions best calculated to promote the humanitarian work of the Red Cross in this field.

One of the chief tasks of the *National Societies of the belligerent countries* was to forward relief supplies to their country-men, whether PW or civilian internees, who were in enemy hands. In these tasks the ICRC played a very important part as intermediary ; this is described in detail in the section of the present Report concerned with Relief Work. Here we need only mention that the ICRC set on foot a vast organization with this aim, which made possible the transport and distribution of relief to PW alone, amounting in value to 3,500,000,000 Swiss francs. Further, the Committee ensured each year the forwarding to the camps of Christmas parcels supplied by the American, British, Canadian, French and German Red Cross Societies for the benefit of their nationals. The Committee also acted as go-between in promoting or permitting the despatch of medical supplies and relief sent by some of the Red Cross Societies and intended for fellow Societies. It also addressed appeals to National Societies on behalf of those who sought its mediation. As an example, we may point out that on May 29, 1940, it transmitted by telegraph to seventeen National Societies an appeal for help from the French Red Cross in behalf of the millions of refugees and evacuees in France who were then in a state of grave destitution.

The ICRC, moreover, kept the Red Cross Societies informed upon all details of PW mail, upon its efforts to remedy the delays to which this was subject, upon the quickest routes, and on the part which it could play as a postal relay station. The Committee answered the questions of the Red Cross Societies and made the necessary enquiries through its delegates ; it gave the Societies an account of the situation of their prisoner nationals, in so far as verified by its delegates, and of their needs in food, clothing, medicaments, etc.

The co-operation of the ICRC with the National Societies proved to be especially effective in the matter of civilian messages. This method of correspondence, due to the initiative of the Committee, and carried out with approval of Governments, made it possible for messages to cross the barriers thrown up by the war. These communications, limited to 25 words and to messages relating to family affairs, were written on forms

devised by the ICRC ; the system was adopted by almost all National Red Cross Societies throughout the world. It was solely by this means that civilians separated by the war were able to correspond during the entire period.

The British and German Cross Societies were the first to adopt the system of family messages, and to undertake, at the Committee's request, distribution in their own countries. In 1940, the Red Cross Societies of New Zealand, Rhodesia and South Africa also printed their own forms. From then onwards, the National Societies of the most distant States produced their own headed forms for civilian messages and adopted this method of correspondence in their own countries. By the end of 1943, ninety-eight National Societies and branches of the Red Cross had civilian message forms printed in their own names. These agencies centralized the forms filled in with particulars and sent them to Geneva, where they were sorted, classified and checked, then dispatched under general cover to other National Societies, who had charge of the distribution to the addressees in their country, of whatever nationality or condition they might be.

The ICRC requested the Societies to return to Geneva the messages which they had been unable to deliver to the addressees, and to undertake individual enquiries about these persons. The Societies, for the most part, agreed and set about this often difficult research. They sent all obtainable information to the ICRC, and in the case of a death, its cause, the date and place of burial, as well as news relating to the family of the deceased person.

In certain cases, the Committee itself had to undertake such work on the spot, in particular when the addressees belonged to a minority persecuted for reasons of race, language or opinion, whom the Societies were prevented from helping. Nevertheless, it was thanks to the support and co-operation given by the National Societies to this enterprise that the system of civilian messages was able to develop and spread to the extent it did.

The Red Cross Societies also gave their help to the " Dispersed Families Service ", set up at the beginning of 1944 in Geneva. This service of the Central Agency, as may be seen in greater

detail in the relevant chapter, invited all persons scattered in various parts of the world, who had been unable to renew the links with their relatives, to send word to Geneva, giving the name of the next of kin with whom they wished to get in touch once more. For this purpose, identity cards were printed in different languages. A great number of Red Cross Societies and local branches were supplied with these cards and undertook to have them made public and filled in by those concerned, and to return them to Geneva.

Some National Societies were instructed by their Governments to set up official Bureaux of Information for PW, as provided for in Art. 77 of the Convention. The ICRC and the Central Agency in particular co-operated closely with these offices for the forwarding of lists and all particulars relating to the PW. The Committee did everything in its power to remain in close contact with these Societies, despite the obstacles to communications created by the war. Resort was commonly had to telegrams, as well as of the most modern means of communication, such as microfilms.

Before the close of hostilities, the ICRC concentrated attention on the aid to be given to the war-disabled, and sent information on this subject to the National Societies, asking them to study this important matter jointly with their Governments, and to fill in a questionnaire. The replies formed the subject of various later publications.

The ICRC also kept up the practice of regular correspondence with the *National Societies of the neutral countries*, especially with regard to the collection, organization and distribution of relief supplies, the despatch of ambulances and medical stores, and internment in neutral countries.

On September 8, 1939, the American Red Cross requested the ICRC to offer the services of the ARC to the National Societies of the belligerent countries. The Committee transmitted this offer, and made known to the ARC the particular requests made by each Society. Other forms of co-operation of this kind followed in due course.

In response to an invitation of the ICRC and the League, the delegates of several National Societies of non-belligerent

countries met for a private conference in Geneva on April 16, 1940. The debates turned on the effect of the war on the programme of work of their Societies, on the help they might give to victims of the war, and how to secure the best results; the means included methods of collecting relief in money or in kind, co-operation with other relief organizations, the purchase, despatch and conveyance of relief supplies, and their co-ordination.

We must call attention here to the close and useful understanding between the ICRC and the Swedish Red Cross for the organization of relief work in Greece. This undertaking was suggested in the first instance by the Turkish Red Crescent; a detailed account of it will be found elsewhere in the present Report. In 1943, the ICRC gave its support to the representations made by the Swedish Red Cross to the belligerent States concerned, to increase the rate of repatriation of seriously wounded or sick PW.

In August 1944, the ICRC pointed out to the National Societies of the neutral countries the value of planning the equipment of medical missions, which would be capable, if called upon, of going into the neighbouring belligerent countries and giving emergency aid to the National Societies.

Despite the many unforeseen and growing tasks brought by the conflict, the ICRC endeavoured to keep the National Societies informed of its work, as far as the circumstances of the war allowed. This included the regular publication in the "Revue Internationale de la Croix-Rouge" and its supplement, the "Bulletin International des Sociétés de la Croix-Rouge", of news relating to its own activities as well as those of the National Societies. The Committee also sent out to the Red Cross Societies circular letters and memoranda to make clear to them its policy or standpoint concerning problems of general interest, or relating to any action carried out by the Committee in its capacity as agent of the International Red Cross Conferences.

After the close of hostilities, the Committee turned its attention towards giving National Societies the opportunity for a preliminary exchange of views on Red Cross problems in general, and on the main features of the work they had carried out in the course of an unprecedented conflict. The ICRC proposed that the

National Societies should send representatives to Geneva to take part in a meeting to be held in 1946, pending the XVIIth International Red Cross Conference, which would demand intensive preparation. The National Societies replied in favour of the Committee's proposal, and the Preliminary Conference took place in Geneva from July 26 to August 3, 1946. This meeting brought together numerous representatives, belonging to almost all the Societies throughout the world, and amongst them sixteen Presidents.

## 2. Representation of National Societies at Geneva

The co-operation of the ICRC with the *National Red Cross Societies* was made far easier by the presence in Geneva of their *accredited representatives*.

The Committee is at all times anxious to keep up close and uninterrupted relations with the Red Cross Societies, in the spirit of Art. 13 of its statutes authorizing the acceptance of delegates accredited to it by the Central Committees. The ICRC was therefore extremely glad to benefit by the presence of these representatives, with whom it maintained close relations that were at once confident and cordial. If the ICRC seemed to hesitate at the outset as to the timeliness of these delegations and to fear too great an increase in their numbers (certain misunderstandings did in fact arise on this score), it was soon convinced of their usefulness.

The ICRC asked National Societies to preserve the non-official character of these delegations, in view of the existence of several Red Cross associations, which could not be officially recognized but with which the Committee had to maintain *de facto* relations. It seemed preferable not to create a kind of *corps diplomatique*, little in keeping with the character of the Red Cross, and within which representatives of opposing sides would have been confronted. This policy, which met with no objection from the National Societies, did not lessen in any way the efficacy and cordiality of ICRC relations with the Red Cross representatives. In full agreement with the National Societies concerned, the



ICRC had moreover always reserved the right of corresponding direct with them, should it seem necessary.

The accredited delegates of the National Societies could not be invested with diplomatic privileges or immunity, since the ICRC is essentially a private organization, in spite of the special position it occupies under international law. The advantages which some of them were able to enjoy derived not from their capacity as Red Cross delegates, but from the fact of their belonging at the same time to diplomatic missions.

A resolution of the XVIth International Red Cross Conference enjoined upon National Societies not to set up any delegation on foreign territory without the consent of the National Society concerned. This resolution does not of course apply to the National Red Cross delegations to the ICRC, in so far as they act only in connection with the Committee. Certain delegations to the ICRC however, who sometimes called themselves "Delegation in Switzerland", extended their field of action to practical duties, which were certainly extremely useful, on Swiss territory, but outside the competence of the ICRC. The Committee made a point of laying down that, in these cases, such an extension of work of course depended on the approval of the Swiss Red Cross.

### **3. Missions of the ICRC to National Societies**

The ICRC also maintained close relations with the Red Cross Societies through the medium of its *delegations abroad*.

In almost all countries of the world, on the outbreak of hostilities, the ICRC had to send delegates or appoint them on the spot. It was in belligerent countries in particular that appointments were made, but also in many neutral countries. These representatives were without exception of Swiss nationality.

The part which they played, especially in supervising the implementing of the PW Convention and the distribution of relief, is dealt with in a separate chapter.

Apart from this role, which brought them in contact with Governments and General Staffs rather than with National Societies, the delegates of the ICRC did however remain in

close touch with the said Societies, from whom they received most valuable support. By informing the Committee and the National Societies about their respective tasks, by examining many problems in common, the delegates contributed greatly to strengthening the links between Geneva and the Red Cross Societies, especially in times when correspondence was hampered and routes of communication were blocked.

Certain National Societies of the occupied countries made urgent requests, asking for the despatch of ICRC delegates. The Committee made every effort to comply, but often met with opposition from the occupying Power and did not always succeed in overcoming these objections, although representations were repeatedly made.

It should be mentioned that many of the National Societies sent *special missions* to Geneva to deal with numerous problems in person. The Committee was fully aware of the value of these meetings, which permitted delicate questions, otherwise requiring long correspondence, to be solved without delay. Some National Societies being near at hand, gave their directors or the heads of their external relations section, the duty of visiting Geneva periodically. In the year 1942, Dr. T. W. Osborn, delegate of the South African Red Cross, who had come to visit the ICRC was, at the instance of the Committee, able to return to his country by crossing enemy territory, accompanied by a representative of the German Red Cross.

The ICRC, for its own part, sent out several special missions from Geneva, in order to establish direct personal contact with certain National Societies and to bring about a solution of important and urgent problems. These missions were not so numerous as the ICRC could have wished, because of travel difficulties, and the fact that both members and principal assistants were kept in Geneva by pressure of work. We mention however, amongst the most important missions :

(1) Mission of M. Carl J. Burckhardt and Mlle. Lucie Odier, members of ICRC, to London in 1940, to deal with a number of questions relating to PW and other victims of war, in consultation with the British Red Cross and the competent authorities.

(2) Mission of MM. J. Chenevière, F. Barbey, members of ICRC, and Dr. M. Junod, to Paris, in March 1940, to discuss with the French Government and the French Red Cross various problems, in particular the exchange of information about PW, notices of deaths, matters of inheritance and civilian messages.

(3) Mission of M. H. de Pourtalès to Italy in August 1940, chiefly to carry on negotiations, through the kind offices of the Italian Red Cross, with the Italian Government, to get authority for the ICRC delegates to visit the British and French PW and civilian internee camps.

(4) Mission of Mlle. Odier and M. Martin Bodmer, members of the ICRC, to Berlin, in autumn 1940, on the invitation of the German Red Cross.

(5) Mission of Mlle. Odier, member of the ICRC, and Dr. M. Junod, to Great Britain, in 1941 to discuss with the British Red Cross and the British Government methods of despatching parcels from Great Britain to British PW ;

(6) Mission of M. J. Chenevière, member of the ICRC, accompanied by M. C. Pilloud, to Rome, in May 1941, to settle with the Office for PW, organized by the Italian Red Cross, various questions concerning the exchange of news about PW and civilian internees.

(7) Mission of M. J. Chenevière, accompanied by M. G. Graz, to Vichy and Lyon in December 1941, to study with the French authorities and the French Red Cross various problems relating to military and civilian victims of the war and to the working of the Central PW Agency.

(8) Mission of M. Chapuisat, member of the ICRC, as delegate of the ICRC to the IVth Pan-American Red Cross Conference at Santiago de Chile (December 1940). The ICRC delegate passed through Washington, where he made contact with the American Red Cross. After the Conference, he went to the Argentine, then to Brazil, and twice to Canada, where he visited different branches of the National Red Cross Societies.

(9) Mission, in 1942, of M. J. Duchosal, Secretary-General, and M. Hans de Watteville, to Washington and South America. The delegates visited the Red Cross Societies of Mexico, Cuba, Peru, Chili, the Argentine, Brazil, Venezuela, Jamaica and Haiti, and had useful conversations with their Central Committees.

(10) Mission of Mles. S. Ferrière and L. Odier in the Near East and Africa, from February to May 1943, which enabled these two members of the ICRC, on a journey of 6875 miles, to make contact with civil and military authorities, as with the National Red Cross Societies, and to ensure a methodical and clearly defined liaison amongst the Delegations of the ICRC at Cairo, Beirut, Johannesburg, Capetown and Salisbury.

(11) Mission of MM. Rikli and Senn to Chungking, in 1943, in order to make contact with the Chinese Red Cross and study with it the various problems raised by joint activities of this Society and the ICRC.

(12) Mission of M. Chapuisat, member of ICRC, and M. D. de Traz, in 1943, to Budapest, Bucharest, Bratislava, Odessa, Sofia and Zagreb. They were officially received by the heads of State and members of Governments, as by the Central Committees of the Hungarian, Slovak, Rumanian, Bulgarian and Croat Red Cross Societies, and various national branches. The representatives visited the PW, civilian internee and refugee camps, and numerous institutions and hospitals in which these Societies had a particular interest.

(13) Mission of Dr. M. Junod and Mlle. Straehler to Manchukuo and Tokyo, travelling via Moscow, in 1945, to direct the ICRC delegation in Japan.

(14) Mission of M. F. Siordet, who left in 1946 for the Far East and Australia, with the aim of strengthening the ties between the Red Cross Societies of these regions and the ICRC.

(15) Mission of M. H. Cuchet, Director-Delegate and Treasurer of the ICRC, to Great Britain, the United States and Canada, in spring 1946, to inform the Red Cross Societies of these countries as to the financial position of the ICRC.

(16) Mission of M. G. Dunand, Director-Delegate of ICRC, to represent the Committee at the Vth Pan-American Red Cross Conference at Caracas, in February 1947. M. Dunand later visited the National Societies as well as the Governments of the twenty Republics of Latin America, to inform them of the work accomplished by the ICRC, and to seek support for the post-war tasks of moral and material relief.

#### **4. Difficulties encountered**

After the occupation of a considerable number of countries during the first phase of the war, great difficulties arose in the field of relations between the ICRC and the National Red Cross Societies. The Societies or the authorities of the occupying Powers demanded that all communications and dealings between the ICRC and the Red Cross Societies of the occupied countries should pass through their hands. This demand was the cause of great delays, and the Red Cross Societies of the occupied countries complained that the Red Cross of the occupying Power withheld communications from both sides and prevented the sending of their representatives to Geneva. The ICRC thereupon took vigorous and repeated action against this interference, in the first place by protesting to the Red Cross Societies of the occupying Powers, and then by deliberate opposition to the conditions set by them. After prolonged efforts, the Committee succeeded in sending temporary or permanent delegations into certain of the occupied countries. It remains none the less true that the demands of the Red Cross Societies of the occupying Powers during the war were extremely prejudicial to the relations of the ICRC with the Red Cross Societies of the occupied countries and reduced them to a very great degree.

As regards the relations of the ICRC with the Red Cross Societies set up outside their national territory, it was usually through the medium of the British Red Cross that the ICRC was able to correspond with them, their Committees having for the most part emigrated to London. The ICRC was moreover able to keep in direct contact with them, thanks to the presence of their delegates in Geneva and of an ICRC delegation in Great Britain.

If relations of the ICRC with the National Societies, in spite of these efforts, were in certain cases not as close and regular as might have been, this was because of the many practical and sometimes insurmountable obstacles produced by a war which had spread to all Continents. In order to avoid similar difficulties in the future, the Preliminary Conference (1946) adopted recommendations whereby the States should ensure free and regular intercourse amongst national and international Red Cross organizations, and also for the introduction into existing treaties and into new international Conventions of clauses providing facilities for such intercourse.

In isolated instances, especially at the beginning of the war, some of the National Societies were disturbed to find that, side by side with their own contacts with the Committee, the ICRC was in direct and regular touch with the Government of their own countries on questions of importance. However, they quickly came to appreciate the necessity for such a course, and all misunderstanding was cleared up without trouble. In time of war, the ICRC branches out beyond the field of action proper to the National Societies, into activities that fall specifically within the competence of Governments, and which derive from the application of the international Conventions, in particular those relating to the treatment of PW. Moreover, the Committee assumes towards the Governments treaty obligations relating to the operation of the Central PW Agency. Finally, the Governments have recourse to the ICRC as a neutral intermediary to negotiate proposals of a humanitarian character with the other side. In certain instances too, the ICRC or its delegations have taken steps, with the authority or tacit approval of Governments, for protection or relief in which it was not possible for the National Societies to participate.

The Committee has at all times considered that the successful carrying out of all its tasks, far from detracting from the prestige of the National Societies, has served the best interest of the Red Cross as a whole, and by aiding the expansion of the work, was thus also in the interests of the individual Societies.

The ICRC did as far as possible keep the National Societies informed of its relations with Governments ; it was very often

due to the effective support of the Societies that the Committee was able to set up such relations and to extend them.

In the case of complaint by some of the Societies of being insufficiently posted, the Committee had assumed that they were kept informed by their own Government of the action taken by the Committee at Geneva in direct collaboration with it, when this was the quickest and most efficient means. In order to avoid such misunderstandings in the future, the Preliminary Conference passed a recommendation that, when it seemed necessary and possible, the Committee should act in such cases in the first instance through the National Societies as intermediaries, and that in all circumstances it should inform the National Society of any given country direct of its work in that country, and of its relations or negotiations with the Government, or with any agency responsible to that Government. As this recommendation corresponded with its own views, the ICRC gladly supported it, with the exception however of any case in which the Government itself should raise objection.

It follows, then, that the bonds between the National Societies and the ICRC in time of war were far more numerous and had greater regularity than might appear at first sight. If they were sometimes variable and did not always cover the Committee's work as a whole, it was due to the exigencies of war and to the anxiety of belligerent Governments that some of their undertakings should remain confidential.

If the ICRC was not able to keep the National Societies continually informed of its work, this was because its own duties, ever increasing in scope and urgency, absorbed the whole of its time and labour. Finally, it must be agreed that the setting up of relations between the ICRC and the National Societies depended, to a great extent, on the co-operation which they were willing to pursue with Geneva. The experience of the ICRC with the National Societies during the war, and the positive and indispensable support received from them, only enhanced its anxiety to maintain the ties which united them and to strengthen these still further. Let us hope that this wish may be the more easily fulfilled by the return to normal conditions.

## (B). CONSTITUTION AND RECOGNITION OF NATIONAL RED CROSS SOCIETIES

In confirmation of precedents set up since 1876, the IVth International Red Cross Conference, held at Karlsruhe in 1887, instructed the Committee to notify existing National Societies of the formation of new Societies, after having scrutinized the legal basis of their constitution. The mandate given to the ICRC to recognize National Societies was since then confirmed in 1928 by the Statutes of the International Red Cross. Towards 1889, the ICRC drafted a number of principles to which the new Societies had to subscribe to obtain recognition (e.g. they must belong to a country where the Geneva Convention is in force ; they must be recognized by their Government as an auxiliary of the Army medical service ; they must bear the name and display the emblem of the Red Cross ; they must admit to membership their own nationals without discrimination). These conditions have never been modified and the ICRC has at all times considered them valid. In view, however, of the complexity of the international legal status of various groups of States (e.g. commonwealths), the ICRC has interpreted them in a liberal spirit and taken into account the circumstances of each particular case. At the Preliminary Conference (1946), the Committee stated that, in its own view, these conditions might be revised and brought up to date. It declared itself ready to take part in a Joint Commission of National Societies and of the ICRC, which would have to redraft them.

The enquiries to be carried out by the Committee, by virtue of the mandate given, before considering the recognition of National Societies, do not as a rule present any difficulties in normal times of peace ; the recognition of a new Society in time of war, however, becomes an extremely delicate matter. War may in fact have far-reaching effects on the status of a Power. It may even lead to situations which are quite anomalous under international law, as for instance when certain States are recognized by the belligerents, and others refused recognition by other Powers. The ICRC is then faced by *de facto* situations



which are outside its competence and on which it cannot express any opinion, because of their political nature.

The upheavals caused by the second World War had a profound effect on the conditions in which several of the National Societies had to live and work. In some of the occupied countries, sections of the National Societies survived, sometimes subject to changes imposed on them by the occupying Power, whilst other sections went abroad and constituted themselves anew as National Societies, under the protection of a Government in exile, recognition being given by some States and withheld by others. In some instances, countries split up into several States, each of which set up an independent Red Cross Society. It even occurred that the same country had two Governments, one at war with the other, and two Red Cross Societies. Thus two, three, sometimes even four Societies would each claim to be alone entitled to the recognition granted by the ICRC before the war to a single National Society.

In face of this deadlock, the only course the ICRC could follow was, firstly, to postpone all recognition for the duration of the war and until normal international conditions returned, and secondly, for the sake of carrying out its humanitarian mission, to maintain all *de facto* relations with all Red Cross Societies, whether recognized or not ; it was indeed essential that this should be done, in the interests of the victims of war awaiting help.

The ICRC explained this policy in its circular letter No. 365 of September 17, 1941, to all National Red Cross Societies. In the same circular the Committee stated that they would publish in the " Bulletin international " all communications received from Red Cross Societies, whether recognized or not, in the same form in which they were received.

None of the Societies raised any objection, or made any reservations to the course proposed by the Committee.

The only exceptions the ICRC made to the principle of postponing new recognitions for the duration of the war were in favour of the Red Cross Societies of Eire and Liechtenstein, since their formation had come about independently of any situation connected with the state of war. The ICRC informed

the Central Committees of National Societies of its recognition of the Irish Red Cross in its circular letter No. 361 of November 2, 1939, and of that of Liechtenstein in its circular letter No. 369 of June 22, 1945.

Since the majority of the Red Cross Societies in exile had set up their quarters in London, it was through the British Red Cross as intermediary that the ICRC managed to correspond with them. The Committee was able to keep in direct contact with them, thanks to the presence of their delegates in Geneva, as well as through its Delegation in London as intermediary. The British Red Cross informed the ICRC of the setting up of Allied Red Cross Societies in London and defined its position in relation to them. The British Red Cross pointed out that it was necessary, for reasons of security, to forward certain communications by its channel, in particular, enquiries concerning the missing. Following on the organization in London of the "Postal Message Scheme", each Committee was given authority to organize a similar service of postal messages for its own nationals, and to set up a special office for the purpose. A packing centre had been established for parcels for Allied PW.

The ICRC was notified of the establishment in London of the following sections of Red Cross Societies: Norwegian Red Cross, May 20, 1940; Dutch Red Cross, May 29, 1940; Polish Red Cross, October 31, 1940; Czechoslovak Red Cross, November 14, 1940; Yugoslav Red Cross, July 10, 1941; French Red Cross, December 30, 1943; Luxemburg Red Cross, April 3, 1943.

As soon as hostilities came to an end, the ICRC considered that any National Red Cross Society which was once more domiciled in its own liberated and independent territory, and which was recognized by its own Government (also returned to its own soil), had full rights to the benefit of the recognition given to it before the war by the ICRC, whatever the date of its dissolution by the occupying Power. Thus it was unnecessary to give recognition anew, the only reservation being that the statutes of these Societies should, as before, conform to the conditions of recognition laid down by the ICRC after the Karlsruhe Conference.

Following on these considerations, the ICRC also held the opinion that only the National Red Cross Societies which had returned to their own country should henceforth qualify as such, whilst associations which had been set up outside their national territory became branches abroad, of which the existence and organization depended, firstly, on the National Society of their own country and secondly, on the approval of the Red Cross of the country in which they were established.

This principle, for most of the Societies, amounted to recognizing that the capitulation of the Axis forces did in fact constitute the "return to a normal international situation" which circular No. 365 had named as putting a term to the *de facto* relations established with all Red Cross associations. For those few Societies whose position was not affected by the capitulation, the application of this circular was deferred, as a temporary measure, until the signing of the Peace Treaties.

The Preliminary Conference (1946) gave full approval to the policy adopted by the ICRC, which involved the postponement during the War of all recognition of National Societies, that is, until the international situation had once more become normal. The Conference recognized that the Committee had rightly made exceptions in the case of the Red Cross of Eire and Liechtenstein. It also approved the attitude of the ICRC concerning the National Societies which had returned as soon as the war had ended to their own liberated and independent countries, and which were recognized by their own Governments, also re-established on their own soil. The Conference agreed that it was not necessary to give any new formal recognition to these Societies, with the sole reservation that their statutes should conform, as before, to the conditions for recognition laid down in 1889.

For reasons given above, the ICRC could not as a rule during the war offer any opposition to the changes imposed upon National Societies by the occupying Power. These were matters on which it could express no opinion, because of their political character. It was however able to intervene on the humanitarian plane, where measures taken by the occupying Power threatened to nullify the operations of a National Society; it was, for

instance, able to bring about the release of certain directors of the Red Cross. The endeavours of the ICRC and the League once more to set in motion the work of the Red Cross in Germany after the dissolution of the German State will be the subject of a separate report to the XVIIth International Red Cross Conference.

Since the ending of hostilities throughout the world, the ICRC has resumed the exercise of its mandate covering the recognition of new Societies. It was thus very glad to welcome into the circle of the International Red Cross the Syrian Red Crescent (October 12, 1946), the Lebanese Red Cross (Jan. 31 1947) and the Philippine Red Cross (May 5, 1947).

### **The German Red Cross**

The position of the Red Cross in Germany has been a matter of especial concern to the ICRC. On August 23, 1945, after the capitulation, the Committee sent a memorandum to the Foreign Ministers of France, Great Britain, the Soviet Union and the United States, and to the International Control Commission in Berlin on "the organization and work of the Red Cross in Germany". Its point of view was expressed in substance as follows: All National Societies being dependent on a State which is party to the Convention of Geneva, the dissolution of the German Government makes the position of the German Red Cross uncertain in law. Whatever the political measures taken with regard to the German State, it is essential that, apart from all juridical considerations, suitable agencies, whether central, regional, or local, should be able to resume Red Cross activities in Germany. It also seems essential that all, or some at least, of the German Red Cross staff, equipment and property should not be dispersed.

The Inter-Allied Control Commission took cognizance of the memorandum on September 29, 1945 and informed the Committee that, whilst refusing for the time being to consider the reconstruction of a central organization of the German Red Cross, they would examine the question again within three months time. On January 15, 1946, the Control Commission

informed the ICRC that, since the screening of members of the German Red Cross was not yet concluded, discussion of the problem was adjourned *sine die*.

From that date, and for the purposes of this report, the measures taken to promote the re-organization of the Red Cross in Germany may be divided in three parts. The first is a summary of the action taken by the ICRC on its own account, the second, of that taken jointly by the League of Red Cross Societies and the ICRC, and the third, which appears in the League's General Report, shows what was accomplished on its own initiative.

*Russian Zone.* — The Soviet Authorities in common with the other three Powers occupying German territory, decided to dissolve all the organizations of the former Reich and, amongst them, the German Red Cross. This decision also applied, as from October 1945, to the Russian sector in Berlin. It was, however, chiefly in this sector that a constant co-operation was established, from the summer of 1945, between the Soviet representatives and delegates of the ICRC in the sphere of relief to the civil population, which was gradually extended to the Russian occupation zone itself.

*French Zone.* — Although in the French sector of Berlin a few local Red Cross organizations were able to remain in existence, in the French Zone proper, a complete dissolution was enforced. From November 1945, however, Welfare Committees (Hilfsausschüsse), the formation of which in each district and co-ordination with the various "Kreise", "Länder" and "Zone" were permitted by the French Authorities, were able to do useful work and to safeguard the existing property of the Red Cross. These Committees, which included representatives of several relief organizations, were in close touch with the occupying Powers, usually through the intermediary of delegates of the ICRC. The latter, with the support of visiting representatives of the ICRC from Geneva, succeeded in persuading the competent authorities of the need to re-organize the Red Cross in the French Zone. The official re-

establishment dates from April 16, 1947, on which day General Koenig issued an Order authorizing the formation of a Red Cross Society in each "Land", and the transfer of all property belonging to the former German Red Cross, which had been sequestrated or temporarily handed over to other organizations with similar aims, to the new Red Cross Societies.

*British Zone.* — Local organizations were able, from the beginning, to continue their relief work, although on a limited scale. As they had not been dissolved but had had to rid themselves of members implicated in the Nazi regime, they were able to carry out extensive and efficient work. Strongly supported by the Delegation of the ICRC in the British Zone, these Red Cross Societies, which played a part of increasing importance, were later helped by the League. In May 1946, the arrival of a League delegate at Vlotho marked the beginning of co-operation between the League and the ICRC.

In Berlin, the Red Cross services of the American, British and French Sectors combined for joint action, although they were not given recognition.

*American Zone.* — As in the British Zone, local branches were never dissolved. The military administration, which eliminated members it considered undesirable, very soon entrusted these branches with certain duties. The delegates of the ICRC, as in the British Zone, made every endeavour to promote contact between these societies and the occupying Authority, and above all gave moral support to these branches, which were extremely well organized to carry out the relief work allotted to them.

Co-operation between the League and the ICRC could serve a useful purpose only in the American and British Zones. In the Soviet Zone, the re-establishment of the German Red Cross had still made no progress by June 1947. In the French Zone, the representatives of the ICRC whose Delegation was about to be wound up, were able to introduce the League delegate to the occupying Powers, to the local German Authorities and to the Red Cross Societies, whose formation was a source of keen satisfaction to the delegates. In the Berlin sectors, where

Red Cross services were working without any formally recognized status, the League and delegates of the ICRC remained in touch, and this in itself was very useful.

In the British and American Zones, however, the delegates of both organizations worked in close conjunction from the spring of 1946 onwards. Whilst representatives of the ICRC continued the work begun immediately after the capitulation, the League delegate devoted most of his efforts towards a unification of the various Red Cross Societies. The task of the League delegate was relatively easy in the British Zone, where regional branches had as yet no fixed status : it was harder in the American Zone, where some Red Cross Societies had already adopted their own regulations. The delegate's aim was to persuade each Society to adopt uniform statutes, so that when the time came they could all be merged without difficulty in a single national organization. The delegates of the ICRC and the League still worked in their respective fields, but pooled their forces. The delegates of one shared with the other the advantages of the contacts they had made over a period of many months ; the delegates of the other co-ordinated the efforts which had been rather scattered. In combination, the delegates of the two bodies collaborated in the greatest possible degree, in order that even at a time so full of problems in Germany, the principle of universality of the Red Cross might persist.

#### (C). PROTESTS OF NATIONAL RED CROSS SOCIETIES AGAINST ALLEGED VIOLATIONS OF THE HUMANITARIAN CONVENTIONS

The Statutes of the International Red Cross, in Article VII, lay upon the ICRC the duty of receiving all complaints concerned with alleged infringement of the International Conventions.

In practice, these complaints fall within two quite distinct categories. The first, which is by far the wider, includes the protests from National Societies, prisoners of war, etc. concerning the failure to apply a given clause of the Conventions, especially in relation to the treatment of PW, and more often than not having reference to some permanent condition of affairs.

Such complaints, of which the ICRC received a great number, were the subject of constant exertions ; they were dealt with in a practical and tactful way, ranging from talks between delegates and camp commandants, to official notes, addressed in especially serious cases to the highest Government authorities. The Committee was usually able to achieve an improvement in unsatisfactory conditions brought to its notice, or, when it was a question of past events, to make certain that they should not recur.

The second type of complaint, comparatively limited in number, consists of protests, expressed in formal terms, against the violation of fundamental principles of international law or human rights. These usually relate to past events, about which the ICRC is not in a position to establish the evidence required. One of the essential features of the Red Cross is its impartiality ; its non-political status enjoins it to practise impartiality in the sense of complete equity.

On the outbreak of hostilities, the ICRC was careful to state in its memorandum of September 12, 1939, sent to Governments of belligerent States and published in the " Revue " of that month, its fundamental duties and the conditions, according to the clauses of the Geneva Convention and the principles of the Red Cross, in which it might participate in enquiries into alleged violations of humanitarian rights protected by international law. The Committee explained at the outset that the functions which it might on occasions assume in this connection could only be exercised in such a way that they did not embarrass or make more difficult the practical tasks which are the consequence of its traditional duties.

If the ICRC, the memorandum recorded, agrees to intervene in order to verify a breach of a Convention, or of rules of international law for the protection of human rights, it does so in obedience to the following principles :

(1) The ICRC may not and cannot constitute itself a Commission of Enquiry or a tribunal, nor appoint its members as inspectors or as assessors.



(2) The ICRC confines itself to an attempt to find one or more persons who are qualified to carry out the enquiry, and, in a particular case, to give opinion on the points raised by the parties to the dispute.

(3) The ICRC can only undertake enquiry, or should the occasion arise, give an opinion on certain points, on the strength of a mandate already laid on it by a Convention, or by virtue of an *ad hoc* agreement. It may propose such an agreement of its own accord, or at the request of one of the parties. The procedure of the enquiry must provide all the guarantees of impartiality and ensure to the parties the means to defend their case.

(4) If the conditions set out above do not apply, whereas a representative of the ICRC has established facts that can be held to be a violation of the Conventions or of the principles of law, the ICRC shall be sole judge in the decision to withhold the report of its delegate, or on what conditions it will communicate it to the defendant for comment.

(5) If a belligerent party requests the ICRC to undertake an enquiry, no statement on the subject shall be issued or authorized for issue to the public either through the press or by any other channel without the consent of the ICRC.

(6) The ICRC is pledged to safeguard humanitarian rights in all circumstances, especially in time of war or civil disturbances. Its peculiar function, however, paramount over all others, is to guard the rights protected by the Geneva Conventions, (especially the relief of the sick and wounded and the treatment of prisoners), or by any other Conventions sponsored by the Red Cross.

If then the ICRC is led to undertake enquiries on the terms set out above, they should refer primarily to infringements of the cited Conventions. Enquiries into breaches of the laws of warfare in general, and in particular to the rules relating to the usages of war can be admitted only in exceptional cases as coming within the competence of the ICRC.

In application of the principles stated in its memorandum to Governments, the ICRC on Sept. 13, 1939, gave the necessary instructions to its delegates, adding that if circumstances were such that the delegate became witness of certain events, he should report this exclusively to the ICRC, who alone had the competence to take action on the observations made.

During the whole of the war, the ICRC adhered to the principles laid down in its memorandum of September 12, 1939, according to which it could not agree to take part in any proceedings for establishing the evidence of violations, except

with the formal consent of all the States concerned. The Committee was sometimes compelled to refuse to participate in commissions of enquiry into actual cases, since the consent of one of the parties was not forthcoming, as for instance in the Katyn episode, of which an account will be given in the section of the present Report dealing with PW. (See below).

Where protests were received from a National Red Cross Society, chiefly concerning the bombardment of hospitals or ambulances, the torpedoing of hospital ships and the bombing from the air of civilian populations, they were automatically forwarded by the ICRC to the National Society of the country concerned, either in the original text, or in the shape of a *précis* of the main facts, according to the usual procedure laid down in such matters. An account of several of these protests will be found in the present Report.

When considered necessary, the Committee also drew the attention of the Society to the gravity of the alleged occurrences and asked to be put in a position to reply to the opposite side.

This procedure is obviously only of value in so far as the National Societies, in consequence of the influence they have on their Governments and by their sense of impartiality, are able to take useful action to have the incidents dispassionately examined by both parties.

One must confess that these transmissions have yielded only slight results, if indeed it be considered a positive result when the authorities of the country involved give an assurance that they have opened a thorough enquiry. We must not omit the fact that the American Red Cross sent the Committee replies in full detail, obtained from its Government, in the specific case of the Japanese protests, alleging attacks on hospital ships.

In some instances, National Societies requested the ICRC to bring their protests to the knowledge of all National Societies, and sometimes even to submit them to the public opinion of the world at large. The Committee did not consider it possible to adopt this course, since it was unable itself to form a considered opinion with regard to allegations which it could not verify by investigations on the spot. It did on the other hand sometimes publish in the "*Revue internationale*" reports dealing

with alleged violations, on the basis of information received from Red Cross Societies. Thus in January 1944, the Committee gave publicity to an account of the alleged violations of the Tenth Hague Convention of 1907 in the war in the Far East. The publication dealt with the protests of the Australian and Japanese Red Cross Societies with regard to the torpedoing or bombing of hospital ships. The ICRC had forwarded these to the Red Cross Societies of the countries concerned, and had asked to have a reply to transmit to the plaintiff Societies. The same procedure was followed in the case of every protest forwarded to the Committee by the Red Cross Societies of all the belligerent States.

Protests from Governments were forwarded by the ICRC to the Government of the country in question. The majority of protests from Governments were, however, usually transmitted by diplomatic channels, through the intermediary of a Protecting Power. Some of the Governments maintained that they could agree to receive no protests except those which reached them by this channel. The ICRC persisted none the less in the practice of transmission from one Red Cross Society to another, as was its custom.

An account of the policy pursued by the ICRC with regard to protests was given to the Preliminary Conference (1946) and approved.

#### (D). CO-OPERATION AND LIAISON WITH THE LEAGUE OF RED CROSS SOCIETIES

The statutes of the International Red Cross provide in Article IX that the ICRC and the League shall co-operate in those fields which affect equally the work of both, especially in those concerned with relief work, in the case of national or international calamities. This co-operation is assured in particular by the appointment of a representative accredited to the League by the ICRC, and of one accredited to the ICRC by the League.

On the outbreak of war, in September 1939, the Secretariat of the League, whose offices were in Paris, moved to Geneva.

The Committee was glad to help in this transfer, especially by steps with the Swiss authorities, since this solution, in its own view, would greatly facilitate friendly and efficient co-operation. As a matter of fact, the co-existence in the same town of these two organizations made possible joint action which, in the field of relief for the civil populations, increased to a very considerable degree. Frequent and close relations were at once established, and towards the middle of the war took shape in regular meetings. The principal matters in which the ICRC and the League co-operated were the following :

#### **1. Relief measures in behalf of the civil population**

It was in this field, as stated above, that the common task assumed a wide significance.

Joint relief work was set on foot from September 1939 in behalf of Polish refugees, with the assistance of National Red Cross Societies, and similar action in May 1940 in behalf of Belgian, Dutch, French and Luxemburg refugees.

As the war dragged on and applications for relief became increasingly urgent, the organization of considerable operations over a prolonged period had to be considered. The ICRC proposed that the League should participate in the work which the former had to undertake in this field. To this end, the Committee and the League set up a special agency charged with carrying out relief work for the distressed civil population—more especially for women and children. Thus a joint office of the ICRC and the League took shape, and later, in July 1941, the " Joint Relief Commission of the International Red Cross ". By its statutes, this Commission was legally separate body, with civil personality.

The joint work of the ICRC and the League in the matter of relief, which was carried on successfully during the whole of the war and in the period immediately following, will be described in the Reports presented by the two organizations <sup>1</sup> and in the Report of the Joint Commission.

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<sup>1</sup> The part played by the ICRC is referred to in Vol. III of the present Report.

## 2. Measures in case of Natural Calamities

Independently of the co-operation given by the ICRC and the League to the International Relief Union, an account of which is given below, the two organizations carried on their work together in case of natural calamities, in the spirit of the resolutions passed at the International Red Cross Conferences.

Since the ICRC and the League had no funds specially allocated for the relief of populations stricken by natural disasters, they were only very rarely able to carry out any direct measures of relief.

Whenever a disaster of any magnitude affected any part of the globe, the ICRC and the League at once conferred and sent a joint telegram to the Red Cross Society of the country concerned, adding to the sympathy of the International Red Cross institutions, the suggestion that an appeal for help might be sent out to fellow Societies. When the scale of the catastrophe exceeded from the outset the capacity for relief of the national Red Cross Society, the latter sent an appeal for help to the International Red Cross institutions, and this was at once transmitted.

As a rule, appeals such as these were not communicated to all National Societies; the call was addressed only to those Societies whose geographical position and financial resources best fitted them to undertake immediate and effective action for relief.

During the war, international measures for relief brought about by joint appeals of the ICRC and the League were comparatively few. Indeed, the efforts of the National Societies as well as their resources served principally to support their wartime tasks.

The ICRC and the League took action, either direct or indirect, in the following relief schemes :

(1) In December 1939, after an earthquake in Turkey, the Committee and the League offered the Turkish Red Crescent to publish an appeal in its name. This was accepted, and a large number of National Societies responded in an effective fashion.

(2) On April 5, 1940, a joint telegram was sent to the Yugoslav Red Cross, following on the devastation of a province by floods.

(3) At the end of May 1940, the Peruvian Red Cross asked the ICRC and the League to forward an appeal for help to fellow Societies, an earthquake having destroyed four towns in Peru. This appeal was sent out to a large number of Societies of Latin America, who responded with great generosity.

(4) On November 11, 1940, part of Rumania was devastated by an earthquake. A joint telegram was addressed to the Rumanian Red Cross and the help of numerous Societies solicited.

(5) In November 1940 also, Yugoslavia again experienced serious floods, and a joint telegram was sent.

(6) On February 20, 1941, the Portuguese Red Cross reported that a hurricane had been raging over the country and requested help.

(7) A few days later, the Spanish Red Cross also solicited aid, a cyclone having laid waste the town of Santander. The usual joint cables were sent out, and numerous Red Cross Societies were invited by the ICRC and the League to come to the aid of the Spanish and Portuguese Societies.

(8) In March 1941, a joint telegram was sent to the Greek Red Cross, in consequence of an earthquake which had destroyed the town of Larissa. Twelve Red Cross Societies were invited to send help and did so generously.

(9) On January 19, 1944, an earthquake afflicted the Argentine, and a joint cable was sent to the Red Cross of that country. The latter replied that no appeal to fellow Societies was required.

(10) In August 1944, an earthquake devastated a city in Persia. The ICRC and the League decided to contribute to relief measures by a gift of 5,000 Swiss francs. This was forwarded to the Red Lion and Sun of Persia, through the Joint Relief Commission as intermediary.

(11) On October 24, 1944, a joint appeal was addressed to numerous Red Cross Societies of North and South America on behalf of the Cuban Red Cross, a cyclone having laid waste the province of Havana. Many contributions to the relief fund were made on this occasion.

(12) In August 1946, a joint cable was sent to the Red Cross of San Domingo, a considerable part of the territory of the Dominican Republic having suffered from an earthquake. On this occasion, various Red Cross Societies made contributions.

(13) Three months later, in November 1946, another earthquake having devastated a Japanese province, the ICRC and the League addressed a joint telegram to the Japanese Red Cross, which however made known that the help of other National Societies was not required.

(14) In March 1947, floods occurred in Bolivia. A joint telegram was addressed to the Red Cross of that country, and an appeal sent out to all the Red Cross Societies of North and South America. It was possible on this occasion to send extensive relief to Bolivia.

### **3. International Relief Union**

On July 12, 1927, twenty-one States, for the most part members of the League of Nations, signed a Convention in Geneva establishing an International Relief Union (UIS), and gave statutes to this body, which came into existence through the long considered proposal of the Italian Senator Giovanni Ciraolo. Article 2 of this Convention defined the purpose of the Union, which is primarily to supply emergency aid to populations who have become the victims of natural calamities, and to assemble for this purpose gifts, resources and help of every kind, action by the Union being limited to calamities occurring on the territory of the High Contracting Parties. The resources of the institution consist of a capital fund subscribed by the signatory States, of voluntary grants made by Governments, and of funds collected from the public and special donations.

The Convention governing the Union, as well as its statutes, assign an important role to the Red Cross.

Article 5 of the Convention lays down that the constitution and operation of the Union call for the free co-operation of the Red Cross. The latter may sit on the General Council of the Union, and are members of its Executive Council, in both cases in an advisory capacity.

Moreover, by an agreement concluded on July 14, 1933, the ICRC and the League had assumed responsibility for the working of the Central Permanent Office of the UIS. This office, which consisted of an administrative section and a secretariat, was installed in the offices of the two institutions, the financial section alone remaining independent.

However, in view of the moderate resources of the ICRC and the League, and in order to leave to the UIS the responsibility for organizing an autonomous secretariat, at its own expense, the agreement of 1933 was modified by common consent on August 1, 1939, and replaced by a provisional arrangement, to remain in force until Sept. 15, 1941. Under its terms, the ICRC and the League would make available for the UIS premises in Geneva and a conference room at the office of the League, at that time in Paris; furthermore, the UIS was to have certain work done free of charge, the services of an accountant, and a half share in the salary costs of a secretary and a shorthand-typist.

From Sept. 15, 1941, onwards, this agreement ceased to be in force. Since the war continued, and the resources of the ICRC and the League were absorbed by important and urgent duties, these two organizations were obliged to reduce their share in the expenses of the UIS. The Union was, however, able to maintain a small permanent secretariat in premises lent to it by the ICRC.

Furthermore, the ICRC and the League, on the one hand, and the UIS on the other, studied the means of keeping in being the work of the Union, and a certain degree of free co-operation. On Nov. 27/28, 1942, a Conference was held in Geneva between representatives of the ICRC and the League under Senator Ciraolo, chairman of the Executive Committee of the UIS. Methods of work were sought, which could be adapted to any particular circumstances of the existing state of war.



The reconstitution of the Central Permanent Office, as it existed until 1939, could not be considered. But means were taken to keep the UIS working for the duration of the war, and to prepare it for the exercise of its functions, when circumstances should allow the satisfactory execution of the tasks for which it was originally set up. To this end, the ICRC and the League appointed representatives, whose duty it would be to keep in regular contact with M. de Montenach, Secretary-General of the UIS. The latter was himself frequently in touch with the Chairman of the Executive Committee to whom, from the outbreak of the war, the UIS had delegated sole power to represent it.

In 1943, as a result of the state of war in Italy, it became impossible for Senator Ciraolo, who lived in Rome, to carry out his duties and to exercise the powers conferred on him. He therefore asked the ICRC and the League to direct the affairs of the UIS until such time as the heads of these organizations could make appropriate arrangements. On Oct. 6, 1943, the ICRC and the League replied that they agreed in principle to assume the office of *negotiorum gestor* for the period proposed, in view of the unusual situation. They made clear that it could only be a matter of directing the ordinary business of the UIS, without incurring any responsibility for the investment of funds. M. de Montenach, Secretary-General of the UIS, meanwhile resigned office, and the ICRC and the League proposed M. L. Pedrazzini, Swiss citizen, who appeared specially qualified. On Oct. 22, M. Pedrazzini was appointed Acting Secretary-General by M. Ciraolo.

Finally, on Nov. 9, 1945, the war being at an end, M. Ciraolo informed the Committee and the League that the resuming of international relations allowed him to assume once more his duties. He sent his thanks to them, on behalf of the Executive Committee of the UIS, for the *negotiorum gestio* the two institutions had ensured for a period of two years.

#### 4. Highway Emergency Aid

The Permanent International Commission for Highway Emergency Aid (CIPSR) was set up in 1931, following on a

resolution of the XIVth International Red Cross Conference, expressing the wish that the International Red Cross and the Central Council for International Travel should appoint delegates to form a permanent commission. This Commission would be instructed to apply general rules for the organization of emergency relief on the highways. Until the war, the CIPSR, with which the ICRC, the League and several National Societies co-operated, and the Secretariat of which was supplied by the League, was represented at all the International Red Cross Conferences, and took part in any Congress dealing with first aid problems. It succeeded in designing a standard equipment for emergency aid posts on the highways, which was adopted by about thirty countries.

The war stopped its work, but once it had come to an end, the CIPSR was reconstituted and resumed its task, as the result of a resolution of the Consultative Conference of Red Cross Societies convened by the League in October 1945. The first meeting took place at Geneva, Feb. 5-6, 1946, under the chairmanship of Dr. Béhague ; a series of resolutions was passed relating to the future of the CIPSR, to safety on the highways and to first aid.

A second meeting, which was equally fruitful, was held in Oxford, July 12-13, 1946.

#### **5. The Empress Shôken Fund**

The purpose of the Empress Shôken Fund is to subsidize National Red Cross Societies or their relief work in time of peace, especially in the campaign against contagious diseases, and in helping the victims of public disasters. It is administered by a joint Commission, comprising three representatives of the ICRC and three of the League. A report on the administration of this Fund and the allocation of its revenue will be presented jointly by the ICRC and the League to the XVIIth International Red Cross Conference.

#### **6. Joint Publications**

The ICRC and the League are responsible for the joint publication of the " Manuel de la Croix-Rouge internationale "

and the "Annuaire de la Croix-Rouge internationale", two publications which are greatly appreciated by the National Societies. The seventh edition of the "Manuel" having been exhausted, the ICRC and the League brought out a new edition in 1942. The publication of the "Annuaire" was suspended during the war: it was impossible for the ICRC and the League to get details in time for printing from the National Societies, but the issue was resumed in 1946.

Besides these, the ICRC and the League frequently publish joint circulars and communiqués.

Relief to civil populations, the Joint Relief Commission, natural calamities, International Relief Union, Highways Emergency Aid, the Empress Shôken Fund, and joint publications were thus the fields in which co-operation between the ICRC and the League took on a permanent and visible form. Furthermore, the presence in Geneva of the League Secretariat enabled the two international Red Cross organizations to be in daily contact, regarding questions of the greatest variety.

As a federation of all the National Societies, the League was able to help in co-ordinating the work of the Societies and to make calls on their resources, especially in the case of those who belonged to a country not at war.

Since it was represented in almost all the belligerent countries by delegates who also acted on behalf of the Joint Relief Commission, the ICRC was able by its action and negotiations to repair the breaks which the war threatened to make in the long chain of National Red Cross Societies. Though the latter preserved the spirit of impartiality that lies at the very root of their existence, the fact remains that the nations were at war.

Thus, the League and the ICRC, each one working in its own field, sometimes separately, often jointly, were able to safeguard the links which must always exist between the fellow Societies. It is perhaps in this connection that the co-operation set up in Geneva, by discussions, personal talks and regular meetings, had its most useful results for the very idea and future of the Red Cross.

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## **VII. Relations of the ICRC with Governments — Development of International Law**

### **(A). RELATIONS OF THE ICRC WITH GOVERNMENTS**

In time of war, the ICRC is obliged to maintain regular and practically uninterrupted relations with Governments.

First, there are the contacts called for by the application of the Conventions. It is perhaps not out of place to mention that the humanitarian Conventions are the concern of Governments. It is true they derive from the inspiration and efforts of the Red Cross, but it is the Governments alone which are responsible for their application.

The PW Convention of July 27, 1929, recognizes explicitly the intervention of the ICRC. But, whether that intervention refers to the Central Agency, the organization of which the Committee is instructed to "propose" to the Powers, or whether it concerns the other humanitarian activities in behalf of PW which Art. 88 leaves to the initiative of Geneva, it is still subject to the sanction of the Powers concerned.

A consent in principle is not enough; nor does this consent constitute an assignment of powers to the ICRC. It does not automatically provide it with the material means for making its undertakings effective. Once the Central Agency, which is to serve as liaison between the official information bureaux of the belligerent Powers is set up, the methods of liaison must be fixed and the Agency must be kept supplied with lists and with news. As regards visits to camps, the Powers have practically never given delegates a general authorization, once and for all, to make visits how and when they pleased. Again, the facts

gathered on such visits demand further negotiations, either on the spot by the delegates, or by the ICRC, with local or higher authorities, in order to obtain the improvements desired. Finally, when it is a question of organizing a vast system of relief to operate across the fighting zones and through blockades and counter-blockades, and when countries are completely militarized by total war, the least move may give rise to a considerable problem. In these conditions it is easy to see that the transport, first by sea and then by land, of thousands of tons of goods requires, between the loading in the countries of origin and the distribution in the camps, countless parleys with Governments and ceaseless applications to the administrative departments.

When it is seen how much difficulty besets the ICRC in carrying out its traditional duties based on the Conventions, it will be readily understood that undertakings outside the scope of the Conventions entail even more frequent negotiations with the public authorities in the belligerent countries, ranging over every grade in the civil and military administration. Consider the negotiations the ICRC had to undertake, in order that civilian internees and captured "partisans" should be put on the same footing as PW. In the same way, the more or less successful attempts made to help the starving civil populations, Jews or deportees, involved the ICRC and its representatives almost daily in still further discussions, applications and persistent interviews with the authorities concerned.

The character of these relations varied ; at times they were fairly straightforward, at others they needed much perseverance. Often, the representatives of the ICRC found in one country they were given practical facilities for their work, whilst in another country they were denied such assistance. Nevertheless, when it is remembered that the ICRC wields no material power and has no means of forcing a passage, that its representatives are everywhere merely foreigners : and as one reflects on the circumstances at the time when the Committee had the appearance very often of pleading in behalf of the enemy, and when its interventions were an explicit challenge to "total war"—then, it can be said that, all these things considered, its relations with the authorities it had to meet were good. Even

in those cases where its efforts were in vain, or its good offices declined, or it was forbidden to act in behalf of one or other class of war victims, the ICRC was treated by Governments with a consideration that transcended the personal merit of the individuals who spoke in its name. This in itself proves the moral authority which the Red Cross has acquired all over the world. Consequently, though a private organization, the ICRC negotiated virtually on the level of a Power with Foreign Ministers and in many countries its delegates, particularly those sent on special missions, received a welcome and a consideration usually reserved for men with a diplomatic status. This accounts for the fact that the amount contributed to the ICRC by Governments alone from 1939 to 1946 represents more than half the combined contributions of Governments and the National Red Cross Societies <sup>1</sup>.

There is no need to devote a special chapter to enumerating and describing the interventions of the ICRC with Governments, to its negotiations and appeals during these eight years of war and post-war period. Nor need we mention the contacts established the moment the war came to an end with a view to the revision of existing Conventions, and the drafting of new instruments. Every page of this Report will be informed with these measures and will bring them to mind. But it is necessary to remember that while the efforts of the ICRC are called forth by circumstances, they are dependent for their fulfilment on the means placed at its disposal: their completion and success too, are subject, above all, to the consent of the belligerents, to the understanding that Governments give to the work of humanity, to the facilities they grant to carry it out, or to the inertia and the obstacles which impair its success. In short, the undertakings of the ICRC depend on the disinterested respect which Powers attach to their own signature and to humanitarian principles, or to the particular advantages which they expect to derive from the application of those principles. The Governments which in one way or another facilitated the work of the ICRC should find here an expression of the gratitude that is owed to them.

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<sup>1</sup> Fifty-five per cent. This represents "contributions" only. Advances made by the Swiss Government, and the funds raised in Switzerland and the private gifts of all the countries are not included.

## (B). DEVELOPMENT OF INTERNATIONAL LAW

The ICRC has held the view, from the time of its foundation, that one of its main tasks was to strive for the development of international law for the protection of the victims of war. At the outbreak of hostilities in 1939, the Committee was able to invoke the two major international Conventions adapted to meet the conditions of modern warfare, and which it had itself taken the chief part in promoting. These were the Geneva Conventions of July 27, 1929, the one relating to the sick and wounded of the armed forces and the other to prisoners of war.

Next in importance should be added the Tenth Hague Convention of 1907, adapting the Convention of Geneva to maritime warfare, and the few, very inadequate clauses of the Fourth and Fifth Hague Conventions, covering the civil population and internees in neutral countries.

The first effort of the ICRC which should be recorded under the above heading, was to seek further ratifications or accessions to the Geneva Conventions. At the outbreak of war it approached those States which were not yet bound by these fundamental treaties. The Committee would not claim that success was due solely to its own efforts, but it can point to the fact that between 1939 and 1945 five States ratified the Geneva Convention proper, and that six States signed the Convention relating to the treatment of prisoners of war.

New ground was broken with the attempt to persuade those States not party to the 1929 Prisoners of War Convention that, although they did not intend to make a diplomatic adhesion, they should nevertheless agree to apply the terms of the agreement to the prisoners in their hands, on condition of reciprocity, or, at least to apply those relevant clauses which allow the Red Cross to carry out its humanitarian duties. Some appreciable success was won in several countries, especially in Finland, and to some degree in Japan.

Likewise, the Committee tried to establish that the Conventions should apply in some situations where at least one of the belligerent considered that they were not applicable in law,

either on the grounds that it refused recognition of the Government of its opponent (for instance, Germany declined to recognize Poland and the Provisional Government of the French Republic), or because it refused to recognize a state of international war (partisan strife, alleged civil disturbances or police operations). The Committee, basing its action on the idea that the concern of the Red Cross is in the human being who suffers and not in the political affairs of States, made its intervention on each occasion to that end, and to the full extent of its powers. Its efforts on those lines were rewarded in many cases with concrete success, of which more extensive mention will be found elsewhere in this Report.

Another task was to secure the extension of the terms of the existing Conventions so that they might cover other classes of persons than those specified. Thus the ICRC obtained the agreement of the majority of the belligerent States (and that was, without any doubt, the most important achievement in this particular field) to extend the terms of the Prisoners of War Convention to Civil Internees within their territory at the outbreak of war—that is, on the basis of analogy. It also recommended to neutral States which had interned aliens, members of military forces, that they should apply the Geneva Conventions also to these men. There again, many States pledged themselves to this course, although in differing degrees.

The Committee also proposed to the States that, outside the framework of the existing Conventions, they should put into force the draft Conventions which it had prepared, but for which diplomatic sanction had not yet been given. This it did in regard to the Draft of 1934, called the Tokyo Draft, relating to the protection of civilians, as well as to the Draft of 1938, which sought to establish hospital localities and safety zones. The States, it is to be regretted, did not share its views. In regard to the latter Draft, it should be noted that the Committee tried hard, albeit in vain, to extend it, so that areas of security might be established for the protection of the civilian part of the population (women, children, the sick and aged) and of prisoners of war.

Another feature of the work of the Committee in the develop-



ment of international law was its attempts to secure from the Powers bilateral or multilateral *ad hoc* agreements which, in scope, go beyond the texts of the Conventions or the draft instruments. In many fields the Committee succeeded in this way in easing appreciably the lot of the victims of war and in getting recognition of its authority to carry on new activities which the circumstances made necessary. The conclusion of such agreements led in some cases to formal and concordant declarations of the States concerned, and in other cases to *de facto* application.

The reader will find in the course of the Report numerous instances of similar agreements. We shall confine ourselves here to the visits by ICRC delegates to PW camps, to its organization of family messages between civilians separated by the war, and the plying in war zones of ships bearing the Red Cross emblem—three enterprises whose growth proved most remarkable. In other cases, such as the legal protection of PW conveyed by sea, the notification of the exact location of PW camps, the limitation of bombing from the air strictly to military objectives, the Committee did not succeed in its efforts.

From the time of its foundation, the Committee has persisted in working for the development of the humanitarian Conventions and striven to adapt them to the needs of the moment, or, failing that, to bring into play new arrangements. Its chief task in the period between the two wars has been the preparation of draft Conventions, and especially of the Convention relative to the treatment of PW, which, signed in 1929, has provided during the recent conflict protection for millions of PW. Other draft Conventions, some of them revised texts, and some of them new documents prepared by the ICRC in co-operation with Government Experts and National Red Cross Societies, were due for official confirmation at a Diplomatic Conference convened by the Swiss Federal Council to meet for this object at the beginning of 1940. The outbreak of war, unhappily, compelled the postponement of the Conference.

During the recent War, the greater part of the resources of the Committee were absorbed by its extensive and urgent relief

work. Nevertheless, at no time did it lose sight of the fact that it would be necessary, as soon as the war was over, to assemble the fruits of its experience gained during the tragic years, and thereby to develop and complete the rulings of international law in the humanitarian field. To this end, all the documents in its archives which have a bearing on that research have been classified.

In a memorandum of February 15, 1945, that is, even before the end of the fighting, the ICRC sent word to Governments and to National Red Cross Societies throughout the world that it was setting about the task of preparing the revision of the Conventions and of completing new humanitarian agreements. It had taken similar action after 1918, for it considered its duty lay in making that contribution to the problem for which its almost world-wide activities, its experience and its comprehensive records qualified it. In the same memorandum, the Committee sought the co-operation of Governments and of National Red Cross Societies : it called on them to make their own particular collection of relevant material, to classify it and to make a summary of it.

These proposals were received favourably by a great number of States and Red Cross Societies. The ICRC then set about its project, using methods similar to that which it had employed after the first World War, comprising an exhaustive preliminary collection of documents. The next stage was to emphasize those items of public international law which required confirmation, completion or modification, and to establish, with the support of Red Cross Societies and Governments, the drafts of revised Conventions and of new Conventions, to be submitted in due course to the XVIIth International Red Cross Conference and finally, if the Powers approved, to a Diplomatic Conference.

The ICRC, in October 1945, in the first place, consulted as experts, the neutral members of the Mixed Medical Commissions, who during the war had had the duty of examining sick and wounded PW and of deciding upon their eligibility for repatriation. The Committee then submitted its proposals and its initial drafts to the " Preliminary Conference of the National Red Cross Societies for the study of the Conventions and of

various problems relative to the Red Cross". This was called by the ICRC at Geneva, from July 26 to August 3, 1946, and was attended by one hundred and forty-five delegates of fifty nations, including sixteen presidents of National Red Cross Societies.

The Committee noted the numerous and important suggestions made by National Societies and made a serious study of them during the months that followed, thus completing a comprehensive documentation. Once again it consulted in March, 1947, the representatives of both the lay and the religious bodies which had, in co-operation with it, brought intellectual and spiritual succour to the victims of the war.

Later, there met at Geneva between April 14 and 26, 1947, the "Conference of Government Experts for the study of Conventions for the Protection of War Victims". Seventy delegates represented fifteen Allied Governments, each of which had first-hand experience of the matters for deliberation. On the basis of the proposals of the ICRC and of the views put forward by the National Societies, that Conference established revised drafts for the Geneva Convention of 1929 for the relief of the sick and wounded, for the Xth Hague Convention of 1907 for the adaptation to maritime warfare of the principles of the Geneva Convention of 1906, and for the Convention signed at Geneva on July 27, 1929 relative to the treatment of PW. Further, the Conference completed the first draft of a new Convention for the protection of civilians in time of war <sup>1</sup>.

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<sup>1</sup> In the following months, the ICRC proposes to complete the drafting of these documents, after giving due consideration to the views of the Governments which, although not present at the Conference in April, wished, nevertheless, to have a part in its work. These drafts will then be submitted to a Commission of National Red Cross Societies for the study of the Conventions before they are sent to all National Societies for discussion and approval by the XVIIth International Red Cross Conference.

## PART II

### WOUNDED AND SICK OF THE ARMED FORCES MEDICAL PERSONNEL

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#### (A). GENERAL REMARKS

The Geneva Convention for the relief of the wounded and sick in armies in the field, which was signed in 1864 and revised in 1906 and 1929, has at all times been considered of special significance by the ICRC. This treaty, which was soon adopted throughout the world, not only formed the basis of the whole Red Cross movement, but was also a definite turning-point in the evolution of the law of nations, and of attempts to bring humane influence into warfare.

The Geneva Convention was the only treaty by which all Powers engaged in the second World War were bound. On September 4, 1939, the ICRC urged upon all belligerent States that the Convention should be applied in full.

Although the main purpose, in practice, of the Convention is the protection of PW and civilian victims of war, the ICRC, throughout the period 1939-45, took its stand on this fundamental and traditional charter to invoke, on many occasions, the principles that inspire it, especially in its appeals for the protection of civil populations against air bombardments. It was in that spirit that it sent out its Memoranda of September 13, 1939, and March 15, 1944, concerning the establishment of Hospital Localities and Safety Zones, and its Note of August<sup>1</sup> 17, 1944, on the subject of Partisans.

In the years since 1929, the Committee studied those points of the Convention which required improvement, and a revised

draft was made in 1937, following on a meeting of Government Experts convened by the ICRC. This draft, after being submitted to the Sixteenth International Red Cross Conference held in London in 1938, was placed on the agenda of the Diplomatic Conference which the Swiss Government intended to convene at the beginning of 1940, but which, owing to the second World War, had to be postponed. At the close of hostilities, the Committee again took up the 1937 Draft and completed it, with the experience of six years of warfare, and with the help of Government Experts and National Red Cross Societies. The revised draft will be submitted to the Seventeenth International Red Cross Conference.

## (B). THE WOUNDED, SICK AND DEAD

### 1. Wounded and Sick

The wounded and sick of the armed forces become PW when they fall into the hands of the adverse party. It is in the various sections concerning PW of this Report that the many activities of the ICRC in favour of the wounded and sick captured by the enemy will be made clear<sup>1</sup>.

The care of the wounded and sick, either in the field or with their own armed forces devolved entirely on the Army Medical Services and on the National Red Cross Societies of the respective countries. In these circumstances, the ICRC was not called upon to act. It may be recalled, however, that before the war, the Committee co-operated with the Army Medical Services and National Red Cross Societies in the training of nurses and voluntary auxiliary personnel, and from 1925 to 1938 took a prominent lead in the work of the International Standing Commission for the Study of Ambulance Equipment, which is placed under its auspices.

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<sup>1</sup> The question of setting up Hospital Localities to shelter the sick and wounded of the armed forces, are treated together with those relating to Safety Zones for certain categories of the civil population. See below.

In a few cases, the ICRC was requested to give its aid in arranging the despatch of medical equipment for the sick and wounded of the armed forces, or for their transit through the blockaded areas <sup>1</sup>.

On September 8, 1939, the American Red Cross expressed a wish to help relieve the suffering caused by the war and asked the Committee to enquire from the National Red Cross Societies of belligerent States what medical equipment they might eventually require. This generous offer was immediately communicated by the ICRC to the Societies concerned. The British, French and Polish Red Cross Societies accepted it, and specified the material they needed ; other Societies stated that they required no help for the time being.

In August 1940, the ICRC, after approaching the Ministry of Economic Warfare in London, was given an assurance that medicaments and dressings from overseas for the sick and wounded in Europe should be allowed through the blockade, with the reservation that this should apply only to medical equipment and pharmaceutical supplies, within the strict meaning of these terms.

In November 1939 and May 1940, the Committee forwarded 274 cases to the German Red Cross, weighing about 17 tons, of foodstuffs, clothing, soap and absorbent cotton wool, presented by the Brazilian Red Cross.

Early in December 1939, the Finnish authorities requested the ICRC to act as an intermediary in the purchase of dressings and minor surgical instruments. The ICRC was, within a short time, able to send four postal packets containing the material required. It later received from Swiss donors dressings and medical supplies which enabled it to send 54 cases to Finland in March and April 1940. It was entrusted with the purchase of a field ambulance for the Finnish Red Cross on behalf of various donors, and with the forwarding of hospital linen and dressings to a total value of 13,000 Swiss francs.

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<sup>1</sup> These particular relief activities have been included, as an exception, in this volume instead of in Vol. III.

During August 1941, the ICRC was requested by the Australian Red Cross to supply information concerning the equipment and medical supplies which it would be useful to send to the Alliance of Red Cross and Red Crescent Societies in the Soviet Union. Having obtained the information from Moscow and sent it on to Melbourne, the Committee was informed on March 9, 1942, that the Australian Red Cross was sending for the Alliance, 1,166 cases of medicaments and medical equipment to a value of over 19,000 Australian pounds. This was followed by a second consignment in 1942, to a value of over 10,000 pounds.

In the course of relief activities carried out by the ICRC for the civil population of the St. Nazaire, La Rochelle, Lorient and Dunkirk regions in the spring of 1945, the local German authorities asked that medicaments might also be supplied for seriously wounded German soldiers in hospital in these towns. The Committee obtained permission from the French Government for these medicaments to be sent through France, but the war came to an end before the consignment had left Germany.

## **2. The Dead**

Article 4 of the Geneva Convention provides that belligerents shall communicate to each other, on reciprocal terms and as soon as possible, the names of the wounded, sick and dead collected on the field of battle, together with any indications which may assist in their identification ; that they shall establish and transmit death certificates ; that they shall collect and transmit all personal effects found on the field, or on the dead. The Article does not, however, specify by what means this information shall be communicated. Since the sick and wounded collected by the adversary are PW, Art. 77 of the 1929 PW Convention, which provides for the transmission of information through the official Bureaux and the Central Agency, applies also to sick and wounded PW, and thus avoids any ambiguity.

With regard to enemy dead collected on the field of battle, however, nothing is laid down. The ICRC recommended that

belligerents should adopt the same procedure for those killed in action, as that in use for notifying and transmitting information on PW. In practice, the belligerent Powers almost invariably forwarded lists, telegrams and other documents concerning those killed in action and collected on the field of battle to the Central Agency. The steps taken by the ICRC in this respect, such as those having to do with notifications of death, or personal effects, were merged with those concerning prisoners who had died in captivity <sup>1</sup>.

The ICRC also attempted to improve the means of identifying the dead. The fact gave them some anxiety that, when fighting took place in rough country, or in desert sands, or in the jungle, the identification of bodies might prove impossible unless carried out immediately after an engagement. To this end, they instructed their delegations in April 1943, to remind the belligerents concerned of the obligations laid upon them under Art. 4 of the Geneva Convention, and to request that precise instructions should be given to the fighting forces in this connection.

As a result of the action taken, Australia, Germany, Italy and the United States communicated to the ICRC the regulations laid down for their forces and the instructions given to the troops. The delegation in Cairo informed the ICRC that British troops in the Middle East had received very precise and detailed instructions on the subject. The information received by the ICRC was conveyed to various authorities who had felt some concern in this matter.

Whenever there was opportunity, the Committee urged belligerents not only to provide their troops with identity discs, if possible of the model adopted by the International Commission for the Study of Ambulance Equipment, but that half the identity disc should always be removed from the body of each soldier who fell, before burial. The ICRC approached, in particular, the Japanese authorities, whose troops did not carry identity discs. This fact caused great difficulties in identification and had been brought to the Committee's attention by the Australian and United States authorities.

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<sup>1</sup> See below "Deaths of PW" and Vol. II.



Sometimes the bodies of men who had been killed in action and who were often buried in a summary manner in nameless graves, had to be exhumed. Early in 1941, the French authorities instructed the mayors of the communes to exhume the bodies of all men buried in their district during the Battle of France of 1940, to re-inter them in the parish burial grounds, and to recover any details likely to assist identification. These instructions were carried out and lists of those re-interred were forwarded by mayors to the ICRC.

In March 1946, the Committee was informed that experienced German PW had, with the consent of the British authorities, helped to lay out the cemetery of Cervia, in Italy. These PW had undertaken to identify German soldiers killed in action and to give them decent burial. The ICRC then arranged for similar detachments of German PW to perform the same duties in other Italian fighting zones. In May 1946, the Allied authorities were no longer able to assume the costs involved in this work. The Committee considered that the prisoners' work was of great help and comfort to the relatives of men killed in action, and in that way was in the nature of moral relief: it therefore advanced funds for the detachments to continue, while suggesting similar measures to other Powers, who had PW in their hands.

## (C). MEDICAL PERSONNEL <sup>1</sup>

### **1. Identification of Members of Medical Personnel**

Although the Geneva Convention, in Arts. 9, 10 and 11, gives a fairly precise definition of the different categories of Medical Personnel who are as such entitled to protection, disputes very often arose on this score between the belligerents

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<sup>1</sup> For the sake of brevity, the term "Medical Personnel" is held to include all persons described in Arts. 9, 10 and 11 of the Geneva Convention, i.e. those detailed for the care of the wounded and sick of the armed forces, as well as those administering medical units and establishments, chaplains of the armed forces and the personnel of National Red Cross Societies, and other recognized Relief Societies performing similar functions.

during the war. These turned on the question of including amongst medical personnel pharmacists, dentists, convoy officers, and administrative staff, e.g. paymasters, medical personnel of non-combatant anti-aircraft defence, and others. The ICRC made every effort to settle these problems in the light of the treaty stipulations and of the facts of the case.

The Committee took the necessary steps for notice to be given of the formation of the Friends' Ambulance Units, auxiliary to the United States Army Medical Services, and for their protection, as provided for by Art. 11.

In order to be duly recognized, members of the medical personnel have to be provided with the means of identification laid down by Art. 21 of the Geneva Convention. Since the armlet issued and stamped by a military authority is not adequate proof of their status, the Convention also prescribes that medical personnel shall be supplied with a certificate of identity, either by an entry in the army paybook, or by a special document.

At the outbreak of hostilities, the ICRC made a comprehensive enquiry from all National Societies as to the manner in which these stipulations were applied in the respective countries. The replies received showed that the prescribed measures were far from having been generally carried out. In many cases, the wearing of the armlet had been considered sufficient, and in some instances, the identity disc alone had apparently been judged adequate to prove medical personnel status.

In spite of many steps by the Committee, it was not always possible to get this situation improved. At the beginning of the War, therefore, many captured members of medical personnel were unable to get their status recognized. Medical personnel whose identity papers had been lost, or destroyed by accident or intention, were in the same case.

In some countries, moreover, medical personnel of enemy forces were often deprived of their identity paper on capture, or on arrival in camp, by the military authorities into whose hands they had fallen. This practice constituted an infringement of Art. 21, Sec. 5 of the Convention, and led to strong protest by the ICRC. The authorities concerned usually admitted that the protest was justified and promised to return the papers to their

owners. Unfortunately, the restitution of identity papers was often rendered impossible or difficult by their loss or destruction, or by the fact that the owners had changed their camp or had been transferred from one detaining Power to another.

In most of these cases, the Committee was able to put things right by forwarding duplicate certificates, as provided by Sec. 6 of Art. 21<sup>1</sup>.

The end of the war, however, created fresh difficulties, especially for German medical personnel. Since the competent official bodies in Germany who might have provided duplicate papers had ceased to exist, the Committee was no longer able to satisfy the great number of applications for certificates which came in from German medical PW, who had no other means of proving their status as protected personnel. The Committee tried to find a provisional solution by suggesting that the personnel concerned should be tested to prove their professional knowledge and ability: such tests however would hardly have proved conclusive, except in the case of medical officers. The ICRC then recommended that controversial cases should be examined with goodwill and that reliable witnesses amongst other PW should be called upon to give evidence. The British and United States authorities agreed in part to these suggestions, and a number of cases were satisfactorily settled in this way. The Committee also made attempts to have some organization set up in Germany, which would have the custody of German army records, on the basis of which certificates might be issued certifying the status of the medical personnel. It was not until early in 1947 that the Allied liquidation service for the official bureaux (WAST) was able to take charge of this work, and this enabled many members of the medical personnel who had not been recognized, finally to establish their identity and to benefit by the advantages and privileges to which protected personnel were entitled, and to have priority in repatriation.

## **2. Repatriation of Medical Personnel**

The Geneva Convention in Art. 12, lays down the principle that medical personnel may not be detained after they have

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<sup>1</sup> See Vol. II, Part II.

fallen into the hands of the enemy, and that they shall be repatriated, as soon as a route for their return is open and military considerations permit.

However, Art. 12, Sec. 2 and Art. 14, Sec. 4 of the 1929 PW Convention allow for some exceptions to this principle, in stipulating that by mutual agreement belligerents may retain some proportion of the medical personnel in the camps to care for their PW fellow-countrymen.

During the recent war, medical personnel was repatriated only in a comparatively small number of cases. The belligerents agreed to retain in the camps a large percentage of the medical personnel who were in their hands. Moreover, the repatriation of these men met with the same practical difficulties as that of the seriously sick and wounded, caused by the lack of transport and the fact that certain zones of operation could not be crossed.

In December 1940, therefore, the British and German Governments agreed to retain the personnel required to care for sick and wounded PW. Similar agreements were in time concluded between Great Britain and Italy, Greece and Italy, and within the terms of the armistice conventions, between France and Germany ; further, between the United States and Italy, and the United States and Germany. These agreements were concluded through the intermediary of the Protecting Power.

It should be noted that the British Government, at the outbreak of war, had contemplated leaving enemy medical personnel to make their own choice between being sent home, or remaining in the camps to care for their PW fellow-countrymen. This system of voluntary aid soon proved inadequate, and it was decided to retain such personnel for these duties.

Belligerents later on came to mutual agreements concerning the percentage of medical personnel to be retained in relation to the number of PW in their hands. Thus, Great Britain and Italy retained two doctors, two dentists, two chaplains and twelve orderlies for every thousand PW ; in South Africa, the proportion was four doctors, four dentists, four chaplains and nineteen orderlies, and in the United States two doctors, one dentist, one chaplain and six orderlies to every thousand men.

Although the ICRC raised no protest against measures which the Powers considered necessary in the interest of PW, it constantly urged the repatriation of surplus medical personnel, and took steps in its promotion. The repatriation by groups, which were usually carried out at the same time as those of the seriously wounded, remained infrequent, slow and comparatively small in number.

Acting on the strength of the reports submitted by its delegates after visits to camps and of applications from the camp leaders or the men themselves, the Committee was able to achieve positive results in many individual cases.

In Germany, despite the agreements, a very large number of French medical personnel were held indefinitely in camps, without their services being used. Many were in fact improperly compelled to perform duties other than the care of the sick and wounded. To justify these measures, the German authorities argued that the formation of a "reserve" was necessary, in order to be ready for any events, such as the effects of air raids or a sudden influx of PW, or in case epidemics should break out in camps. The ICRC observed that these measures were contrary to Art. 12, and even to the special agreements concluded between belligerents. In spite of numerous steps and protests by the Committee, there were in Germany, in 1944, nearly 20,000 French surplus medical personnel. The Belgian and Dutch medical personnel were in a similar position.

The German authorities also opposed the repatriation of Polish and Yugoslav medical personnel, on the grounds that their countries of origin were occupied, and that the occupying authorities refused, for security reasons, to allow the return of released PW.

After the capitulation of Italy, a certain number of Italian medical personnel were interned by the Germans, either in Italy, in Germany or in the Balkans. Since Italian combatants were not considered as PW, this medical personnel was refused the benefit of the Conventions, and whilst the efforts made by the ICRC in its behalf were not always successful, they nevertheless led to the repatriation of part of them.

In Germany, members of the medical personnel who were of

Jewish origin were invariably retained and placed in the "reserve" units already mentioned, and a separate camp was even set up for this purpose. Moreover, many of them were obliged to perform other duties, in spite of frequent interventions by the Committee. Doctors of enemy nationality and of Jewish origin were even sent to the Eastern Front to look after cases of exanthematic typhus amongst the troops.

The German authorities also attempted to refuse sick medical personnel the right of being examined by Mixed Medical Commissions for their repatriation on grounds of health, on the pretext that medical personnel were not PW. The ICRC maintained the standpoint, however, that since medical personnel had a privileged status in comparison with that of PW, they should at least benefit by all the rights of PW, and it carried its argument.

The negotiations of the Committee with Japan and the Soviet Union, both States signatory to the Geneva Convention proper, to obtain the repatriation of medical personnel, were unsuccessful.

On many occasions the ICRC urged the detaining Powers to make a more equitable allocation of medical personnel in their hands. In particular, it proposed and obtained the transfer of some Italian medical personnel from the Middle East to Great Britain, and from Tunisia to Sicily and Southern Italy.

The Committee met with further difficulties after the capitulation of the German forces, owing to the fact that the detaining Powers were disposed to retain as large a number as possible of medical personnel in captivity. The ICRC set about securing the repatriation of the surplus personnel and got satisfactory results, especially in Great Britain and the United States.

In France and the zones of occupation in Germany, a large number of surplus medical personnel were held back long after the end of the war.

In June 1946, the French Ministry of War asked retained medical personnel to state if they would accept duties other than the care of the sick and wounded. It was however made clear that those who accepted would cease to be considered as protected personnel and could no longer avail themselves of the Geneva Convention and the privileges attached. The ICRC

at once informed the French authorities that it was not admissible for medical personnel who accepted the proposal to be deprived of the rights conferred upon them by treaty stipulations, and in particular, of the right to repatriation ; such a course would be contrary to the letter and spirit of the Convention. In the end, the French authorities, on the basis of experience gained in the United States, fixed the proportion of retained protected personnel at 1.1 per cent (one doctor and ten orderlies to one thousand PW), which corresponded with the needs of camp infirmaries and hospitals. The repatriation of surplus personnel did not, however, take place with all the speed desired ; it was delayed by certain formalities (census, screening, fresh allocations), but by June 1947, it was possible to consider the situation normal. Nevertheless, the ICRC received a number of complaints following this repatriation. Although the standards of selection adopted had reference to age, length of captivity and family circumstances, repatriation was no less dependent on the qualifications of those concerned. The result was that the more competent medical officers and orderlies were retained, and the less qualified had been released.

Some belligerent countries had considered "relieving" medical officers in captivity by others sent from their own country of origin, then occupied. This system was tried, without great success however, in the case of the Yugoslavs, and especially of the French detained in Germany.

The ICRC was not called upon to give its views on any measure taken without its concurrence, and as a result of agreements concluded by the Powers concerned. It did, however, intervene sometimes, acting on requests from individuals. The Committee transmitted to the authorities responsible the applications of medical officers who wished to be replaced ; it took steps to determine the status of medical officers sent to replace their colleagues, and satisfied itself that medical officers held were indeed released, in accordance with the agreements made.

In 1945 and 1946, a scheme was submitted to the ICRC for the replacement of German medical officers and orderlies detained in France and Great Britain, by personnel from Germany. The Committee replied that it could not approve a

method of release which entailed the deportation, more or less by force, of persons who would not have the benefit of the treaty status enjoyed by their predecessors.

*Nurses.* — The Committee's activities in behalf of medical personnel naturally extended to the nurses belonging to the medical services of armed forces and to National Red Cross Societies of the belligerent States. It devoted special attention to helping those who were deprived of the protection of their own National Red Cross, as a result of the war. For instance, when local branches of the French Red Cross Society reported that a great number of nurses were missing after the invasion of France in 1940, it opened enquiries in their behalf. Likewise, when the German Red Cross ceased to exist in 1945, German nurses and auxiliary personnel enlisted the support of the ICRC for the numerous questions which concerned them: the re-organization of their training schools, the payment of salaries in arrears, appointments abroad, and similar matters.

The steps taken by the Committee for the repatriation of nurses formed part of its efforts in behalf of medical personnel as a whole.

When the war came to an end it was, however, in particular concerned by the circumstance that a great many nurses were still held in captivity and often compelled to do agricultural work, or even to help in the reconstruction of roads and railways. The Committee made urgent representations to the detaining Powers, to obtain that nurses and auxiliary personnel who were enrolled in the Medical Services of the armed forces or in Red Cross units with similar duties, should be part of the medical personnel under the protection of the Geneva Convention. In nearly all cases it obtained satisfaction, and the nurses were repatriated or detained to look after their own countrymen. Some countries however detained surplus nursing personnel, in case of the outbreak of epidemics in PW or internee camps.

The ICRC also took steps to ensure that repatriated nurses were given accommodation on their return to the various zones of occupation in Germany. To this end, a system of adoption in the case of training-schools, the buildings of which had been



destroyed, was set up, and every nurse without a home found a lodging on her return.

When the war had ended, some medical officers and orderlies and especially nurses, were prosecuted in their own country for having joined the medical service of the German armed forces or the German Red Cross during the occupation of their country. These persons often incurred heavy sentences under the penal laws of their country of origin where, in some cases, the offence was held to amount to an act of high treason. A number of them appealed to the ICRC to intervene in their behalf.

Whilst the Committee refrained from taking any stand on cases of this kind, which might prove involved, it did however urge on the judicial authorities and National Societies of the countries in question, that to place these persons on the same footing as those who had taken up arms against their country would in its view be contrary to the spirit of the Geneva Convention, which enjoins the care of all war victims, irrespective of nationality. The ICRC expressed the opinion that these persons should not be punished for the humanitarian aid they had given, in all cases at least where they could prove that they had found it impossible to perform their regular duties in their national units.

### **3. Treatment of retained Medical Personnel**

Art. 13 of the Geneva Convention for the wounded and sick provides that belligerents shall ensure to enemy medical personnel, whilst in their hands, the same food, lodging, allowances and pay as those granted to the corresponding personnel of their own armed forces. Since the structure of the Convention, as may be recalled, is based on the repatriation of all medical personnel, this stipulation clearly applies first and foremost to personnel awaiting repatriation. On the other hand, both this Convention and that dealing with PW are silent as to the treatment of medical personnel detained in camps over a long period for the care of their PW fellow-countrymen.

The belligerents were, as a rule, inclined to place medical personnel on the same terms of treatment in detention as PW, and even in some cases, to consider them as such. The ICRC

strongly protested against the placing of medical personnel on the same footing as PW, declaring that this practice was inadmissible under treaty law as it stood ; it also stressed their rights to privileged treatment.

In this respect, it attempted to obtain that medical personnel should be given separate lodging within the infirmary itself or close by, and these requests were usually granted.

With regard to pay, in spite of agreements between the belligerent Powers, disputes arose, caused for instance by variations in the exchange. These difficulties gave rise to many complaints and interventions by the Committee.

In Germany, the ICRC was successful in obtaining that medical personnel who were not in charge of the sick and wounded should have the same pay as their comrades who performed these duties. The German authorities, however, refused to make up arrears of pay to those whose status was only given recognition after their capture.

The French authorities agreed to give German medical personnel, who had received a duplicate of their identity card or an affidavit proving that they belonged to a unit of the army medical service, the pay to which they were normally entitled, and to make up arrears from the date of their capture.

The ICRC also made the request to the belligerents that, in addition to the privileges provided by Art. 13 of the Convention, they should allow medical personnel certain specific advantages, to assist them in carrying out their medical duties and to compensate them for not being repatriated. In certain cases, therefore, medical personnel had a right to extra food rations, were allowed to leave camp and to take walks, with or without escort, and to receive twice the number of letters and parcels allowed to PW.

However, since these privileges had no legal basis, they were granted in varying measure by the detaining Powers, and the ICRC could only put forward suggestions in this respect.

In June 1944, the Committee proposed that the detaining Powers should issue certificates to medical officers who, through their service in PW camps, had been able to gain experience as specialists in some particular branch of medicine or surgery.

This suggestion was accepted by Germany, later by Great Britain as applying to the United Kingdom, the Dominions, Egypt and India, and in 1947 by France and Yugoslavia ; the United States, on the other hand, declined to accept.

The certificates were made out in triplicate ; the original was handed to the doctor concerned, one copy remained in the hospital files, and the other was forwarded to the ICRC to be kept in its records, in order that a duplicate might be issued in case of loss.

#### (D). THE DISTINCTIVE EMBLEM

The device of the Red Cross on a white field is above all the emblem of the Geneva Convention. This treaty confers upon it high significance, by making it the very symbol of the protection given to sick and wounded members of the armed forces, to the buildings which shelter them, to the personnel who nurse them and to the equipment and stores devoted to their use.

The Geneva Convention is the only one which, in Arts. 19 to 24 (1929), lays down rules for the use of the Red Cross emblem, unless we except Art. 5 of the Tenth Hague Convention of 1907 for the application to Maritime Warfare of the principles of the Geneva Convention of 1906, and which refers explicitly to this Convention.

A clear distinction must be drawn between two different ways of using the emblem of the Red Cross.

In the first aspect of its use, (and herein lies its special significance), the emblem forms in some degree a *constituent* part of the protection, when it is displayed on buildings, personnel and equipment for which the Convention demands respect. This aspect of its use assumes a practical value in time of war and in the zone of military operations : the emblem is then given large dimensions as a rule, in order that it may be visible, especially from aircraft.

In the second aspect of its use, the emblem is *descriptive* only, whether in peace time, or in war time outside the fighting area, and has no protective function. It serves to call public attention

to buildings, publications, etc., and in these cases is mostly on a small scale.

It is quite certain that it is, above all, when the emblem forms a constituent part of the protection that the most scrupulous care has to be taken that the emblem of the Red Cross shall not be employed except within the limits fixed by the Conventions, or by a special agreement between the Powers concerned. These precautions are vital to ensure respect of the emblem, and to safeguard its authority. The existence within a war zone of buildings or objects improperly marked with the Red Cross emblem is indeed likely to compromise the safety of those who display it legitimately.

The ICRC was asked on many occasions if civilian hospitals, welfare institutions or prisons had the right to make use of the distinctive emblem. The invariable answer was that the benefit of protection and the use of the emblem was confined to establishments of the Army medical services, of the National Red Cross Societies and other officially recognized voluntary relief organizations<sup>1</sup>.

Nevertheless, extended use of the emblem, without due consideration, even when only "descriptive", involves a risk of diminishing the significance which belongs to this emblem: it might, too, injure the good name of the organization itself, especially as it is, at times, difficult for the enemy to distinguish the "descriptive" use of the emblem from its employment as a constituent in protection.

During the recent war, alleged cases of abuse of the Red Cross emblem were brought to the knowledge of the ICRC. The Committee never failed, in such circumstances, to recommend the National Society of the country concerned to make representations to its Government.

During the final phase of hostilities in Europe, grave abuses of the Red Cross emblem were reported to the ICRC, or established by its delegates. In such cases, it intervened direct with the Government concerned.

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<sup>1</sup> The use of the Red Cross emblem for vehicles and vessels under control of the ICRC is dealt with in Vol. III, Part 2.

In June 1944, the Committee received a report from the French Red Cross of the abuse of the emblem by the occupying forces : the Red Cross had been placed on motor vehicles which obviously did not form part of the Medical Services. The ICRC instructed its Paris delegation to draw the attention of the German High Command in France to these facts. The Command issued an order on July 1, intimating that any person making an improper use of the emblem of the Red Cross would be liable to imprisonment.

In July and August 1944, various cases of abuse were reported to the ICRC, who sent two Notes on the subject to the Army High Command in Berlin, to which no reply was vouchsafed.

In August of the same year, the delegate in Genoa encountered two columns of lorries bearing the emblem of the Red Cross, which were carrying armed troops.

In the following month, in Belgium, the delegate reported having seen a convoy of lorries, during the last days of the occupation, all vehicles bearing the Red Cross, carrying troops, ammunition and aviation supplies. These incidents having been witnessed by its own representatives, the ICRC made a strong protest to the Army High Command in Berlin, on November 24. These authorities, without making any denial of the facts reported, promised to put a stop to these abuses.

#### (E). PROTESTS CONCERNING ALLEGED VIOLATIONS

Protests made by belligerents when they considered that one or other clause of the Geneva Convention had been violated by the enemy, were as a rule transmitted to the other side, through the Protecting Power. Although the ICRC was, in most cases, kept informed of the representations in progress, it was only seldom called upon to intervene ; if it did take action on certain occasions, it did so as a result of complaints received direct, for the most part from National Red Cross Societies ; these were passed on to the National Society of the country involved <sup>1</sup>.

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<sup>1</sup> See above p. 174

In general, most of the complaints thus forwarded elicited no reply ; if they were acknowledged, the answer was usually either confined to denying the alleged facts, or sometimes to asserting that the emblem was inadequately displayed, or entirely lacking.

The protests of chief importance which were addressed to the ICRC concerning attacks on military hospitals or medical units are given below. To these is added a protest against the non-recognition of hospital planes.

*Greece.* — November 1940, April and May 1941 : The Greek Red Cross lodged a protest with the Committee against the bombing of hospitals at Larissa and Janina.

July 1944 : Protest against the bombing and machine-gunning of some of its ambulances.

*Italy.* — May 1941 : The Italian Red Cross protested against the bombing of the Italian Military Hospital at Premeti, on the Greek-Albanian frontier.

November 1940 to February 1943 : The Italian Government and the Italian Red Cross informed the ICRC of about twenty instances of military hospitals and medical units having been bombed and machine-gunned by British aircraft in Abyssinia, Cyrenaica and Tripolitania. Although protests on the subject had been made through the Protecting Power, the ICRC nevertheless called the attention of the British authorities to these cases.

*Iraq.* — May 1941 : The Iraqi Red Crescent protested against the bombing of medical units and ambulances by British aircraft.

*U.S.S.R.* — June 1942 : The Alliance of Red Cross and Red Crescent Societies protested against the bombing by German aircraft of military hospitals at Grodno, Lida, Minsk and Smolensk, and of a hospital-train and several medical units at Lvov.

*Siam.* — December 1943, and February 1944 : The Siamese Government lodged a protest against the bombing of military hospitals at Bangkok by United States aircraft.

*Croatia.* — April 1944 : The Croat Red Cross protested against the bombing of their medical establishments by Allied aircraft.

*France.* — August 1944 : The French Red Cross protested against the bombing by Allied aircraft of three of their ambulances conveying refugees, during operations following the landings in France.

*Germany.* — In 1940, Germany made use of rescue seaplanes, painted white and bearing the Red Cross emblem, to pick up German or enemy airmen from the sea. Several of these planes were shot down by the British and their crews taken prisoner. Following on a protest by the Germans, through both the Protecting Power and the ICRC, the British authorities declared that they did not consider these seaplanes as belonging to units of the medical service, in view of the fact that they could be used for reconnaissance purposes, and that cameras had been found on board. They also pointed out that Art. 18 of the Convention refers to the use of hospital planes only in connection with the wounded of the land forces.

#### (F). MARITIME WARFARE

It will be remembered that the principles of the Geneva Convention are applicable at sea, by virtue of the Xth Hague Convention 1907 for the adaptation to maritime warfare of the principles of the Geneva Convention.

In this field also the ICRC has pursued its studies with a view to the development of international law, and bringing it up to date. After the meetings of the Commission of International Experts which met in Geneva in 1937, the Committee had already prepared a very full draft of a revised Maritime Convention, and this was approved by the XVIth International Red Cross Conference. The draft was then placed on the agenda of the Diplomatic Conference which the Swiss Government intended to convene in 1940, but which was postponed owing to the war. At the close of the second World War, the Committee took up this draft once more, to complete it in the light of recent experience ; a revised draft of this Treaty will be submitted to the XVIIth International Red Cross Conference. The policy adopted by the Committee in behalf of the persons protected by

the Xth Hague Convention has, in general, merged with the work of the 1929 Geneva Convention. The Maritime Convention however led to certain distinct steps.

The Committee was, on some occasions, called upon to express its views on the interpretation of these terms and their implementation. Further, the Committee took every useful opportunity to draw the attention of the Governments concerned to the measures recommended by the 1937 Experts, to improve and bring up to date the system of marking hospital ships. The Norwegian Government, for instance, was approached in this sense on the occasion of a protest received in Geneva in April 1940, relating to the bombardment of a hospital ship. It should be noted moreover, that the majority of Powers adopted the system of marking proposed in the 1937 Draft, which comprised the painting of large red crosses on the decks and superstructures.

The belligerents usually asked their Protecting Power to notify to the adverse party the names of the hospital ships they had commissioned. The Committee was however invited, in the spring of 1944, by the French Government in North Africa to notify the Axis Powers of the commissioning of the hospital ship "Canada".

In December 1943 the German Government sent in an urgent request for the Committee to inform the British and United States Governments of the presence of members of the German armed forces who had been shipwrecked and were drifting on a derelict ship in mid-Atlantic. The Committee at once communicated the position of the wreck to the Governments concerned, who replied that these indications had been passed on to their hospital ships, with instructions to attempt the rescue of the survivors.

The Committee was furthermore called upon to deal with a fairly large number of protests concerning the sinking of, or attack on hospital ships, and with disputes concerning the application of the Xth Hague Convention. In accordance with its usual procedure, the Committee forwarded any protests made by a National Red Cross Society to the Society of the country in question, with a request to approach its own government authorities and to reply. When protests were made by a Govern-



ment, they were forwarded to the enemy Government concerned. Thus, in January 1944, following a series of protests made by the Japanese Red Cross concerning the bombardment of several of their hospital ships, the Committee notified the American Red Cross of these complaints. It did not however make them the subject of a special communication to all National Societies, as the Japanese Red Cross had requested, as this course would not have been consistent with the practice usually followed in such matters. The Committee did nevertheless publish in the "Revue internationale de la Croix-Rouge" a complete account of the protests relating to the various alleged violations of the Xth Hague Convention during the war in the Far East.

The Committee subsequently received comprehensive and detailed answers to these charges through the American Red Cross. These replies had been drawn up by the responsible Departments of the United States, but the Committee was not authorized to publish the text in the "Revue". The general substance of these replies was that the attacks on these hospital ships were due to faulty markings; aircraft pilots had been unable to recognize the ships soon enough, as they were lying between warships, or because their markings were invisible from the air, or were not illuminated at night. In some cases, close examination of the photographs, taken during the attack, with a lens was required to recognize the distinguishing markings. The United States Authorities suggested that the enemy should adopt adequate markings, which would prevent such incidents in future.

It should further be noted that certain belligerents refused to recognize hospital ships, on the plea that their tonnage was too low. The same comment was applied to life-boats and mooring-buoys which it was thought could be used for combatant purposes. Such cases were generally dealt with through the intermediary of the Protecting Powers <sup>1</sup>.

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<sup>1</sup> With regard to the efforts made by the Committee for the protection of PW journeying by sea, see below. The formation of a Red Cross fleet for relief consignments has been dealt with in Vol. III, Part 2, of this Report.

## PART III

### PRISONERS OF WAR

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#### I. General Remarks

In ancient times the concept of "prisoner of war" was unknown. Captives were the "chattels" of their victors who could kill them or reduce them to bondage. Throughout the ages, innumerable captives owed humane treatment no doubt to the mercy of their victors. It is a fact, too, that sovereigns or military commanders have been known to ordain that their armies deal humanely with the prisoners who fell into their hands. More than once, philosophical or religious doctrines checked the savagery which prisoners might have been led to expect. The French Revolution, inspired by the ideas of the Encyclopedists of the 18th century, actually decreed that "prisoners of war are under the safeguard of the Nation and the protection of the laws. Any unwarranted severity, insult, violence or murder committed against prisoners shall be punished according to the same laws and penalties as if such excesses had been committed against French citizens."<sup>1</sup> However, more than a century had to elapse, and the Hague Convention of 1899 (completed and made more explicit by that of 1907) to be reached, before the States were ready to limit their respective sovereign rights concerning the treatment of prisoners of war, and before prisoners were granted their own statute in international law, protecting them from arbitrary treatment by the detaining Power, and which may also be invoked by them against that Power<sup>2</sup>.

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<sup>1</sup> Decree of May 4 and June 20, 1792 (Art. I and II).

<sup>2</sup> Cf. Regulations annexed to the IVth Hague Convention of October 18, 1907, Art. 4 to 20.

The Red Cross could not remain indifferent to the plight of prisoners of war. At the outset, Henry Dunant, with remarkable foresight, proposed to frame rules for their treatment in the Convention which he had in mind. His colleagues in the small Committee which was to become the future ICRC, being prudent men, set aside this suggestion, since they feared by attempting too much, to jeopardise their primary plan. The difficulties encountered in drawing up the Convention of 1864 relating to the sick and wounded, and the threat of a breakdown which hung over the negotiations to the end, proved that it was wise, in the initial stages, to narrow down objectives.

However, the idea was launched. The men who had recently succeeded in getting the sanction of international law for the principle that the combatant disarmed as a result of wounds or sickness, is simply a suffering human being in need of help, now turned to the prisoner of war. By 1870, the ICRC had occasion to prove this : one of the staff of their Agency for sick and wounded of both armies at Basle had the idea of opening an information bureau on PW. Without placing this scheme under the emblem of the Red Cross—the use of which was still strictly limited—the ICRC approved the idea. The Committee continued to study the question and persuaded the Red Cross, in the international Conferences of 1902, 1907 and 1912, to agree to extend relief work to able-bodied prisoners. The Committee also offered to act as intermediary in this work, as it had done in behalf of the sick and wounded <sup>1</sup>.

Meanwhile the Regulations annexed to the IVth Hague Convention of 1907 determined the status of the prisoner of war. These Regulations were a landmark of substantial progress. But already in the first World War of 1914-1918, their provisions proved too indefinite, and the belligerents were compelled to sign temporary agreements amongst themselves on the disputed points. The ICRC did its best to prove by practical measures the interest shown by the Red Cross in PW. As it had already done in 1870 and 1912, on its own initiative, it opened an

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<sup>1</sup> Resolutions I of the Conference of 1907, and IV of the Conference of 1912. Cf. also : Records of the International Conference of Washington, 1912, pp. 132-138.

International Prisoners of War Agency which, with its seven million nominal cards, quickly made its name known throughout the world. The Committee served as intermediary in relief shipments. It also broke new ground, sending delegates to the camps not only to bring the comfort of a friendly visit to the PW, but to make impartial investigations on the treatment they were receiving and to persuade the Powers to apply the improvements which, in its view, were called for by the tenets of the Red Cross.

When the war was over, the Red Cross did not "demobilize". In the practical field, it took an active part in repatriating PW; of special note was its work for those from the Russo-German front—a difficult problem made more acute on account of geographical, political and material circumstances. In the theoretical field, the ICRC lost no time in seeking to profit by the experience gained during the war, in the course of its efforts to improve the conditions of PW, by giving them a regular statute. The initiatives taken by the Committee and the range of its achievements had endowed it with such authority in these matters, that the representatives of the Governments and of Red Cross Societies who took part in the Tenth International Conference in 1921, unanimously approved the principles submitted to them by the Committee as the basis of a new Convention. They invited the ICRC to draw up at once a draft code on the lines of these principles. In turn, the Diplomatic Conference of 1929 adopted this draft, and the "Geneva Convention of July 27, 1929, relative to the Treatment of Prisoners of War", sometimes known as the "Prisoners of War Code", thus came into being.

This historic Convention is especially important because it establishes a PW as a juridical person with his own statute, and because it is an instrument which lays upon the Detaining Power considerably more obligations towards its captive, than it requires from the captive towards the captor. The Convention is also remarkable because the intervention of a private organization, the ICRC, is expressly recognized in this inter-governmental treaty. Article 79 entitles the Committee to propose to the Powers the institution of a Central Information Agency.

The same Article adds that " these provisions shall not be interpreted as restricting the humanitarian work of the International Red Cross Committee ", and this provision is again embodied in Article 88 thus : " The foregoing provisions do not constitute any obstacle to the humanitarian work which the International Red Cross Committee may perform for the protection of prisoners of war, with the consent of the belligerents concerned."

In contrast to former situations, intervention by the ICRC in behalf of PW has rested upon a legal foundation since the Convention of 1929. What is the value of this foundation ? It is not an obligation, for the ICRC is not given an official mandate. In fact, in the matter of the Information Agency, all that is asked of the Committee is to " propose " its organisation, if it considers it necessary. As for the rest, nothing is defined. The legal basis in question comes down to the mere confirmation of the *de facto* position which the ICRC had gradually acquired in the course of previous conflicts. Formerly, the Committee had taken initiatives ; now it was entitled to take them. This counts for little, and at the same time for much. It is of little account, because there is always the reservation of approval by the belligerents. The Convention gives the Committee no means of insisting that its interventions be sanctioned or of carrying them out. It is of great account, because even should the belligerents finally refuse all the Committee's proposals and action, the ICRC has the right to discuss with the contracting Powers, almost as an equal, all matters touching the treatment of prisoners of war.

It is on this right of initiative that the Committee based its entire work for PW during the second World War, responding to the promptings of circumstances and carrying out its duties to the extent of the means in its hands. This work may be divided into three main chapters : (1) The Central Information Agency ; (2) the forwarding of relief supplies ; and (3) the general activities for the improvement of conditions for PW, as well as specific measures which do not fall under the first two heads.

*The Central Prisoners of War Agency.* — This Agency was the main object of the efforts of the Committee even before the

outbreak of war. The Committee did not wait until events should justify the creation of the Agency according to the terms of Art. 79 of the Convention, or indicate the neutral country in which it should be opened, and of the pattern which it should follow. The ICRC set up a framework and general structure which could be speedily developed in case of need, and thus, from the first days of the conflict, it was able to "propose" to the Powers at war, not the organization of an Agency, but the services of a body which was ready to function at any moment.

Even if the Agency had been confined to the rather technical rôle assigned to it by the Convention, it would still have had to be an undertaking on a vast scale. The multitude of PW—taken sometimes by hundreds of thousands at one time—together with the increasing number of belligerents and the corresponding reduction in means of communication, all raised problems which seemed insoluble. The ICRC, nevertheless, extended the original framework of the Agency. Out of a mere bureau, which was to serve as an intermediary between other offices, its hundreds and finally thousands of staff members made of it a living organism, which was not content to await information, but often went out to seek it. Thus, the Agency restored the direct link between PW and their next of kin, and even between millions of civilians who were separated by the combat zone.

The problems which the Agency had to solve were so complex, its services so varied and its work so vast, that a whole volume of this Report has had to be devoted to its activities <sup>1</sup>.

*Relief.* — During the first World War of 1914-1918, the ICRC had but little opportunity to implement the resolutions of the Conferences of 1907 and 1912 <sup>2</sup>. It was possible then to forward the greater part of the foodstuffs for PW by post. It might have been assumed that the same conditions would prevail in the War of 1939-1945. The Convention of 1929, which was concluded meanwhile, lays down the right for PW to receive parcels by post. Moreover, by putting PW in respect of rations

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<sup>1</sup> See Vol. II.

<sup>2</sup> See above, p. 217

on the same footing as "depot troops" of the detaining Power, and by laying upon that Power the obligation to supply clothing and medical care, the Convention in principle assures the basic requirements of PW.

In reality, the facts were otherwise. The immense number of PW, the inability of some Detaining Powers, sometimes also their faltering determination to apply the stipulations of the Convention, the chaos created by air-bombing and other factors, created vast requirements. Often, that which in the minds of the authors of the Convention was to serve as occasional relief, or as a supplement to the regular diet, became for millions of PW the main and permanent part of their subsistence. Further, war conditions led almost all donor organizations, State or private, to turn to the ICRC, at the same time that the obstacles mounted up in its path. Therefore, of all the work done by the ICRC in the recent War in behalf of PW, the forwarding of relief supplies is the one which increased most in scale, when compared with the work accomplished in 1914-1918. So great was its development that, as in the instance of the Central Agency, a special volume must be given to it in this Report <sup>1</sup>.

*Improvement of Treatment of Prisoners of War.* — In addition to these two activities, the Central Agency and the shipment of relief supplies, which are more or less foreseen and clearly defined, the ICRC had a right to undertake other work which was not defined in any Convention. Under this heading come all the enterprises which the Committee felt itself bound to take in hand for the welfare of PW, and in general its endeavours to secure application of humanitarian principles, of which the Red Cross is the champion, to members of forces whom captivity has placed *hors de combat*.

The national Red Cross Societies could foresee, in theory, work of this kind when they organized relief committees for PW in 1914. Sometimes they actually put it into practice. Nothing could be more in keeping with the Red Cross ideal than the concern of national Societies with the welfare of PW detained in their

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<sup>1</sup> See Vol. III.

own territory, and their intervention with their own Governments in order to secure for these captives treatment in accordance with humane standards. It must, however, be admitted that already in 1914-1918, but more especially, and in a very general way during the recent War, this duty was left almost entirely to the ICRC. Its essentially neutral character, and the authority it gained during previous wars placed it in an especially advantageous position to carry out such a task.

Acting on a policy which was different from that in the case of the Agency, the Committee did not at once propose to the belligerent Powers on the outbreak of war, that it should undertake this general programme. There was the Convention, and there was no reason to suppose *a priori* that it would prove inadequate, or would be inadequately applied. There was, too, no way of estimating future requirements. Therefore, the Committee took on these tasks by degrees, and sent, at first, special missions and then appointed permanent delegates to visit PW camps.

The chief method for carrying out these duties is by camp visits and the ICRC made wide use of it <sup>1</sup>. Visits have the advantage over other methods by the direct influence they exercise on treatment of PW: some infringements of the elementary laws of humanity are too grave for a State, even though it has little concern for the respect of such laws, to dare expose before the eyes of neutral witnesses. What is now known of the distressing conditions of captives whom neither the representatives of the ICRC nor of the Protecting Power were permitted to visit, because the Detaining Power took the view, rightly or wrongly, that the Convention of 1929 was not applicable to the *ir* case, is proof *a contrario* of this fact. Further, it is only by camp visits that the Committee is able to check the information received by it from various sources, and to judge the particular conditions in a given camp, or in a general way to form an opinion on the manner in which a Power is applying the treaty stipulations. The result of investigations made during such visits called for the use of a further method: interventions or negotiations with a

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<sup>1</sup> See below, p. 228



view to improving the living conditions of the PW. These negotiations were undertaken according to the nature and urgency of the cases, either on the initiative of the delegates themselves, or on instructions from Geneva, or by the ICRC, who approached the Government of the detaining Power, or by any other appropriate channel.

It should finally be pointed out that reciprocity played an important part in the work of the ICRC in behalf of PW. It was not possible to ignore the importance of this factor in the eyes of the belligerent Powers, even though the humanitarian Conventions are in principle agreements to which no interests are attached. The ICRC advanced the argument of reciprocity, however, only when it could have a favourable influence on the welfare of PW, by securing for them, by analogy, the improvements which had been granted to prisoners by the adverse party. On the other hand, the Committee always endeavoured to forestall the suppression by a belligerent State of certain advantages which had already been agreed, or to stave off the refusal to grant such advantages that might lead to the withdrawal of similar privileges in the opposite camp. The ICRC believes that its interventions with one party should not be handicapped by the fact that it may encounter temporary, or even insuperable obstacles in dealing with the other party.

Camp visits, endeavours of the Committee to enforce respect of humanitarian principles, and the interplay of reciprocity, might presuppose that the ICRC exercises a positive "control" over the application of the Convention of 1929. From this supposition to the assumption that the ICRC is the "guardian", even the "guarantor" of the Convention, there is only a step and one that is too often taken. Although frequently used, even by the ICRC, for lack of a more adequate term, or for convenience sake, the term "control" is not quite fitting. Control presupposes sanctions. The ICRC has no means of constraining a State to apply the Convention correctly, still less of imposing a penalty. The only sanctions which it could wield would be the withdrawal of the benefits of its welfare activities in behalf of PW who are nationals of the recalcitrant State; such action, even in contemplation, is utterly barred on the

grounds of the very principles of the Red Cross. Moreover, the ICRC has no mandate to exercise any such control. Even more than in other fields, the ICRC acts here by its own motion. If it has often had the good fortune to be able to found some of its interventions on a specific treaty stipulation, it acted not as jurist, but on the humanitarian plane, and because in that particular instance, it was the only means of persuading the Protecting Power to grant PW, at least partially, what the plain tenets of humanity could exact of them even more definitely than legal instruments.

The States entrusted actual "control" not to the ICRC, but to the Protecting Powers, by their recognition under Article 86 that "guarantee of the regular application of the Convention will be found in the possibility of co-operation between the Protecting Powers charged with the protection of the interests of the belligerents", and by regulating the right of delegates of the Protecting Powers to visit camps. The question may then be asked, whether the work of the ICRC did not overlap with that of the Protecting Powers. This was not the case. Experience has proved that the respective activities are not contradictory, and that on the contrary they may even complete each other. Although they run parallel, they are exercised on different planes.

The Protecting Power is a mandatory of a State; it acts on directions received from that State and on its behalf. The ICRC is the agent of no one; it acts on its own initiative, and in complete independence. The work of the Protecting Power deals only with certain PW on the score of their nationality; it is first and foremost utilitarian and legal. The service of the ICRC is offered to all without distinction, irrespective of nationality; it is practical and humanitarian. Assistance to the victims of war is only one aspect of the part played by the Protecting Power. For the ICRC, it is the sum of its efforts. Last of all, where theory is concerned, the ICRC, in making its interventions in each of two adverse camps, is in a position to undertake multilateral action, whereas the Protecting Power has only a unilateral view of the situation. It was only as a result of exceptional circumstances, when one after another almost all the countries in the world entered the war, thus reducing the number

of neutral States who could serve as Protecting Powers, that countries like Switzerland and Sweden were charged with the interests of a large number of States belonging to the two enemy camps: that was not the case in former conflicts, nor for that matter in the beginning of the recent war. The collateral character of the work of these Powers and that of the ICRC for PW became so marked, that these respective activities seemed to be a duplication one of the other. However, as a rule, this did not raise any substantial difficulty, and apparent dualism was in the last resort all to the advantage of the people concerned.

Besides using their initiative in the field of what is known as the "control" of the application of the Convention, the ICRC endeavoured to complete the legal regulations covering the treatment of PW. Although the Convention of 1929 was clearly defined, its provisions, which had been drafted on the basis of the experience of the first World War, often proved ill-adapted to the realities of total warfare, inadequate or wholly silent on certain important points. These facts led to countless interventions by the ICRC, which will be referred more than once in this Report <sup>1</sup>.

The ICRC received many protests alleging grave violation of international law, but very few had any reference to PW <sup>2</sup>.

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<sup>1</sup> See in particular above: Development of International Law, p. 189.

<sup>2</sup> The only notable cases are the following:

(a) In September 1944, a protest by the Italian Government concerning the execution by the German forces of the crew of an aircraft shot down over Albania. The German authorities replied that the investigation which they had undertaken had revealed nothing which might provide grounds for the Italian protest.

(b) In March 1945, a protest by the Rumanian Government against the execution by the German escort of four PW, whose extreme exhaustion did not allow them to follow the column. A few weeks later came the capitulation and the German Government ceased to exist; the intervention of the ICRC in Berlin therefore remained unanswered.

(c) In December 1944, a protest by the Bulgarian Red Cross against the inhuman treatment and mutilations inflicted by the German troops on Bulgarian PW.

(d) In May 1945, a protest by the Belgian Government concerning the execution of Belgian PW by the German troops, by way of reprisal. These two latter protests reached Geneva too late for the ICRC to communicate them to Berlin. There were, by that time, no longer any German authorities.

These were submitted preferably to the Protecting Powers, whose part, assigned to them under the Convention of 1929, designated them specifically to receive such applications. It should be clearly understood that these "protests" came from Governments. On the other hand, the ICRC received thousands of complaints from authorities and organizations, the PW themselves or their next of kin, thus giving rise to constant negotiations by the Committee, with the object of having the reported shortcomings remedied. The following chapters will give an account of these.

Whereas in the course of the last century, the development of humanitarian principles had gradually brought about the acceptance of the rule that the broken or captive enemy was nothing but a suffering human being, it now seemed as though in the past few years, the whole of that ground had been lost. The unleashing of nationalist passions; the ideological and totalitarian character of warfare; the accumulation of hatreds born of immeasurable devastation and persecution; official theories advocating bondage, even the extinction of whole nationalities and races, regardless of the individual members of these groups; all these gave rise in many cases to a dangerous trend in regard to the PW—that of ignoring the suffering human being, and viewing him only as an enemy who was held personally responsible for the acts of his Government and of his fellow combatants. Given such an attitude, the degree of mistrust and hostility which met any intervention in behalf of the victims of war of enemy nationality could not fail to grow rapidly. It is, therefore, not an overstatement to say that the fact that the ICRG, in such conditions, could keep up its work and even extend its efforts for PW, has a significance at least as great as that of giving the impetus to this work in 1914.

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As the Central Agency and the Relief Division are to be dealt with in separate volumes, the following chapters will deal in full with the other activities which have been mentioned. First, *Camp Visits* will be described, then the work of the ICRC in

relation to the *Treatment of PW*, taking successively the various aspects of the life of the prisoner as they are dealt with in the Convention. Other chapters will be devoted to the *Protection of prisoners against the dangers of war*, *Work, Relations of the prisoners with the Exterior*, *Judicial Proceedings*, *Repatriation* and *Reprisals*.

All the above concern the work of the ICRC in behalf of PW who were legally entitled to protection under the Convention of 1929. But the ICRC did not confine its care solely to this category of prisoners, members of the forces. In the view of the Committee, humanitarian principles stand for more than the Conventions, which are necessarily only a narrow expression of such principles. The Committee therefore endeavoured to have the protection of the Convention, or at all events the field of its own welfare work, extended in quarters where, in the absence of ratification, the Convention was not in force ; it also tried to cover categories of prisoners to whom the detaining Power denied or withdrew PW status. These endeavours of the ICRC, with its successes and failures, will be covered in the chapters on the *Conflicts in Eastern Europe*, the *War in the Far East* and *Prisoners whose protection under the Convention was in dispute*.

A special chapter will deal with a particular category, *Internees in neutral countries*, and with the measures which the ICRC was led by circumstances to take in their behalf.

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## **II. Visits to Prisoner of War Camps**

### **(A). INTRODUCTION**

During the second World War, the ICRC arranged for a systematic scheme of visits by its delegates, to camps for PW and civilian internees. This work, which developed to an extent hitherto unknown, formed one of the essential features of its task, and according to much evidence that has been received, was of the very greatest benefit to the detainees.

The inspection of camps enabled the ICRC to know and to keep a check on the treatment of PW and the application of the terms of the Convention ; to give impartial and objective information to the Powers concerned ; to improve the conditions of PW by steps taken on the spot, or by intervention made from Geneva ; to realize their needs and direct measures of relief ; and finally, to verify the distribution of relief parcels.

This faculty for delegates of the ICRC to visit camps is not explicitly recognized by the Convention, which provides only for visits by representatives of the Protecting Power, and opportunities afforded to relief organizations admitted by the Governments. This right of visit, however, is the very basis of the Committee's activities in behalf of PW. The ICRC is the only agency which has the right to visit equally and simultaneously the PW camps in the territories of two Powers at war with one another : thus it can be certain of making a precise assessment by comparing the situation of PW in the camps on either side, and so substantiate its interventions in behalf of the detainees, based as these are on the principle of

reciprocity. Any measures for relief must begin by an inquiry into the needs of the men, and end by supervising the distribution. Moreover, the Committee's delegates can visit PW even in the absence of any Protecting Power—a circumstance which occurred several times during the recent war.

The Powers party to the 1929 Convention did not dispute the Committee's right to visit PW camps, and most of them granted its delegates the widest opportunities in this field<sup>1</sup>. In the war in Eastern Europe, where the Convention was not applied, the efforts of the ICRC to visit PW on both sides failed almost completely. In Japan, a State which had agreed to apply the provisions of the Convention, *mutatis mutandis*, although not a party to the Convention, the ICRC and the Protecting Power also were only allowed to visit PW camps to a very limited extent. In principle, this permission was only granted for camps in Japanese territory, and not for the occupied countries. The Japanese authorities furthermore restricted the opportunities for action by the Committee's delegates, even in Japanese territory, by refusing their *agrément* for months or years, by limiting the duration of their visits, and by preventing them from talking to the PW representatives without witnesses. The reports drawn up by the delegates as a result of their visits were moreover subject to censorship, so that the authors did not have the possibility of free expression.

During the War of 1914-18, many rounds of visits had been organized. These were in general for missions starting from Geneva. The visits were carried out as a result of special agreements with the Governments concerned, and subject to reciprocity. When the Committee's delegates were authorized to visit PW in any given country, they were asked to prepare a programme of their journey. Furthermore, they were assigned a scheduled route from which they could not deviate ; sometimes the total number of PW that they would be allowed to visit was fixed beforehand.

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<sup>1</sup> See however below the chapter entitled "Prisoners whose right to protection under the Convention was in dispute".

During the second World War, no limitation in principle was placed on the activities of the delegates in this field, and their work was thus considerably extended. It is true that before each round of visits, they were still obliged to submit a detailed programme to the authorities. They had to make repeated requests to visit certain PW or internee camps, to which for one reason or another the authorities wished to refuse them access. But on the whole, apart from the Eastern European and Far Eastern theatres of war, visits to PW and civilian internee camps were carried out to the Committee's satisfaction. Whereas, from 1914-1918, only 524 camps were visited, the delegates of the ICRC from 1939-1947 carried out over 11,000 visits.

#### (B.) THE VISIT

As a general rule, the delegate had to give notice of his visit to the authorities<sup>1</sup>. It may be regretted that the principle of unexpected visits was not generally adopted, for it has advantages which have proved their value. The delegate is sure that no preparations have been made, and he carries away an accurate picture of life in the camp. An organized visit, on the other hand, does enable the delegate to meet the camp commandant or his deputies; he is expected by the spokesman or camp leader, by the medical officer and by the chaplain, who often have reports to submit, lists of PW without news from home, and requests of all kinds, which in large camps need several days' preparation; finally, it is proper that as many PW as possible should be present, and have notice of the delegate's visit, so that they may themselves submit their complaints to him. Thus, in spite of all, visits notified in advance continue to serve a most useful purpose. Even if temporary improvements have been hurriedly introduced for the occasion

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<sup>1</sup> When the delegate was a member of the ICRC he got in touch with members of the Government or the Staff of the occupying Power, or even with heads of States.



of the delegate's visit, he can sometimes ask the men and the camp leader in private, whether these are not measures taken merely for the nonce. The delegate must, however, retain the right to carry out such visits as he chooses and to fix the date himself, as a guarantee that his right of visit will not be arbitrarily restricted. He can then go at once to a camp when incidents require his presence, or the visit is asked for by the camp leader.

The delegates visited camps as a rule in the company of the camp commandant or his representatives. They could thus make their comments immediately, or ask for necessary explanations, and have access to all premises—including of course the guard-rooms. The presence of the authorities could not hamper the delegate; he was always accompanied by the camp leader and, when visiting the infirmary, by a medical officer of the same nationality as the men. During his rounds, the delegate could talk to the prisoners and question them as to their state of health, their general conditions, and their wishes. Every PW was then able to speak privately to the delegate; those who had complaints to make or messages to send availed themselves of this opportunity. Furthermore, and this was one of the main features of his task, the delegate could talk privately to the camp leader and hear any applications or complaints he had to submit. In most camps, the delegate managed to take advantage of this right.

No limitation could be set to the duration of the visit. It varied, according to the strength of the camp, from a few hours to a few days. Nor might any restrictions be placed on the number of visits.

The delegate entering a camp was almost the only direct link between the inmates and the outer world<sup>1</sup>. Needless to say how numerous his tasks were, apart from inspecting the camp and supervising the application of the Convention. The delegate often brought relief supplies with him or made arrangements for their arrival; he took note, in company with the camp leader

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<sup>1</sup> Besides the regular visits of the representatives of the Protecting Power and of the ICRC, PW were visited by delegates of the Vatican, the YMCA and other institutions for spiritual or intellectual aid to PW, and with which the ICRC kept in touch.

and the medical officer, of requirements of all kinds : food, clothing, games, books, medicaments ; he received applications from prisoners, complaints on the score of their treatment, requests for repatriation and for admission to hospital ; special messages to be forwarded <sup>1</sup>, enquiries to be made, etc.

There was no uniform method for visiting camps ; circumstances differed in fact too widely. The strength of a camp ranged from a few dozen (agricultural labour detachments) to thirty, forty and even sixty thousand men in the large camps in Germany, South Africa or India, which were real towns, with streets, police, road maintenance and cleaning service, etc. The delegate had to form a definite opinion of all these features in the short time at his disposal. After getting information from the camp leader and the camp authorities, he made a careful inspection of the various buildings : sleeping quarters, cook-houses, mess halls, sick wards, rooms for games or recreation, latrines, washhouses, etc. He questioned any PW whom he met there : men who had remained in the dormitories for any reason, patients in the sick ward, and kitchen staff. He asked for the bills of fare, and checked the stock of foodstuffs and store of medicaments. He saw the men returning from work, inspected them to see how they were turned out and what was the state of their clothing and footwear. He had long talks with the chaplains of the different communities, with the camp leader and finally, with all PW who asked to be heard. All complaints were listened to and forwarded. The delegate took note of the names of men who had no news from their relatives, and of requests of all kinds submitted to him. He could thus carry away from his visits a complete picture : equipment of the camp, discipline, relations between the authorities and the men, etc. In so far as impartial evidence can give an accurate idea of real conditions, the ICRC, and therefore the Government of the country of origin, could rely on this single witness <sup>2</sup>, and

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<sup>1</sup> The correspondence that the PW handed to the delegate was of course submitted by him to the camp censor.

<sup>2</sup> The same remark applies to visits carried out by the representatives of the Protecting Powers. The reports drawn up by them could, moreover, be usefully compared with those of the ICRC, by the country of origin.

treat rumours and information from unknown sources with great caution. In many cases, the accuracy and care of the delegates' reports helped to forestall collective reprisals, or to restrict their effect. A typical example of this was the incident of the handcuffed prisoners which, thanks to action taken by the delegates, did not assume the proportions that might have been feared.

In the course of his visit, and during his interview with the camp commandant, the delegate gave his comments. These direct talks smoothed out many difficulties. He submitted observations of a more general character (orders which the camp commandants were obliged to carry out) to the competent authorities (commandants of military districts, Ministry of War or Ministry of Foreign Affairs), either before or after drafting his report. In all cases, he informed the ICRC of the negotiations undertaken on the spot, or of their results, and reduced the number of cases where Geneva had to take official action.

To ensure as complete an examination as possible, and to make their reports alike in form, the delegates worked on a draft scheme given them by Geneva, and which was gradually perfected during the course of the war. Although this was only a general directive, which could be adapted according to circumstances and left the delegate great freedom of interpretation, it may be of interest to publish an example. It will show how varied were the questions that delegates had to clear up.

The report first gave the following data : Address (by number and postal address) ; name of the camp leader ; camp senior<sup>1</sup> ; medical officers ; chaplain ; capacity of the camp ; number of PW (by nationalities and camp subdivisions) ; date of opening ; date of last visit made.

Then came the report itself, divided as follows :

### *General description.*

Situation. Outside danger areas ? Healthy district ? Type of accommodation (barracks, huts, tents ; state of premises).

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<sup>1</sup> The senior in rank, himself a PW, was responsible for certain questions of internal discipline. In officers' camps he was the senior amongst the officers of the highest rank.

### *Quarters.*

Dormitories ; extent to which occupied ; air space ; ventilation ; furniture ; bedding ; lighting by day and night ; heating ; fuel ; precautions against fire.

### *Food.*

Equipment of cookhouses ; bills of fare ; number of meals ; daily rations ; special diets ; supervision by camp leader ; mess halls ; drinking water.

### *Clothing.*

Outer clothing ; underclothing ; footwear ; replacement and repairs ; working overalls and shoes. Have the PW (NCOs and other ranks) been issued with sufficient linen, clothes and footwear by the Detaining Power (Art. 12) ? Have officers buying their own, got sufficient kit ? Have all PW got their kit and articles for personal use ? Have PW got their full outfit of uniform ?

### *Hygiene.*

Washhouses ; showers ; soap ; laundry ; latrines ; delousing. Can PW have warm showers ? Can PW wash their linen ? Have they enough soap ?

### *Medical care and health.*

Medical officers ; regular inspections ; sick wards ; conditions of admission of PW to sick ward and of their stay ; state of health of PW ; proportion of sick ; serious cases ; epidemics ; means of disinfection ; isolation. Has the camp got a sick ward and medical staff (Art. 14) ? How is the sick ward fitted up ? Is the medical treatment of sick satisfactory ? Are there regular inspections by medical officers and dentists (Art. 15) ? Number of sick ? Serious illnesses ; contagious diseases ; epidemics ; deficiency diseases (scurvy, pellagra). Any PW seriously wounded or sick who have applied, but have not been seen by the Mixed Medical Commission (Art. 68-70) ?

### *Deaths.*

Number and causes of deaths. Notifications of death. Any recent deaths ? What were the causes ?

### *Medical Stores.*

State of medical stores ; supplies ordered.

### *Dental Care.*

Dentists ; regular inspections ; condition of teeth ; equipment ; supply of dentures.

### *Religious activities.*

Priests ; ministers ; chaplains ; buildings or premises ; number of services ; respect of rights of chaplains. Any chaplains (Catholics, Protestants) or rabbis amongst the PW ? Are religious services held ? By PW chaplains or by others who come from outside the camp ? In what language are they held ?

### *Leisure and physical exercise.*

Leisure hours ; library ; performances ; orchestra ; games ; wireless ; walks ; sports. Are games and walks organized (Art. 14-17) ? Enough open air space for gymnastics and sports ? Can PW stay out of doors as long as they like, or only at stated hours ? May officers go for walks unescorted ? What kind of undertaking must they give in such cases ? Have PW got reading matter (Art. 39) ? Do they receive enough books, and from whom ? Have they regular study classes ? Do they want games ? Can they play music ? Cinema ? Is there a wireless set ?

### *Employment.*

Nature of work ; number of workers ; time-table ; day of rest ; working conditions ; work prohibited, unhealthy, dangerous ; work of officers and NCOs ; wages ; relations with civilian employers. Time-table for the day. How many roll-calls a day ?

May PW work (Art. 27) ? Are they insured ? Do such insurances cover sickness as well as accidents ? How many PW working ? Strength of labour detachments ? Are the laws of the country governing employment applied to PW who work ? How much do PW receive, apart from food and lodging ? How much is deducted for PW working in labour detachments for food and lodging (Art. 28-34) ? Are labour detachments inspected, and have they been found in order (Art. 33) ? Are the clauses of Art. 31 (prohibited work) and 32 (unhealthy work) duly observed ?

### *Money and Personal Effects.*

Method of payment of wages and of pay ; withdrawal of money ; impounding of personal effects against receipt ; money sent to relatives.

### *Canteen.*

Goods sold ; prices ; system of payment ; use made of profits. Canteen set up ? List of goods on sale ? Prices the same as those in local trade (Art. 12) ? Are the profits really used for PW welfare ? Any restrictions in the use of tobacco ? How do PW get their tobacco ?

### *Correspondence.*

Capture cards ; letters and postcards sent ; restriction or delay of correspondence ; parcels ; PW without news from home. Were PW able to inform relatives of their capture eight days after their arrival in camp (Art. 8 and 36) ? How many letters and postcards (and of what length) may PW write home (Art. 36) ? Have they received money sent to them ? Parcels direct from their relatives ? How long do letters take to reach the PW (Art. 40) ? Are there still PW who have received nothing ? Can the camp leaders correspond freely with the military authorities and the Protecting Power (Art. 44) ?

### *Relief Supplies.*

Have the PW received parcels of food, clothing, or tobacco from the Red Cross (ICRC or national Red Cross) ? How many ? Which are the welfare societies interested in the PW ?

### *Discipline.*

Convention ; transmission of orders and regulations ; disciplinary punishments ; guard-room ; cells ; duration of sentences ; legal assistance ; escapes ; complaints ; wearing of badges of rank ; rights of officers. Is the text of the Convention posted up (Art. 84) ? In what language are orders given ? Have PW been subjected to disciplinary punishments ? For what reasons ? Were Articles 45 to 59 complied with on these occasions ? Any attempts to escape ? As regards camp discipline, has the obligation for PW to salute been observed ? Is the wearing of decorations and badges of rank permitted (Art. 18-19) ? Are the disciplinary regulations communicated to PW in their own language (Art. 20) ?

### *Complaints.*

Are there any complaints ? Are justified complaints successful (Art. 31, 42, 86) ? Is there a complaint book ? Have PW reason to complain of the food ?

### *Interview with the camp leader.*

Has the camp leader been questioned without witnesses ?

### *Interview with the camp commandant.*

Has the camp commandant grounds to complain of the PW (Art. 18) ?

### *Sundry interviews.*

Special cases ; forwarding of documents ; powers of attorney ; wills, etc. Does the camp commandant give facilities for the

forwarding of deeds, official papers, documents, powers of attorney, wills, and the authenticating of signatures?

### *General Remarks.*

Proposals ; negotiations and steps taken.

For the purpose of sending reports by cable to Geneva, the ICRC had drawn up a questionnaire containing 96 items. The delegate wired his report in an abridged form, giving his reply or comments after the number of each item.

The reports were often illustrated by photographs taken during visits. These photographs were reproduced at Geneva and forwarded to the Governments concerned. They provided a useful supplement to the description of the lay-out of the camp. PW seen in the photographs, singly or in groups, were named by the delegate so that the pictures could be sent to the next of kin.

### (C.) REPORTS ON VISITS

During the War of 1914-1918, reports were always published in pamphlet form and grouped in series ; they were therefore available to the public. In the recent War, an important alteration was made. It is true that the reports of the delegates were not regarded as confidential, but it seemed preferable, as a general rule, simply to forward them concurrently to the Governments concerned (Detaining Power and country of origin) <sup>1</sup>. This procedure is in substance quite different from that adopted by the Protecting Powers, who sent their reports only to the country of origin.

The Detaining State was thus made acquainted with any comments and criticisms of the delegate, at the same time as

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<sup>1</sup> The ICRC published regularly extracts from reports on visits in the *Revue internationale de la Croix-Rouge* for information. The publication of these extracts, four or five of which appeared monthly (the monthly average of visits during the war was over a hundred) aimed only at giving some general idea of the situation of PW everywhere, and of the work of the delegates in their behalf.



the country of origin. The Governments being in possession of these reports on visits, were always free to communicate them to agencies and persons applying for them, and even to publish them. The ICRC intended not to prejudice the decisions of the Governments, and referred to them all applicants who asked to have these reports.

The agencies clearly entitled to show interest in these reports were the National Red Cross Societies. Being in close touch with their Governments, they could obtain them direct. Certain Red Cross Societies had a permanent interest in receiving all reports on camp visits, and the ICRC increased the number of copies forwarded to their Government, with a request to forward the necessary number to the National Red Cross Society. As an exceptional measure, and to avoid delay in forwarding, the ICRC sometimes sent reports to certain agencies either direct or through their Consulates, with the approval of the Governments concerned.

Unless otherwise desired, the reports were sent in triplicate to the Ministry of Foreign Affairs. The official language was French. Reports made out in another language were translated, even when it was that of the detaining country. It was essential that the text sent to the enemy country should be identical ; on the other hand, it was not as a rule possible to send it a text in the language of the country with which it was at war. An exception to this rule was made in forwarding such reports to Japan. In that country, the European language most commonly employed is English, and the Japanese authorities drew the attention of the ICRC to the fact that the censoring of reports (for in Japan these were censored) would be considerably quicker if they were written in English. As the countries holding Japanese PW or civilian internees were chiefly English-speaking and the ICRC itself had no objection to make, the reports on visits concerning Japan were forwarded in English.

An exception of a slightly different kind, but which also did the PW a service, was allowed, on the request of the German Government. Reports sent to that country in French were translated into German in Berlin by the Ministry of Foreign

Affairs. Towards the end of the war, there was a shortage of staff in the Berlin offices, and the Ministry proposed to the ICRC to have the reports for Germany done at Geneva by a translator supplied by the German Consulate. Later on, the ICRC itself did part of the translations; the French text was however always attached to the translated version, identical with that forwarded to the adverse Power, and the only one which was authentic.

The reports written by the delegates after their visits passed as a matter of principle through Geneva. The Committee itself sent them to the Governments. It was important that the ICRC should be the first to be informed of the comments of its delegates, so that it might reply to requests for information made by a Government. It could thus provide for the concurrent despatch of the reports to the Governments concerned. The ICRC made itself responsible for the translation and multi-graphing (by roneo) of the reports, and saw that they were made out in a uniform manner. It thus gave the delegates greater independence, by making itself responsible for their observations and comments, and protecting them by its authority.

If they were to be of use, the reports must be up-to-date. Exceptions were made when the delegates were in distant countries, and forwarding through Geneva would have taken several months (in the case of Australia, for instance). The delegate nevertheless sent a report to Geneva, even from that country. As soon as his report had been examined, a cable acknowledgement was sent to the delegate, instructing him to hand the Australian Government a copy for preliminary information. The report was then dealt with at Geneva and an official text sent later to the two Powers concerned.

Reports were often forwarded by telegram when the country of origin of PW was at a great distance from Geneva. In that case too, the written report came later and was the only authentic copy.

As soon as the number of reports received at Geneva justified the step, the receipt of reports was entrusted to a section of the PW and Internees Division, which took the name of Report Section. Here the reports were received and registered,

translated and examined ; extracts were made and the final draft was roneoed and despatched.

The substance of the report was in no way changed and the wording kept as far as possible, for it was indispensable that the text should preserve its value as evidence. Reports drawn up in languages other than French were translated with the greatest care, and made uniform in structure and style. The delegates knew that their drafts were carefully revised at Geneva; by reason of the frequently difficult conditions in which they prepared them, the writers were less concerned to give them an acceptable form than to make them accurate and complete.

Immediate use was made of the valuable information supplied in the reports. The Report Section passed on to the Committee's departments those passages which concerned them : requests for relief supplies to the Relief Section ; applications for medical stores to the Pharmaceutical Section ; camp strengths to the Section dealing with camp statistics ; applications or complaints of a general kind to the responsible department. These extracts had all the necessary references and enabled Sections concerned to consult the complete drafts.

The roneoed reports were, as mentioned, forwarded to the Governments concerned. Each Government was thus certain of having before it the same text as that sent to the other Government.

It sometimes occurred that several nationalities were represented in one camp ; the camp however formed the subject of only one report. The countries of origin were, in principle acquainted with that part only of the report concerning their own nationals. It was then necessary to make a special report for each of these Powers, containing general observations and special comments concerning the nationality concerned ; the Detaining Power received the full report.

During the war, the principle of transmission to the Detaining Power was somewhat extended. When PW in the hands of a belligerent Power were held in the territory of an ally, reports on visits were sent concurrently to both Powers. Certain Governments moreover agreed that reports concerning the PW in their hands should be sent in full to the allied Governments who

had originally held these men. Thus, after the close of hostilities, the reports on visits to German PW in France (most of whom had been handed over to the French by the United States) were sent to the O.C. of U.S. Forces in Europe <sup>1</sup>.

Reports concerning PW belonging to the Free French Forces were sent to the Provisional French Government, at first in London and later on at Algiers. They were sent at the same time to the detaining authorities.

After the war, PW in Allied hands were visited several thousand times between May 1945 and June 1947.

The reports were as a rule sent to the Governments through the delegates. A covering letter was attached, drawing attention to the most important passages, the deficiencies noted and the complaints received. At the same time, the country of origin was informed that the attention of the detaining authorities had been called to the deficiencies noted by the delegate, and that steps were being taken, the result of which would be notified to the said country of origin. It was thus possible to prevent reports showing failure to implement the Convention from leading to measures of reprisal against PW.

The delegate was thus informed of the date of the handing in of the report, and of the observations made by Geneva. He was able to follow closely the progress of any steps taken and, according to their importance, to arrange to return to the camp concerned within a short time.

#### (D). PROGRESS OF VISITS

The first visits to camps were organized from the outbreak of war. On September 23, 1939, a delegation of the ICRC visited a Polish camp, Oflag X, at Itzehoe. On November 7, a fresh round of visits in Germany was undertaken, during which

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<sup>1</sup> The handing over of PW by one Power to another is not provided for in the Convention. Nevertheless, the belligerents admitted that the capturing Power shared with the new Detaining Power joint responsibility for the treatment of these PW until their final release.

time a delegate in England visited the first PW camps for Germans. On November 25, the first visits in France were carried out. The principle of reciprocity was thus put into execution ; the first contacts made, so important for the future work of the delegates, had been satisfactory. It is true that the number of PW and civilian internees was still small. But there was no longer any objection in principle to be feared, and the freedom of action of the delegates was not in question.

The year 1940 saw a considerable extension of the war, and a parallel increase in the number of PW camps. In June 1940, Germany held close on two million prisoners. The problem then facing the ICRC was one of practical means. The visits to camps had to be expanded to a far wider radius than any hitherto considered.

The situation of French PW in Germany, who formed the great majority of the men captured at that time, was very exceptional. As a result of the signing of the armistice between France and Germany on June 21, 1940, these two countries no longer considered themselves to be in a state of war, which put an end to the duties of the Protecting Power<sup>1</sup>. Nevertheless, the German Government did not dispute the right of the ICRC to visit French PW camps. The ICRC has always maintained that it is not the official close of hostilities which brings its work to an end, but rather (as seen in 1945 and the years following) that its activities can only cease with the circumstances that have demanded them.

In the meantime, during the last days before Marshal Pétain's request for an armistice (from June 17 to 27, 1940) a mission of the ICRC had visited camps of German PW and civilian internees, who had been removed to the South of France. Here also the circumstances were quite exceptional. These PW and internees were impatient to be released ; their release had, however, to be carried out in accordance with the terms of the

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<sup>1</sup> The Vichy Government set up a standing commission known as " Scapini Mission ", to visit French PW camps. In a country torn by political strife, as France was during the war, the duties of a mission of this kind cannot be compared with that of the ICRC, which has the distinctive feature of its neutrality.

armistice. The presence of the delegates, at a time when discipline and order were no longer strictly respected, contributed towards improving the condition of these men during the last days of their captivity, and made it possible to inform the German Government that they had been properly treated by their French guards.

In Germany, as soon as the situation was stabilized, and the ICRC could weigh the task facing its delegation there, the strength of the latter was raised to four persons, then to eight, and in 1944 to sixteen delegates. Up to the armistice, these delegates carried out 2,729 visits. A certain number of restrictions had been imposed by the German authorities. Besides the obligation to submit a programme of visits and to be accompanied by representatives of the Supreme High Command, the Ministry of Foreign Affairs had limited the number of visits to three per year for each camp. The reasons given were of a practical kind : the camps were already visited by the representatives of the Protecting Powers, or of the Scapini Mission in the case of the French, by representatives of the YMCA World Alliance and other relief organizations, and by German teams of inspection. The authorities thus wished to avoid an excessive number of visits. For its part, the delegation could hardly contemplate visiting the PW more often, in view of the number of camps and labour detachments (Kommandos) and the limited numbers of its members. It was even impossible to visit all the labour detachments, the number of which was very large and which sometimes only consisted of a few men.

On the other hand, the Ministry of Foreign Affairs several times objected to the increase in the number of delegates, or delayed giving their approval to nominees, and this had a direct influence on the number of camp visits.

The criticism of the delegates, the text of the reports, and the conclusions of the covering letters did not always suit the camp commandants, or the Ministry of Foreign Affairs. There was a certain tension from time to time, which even made it necessary to recall a delegate in 1944. The offices of the Wilhelmstrasse tried to put pressure on the delegates by interpreting Art. 87 of the Convention in an extremely restrictive sense, and

by claiming to confine the right of intervention of the ICRC to the field of welfare. Such an interpretation would have seriously limited the activities of delegates in the camps in Germany. In any case, the delegates did not on that account cease to carry out comprehensive visits and to forward detailed reports, and eventually the German authorities did not, as they had given reason to fear, narrow the field of work of the delegates.

Mention should be made here of the so-called "transit" camps, both in Axis and Allied countries, where arrangements were usually rudimentary and living conditions not comparable with those in permanent camps. It occurred nevertheless that PW were kept in these camps for a very long time, sometimes for several months, without being able to get in touch with the outer world. Moreover, the fact that such camps existed was only reported very late by the detaining authorities, and the Committee's delegates were authorized to visit them only after long negotiations. Certain of these camps were indeed never visited at all <sup>1</sup>.

The end of the war in Europe, bringing about the unconditional surrender of Germany, involved a considerable increase in the work of the visiting delegates. Now, three million Germans were PW, and in a position comparable with that when the French were held in Germany—that is, deprived of a Protecting Power, and without the guarantees deriving from reciprocity.

In Great Britain and the United States there was no change in practice, and the living conditions of the PW remained about the same as they had been during the war. In France on the other hand, the presence of one and half million prisoners—(of whom a large number had previously been in American hands)—in a country devastated by war, short of housing, clothing, food and medical stores for its own population, naturally raised serious problems; these made necessary frequent steps by the delegation, whose strength was raised to 27 members. Instead of diminishing, the number of visits greatly increased; during 1946, in view of this increase (3,000 visits in

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<sup>1</sup> The ICRC has devoted great attention to the problem of the transit camps in the Draft Revision of the 1929 PW Convention.

all for the year), the ICRC was obliged to cease the issue of detailed reports on all camp visits. In Great Britain and the United States, where the camps had long been known, and where the numbers were steadily diminishing, it was possible to consider the situation as stable and satisfactory. It therefore seemed sufficient, in order to ease the work at Geneva, to send in monthly summaries of the work of the visiting delegates. When a camp did not seem satisfactory, the full report was forwarded with the necessary comments.

On the Continent, the presence of the delegates continued to be necessary. Most of the camps had been newly established in very unsatisfactory conditions. In view of this situation, the delegates increased the number of their visits and reports. In accordance with an agreement between the French and the United States Governments, the reports were also sent to United States Authorities, so that they should be able in part to meet the requirements (for instance, in medical stores) of the PW whom they had transferred to France, and towards whom they still had a certain responsibility.

From 1946 onwards the delegates inspected the convoys of of German PW returning to their country. By reason of the length of the journey and the need of suitable food and lodging during that time, the convoys were treated in the same way as camps and regularly inspected by the delegates of the ICRC.

The number of reports on camp visits sent to Geneva and forwarded to the Powers concerned, amounted to 11,170 by June 30, 1947, representing about 40,000 pages.

It will be seen from these figures that the principle of camp visits by delegates of the Committee had, during the war, become established as a regular practice.

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### III. Treatment of Prisoners of War

#### (A). PRISONER OF WAR CAMPS

Art. 9 and 10 of the Convention cover location and installation of PW camps. The provisions of these two Articles, which concern hygiene in camps and protection of prisoners against bombardments, are discussed in separate chapters of the present Report. The following remarks will therefore merely bear on location and installation.

*Location.* — Art. 9 provides that prisoners “ may be interned in a town, fortress, or other place ” and adds “ they may also be interned in fenced camps ”. During the recent war, prisoners interned in such camps were usually lodged in huts, more or less well heated in winter ; failing huts, they sometimes had to live under canvas for months at a time. This occasionally happened in Great Britain. The damp and often cold climate of that country made internment under these conditions trying to the health. The Committee’s delegates did not fail to urge, each time they visited a camp under canvas, that huts should be built in place of the tents. The British authorities, holding that encampment under canvas was by way of a temporary measure, followed the delegates’ suggestions as often as possible. Wherever tents were retained flooring was installed. Waterproof ground-sheets and extra blankets were issued. In September, 1942, the Committee’s delegate noted that, in Camp No. 40, for Italian PW, each man had from four to five blankets.

Transfer of PW for detention in the colonies or in countries where they had to suffer a climate to which they were un-

accustomed did not provoke, during the recent World War, the same controversies between belligerents as during the first one. The principle laid down in Art. 9, Sec. 1 that PW should not be detained in districts which are unhealthy or whose climate is deleterious to them, was generally accepted by Detaining Powers, and on the whole they gave a favourable hearing to the many and persistent endeavours of the ICRC to have men removed to more suitable climates. The ICRC was also successful in its pleas that Colonial PW should be transferred to a milder climate than that of their preliminary internment. The Committee also secured that men detained at altitudes harmful to them should be transferred to healthier places.

The provision of Art. 9, Sec. 3, that belligerents shall avoid bringing together in the same camp PW of different races or nationalities, which was found necessary in the first War, was generally respected during the second. It did, however, frequently happen that PW of different races or nationalities were not placed in separate camps, but merely segregated in the same camps and assembled in different compounds. This practice was not contrary to the spirit of Sec. 3, and it raised no objections from the countries of origin.

*Installation.* — Art. 10 lays down that the choice and equipment of places of detention must ensure that the premises are free from damp, adequately heated and lighted and also that precautions are taken against the danger of fire.

Experience in the recent War showed that a great variety of buildings and quarters were put into service. A converted penitentiary, for example, proved a better lodging than many other buildings. The ICRC were obliged, however, to intervene to prevent use of ships for internment of PW.

It should be pointed out that very often, on arrival at the premises assigned for their detention, PW did not find accommodation and hygiene conditions corresponding to those specified in Art. 10. It was only by degrees, and often as a result of the intervention of supervisory agents and delegates of the ICRC that the strictly necessary improvements were made to these establishments. The length of time between the arrival of

PW and the satisfactory completion of their quarters depended on the resources of the Detaining Power, on the good-will of the commandants, and also on the prisoners' own ingenuity. On an average, three or four months were needed to instal a camp in conformity with the stipulations of the Convention. Unsatisfactory conditions did sometimes remain unchanged. In this connection mention must be made of the deplorable state of German PW camps in France at the beginning of 1945. The devastations this country had suffered, the lack of materials of all kinds (in particular of means of transport), prevented the authorities from organizing PW camps with due regard to the provisions of the Convention. In most camps, sanitary installations were very primitive and conditions of hygiene were bad <sup>1</sup>. After several months of work and thanks to the insistent efforts of delegates of the ICRC, from 1946 the conditions in these camps took a decided turn for the better.

Generally speaking, the total areas and minimum cubic air space in dormitories corresponded with the conditions laid down in the Convention. This was not always the case with bedding. The ICRC frequently stepped in to have the number of blankets issued to PW increased. This question, however, raised many difficulties owing to the absence of any exact ruling in the Convention.

## (B). INTERNAL DISCIPLINE OF CAMPS — SPECIAL PROVISIONS CONCERNING OFFICERS AND PERSONS OF EQUIVALENT STATUS

### I. Internal Discipline of Camps

The Convention lays down under this heading, in Chapter 5, Art. 18 to 20, a certain number of principles governing discipline in the camps, the direct authority under which prisoners shall be placed, external marks of respect to be observed and the wearing of badges of rank and decorations.

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<sup>1</sup> See below p. 263, and in Vol. III, remarks on Relief Schemes, Part I, chapter 10.

Generally speaking, these provisions were applied in a satisfactory manner and complaints made to the ICRC on this subject were not many.

Art. 18, Sec. 1, lays down that camps shall be placed under the authority of an officer. Delegates sometimes had occasion to intervene when certain camps were placed under the authority of an NCO only, or when the camp commandant was not a national of the Detaining Power.

The stipulations covering external marks of respect and salutes required of PW (Art. 18, Sec. 2) varied in their interpretation by the belligerents, some of whom insisted on PW giving the form of salute used by the forces of the Detaining Power. In most cases PW refused to do this and kept to their own form of salute. Difficult situations arose, and the ICRC did its best to smooth matters by pointing out that Art. 18, requiring PW to salute officers of the Detaining Power, makes it clear that this salute shall be that laid down in the regulations of the forces to which PW belong. The National-Socialist and Fascist salutes, which for a time were prohibited by some of the Allied Powers, were finally admitted to be not solely political but also military, since they were expressly laid down in German and Italian army regulations.

Difficult situations also occurred owing to the fact that some officers of the Detaining Power occasionally refused to return the salutes of PW, which was considered by these men as both offensive and humiliating.

Art. 18, Sec. 3, lays down that PW officers shall be required to salute only officers of the Detaining Power who are senior or equal in rank to themselves. Certain belligerents insisted, however, that PW officers should salute officers of lower rank or even NCOs, when they were at the head of the camp or when they held high positions as camp officials. This gave rise to numerous dissensions, and the ICRC was repeatedly called upon to intervene.

Art. 19, which authorizes the wearing of badges of rank and decorations, does not seem to have been observed with all the strictness required, especially towards the close of the war. The ICRC had to intervene very often, in particular with the

German authorities, to prevent not only badges of rank and decorations, but even uniforms from being taken away from PW officers and NCOs. The Committee also took steps to ensure distinctions being made between officers of different rank, and secured that the regulations of the Detaining Power on this matter should be posted up in the camps.

Following on many complaints, the ICRC moreover took steps to secure that prisoners be authorized to wear their badges of rank and decorations on the garments issued by the Detaining Power to replace worn-out uniforms. The Committee likewise took steps to ensure that the wearing of badges other than those laid down in Art. 19, such as badges of nationality, should also be allowed.

The application of Art. 20, which provides that regulations, orders and announcements shall be communicated to PW in a language which they understand, raised no particular difficulties, except that sometimes PW officers in Germany complained to the ICRC that communications were made to them by privates, and that a fairly large number of camps did not have enough sufficiently qualified interpreters.

Generally speaking, the main infringements of discipline in camps were due to the differences in political opinion amongst PW themselves. In North Africa, India and the United States, political discussions in certain camps of German or Italian PW sometimes brought about incidents leading to bloodshed, and the delegates always tried to calm the tension by approaching the camp leaders and the PW themselves.

The ICRC also had to intervene to induce certain Detaining Powers to refrain from carrying on political propaganda amongst PW. This happened especially in the case of the German authorities amongst Allied PW, and of the British authorities amongst Italian PW in India.

## **2. Special Provisions concerning Officers and Persons of equivalent status**

Art. 21 lays down that belligerents shall be required to inform each other of the titles and ranks in use in their armed forces, and that PW officers and persons of equivalent status shall be treated with the respect due to their rank and age.

The belligerents informed each other from the outbreak of war, although with some delay, of the nomenclature in use of ranks in their respective armed forces ; this was done through the intermediary of the ICRC and of the Protecting Powers. Germany transmitted her nomenclature to the ICRC in October 1939, Great Britain at the beginning of 1940, Italy in April 1941 and Japan in May 1942.

Some difficulties arose from the fact that certain ranks, although bearing the same term in each of the belligerent armies, did not occupy an equivalent place in the military order of these forces. This applied particularly in the case of certain NCOs, considered to be NCOs by some belligerents, whilst regarded by others as having the brevet rank of officer. The ICRC was more than once asked to take steps in the matter ; it invariably made every endeavour to secure that debatable cases should be settled in such a way as to benefit the person concerned.

PW were often promoted during their detention. Notice of promotion was communicated to the Detaining Power by the Protecting Power and, until May 1941, by the ICRC as well. After that date the ICRC, who had already forwarded a hundred or so of these notices, came to the conclusion that such transmissions did not really form part of its customary work and should be left to the diplomatic services. The only further steps taken by the Committee in this field were to induce certain Detaining States to recognize these promotions and the changes they might bring about in the position of the men concerned.

The ICRC also made efforts to enable officers and NCOs who had lost their identity papers showing their rank, to supply proof of their position, either by sending them duplicates, or by calling upon fellow officers to furnish evidence. The ICRC also approached the Detaining Powers to prevent them from depriving officers of their identity papers, as happened fairly often.

Art. 21, Sec. 2, lays down that officers and persons of equivalent status shall be treated with the respect due to their rank and age. The ICRC rarely had occasion to intervene in this connection, as the spirit of this stipulation was generally followed, except in Germany, where PW officers were sometimes treated with unnecessary harshness. The Committee was

thus called upon to obtain improvements in the condition of certain French, Belgian, Dutch, Polish, Yugoslav and Norwegian senior and high-ranking officers, who had been interned in German fortresses, and were exposed to harassing measures by their guards.

Art. 22, Sec. 1, stipulates that orderlies shall be detailed for the service of PW officers. The ICRC received a good many complaints, mainly from Germany, on the score that the number of these orderlies was inadequate, and that there were sometimes even none, which obliged officers, even those of the highest rank, to do all camp fatigues themselves. The ICRC took the necessary steps whenever called upon, and in a number of cases was able to secure the improvements required.

Art. 22, Sec. 2, lays down that officers shall arrange for their own maintenance, by means of the pay which is due to them. This provision was rarely applied, at least in European countries. Owing to many difficulties, mainly the rationing of foodstuffs and textiles, purchases could be carried out only by the camp managements. Thus, several States made arrangements which ensured reciprocity, to supply food rations, clothing and underwear free of charge to PW officers. In other cases, the Detaining Powers undertook the maintenance of officers and deducted the costs from their pay.

By these measures, the maintenance of officers differed very little from that of other ranks, and problems concerning the former were similar to those concerning the men. It therefore appears unnecessary to examine these questions more closely, and the reader is referred for details to the following chapter relating to the food and clothing of PW.

## (C). FOOD AND CLOTHING OF PRISONERS OF WAR

### 1. Food

Article 11 of the Convention lays down that "the rations for prisoners of war shall be equivalent in quantity and quality to that of the depot troops". The justification of this clause

is, indeed, disputed in some quarters ; moreover control over its application was a problem, because in certain countries the idea of " depot troops " was unknown. On the other hand, it is not always in the interests of the PW themselves, when for instance, they are detained in a country where the standard of living is low.

In practice, the above clause was not strictly applied in countries where the economic conditions were fundamentally influenced by the war ; the rations given to PW were inevitably affected by the food situation in the country as a whole. In these circumstances, and in view of the failure of its legal interventions, the ICRC felt impelled to request in all quarters that there should be a general improvement in the supply of food to PW, adequate for the maintenance of good health, quite independently of equivalence with the rations of " depot troops ".

*Germany.* — At the beginning of the war, the responsible authorities gave the ICRC an assurance that the prisoners received the same rations as " reserve troops ", adding that these were equivalent to those of the civilian population. In the spring of 1942, the Supreme Army Command expressed the view that rations for PW should be the same as for the German civilian population. In practice, the rations allotted to PW in Germany were less than those given to the civilian population ; in many cases, they received neither the basic rations, nor the supplementary rations granted to civilians. Complaints from PW on this score continued to arrive at Geneva in the autumn of 1940, and from that time, the delegation of the ICRC in Berlin was carrying on almost continuous negotiations with the responsible German authorities, when they pressed without respite for an increase of PW rations.

On several occasions, the Supreme Army Command gave orders for the reduction of PW rations, in line with the restrictions imposed on the German population. These measures, which made food conditions for the PW considerably worse, roused the delegates of the ICRC to fresh efforts ; their results nevertheless were unsatisfactory.



In these circumstances, the ICRC, in agreement with the competent organizations in the countries of origin of the PW could only increase the despatch of relief supplies to the camps ; already in the summer of 1942 the Committee's delegates were able to note, when visiting the camps, that for certain groups of PW, provisions received from their country of origin constituted 60 per cent of their total food supply. It should be stressed that the German authorities made these increasing consignments a pretext for gradually reducing the basic PW ration, in spite of the insistent representations made by the delegates of the ICRC.

On the other hand, the ICRC managed to arrange that, contrary to a practice which was tending to spread through the camps, the food contained in collective relief supply consignments should not be counted as part of the daily allowance, unless it was a case of preventing perishable foodstuffs from rotting. Furthermore, the ICRC obtained additional rations for PW who were seriously wounded or ill, particularly cases of tuberculosis.

With the worsening of the general situation in Germany, the rations of PW steadily deteriorated. Thus, in February 1945, the basic ration had fallen to an average of 1,350 calories per head. In view of this serious state of affairs, the ICRC took urgent and exceptional steps, in spite of the total disorganization of the ordinary means of transport, to ensure food supplies for prisoners by means of " block-trains " and mobile columns of motor trucks.

*France.* — The food supply to PW was affected by the economic state of the country, which was generally serious after the liberation. The official regulations, according to which PW compelled to work were to have the same ration as French workers, could generally not be applied.

In August 1945, the position had become so critical, that in the opinion of the Committee's delegates the health and even the life of 300,000 prisoners were seriously threatened as the result of under-feeding. To avoid an imminent catastrophe, the Committee's delegation in Paris made urgent appeals to the

American authorities in France for help. This was given at once with the result that the caloric content of the rations rose from 1400 to 2000, and the crisis was averted<sup>1</sup>.

Another depression in the economic situation occurred in the spring of 1946, and complaints from PW were once more received in great numbers at Geneva. Throughout the summer of 1946, the Committee's delegates made increasingly urgent appeals to the French authorities, and continually travelled the length and breadth of France in order to visit the camps from which the complaints came. Thanks to their supervision and their co-operation with the French authorities, in the autumn of 1946 the conditions began to improve. The allowance for food allotted to PW was successively raised from 20 to 28 French francs, then to 35 and even to 50 francs in the case of PW in hospital. Improvements in rations were ordered everywhere, so that in the spring of 1947, after a winter during which the delegates exercised constant supervision, the situation could be regarded as normal.

The delegates also did equally effective work in North Africa, where the food supply to PW was also very uncertain. As a result of their efforts, the bread ration of the PW was made equal to that of the "depot troops", and the food was considerably improved in the camps where it was most unsatisfactory, particularly in those of Djelfa, Constantine (Algeria), and Zaghouan (Tunisia). At their request too, the French authorities improved the water supply of the camp of Selmane II (Algeria), and transferred the camp of Bou-Arfa, which was situated in the desert to a more habitable place. Lastly, the activities of the delegates resulted in a general increase in the amount of the daily rations, which rose from 1400 and 2000, to 2000 and 2300 calories.

*Italy.* — The authorities were approached on several occasions on this subject by the ICRC and always gave an assurance that the PW had the same rations as Italian "depot troops". Although certain British PW, thanks to consignments sent by

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<sup>1</sup> See Vol. III, Part I, chap. 10.

the British Red Cross, sometimes received more food than they could eat, others complained about their rations. To clear up this situation, the ICRC instructed its delegation, when visiting the camps, to pay particular attention to the matter of food. During these visits, with only one exception, the delegation received no complaints as to the feeding of the camps and found no symptoms of under-feeding among British PW. The complaints sent to Geneva, mainly through the Red Cross Societies of the British Commonwealth, were due to the fact that the rations of the Italian forces were not so abundant as those to which British forces were accustomed and, above all, that they did not suit their taste.

The Greek and Yugoslav PW had the same rations as the British, with the exception of cigarettes, the issue of which had been settled by an agreement concluded between the British and Italian Governments.

*Great Britain.* — The rations issued to prisoners, although slightly less than those of the "depot troops", were generously reckoned; in fact, they varied between 3300 and 3400 calories. Throughout the war, no complaint from PW came direct to Geneva with regard to this question. It is true that the Italian authorities forwarded certain complaints, but enquiry showed them to be unfounded. Nevertheless, when visiting camps, the Committee delegates had to take steps in a few individual cases to improve the diet, e.g. in General Hospital No. 99, where PW suffering from tuberculosis lacked the diet their state of health required.

On the other hand, after the end of the war, the supply of food to the PW was considerably reduced, not only in Great Britain, but also in the British overseas territories. This was consequent upon the restrictions imposed on the civilian population. The rations were reduced to 2000 calories for PW who were not obliged to work, and to 2800 for workers.

The situation became worse during the winter of 1946-1947, and many complaints came to the notice of the ICRC. The supervisory visits which were carried out established the fact that the rations granted to workers were generally sufficient,

but that those for PW not obliged to work had led to serious losses in weight.

*India.* — The delegates noted, during their visits to PW camps in the winter 1945-1946, that the rations given to Italian PW had been reduced in the South, and that only PW classified as "co-operators" received amounts equivalent to those of the British "depot troops". This gave rise to a number of complaints from the men who did not receive this preferential treatment. The negotiations which the ICRC immediately set on foot in London succeeded without difficulty in ensuring that all PW received rations equal to those of the British forces.

*United States.* — Up to the end of the war, the PW received the same ration as the "depot troops".

The Committee's delegates were compelled to take action in respect of rations of PW in other countries, particularly in Japan, as will be seen in the chapter concerning activities in that country.

## 2. Clothing

Art. 12, Sec. 1 of the Convention, which deals with the question of clothing reads as follows :

Clothing, underwear and footwear shall be supplied to prisoners of war by the detaining Power. The regular replacement and repair of such articles shall be assured. Workers shall also receive a working kit wherever the nature of the work requires it.

As in the case of food, countries whose economic conditions were considerably impaired by the war could not make adequate provision of the clothing of the prisoners in their hands. The Powers to which these PW belonged thereupon sent large quantities of uniforms to the camps through the ICRC<sup>1</sup>. The object was not only to ensure that PW should have enough clothing, but also to give them uniforms of their national forces, which in any case could not be supplied by the detaining Power. By doing so, the Powers concerned did not intend to release the

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<sup>1</sup> See Vol. III, Part I, chapter 2.

captor State, even partially, from their obligations under the Convention in respect of PW clothing. They made it quite clear that, in their view, the uniforms sent should be regarded as a supplement, and not be included in the issues which the captor State was expected to make.

*Germany.* — The above principle was accepted and applied, to a great extent, by the detaining Powers, with the exception of Germany. The German authorities considered that, in view of the conditions created by "total war" and the destruction by air bombing of large stocks of clothing, they were entitled to reckon the clothing from the collective Red Cross consignments in their regular issues. This policy meant, in practice, that the PW in Germany were in most cases unable to obtain the clothes sent with the collective consignments from their home country, unless they handed in those which they were already wearing. The camp commandants also frequently laid down the same conditions for the issue to PW of clothing from individual consignments. The German authorities had yet another reason to allow prisoners one single suit of clothes, namely their anxiety to reduce the possibility of escape to a minimum.

This procedure, of course, led to countless complaints, and during the whole war it made difficulties for the ICRC and its delegates. In spite of all its efforts, the ICRC was never able to obtain full recognition of the right to consider clothing from relief consignments as supplementary to the issue due to the PW. The delegates, however, managed to arrange that a double set of underclothing could be claimed by each man.

Although the issue of working clothes falls within the responsibility of employers, the delegates in Germany noted that this obligation was only rarely honoured. They had often to urge camp commandants to put pressure on the employers to this effect. In spite of the assurance given by the commandants, this question was not generally solved in a satisfactory manner.

The supply of footwear also raised serious difficulties. An order from the Supreme High Command in April 1942 laid down that leather shoes should only be left in the possession of those PW

who absolutely needed them for their work, and that other prisoners should only have wooden clogs. The delegates of the ICRC often noted that even men employed on dangerous work only had clogs, and frequently arranged for them to have leather footwear. In East Prussia, the delegates noticed that in many camps the PW went bare-foot, while large quantities of shoes were in stock in the camp stores. It should be added that, at the time the leather shoes were being withdrawn, the camp commandants continued to apply for consignments of similar footwear. These facts led the ICRC, in August 1942, to draw the attention of the German Ministry for Foreign Affairs to the contradiction between this withdrawal and such requisitions; nevertheless, it only received an evasive reply. Later, the German authorities did, however, adopt a more liberal attitude, and in the spring of 1944 they gave an assurance to the ICRC that the consignments of leather footwear would be issued to PW as widely as possible.

*France.* — Problems of principle of this kind did not beset all the detaining States, but other material difficulties arose, particularly in France, after the liberation. The French authorities issued to PW a large part of the German uniforms which they had seized after the retreat of the German forces. Thus, as far as clothing was concerned, these men seemed to have fared tolerably at least during the first half of the year 1945, although the amount of clothing remained insufficient. Complaints were, however, received from PW that their clothing was inadequate, particularly as, in the course of searches, their extra garments were taken from them. These complaints had already led the delegates to intervene in their behalf.

In the autumn of 1945, this precarious situation became more critical, and as clothing was quickly worn out, it became really alarming in certain districts. Shortage of underclothing and footwear was first felt. Soon, the delegates were compelled to report to Geneva the wretched state of clothing of the PW, which was getting worse, since the Detaining Power was unable to replace worn-out garments. At the same time, the number of protests from PW against searches grew steadily and called for

several interventions from delegates. In January 1946, the situation was so serious that the commandant of a camp addressed a visiting delegate of the ICRC as follows: "You have saved the prisoners from starvation; don't let them die of cold."

In the absence of any Government or German Red Cross, which would have naturally been responsible for this task, it fell to the ICRC, jointly with the Detaining Power, to assist these men. Immediate and extensive measures for relief were set on foot and the results were very encouraging<sup>1</sup>. Thereafter, the camp visitors noticed that the clothing of PW, while still inadequate, had often much improved. This improvement has continued from that time onward.

The clothing of German and Italian PW in *North Africa* was always a very sore point; the delegation in Algiers took a serious view of the question and gave it close attention. As a result, clothing was issued in many camps where the shortage was particularly acute. Furthermore, the ICRC endeavoured, through its delegations in North and South America, to collect clothing for the Italian PW in North Africa. Despite these efforts, the clothing situation in that country still remained precarious.

*Great Britain and Canada.* — Here, the ICRC and its delegates concentrated on facilitating the consignment of clothing from the German Red Cross. In February 1940, German PW in Great Britain expressed the desire to receive uniforms from Germany. In Canada, German PW who seemed to have readily accepted the underclothing and footwear supplied by the Detaining Power, expressed the same desire and were reluctant to wear the standard uniforms and garments issued to them. The ICRC offered its services to the German authorities for the shipment of the necessary consignments; once that had been agreed, the ICRC acted during the whole war as an intermediary for consignments of clothing sent by the German Red Cross to the PW in these two countries, just as it did, to an even greater extent, in respect of shipments to PW in Germany.

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<sup>1</sup> See Vol. III, Part 1, chap. 10.

In spite of these consignments of uniforms, it seems that the clothing situation for German and Italian PW in Great Britain remained rather unsatisfactory. Throughout the war, the delegates noted many complaints concerning inadequate clothing ; officers required to wear the uniforms of other ranks ; obligation to hand over the battle-dress for German uniforms ; impossibility for officers to obtain a uniform even if they offered to pay for it ; general shortage of underclothing and handkerchiefs, etc. To the criticism by the delegates, the British authorities invariably replied that the regulations no doubt required the supply of adequate clothing, but that owing to the textile shortage, issues had been cut down. In the spring of 1946, the delegates were however able to observe that as a result of their interventions, the clothing situation had greatly improved.

In *India*, as the delegates found when they visited PW camps during 1941 and 1942, conditions in respect of clothing were most inadequate. There were complaints from every side, with regard to shortage both of clothes and underclothing, and of footwear. The delegates were moved to intervene, but the situation did not improve to any degree till 1943 and 1944, after fresh issues had been made.

*Italy.* — The British PW in Camp No. 21, at the beginning of the winter, had only drill clothing, too thin for the cool season ; they made many complaints to the ICRC with regard to this inadequacy. Consignments from the British Red Cross remedied this situation. The delegate in Rome succeeded in several cases in putting a stop to the withdrawal of clothing by the Italian authorities. For instance, he persuaded the commandant of camp No. 78 not to impound pullovers because they were contrary to regulations, but to affix a distinctive sign. The delegates in other countries had also to take action in similar circumstances : in Germany, where on several occasions the authorities deprived British PW of clothing which was too civilian in appearance, and might therefore aid escape, and in Yugoslavia, where the German occupation authorities withdrew their uniforms from Yugoslav PW repatriated for reasons of health.



It should be made clear that clothing conditions of the prisoners were not everywhere so unsatisfactory. For instance, throughout the war, PW in Australia received regular issues of a greatcoat, two uniforms, and two sets of underclothing. Worn-out kit was replaced without difficulty. In the second half of 1946, some difficulties arose in this connection, leading to complaints. The delegates approached the Australian authorities and received assurances that steps would be taken to remedy a situation which was only temporary.

The above are a few cases of collective intervention, as examples ; we cannot go into the countless occasions in most countries where the delegates made application to the authorities in respect of clothing, and where they endeavoured, often successfully, to give assistance to individual PW.

#### (D). HYGIENE IN THE CAMPS

This problem, which is of vital importance for the physical and moral well-being of PW, is dealt with in the Convention under Arts. 13, 14 and 15. These give general indications and precise instructions to ensure a minimum level of hygiene in the camps.

##### **1. Application of General Provisions**

Art. 13 requires the Detaining Power to take elementary hygienic measures to ensure cleanliness and health in camps, and to prevent epidemics by providing conveniences which are maintained in a constant state of cleanliness, and a sufficient quantity of water for their bodily cleanliness, and by arranging that they should have physical exercise in the open air.

Delegates of the ICRC frequently drew the attention of camp commandants to the fact that sanitary conveniences were insufficient in number and often inaccessible to PW at night.

The Convention does not regulate the matter of laundering, which was generally done by PW themselves or by the medical orderlies. Sometimes, especially in the case of officers, this work

was done outside the camps for payment. The ICRC advised the setting up of communal laundries, but experience showed that the men often preferred washing their own linen.

The right to enjoy physical exercise in the open air often remained a dead letter owing to the fact that the men did not have sufficient space available to take such exercise. Moreover, the ICRC had often occasion to observe that too long a period of confinement was the cause, in some cases, of real mental and nervous maladies, as a result of "barbed-wire disease". This kind of psychosis was more frequent amongst those who never had a chance of getting away from the camp, as for example in the case of officers. This condition was improved, to a certain extent, by arranging for walks outside the perimeter.

Getting out into the open air and a certain amount of freedom of movement have a great influence on the morale of men undergoing prolonged captivity. The authorities tried to deal with individual cases, but were disinclined to adopt uniform and satisfactory regulations covering all camps. Thus, within the same country (Germany, Great Britain, India, Rhodesia, etc.) each camp had its own rules governing walks. This illogical state of affairs seems due to the fact that the right of authorizing walks rested with the camp commandants, who acted according to their personal views. They usually took two factors into account : (1) the mental condition and discipline of the PW, and (2) the opportunities for escape which these walks afforded.

Once authority had been given, walks took place either under escort or on parole ; their length and frequency varied. In Germany, medical personnel and chaplains could go for a walk of two hours and a half three times a week ; in certain camps in India, real expeditions took place of over twenty-four hours. In this matter as in others, the treatment as between various nationalities often differed very widely (e.g. very restricted freedom of movement for Serbian and Polish medical personnel in Germany, and for Italian PW in Southern India, etc.). The ICRC attached great importance to this problem, and intervened on many occasions to prevent PW from being completely confined to camp.

## 2. Medical Attention

Art. 14 lays down that an infirmary shall be provided in each camp and that the expenses of medical treatment and of temporary remedial apparatus shall be borne by the Detaining Power. It further provides for the issue of medical certificates, and for the maintenance, where necessary, in the camps of doctors and medical orderlies to care for their fellow-countrymen. Transfer of PW who are seriously ill to military or civil institutions qualified to treat them is also stipulated.

During the last war, belligerents as a rule made genuine attempts to provide the necessary care for sick PW. Not only were camp infirmaries provided, in pursuance of Art. 14, Sec. 1, but hospitals for PW were very often set up in the neighbourhood of the principal camps. Shortage of equipment, premises and qualified personnel obviously did not always allow PW to have the care guaranteed by the Convention.

Another point is that the great scarcity of manual labour often induced the commandants of labour detachments to limit the number of PW excused from work on account of sickness. The Convention does not, it is true, stipulate that every PW shall be free to present himself for medical inspection whenever he chooses. The percentage of men admitted was generally low (one to five per cent) ; these examinations instead of being daily, were sometimes held at several days' interval.

Labour detachments often had no infirmary, and sick PW. had long trips to make to the infirmary at the main camp. Many cases could therefore not be given treatment in time, and suffered serious consequences.

The ICRC took frequent steps to improve this state of affairs, although such cases were not explicitly provided for in the Convention.

The Detaining Powers as a rule felt bound to supply PW with temporary remedial apparatus, although this was merely in accordance with the spirit of the Convention, and not consequent upon Art. 14, Sec. 2, which stipulates only the obligation of these Powers to bear the cost. In practice, however, the belligerents met with serious difficulties, such as shortage of

materials, and above all lack of mechanics, since most of these were serving in the forces. In consequence, the Powers very often turned to the ICRC, which did its best to provide the necessary material and personnel. Orders were placed in neutral countries, and qualified men were sent to the camps <sup>1</sup>.

The Convention speaks of temporary remedial apparatus only, since it is implied (Art. 68) that the fitting of permanent artificial aids will be done in the home country. Transport and other difficulties often prevented repatriation, and as captivity was prolonged, temporary aids became inadequate and even harmful to the rehabilitation of wounded PW, especially of amputees. The ICRC sought to supply PW with permanent and jointed apparatus, in co-operation with the countries of origin, which had to bear the cost. These attempts encountered many obstacles.

Dental plates were in many cases supplied to PW only in extremely inadequate quantities; some regulations in fact only permitted the supply of dentures to PW who had lost at least fifteen teeth during captivity and were suffering from gastric disease due to insufficient mastication. The ICRC took up such cases and saw to the supply of dental plates.

The Committee also drew the attention of the Detaining Power to prisoners who had trouble with their eyesight, and sent numerous consignments of spectacles.

In view of the great number of complaints about the inadequacy of dental care, surgical nursing and ophthalmic treatment, the ICRC arranged for the supply of equipment to the special wards in the camps, the equitable allocation of dentists and, where there was no Protecting Power, the despatch of supplies to PW who were technically expert.

The issue of medical certificates to PW who made application, calls for no particular comment, although the application of Sec. 3 was often defective.

The maintenance in the camps of doctors and medical orderlies for the care of their fellow-countrymen is dealt with in Part II of this volume (see above, p. 194).

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<sup>1</sup> See Vol. III, Part III, chapter 4.

The ICRC had frequent occasion to make representations, under Sec. 5, concerning PW suffering from a serious disease or whose condition called for surgical treatment. It was observed that men due for repatriation were assembled in camps for weeks previous to their departure: although their case sometimes required an immediate surgical operation, this was not carried out, on the pretext that the men were expecting repatriation from one day to another.

### **3. Medical Inspections**

Art. 15 lays down that medical inspections of PW shall be arranged once a month, and specifies amongst other things the detection of contagious diseases.

The shortage of medical supplies and personnel often made it difficult to apply this Article; moreover, the length of captivity and in certain instances, the privations which the prisoners had to undergo made them more liable to contagious disease. This was particularly so in the case of tuberculosis.

The ICRC, in response to a French proposal, did their best to set up mobile units for the detection of tuberculosis.

It should however be noted that certain epidemics which broke out in PW camps, especially exanthematic typhus, were as a rule, quickly arrested. For this purpose fairly large quantities of vaccines were supplied by the ICRC.

### **4. Conditions of Health in the Camps**

Only a brief outline will be given here of the principal measures of hygiene taken in various countries to ensure cleanliness and health in PW camps, and to prevent epidemics<sup>1</sup>. As a general rule, conditions of health in camps steadily improved in proportion to the visits of delegates of the ICRC. On the whole, Detaining Powers made laudable efforts to apply the Convention in the field of hygiene, despite the air raids which in many cases seriously complicated their task.

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<sup>1</sup> Details will be found in Vol. III, Part III, chap. 4.

*Germany.* — The principles laid down in the Convention relating to hygiene in the camps were in general conscientiously applied, notwithstanding the grave difficulties which arose during the last months of the war.

X-ray examinations and radioscopy was carried out in most PW camps. Both medical personnel and the majority of PW were vaccinated against exanthematic typhus, of which only a few cases occurred.

Rooms and even whole huts were set aside for delousing. Regular disinfection took place to eliminate vermin, fleas and bugs. Cases of malaria were few, but there was a great deal of furunculosis, and diseases such as tuberculosis, ulcers, gastritis, nephritis, etc., were common.

The infirmaries were well organized. In some camps they comprised both a hut for internal diseases and one for infectious cases.

The air raids had very serious consequences for the maintenance of hygiene in camps. Water pipes were frequently destroyed, and it became increasingly difficult to maintain the necessary standard of cleanliness and healthful conditions. The destruction of sleeping quarters and other premises forced the camp commandants to crowd the men into the remaining huts. If one adds to these conditions the overcrowding caused by the arrival of PW evacuated from camps too close to the fighting zone, it can be realized that the problem of hygiene became increasingly hard to solve during the last weeks of the war. It was at this period that the shortage of food became most acutely felt. In many camps, general loss of weight and increasingly marked physical exhaustion were observed.

*Great Britain.* — The responsible authorities as a general rule took all necessary measures to ensure good health in PW camps. Patients were properly nursed in camp infirmaries or in military infirmaries set aside for PW. Medical inspections took place regularly.

In 1941, the number of PW was small. Camps were well kept and the main task of the ICRC was the supply of artificial limbs.

In 1942, the delegates took steps with regard to a camp where the huts were damp and there was no electric light. In 1943, they took similar steps concerning an officers' camp which had no infirmary and where patients were nursed in the sleeping quarters.

At that time there were ten anti-V.D. centres for PW in Great Britain, where intravenous injections of arseno-benzene and intramuscular injections of bismuth were given. There were numerous VD cases amongst prisoners arriving from Africa. Malaria was treated with atebrene.

In 1944, the delegates interceded in the matter of a camp for German and Italian PW, where the infirmary was under canvas, the floor only cemented and where there was an almost complete lack of blankets.

*Italy.* — The stipulations of the Convention concerning hygiene in the PW camps were in most cases adhered to. In certain areas, the adequate supply of water raised difficulties of varying degree.

In 1941, there were mainly British, Greek and Yugoslav PW in Italy. Most of the camps were equipped with showers and centres for disinfection and delousing. The few epidemics of dysentery which occurred were usually due to the quality of the water from the wells ; these were often inadequate, water being available only for two or three hours a day.

In 1942, the many syphilitic cases, mainly Greeks, received excellent treatment free of charge. Suspected cases were usually X-rayed and tested for bacteria. The most frequent disease was furunculosis. Isolation quarters for cases of scabies were inadequate, although malaria patients were isolated. Clothing and bedding were disinfected regularly. From 1943 onwards, the delegates stated that conditions of health in the camps were generally satisfactory.

*Australia.* — No intervention by delegates of the ICRC was found necessary with regard to hygiene. Camps were set up in parts of the country where the climate was sometimes extreme, very hot in summer and severe in winter, but on the whole excellent. In many of the camps, dental clinics enabled PW

to be given very good treatment. In one camp, the crockery was even sterilized in large tubs of boiling water.

The authorities gave careful attention to conditions of cleanliness and health in camps ; the sanitary installations, kitchens and huts were inspected frequently, sometimes even daily.

*Canada.* — The authorities made arrangements to ensure healthy conditions in camps by means of sanitary installations which were satisfactory and adequate in number. Sick PW who required special nursing were treated in well-equipped military hospitals and were in all respects very well looked after.

In one camp (No. 133), PW complained of being lodged under canvas, with wooden flooring and mattresses. The commandant and the personnel had similar quarters. The Canadian authorities stated that their main reason for not providing huts for these prisoners was that many thousands of Canadian troops were living in similar conditions in summer, without suffering any ill effects. Later, after intervention by the Committee's delegates this camp was reorganized with great care down to the smallest details : everything worked well and in a regular manner.

*India.* — The authorities took the necessary measures to ensure health and cleanliness in camps despite the difficulties due to the geographical situation and climate. Both cholera and malaria had to be dealt with. The fairly large number of cases of syphilis amongst PW should also be mentioned.

In 1941, sanitary installations were satisfactory. In certain camps there were as many as 24 showers for 400 men. Many of the rooms were provided with ventilators, and the buildings were properly insulated against the heat.

Altogether, there was a shortage of medicaments, in particular quinine for treating malaria. The diseases most common were typhoid fever, dysentery, malaria and syphilis. The majority of PW were vaccinated against typhus. Paraffin oil was poured on the surface of ponds near some camps to prevent the spread of malaria.

In 1942, cholera broke out in several camps, but was effectively dealt with. In some camps there were more than 500 cases of



sypilis. One of the most difficult problems to solve was a regular supply of water. The chief anxiety of the doctors was to prevent epidemics.

It was observed in 1943 that the men who had been vaccinated did not have cholera. On the other hand, it was found very difficult to contend with malaria in certain camps, where 60 to 80 per cent of PW were stricken. Typhoid fever and dysentery were an almost continual menace and extensive measures were taken against them ; there was also a great need of medicaments, and the ICRC rendered substantial services in this field.

From 1944 onwards everything was working satisfactorily in PW camps in India. Serums were sent out to the infirmaries in Ceylon, where venomous snakes were common.

*United States.* — Conditions of hygiene were, generally speaking, wholly satisfactory in the camps, where PW began to arrive at the beginning of 1943.

In certain areas, however, the hot, damp climate had very grave drawbacks, particularly for PW working in sugar plantations, at cotton picking or in swampy forests.

Many of the PW had been captured in North Africa, where they had picked up the germs of malaria ; they often stated that they had contracted their illness in the United States. At all events, the American authorities took steps to diminish the causes of infection. In principle, PW were deloused immediately on arrival, and their clothing and all equipment were disinfected. They all underwent a very thorough medical examination, after which they were vaccinated. In many of the camps, hot or cold water was available at any hour, and the men could even take a shower every day.

Camps were generally situated in healthy parts of the country. Clewiston Camp was an exception to this rule, as it was in the sub-tropical region. PW worked there in the sugar fields, where there was constant danger from venomous snakes ; the soil was black and the men worked in a cloud of dust. The premises were in bad condition and the sanitary system defective. The higher American authorities were unaware of these facts until informed of them by the delegates of the ICRC.

*France.* — After the liberation in 1944, there were a large number of German PW in this country. The destruction of every kind inflicted by the occupying forces, and the continuous bombing by the Allied air forces made the problem of hygiene in the camps extremely difficult.

Camps already in existence had usually been looted after the departure of the occupying Power, the bedding taken away and articles of clothing destroyed. At the beginning of 1945, this equipment was still lacking. In all the camps, scabies and lice were endemic ; disinfectants and cleaning materials were almost entirely absent.

In many camps there was practically no medical service, and the premises were damp and dirty. The ICRC issued sulphur ointment for the relief of men suffering from scabies ; vermin spread more and more, and delousing took place very rarely. There were almost no showers, and drinking water had to be carried fairly great distances. Living quarters were not yet satisfactory at the beginning of the winter of 1945-6 ; in many cases PW slept on the floor, whether of earth, cement or wood. Straw was lacking, and what there was in some of the quarters was several months old. One camp for instance was allotted two tons of straw instead of 200, and 500 bunks instead of 20,000 in September 1945.

On the whole, blankets were extremely scarce. In one camp (Vitry-le-François), where general conditions were the same as elsewhere, the guard-rooms, which had damp walls, were used as an infirmary ; the windows were small and there was no electric light. The patients lay on the floor without any straw, five to seven in each cell ; they were mostly dying of dysentery. We must also mention a hospital near Lyons, of which the method of construction (concrete huts), equipment, sanitary installations, and heating were totally inadequate. The operating theatre could not be heated ; there were no W.C. inside the buildings, and the roof of some of the wards was leaking badly.

This state of affairs obliged the ICRC to approach the head of the Army Medical Service in November 1945. A certain improvement took place, apparent in the following year, as a

result of this step. Large relief consignments sent by the ICRC were also a contributory factor in this improvement.

In 1946 it was observed that, as a rule, sanitary installations (showers and latrines) were not too bad, and sometimes even fairly good. Living quarters in some of the camps were satisfactory, or were greatly improved.

From the spring of 1946, the delegates reported that great progress had been made as regards living quarters, camp equipment and cook-houses, mess halls, infirmaries, etc.; there were still, however, a number of camps where PW slept on the floor, and where the sanitary equipment (showers, delousing) needed improvement, to meet even minimum requirements.

In this connection, reference should be made to the Aiguebelle factories which employed a squad of PW. After a whole year, the management had not made even the most indispensable sanitary arrangements. The delegate of the ICRC declared that he would have the squad removed, and this led to a gradual improvement in hygienic conditions. The same conditions applied to a detachment of PW in Vaucluse, where the men were lodged in a former stable, without light or proper ventilation: it had a low ceiling, was damp and infested with rats.

In 1947, the material situation had improved in most camps, thanks to inspection carried out by the authorities and the delegates of the ICRC. As late as January, 1947, the attention of the Committee was called to a camp where the living quarters were still wholly inadequate after twenty-two months (levelled earth floor, impossible to clean or heat, and entire absence of sanitary installations).

#### (E). INTELLECTUAL AND MORAL NEEDS OF PRISONERS OF WAR

Under this heading, the Convention provides that prisoners shall be free to practice their religion (Art. 16) and recommends the Detaining Power to encourage as much as possible "intellectual and sporting pursuits" organized by the prisoners (Art. 17). On this slight basis the ICRC undertook extensive schemes to enable the prisoners to develop their religious,

intellectual interests, their recreational pursuits, games and sports and so to bring them, during their captivity which was more and more irksome as it went on, very considerable moral support.

### **1. Religious Life**

Article 16 of the Convention reads as follows :

Prisoners of war shall be permitted complete freedom in the performance of their religious duties, including attendance at the services of their faith, on the sole condition that they comply with the routine and police regulations prescribed by the military authorities.

Ministers of religion, who are prisoners of war, whatever may be their denomination, shall be allowed freely to minister to their co-religionists.

The ICRC endeavoured to arrange that this provision should be widely applied, either by taking steps itself, or by collaborating with religious institutions giving moral help to PW, with whom it was in touch from the very beginning of the war. The ICRC particularly instructed its delegates to give attention to this question, when visiting camps, and to make contact with the chaplains.

Most of the Detaining Powers applied the provisions of the Convention in a very liberal manner.

The ICRC was, however, called on to intervene in Germany. Detailed regulations referring to the religious life of the prisoners had been issued in that country on May 12, 1941. In spite of that, a fairly large number of complaints reached the Committee of the inadequacy of religious help in the camps. In certain camps there was an excessive number of priests or ministers, while there was a shortage of them in others. The ICRC and its delegates often had success in their efforts, and in many cases managed to get remedied conditions from which the morale of the prisoners suffered.

The Committee specially urged that ministers of religion, that is chaplains who had served in the army in that capacity and were now detained in camps, as well as PW who, before being enlisted, were clergymen in civil life, should be properly detailed to the camps and labour detachments. The ICRC

pointed out to the German authorities the camps which had too many or too few chaplains. It requested that in each labour detachment there should be a minister of religion, or at least, that the chaplain of a labour detachment might visit neighbouring detachments, 15 or 20 at most.

Religious care for Yugoslav prisoners required special provision, since in many camps there were no priests of the Orthodox Church. Responding to the requests of the ICRC, the German authorities arranged that priests from camps where they were in excess number, should be transferred to camps where there were too few. Nevertheless, as there was only a few Orthodox priests on whom to call, it was necessary to give first consideration to the cases where the need for religious ministrations was the most urgent ; a list of these was handed in at Berlin by the delegation of the ICRC. In camps where British prisoners were in the minority, and where the constant presence of a minister was not called for, the delegate saw to it that these prisoners should be visited regularly by a Protestant chaplain.

In co-operation with the religious organizations, it was arranged that in Germany members of seminaries and theological students, whose status as such had been proved, should also be authorised to carry out all the duties of their religion in respect of their fellow-prisoners.

On July 14, 1943, the ICRC issued a memorandum to all belligerent Governments, drawing their attention to the situation of PW and civilian internees of all religions and beliefs who, in practice, ministered spiritually to their fellows. The ICRC noticed that after a long period of confinement the prisoners and internees increasingly sought spiritual help from religious directors, and it pointed out that these men would be better able to carry out their task, if they had comparative freedom, with opportunity to refresh their spiritual forces through contact with the outside world. The ICRC therefore urged that the Governments should grant persons who, in practice, were carrying out religious duties among their fellow-prisoners, the facilities generally given to members of the medical staff in camps (permission to leave camp regularly, permission to write more frequently, better rations, etc.)

This request was generally received with interest and favourably considered ; facilities were granted to the religious ministers, especially to travel to and fro between the camps and the labour detachments.

Although the Convention says nothing on this subject, in principle the Detaining Authorities supplied PW with the articles necessary for the holding of services. Nevertheless, there was opportunity for useful relief work in this field. Alongside the " intellectual assistance ", referred to later on, the ICRC, working with the religious organisations, sent the chaplains of the camps and the PW themselves Bibles, prayer books, missals and religious publications, and articles required for religious observances.

The Committee took special interest in PW from the East, who were much more cut off in Europe than the Christians. Through the ICRC, the Muslims received Korans and " tespihs " (a sort of rosary) ; the Hindus received carpets and prayer wheels, oil for their hair and even " tirpans " (small steel daggers) which are a symbol of the Sikh religion. Since these daggers were 25 cm long, the German authorities forbade them. It was found possible to replace them by miniature " tirpans " manufactured in India and measuring 1 inch. The ICRC was also instrumental in having published in Switzerland prayer books in the five most widely spread Indian languages. These were at first refused by the German censorship, but were allowed in February 1944.

## **2. Intellectual Life**

*Books.* — From the very start of the Red Cross, Henry Dunant had raised the problem of the " moral welfare " of PW. In 1870, the Basle agency, founded under the auspices of the ICRC, had forwarded to prisoners books collected in France and in Switzerland. During the first World War, there was considerable development of " intellectual relief ", thanks to the joint action of the Governments of neutral States, of the Red Cross Societies, and of other philanthropic or cultural associations. The ICRC, however, did not have any direct part in it.

In the recent War, when millions of men were held captive for long years, special efforts were made throughout the world to combat the detrimental effects of prolonged internment, which often deeply affected the morale and even the bodily health of PW.

The first thing to do was to give the PW something to read ; this was indispensable for their mental health, particularly for those who did not work. Clearly, the Detaining Power could not supply them with as many books as they needed in their own language. Thus a large scheme for intellectual relief was undertaken by many national and international organizations, among which mention should specially be made of the World Alliance of YMCA, which did admirable work. This relief work consisted above all in the sending to PW and civilian internees of all nationalities, school and university text-books and works, and periodicals of all kinds <sup>1</sup>. The ICRC on its side contributed in two ways ; in the first place, it coordinated the work of the various specialized organisations, thanks to its centralized information on PW and through the work done by its delegates in the camps ; secondly, it was of service as an intermediary for the forwarding of the intellectual relief which certain Red Cross Societies, public and private organisations and even private persons, brought to it.

Thus, in February 1940, the ICRC presided over an " Advisory Committee on Reading Matter for Prisoners ", the creation of which, on a suggestion from the German Government and the British Red Cross, it had proposed to six religious and lay organizations which were providing intellectual relief for PW <sup>2</sup>.

This body, by coordinating the activities of these organisations and avoiding duplication in allocation of books, rendered very valuable services during the whole war.

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<sup>1</sup> This scheme comprised the sending of articles for use in religious services ; it also included the supply of material for artists, games, and sporting gear.

<sup>2</sup> The World Alliance of YMCA, the International Education Bureau, the Ecumenical Commission for Assistance to PW, the European Student Relief, the International Federation of Associations of Librarians, the Swiss Catholic Mission for PW.

On the other hand, the ICRC itself set up an Intellectual Relief Service, which issued the books sent to it, and endeavoured to meet the requests of authorities, national Red Cross Societies and camp leaders. The work of the ICRC in this field will be described in Vol III. We shall do no more here than mention that the ICRC alone, by the end of the war, had sent to the camps nearly a million and a half books, after having sorted, classified, and often repaired them.

In a general way, the Detaining Powers authorized the PW, in accordance with Art. 38, to receive individual or collective parcels containing books. These consignments were subject to a very strict censorship, which was however, in time relaxed. In Germany, the authorities drew up a definitive list of prohibited books, other literature being thereafter not subject to censorship. Each camp library was an integral part of the camp, and could not be removed from one place of internment to another. Nevertheless, when a language ceased to be spoken in a camp, books written in that language were sent to another camp.

The United States and the British Commonwealth authorities took similar censorship measures and established lists of prohibited books. In Italy, the sending of books met with greater difficulties. All other Detaining Powers allowed books to be sent direct to camps, but the Italian authorities required that such consignments should first undergo two examinations, the first carried out at Rome, and then a fresh censorship on arrival in the camps.

Towards the end of the war, the millions of books in the hands of PW represented a considerable cultural value, the greater by reason of the destruction and difficulties of publication from which the belligerent countries suffered. Already in February 1944, the ICRC got into touch with the responsible authorities of the Detaining States, with a view to ensuring the preservation of the books and their return to the countries of origin.

*Studies.* — When the ICRC gave help to the PW to enable them to continue their studies, it embarked on an activity not alluded to in the Convention, which speaks only of “intellectual pursuits”. Indeed, many PW expressed the desire to



complete their education, to improve their professional knowledge, and to continue their studies which had been interrupted by the war.

Devoting attention to this question, the ICRC did everything in its power to bring the detaining authorities to allow the PW to carry out these activities, subject to camp regulations. In its view, the PW would thus not only find a helpful diversion during their captivity, but also equipment for their future career. The Committee asked to have students assembled, study centres set up, teachers who were PW allocated and the necessary buildings and technical material made available. In spite of the obstacles due to the war, the Committee had the satisfaction of obtaining most useful results.

With the help of the camp libraries, classes of all kinds (technical, professional, modern languages), and in all stages (elementary, secondary and university), were given by the PW some of whom were distinguished in the teaching profession.

The "Camp Universities" which were started in 1914/18, developed very considerably during the recent War. In Germany, they already existed in the autumn of 1940 in the camps for French officers. In response to the urgent appeals of the ICRC and the European Student Relief, the German authorities assembled university graduates and students in separate camps. The first of these was Stalag IA at Stargard (East Prussia), established in the spring of 1941. Here there were about 3,000 men. PW students were sometimes assembled for work by faculties (theology, law, language and literature, science, medicine).

In Great Britain, nearly 200 German medical students were collected in Camp 23, near Birmingham, at the request of the Committee's delegation in London. Led by 24 doctors, from March 1945 onward they became what was known as the "Medical Academy". As they had good accommodation with excellent lighting, they were able to work late at night. Two huts were exclusively reserved for lectures, one for a clinical course, and the other for pre-clinical lectures. To illustrate their teaching, the doctors carried out demonstrations on patients in the camp hospital. In 1945, the ICRC sent this school complete

and illustrated editions of works on anatomy and other branches of medicine, and equipment for their studies.

Laboratories were set up in various camps, particularly in Germany ; the ICRC sent them skeletons, microscopes, stethoscopes, and even 70 live frogs.

The ICRC also tried to enable PW to follow correspondence courses. In 1940, it obtained permission to send British PW courses of this kind, published by the technical schools and universities of Great Britain. By way of reciprocity, the German PW in Allied camps received a monthly publication from the German Ministry of Education, which enabled them to study for various professions. The American authorities did much to promote study by prisoners. Already in 1944 the Committee's delegation established contacts by correspondence between the camps and the American universities, which lent books and even arranged for courses. The Italian authorities forbade correspondence courses till 1943, when they allowed them at the request of the ICRC.

Examinations were held in the camps. Many universities and technical schools recognised their validity, provided that they had approved the composition of the examining board. PW in captivity were able to write their thesis for a doctor's degree.

Agricultural experts, commercial and business clerks, artisans, artists, men of letters and scientists, provided with the adequate books and equipment, were able to do research work, write books, and produce works of art. The ICRC saw to the safe keeping of their manuscripts and work, and to the protection of their copyright. As from 1943, Allied PW in Germany and German PW in Allied hands were able to send their work to the ICRC, which forwarded it to their home countries.

Lastly, mention should be made of the efforts to encourage the vocational training of disabled PW. Thus the ICRC was able to send many consignments of Braille material for the blind.

### **3. Recreation and Sports**

In accordance with Art. 17 of the Convention, the detaining States encouraged recreational pursuits of PW who were able to

fit up halls for theatricals and games. Orchestras and theatre companies were formed in the camps, and were even able to visit labour detachments. PW were allowed to receive musical instruments, scores of music, theatrical accessories, and indoor games. After December 1941, French PW in Germany were allowed to see German films, synchronized in their language, and then films coming from France. An arrangement based on reciprocity allowed, as from April 1942, that Allied PW in Germany and German PW in Allied hands should receive films from their country of origin. The ICRC previously submitted them to the Detaining Power for approval.

The PW were allowed to publish newspapers which appeared in the camps; for that purpose, they received the necessary paper and material from the Detaining Power, except at certain times when there was a paper shortage. The relief organizations did their best to make good the lack.

Leisure time was given up to gardening. After 1942, the ICRC was able to send the camps both vegetable and flower seeds, and tools.

PW were also able to play games. They were allowed to lay out playing fields and receive from home the necessary equipment, with the exception of certain implements that were forbidden.

The British and American PW made urgent requests to receive sporting news from their country, and the ICRC managed to arrange that this should be sent, as from the autumn of 1943. Similar facilities were assured for German and Italian PW. Thus, twice a month the Canadian Red Cross telegraphed to the ICRC sporting bulletins, which were very much appreciated in the camps.

#### (F). PECUNIARY RESOURCES OF PRISONERS OF WAR

The rules concerning the pecuniary resources of PW are laid down in Arts. 6, 22, 23, 24 and 34 of the 1929 Convention.

In accordance with the principles already embodied in the Hague Regulations of 1907, these Articles provide that all

personal belongings remain the property of PW, that the Detaining Power shall give their pay to PW officers, and that other ranks compelled to work shall receive wages.

The experience of the last War has shown that there are certain deficiencies and even certain contradictions in the texts in force.

In the case of pay, Art. 23 says :

This pay shall be paid to them in full... and no deduction therefrom shall be made for expenditure devolving upon the Detaining Power, even if such expenditure is incurred on their behalf.

Art. 24 implicitly recognizes the right of the Detaining Power to fix the "maximum amount that the prisoners of war of various ranks shall be authorized to retain in their possession", which restricts the scope of the previous article. In the same way, wages are guaranteed by Art. 34, but this same Article refers to "the part that the camp administration may retain". Similar indefinite terms were already to be found in the Hague Regulations. These allowed in Art. 6 "deduction for expenses of maintenance", thus contradicting the provisions of the next Article, which made the Detaining Power responsible for "maintenance" of PW.

It is true that the 1929 Convention had provided that agreements should be negotiated between the belligerents, to regulate the matter of the pecuniary resources of PW. In practice, however, it was only possible to conclude very few agreements, and those did not, by any means, cover the whole question. Furthermore, restrictions of all kinds in respect of transfers of funds were imposed by the general control of currency exchange during the war, and these reduced to nil, or considerably restricted the "facilities" provided for in Art. 24 for the management of accounts of PW.

Without encroaching upon the functions of the Protecting Power, or those of the official information bureaux, which under Art. 77 are obliged to "collect all personal effects valuables, correspondence, pay-books, identity tokens..., and to transmit them to the countries concerned", the ICRC intervened in order to ensure that the spirit of the Convention should be

respected, as far as possible. It endeavoured, in particular, to reduce deductions from pay or wages, to facilitate the transfer of assignments of pay or wages, and to provide as satisfactorily as possible for the settlement of the accounts of PW released.

### **1. Pay**

The principle accepted by the Convention was that officer PW received their pay from the Detaining Power, and that after the War, the sums paid to them should be reimbursed by the Power in whose armies these officers had served.

During the recent War, officer PW were regularly paid. The ICRC only had to record complaints in the few cases where the officer's status was disputed. It should, however, be noted that the German Government ceased to disburse the pay of Polish and Yugoslav officers, claiming that it was impossible for these States, which had ceased to exist, to repay them these amounts.

In order to establish equivalence of ranks in their respective armies, the belligerents drew up lists which they communicated to each other as soon as hostilities began, either through the Protecting Power or through the ICRC. In October 1939, Germany forwarded a nomenclature, whereas England did so only in January 1940, Italy in April 1941, and Japan in May 1942.

It was not always easy to establish equivalence of ranks, particularly as between armies of Western and Eastern countries. Thus a special arrangement between the German and British authorities was necessary in order to regulate the status of officers of the Indian Army. Furthermore, Germany for a long time refused officer status and pay to French officer cadets (*aspirants*); it was only after long negotiations undertaken by the ICRC that this matter was partly settled.

In accordance with the Convention, the rates of exchange for the disbursement of pay were fixed by agreements concluded between the belligerents either direct, as between France and Germany, or, as in most cases, through the Protecting Powers. Amongst agreements concluded in such conditions, mention should be made of the Italo-British agreement which fixed the

rate at 72 lire for one pound sterling, and the German-American agreement which named a rate of 2.5 Reichsmarks for one dollar.

The Anglo-German agreement gave rise to various difficulties, which the ICRC endeavoured to remove. The British paid German officers on a basis of one pound sterling for 24 Reichsmarks, whereas the German fixed a parity of ten Reichsmarks for one pound sterling. As from June 1940, Germany took measures of reprisal by giving British officers and those of equivalent status half-pay. The conciliatory efforts of the Protecting Power and of the ICRC brought about a compromise in November 1940, fixing the rate of exchange for one pound sterling at fifteen Reichsmarks. Pay calculated on this basis was made to the PW with retrospective effect from the date of their capture. In August 1945, the British Government altered this rate, and fixed the rate of exchange for the pound sterling no longer at fifteen, but at forty Reichsmarks. This change had serious consequences for the officers and members of the protected personnel who, from one day to another, thus lost two-thirds of their pay. Some of them were paid even less henceforward than other ranks compelled to work.

This state of things, against which the ICRC repeatedly protested, continued until the time came when the British authorities were faced with the problem of reimbursing the credit balances of PW repatriated. Being obliged for this operation to return to the rate of fifteen Reichsmarks to the pound sterling laid down by the Anglo-German agreement of November 1940, the British Government realized that it could not repay fifteen Reichsmarks for a pound, which it had reckoned at forty during the previous year. In order to avoid this injustice, which would have made the officers lose 62.5% of the pay received by them between these two exchange transactions, it decided to reckon the pay at the original rate of 15 Reichsmarks to the pound sterling, with retrospective effect up to August 31, 1945. Things were thus put in order.

Officers' pay was issued to them either in camp money, or in the currency of the Detaining Power.

Since no agreement had been concluded as to the amount of the sums available to PW officers, the clause according to

which they were expected to purchase clothes and food themselves out of their pay did not work, and the Detaining Powers therefore provided these, fixing deductions from pay, which they used for the maintenance of PW. These deductions led to many complaints, but in view of the vagueness of the treaty texts, the ICRC could take no action in this matter.

The Committee nevertheless endeavoured to defend the rights of PW who had officer's status, when these rights were disputed. Thus, in April 1941, the ICRC undertook negotiations to have pay granted to officers of the Italian Army who were natives of the Italian colonies. In the same way, the Paris Delegation intervened, in November 1946, in favour of officers in certain French camps, who were natives of the Saar and whose pay had been refused.

The provisions of Art. 23 apply only to officers, and leave NCOs who do not volunteer for work and other ranks unfit for work, without any pecuniary resources, and therefore unable to obtain small indispensable articles, such as soap and tobacco. The ICRC gave attention to this matter from the beginning of the war, and on its suggestion, certain of the belligerents decided to improve it. France and Germany were the first Powers to pay a small daily allowance to NCOs and men who did not work. In Germany, this allowance was generally levied by the camp commandants on the wages of PW working, and the same was done in Italy.

The pay of medical officers, of medical personnel and chaplains is guaranteed by Art. 13 of the Geneva Convention for the Relief of Sick and Wounded, the Detaining Power being responsible for this pay. Cases in which medical personnel who had proved their status were refused pay were an exception : when the ICRC was informed of such incidents, it always caused the rights of these PW to be fully respected. It also had to intervene several times in order that chaplains should be paid in accordance with their rank.

At the request of the Italian Government, the ICRC in the spring of 1941, successfully approached the British Government in order to stop deductions of pay in respect of medical personnel in PW camps in Egypt.

## 2. Wages

Though it did not raise any great difficulties, the remuneration of the work of PW nevertheless led to somewhat different interpretations, by reason of the vagueness of certain clauses in Art. 34.

Section 1 lays down that no payment shall be made for work in connection with the administration, the internal arrangements and the maintenance of the camps. Certain States, Germany and Belgium amongst others, applied this rule in a fairly liberal manner. Other States, on the contrary, did not hesitate to classify as unpaid work tasks such as felling timber and unloading coal.

Section 2 stipulates that all work other than that for the management, arrangement or maintenance of camps, shall give the "right to a rate of pay to be fixed by agreements between the belligerents". The ICRC had no knowledge of any agreement of this kind. Negotiations on this subject carried on from 1940 to 1944 between the British and German Governments were unsuccessful. Failing such an agreement, it was necessary to revert to the application of the far too vague terms of Art. 34.

Two cases are provided for in this Article, which makes a distinction between work done for the State, and that done for other public bodies or for private persons. In the first case, the PW are to be paid "in accordance with the rates in force for soldiers of the national forces doing the same work, or if no such rates exist, according to a rate corresponding to the work executed". In the second case, the conditions of work "shall be settled in agreement with the military authorities". Since no State pays its troops wages for the work required of them, the wages of the PW were in practice left entirely to the discretion of the detaining authorities. The wages therefore varied very considerably.

Moreover, Art. 34 does not fix the portion of the wages which the Detaining Power is authorized to retain. On this point also, the PW were subject to arbitrary decisions. Nevertheless, the sums withheld from them were seldom excessive, and in accordance with the practice followed by all the belligerents, in the spirit of the Convention, these sums were in fact expended on the maintenance of the PW.



*Germany.* — In the industries and trades, PW received 60 per cent of the rate paid to civilian workers ; they were paid overtime in the same proportion. In agriculture, PW received a very small daily wage, but they were fed and lodged by their employer. As an example, the question of wages was settled at Stalag X C, at Nienburg, in the following manner :

Sum paid to the camp by the employer,	
per day and per man . . . . .	RM. 1.80
Deducted : for food. . . . .	RM. 0.80
for board . . . . .	0.20
for camp fund . . . . .	0.10
	<hr/>
Total . . . . .	RM. 1.10
Actually received by the PW. . . . .	<hr/> RM. 0.70 <hr/>

*United States.* — In accordance with a rate which applied to all camps and all kinds of work, PW always received 80 cents a day, which represented a monthly wage of 24 dollars. PW working for private employers were entitled to the normal wage of a civilian worker in the district, but only received 80 cents in practice, the difference being placed to their credit. They were nevertheless much better off than other PW. In certain cases, PW were paid by piece work. This was the case at El Reno (Oklahoma), where PW earned from 80 cents to 1 dollar 20 cents a day, according to the amount of work done.

On May 1944, the U.S. War Department ordered that PW should be paid according to results, wherever the latter could be estimated. This order applied particularly to forestry work. From that time, in order to earn 80 cents, each PW had to cut a minimum of one cord of wood for pulping, i.e. about 128 cubic feet every day. This task was not excessive, as the Committee's delegation in the United States pointed out, since a wood-cutter by trade easily cuts more than two cords a day. Nevertheless, certain PW did not manage to do the minimum of work required. In such cases, their working hours were not increased, but their wages were reduced in proportion to the work done.

*France.* — PW invariably received ten French francs a day, whatever their work or working hours ; as a rule they were given five francs in camp money, and five francs were credited for purchases in the canteen. In certain camps, however, they received no money direct, all their wages being credited to them. This was the case in Depot No. 43, at La Treballe, at the Cavalry School Command at Saumur (Depot 402) and at the Pouancey Command (Depot 401). It even occurred that civil contractors employing PW labour did not pay the wages due to the men. In all such cases, the ICRC took active steps to put a stop to this state of things.

It was possible to increase the daily wages of ten francs by bonuses. A system of bonuses for increased output only existed, however, in undertakings which demanded heavy labour from the PW. Thus, certain men in Depot No. 132, at Mauriac, who were working on the construction of a barrage, received bonuses varying from 10 to 20 francs daily. The PW of Depot No. 11, at Barlin (mining centre in Northern France), received bonuses varying from 1 to 20 francs. These bonuses, like the wages, were paid half in camp money and half as credits, so that PW who earned the maximum received in practice 15 francs pocket-money a day. This system of bonuses seems to have gradually become general in all labour detachments working in mines. There were no deductions from the sums received by the PW working in these detachments.

*Great Britain.* — PW who were unskilled workers received six shillings a week, and skilled workers twelve shillings. In practice, the employer making use of PW labour had to pay the State one shilling per hour and per man (whether skilled or not). The result was that unskilled workers received about 12 per cent of the wages actually paid by the employer ; the skilled workers received 25 per cent. The difference, i.e. 88 per cent and 75 per cent respectively, was kept by the State for maintenance expenses of PW, under Art. 34, Sec. 3. The ICRC noted the retention of these very large amounts without being able to oppose this practice.

The actual wages were paid to PW in token money, which they

could spend at the camp canteen, or pay to the credit of their accounts. In the case of PW working for farmers, employers were authorized to spend a sum not exceeding five shillings weekly for each of them. This sum was reimbursed to the farmers by the camp management and debited to each PW.

As the retention of such sums hardly encouraged the PW to work, the British authorities doubled the wages and then instituted a bonus, which could amount to 50 per cent of the wages and which was paid to PW whose work was considered satisfactory. It should be added that, at the request of the ICRC, PW who were not paid when their work was stopped by bad weather, received their wages whenever they had travelled the necessary distance to reach their place of work.

Delays in payment of wages gave more anxiety to the ICRC than the rates of the wages themselves. In France, for instance, delays of several months were reported. In March 1946, the delegation in Paris protested strongly against the fact that 60 detachments of German prisoners working on reconstruction in the Dunkirk area had not been paid since August 25, 1945. At the same time, this delegation obtained from the French authorities an increase in the wages of the German PW used for mine-disposal.

Certain delays in payment of wages were also noted in the United States, and the delegates of the ICRC took action in respect of these.

### **3. Assignment of Pay and Wages. Remittances**

As early as the summer of 1940, French PW in Germany were able to send money regularly to their wives, children or parents. As a result of action by the ICRC, they were able, some months later, to assign pay also to other persons. This system gave no rise to complaints, except in respect of the limits, which were sometimes too severe, as regards monthly payments. These restrictions were fixed by the camp commandants, and the ICRC had to approach them direct in order that the limit of 80 marks fixed by the PW Directorate in Berlin should be respected.

Assignments of pay were made, under conditions which were more or less easy, by Belgian, Yugoslav, Norwegian and Polish PW. In January 1943, the ICRC undertook negotiations in order that Polish PW might be able to assist persons other than their near relatives.

The Italians in the hands of the British forces were also allowed to transfer money to members of their family living in British territory, or in territory occupied by the British forces. Assignments of pay or wages between Great Britain and the Axis Powers were, however, extremely rare, in spite of the evident desire expressed both by the British and the Germans to arrive at some arrangement ; they were still more infrequent between the United States and those Powers.

In this respect, the capitulation of Italy led to an improvement in the situation and made the assignment of pay easier ; on the other hand, the defeat of Germany led to an entire suspension of all assignments of pay between that country and its enemies.

As soon as hostilities ceased in May, 1945, the German PW were as a rule allowed to send money to their relatives. The ICRC only recorded very few complaints on this subject. On the other hand, it received many complaints concerning the arbitrary rates of exchange fixed for transfers ; it did not think it possible to use its influence in this field, which depends on agreements between States and on their monetary policy.

Although Art. 38 formally recognizes the right of PW to receive and send money, wartime restrictions on transfers of capital prevented the PW in practice from receiving money. The American and British Authorities were especially strict in preventing such transfers. In spite of its efforts, the ICRC was unable to persuade these authorities to change their attitude.

With the exception, therefore, of money sent by nationals of States occupied by the Axis Powers and intended for members of the forces captured by the German and Italian troops, individual transfers were rare, and generally took place through the Protecting Powers. It should be noted, however, that at the request of the ICRC, Italian PW, particularly in the United States, were allowed to draw on their credits for the sums necessary to send relief parcels to their relatives. The ICRC also

carried out a certain number of transfers, which it made subject to the following conditions : (1) that they should be in the nature of relief ; (2) that the sender had obtained the consent of the Powers concerned ; (3) that no other means of despatch was possible. The transfers were carried out through the ICRC delegations. Thus a transfer was made to Geneva of 42 million dollars, the result of a collection taken in the United States amongst German PW<sup>1</sup>.

#### **4. Payment of sums belonging to repatriated PW**

Arts. 6, 24, and 34 of the Convention give to released PW the right to obtain restitution of property taken from them at the time of capture, and to the payment of the credit balances in their favour, accumulated during captivity, particularly as a result of withholding part of pay or wages.

At the end of the recent War, the laws and regulations enacted in most States in respect of export and import of foreign currency made it very difficult to comply with these obligations.

Furthermore, the States concerned could settle this matter by the special agreements provided for in Art. 83 of the Convention. At the time of the German capitulation, there was, in fact, such an agreement already in force binding the British and German Governments.

The ICRC therefore, without attempting to interfere with the method of applying the obligations contracted by the Detaining States, bent its efforts to ensuring that at least the spirit, if not the letter of the Convention should at all times be respected, and that in practice, released PW should never be deprived of the help which the payment of their credit balance might bring them.

The Anglo German agreement laid down that each of the two Powers should settle the accounts of the PW released by the other. Since the war ended in the unconditional surrender of Germany, there was no German public authority which could assume the responsibility for paying German PW released by

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<sup>1</sup> See Vol. III, Part 1, chap. 10.

Great Britain the sums due to them. At first, the British authorities appeared to desire to keep strictly to the agreement which had been formally negotiated by them, but taking into account the action taken by the ICRC in behalf of PW, they adopted another policy, in order that these men could be paid without delay. Similar decisions were made by the United States and French authorities in favour of the German PW released by them.

The credit balances of the German PW released by the British authorities were paid at the rate of 15 Reichsmarks to the pound sterling, at the time of leaving the release camp in the British Zone. The authorities also decided to repay to the PW the foreign currency taken from them at the time of capture. But since a regulation of the Military Government in Germany forbids repatriated PW to hold foreign currency, the British Government transferred these currencies to the British Zone to freeze them in a blocked account, where they will remain until the responsible authorities have taken some decision concerning them. In the same way, Reichsmarks were also to be repaid to repatriated PW, but in June 1947, this payment had in fact still not been made.

The problem of the payment by the American authorities of balances in dollars is settled by Circular 186 of December 31, 1946, issued by G.H.Q. of United States Forces in Europe. The necessary arrangements were made with the Reichsbank, which thanks to its network of agencies, was able to make it easy for PW to present their vouchers and cash them. The rate of one Reichsmark to 40 cents was originally contemplated for these payments. It was replaced by the rate of one Reichsmark to 30 cents, which established a more equitable rate of exchange (equivalent to  $4\frac{1}{2}$  dollars for one pound sterling), and in practice meant an increase of 25 per cent in the sums due to the PW.

The foreign currency impounded from PW during their captivity in the United States was returned to them. When released, they are however compelled in Germany to pay it into the Reichsbank, which reimburses the equivalent to them in Reichsmarks.

The French Government returned to repatriated PW the Reichsmarks which had been in their possession, and paid them

in Germany in Reichsmarks what was due to them as wages (or pay, in the case of protected personnel). On the other hand, they left the German Government to pay out to PW the equivalent of their currency, and to issue to officers the amount of the credit balances due to them. Those PW who consented to become voluntary workers in France were granted special conditions for sending Reichsmarks in their possession to their relatives. The currency which they possessed before changing their status was deposited in a French bank. If they desired to release it for the exchange stabilization fund, the equivalent value was credited to them by the issue of a certificate of deposit of funds. Otherwise, the currency remained on deposit for their account, the French Government explicitly reserving the right to make a decision with regard to this currency when these PW finally left for Germany.

In the case of released Austrian and Italian PW, the existence of a Government upon which they were dependent allowed questions concerning the payment of their accounts to be settled by agreements between Governments.

Thus, after more than two years, during which it took many steps to safeguard the credit balances of PW, the ICRC can note with satisfaction that the Detaining Powers have accepted the principles of repayment of credit balances and of reimbursement of foreign currency.

It has still, however, to deal with the many cases in which, for various reasons, the rules thus accepted have not worked in favour of certain PW. It has received many applications from prisoners who either (1) had been given no vouchers ; (2) had lost those documents ; (3) had had them withdrawn during transfers ; (4) could not obtain a voucher because they were repatriated direct from a hospital or a transit camp, without passing once more through the camp to which they belonged ; (5) who had only received part of the credit balance shown on their voucher ; or (6) whose vouchers did not correspond to the sums to which they considered themselves entitled.

The ICRC will pursue its efforts to help these men in obtaining an equitable settlement of the savings they have earned at the cost of the hardships of captivity.

### (G). CIVIL CAPACITY OF PRISONERS OF WAR

The Convention provides in Art. 3, Sec. 2, that PW shall retain their full civil capacity. The ICRC was asked for assistance in this matter chiefly by PW who were anxious to learn what steps they should take to exercise their full civil rights, or who wished to protest against curtailment. These applications concerned especially affairs of marriage, divorce, or the making of wills.

Although marriage is a legal transaction, the conclusion of which implies the presence of both parties at the same time, certain belligerent States, including Belgium, France, Germany and Italy enacted special laws permitting PW to marry by proxy in their own country. Other States declined to take this course. It fell to the Committee to sound the Powers as to the position they intended to take up, to inform the PW and their relatives as to the formalities to be observed, to act as intermediary in transmitting the relevant documents<sup>1</sup>, and to request the camp commandants to carry out the regulations laid down.

The civil capacity of prisoners, in most countries, did not extend to the right of contracting a marriage with nationals of the Detaining Power or with aliens resident in the territory of that Power. In most cases, such marriages were not permitted, either because they were in conflict with the legislation of the country, which prohibited marriage with enemy nationals, or because they were held to be incompatible with military discipline and with captivity. The Committee, being fully aware of the force of these arguments, did not feel justified in opposing this principle.

It did however intervene on some occasions, moved by considerations of a social character. Thus it urged the German authorities, in 1944—in vain it is true—to allow a group of Belgian prisoners to marry Czech, Polish, Russian and Ukrainian girls, of whom the greater number were expectant mothers.

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<sup>1</sup> This transmission was carried out by the Central PW Agency as shown in Vol. II.



The Committee was sometimes called upon to take in hand the interests of PW in divorce proceedings. Judging that this question involved exclusively the laws of the particular country, it therefore referred these cases to the National Red Cross Society concerned. The Committee did, however, intervene direct with the German authorities in circumstances that were clearly out of the ordinary: a German Court, for example, had awarded a divorce in the case of a Polish PW on the grounds of desertion for three years, this period having been spent in captivity.

The Committee frequently acted as an intermediary in transmitting the wills of PW. In exceptional instances, they even took charge of them until the end of hostilities.

## (H). WOMEN AND CHILDREN HELD AS PRISONERS OF WAR

### 1. Women

Article 4 of the Convention states that "differences of treatment between prisoners are permissible only if such differences are based on the military rank, the state of physical or mental health, the professional abilities, or the sex of those who benefit from them". Article 3 lays down that women shall be treated with all consideration due to their sex.

In the second World War large numbers of women were enlisted in the forces as combatants, auxiliaries in the medical and nursing services, or at military headquarters.

The Red Army had the greatest number of enlisted women, especially as combatants. Other Powers drafted women into the Forces, but chiefly in the auxiliary services. At the beginning of the war the Committee had no occasion to intervene in behalf of women prisoners, because their treatment was in conformity with the provisions of the Convention, or because intervention was out of the question. The action of the Germans in turning Russian women of the armed forces whom they had captured, into civilian workers attracted the special attention of the Committee. No effective action, however, could be taken in

the face of German opposition to any steps in behalf of nationals of a State not signatory to the Convention.

On October 2, 1944, the "Armja Krajowa", General Bor-Komorowski's so-called Polish Underground Army, laid down its arms. The terms of the capitulation recognized the status of PW to all combatants surrendering to the Germany forces, and in particular to the women auxiliaries. Unfortunately, these stipulations were only partially observed. From November 1944 onwards, protests were received from Polish women camp leaders and from the Polish Red Cross in London, that women of the "Armja Krajowa" were suffering injury due to violations of the Convention. These complaints alleged that the German authorities refused to recognize the ranks of officer and NCO conferred by the Polish High Command, and that they were compulsorily changing the status of many women prisoners into that of civilian workers. Complaints reaching Geneva also laid stress on the cramped accommodation in their camps and other hardships, such as the lack of heating, clothing, and food, the inadequate medical attention provided for expectant mothers, sick and wounded, many of whom died in the camp hospitals, where PW doctors were short of equipment and medical supplies. Further, the compulsion imposed on officers and NCOs to do heavy work, contrary to the Convention, lowered still further the poor state of health of women PW.

The Committee's delegates who visited the camps where Polish women were detained, could not but confirm that these complaints were well-founded. The Committee's representatives in Berlin approached the German authorities and sought to get some improvement of conditions for the Polish women. Assurances were given that no further forcible conversions into civilian workers would be made, and that Polish women would be accommodated in separate camps, where they would receive treatment in accordance with their sex and state of health. Despite these assurances, the delegates noted no appreciable improvement in the course of later visits.

Fully alive to the importance of the problem, the ICRC made an appeal on January 9, 1945, to the Governments of Germany, Great Britain, France and the United States, drawing attention

to Art. 3 and 4 of the Convention and laying stress on the privileged treatment which should properly be accorded to women prisoners of war. "The Committee", the appeal stated, "ventures to suggest that Articles 3 and 4 of the 1929 Convention concerning the treatment of prisoners of war should be interpreted in the most liberal manner, and that in particular women prisoners of war should be accommodated in camps separate from those for male PW, or whenever practicable they should be placed in the camps for women civilian internees."

The replies of the French and United States Governments disclosed that only a very few women belonging to the German Army were in the hands of these Powers, and that such prisoners were accommodated in special camps or in compounds set apart for them in ordinary PW camps. These two Governments further stated their intention to repatriate women PW without delay, beginning with expectant mothers and the sick, and without making it a condition that the German Government should take similar action. They made certain reservations, however, concerning women enlisted in the nursing and medical services.

The repatriation of German women PW was effected in part by way of Switzerland; the Committee approached the Swiss authorities to allow their passage through Swiss territory.

In February 1945, acting on a request from the Polish Red Cross in London, the ICRC began negotiations to secure the accommodation in Switzerland of women prisoners from the "Armja Krajowa". The German and Swiss governments had signified their agreement in principle to the transfer when, with the fall of the Reich, it became unnecessary.

## 2. Children

The moral and physical sufferings of children and young persons are one of the most tragic features of modern war. Those affected are, by reason of their very helplessness, the most deserving of protection, and there is also the danger that such expe-

riences may leave their mark upon a whole generation. To rescue the young from the perils and privations of war, and to prevent the emergence of a generation of people impaired mentally and physically thereby, has been the main object of all the efforts in behalf of the young people during the present conflict. This was the aim constantly before the ICRC in all its endeavours to get some improvement in the lot of young prisoners.

Several armies enlisted youths, and even children in their combatant forces. Germany especially, which before the war had been training its young people in the Hitler Youth and the Labour Service, had a considerable number of soldiers under 18 years of age.

The problem of protection for young PW did not however become acute until the last phase of the war, when the Wehrmacht, hard-pressed by the lack of fighting troops, sent thousands of youths to the firing-line.

The Committee's delegates visiting camps for PW in Allied hands noted the presence of young soldiers, many of whom were mere children. They urged that they should be granted privileged treatment, but met with objections on the part of the Detaining Powers, who held that, as these young PW had been part of the Wehrmacht and had lived under the same conditions as their older comrades, there was no case for separating them from the latter, and further, that as their own government had considered them to be fit to take part in military operations, they were clearly well able to stand the rigours of camp life. Finally, it was pointed out that the rapid developments of the military situation and the fast-approaching end of the conflict made it difficult to go into the question of special measures.

This attitude on the part of the Powers, and the absence in the Convention of any provisions covering under-age PW, made the task of the Committee not an easy one. Even so, it managed, in the spring of 1945, to arrange for the accommodation in Switzerland of young PW from the Polish forces of General Bor-Komorowski. These negotiations were interrupted by the ending of hostilities in May 1945.

The retention in captivity of young PW in Allied hands after the end of the fighting, without prospect of any change in their

status, compelled the ICRC to give itself again to the problem. At this time the PW under age in the hands of the Western Allies were mainly German. Amongst them, however, were Hungarian children evacuated from their home country by the SS, to be put to work in labour camps ; these too were classed as PW. Reports of delegates who visited the camps after the end of the War drew attention to the failure to segregate young prisoners from the adults, and pointed out that the problem of their upbringing and education was being completely neglected. They took note, however, of the fact that efforts were being made in certain camps to remedy this state of affairs ; for example, the establishment of a medical school and a faculty of theology in Great Britain, and the setting-up of a youth-camp in Belgium.

In a circular letter dated December 1, 1945, the ICRC drew the attention of all its delegates to the importance of the problem and instructed them " to note in particular if the conditions under which young prisoners were being held in captivity were satisfactory from the point of view of their age and the education that they should be receiving . . . ", and " to draw the attention of camp commandants to experiments being made elsewhere ". These remarks chiefly concerned prisoners under 18 years of age.

In the months which followed, various steps were taken by almost all the Detaining Powers for the benefit of under-age prisoners, but these measures never succeeded in catering for all the young prisoners in the hands of any one Power. Separate compounds were organized in certain camps in Belgium, France, Great Britain and the United States, but the majority of young prisoners continued to live side-by-side with adults. The same was true of educational arrangements.

On May 13, 1946, the Committee in collaboration with the World Alliance of Y.M.C.A. addressed a joint memorandum to three of the chief Detaining Powers, France, Great Britain and the United States. While appreciating what had already been done for young PW, the joint signatories emphasized the necessity of setting up separate camps for young people and of continuing their education. The Department of State in

Washington in their reply expressed doubt as to the wisdom of setting-up distinct camps when the majority of young PW were on the point of being released. The French Foreign Office objected to the setting-up of such camps as not being feasible. The British Foreign Office was of the opinion that the segregation of young and adult would only tend, in the case of German PW, to keep open the gulf created by Nazism between the young and those of more mature years, and that a temporary separation could only be justified by differences in the methods of re-education adopted for young and adult PW.

In the spring of 1946 the British and United States authorities began the progressive release of PW under 18 years of age whose homes were in the American, British and French occupation zones. The French authorities adhered to their policy of releasing only such young persons as were not fit for work.

The Committee did not, however, relax its efforts to improve the lot of young prisoners still in captivity. It devoted its attention in particular to young persons employed on work below the surface in the Belgian and Czechoslovak coal-mines. Representations made to the Belgian authorities in July 1946 were without result, as the laws of that country permit the employment of children in the mines. On the same date, and in November 1946, the Committee made similar representations to the Foreign Office in Prague. In February 1947 an assurance was obtained from the Czech Government that young PW were not liable to be directed to work in mines unless they had passed a searching medical examination, and that the few young persons under 18 years of age who were employed in the Czech mines would be directed to less arduous employment, such as farm work.

### (I). DEATHS OF PRISONERS OF WAR

The ICRC did not confine its activities to deaths reported from the battlefield<sup>1</sup>, but also applied itself to the problems raised by the deaths of servicemen in captivity.

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<sup>1</sup> See above, p. 197 sqq.

Its first effort was to get the belligerent Powers to carry out in full the terms of the Convention (Art. 76, Sec. 2, and Art. 77) relating to *notification of death*, stressing the great importance of prompt and accurate notification, not only for the deceased men's relatives, but also for the Committee's own records. It pointed out, especially in a memorandum dated March 29, 1940, addressed to the belligerent Powers, that in the view of the Committee, the lists of deceased PW sent out by the Detaining Powers should be followed by the official death certificate in each individual case. However, certain belligerents would not go beyond sending collective lists, in which cases the ICRC insisted on the fullest possible details being supplied.

The Committee also endeavoured to have lists of deceased prisoners sent by telegram, whenever the slowness of the ordinary mails and the remote situation of the PW camps justified such a course. In January 1942, the British Government requested the Committee to inform the German and Italian Governments that it was prepared to telegraph the names of German and Italian service-men who had died in captivity, provided the Powers concerned would reciprocate. This offer also applied to the whole British Commonwealth. The Reich and the Italian Government accepted this offer. Moreover, the United States Government sent lists by telegram of German and Italian prisoners who had died.

On the outbreak of hostilities, the Committee suggested to the belligerents the adoption of a *standard form* for notification of death, similar to that devised in the war of 1914-1918. This form, to be completed by the authorities of the Detaining Power, provided supplementary information which could not be given in the lists, but to which the relatives of the deceased attached great importance. It included for instance, details of surname, first name, date and place of birth, address of next of kin, date of capture, place of burial, cause of death, any effects left by the deceased (which were sometimes listed), together with a brief statement from someone who had been with him in his last hours. Several of the belligerent Powers, including

France, Germany and Italy adopted this form, and brought it into general use <sup>1</sup>.

In many instances mail addressed to PW was returned marked "Deceased", although official notification of the prisoner's death had not been received. The ICRC made representations to the belligerents to have this practice stopped, and to ensure that the news was suitably broken to relatives through the local authorities or the national Red Cross.

In 1943 the Committee suggested to the belligerent Powers that a *census of prisoners' graves* should be undertaken by camp leaders. Only the Italian Government declared itself ready to adopt this practice; the other belligerents considered that for security reasons, camp leaders could not be allowed outside camp boundaries.

The belligerents attached great importance to the *funeral ceremonies* of members of their armed forces who had died in enemy hands. The ICRC was sometimes called upon to mediate in dissensions arising between belligerents concerning methods of burial and the religious rites to be observed.

In November 1944, for instance, the French Government complained that a PW in Germany, who had died of pneumonia, had been cremated and not interred, as laid down by the Convention. They felt that this action would cause considerable distress to relatives, who for religious or personal reasons objected to cremation. The Committee obtained from Berlin an assurance that this had been an exceptional case, and that as a rule deceased prisoners would be buried as before, according to the rites of the creed which they professed.

The Government of India asked the Committee to institute enquiries into the methods of burial adopted in the case of Hindu and Muslim prisoners in Germany. They urgently requested that the bodies of Hindus should not be buried but cremated, as required by their religion. The ICRC obtained an assurance from Berlin that, where the camps were near towns having the necessary facilities, the bodies of Hindu prisoners

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<sup>1</sup> For information on notification of deaths and standard forms of notification, see Vol. II.



would be cremated. In some cases bodies were cremated outdoors on funeral pyres.

In 1942 the Japanese Government informed the Committee that it was prepared to send to countries of the Allied Powers the ashes of deceased prisoners, in exchange for those of Japanese prisoners who had died in enemy captivity. The British and United States Governments strongly opposed this suggestion, and asked the Committee to request the Japanese Government to arrange that deceased prisoners should be buried and not cremated. After much negotiation the Committee succeeded in obtaining the concession that prisoners' remains should receive honourable burial, except in special cases, where the Detaining Power considered cremation to be imperative.

The *care of graves* rarely caused any disagreement, although there was a complaint from Italy that in Australia their men had been buried in unconsecrated and unenclosed ground in open country, and that the graves bore no inscription to identify them. Having noted in 1946 that in certain PW burial grounds, especially in Germany, the inscriptions on the graves had disappeared, the Committee instructed its delegates to take note, whenever possible, of the state of graves and burial grounds in the neighbourhood, when visiting camps, hospitals and labour detachments. Representations were also made to the French Government, in particular, to bring about the regrouping of the graves of prisoners buried in communal graves or in open country. As a result, over two thousand graves of prisoners who had died between 1945 and 1946 were regrouped at Rennes.

The practice of taking *photographs of the funeral ceremonies and graves* of PW, so that they could be passed on to their relatives, was instituted during the recent war and soon became fairly wide-spread. Delegates, when visiting camps sometimes attended a prisoner's funeral, and it was thus that the idea arose of taking photographs.

In 1942 the British Red Cross suggested that the Committee should organize the exchange of photographs of PW graves, between Germany and Great Britain. A regular exchange of photographs of graves was established, from 1944 onwards, between these two countries, and that of photographs both of

funerals and graves between Germany, Italy and the United States. The National Red Cross Societies, especially the British Red Cross, devoted special care to this work.

Lastly, the Committee received numerous requests from relatives concerning the *sending home of bodies* of deceased prisoners to their native country. The belligerent Powers declared their intention of not going into this matter until after the signing of the Peace Treaties.

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## IV. Protection of Prisoners against the Dangers of War

### (A). PROTECTION OF PRISONERS AGAINST THE DANGERS OF AIR WARFARE

The problem of the safety of PW in relation to military operations did not in fact arise until the first World War. With the development of artillery, PW camps situated too near the front were at times bombarded. The belligerents therefore agreed not to set up depots for prisoners closer than 30 kilometres from the front. The writers of the 1929 Convention considered it advisable to take up this regulation in a more general form in Art. 7, Sec. 1. It also occurred during the first World War that, as a measure of reprisal, certain States exposed prisoners to the fire of the enemy artillery with the purpose of protecting their troops or important sectors from such fire. To put an end to such practices the authors of the Convention considered it necessary to prohibit them explicitly by Art. 9, Sec. 4. The two provisions mentioned above, run as follows :

*Art. 7, Sec. 1 :* As soon as possible after their capture, prisoners of war shall be evacuated to depots sufficiently removed from the fighting zone for them to be out of danger.

*Art. 9, Sec. 4 :* No prisoner may at any time be sent to an area where he would be exposed to the fire of the fighting zone, or be employed to render by his presence certain points or areas immune from bombardment.

When the second World War broke out it was obvious that the precautions taken in 1929 had certainly become quite inadequate. Their especial aim was to save PW, whilst they

remained in a district near the fighting zone, from being exposed to artillery fire. Air bombardment, however, has a range over the whole territory of belligerents, and may expose PW, as well as the civil population, to even much more serious danger.

The most expedient means of keeping PW camps free from air attacks, similar to those in view for hospital localities and safety zones, seemed to be the mutual notification by belligerents of the location of camps. The Committee was obliged to take note of the fact, however, that the chief belligerents, when forwarding lists of PW to the Central Agency, failed to give the precise geographical location of the camps; they limited the information to cipher addresses. (In Germany, Oflag or Stalag, followed by a roman number or a capital letter; in France, "Bureau postal de prisonniers" or "Secteur postal"; in Great Britain, Camps No. 1, 2, 3, etc.). The delegates, on their return from their first missions, soon confirmed the formal wish of these Powers to keep to these methods for reasons of military security. The Committee therefore had to delete any allusion to the geographical situation of camps in their delegates' reports on their visits, when forwarding them to the Governments concerned.

This policy differed from that adopted by the belligerents during the war of 1914-1918. It was not, however, contrary to the Convention, no provision of which obliges the detaining Power to indicate the location of PW camps. Although Art. 8 provides that belligerents must notify each other of the official addresses to which letters to PW from their relatives may be addressed, the expression "official address" in no way precludes a cipher address.

Thus the hopes of mutual notification of the location of PW camps, with a view to ensuring the safety of the inmates, appeared forlorn, unless a determined appeal were made to the belligerents. The Committee took that step on December 14, 1939: it sent a note to the British, French and German Governments asking them to agree, on terms of reciprocity, to furnish the geographical location of PW camps. This appeal was partly on the score of easing the anxieties of the prisoners' next of kin; at the same time, the Committee did not conceal the fact

that the steps taken were dictated by the concern it felt as regards the prisoners' safety. It therefore stressed the dangers for PW from air warfare in terms, the precision and scope of which, unhappily, were justified by events.

"If", the Committee wrote, "belligerent Powers wish to maintain their present standpoint and prefer not to make known the location of PW camps, the question arises whether these places should not be marked in some special manner in order to distinguish them from barracks or other permanent army billets.

"In the absence of information on the geographical location of PW camps or of distinctive markings, there may, perhaps, be grounds for fear of attacks in error by an enemy air arm."

The French and British Governments replied in February and March 1940 respectively; both declined the proposal. "It has been recognized afresh," the French Authorities stated, "that there are serious objections to such indications, and it may be recalled that the belligerent Powers, in the absence of agreement amongst themselves, have all adopted the cipher address". The British Authorities merely stated that they were unable to agree to the Committee's suggestion, for reasons of military security. The German Government, aware of these replies, informed the Committee of their standpoint only in May, and also stressed the difficulty of the question; they asked the Committee, however, to continue its study of the matter and stated that the Government were prepared, in order to promote the solution of the problem, to notify location of camps for civilian internees. The authorities having given their consent on this point, information on the location of civilian internee camps was henceforth regularly exchanged.

At the beginning of July, 1940, the Committee's delegate in London took up the matter again with the Foreign Office and sent word that the British Government was prepared to indicate location of PW camps on a reciprocal basis.

A member of the Committee, who was then in Berlin, obtained a similar declaration shortly afterwards from the German authorities. To ensure the strict reciprocity of these notifications, an operation which always requires careful handling, the

two belligerents were requested to communicate without delay to Geneva all information relative to the location of PW camps, whilst assurance was given to them that the information would only be forwarded to the enemy Power after the receipt from it of similar information. The efforts of the Committee thus seemed on the point of succeeding when a cable arrived from the London Delegation, at the end of July, to the effect that the " highest British Authorities " had finally decided not to accept, for the time being, mutual notification of camp locations.

The events of war in 1940 altered the problem and, at the same time, gave the Committee the grounds for a further intervention. In September, the German Government agreed to the proposal of the Committee no longer to keep secret the locations of camps for Belgian and French PW. The Italian Government, moreover, also decided in October to communicate the locations of PW and civilian internee camps in Italy.

On the other hand, the anxiety which the Committee felt at the beginning of the conflict, with regard to the fate of PW during air raids, began to be justified by events. The Committee learned that French PW had been killed in Germany during bombardments, and it was also notified by the British Information Bureau of the names of six German prisoners killed in similar circumstances.

The Committee therefore considered that the time had come to make once more a direct approach to the principal belligerent Powers ; on October 14 it drew their attention to the gravity of the problem and recalled its previous suggestions regarding camp locations and markings. The Committee also requested that the Powers should, on a condition of reciprocity and subject to the ultimate check of the Committee's delegates, take the same precautions against air raids as already practised in some German and British camps, measures which consisted for the most part of trenches and air raid shelters.

Whereas the German Government informed the Committee in December that they agreed in principle to these three suggestions, the British Government replied, about the same date, that after careful consideration of the matter, they could not, for military reasons, rescind their earlier decision : they confirmed

their reply in April 1941, after having been informed of the German acceptance.

Although the Committee's efforts did not lead to an agreement as regards their principal object, they did, however, open the way for certain important improvements in safety measures for PW. In its reply of April 1941, the British Government made it known that safety measures against air raids had been taken, and would continue to be taken, in all PW camps, both in Great Britain and in the Commonwealth, and were open for inspection by the Committee's delegates. The chief belligerents having thus agreed to the Committee's third suggestion, from that time and until the end of hostilities, it was possible for the ICRC, with the help of its delegates, to verify that air raid precautions in PW camps were in force, and it was able to intervene to some purpose when these appeared inadequate. Besides providing underground shelters, or more often trenches, safety measures also included the supply of equipment for dealing with incendiary bombs and the instruction of PW in its use.

The Committee was also successful on another point. It will be recalled that its intervention was partly based on Art. 7 and 9 of the Convention, with the idea that the precise aim of these stipulations was to protect PW from the dangers of warfare, and that they should also apply, in a corresponding manner to the new situations created by the developments in aircraft construction. In the opinion of the Committee, the obligation laid upon belligerents by the Convention to keep PW at a proper distance from the fighting zones should be equally binding for zones within belligerent States which are dangerous because they contain military objectives, and are therefore targets for enemy air attack. Instructions were then given to the delegates on these lines, and they never failed to notify the authorities concerned whenever they considered camps were placed too close to obvious military objectives, and in particular to military airfields. This point of view seemed, in general, to be accepted without question by the belligerents themselves. For instance, the Italian Government informed the Committee in August 1941 that it would see to it that camps were set up in regions far from

all military objectives. British authorities in the Middle East gave a similar answer, when questioned as to the employment of Italian PW for certain work on army airfields, stating that the work of these PW was entirely voluntary and that in the event of air raids the men were immediately taken back to camp.

It should be stressed, however, that the ways open to the Committee for mediation in situations of this kind were narrowed, when the belligerents did not agree that any particular place could be considered as a military objective, or when such areas were bombarded, in violation of the rules of air warfare accepted up to 1939. In 1940, when the Committee took up with the British Government the question of air bombardment of a camp in Great Britain which had caused the deaths of several prisoners, they were informed that the Government did not intend to take any special precautions against the repetition of such incidents, which experience had proved might occur in any area within the range of enemy aircraft. For the same reason, when the attacking of German towns by Allied aircraft became systematic, it appeared difficult to the Committee to approach the German Government, as the British Authorities wished it to do, with a particular request that camps which were near some of the towns, special targets for air attack, should be removed to a distance from such objectives <sup>1</sup>.

The final result of the Committee's efforts was that the belligerents made an exception to the practice of secrecy for camp locations in favour of those housing civilian internees. They made yet another exception, and one which was unquestionably accepted by all, in favour of hospitals and infirmaries which were not attached to a regular camp <sup>2</sup>.

As mentioned, the German Government also authorized the geographical location of camps holding Belgians, French or

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<sup>1</sup> At the end of 1943 however, the Committee decided to enquire from the German Authorities the reasons for the removal of a camp for Air Force prisoners which had been transferred from a country district to the neighbourhood of a Rhine town, thus exposing the PW in camp to a much greater risk.

<sup>2</sup> This exception did not, however, prevent the bombardment in Germany of the infirmaries of Siegburg, Meiningen and Hildburghausen, which happily did not involve any casualties.



national of other countries occupied by the Reich forces, to appear in the ICRC reports submitted to the countries concerned. In the same manner, the United States did not oppose the communication by the Committee to Germany of the geographical camps in the USA<sup>1</sup>. Thus, not only the authorities of the countries of origin but also a great many PW relatives were aware of the approximate location of individual prisoners. Further, between Germany and Great Britain camp locations were not kept entirely secret ; this is proved by the fact that maps were published by the British press in 1941, showing the exact location of PW camps in Germany.

All these facts thus gave hope at the end of 1941, that the refusal of the belligerents to exchange information on camp locations would not in practice have the serious effects which had been feared, particularly as, up to that date, the number of deaths of prisoners notified to the Committee as due to bombardment was relatively very small.

The turn taken by the course of the war from 1942 onwards showed that this hope was ill-founded.

In Italy, in spite of the heavy bombardments suffered by certain towns, the peril from air raids was not, in fact, serious for PW until Southern Italy became the theatre of military operations. In July 1943, the Italian Red Cross informed the Committee of the deaths of thirteen PW said to have been machine-gunned while working in the fields. This incident was reported to the British Red Cross. At this time the Committee was being questioned by several Allied Red Cross Societies as to the localities where their PW nationals were interned. As the Italian Government, in December 1941, had reverted to the numbering of camps<sup>2</sup>, the Committee was only able, on account of the attitude of the British authorities, to inform the Red Cross

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<sup>1</sup> The United States Government was however opposed to the disclosure of locations of camps under its control in Italy and North Africa.

<sup>2</sup> The British Red Cross Society, which frequently had information on the geographical position of certain camps in Italy, sent several enquiries to the ICRC for the location of camps corresponding to certain given numbers. The Committee could not, however, give the information owing to the decision of Italian Government.

Societies that, as reported by the Italian Information Bureau, the PW camps were at a satisfactory distance from the fighting areas. This information was apparently confirmed by events. With the exception of an air attack upon a train carrying PW that caused many casualties, and the bombardment of a camp situated at Mantua, both in 1944, no other cases of the kind were reported to the Committee.

When air attack over Germany became intensified, the Committee was faced with another difficult problem, that of the use of PW employed for non-combatant anti-aircraft defence and rescue work during air raids. This question specially concerned the PW working in industry and those, in particular, who were employed on work prohibited by Art. 31 of the Convention. On several occasions, in 1942, the Committee had received complaints from camp leaders to the effect that PW were obliged to continue working, or to help with rescue during air raids. The German High Command, when approached on the matter, stated that PW were only required to carry out defence work for their own camp quarters during raids, and requested that they should be informed of any infractions of the rule which came to the notice of the Committee's delegates.

Breaches of the rule grew to such a number that, at the beginning of 1944, they became the greatest cause of anxiety to PW working in industrial concerns and provoked their chief protest. These men who won praise, on all hands, for their humane efforts to help the German people under air bombardment, considered that it was against their military code to risk their lives for the sole protection of the Detaining Power's property.

In April 1944, the Committee was informed of a ruling by the German High Command, authorizing employers in industry to put PW on to anti-aircraft defence in the factories where they were employed, even during an alert. The Committee's delegates protested to the responsible Authorities, but at each encounter met the reply that the same regulations applied to German civilians, and that in comparison, the PW were in no worse case. The Committee then sent a note direct to the German Foreign Office in June 1944, drawing attention to the minimum protec-

tion to which PW were entitled by Art. 7 of the Convention in the following terms :

“ The ICRC considers that the employment of PW on non-combatant anti-aircraft defence is not a contravention of security guarantees, if such action is restricted to the defence of the prisoners' own quarters. Clearly such employment, even though it prove dangerous, is in the men's own interests and is in apparent conformity with Art. 10<sup>1</sup> of the 1929 Convention. Non-combatant anti-aircraft defence work required from PW outside their own quarters, however, is undoubtedly a service for the benefit of the Detaining Power, and falls within the scope of the terms of the Convention, Art. 32 of which prohibits employment of PW on dangerous work and lays down the principle of safety measures in these cases. It cannot be denied that some non-combatant anti-aircraft defence work is dangerous in itself, for instance that of fire-service, air wardens, attention to unexploded or delayed action bombs, etc. The Committee is therefore of the opinion that the Detaining Power should abstain from employing PW on dangerous non-combatant anti-aircraft defence work which is not for the protection of their own quarters.”

Although this letter met with no reply, it determined the Committee's policy once and for all with regard to the question, and its delegates therefore continued, whenever possible, to intervene with camp commandants in behalf of PW employed on non-combatant anti-aircraft defence of industrial plants.

In 1944, concern with the grave problem of these PW had however to give place to a question which, owing to the intensified bombing of Germany, now formed the main anxiety of the Committee—that of the bombing of camps.

The Committee began to receive complaints direct from camp leaders on this score in 1943. At first it seemed that these unfortunate occurrences were due above all to the fact that these camps were situated in the suburbs of large industrial towns which were the objectives for enemy night-bombing <sup>2</sup>.

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<sup>1</sup> Sec. 2 of this Article lays down that the Detaining Power shall take all precautions against the danger of fire.

<sup>2</sup> The Committee learnt also, in 1943, that 275 French PW had been killed during the bombing of Nuremberg on April 14, 1943, by a direct hit on their shelter, and that in May the effects of the bombing of the Mohn barrage had caused seventy-nine casualties amongst French PW in a neighbouring camp.

From 1944 onwards, the complaints became more numerous and showed that some camps, even those situated in the open country away from any military objectives, were being bombed or machine-gunned, and that these attacks usually affected camps for prisoners neither American nor British. It was to be feared, therefore, that the attacking force was not adequately informed as to the location of all the PW camps in Germany.

In these circumstances, and in view of the increasing number of casualties amongst PW from air raids which were brought to its notice, the Committee decided in 1944 to renew its efforts for the location and marking of camps<sup>1</sup>. Just as it was about to approach the belligerents concerned, it received a request from the British Government to be informed immediately of all camps that had been moved in Germany and the exact location of the new camps. The Committee took this opportunity to refer to its previous efforts, and requested the British authorities to reconsider their decision of 1940. The reply received from London seemed to indicate that an agreement had been reached on the subject between the British and German Governments; the Committee therefore at once telegraphed to its London and Berlin Delegations to forward the camp locations without delay, and in particular to make a point of recalling to the two belligerents the proposals it had made with regard to marking. It learned, however, in September that the agreement which was being negotiated through the Protecting Power was far from completion. The British authorities declared they were willing to give all relevant geographical details, but no similar declaration on this occasion came from the German authorities. The Germans persisted in their silence, and although approached on several occasions by the Committee, no response was vouchsafed.

The Committee was the more disappointed by the breakdown in these negotiations, as it remained powerless to give

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<sup>1</sup> Already in March 1944, in the Memorandum on hospital localities and safety zones, addressed to the Governments of belligerent States, the Committee had drawn attention to the special case of PW. It stated that it would be expedient to study the possibility of placing certain categories of PW in the safety zones which might be established for certain classes of civilians.

satisfactory replies to enquiries of Allied Red Cross Societies on the location of certain camps in Germany. The requests for information mounted when the German Authorities began to transfer camps to suit their military operations and adopted a new series of numbers for those in areas near the fighting zone.

It may be pointed out that already in 1944, the Committee was of the opinion that mutual notification of camp locations was of less importance than marking for the successful protection of PW<sup>1</sup>. Henceforth it concentrated its chief efforts on marking. Several events encouraged it in that course. The method had recently been put into practice in Italy where, in the early summer of 1944, the commandant of Camp 339, Mantua, in full agreement with the PW themselves, had arranged for the huts to be painted with red and white stripes, and had requested the Committee to inform the Allied Powers of this marking. Although the German Government objected to the communication of the markings, their use apparently protected the camp from daylight attacks<sup>2</sup>.

In December 1944, the British Government accepted the marking of camps in principle and on a condition of reciprocity, the practical details to be worked out by agreement. The Belgian Government, in February 1945, transmitted to the Committee a request from Belgian PW in Germany that the letters "PW" or "POW" should be displayed on camp buildings, and that their suggestions should be placed before the Powers concerned.

The urgent appeals made by the Committee to the German Government in November 1944 and February 1945 having received no reply, it again took up the question a month later when communicating the Belgian request, in spite of the fact

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<sup>1</sup> It seemed to the Committee that there should be a system of daylight marking restricted to camps in which there were food reserves and relief consignments for PW, but that the numerous labour detachments should not be included, as this would have raised practical difficulties. As to the marking to be adopted, the Committee proposed, in the absence of agreement on a special mark provided by Art. 5 of the Ninth Hague Convention, i.e. two stiff rectangular panels divided along one diagonal into two triangles, the upper black and the lower white.

<sup>2</sup> This camp was, however, bombed and machine-gunned on several occasions during night raids, fortunately without great losses.

that it had been informed by its delegation in Germany that the High Command clearly was not in favour of such marking. The efforts of the Committee met with the general agreement, in principle, of the British and French Governments, but its appeals to the German Authorities, although pursued to the end, were in vain.

Between November 1943 and the end of the fighting in Europe, the Committee received reports of about thirty PW camps in Germany or in occupied France that had been bombed or machine-gunned. Most of the camps were situated in the Rhine valley or neighbouring country. To the knowledge of the Committee about a thousand PW lost their lives in this way<sup>1</sup>.

On all occasions, the information received regarding bombing, either from the Berlin Delegation or more often from camp leaders themselves, was regularly transmitted by the Committee to the Powers concerned. Further, it always saw to it that its delegates visited the camps at the earliest opportunity to assist PW who had suffered from the attacks and who, very often, were gravely shaken by the experience; in other cases the delegates were instructed to replace immediately, if necessary, stocks of clothing or parcels which had been destroyed.

The Committee's delegates in Germany also paid increasing attention to the problem of safety precautions for prisoners, when the threats of air attack increased. They made especially urgent requests to camp authorities that PW should be allowed access to civilian air raid shelters in an emergency, and that they should not, as too often happened, be confined to their quarters during raids.

It may also be recalled that in the spring of 1945, when mass evacuations of prisoners were being made in Germany, the Committee was advised on three occasions that parties of PW on the march had been machine-gunned by Allied aircraft. That is, perhaps, one of the most tragic examples of air warfare, blindly carried out, from which the ICRC made unwearied efforts to protect PW.

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<sup>1</sup> This figure only applies to cases reported to the Committee, and it is not therefore possible to give even an approximate idea of the number of prisoners killed in Germany through air raids.

The question of protecting prisoners from the dangers of air attacks in the Far East also caused the Committee much anxiety. It must be remembered, however, that in this particular theatre of war the Committee's work as regards protection of PW was carried out under very unusual conditions, and was greatly hampered by the handicaps imposed on it.

The efforts made by the Committee since 1942 to obtain details regarding the location of camps in Japan and in the territories under Japanese control, were guided chiefly by their desire to alleviate the anxiety of relatives who wished to know where particular prisoners were interned. It also required this information for its own use, as the Japanese authorities, together with the other belligerents in the Far East, had dropped cipher camp addresses, and now gave no more than the general geographical position of a group of several camps. Identification of any particular camp then became very difficult. The Japanese Government had stated, as early as 1943, that they were not prepared to supply the additional information required. They confirmed that decision after a further approach by the Committee, and announced that camp locations would only be indicated in the most general fashion. Notice of camp locations given in this form could do nothing to increase the safety of PW from the perils of air attacks.

In March 1944, however, the Committee sent to the Japanese Authorities its Memorandum on the creation of hospital localities and safety zones. The note, it will be recalled, mentioned the possibility of including certain categories of PW for shelter within such zones. The Japanese Authorities declined, just as most of the other Governments concerned had done, and the plan had therefore to be dropped.

For PW under Japanese control, however, the danger of air warfare did not become really serious until the spring of 1945. The Committee then reminded its Far East delegations of the necessity for their careful inspection of the equipment and facilities available in camps to meet attacks from the air. Delegations were also instructed to observe whether distinctive markings, recognizable from above, had been placed on hut roofings, a practice which, according to information received by

the British authorities, had been adopted for certain camps. It appeared from the reports of the delegations in the Far East that in respect of the first point, the measures taken were not always adequate. There was, too, a complete neglect of the marking of camps. A more serious question then arose, the attitude of the Japanese Authorities with regard to camp location. There were grounds for fear that many camps were situated near plants which might be considered as a military objectives, and statements made by the American State Department implied that some camps had been transferred to the neighbourhood of such buildings<sup>1</sup>. It has already been explained, in connection with the European theatre of war, why any intervention of the Committee in this field was a difficult and even delicate affair. The problem for it was still greater in Japan, where the authorities met all questions touching the bombing of PW camps with suspicion and silence. For instance, the Committee had not been able to persuade the Japanese Official Bureau that the deaths of PW through air raids should be specially recorded on death certificates sent to its delegates. When delegates in Japan were notified of the bombing of camps, and particularly those for civilian internees, the Committee could not obtain details as to the number of victims of the attacks.

In these conditions, the Committee felt compelled again to bring the whole question of protection of PW before the Japanese Government. It decided to do so verbally this time, to escape the serious drawbacks of discussing so complex a matter by cable. The Committee's delegate who left Geneva for Japan in June 1945 had therefore special instructions to draw the attention of the Japanese authorities to the question of camp markings and location. The bombardment of Hiroshima, which occurred three days after the delegate's arrival in Tokyo, and

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<sup>1</sup> In its reply to the Belgian proposal for the marking of camps, which had particular reference, it is true to the European theatre of war, the United States Government wrote in July 1945, that in its opinion, the use of distinctive marking did not ensure for the internees in the Far East a protection greater than that which would have been theirs if the Japanese Authorities observed faithfully the obligations imposed by Art. 9, Sec. 4, of the Convention.



the subsequent capitulation of Japan took away the purpose of these instructions.

Shortly after the bombing of Hiroshima, several Red Cross Societies enquired of the Committee whether any PW camps were situated near that town at the time of the bombing. The Committee were fortunately able to reassure them on the strength of the information received from its representatives.

#### (B). PROTECTION OF PRISONERS TRANSPORTED BY SEA

Amongst the more striking deficiencies in the Convention there was one which troubled the ICRC especially, and which it brought to the notice of the belligerent Governments without delay, one of its recognized privileges being to initiate such measures in the humanitarian field. This defect related to the safety to which PW are entitled when they are moved from one place to another by sea.

During 1941, the extension of the war zones, the widely dispersed theatres of war and the mobility of the armies led the belligerents, for various reasons, to set about extensive transfers of PW, usually by sea. New factors arose during these operations which were likely to make these transfers become dangerous for PW. Not only had the use of modern weapons, such as the submarine and aeroplane, increased greatly since the last war, and their field of action widened to vast dimensions; the special methods of combat which their use involves made it, for instance, impossible for the belligerents to exercise their right of search in ships, to identify them precisely or to recognize the nature of the cargo. These conditions increased the likelihood of blunders occurring, e.g. the torpedoing or bombing of ships carrying PW. This state of affairs was not only contrary to the spirit of the Conventions, but had also an especially painful side since, contrary to the intentions and interests of both sides, it might bring about cruel and useless losses amongst service-men, who as PW could no longer take any part in the war.

This new situation having become acute, the Committee gave close study to this distressing problem, which it hoped to

help in solving, in the common interest of all belligerents. At that very time, some thousands of PW and civilian internees had met a tragic death from attacks by their own countrymen. This number was estimated at some 10,000 at the time of the last intervention of the Committee. According to information that came through after the end of the war, at least 15,000 PW and civilian internees were killed or drowned during their transport by sea, as a result of submarine attacks.

Clearly, the 1929 Convention should be supplemented by more explicit and more precise provisions, in relation to the safety of PW during their transport by sea. The only principles governing such protection are too general, though quite categorical, and they do not apply with sufficient accuracy to this matter. The Convention, in Art. 7 and 9, provides in particular that, "PW shall be evacuated to depots sufficiently removed from the fighting zone for them to be out of danger"; that "PW shall not be unnecessarily exposed to danger, whilst awaiting evacuation from a fighting zone" (Art. 7); and that no PW may "at any time be sent to an area where he would be exposed to the fire of the fighting zone" (Art. 9).

On the ground of these various Articles, PW lodged frequent complaints with the ICRC concerning the fact that the waters which they had to cross had been declared war zones by the belligerents, a fact which might bring about an attack and the destruction of any vessel discovered in them.

On February 24, 1942, the ICRC made three suggestions to the States concerned, i.e. Australia, Austria, Belgium, Canada, France, Germany, Great Britain, Italy, Japan, Netherlands, New Zealand, Union of South Africa, United States, as follows :

(1) As regards practical measures, we are certain that the military authorities of each country already endeavour to ensure that the transport by sea of PW and civilian internees is accompanied by all safety measures at present in use, e.g. an adequate number of lifeboats and lifebelts, and as far as possible, escort by vessels able, in case of need, to pick up the shipwrecked.

It appears to the Committee that it could only be of advantage if such measures were to become general and be applied in a systematic

manner. We should be very glad to know the measures decided on by your Government in this matter.

(2) From the legal point of view, it seems possible to reach a more complete solution of the problem by agreements amongst belligerents, for instance, by adopting some form of special marking to be determined, which would indicate to the opposing forces the presence of PW or civilian internees on board transport vessels, and which would at the same time debar the carrying of any war supplies or armed forces, beyond those required for guarding the prisoners.

In addition, vessels sailing under the safeguard of this marking would be deemed unarmed, and could not in any circumstance take part in offensive or defensive operations. Such vessels would remain subject to capture.

This special marking would obviously not be an emblem of immunity, but would represent a simple means of recognition for the opposing party. This party would then avoid all action likely to imperil the lives of its own nationals.

(3) Finally, the ICRC begs to urge the belligerent States not to have recourse to the transfer by sea of prisoners or civilian internees, in so far as circumstances allow, except for imperative reasons, and when it does not seem possible to find a place of detention for them, or some less dangerous means of evacuation.

As the ICRC was well aware of the practical difficulties in the way of giving effect to these proposals, it sought the opinion of the Governments on this subject.

Without going into detail of the replies received from the Governments, the various trends they showed may be pointed out. To begin with, certain Powers considered that they would not be called upon to send PW by sea, or declared that they left this to the care of their allies. Others thought that they would be unable to adopt the proposals of the Committee because of practical difficulties in the way of application, or because they feared their abuse. Others, again, made concrete counter-proposals—Germany, for instance, as will be seen below. Here is the substance of these replies, which are either affirmative, or negative according to the point considered :

(1) *Safety Measures.* — Most of the Powers which had had to convey PW stressed that as far as they were concerned, they took all measures proper to assure them of effective protection.

The Italian Government said this protection was identical with that which they had provided for the transport of their own troops. In addition, an escort was supplied, as far as possible, for all transports of this kind ; this escort could therefore stand by in case of any disaster.

The United States wished to make the reservation that the type of vessel used as a transport, might in certain cases exclude the carrying of safety equipment in sufficient quantity <sup>1</sup>. The same Government expressed doubts as to the protection afforded by these safety measures, should a disaster occur in waters off the main sea routes and far from land, for as it recorded, it was not always possible to have an escort available for these transports.

These comments serve to illustrate that in spite of the belligerents being well disposed, the practical difficulties, above all the scarcity of shipping which made it necessary to use any kind of vessel, did not always allow the PW transported to be assured of the safety which was theirs by right.

(2) *Marks of recognition.* — The display of a mark of recognition indicating that there was no armament, but not implying immunity from capture, was the subject of close study by the Powers concerned, and gave rise to some objections, the value and pertinence of which must be recognized. These objections turned on the degree to which the mark of recognition fulfilled its purpose, on the dangers to which its display might expose the vessel, and on the abuses to which its use might lead.

As to the degree to which the marking fulfilled its purpose, Great Britain and the United States expressed the opinion that the presence on board of prisoner fellow-countrymen would not necessarily prevent an attack : the attacking force might in certain circumstances, prefer to destroy an enemy vessel, whatever the consequences for the PW on board.

As regards the dangers to which the display of the marking might give rise, these Governments and the Italian Government pointed out that, should the transport happen to encounter

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<sup>1</sup> This reservation had only a temporary bearing on the subject, as the U.S. Government, in a later statement, made known new measures of precaution it had taken. (See below).

enemy surface ships, this marking would invite them to attack it, as they would know it to be defenceless. To guard against this risk, an armed escort would be necessary, and as the escort would undoubtedly go into action in case of attacks, this would imperil the safety of the PW. Moreover, the mark of recognition would have to be lighted up by night, which might reveal the presence and position of the convoy to the enemy.

Great Britain, Italy and the Netherlands raised the point that the comparative immunity conferred on vessels displaying the marking might lead to abuses. There would be the risk of a belligerent making use of the mark to cover the transport of troops or of war material, or for ensuring the safety of a supply ship returning empty. This temptation would be all the greater, since there would be less reason to fear being stopped and examined by an enemy surface ship. The Committee was assured from another quarter that the presence of a few dozen prisoners on board would in fact suffice to justify the display of the mark of recognition, and to spare this vessel from attack by submarine or aircraft

(3) *Reduction to a minimum of transport of prisoners by sea.* — The recommendation made by the Committee to restrict to a minimum the transport of PW and civilian internees by sea was generally approved. The Italian Government declared, in this connexion, that for reasons of safety it gave preference as a rule to the transport of PW over land, circumstances permitting.

(4) *Other objections and comments.* — The attention of the Committee was furthermore drawn to the fact that the rapid evacuation of prisoners sometimes called for recourse to improvised means or to the use of warships, which would preclude employing the mark of recognition.

A question of quite another kind was presented to the Committee by the U.S. Government ; would vessels escorting the transport be authorized to defend it against an attack, should it occur ? In the sense of the Committee's proposals, it was quite certain that the escort would be free to take such measures

as seemed most expedient to guard the transport from any attempted capture. The United States presumed moreover that the reply would be in the affirmative.

Canada, Great Britain and the Netherlands expressed their doubts of the value of such regulations. They feared that they would be often contravened, which would have the result of weakening their effect and cause them to be abandoned. They referred on this score to the numerous violations of the immunity of hospital-ships reported during the war. They feared that propaganda might seize upon facts of this kind, if the assailant disregarded regulations, and that the disputes which might arise in this connexion would be harmful, in the last resort, to the PW themselves.

Finally, the reply from Great Britain suggested, in case regulations were agreed upon, a limitation in the number of vessels bearing the mark of recognition, and to introduce the supervision of their use by the delegates of the Committee.

The German Government, responding in quite a different way, declared in a communication to the Committee dated August 31, 1942, their readiness to apply the following provisions, subject to reciprocity :

The belligerent Powers are authorized to use for the transport by sea of PW and civilian internees the vessels specified in Arts. 1, 2 and 3 of the Tenth Hague Convention of October 18, 1907 (for the adaptation to maritime warfare of the principles of the Geneva Convention), without the rights of belligerents deriving from this Convention in respect of these vessels being modified. These vessels shall also enjoy the protection provided by the said Convention when PW or civilian internees are on board. PW and civilian internees shall not, as far as possible, be transported by sea, except by means of this nature.

The Italian Government submitted to the countries with which it was at war a proposal involving reciprocal notification of the main distinguishing features of vessels assigned for the transport of PW and civilian internees, and of the route to be taken on each voyage.

Without awaiting a reply from all the Powers to whom its first circular letter had been sent, the Committee informed the

principal Powers concerned of the wording of the counter-proposal made by Germany.

Two replies relating to this counter-proposal were received by the Committee. Both of these turned it down for practical considerations, in particular because the number of hospital-ships would be too small to ensure the conveyance of all PW.

In these circumstances, there seemed little hope of arriving at any satisfactory means of regulating the transport of PW by sea.

The Committee, however, bearing in mind the objections made, was still persuaded that it was possible to meet them by taking into account the suggestions and counter-proposals made. Impelled moreover by the increasing loss of life amongst PW conveyed by sea, the Committee approached yet again the belligerents most directly concerned, by letter of August 10, 1943. In this letter the point was raised in particular of the need to distinguish between the transfers carried out of necessity by sea between the zone of operations and the transit camp, and those based on long-term practical reasons. The Committee proposed that in the second case, PW should either be interned on the same continent where they had been captured, or immediately transferred. It laid stress once more on the need for developing to the maximum degree all safety measures (safety equipment, escorts etc.). It also considered whether an attempt should not still be made to bring about a formal agreement between the belligerents, based either on the display of a distinguishing mark, or notification of the route to be followed by the transports, or the putting on board of supervisory officials, or the use of any other adequate system which might be suggested.

As a result of this second approach, the ICRC received a reply of some importance from Washington, which greeted favourably two of the clauses put forward. First, the Committee was assured that the safety equipment, apart from lifebelts, was calculated on a basis of 125 per cent of the personnel embarked, and that exceptions to this principle would be made only in case of urgent necessity ; secondly, the United States Government would consider further the suggestion to let PW remain on the same continent where they had been captured, in so far as military considerations allowed.

Great Britain, speaking also for the Dominions, adopted as to the second point raised, a similar attitude in its reply.

On the other hand, the other proposals were turned down by the United States. For reasons of security they were against any notification of the route to be followed. Moreover, they discarded the proposal to give vessels assigned for the transport of PW a distinguishing mark of recognition, as well as that for putting on board neutral supervisory officials, because of the lack of vessels which could be allocated exclusively for this transport work.

In face of the opposition to its proposals shown by some of the belligerents, and in the absence of a reply from the Japanese Government, the Committee decided not to persist in its suggestions. It remained satisfied with the partial success yielded by the assurances given by Great Britain, Italy and the United States. All the Governments and the National Red Cross Societies were informed of the whole course of this action in a Memorandum circulated in 1944. This paper may be referred to in order to study or rebut the criticisms and objections presented to the Committee by some of the Powers directly concerned.

Despite the importance of the objections which were raised and their unquestionable weight, the Committee held that the problems presented by the laying down of more precise regulations are not insoluble. Indeed, the principal difficulties encountered were the result of temporary and special conditions. Without deprecating the numerous problems which would be raised by introducing the arrangements suggested, the Committee cannot resist the conclusion that the safety of PW transported by sea is not adequately ensured by the 1929 Convention, and that an improvement in this regard should be a serious aim.

In concluding the account of this part of its work during the World War, the Committee can only recall the fact that at least 15,000 PW and civilian internees were lost at sea, as a result of attacks blindly carried out on the ships transporting them.



## **V. Employment of Prisoners of War**

### **(A). INTRODUCTION**

The work done by PW has high value for the Detaining Power, since it makes a substantial contribution to its economic resources. The PW's home country has to reckon that the work so done increases the war potential of its enemy, may be indirectly : and yet at the same time it is to its own profit that its nationals should return home at the end of hostilities in the best possible state of health. Work under normal conditions is a valuable antidote to the trials of captivity, and helps PW to preserve their bodily health and morale.

For this reason the principles governing work done by PW, established by the Institute of International Law in its " Oxford Manual ", and reasserted in Art. 6 and 7 of the Regulations annexed to the IVth Hague Convention of 1907, were the subject of numerous directives in all the belligerent countries in the first World War. These principles formed the basis of the texts codified by the Convention of July 27, 1929.

On many occasions during the second World War, the ICRC had to intervene to secure observance of these terms of the Convention.

As the war developed, these interventions necessarily grew in number ; first of all in Germany, in behalf of French PW ; later, in the interests of German PW in France, in occupied Germany, Denmark, Czechoslovakia, Poland and Yugoslavia. The conclusion of the Armistice between France and Germany in June 1940, in releasing German PW, deprived the Convention of the principle of reciprocity which gives the essential guarantee

of faithful application of its provisions. That guarantee was lacking until France entered the war again in the North African campaign. Germany was in the same case after the end of the fighting in 1945. On both these occasions PW were deprived of even the good offices of a Protecting Power, and it fell to the ICRC to undertake unaided the task of enforcing respect for the humanitarian Conventions.

Moreover, economic stringency and the necessity to provide substitutes for imported goods in countries feeling the effects of the blockade, like Germany, or in those deprived of their stocks without means of immediate replacement, like France in 1945, made it more difficult for these countries to observe their treaty obligations concerning the maintenance of PW.

From these details it will be clear that the ICRC was chiefly called upon to take action in Germany and France. The rules governing the employment of PW were in the main, more strictly observed in such countries as Great Britain and the United States. Still, it is true that even in these two countries, or in territories occupied by them, as well as in belligerent countries as a whole, the ICRC had fairly often to intervene with insistence to secure observance of this or that clause of the Convention on the employment of PW.

It is not possible within the scope of this Report to mention every case in which the ICRC took action, either by direct approach to Governments or through the day-to-day activities of its delegates in their dealings with civil and military authorities.

We shall limit ourselves to typical instances, where intervention had particularly important results. These were in cases of abuses in the employment of PW, especially in the mines and on prohibited work, or on tasks which were dangerous or detrimental to health, as in the clearance of minefields. There was also the matter of insufficient rations allowed to PW engaged on heavy manual labour.

Other points relating to PW work covered by the provisions of the Convention, e.g. the employment of officers and NCOs, and insurance against accidents at work, did not call for such frequent and urgent steps on the part of the Committee. The

latter has nevertheless kept a careful record of all such steps, and the following is a brief account of the facts which the Committee now has under consideration for the revision of the 1929 Convention.

(B). ABUSES CONNECTED WITH PRISONERS' COMPULSORY  
WORK

Art. 29 and 30 of the Convention state :

*Art. 29 :* No prisoner of war may be employed on work for which he is physically unsuited.

*Art. 30 :* The duration of the daily work of prisoners of war, including the time of the journey to and from work, shall not be excessive and shall in no case exceed that permitted for civil workers of the locality employed on the same work. Each prisoner shall be allowed a rest of 24 consecutive hours each week, preferably on Sunday.

*Germany.* — One of the clearest cases of violation of these provisions was that of "shadow gangs". This term originally applied not to a detachment of PW, but to the small number of German workers employed by camp commandants, or more usually by civil employers, side by side with PW when the latter had to do overtime or Sunday work. Later, the term came to be applied to the PW themselves and meant the whole detachment. It is important to observe that these practices were contrary to the orders of the German High Command. The Committee's delegates saw "shadow gangs" at work, for instance, in various detachments of Stalag 1 A at Stablack. They reported these cases to the German High Command, which opened an inquiry and ordered that in no case should prisoners be forced to work longer hours than German civilians.

Amongst all the interventions made by the ICRC, the most persistent were those in behalf of PW working in the mines. The Committee's delegates, when they found especially flagrant disregard for humane rights, had no hesitation in making such emphatic protests that, at times, they even risked their own

position. One of the delegates had even to be recalled in 1943, when his fully justified protests against the inhuman treatment of prisoners in the Silesian mines made him fall foul of the responsible authorities.

Labour Detachment No. F. 151 at Gleiwitz (Stalag VIII B) was housed at a pithead surrounded by tall factory buildings which gave off noxious gases. The men never left their quarters except to go down the mine. The German workers and even the sentries were quartered outside the area of the pithead buildings. Similar unsatisfactory conditions of work in the Marga and Victoria 3 mines at Seftenberg and in Mine 171 at Seydlitz (Stalag B, Fürstenwald) were reported by the Berlin delegation. In Labour Detachment Settens 2/351 of Stalag IV C at Wistritz, forty-four French prisoners employed in a mine had to do one and a half hours daily overtime more than the German workers, and also on Sunday morning, when the Germans had the day off. In the coal-handling Labour Detachments of Stalag 344 at Lamsdorf, the prisoners did heavy manual work for ten and eleven hours per day. At Stalag X A (Labour Detachment at Hemmingsted) out of twenty Belgian prisoners who worked in a mine during 1942 and 1943, nineteen fell sick.

These cases were brought to the notice of the German High Command by the Berlin delegate. He insisted that work in the mines should have been imposed only on those who were miners by trade, and pointed out that many PW put on to this work lacked technical knowledge, a fact that led to accidents. This was the case with the British workers of Stalag VIII B working in vertical fissures, known as "Pfeiler", where, on account of the risk from falls of rock, even the German miners refused to work.

Referring to his previous complaints concerning conditions in the mines, the Committee's delegate in Berlin, acting on special instructions from Geneva, suggested on October 2, 1944, that all PW over 45 years of age, without distinction of nationality, should be exempt from such work, and that those who had been engaged on it for three years should be taken off. The High Command replied that there was no age-limit for PW working

in the mines, but that such men were under constant medical supervision and replaced when no longer physically fit. It was also agreed that investigation officers should be appointed to verify abuses reported by the delegation. When these officers had confirmed that the complaints were warranted, the working conditions of the men were improved.

*France.* — In 1945, the Committee's delegate at Lyons was called upon to intervene, on instructions from Geneva, in behalf of some German prisoners, who although they were sick, as confirmed by the camp doctor, were obliged to work at the Ugine steelworks. In the Labour Detachment working in the Blanzey mines at Montceau-les-Mines (Depot 82), PW whose output was insufficient, or who were regarded as recalcitrant were put on double-shift, which meant that they had to do two regulation shifts without rest. Thus, some men were working below the surface for nineteen hours a day without food ; this moreover, occurred three and four times a week. According to the statement of the mines doctor himself, sick men were sent down the mine as a collective punishment. The situation in this labour detachment was so grave that the visiting delegate made a special report on it, apart from his immediate personal representations to the Regional Commandant. This, and other similar cases induced the principal official responsible for the administration of prisoners of war in France to travel to Geneva and discuss with the Committee the subject of their working conditions. During these talks the Committee requested and obtained an undertaking that henceforth PW should be placed under employers who could be trusted to handle men protected by an international Convention.

*Belgium.* — The Committee's delegation at Brussels reported that at many camps, in particular at Waterschei and Zwartberg, PW physically unfit through wounds, sickness or other disabilities, or by reason of their age (16 to 17 years or over 60 years) were being employed in the mines. The delegation made a point of reporting the case to the responsible authority. This step, coupled with complaints made by camp leaders resulted in the

exemption from mining work of men under 18 or over 60 years of age, and the admission to hospital of sick or wounded for treatment.

### (C). PROHIBITED, UNHEALTHY, OR DANGEROUS WORK

The Convention states :

*Art. 31 :* Work done by prisoners of war shall have no direct connection with the operations of war. In particular, it is forbidden to employ prisoners in the manufacture or transport of arms or munitions of any kind, or on the transport of material destined for combatant units.

*Art. 32 :* It is forbidden to employ prisoners of war on unhealthy or dangerous work.

*Germany.* — It appears that a considerable number of PW were employed in armament factories. The Committee's delegates frequently received complaints from prisoners on this score, in the course of their visits to camps and camp hospitals. The Committee also received protests from National Red Cross Societies and other relief organizations.

In August 1942, the Committee, referring to Art. 31, drew the attention of the German Foreign Office to the various violations noted by its delegates and asked this department to have these allegations investigated. In March 1945, the Berlin delegation repeatedly made strong protest to the Foreign Office against the alleged forced employment of PW of Stalag III B in loading bombs into aircraft. The protests were reinforced by direct representations made by the Committee. The delegation also took its complaints to the High Command when Polish and Yugoslav prisoners, organized into "Schanz-Kommandos" were employed in large numbers towards the end of the war on the transport of munitions to the fighting zone.

The participation of PW in anti-aircraft defence created a new problem, which gave rise to contradictory orders on the part of the German authorities. The High Command finally issued orders, which it notified to the Committee, adding a

request that any infringements should be reported to it. As a result of interviews with the Committee's delegation, the German authorities decided that PW should not be called upon to take part in air-raid defence work except after an attack had started, and then only in the protection of their own quarters. Further, prisoners were to be provided with steel helmets and respirators for this work.

Having observed that PW employed in chemical factories had contracted serious illnesses due to slow poisoning, the Committee's delegation proposed to the High Command that a system of periodical reliefs should be arranged for men compelled to do such work. This was granted, and reliefs were also arranged for the men at Stalag 18 C at Markt Pongau, who were working in a hydraulic caisson and had complained of rheumatism. It also succeeded in getting leather boots issued to Belgian prisoners in Labour Detachment No. 27021 GW at Gartenau, near Salzburg. These men were employed in a hillside quarry, and the heavy wooden clogs they had to wear impeded them when they had to move quickly to take shelter from falls of rock.

*France.* — The most important matter that required the intervention of the Committee with the French Authorities was the clearing of minefields. Employment on the removing of mines and other explosive devices constitutes, during hostilities, prohibited work under Art. 31. When hostilities are at an end, such work is subject to the prohibitions laid down in Art. 32. In spite of these provisions it was decided after the capitulation of the Italian and German Forces in North Africa, in May 1943, that PW should be set to work on the clearing of minefields. The Committee's delegate at Algiers, on receiving a complaint, duly verified, from the German camp leader in Camp 16 at Tunis, took the matter up with the responsible authority. He quoted not only Art. 32 of the Convention, but also Art. 82, which forbids belligerents to condone breaches by private agreements. His legal arguments were not admitted, but he did obtain the concession that only men who had served as sappers should in future be put on the work of clearing mines.

The problem arose in an acute form in France at the beginning of 1945. The press seized upon the matter and declared that mines should be cleared by those who had planted them. The Committee, true to its purely humanitarian principles, avoided all controversy and also refrained from putting forward mere legal arguments concerning the observance of treaties. It explained to the French administration the dangers of work on mine-clearing in the hands of men who had no technical training. In September 1945, the French War Ministry itself estimated the number of mines to be cleared in France at about a hundred million. The monthly rate of fatal accidents among German prisoners engaged on this work was two thousand, i.e. one death per five thousand mines. It followed that if mine-clearing continued under these conditions, it threatened to involve the deaths of twenty thousand men. The Committee urged the necessity of adopting safety precautions, which it set forth in detail. It then instructed its delegates to give particular attention to their observation. In all cases where these measures were carried out, the accident-rate decreased almost to nil.

*Germany.* — The Committee had to act in behalf of German prisoners in the hands of the French and American Occupation Forces who were obliged to work on mine-clearing and in handling munitions. Following a fatal accident the Committee instructed its delegations at Baden-Baden and Frankfurt to propose to the detaining Authorities that they should adopt the same safety measures as had been successfully suggested in France. This was done.

*Czechoslovakia.* — Civilian internees were employed on mine-clearing. The Committee's delegation at Bratislava succeeded in having this stopped.

*U.S.A.* — The Committee's delegates had frequently to bring to notice cases of the employment of PW on unhealthy or dangerous work. At Livingstone Camp (Houma Labour Detachment) 190 men were working on sugar-plantations in a tropical climate and exposed to the sun all day. At the Gordon



Johnstone Camp, Florida, prisoners of the Eglin Labour Detachment had to clear an area of ground infested with poisonous snakes. At Atterbury Camp (Indiana), prisoners were employed at a nitrogen plant. The Committee's delegation, supported by the camp doctor himself, asked for an inquiry which led to the taking of the safety measures laid down for such workers. The same remarks apply to Corpus Christi Camp (Texas), where prisoners were engaged on melting down aluminium scrap.

(D). INSUFFICIENCY OF RATIONS ISSUED  
TO PRISONERS COMPELLED TO DO HEAVY MANUAL LABOUR

In general, the question of PW rations is dealt with in Art. 11, Sec. 1, of the Convention, which runs: "The food ration of prisoners of war shall be equivalent in quantity and quality to that of the depot troops." It is recognized, however, that men set to work must, if need be, have supplementary rations giving a minimum caloric content, without which they could not furnish the effort required. Indeed, failure to give this necessary minimum would constitute a breach of Art. 29 of the Convention, which states: "No prisoner of war may be employed on work for which he is physically unsuited."

*Germany.* — Here the ration allowance of men engaged on work appeared at first to be sufficient, as they received from 400 to 600 grammes of meat per week over and above the civilian ration.

But from 1942 onwards, the Berlin delegation noted that PW were given only a part of the extra rations allowed to civilians engaged on similar work. In their visits to camps throughout the duration of the war, the delegates established the fact that prisoners engaged on heavy manual work often had less than the regulation amount of extra rations. During the latter days of the war, so severe was the food-shortage that the basic daily ration averaged less than 1,350 calories, against 2,250 calories required to maintain normal health.

*France.* — In this country, at the same time, the food situation was also bad. The privations of PW corresponded, as in Germany, with those which in the circumstances were enforced on the civilian population. However, the rations of prisoners engaged on manual work became so clearly inadequate that the Committee had time and again to make strong protests. During the winter of 1945-1946, complaint after complaint was received. When despite the representations of its delegates, no perceptible improvement was achieved, the Committee brought the facts to the notice of the American Government, and stressed the responsibility of the United States as the capturing Power for the care of prisoners it had handed over to the French Authorities, but for whom the latter could not guarantee the standards of maintenance laid down by the Convention. The Commander-in-Chief of the American Forces then furnished the ICRC with foodstuffs taken from the stocks of the American Army in France for issue to prisoners by the Committee and the American Red Cross.

It must in all fairness be admitted that the French administration made efforts on its own account to remedy this state of affairs. In April 1946, after a member of the French Government had personally inspected a certain number of labour camps, the French Press could say: "From now on every German soldier is provided with a ration card entitling him to the same ration as allowed to a French worker on equivalent work. It follows that lumbermen are now classed as heavy manual workers, and miners receive 650 grammes of bread, wine, and extra fats".

Unfortunately, the orders of the French Government were not heeded in every district. The Committee's delegate in Paris noted that at Detachment No. 62 at Ste. Menehould, even with the extra rations supplied by the Red Cross, the food ration of prisoners engaged on work averaged about 1,400 calories only. In the Ardèche, the food controller of the Department refused PW the extra ration cards to which the ministerial order entitled them. A strong protest on the part of the delegate in Paris addressed to the "Direction Générale des Prisonniers de Guerre" had to be made before these regulations were observed.

*Great Britain.* — Prisoners had ample rations. During their camp visits, the Committee's delegates were satisfied that the men engaged on work everywhere received the extra rations laid down. The Committee received no direct complaint in this regard.

*U.S.A.* — As a slight shortage of foodstuffs occurred at the beginning of 1945, prisoners' rations were cut down. In July 1945, the Committee's delegation drew up a report showing that the average caloric value of the food ration issued to prisoners did not exceed 2,481 calories, a fact which explained their complaints of inadequate feeding. Most of them were actually employed as "heavy workers", and they should have been receiving 3,400 calories, according to the scales laid down by the U.S.A. War Department. The Kentucky Farmers' Association added its pleas to those of the Committee's delegation, pointing out that badly fed workers could not do a good day's work. The American authorities thereupon raised the ration-scale for working PW to 3,400 calories and empowered camp commandants to raise the ration to 3,700 calories for men engaged on particularly heavy labour.

## (E). OTHER INTERVENTIONS BY THE ICRC

### 1. Work done by Officers

The Convention stipulates that officers and persons of equivalent status are not obliged to work, but that if they apply for it, the Detaining Power shall, as far as possible find "suitable" work for them (Art. 27, Sec. 2).

This clause was on the whole well observed, and the ICRC had only on rare occasions to intervene on this score. There were, however, a few cases of officers being compelled to work against their will; thus in Labour Detachment No. 1439 at Stalag X A, five officers and fifteen officer-cadets of the Rumanian army were forced to work, and one of the officers was shot out of hand for refusing. This incident was the subject

of a protest made by the Berlin delegation of the ICRC to the Foreign Office.

A certain number of German officers were employed in Great Britain and the U.S.A. They received, in addition to their army pay, the rates paid to private soldiers on the same work. In Germany also, a few officers were engaged on work, but for most of the time without any wages other than their army pay.

If officers are permitted to get "suitable" work, they also have the option to give it up at will. The Committee's delegates observed both in Germany and in the U.S.A. that this right was respected. Certain difficulties, however, arose in connection with work done by German officers held by the American forces in France. These officers, from the Vincennes and Versailles camps, had signed a three-months agreement to work. This period was extended without their consent, but at the end of a year, through the good offices of the Delegation in Paris, they were allowed to cease work and return to their camp. A similar case occurred at the Foucarville camp, near Cherbourg, where thirty-two German officers signed an undertaking to work with the American authorities in return for a promise that when their task was completed, they would be repatriated. However, when their work came to an end, they were handed to the British authorities, who did not consider themselves bound by the above promise. In the meantime, those officers of the Foucarville camp who had refused to work were repatriated. The ICRC intervened with the British and American authorities to bring about a reasonable settlement.

## **2. Work done by NCOs**

According to the Convention (Art. 27, par. 3), "Non-commissioned officers who are prisoners of war may be compelled to undertake only supervisory work, unless they expressly request remunerative occupation".

This provision was not always respected. In Germany, Polish and Yugoslav NCOs were put to work, whilst British and American NCOs were exempt. It seemed at first that

French NCOs were also to be exempted. At Heuberg camp, near Stettin, the German authorities themselves explained the terms of the Convention on this point to the French prisoners, who had not previously been aware of their rights. Subsequently, however, following an agreement between the Germans and the Scapini Mission, French NCOs were obliged to work. In his reply to the representations made by the Berlin delegation, the Foreign Office stood upon an appeal made by the German General Staff, which urged German NCO prisoners of war to consent to work. In the U.S.A., twenty-six thousand NCOs, whose identity papers had been taken away from them in England, were obliged to work. Intervention made by the ICRC in their behalf was without avail, the men's papers having gone astray. In contrast to this, in a case similar to that of the officers at the Vincennes camp mentioned above, the Committee's delegate in Paris induced the authorities to allow the German NCOs freedom to refuse to renew an engagement to work that they had made with the American authorities.

### **3. Insurance of Prisoners against accidents at work**

Art. 27, Sec. 4, of the Convention stipulates: "During the whole period of captivity, belligerents are required to admit prisoners of war who are victims of accidents at work to the benefits of provisions applicable to workmen of the same category under the legislation of the detaining Power..."

The ICRC was asked whether this insurance covered cases of sickness contracted during work. The reply was that, according to the minutes of the Diplomatic Conference at Geneva in 1929, this provision only covered accidents properly so-called. In the opinion of the Committee, if the industrial insurance scheme of the Detaining Power included certain illnesses under the heading of accidents at work, PW should be given the benefit of these provisions.

Frequent inquiries were received by the ICRC upon the duration of the liability mentioned in Sec. 4. It was asked whether this liability terminated with the release of the prisoner, whether the text ruled out the payment of a lump sum to the

claimant or to those deriving title from him, and whether it ruled out the payment of a pension even after release. The Paymaster-General of the French Army in North Africa put some especially pertinent queries on this subject. In the case of an accident met with in camp or in the employ of a private person, will repatriated PW not be eligible for military disablement pensions paid by their home country? The disablement having occurred in the service of nationals of the capturing Power, should the case not be settled by mutual adjustment of account between both States? If, after release, the disabled man does not return to his own country, will that country pay him a disablement pension? If not, will he have a right to legal redress against the former employer or the capturing Power?

In reply to these queries the Committee stated that two interpretations had been placed upon the first clause of Sec. 4, one taking a broad view, according to which, conditional upon reciprocity, the liability of the capturing Power for payment of disablement allowances to PW injured at work does not cease with their release and repatriation. The other interpretation was literal and to the contrary. The Committee, for its own part, favoured the broad interpretation, but added that as its opinion had no power of implementation, this was a matter for specific agreements between the States concerned.

The ICRC is anxious to find a practical solution to this problem, in its attention now being given to the revision of the Conventions.

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## **VI. External Relations of Prisoners of War**

### **(A). COMPLAINTS MADE BY PRISONERS**

Article 42 of the Convention explicitly recognizes the right of PW to bring to the notice of the authorities of the Detaining Power complaints or petitions as to the conditions of their captivity. These complaints must be given priority of transmission. Even when they are found to be unwarranted, they shall not give rise to any punishment.

Although the ICRC is not explicitly mentioned as a body to which PW may address their complaints, it is, according to the spirit of the Convention, undoubtedly meant to be placed, in this respect, on the same footing as the Protecting Powers, in view of the great part it has played in the safeguarding of the men's interests.

As a matter of fact, the ICRC received large numbers of complaints and petitions from PW. They were conveyed to the Committee by post or through the camp leaders, who, as may be seen below, were able to talk with the delegates visiting their camps. Complaints were also passed on by next of kin, as a result of information received in prisoners' letters home. These letters from relatives came either direct to Geneva, or through their National Red Cross Society, or some other organization in their own country.

We shall here only examine the general methods of dealing with complaints addressed to the Committee, the subject matter having been dealt with in the preceding chapters on the treatment of PW and their conditions of captivity.

The right of prisoners to communicate freely with the Committee was on occasion contested by certain belligerents ; this was the subject of strong protests on the part of the Committee, which also had to take measures to ensure that complaints were not held back or delayed.

On receiving a complaint, the ICRC sought the most appropriate means in its power to put right the matter complained of, first verifying as far as possible the genuine foundation of the grievance. In this connection, the position of the Committee differs essentially from that of a Protecting Power. In virtue of its mandate from the State whose interests it had to safeguard, the Protecting Power usually limited its action to communicating to that State such complaints as it received, and was apparently specifically instructed to take no other course. The belligerent State, if it thought fit, would then instruct the Protecting Power to make representations on its behalf to the Detaining Power. The Committee, on the other hand, was completely free to take any action which it might deem suitable, and by whatever means seemed best.

The Committee was more concerned with finding some practical remedy for the deficiencies complained of than with bringing them to the notice of the government of the PW's own country, as there was always a possible risk of provoking reprisals. In some cases, it made immediate representations, usually to the person or officials of the Detaining Power directly concerned, but sometimes also to higher authority. In other cases it instructed its delegates to take appropriate steps on the spot to bring about an improvement. These constant daily efforts, though often never heard of, are probably among the most useful services that the Committee was able to render to PW.

#### (B). RELATIONS OF THE ICRC WITH CAMP LEADERS <sup>1</sup>

During the Franco-German war of 1870, the Prisoners of War Agency set up at Basle under the auspices of the ICRC

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<sup>1</sup> Also called : men of confidence, PW representatives, or spokesmen.



had already suggested to the military authorities of the two countries that in each PW camp one of the men should be appointed as a "man of confidence", to be responsible for the distribution of relief.

But it was during the 1914-1918 war that the institution of camp leaders became a reality. In the early months of the war, mutual aid societies were formed in some of the French PW camps in Germany, for the benefit of men not in receipt of parcels. This was done with the approval of the camp commandants. Following on a suggestion made by the French Red Cross that this practice should be extended, the German Government, in July 1915, authorized the formation of a mutual aid society and a relief fund in each camp. At the same time, the Committee wrote to camp commandants and took up the idea of "men of confidence" being chosen from amongst the prisoners, in order to receive and distribute relief. This soon became the practice in most of the camps, and the term "man of confidence" gained currency.

The bilateral agreements made between the belligerents in the first World War to define certain issues of the treatment of PW, provide for the setting up of a Relief Committee in each camp or labour detachment consisting of more than one hundred men of the same nationality; this Committee was to be chosen freely by the prisoners from among themselves, and furthermore, in each detachment of more than ten men a freely elected "man of confidence", or leader was to be appointed, to act as correspondent with the relief committee established in the main camp.

The 1929 Convention developed and gave sanction to these previously established practices. Art. 43 and 44 make PW representatives (camp leaders) responsible for receiving and distributing collective consignments, a step recommended by past experience, and also assign them the task of dealing on behalf of their fellow-prisoners with the detaining Authorities and the Protecting Power. In camps for officers and those of equivalent status, the senior officer by age and rank is recognized as the intermediary between the authorities and the PW.

These provisions were widely applied during the second World War. With very few exceptions, spokesmen were appointed in all camps. In the transit camps in Great Britain, the strength

and composition of which was constantly changing, there were no such representatives, but the Committee's delegation in this country was kept informed of the men's needs by the commandants. In Japan, which was not a signatory to the Convention, the camp commandants appointed the representatives without reference to the PW themselves.

The most important work done by camp leaders was in the help given to prisoners. The Committee received able and devoted co-operation from these liaison agents, responsible for receiving and issuing to PW of the same nationality the standard parcels and the collective supplies sent to them from their own countries through Geneva. The number of letters passing between the camp leaders and the Committee ran into several hundreds a day. This correspondence did much to help on the work of the Relief Division. The camp leader was responsible for ensuring the issue of supplies precisely according to the wishes of the donors, and for rendering an account to Geneva, supported by documents such as detailed receipts, issue vouchers etc. Besides these general duties, they had many other tasks : forwarding of petitions and complaints, making of enquiries, and collecting of information. The Committee frequently sent questionnaires to camp leaders, asking the names of men who seemed to be without friends or relatives and to find out what they needed. The camp leaders also did useful work in connection with the supply of books for the camp libraries. In order to deal with these constantly increasing duties, they recruited numbers of assistants and clerical workers from among their fellow-prisoners.

Throughout the war years, the Committee was able to appreciate how hard these men must have worked, and with what devotion and human understanding they applied themselves to the task of maintaining a regular flow and issue of relief supplies to PW.

The duties of camp leaders were also useful in other important connections ; for instance, they gave valuable assistance to the Committee in making up lists of PW. As an example, the American and British camp leaders sent to Geneva almost every week nominal lists of arrivals and departures of PW at each

camp, together with a monthly census. This information enabled the lists supplied by the official bureaux of the Detaining Power to be checked and completed. Towards the end of the war, camp leaders responded to a request from the Committee by sending to Geneva lists of PW who were totally or partially unfit for work, because of physical or mental disability. These details were most valuable to the relief agencies of their own countries.

PW quickly got used to the idea of going to their camp leader for information or advice, for the forwarding of grievances, or for assistance in their dealings with the authorities of the Detaining Power or their own country, through the intermediary of the Protecting Power or the Committee. Thus in each camp the leader became a centre of information, always on hand to give help or counsel, to mediate where he thought some useful purpose would be served, and to deal with the PWs' many and various worries. It was to the camp leader that prisoners turned for assistance in matters of supplementary allowances, allotment of pay to relatives, mail, transfer or release.

The calls made upon the camp leader grew more numerous and varied ; he arranged for the supply of newspapers, helped in getting up orchestras, amateur theatricals and exhibitions ; he looked after the general well-being of his comrades and devised every possible means of making their captivity less irksome. In many cases, too, the camp leader acted as a spiritual counsellor to whom the men took their personal anxieties and troubles. Thanks to his experience and his influence with the PW, he was able to make a judicious selection of complaints addressed to him, dismissing those which had no foundation. His office sometimes became a social service centre for prisoners' petitions and requests, both individual and collective. He helped in getting pensions awarded, and even organized collections for destitute wives and children of PW. When a PW died, it was the camp leader who wrote to the bereaved family and expressed the sympathies of his comrades. And it was the camp leader who saw to the tending of the grave.

In order to convey information of general interest, the camp leader posted notices on the camp notice-boards. The periodical production of camp magazines, written by the men themselves

—a venture which achieved considerable success—provided him with a useful vehicle for giving information and advice.

All these activities of the camp leaders kept them in close and constant touch with the ICRC. In addition to the routine co-operation mentioned above, which was principally concerned with the distribution of relief, camp leaders wrote to the Committee on countless individual matters. Every day their letters arrived at Geneva. A prisoner had not heard from his family, who had been evacuated; another asked for a copy of an official document which had been lost; a third wished to forward his will to the authorities of his own country, or a certificate of marriage by proxy, or a commercial document; yet another gave details of the death of a comrade.

Although as a rule camp leaders were able to correspond with the Committee without hindrance, it was on occasion necessary to urge upon the detaining Authorities that their mail should not be kept back or delayed. In many cases officials of the belligerents gave this class of correspondence priority of censorship, or simplified its procedure.

The Committee's delegates stationed in the various belligerent countries and making periodical visits to PW camps, came in regular personal contact with the camp leaders. At each visit, in talks very often without witnesses, the delegates noted their complaints and petitions, as well as many details of considerable importance concerning their conditions of captivity.

In the hospitals or infirmaries the delegates also made personal contact with the senior medical officer, who was detained in order to give medical attention to men of his own nationality, and who, in matters of health and hygiene, held a position to some extent comparable with that of the camp leader.

The Committee was sometimes confronted with the problem of camp leaders in officers' camps. It is not clear from Article 43 of the Convention if the appointment of the senior officer by age and rank (par. 4) takes the place of the election of a camp leader (par. 1), or if, on the contrary, there should be these two representatives at the same time. The respective functions of these two kinds of representatives are similar, but not identical. The camp leader's function is in fact to "represent the prisoners

before the military authorities and the Protecting Powers", whilst the senior officer is "recognized as the intermediary between the camp authorities and the officers".

The documents preliminary to the PW Convention seem to show that it was not intended that there should be in officers' camps both a camp leader and a representative in the person of the senior officer by age and rank. It was no doubt thought that the functions of the latter would include those of camp leader. On the other hand, the practice adopted in various countries during the second World War shows that this course was usually followed, though this was not invariable.

However, as the receipt, checking and issue of relief supplies is a task which might well appear too arduous for a single officer, who by definition is one of the oldest in the camp, the appointment of a representative, in addition to the camp senior, may appear useful.

The Committee, when consulted on this point, recommended that a practical solution should be sought, to answer the requirements of each case. It suggested that if the majority of officers felt that, for special reasons, the appointment of a camp leader in addition to the senior officer by age and rank was desirable, they could submit their proposed appointment of such a representative, or at least his name, for the approval of the camp authorities, in accordance with Art. 43, Sec. 2.

In April 1944, anxious to collect all documentary evidence that might be useful for the revision of the Conventions, the Committee sent to many camp leaders a questionnaire on their status and activities in the country where they were held. Their replies, many of them going into great detail, provided the Committee with valuable material for study.

#### (C). CORRESPONDENCE <sup>1</sup>

Freedom of correspondence, a vital means of solace to prisoners, is one of the basic principles of the Convention (Art. 35

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<sup>1</sup> For information relative to the despatch of relief parcels from prisoners' own countries, see Vol. III.

to 41). Almost all the belligerents respected this principle during the last war. Though the Powers generally gave evidence of their intention faithfully to apply the Convention, the conveyance and distribution of mail to PW was a matter of considerable difficulty, arising chiefly from the volume of postal traffic and the lack of transport facilities.

During the first few months of the war, the Committee seldom had occasion to take action in regard to prisoners' postal services, which were operating normally. The large-scale military operations of the spring of 1940, which resulted in over two million combatants being taken prisoner by the Axis Powers within a few weeks, brought about a radical change. The postal and censorship services were overwhelmed with letters from newly-captured prisoners, and in June 1940 the Reich had temporarily to suspend all communications between PW and their own countries, whilst Italy subjected them to severe restrictions. The Committee used its influence to have this decision reversed as soon as circumstances allowed, i.e. at the end of August 1940, and made special efforts to ensure that every PW should be enabled to send a card, known as "Capture Card", to his relatives, as laid down by Art. 36 of the Convention. However, the number of combatants captured up to that time, and the number taken in the ensuing operations on all fronts reached such proportions, that it was no longer possible to object to some measure of restriction. The belligerents tried to limit both the number of letters sent and the number of letters received by PW. In face of the difficulties of applying this measure, they soon fell back on the expedient of limiting the number of communications sent by the men. In addition, most States introduced stereotyped letters and postcards, with a limited number of lines; this system remained in force throughout the war. Certain belligerents, Germany amongst them, took the further step of instituting stereotyped forms of reply, which deprived next of kin of their freedom of communication, and thus constituted a breach of the Convention. The Committee raised no objection to the use of ordinary stereotyped communications, except that in May 1943, it asked the German Government to allow such forms to be issued without charge. On the other hand,

it was successful in its efforts to abolish the stereotyped reply, and to ensure that prisoners were permitted to send a reasonable monthly quota of letters and postcards.

In December 1940 the Committee was able to record that its efforts had not been in vain, as most of the belligerents had adopted a minimum of two letters and four postcards a month for each PW. These figures remained unchanged till the end of the war.

The Soviet Union, which was not a party to the 1929 Convention, did not allow any regular correspondence between its prisoners and their own country. Some exchanges of correspondence did take place from time to time via Turkey. Details of the efforts made by the Committee in this connection are given in a later chapter on the war in Eastern Europe.

The question of correspondence between China and the Western Allies on the one hand and Japan on the other, created very complex problems. Postal facilities for PW between China and Japan hardly existed. In the case of communication between Japan and the West conditions were not quite so bad, but the vast distances involved, the unreliability of the postal services, and the unhelpful attitude of the Japanese authorities made postal communications infrequent. The Committee had approached the Japanese government on the subject in the first days of the war, but it was soon convinced of the impossibility of establishing any regular postal service, and therefore set up a telegraphic message service. This also is more fully discussed in the chapter concerning war in the Far East.

Besides these questions of a general kind, the Committee and its delegations had also to deal with many special cases, some of which were of concern to quite large groups of people.

In October 1943, the Committee was informed that many Yugoslav prisoners in German hands were being refused the right to correspond with their relatives living in territories annexed by Hungary and Italy. Representations made to the German Government enabled this matter to be put right. At the same time, the Committee succeeded in obtaining a considerable improvement in the régime of PW held in Germany, Italy, and

Great Britain ; these men were henceforth permitted to write to persons living elsewhere than in the prisoners' own country ; they were also permitted to write to their near relatives (father, son or brother) who were PW.

In July 1942, the German Government considered that the volume of correspondence of German PW in the British Commonwealth, especially in Australia, was too small, and decided to reduce the correspondence quota of British PW to a ratio based on the number of letters received from German PW held in the Commonwealth. It was to be feared that this measure of retaliation would in turn lead to reprisals. The Committee tried to bring about a settlement of this dispute, and in the autumn of the same year obtained the assurance that regular communications would be restored.

Among the steps taken by the ICRC, mention must be made of the representations to all belligerents to establish their recognition of the right of camp leaders to correspond freely with the Committee. Finally, the transport of mails undertaken by the delegates in the course of their travels should be referred to, and in particular those in December 1944 and February 1945 between Lisbon and the Channel Islands, which had been cut off by military operations.

Although the Committee was principally concerned with safeguarding the right of PW to correspond with their relatives, it did not lose sight of the equally important problem of the quick transmission of such mail.

Ceaseless complaints were received at Geneva regarding the slowness of postal services. The causes must be sought in the disorganization and inadequacy of transport and the strain placed upon the censorship. In the light of its past experience, the Committee made several approaches to governments, with practical suggestions for improving postal communications. In January 1941, for instance, a postal service was established between Chiasso and Port Said for the conveyance of PW mail from the Near East. This was due to the initiative of the Committee and involved long negotiations. Again, it was the Committee that suggested to the German Government the setting-up of a Stuttgart-Lisbon air service in November 1942.



This was followed, as a matter of course, by the corresponding service between Lisbon and London.

Another means used by the Committee to secure quicker transmission of news was the devising of printed forms, known as the Express Message Service, and the institution of a telegraph and radio message service ; these latter were chiefly intended to meet the lack of transport between the Far East and the West. Mention must also be made of the " Red Cross Message ", instituted in 1943, which was of great value in enabling German PW to get in touch with relatives who had been displaced as a result of the war. A detailed description of these systems for exchange of news, in charge of the Central PW Agency, will be found in Vol. II.

Censorship delays were also frequently taken up by the Committee. It persistently urged that the duplication of censorship precautions within the same country should be abolished, and likewise additional scrutiny in countries of transit. In some cases its efforts in this direction were rewarded with satisfactory results.

The carrying of mails is primarily the business of the postal authorities, over which the Committee's influence is of necessity limited ; the latter's duties therefore had to consist principally in seeing that the Convention was respected, and in making recommendations and suggestions.

The Committee, however, went beyond this, and in agreement with the Governments of the States at war did much on its own initiative to smooth out and increase the rate of transmission of PW mail. It even went the length of itself undertaking the conveyance of mail, as will be seen in the chapter of this Report dealing with communications in general.

It was due to the genuine desire of most of the belligerents to give effect to the terms of the Convention relating to PW mail, and to their helpful attitude towards suggestions and practical measures that the Committee was able to render valuable service in this field.

## **VII. Assistance to Prisoners of War under Prosecution**

### **(A). GENERAL REMARKS**

When the Regulations concerning the laws and usages of war annexed to the Fourth Hague Convention of 1907 were drafted, no specific clauses were included providing assistance for PW under prosecution. This instrument simply set forth in Art. 8 the principle that "prisoners of war shall be subject to the laws, regulations and orders in force in the army of the State in whose power they are." Legal assistance is, however, a vital necessity for PW liable to penalties, and even to the death sentence, under enemy jurisdiction.

During the first World War, an agreement was signed by the belligerents France and Germany, at Berne on August 30, 1916, and laid stress on the need to make good this omission. The agreement was purely conservative, and provided that as from September 1, 1916, the execution of sentences passed against PW during captivity by military tribunals in France or Germany should be suspended until the conclusion of peace.

In 1929, the Diplomatic Conference convened at Geneva, which had the task of codifying the statute of PW, thought it necessary to draft regulations which, in case of need, would have the effect of making the penal laws of a country as applied to incidents of war more humane, and which would ensure respect for those rules. Such was the aim of Arts. 60 to 67 of the Convention.

These provisions established the right for PW to choose counsel and nominate an interpreter ; they lay down for the benefit of

PW and in accordance with the principles of the Hague Regulations, the same rules of judicial competence, procedure and appeals as for members of the forces of the Detaining Power. The supervision of these stipulations as a whole rests entirely with the Protecting Power, which must be given due notice of the judicial proceedings, in order that it may follow the case, unless exceptional circumstances oblige them to be held *in camera*, in the interests of the security of the State.

A sentence of death may not be carried out before the expiry of a period of at least three months after notification of the sentence to the Power in whose armed forces the prisoner served. The notification is made through the intermediary of the Protecting Power.

Although the duty of the Protecting Power is to guarantee legal assistance to PW, it acts in these circumstances as the mandatary of the Power in whose armed forces the PW served, and which is, ultimately, responsible for the protection of the members of its own forces. Since a state of war prevents it from taking action through its own diplomatic agents, it has recourse to a neutral Power to act on its behalf. These duties do not, as a rule, fall to the ICRC, unless the Committee considers that action should be taken in case of a failure to observe treaty stipulations.

The events of the second World War, however, involved the Committee far more directly in the question of legal assistance for PW than had formerly been the case.

So long as the interests of the belligerent Powers could be effectively safeguarded by a Protecting Power, the ICRC was satisfied with keeping to the text of the Convention and its own principles. In all cases, however, of PW being without any Protecting Power, the Committee, in accordance with its custom, did its utmost to make up for the deficiency.

#### (B). ACTION IN BEHALF OF ALLIED PRISONERS

The stand taken up by Germany towards the countries she occupied during the first phase of the war, had the effect of depriving many PW of the help of any Protecting Power. Whilst

some (for instance, Yugoslavs, Poles and Greeks) were entirely without assistance, others (such as French and Belgian PW), had the protection of missions directed by their fellow-countrymen and which were able, at least for a certain period, to assume the functions of a Protecting Power in their behalf.

*Yugoslav PW in Germany.* — The ICRC instructed its Berlin delegation in 1942 to take the necessary steps for these men to be given legal assistance. The German Government at first replied that this measure could only apply to Serbian PW, as they considered the Croats to be solely under the jurisdiction of the new Croat Government set up in Zagreb. Moreover, the German authorities appeared willing to allow the ICRC only to appoint counsel, and declined to permit the charges in the case and the hearing to be subject to any check by Geneva. These conditions were all the more unsatisfactory, since the Red Cross in Belgrade insisted upon more comprehensive guarantees, and placed at the disposal of the Committee the sum of two and a half million dinars (about 125,000 marks) to cover counsel's fees. It was necessary at least to be able to verify the main lines of the proceedings. The German Government was again approached, and after several months' hesitation, stated that they were willing to accept the proposals made by the ICRC in May 1943. These provided for a circular letter, duly approved by the German High Command, to be sent to all camp leaders, asking them to inform the Committee's delegation of the names of PW under judicial prosecution who required legal assistance. Counsel, chosen by the delegation from a list supplied by the Ministry of Foreign Affairs (under the procedure laid down in Art. 62 of the Convention) would report on his work and supply a summary of the hearings in the case; his fees would be paid by the delegation. After several months discussion, the delegation was able to get an assurance, in February 1944, that it would be informed by the Ministry of Foreign Affairs of any judicial proceedings undertaken against Serbian PW, in all cases where the penalty exceeded four years solitary confinement, and of any proceedings against general officers. When the circular letter to camp leaders was being drafted, the German High Command deleted

the reference to general officers, so that finally the ICRC was only entitled to assist PW of all ranks who were liable to the above penalty.

Thus, it was not until after fifteen months of laborious negotiation that the Berlin delegation was, in May 1944, in a position to take practical steps to provide legal assistance to Yugoslav PW who were without any Protecting Power. Sentences passed on seventeen of these men by the German courts were communicated by the ICRC to the delegation of the Yugoslav Red Cross in Geneva.

*Yugoslav and Greek PW in Italy.* — In June 1942, the delegation in Rome reported that these men had no Protecting Power, and suggested steps to enable them to be given legal aid. The Italian authorities were also approached on the question. In May 1943, the Rome delegation reported that the Italian Government was in principle disposed to allow the ICRC to take certain measures to assist these PW. The delegation could visit the men and choose an advocate for them, provided that the Committee acted in its own name, and not as the authorized agent of any government ; furthermore, they had to abstain from the transmission of information to any other persons. The Italian authorities also stated that consideration would be given only to single cases brought forward by the delegation.

Only one PW, however, was able to benefit from the assistance of the ICRC, since negotiations with the Italian authorities by the delegation in favour of Greek and Yugoslav PW were brought to an end by the armistice of September 1943.

*Polish PW in Germany.* — Negotiations of the ICRC with the German authorities led to no result. In October 1943, the Berlin delegation was, however, successful in getting the concession of regular legal proceedings for a Polish PW who had been sentenced to four months' imprisonment for alleged false testimony.

Towards the end of 1944, when the German Government seemed more favourably disposed, the Committee again approached the Ministry for Foreign Affairs in Berlin concerning

the question of legal aid for Polish PW ; later events however prevented these discussions from being concluded.

*French PW in Germany.* — These were, from June 1940 onwards, placed under the protection of the “ Diplomatic Service for Prisoners of War ”, a French Commission at the head of which was the ambassador Scapini, and which assumed the functions of a Protecting Power in their behalf.

The Scapini Mission, during its period of operation, was responsible for legal assistance to French PW in Germany. The ICRC, however, also intervened on humanitarian grounds whenever it had the opportunity. Thus, having been informed in April 1942 by a letter from the Office for PW at Lyons that French prisoners confined at Graudenz had not been allowed to be visited by the Scapini Mission, the Committee instructed its delegate in Berlin to make an enquiry. This established that most of these men had been sentenced for infringement of the German law forbidding relations between PW and German women. Considering that this law, which could not by definition be applicable to German servicemen, involved excessive penalties, the ICRC asked that the PW might be visited. Following this intervention, the prison at Graudenz was first visited by officers of the German General Staff, which led to initial improvements of the men's living conditions ; later on, members of the Scapini Mission were allowed to visit them regularly.

After the Allied landings in France, the Scapini Mission had to discontinue its work, and French PW were thus deprived of protection, although they still remained in German hands for an indefinite period.

On September 12, 1944, the ICRC proposed to the French Provisional Government that it should start negotiations to extend the Committee's field of activities in Germany to cover French PW. To bring discussions to a satisfactory conclusion, the Committee wished to receive an assurance that it might continue to exercise similar activities in favour of German PW in French hands. As no neutral Power was apparently to be called upon to protect French interests in Germany, the Com-

mittee judged it to be in accordance with its humanitarian purpose to assume certain tasks usually performed by the Protecting Power, in particular those concerning legal assistance. It proposed to visit PW under prosecution, to make sure that they had counsel, and to communicate notifications of proceedings and judgments.

On October 2, 1944, the French Government accepted these proposals and formally agreed that the ICRC should take similar action in behalf of all German PW in the hands of the French forces ; they reserved the right, however, to call upon a Protecting Power at a later date.

This reply was conveyed to the German Government, which would have preferred to have another French diplomatic mission. The question was submitted to camp leaders from the Berlin region, who were assembled for this purpose, and their opposition to the German proposal enabled the ICRC to press the German Government to agree to the Committee's suggestion, especially as the French Government set up in Paris stated that they would no longer inform Geneva of proceedings brought against German PW unless they obtained reciprocity for French PW in similar circumstances. The German Government would still, however, only consider the appointment of a French diplomatic mission, and the negotiations started by the ICRC to obtain legal aid for French PW in Germany were patiently continued for a year, without any result, although a settlement seemed likely at the moment of the German capitulation on May 7, 1945.

The fact remains, however, that the interventions of the Committee were of benefit to French PW in Germany. They led to the period of preventive detention being deducted from the sentences ; they further prevented the quashing of judgments with a view to severer sentences after a fresh trial for the same offences. Mention should be made of the Committee's steps in behalf of French PW sentenced to death. In these cases the ICRC firmly maintained that the three months' interval provided by Art. 66 had not been observed, so long as the sentence had not been communicated to the French authorities in Paris.

*Belgian PW in Germany.* — These men were protected by the United States, until the latter entered the war at the end of 1941. From this date, the ICRC made every effort for more frequent visits to these PW who were deprived of a Protecting Power. After several months' discussion between the German and Belgian authorities, the "Delegation of the Liaison Service for Belgian PW", under the direction of Count T'Serclaes, was set up. Like the Scapini Mission, it was given the functions of a Protecting Power. This Delegation was in contact with the ICRC for the exchange of information.

The German authorities began to limit the activities of the T'Serclaes mission in 1943, and it was finally dissolved in June 1944.

In October 1944, the ICRC suggested to the Belgian Government that it should approach the German authorities for permission to act in the place of the T'Serclaes Mission. Towards the end of the year, the Belgian Government gave an affirmative reply and requested the Committee to ask Belgian camp leaders to draw upon their camp benefit funds for the sums required to pay the fees of the German advocates chosen for the defence, these sums to be ultimately refunded in Belgium.

At the same time, the Ministry of Foreign Affairs in Berlin gave the delegation of the ICRC verbal authority to deal with all cases of legal assistance to Belgian PW.

A circular letter giving the substance of these negotiations was then sent to all Belgian camp leaders. These men, who had always played a more active part in the legal assistance of their comrades than camp leaders of other nationalities, had in fact made a spontaneous appeal to the ICRC immediately the T'Serclaes Mission ceased its work. The delegation in Belgium took over the files of the Liaison Service for PW, which were sent on to Geneva for ultimate despatch to the departments concerned in Brussels.

### (C). ACTION IN BEHALF OF AXIS PRISONERS

*German and Italian PW in North Africa.* — After the end of the campaigns in Libya and Tunisia, those men, who were held



by the forces of the British Commonwealth and the United States, were under the protection of Switzerland from the autumn of 1943. Those who were in French hands, however, found themselves without any Protecting Power. The French National Liberation Committee had asked Spain, which until the armistice of June 1940 had been in charge of German and Italian interests in France and French territories, to assume once more the functions of Protecting Power for German and Italian PW, but this proposal was subject to the approval by Germany and Italy of a Protecting Power for French PW held by these States. When approached by the Spanish authorities on this matter, the German Government refused their consent, and no reply was received from the Italian Government.

The French authorities continued none the less to pass on to the Spanish Consuls the documents concerning prosecutions and sentences relating to German and Italian PW in North Africa ; copies of these documents were also sent to the ICRC.

In November 1943, the German authorities requested the ICRC to take charge of legal assistance to German PW held by the French Forces in North Africa. This was the first instance of the Committee receiving such a request from a Government. It was accepted, on humanitarian grounds, and in view of the fact that these PW had no Protecting Power ; at the same time, the Committee stressed that it could not assume any official mandate and remained sole judge of its own actions. Later, the German Government made renewed appeals to the ICRC and sought their intervention in special cases.

The Committee gave effect to these appeals, having obtained authority, by December 1943, to visit PW held in prison. On cases being notified, it took steps with military tribunals, Government representatives and with advocates, to obtain the application of Arts. 60 to 67 of the Convention. The French authorities in such cases showed the greatest understanding.

In February 1944, the Spanish Consul in Algiers informed the delegation there that he would in future hand over to them all original documents transmitted by the French authorities, the German Government having notified the Spanish Government that they had " commissioned the ICRC to take the place of the

Protecting Power ". Although this expression gave rise to some comment, the French authorities, when approached by the delegate, raised no objection. Until then, the communications handed to the delegation consisted of copies of documents sent out by the Commissariat for War and intended for the Commissariat for Foreign Affairs ; the documents were marked " For transmission to the Protecting Power, in accordance with Art. 60 of the Convention ". Henceforth, either of the Commissariats, when corresponding direct with the delegation of the ICRC, used the following formula : " In the absence of a Protecting Power for German (or Italian) interests and in accordance with Art. 60 of the Convention..."

The delegation of the ICRC in Algiers was thus, from the spring of 1944, kept regularly informed of prosecutions of German or Italian PW, and of the sentences given in these cases. It was therefore in a position to intervene in their behalf ; the delegates could visit the men concerned, to verify if their treatment accorded with the Convention and to give them relief and moral support. They chose counsel for the defence, were present at the hearings of these cases and reported to the French authorities any situation which appeared to be unusual.

The ICRC conveyed to the German or Italian Governments regularly the information received on this subject and it continued to do so after the armistice in 1945. The Committee thus investigated the cases of 150 German PW, and more than 300 names of PW under prosecution or sentenced were communicated by it to the Italian Government.

The field of action of the Committee as substitute for the Protecting Power was considerably widened by the capitulation of the German armed forces. It was possible to extend the work of missions of the ICRC in North Africa, which had more effective results than similar efforts in Germany.

In May 1945, an approach was made to the United States authorities, and in the following month they authorized the delegation of the ICRC to visit PW under prosecution in American territory. The delegates were not notified of the prosecutions, but they were allowed to be present at the hearings and after the sentence had been passed, received a summary

report of the case. Counsel for defence was either officially appointed, or chosen by the prisoner and if he so desired, assisted by an interpreter.

The Greek Government, in their circular letter of July 7, 1945, instructed public prosecutors and judges to "communicate to the delegation of the ICRC in Greece all information concerning former Italian and German military personnel under prosecution in the courts, to apply strictly all clauses of the law relating to the choice of an advocate and to procedure which, under Art. 69 of the law, shall be that applicable to personnel belonging to the Greek armed forces", and to convey the sentence passed "to the Protecting Power, in this instance, the delegation of the ICRC in Greece".

In order to widen the scope of the results thus obtained, the Committee reminded the delegates in a circular letter dated July 30, 1945, that the war having come to an end, the Protecting Powers no longer bore the responsibility of the functions vested in them by the Convention. As the Committee was obliged to extend its activities, to meet any worsening in the situation of PW, it was necessary to get authority from the Detaining Powers to carry out their new duties, in particular with regard to legal assistance. Two cases in point had to be distinguished : (a) PW under prosecution for offences committed during captivity, and (b) PW under prosecution for offences committed before capture. The last-named were especially in need of legal aid, since some Detaining Powers had shown a tendency either no longer to classify them as PW, or to release them as military personnel, in order to arrest them again as civilians.

Without in any way taking a definite stand concerning the question of "war crimes" in general, the ICRC was obliged to define its attitude concerning PW under prosecution, within the framework of the Conventions. This it did in the following Memorandum, dated October 14, 1946 :

At the present time, the Allied authorities hold in camps and prisons a great number of PW who are detained for security reasons, or under suspicion of offences or crimes.

Some Detaining Powers have given delegates of the ICRC occasional or standing authority to visit the places of detention of these men.

During their visits, the delegates have been able to establish that the treatment given to this category of detainees varies to a great extent, and that PW as a general rule do not benefit by the application of the PW Convention of July 27, 1929, either because the status of PW is denied them, thus depriving them of treaty protection, or because they are at first released and then arrested once more as civilians.

The ICRC considers that all military personnel in captivity who have to answer before the courts for offences or crimes must retain the benefit of PW status. In consequence, they should as far as possible, during the whole period of their detention and until they are judged, be subject to the conditions provided by the Convention, without any *a priori* discrimination in regard to the forces in which they served.

To this end, they should be allowed to have, without restriction, visits from delegates of the ICRC, and to correspond regularly with their relatives.

PW under prosecution should moreover benefit by Arts. 60 to 67 of the Convention, which should remain applicable to them, irrespective of the penal clauses under which they are prosecuted. In addition, the treatment during their preventive arrest should be not less favourable than that given to nationals of the Detaining Power in similar circumstances.

It is indeed beyond doubt that the guarantees of procedure provided by the Convention for PW under prosecution are of a general nature, and that PW should benefit by them, irrespective of the offences they are charged with, since the guilt of the accused is only presumed until judgment.

To see that the above guarantees are fulfilled is the part of the Protecting Power. In this regard, the ICRC considers that it would be regrettable if the elimination of the body serving as Protecting Power were to signify entire failure to implement the provisions embodied in the Convention for the safeguard of PW.

The ICRC cannot however assume this task without the consent of the Powers concerned, and it has not, in fact, the necessary means at its disposal to carry out the work in full. It desires nevertheless to give its support, as far as it is able to do so, to PW under prosecution, and it would therefore be grateful if the Detaining Powers would refrain from denying to PW who apply for its intervention, the opportunity of receiving that aid. Should the Detaining Powers agree, the ICRC would naturally limit its action to cases where its intervention is asked for, and which it would only investigate within the framework of the treaty stipulations, without having to express any opinion on the grounds of the charges preferred.

In countries of the British Commonwealth, the ICRC could visit PW in confinement, transmit documents for the defence,

conduct enquiries into the reasons for detention, supply attestations in favour of the PW concerned, and be present at the hearings. The Committee tried to reduce the period of preventive detention to a minimum, and obtained that sentenced PW should be repatriated, whereby those guilty of minor offences were reprieved, while the others were handed over to the courts of their own countries. In Belgium, Holland and Luxemburg, the assistance of the ICRC consisted principally of visiting the prisons.

The ICRC was particularly active in behalf of PW under prosecution in France, with regard to offences committed both before and after capture. For this purpose, the Committee set up a Legal Section at its Paris Delegation. The Section took steps to obtain improvements in prison conditions, especially at Toulouse, Bordeaux and Arras. The Committee made over to the Central Prison Administration twenty complete dental equipments, and got permission for dentists who were PW to treat the detainees in some of the prisons. It made many attempts to ensure that PW's personal funds which had been retained in the PW camps, contrary to regulations, should be transferred to the prison governor, to be placed to the men's account. It also applied to the Head Chaplain, for chaplains to visit the prisons and for the distribution of objects of devotion and books. It further helped detainees to correspond with their relatives, by making deposits with the prison governor for the use of civilians who did not benefit by free postage.

Within the scope of legal assistance proper, the ICRC through its Legal Section in Paris, whenever there was a clear case of necessity, negotiated with presidents and magistrates for the appointment of counsel, for grants of bail, releases and the dismissal of charges. It applied to the presiding judge to summon witnesses for the defence, and to camp leaders and camp commandants to raise funds to reimburse counsel's outlay incurred in the case. The Committee demanded the services of other counsel, whenever the advocate appointed appeared to be failing in his duty. It also suggested arrangements for the repatriation to Germany of discharged civilians, and for a procedure to bring PW direct before the court, in

order to reduce the period of preventive confinement to a minimum. The Committee was instrumental in having the necessary research made in Germany for documentary evidence, to be available for military courts and counsel. It watched over petitions for reprieve and their translation, and approached the President of the Republic for support in certain appeals.

The members of the Legal Section in Paris made forty-three visits to prisons, where they inspected kitchens and cells, and talked with detainees, the governors of prisons and social workers. Delegates in the provinces also visited prisons, and this step constituted an important advance in the aid given to prisoners under prosecution.

The right to visit prisons, which had been opposed by the German authorities in regard to military prisons until 1943, and in regard to civilian prisons until 1945, was permitted in North Africa by the French authorities, after having at first been refused by these authorities for France itself. Gradually, however, by invoking the general provisions of Arts. 43 and 86, Sec. 2, of the Convention, which refers to visits to PW, and thanks to the friendly relations it had built up with the French authorities, the ICRC was able to increase the number of its visits, which have since become a well-established practice. From a humanitarian point of view, this is a great step forward, if one considers the detainees' isolation and their physical privations and moral distress. It may be added that these visits have often led to better organization of legal assistance and hence to the easing, in some slight degree, of the inexorable severities of the law.

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## VIII. Reprisals against Prisoners of War

Although it is true that legal doctrine authorizes the use of reprisals in certain cases, "a grievous exception to the principles of equity by which the innocent may not suffer for the guilty" (Oxford Manual, 1880) the ICRC, for its part, has always vigorously opposed the use of reprisals against the person of war victims, and of PW in particular. This had already been the theme of its appeal of July 12, 1916, to the Governments of belligerent States <sup>1</sup>.

Despite this appeal, these practices were in fact widely extended during the first World War. The ICRC also had to make repeated efforts, in association with the Holy See and the King of Spain, in order to obtain some alleviation of the hardships endured by the men detained in "reprisal camps".

Towards the end of the first World War, in May 1918, the chief adversaries, i.e. France and Germany, had however, under the influence of the humanitarian concepts of Geneva, consented to sign an agreement on the treatment of prisoners. This laid down that henceforward, measures of reprisal should not be taken by either of the two Governments, except after one month's notice given to the Federal Political Department in Berne.

The ICRC, relying on this precedent, succeeded, after the War, in getting acceptance of the idea that the exercise of reprisals to the detriment of prisoners should be prohibited for good. The result was the text of Art. 2, Sec. 3 of the 1929

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<sup>1</sup> Cf. *Bull. int. des Soc. de la C.-R.*, July 1916, p. 266; Oct. 1916, p. 379; Jan. 1917, p. 12; April 1917, p. 146.

Convention, which provides that " measures of reprisal against prisoners are forbidden ". On the outbreak of the second World War, almost all the belligerents were formally bound by this text.

Although this provision had improved the situation to a remarkable degree in comparison with the first World War, the ICRC had to remain vigilant in order to make this step forward in human rights respected.

At every lapse or every threat which came to its knowledge, the ICRC spoke out. No less than seven official acts of intervention by the ICRC may be counted, in the form of appeals to the belligerent nations, or of notes to certain Governments, to remind them that the Powers had renounced the practice of reprisals against PW. Moreover, the ICRC and its delegates did not spare themselves in taking steps to the same end. The question is indeed one of capital importance, for a breach of the law to counter an alleged violation may lead, not to redress of the alleged wrongs, but to renewed breaches, and thus entail by degrees the destruction of the principles of human rights.

We recall briefly the circumstances in which the ICRC framed its appeals, as well as the results of its principal negotiations : the most notable of these was devoted to the case of the shackling of British prisoners in Germany, following on certain incidents of the fighting at Dieppe in 1942.

The first of these appeals coincided with the beginning of hostilities. It appeared in the covering letter of September 13, 1939, addressed to the Governments of belligerent States, transmitting a Memorandum<sup>1</sup> relating to hospital localities and safety zones, and read as follows :

" In all circumstances, even should reprisals or measures of retaliation—which might be considered as legitimate by the Government concerned—be decided on, the ICRC considers itself bound to insist, in especially urgent fashion, that such reprisals or measures of retaliation shall remain within the limits of humanitarian principles, put forward, in particular, in the Preamble to the Hague Convention of October 18, 1907."

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<sup>1</sup> See " *Revue internationale* ", Sept. 1939, p. 762.



It will be noted that the wording of this text is aimed both at reprisals and measures of retaliation (retortion). These latter, according to the customary definition of international law, have not the gravity of reprisals. Although they are severe measures, they do not in effect amount to a violation of the law. It is a different matter with reprisals, which constitute the most serious attack on the ideals of Geneva ; this is why the ICRC had to devote particular attention to them. The wording of subsequent texts mention only reprisals, and are silent on measures of retaliation, or retortion.

In its appeal of March 12, 1940<sup>1</sup> to the High Contracting Parties signatory to the Geneva Convention and the Fourth Hague Convention of 1907, an appeal whose chief purpose was the protection of civilian populations against air bombardment, the ICRC wrote thus :

“ . . . The ICRC believes, moreover, that it is of fundamental importance to lay down that no measures of reprisal (in so far as the Powers concerned hold them to be legitimate) shall be taken, at all events before the party concerned has been able to make its views known, within a time-limit to be determined, through the intermediary of the Power representing its interests with the adverse party, or by any other channel that the Powers may choose. No means shall be left untried to secure that the States at war shall not enter upon the highly dangerous method of reprisals.”

In May, 1940, a German airman had made a forced landing in the neighbourhood of Charleville and was set upon by the inhabitants. The German Government announced that for every airman put to death, fifty Allied prisoners would be shot. It persisted in this threat, following on the ill-treatment to which (according to the German account) German parachute troops were exposed when operating on Belgian, French or Dutch territory. In a note dated May 16, 1940, addressed to the ICRC, the German Consul-General in Geneva accused the Allied press of attempting to confuse the minds of its readers as to the character of parachute forces. The note stated that these men were part of the regular forces, that their uniforms

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<sup>1</sup> See “ *Revue internationale* ”, April 1940, p. 321.

were known, as the Military Attachés in Berlin had seen them at the great review of the preceding April 28; the note conveyed the threat of the German Government to have recourse to "the most severe reprisals against prisoners in their hands".

The ICRC replied that it would not fail to forward the note to the Governments concerned. Recalling the prohibition of reprisals set out by Art. 2, Sec. 3 of the 1929 Convention, and its earlier appeals on this subject, the ICRC begged the German Government not to carry out its threats. The outcome was satisfactory, as the French and British Governments at once replied that parachute troops wearing the uniform of their country would be treated as PW covered by the 1929 Convention, and that only those wearing civilian clothing or uniforms of another country would be treated as spies.

Two years later, the extremely grave incident of the shackling occurred.

At the time of the attempted landing of a Canadian corps at Dieppe, German PW had been handcuffed on the battlefield. The British Government admitted the fact, pleading the necessities of warfare in this connection and basing its standpoint furthermore on the terms of Art. 1, Sec. 2, which provides for certain exceptions to the treaty regulations for PW, such exceptions being confined, strictly speaking, to fighting at sea or in the air. The German authorities, apparently at a very high level, held on the contrary that a violation of the Convention had taken place, and decided to order the handcuffing, for twelve hours every day, of more than 1,000 British PW (Canadian and other). The British and Canadian authorities retaliated by the same procedure, and made known their case in law to the German Government through the intermediary of the Protecting Power, stating that these reprisals would cease when the handcuffing in Germany had been ended.

Placed thus on a legal footing, the dispute seemed insoluble. It was at this stage that the ICRC intervened. In a telegram addressed to all the Governments concerned, dated October 9, 1942<sup>1</sup> it declared:

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<sup>1</sup> See "Revue internationale", Oct. 1942, p. 796.

Official press reports refer to reprisals against prisoners, measures contrary to Art. 2, Sec. 3 of the Geneva Convention of 1929. In the view of the ICRC, such measures might gravely prejudice the whole question of PW and affect the work of the Red Cross. The ICRC offers its good offices for all mediation which the situation requires.

The British and Canadian Governments seemed inclined to accept these good offices, but the German Government delayed in replying. The ICRC thereupon renewed its appeal by a second telegram, dated October 22, as follows :

. . . In these tragic circumstances, the ICRC emphasizes further that when one party, pleading the wrong committed by the other, resorts in its own turn to measures of extreme severity, then the conflict, far from approaching a solution in that way, is merely aggravated, as are the sufferings inflicted in the camps of both sides on disarmed combatants who have the right to generous treatment.

Certain belligerents are already expressing doubts concerning the good will of others to observe the Conventions, the value of which has been constantly demonstrated during these years of war. In face of the threatening gravity of this situation, the ICRC appeals to all belligerents to remain faithful to the letter and the spirit of these significant agreements, and to use all means proper to assuring humane and chivalrous treatment to enemy wounded or prisoners. Thus respect for all the Geneva Conventions will be maintained unimpaired.

At the same time, M. Carl Burckhardt, a member of the ICRC, wrote a personal letter to the President of the German Red Cross, begging him to use every resource, so that this painful matter should be settled.

The letter and the telegram were submitted to the Head of the German Reich, and his personal reaction was reported to the ICRC. He is said to have declared that the telegram was a reasonable document. An annotation to the letter, made apparently by General Keitel, shows that it was apparently decided to have recourse to "the intervention of the ICRC to settle the matter". German G.H.Q. telephoned to the same effect to the ICRC delegate in Berlin on the evening of October 23, 1942.

Unfortunately, in spite of these favourable signs, the dispute remained in abeyance as between the respective chanceries. Although from December 12, 1942 onwards, handcuffing had

been abandoned for good in Britain and Canada, this was not the case in Germany where (after the Christmas truce proposed by the ICRC to the President of the German Red Cross) British prisoners were again shackled. One year later, at the end of October 1943, an ICRC delegate, visiting camps in Germany established that one thousand British PW were shackled daily for twelve hours, as a mark of resentment over the Dieppe incident. At most, the chain linking the handcuffs had been lengthened by a few inches. The German officers in charge of the handcuffing seemed to regret this duty, which they excused on the plea of "orders from higher up". The German Red Cross, through the Duke of Saxe-Coburg-Gotha, informed the ICRC that it seemed to them an opportune moment to attempt intervention once more.

M. Carl Burckhardt then decided to go to Berlin, where he stayed from November 16 to 20, 1943, to renew in the most urgent manner the representations already made by the ICRC. After certain initial difficulties, he finally obtained satisfaction, on condition that the matter be treated with discretion and that the communication to the British Government be made simply in the form of a report of the ICRC delegate in Berlin. The delegate made a personal visit and was able to confirm the lifting of the reprisals; he reported to the ICRC, who immediately informed the British Minister in Berne.

The handcuffing episode, although the most serious, was not the only instance of reprisals which prompted the ICRC to intervene.

In presenting the telegram of October 22, 1942, to the Wilhelmstrasse, the ICRC delegate referred to four other cases of reprisals, or threats of reprisals as having occurred in Germany: (1) the withholding of mail from British PW; (2) cruelties inflicted on civilian internees at Liebenau, over eighty being cooped up in one small, damp room, in retaliation for the bad housing of German internees in Jamaica; (3) the confiscation of luggage, toilet articles, table equipment, decorations and badges of rank of British officers, in reprisal for the treatment of German PW on a ship bound for Durban; (4) threats of reprisals for the bombing of a dressing-station in North Africa.

As a reprisal camp had been set up at Cholm, in Poland, in retaliation for the conditions imposed on German PW, who were guarded by Jews in a camp in Palestine, the ICRC delegate in Cairo was instructed to carry out the necessary enquiry. He verified that this latter camp had been dissolved, and the ICRC was then able to secure the breaking up of the camp at Cholm in April, 1943.

On July 24, 1943, in view of the developments of the War and the frequent bombing of towns, the ICRC "appeals to the belligerent Powers, even in the face of military considerations, to respect the native right of the human being to be treated according to justice, not summarily, and without laying on him the responsibility for acts he has not committed . . ."

The German Government, in September, 1943, expressed its anxiety to the ICRC about the treatment of PW by General de Gaulle's forces, and brought forward new threats aimed at their adversary. On December 30, the ICRC recalled that "the 1929 Convention relative to the treatment of PW expressly forbids in Art. 2 all measures of reprisals against prisoners".

On May 11, 1944, in connection with the execution of French combatants and civilians held prisoner in North Africa and in France, the ICRC addressed a note to the French authorities in Algiers and in Vichy, which read as follows :

"The ICRC, greatly alarmed . . . holds it to be its duty to recall its appeals of July 24, August 23, and December 30, 1943, requesting all belligerents :

(1) to ensure the maintenance of guarantees which PW must enjoy in all circumstances, until the end of hostilities ;

(2) to respect, even in the face of military considerations, the native right of the human being to be treated according to justice, in a spirit of equity, and without laying on him the responsibility for acts which he has not committed ;

(3) to abstain from all reprisals against PW and internees of all categories who have no further part in hostilities, or who have never participated in them, and whom captivity renders helpless . . . The ICRC must emphasize, moreover, that such measures, far from ending painful conflicts of this nature, only makes them the more bitter by ensuring their continuance".

In this Report will be found, in the chapter on "Partisans", an account of the representations made to the German Government by the ICRC and to the Command of the French Forces in Upper Savoy, in an effort to forestall measures of reprisal against French and German prisoners.

Finally, on December 4, 1944, the German Consul-General in Geneva again submitted to the ICRC a protest against certain judicial proceedings taken in France, and a threat to carry out reprisals "against Gaullists who had been deported because of activities hostile to Germany and the authorities of occupation". On December 9, the ICRC replied to this note by a letter of its President to Herr von Ribbentrop, German Minister for Foreign Affairs, and once more took up the whole problem of the protection of civilian internees and deportees.

The question of reprisals is thus one amongst many to which the ICRC at Geneva gave its most vigilant attention during the second World War.

The notable success won in the matter of handcuffing, whereby the ICRC transferred to the humanitarian plane a case in which all political action had ended in a dead-lock, throws an interesting light on the instruments which are in the hands of the Committee.

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## **IX. Repatriation of Prisoners of War for Reasons of Health, and their Accommodation in Neutral Countries**

### **(A). REPATRIATION OF PRISONERS OF WAR FOR REASONS OF HEALTH**

#### **1. General measures taken by the ICRC**

From the outbreak of hostilities, the repatriation of seriously wounded or sick PW formed part of the main activities which the ICRC set itself to carry out in behalf of war victims. This intention was notified to the belligerent States on September 4, 1939, in the first circular letter addressed to them.

In its Memorandum of October 21, 1939, the ICRC defined its views on the possibility of agreements to improve in some degree the position of war victims during hostilities. The ICRC expressed these views as follows :

The Final Act of the Diplomatic Conference of 1929 includes a recommendation that further guarantees shall be enacted in behalf of the seriously wounded and the seriously sick who may have fallen into enemy hands.

In the meantime, the belligerent Powers may arrange for the exchange of the seriously wounded and the seriously sick by reference to the Model Draft Agreement, annexed to the PW Convention, Art. 68, for purposes of information. The ICRC has been informed that certain Protecting Powers have already taken steps towards a provisional application of the said Model Draft Agreement. It expresses the hope that an understanding on this subject may be reached without delay, and is itself ready to act as intermediary to this end.

The British, French and German Governments made known that they were ready, subject to reciprocity, to apply the Model Draft Agreement without amendment.

The repatriation of the seriously wounded or sick involved the preliminary consent and help of the neutral Powers through whose territory transit would be necessary. The ICRC, therefore, recommended to the Swiss Government that it should make proposals on these lines. That Government shortly afterwards drew up an offer that met with the approval of the States to which it was addressed.

The number of PW had greatly increased since the launching of operations in the West, and the ICRC took the initiative in July 1940, in opening negotiations with Germany and Great Britain for a ferry service between the two countries for the repatriation of the seriously wounded or sick. Negotiations for the actual repatriation were dealt with by Switzerland in its capacity of Protecting Power. The task of establishing with the two belligerent Powers a method for the repatriations was assumed by the ICRC. The use for this purpose of hospital ships which had to cross the Channel—a declared war zone—or of ambulance planes, led to a divergence of opinion between the British and German Governments. This caused great delay, and required much prolonged negotiation on the part of the ICRC. A serviceable understanding was finally reached as to cross-Channel repatriation, to start on October 1, 1941.

The help of an ICRC delegate was sought by the German Government, which also asked Geneva to give its support in London to a German proposal, that the vessel detailed for the work of repatriating the seriously wounded or sick should equally be used for the transport of German women and children in Great Britain who might be anxious to return to their own country. This proposal, which the German Government thought justified, owing to the disproportionate numbers of the respective PW due for repatriation (1,600 British against 50 Germans) was accepted by the British Government. The exchange was to take place at Dieppe. At the last moment, when part of the repatriates had already left their camps, the German Government demanded that the number of Germans returning to the



Reich should be equal to that of the British returning to England. This demand for an exchange on a *per capita* basis wrecked the negotiations, deeply affecting the morale of the sick and wounded and bringing to a dead-lock all discussions relative to further repatriations.

It should, however, be placed on record that, in general, the delays in repatriation were not solely to be attributed, as in the setback at Dieppe, to subjective causes. Real difficulties frequently arose, in connection with the practical organization of any convoys. This was especially due to the great number of PW, the problems of transport, the character of the military operations, the small number of neutral States, and the great distance of certain countries where PW were held. These delays often had serious effects on the moral and physical condition of the sick and wounded. The ICRC strove to remedy this state of things by facilitating the despatch of artificial limbs to the disabled, and by arranging for handicrafts for the invalids who could not be sent home, although their state of health, under the terms of the Model Draft Agreement, would have allowed the Mixed Medical Commissions<sup>1</sup> to declare them as eligible for repatriation.

At the end of 1941, the overtures by the ICRC in behalf of the seriously sick or wounded PW in Germany and Great Britain had not achieved any positive results. In 1942, however, the ICRC had the satisfaction of seeing that the German authorities, following on its earnest representations, were beginning to repatriate the Yugoslav sick and wounded. Repeated efforts of the ICRC hastened the rate of repatriations to Yugoslavia.

The distress of the sick and wounded who saw their repatriation deferred, moved the ICRC to consult with the Swiss Government on several occasions as to the right moment to make new attempts to find a remedy. In the course of this correspondence the Swiss Government pointed out that negotiations were becoming more and more difficult, because of the state of mind created in the belligerents by the alleged reprisals taken on both sides against PW.

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<sup>1</sup> See p. 386.

Finally, negotiations were resumed through the medium of Switzerland as Protecting Power. Since the number of prisoners had reached a more equal level as between Great Britain and Germany, these steps were made easier, ending in the repatriations of Gothenburg, Barcelona and Oran, in 1943.

Repatriations of British and Italian disabled also took place at Smyrna and Lisbon in 1942 and 1943.

These operations were, however, incomplete, and the ICRC did not relax in its efforts to make exchanges of the seriously sick or wounded between the belligerents more frequent and more regular.

Following on discussions which took place on November 18, 1943, between Count Bernadotte, then Vice-president of the Swedish Red Cross, and the ICRC, these two bodies addressed fresh appeals to the belligerents in January 1944, asking them to leave nothing undone to hasten the rate of repatriations. The Swedish note proposed a meeting of representatives of the belligerent States in order to have discussions and remove the obstacles which prevented, or greatly delayed, the carrying out of further repatriations. Among these obstacles, the note cited the fear of the belligerents that certain repatriates, although invalided, might again be employed in industries considered as indirectly promoting the war effort, even though there could be no breach thereby of Art. 74, which prohibits the employment in the Forces of repatriated invalids who have since regained health.

At the same time, the ICRC wrote to the British, German and United States Governments, on January 17, 1944, followed by a memorandum to all the belligerent Governments in the same terms. These notes insisted that the Powers should support the reciprocal exchange of the seriously wounded and sick. We quote the following extracts from this memorandum of February 15, 1944 :

(a) The ICRC has always considered that the return of the disabled to their homes is the best solution from the humanitarian standpoint and the one most ardently desired by the men themselves. In this connection, the Committee has the following comments to make :

In the first place, it is most desirable that, in obedience to the Convention of 1929, reciprocal repatriations should be carried out as speedily

as possible after the Medical Commissions have made their decisions. Long delays are harmful to the physical health and morale of the sick and wounded, whose condition has already been recognized as serious.

It is, moreover, proper to continue with reciprocal repatriations covering the total number of the prisoners qualified in each country, regardless of their numbers. It is important that all PW eligible for repatriation on grounds of health, shall benefit by the said arrangement, without any limitations imposed by the exchange of an equal number of prisoners on either side, a contingency which the 1929 Convention, moreover, expressly excludes.

(b) The repatriations should include the widest categories possible, so that they cover not only *ratione personae* (PW and civilian internees), but also *ratione conditionis* (wounds, disease, age, prolonged captivity, and mental cases, in which class should be included captivity psychosis).

The Memorandum also recalled the letter which the ICRC had addressed in August, 1943, to those belligerent States most directly concerned. In this note it had called their attention to the option offered by Article 72 of the 1929 Convention to conclude agreements for repatriation or for accommodation in neutral countries of PW in good health, who have been in captivity over a long period.

Discussions between the belligerents were then resumed, and resulted some months later in new exchanges at Barcelona, Gothenburg and Constance. The delegates of the ICRC, at the request of the States concerned, co-operated in these exchanges.<sup>1</sup> Towards the end of the war, the ICRC succeeded in organizing on its own account and carrying through an exchange of seriously wounded and sick between France and Germany, through Switzerland.

## **2. Role of the ICRC in actual operations**

The ICRC was called upon to give practical help in the various operations of repatriation of seriously sick and wounded PW which developed from 1942 onwards. Previous repatriations were effected direct between Germany and the occupied countries, the intermediary of a neutral agency not having been considered necessary.

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<sup>1</sup> See below.

In March, 1942, the ICRC was informed by the British and Italian Governments that the *first exchange* of seriously sick and wounded would take place on April 7 at Smyrna. These Governments requested the ICRC to arrange for one of its delegates to accompany each of the hospital ships detailed to carry the repatriates of the respective countries to Smyrna. The belligerent authorities concerned were anxious that the representatives of a neutral agency should see that the operations on both sides were carried out as arranged, in agreement with the nominal rolls of candidates, and in suitable conditions. These representatives could, in case of need, lend useful assistance as intermediaries between the Authorities and the PW, as interpreters or even as doctors. Although only short notice was given, the Committee was able to have these ships escorted by two delegates. The representative at Ankara was instructed to travel to Smyrna and help with this exchange, by putting himself at the service of his colleagues and the Turkish authorities.

When submitting the report of its delegates on their work, the ICRC requested the States concerned to communicate to it, as speedily as possible, their plans for future repatriations. The ICRC was anxious to be able to take due measures in time and to instruct its delegates. In the same communication, the Committee alluded to the treatment of the PW at the time of repatriation, in the course of which 340 Italian disabled were exchanged for 60 British.

One year later, the co-operation of the ICRC was once more requested for the *second repatriation* between Britain and Italy, which took place partly at Smyrna and partly at Lisbon. Delegates accompanied the convoys from Egypt to Turkey, from England to Lisbon, and from Italy to the points of exchange. They took note of various complaints of the men concerning the treatment which they received, either during the journey or in PW camps. These complaints were forwarded by the ICRC to the authorities responsible.

At Smyrna, 150 British seriously sick and wounded and 200 members of protected personnel were exchanged for 199 Italian disabled and twelve members of medical personnel; at Lisbon 409 Italian prisoners were exchanged for 450 British.

When the *third repatriation* took place, also at Smyrna, in May, 1943, 2,411 Italian disabled were exchanged for 400 British.

The *fourth repatriation*, carried out on June 2, 1943, at Smyrna, provided an exchange of 2,676 Italian PW (447 disabled, 2,229 members of protected personnel), against 435 British (142 disabled, 293 members of protected personnel).

The *fifth repatriation* should have taken place in September 1943, but was upset by the event of the armistice in Italy. The British PW, 115 in number, who were on the point of leaving Italy for Lisbon, were in the end sent to Germany, whence their repatriation met with all kinds of difficulties. The German PW (479 disabled, 40 merchant seamen, 21 civilian internees, 7 women and children repatriated without having been interned, 8 German civilians) were disembarked at Lisbon. The Italians, for whom conditions of reciprocity were lacking, were not able to land at Lisbon, and were diverted to Algiers, from which port they later reached their own country.

The *sixth repatriation*, the first one effected between Great Britain and Germany, took place in October 1943, at Gothenburg, Barcelona and Oran.

As in the case of preceding exchanges, the co-operation of the ICRC was only required from the time of leaving the ports of assembly and embarkation, and secrecy was required up to the moment of the men's reaching the ports of exchange.

Concerning the repatriation at Oran, the role of the delegates consisted simply in visiting the assembly centre, in helping with the embarkation, and in serving as intermediaries between those in charge of the convoy and the North African authorities. The delegate of the ICRC in Madrid was also instructed to assist in the exchange at Barcelona, and to give his colleagues in the convoys all possible aid.

At Gothenburg the exchange took place of 4,159 British (2,658 disabled, 1,244 members of protected personnel, 152 merchant seamen and 105 civilian internees) against 832 Germans, (403 disabled, 199 members of protected personnel, 176 merchant seamen and 54 civilian internees).

At Barcelona, there was an exchange of 1,057 Germans (401 disabled, 608 members of protected personnel, 48 civilian

internees), against 1,036 British (582 members of protected personnel, 454 disabled).

At Oran, 3,876 Germans were embarked (342 disabled, and 3,534 members of medical personnel).

The *seventh repatriation* took place at Barcelona on May 17, 1944. The German Government had consented to the convoys of British PW being accompanied to the place of exchange by ICRC delegates, and asked that steps should be taken to have the German PW likewise accompanied. The German Government further requested the ICRC to procure the list of the men eligible for repatriation who were in North Africa in the hands of the French Forces. The British Government having consented, the ICRC sent one of its delegates in North Africa to accompany the German PW, to be assembled in Africa, as far as the place of exchange. As the hospital ship had been chartered by the American Government, the latter's agreement was equally necessary.

The role of the delegate acting as escort to the convoys from Algiers to Barcelona was defined in written instructions, which can moreover be considered as applying to all the repatriations.

The delegates were to act as follows :

- (1) Request and obtain two copies of the nominal rolls of the PW.
- (2) Travel to the place of assembly of the PW, assist in their embarkation, and verify that all PW named in the lists were really put on board.
- (3) See that all useful measures were taken to carry out the transfer in the best material conditions possible.
- (4) Serve as intermediary between those in charge of convoys and the PW, and if necessary act as interpreter.
- (5) Travel with the PW as far as the point of exchange. Exchange lists with his colleagues accompanying the convoy from the adverse country. Offer his services to the official in charge of the convoy and the authorities of the neutral country where the exchange took place, in order to help forward the practical business of the exchange.
- (6) During operations, see that all PW named in the lists were in fact exchanged.
- (7) Wire to Geneva as soon as possible all relevant information concerning the number of men exchanged, and give a brief account of the work done.

(8) Accompany the convoy on the return journey and hand over to the official in charge the list of repatriates. Send to Geneva a complete report with the list of repatriates.

The number of disabled men repatriated in the course of these operations was the following : American and British : 1,043 (979 disabled and merchant seamen, 64 civilian internees) ; Germans : 900 disabled and members of medical corps.

The German PW in the hands of the French Forces were included in the scheme of repatriation, without any equivalent being demanded.

When the *eighth repatriation* took place, at Gothenburg, on September 8 and 9, 1944, the following were exchanged : 2,136 German nationals (1,553 PW, including 83 merchant seamen, and 34 Sisters of the German Red Cross, 583 civilian internees), and 2,560 Allied national (1,988 PW, 583 civilian internees, 83 merchant seamen).

The *ninth repatriation* was exceptional, inasmuch as it was carried out through Switzerland and organized exclusively by the ICRC, in the absence of a Protecting Power for French interests in Germany and for German interests in France. The ICRC received a request of the French authorities, who wished to exchange seriously sick and wounded German PW held by them in Savoy and Upper Savoy against seriously wounded French in German hands. The Germans agreed and suggested Constance as the place of exchange, and November 1, 1944, as the date. The ICRC asked for the permission of the Swiss Government for the transit across Swiss territory, and requested it to supply the necessary ambulance trains.

This repatriation took place approximately on a *per capita* basis (863 Germans for 841 French). A delegate of the ICRC accompanied the convoy as far as Constance, and helped in the exchange.

Negotiated by Switzerland as Protecting Power, the *tenth repatriation* took place at Kreuzlingen in January, 1945. The ICRC was requested by the respective home countries to provide an escort by delegates for convoys from Marseilles to Geneva, and in Germany as far as Constance. Five thousand German PW

were exchanged for 2,500 Allied prisoners, as well as a certain number of civilians.

Finally, a repatriation between France and Germany of seriously wounded and sick, of medical personnel and civilian workers, was in course of negotiation by the ICRC, at the time when military events and the capitulation of Germany made its co-operation superfluous.

The French Government wished to include in this repatriation those French generals whose attendance before the Mixed Medical Commissions Germany would not authorize, and men of colonial origin, who were unable to endure the climate of Germany.

The ICRC desires to pay a special tribute to the National Red Cross Societies of neutral countries who, at the time of the exchanges, lent their good offices and gave invaluable aid to the repatriates.

#### (B). ACCOMMODATION IN NEUTRAL COUNTRIES OF SERIOUSLY SICK OR WOUNDED PRISONERS

In addition to the direct repatriation of the seriously sick or wounded, the Convention of 1929 makes provision for the possible accommodation in neutral countries of those PW whose recovery can be expected within a year, and of those whose health seems likely to be gravely impaired by further detention.

Under the terms of Art. 68, the belligerents must determine by agreements the forms of disablement or sickness which warrant either repatriation or accommodation in a neutral country. Pending the conclusion of such agreements, the belligerents may refer to the Model Draft Agreement annexed to the Convention, which provides for both courses. It is known that a majority of the belligerent Powers agreed to implement the Model Draft Agreement for the repatriation of sick and wounded ; they declined, however, to put into practice the provisions for accommodation in neutral countries, despite the efforts made towards this end by the ICRC.

In November, 1939, the ICRC was given an assurance by the



Swiss Government that it was ready to receive on its territory PW eligible for accommodation in accordance with decisions of the Mixed Medical Commissions, and in conditions later to be agreed upon. This offer had been transmitted to the British, French and German Governments. In the first instance it was accepted by the States concerned. Germany, however, revoked its acceptance, and took steps through the Protecting Power as intermediary, to obtain the consent of the British and French Governments to give up the accommodation in neutral countries, and repatriate those PW who, under the terms of the Model Draft Agreement, would have benefited by such accommodation. On May 29, 1940, the ICRC was officially informed by the German Foreign Office that Great Britain, on reconsideration, reserved her decision, but that France accepted the German proposal to extend direct repatriation to the men eligible under the Model Draft Agreement for accommodation in neutral countries.

In the view of the German Government, it was preferable that the disabled should be cared for in their own country, where all the necessary equipment was available ; furthermore, the accommodation in neutral countries of a large number of service men would be a heavy charge on the currency exchange. During May, 1941, the British Government also accepted the repatriation, without distinction, of all PW covered by the provisions of the Model Draft Agreement.

Two years later, the ICRC once more urged the belligerent Powers to carry out the scheme of accommodation in neutral countries of various categories of PW. In a circular letter to these Powers dated July 30, 1943, the following is of particular interest.

During the course of the present war, no attempt has been made to apply the provisions for accommodation in neutral countries, since certain belligerents had agreed to proceed with the repatriation of those categories of prisoners as well, whom the Model Draft Agreement makes eligible for accommodation. This particular repatriation however was only partially achieved.

. . . It seems that it would be highly advantageous to have recourse to this solution once more, as in 1914-18. On the one hand, it would ensure adequate medical treatment for many prisoners—who cannot

have, in captivity, the care demanded by their state of health—even in cases where the conditions required for their repatriation are not all fulfilled. Accommodation in neutral countries might, on the other hand, apply to a category of PW far wider than that actually indicated for repatriation: it would furnish a guarantee to belligerent States, independently of the provisions of Art. 74 of the Convention, that PW should not, after recovery, render within their country any services promoting the war effort.

In addition to this, the note proposed the conclusion of agreements between the belligerents, in accordance with Art. 72 of the Convention, for the accommodation in neutral countries of certain classes of PW who had been subject to a long period of captivity. This would apply particularly to the older men, for whom conditions of life in camp were very difficult to bear. The ICRC stated its readiness to lend its aid in carrying out these proposals.

On August 23, 1943, the ICRC asked for the co-operation of various neutral States. In the note addressed to the Irish, Portuguese, Spanish, Swedish and Turkish Governments, it wrote:

. . . "The ICRC has been led to the conclusion that the accommodation in neutral countries of sick and wounded PW—a procedure, apart from repatriation, also provided for in the Convention—is in present circumstances an urgent necessity.

. . . The accommodation in neutral countries which, in the spirit of the Convention of 1929, involves the co-operation of neutral States in the effort to assuage the sufferings of war, clearly demands, as a necessary condition of its realization, that the neutral States agree in principle to receive on to their territory the seriously wounded or sick. Such accommodation is thus dependent on the sanction and cooperation of neutral countries".

Sweden replied that she could receive only a limited number of war-disabled. Turkey declared that she was not at that time in a position to give any assurance of accommodation.

The replies from the belligerent States did not allow expectation of any early solution to this problem.

The British Government observed that the question put no longer applied, since the men in Great Britain and in Germany who were qualified for accommodation in neutral countries had just been repatriated, a course which in its view was the best solution.

The United States Government also expressed its preference for direct repatriation of sick and wounded service-men, pointing out that it had submitted to enemy countries proposals aiming at repatriation of PW coming within category "B" of the Model Draft Agreement annexed to the 1929 Convention.

As regards the men who had been subject to a long period of captivity, the British Government said that it was studying the possibility of submitting proposals on this score to the German Government. The United States Government did not think it opportune to negotiate for the repatriation or accommodation of this class of PW.

Subsequently, the ICRC took up the whole question in its Memorandum of February 15, 1944, addressed to Governments of belligerent States :

Accommodation in neutral countries is advocated as an alternative solution for those persons whose captivity should be brought to an end on humanitarian grounds, and for those whom, for military reasons, the States cannot agree to repatriate.

. . . Certain belligerent States appear inclined to oppose repatriation of the disabled, because the latter might, once back in their country, take employment, not indeed military (since this is prohibited by the Convention), but which would nevertheless amount to indirect participation in the war effort.

Moreover, there would be a real advantage in having recourse to accommodation in neutral countries of men over a certain age who have been detained for a long period, for those at least amongst them whom the Powers consider it not possible to repatriate.

Accommodation in neutral countries would offer to belligerents a guarantee that the PW concerned could not possibly render any service to their country of origin.

As we have seen above <sup>1)</sup>, this Memorandum and a similar communication by the Swedish Red Cross greatly facilitated the agreements which brought about the repatriations from Gothenburg, Barcelona and Constance.

The question of accommodation in neutral countries remained, however, without any practical settlement, since the belligerent States shared the opinion that direct repatriation was the solution in the best interest of the seriously sick or wounded.

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<sup>1)</sup> See p. 376.

(C). CONSTITUTION, STATUS AND ACTIVITIES OF THE MIXED  
MEDICAL COMMISSIONS

Art. 69 of the 1929 Convention provides that in each belligerent country Mixed Medical Commissions <sup>1</sup> shall be set up, charged with the examination of sick and wounded prisoners and with giving a ruling on their repatriation. They shall consist of three members, two of whom shall belong to a neutral country, and one appointed by the Detaining Power. The Convention does not however lay down which authority shall appoint the neutral members of the MMC. In many cases, the belligerents laid this task upon the ICRC. It also occurred that these appointments were made conjointly by the ICRC and the Swiss Government, in its capacity of Protecting Power. In other cases, Switzerland alone dealt with the appointment of the neutral members.

The lack of precision in the Convention concerning the authority responsible for the appointment of the MMC gave rise to uncertainty as to the procedure to be followed for setting them up.

On noticing that this question threatened the formation of some of these Commissions, the ICRC addressed itself to the belligerent Powers, proposing such appointments or, advising them to form these bodies. Whenever it had the duty of appointing neutral members, this was laid upon it sometimes at the direct instance of a Power, sometimes following on its own initiative.

On each occasion that it had to appoint neutral doctors, the ICRC began to search, either direct or through its delegations abroad, for doctors having the professional qualifications needed and able to offer sure guarantees of impartiality and judgment.

This was no slight task, when the small number of neutrals is considered, and the fact that qualified doctors are rarely inclined to leave their practice for any length of time. The names of neutral members were then submitted for approval

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<sup>1</sup> Abbreviated to "MMC".

to the Powers concerned ; their reply was communicated either direct to the ICRC or to the Detaining Power through the channel of the Protecting Power. The neutral doctors were in general Swiss already living in the country in which they were asked to carry out their duties. In order to facilitate the work of the Commissions, substitutes were often appointed at the outset.

Sometimes, however, it was not possible to find qualified neutral candidates on the spot, nor to bring them from Switzerland. On such occasions the ICRC called upon neutral members of a Commission working in a neighbouring country (Canada, British East Africa). In other cases, the Commission was made up of two doctors of the detaining Power and one neutral only (India) ; of one doctor of the detaining Power and one neutral having a dual vote (French, North Africa) ; or even of three nationals of the Detaining Power (Australia).

Divergences of this kind from the Convention were of course submitted for the approval of the opposing side.

The 1929 Convention does not in any way define the *status* of the neutral members. They cannot be considered as subordinate to the ICRC or to a Protecting Power. Nor do they hold any mandate from the belligerent Powers. Thus they are commissioners *sui generis*, enjoying considerable autonomy, whose functions and authority derive from the Convention and the Model Agreement annexed to it, in default of any special agreement between the belligerents concerned. The parts played by the ICRC and by the Protecting Power end with the appointment of the members. The two neutral doctors on each Commission cannot accept instructions from any source, concerning the manner in which they carry out their task. They are guided only by the principles approved amongst the belligerents concerned, by their medical knowledge and by their professional etiquette. Being neither the agents of the ICRC nor of the Protecting Power, there is no one to whom they have to render account of their work.

This peculiar situation created real problems. Since the Commission are subordinate to no one, their plan of work is not

co-ordinated, and the criteria serving as a basis for repatriation were not invariably the same. Thus, several Commissions were charged with using excessively severe standards. The German Government even called for a check on the work of the Commissions; this however proved impracticable, since no formal agreements existed.

In November, 1943, during a visit to Germany and Switzerland, Count Bernadotte, then Vice-President of the Swedish Red Cross, had occasion for talks in Berlin with the competent Reich officials, who had various criticisms to offer as regards the working methods of the Commissions. It was a matter of doubt in Germany whether or no all the belligerents observed the same criteria for repatriation. There was complaint that repatriations benefited a greater number of British PW than of German. It was suggested that the various Commissions be subject to one single control, that of the ICRC, for instance, to whom they should communicate the results of their work and send the lists of PW qualified for repatriation. Furthermore, the principles of guidance for the Commissions should be made uniform.

The ICRC, to whom Count Bernadotte transmitted the German criticism and suggestions, recognized the need to improve the efficient working of the Commissions by defining the rules for their guidance. Count Bernadotte, on his part, informed the belligerents of the need for placing the Commissions under one organ of control, which might, for instance, be the ICRC.

In its Memorandum of February 15, 1944, the ICRC proposed certain measures to improve the efficiency and working conditions of the Commissions. It set forth in particular the following :

It would be useful to co-ordinate the work of the various Commissions, to standardize their working conditions and to establish uniform criteria of selection to serve as a basis for repatriation. The disadvantages caused by the present situation have been pointed out to us on several occasions, and there is reason to believe that they have tended towards reducing the number of PW hitherto repatriated.

To achieve the aim in view, a neutral agency might be called upon to assemble the results of the examinations made by the various MMC, to

institute comparisons and point out the divergences to these Commissions. To this end, the neutral agency appointed would draw into its service neutral experts especially qualified.

The Swedish Red Cross has proposed that this agency should be the ICRC. The latter does not wish in any way to prejudice the decision of the Powers concerned. Should it be asked to assume this task, it would endeavour to render the service expected of it.

Finally, the ICRC holds that the legal status of the MMC should be established, as well as the material conditions in which their work is to be carried out.

The fact that these Commissions are responsible to no constituted body, and that the terms of service are not duly defined, varying as they do from one region to another, does create material disadvantages.

In order more easily to find a solution to these different problems, it is proposed that the qualified representatives of the Governments concerned should meet in a neutral country. A meeting of the Chairmen of certain of the MMC has also been suggested. Should this project take shape, in spite of the technical difficulties involved, and should it be considered useful for such meetings to be presided over by a neutral body, the ICRC would also in this instance be ready to give any help required. It seems, however, vital that the meetings of such conferences should not have any delaying effect on the repatriations.

Should practical difficulties stand in the way of such meetings, the ICRC might attempt to unify the methods of work of the MMC by correspondence, and to lay down uniform criteria serving as a basis for repatriation and accommodation in neutral countries.

The meeting proposed by the ICRC could not take place, as the belligerents showed no inclination to accept the idea. Nevertheless, certain improvements were brought about in the working of the Commissions by an exchange of information amongst them, in particular through the ICRC as intermediary.

During the course of the war, decisions of the MMC were not always observed by the Detaining Powers.

Thus, in Italy, at the time of the armistice of September 8, 1943, there was a large number of British PW who had previously been passed as eligible by the MMC working in that country, but who were still waiting to be sent home. When the German forces occupied the whole of Northern Italy, they carried off these prisoners, who were sent to camps in Germany. During the following autumn and winter of 1943-44, the ICRC carried on lengthy negotiations with the German authorities, calling upon them to recognize the decision taken by the MMC in Italy in

regard to these men. Finally, the Germans decided to excuse them from further examination by a MMC in Germany, and allowed them to form part of the first convoy of repatriates in 1944.

The ICRC intervened once more with success, when the German authorities refused to give sick members of protected personnel the benefit of the Articles of the Convention providing for examination by a MMC of seriously sick or wounded.

The work of the Commission provoked criticism on the part of the men themselves. They sometimes complained of not being examined by a MMC, which was content to make decisions after consulting the records presented, since time was too short to allow examination of the numerous candidates. The doctors held, moreover, that the patient's records, the result of a long series of observations, offered better surety than a single examination. The ICRC, anxious on this score, advised belligerent Governments in its memorandum of February 15, 1944, to try to increase the number of Commissions, whenever this should be warranted by the number of candidates. Furthermore, the doctors should be given sufficient time to undertake thorough examinations.

Following on applications from Red Cross Societies and next of kin, the ICRC asked to be supplied with the lists of the men eligible for repatriation, as drawn up by the MMC, but it met with a refusal from the Governments of the British Commonwealth. These stated that the lists had already been furnished to the Protecting Power, in agreement with the German and Italian Governments, and that it seemed superfluous to circulate them to still another body.

In spite of the definite part assigned to the MMCs by the 1929 Convention, certain countries thought it legitimate to make the repatriation of sick and wounded PW subject to other agencies.

Thus, shortly after the Franco-German armistice of 1940, an agreement was made at Wiesbaden between France and Germany providing for exceptions to the procedure of examining sick and wounded French PW. The practical result of this agreement was, in most cases, to withhold candidates for



repatriation from the visit of an MMC, set up according to the Convention.

Having noted that the German authorities had the final decision on repatriation, the French Government informed the ICRC that, although the Wiesbaden agreement might lead to the supposition that France had renounced the offices of MMC, the Government thought that French PW should not be deprived of the benefit of Articles 68 and following. The Government emphasized that the German Armistice Commission had confirmed in writing that the visits would be made solely by German doctors, and that this course was inadmissible in the eyes of the French Government.

Consequently, the ICRC was asked to mediate in order that the MMC should be allowed to resume their work.

The ICRC, in reply, stated that it was not competent to pronounce on any amendments to the Geneva Conventions that the Powers might agree to make without its concurrence, but took the action asked of it.

The German Government replied that it considered itself at all times bound by the 1929 Convention, and that it would in future in no way disregard the offices of the MMC. These offices, however, could not be considered until the seriously wounded or sick French already nominated by the German doctors had been repatriated.

Following on a new request from the authorities, the ICRC asked the German Government to define its attitude. The reply was that the German doctors used great latitude in judging cases of wounds and sickness involving the repatriation of PW unfit for military service for at least one year ; therefore only a small number of the prisoners anxious for repatriation on grounds of health were presented to the MMC.

The ICRC were later able to note that when repatriation had been refused by the German doctors, the French camp doctors could request that these controversial cases should be submitted to the MMC, through the medium of the Scapini Commission.

This procedure, application of which was difficult at the outset, finally became a matter of routine. It was also extended to

Belgian PW, at the request of the ICRC, who saw in it a useful means of easing their lot.

At the end of the war, the ICRC called a meeting of former neutral members of the MMC who were in Switzerland. It pooled their suggestions and opinions, and made these a basis of its studies for revising the 1929 Convention, concerning repatriation of the seriously sick or wounded, their accommodation in neutral countries, and the working of the MMCs.

#### (D). APPLICATION AND REVISION OF THE MODEL DRAFT AGREEMENT

At the end of 1942, with the support of a few colleagues, Colonel A. d'Erlach, the neutral chairman of a MMC, who had worked ceaselessly and effectively for the Commissions, suggested that the ICRC should call a meeting on neutral territory. The object was to be a revision of the Model Agreement—of which he submitted a new draft—after the experience gained in total warfare.

Furthermore, when the question of repatriation and accommodation in neutral countries came up in talks with the Swedish Red Cross<sup>1</sup>, the ICRC used this occasion also for debating the future revision of the Model Agreement. The ICRC stressed that this Agreement no longer served in certain conditions inseparable from total warfare, and further that the whole scheme was thrown out of line by the fact that the belligerent States seemed to have given up the scheme for accommodation in neutral countries, as provided for by the Model Agreement.

Conscious of the material difficulties which seemed to accompany the revision of the Model Agreement, the ICRC was further anxious that this revision should not bring to a standstill the progress of other more urgent matters, such as increasing the rate of repatriation. This was pointed out in the memorandum of February 15, 1944. Moreover, the growing mutual

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<sup>1</sup> See p. 389.

mistrust of the belligerents, as a result of protracted warfare, made a general solution of the difficulties confronting the MMC still more arduous. A meeting in a neutral country of members of the Commissions turned out to be impossible, as mentioned above, for technical and political reasons.

The MMC in Germany, at the instance of Colonel d'Erlach, then had recourse to a new method of approach. They sought to obtain the application of uniform criteria in respect of definite types of wounds or diseases, and forwarded proposals in this sense to the Chairmen of the Commissions in enemy countries, by way of the Protecting Power or the ICRC.

The decisions made by the majority of members of Commissions in Canada, Great Britain, Germany and the United States were then forwarded to the ICRC, with a request to communicate these findings to the chairmen of the MMC in Africa, Australia, Egypt and India, so that all the Commissions might apply uniform standards.

These steps brought about a series of agreements in relation to certain classes of disease, which from that time onwards were held to be grounds for repatriation, although not defined in the Model Agreement.

These agreements were ratified by Great Britain on October 12, 1944, by the United States on January 21 1945 and by Germany on March 2, 1945.

Lastly, we recall that the ICRC, wishing to draft the text of a Model Agreement in the light of the experience gained during hostilities, convened a Sub-committee in Geneva, in May 1946. This was composed of certain neutral members of the MMC who were specialists in the more important branches of their profession. This Sub-committee, presided over by Colonel d'Erlach, worked out a draft Model Agreement, which is to form an annex to the revised 1929 Convention, to be submitted to the XVIIth International Red Cross Conference.

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## **X. Repatriation of Prisoners after the close of hostilities**

Long before the close of hostilities, the ICRC had given careful consideration to the serious problem likely to arise from the necessity of repatriating PW in considerable numbers across war-devastated countries.

On August 14, 1944, the ICRC addressed a Memorandum to all belligerent Powers, referring to the work it intended to continue, once military operations had come to an end. The Committee offered the co-operation of its services in Geneva, of its delegates in various countries, of its relief depots and transports, in order to help forward to work of repatriation of the PW and civilian exiles, when the moment should come.

At the same time, the ICRC suggested to the voluntary welfare societies who were in a position to give effectual aid in this field, as well as to certain other official organizations, that they should at once review all the resources at their disposal, for their immediate assembly at points where they would be most needed, as soon as the fighting ended. The ICRC offered further to act as an information centre, in order to ensure co-ordinated action. It also had talks with various persons who were anxious to submit plans and suggestions for the repatriation of PW and refugees.

By February, 1945, when the end of the war seemed imminent, the ICRC had reason to fear that the PW and other expatriates would set out of their own accord as soon as the firing ceased, and in advance of instructions from their own authorities, or in despite of them, thus creating serious obstruction on the roads and material difficulties in the way of food supplies.

The ICRC instructed its delegates abroad, who had already

been ordered to remain at their posts, on the part that might be assigned to them in the work of repatriation. They were also reminded of the steps which they might have to take in behalf of these people, before the Powers concerned could set up the necessary local organizations.

As the advance took its course, the Allied forces, however, liberated the PW and conveyed them home as speedily as possible. Thus the vast flow of PW which it had been feared would stream across Europe, without discipline or means of existence, did not in fact occur.

After the whole of Germany was occupied, the Allied Powers completed this task of repatriation, which was to take some time longer owing to the scarcity of transport. The ICRC was able to give help in the way of provisioning and by the loan of the trucks at its disposal <sup>1</sup>.

Another difficult question then arose, different in kind but also of great importance, and which became increasingly acute : the position of PW who were nationals of the Axis countries, and who were detained by the Allied Powers, although hostilities had ceased.

By agreement with the Allied authorities, the ICRC continued to give its full attention to the situation of these PW, and pursued its customary exertions in their behalf, without implying thereby that it admitted the legal justification of their further detention.

The fact had to be faced that the Detaining Powers were giving to captivity an essentially different character since the fighting stopped. Whereas, during the war, the internment of PW was justified by a natural anxiety to prevent these men from taking up arms once more against the Detaining Power, this reason no longer existed once the fighting had ceased. The Detaining Powers apparently intended to keep the PW in their hands for an unspecified period of time, in order to employ them, especially on reconstruction work.

The maintenance in captivity of PW appearing contrary

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<sup>1</sup> See Vol. III.

to the spirit of the 1929 Convention and to the principles of humanity, the ICRC took serious steps towards hastening their repatriation.

On August 21, 1945, a Memorandum on the subject was sent to the principal Detaining Powers. After stressing certain unusual aspects of captivity which arose out of the ending of hostilities and the elimination of the German State, it made clear the following points :

It must be recalled in this connection that the duration of captivity, which depends, according to the Conventions of Geneva and the Hague, in the last resort on the conclusion of a Peace Treaty, cannot be indefinite, even though, through stress of circumstances, considerable time should elapse before such a Treaty comes into force.

On the other hand, the fact that the Detaining Powers, when disarming prisoners, may deprive them of the designation and status of prisoners of war, without allowing them to return home, cannot in the opinion of the International Committee be regarded as a normal end to captivity. This new situation, especially if it entails for those concerned the loss or reduction of guarantees recognized to prisoners of war by Convention, would on the contrary involve for them a worsening of their position.

Eleven months later, the ICRC noted that although partial repatriation had taken place, in particular of Austrian, Italian and Japanese PW, the situation in general remained as before. They therefore addressed an important Memorandum, under date of July 2, 1946, to all the States signatory to the 1929 Convention and in whose hands PW still remained. Its text was as follows, and its substance was moreover given to the press on August 12, 1946 :

The capitulation of the German and Japanese armed forces in 1945, which marked the close of hostilities in the second World War, led to millions of PW (in addition to those already in captivity) falling into the hands of the victorious Powers. During the year which followed this capitulation, many of these PW have been repatriated and discharged, but there are still large numbers whose release and repatriation have apparently not been contemplated up to the present. On the contrary, it would seem that the Detaining Powers are desirous of holding these men for an indeterminate lapse of time, in order to make use of their services for certain work, more particularly reconstruction.

Now, certain clauses of the Convention of July 27, 1929, relative to the Treatment of Prisoners of War, have as their purpose to put an end

as rapidly as may be to the unusual situation constituted by the captivity of members of the armed forces having fallen into enemy hands.

Thus, Article 72 of the said Convention provides, for humanitarian reasons, that belligerents may conclude agreements with a view to the direct repatriation or accommodation in neutral countries of PW in good health who have been in captivity for a long time. In August 1943 already the ICRC recommended that the belligerent States most directly concerned should apply this provision.

Moreover, according to Article 75, belligerents shall enter into communication with each other as soon as possible on the question of repatriating PW at the end of hostilities, either by means of stipulations to be included in Armistice Conventions, or by *ad hoc* agreements. Furthermore, Article 75, together with Article 20 of the Regulations annexed to the Fourth Hague Convention of 1907, lay down that, in any case, the repatriation of prisoners shall be carried out as quickly as possible after the conclusion of peace.

The ICRC are not aware of the inclusion of any provisions for the repatriation of PW in the acts of surrender of the German and Japanese armed forces. Moreover, up to the present, no Peace Treaty providing for the repatriation of PW has yet been concluded. Also, in the absence of representatives of one of the belligerents, the prospect of special agreements on the repatriation of PW seems distant.

The ICRC cannot but be concerned by this state of affairs, which was not contemplated by the signatories to the Convention of July 27, 1929. They are led to admit that the Detaining Powers alone are able to make unilateral decisions with a view to permitting PW to return to their respective countries.

The visits made to the PW camps by the delegates of the ICRC furnish evidence that the morale of PW is everywhere becoming increasingly depressed, owing to the uncertainty prevailing as to the duration of their captivity. It is also to be feared that the prolongation of their detention will make it more difficult for these men to re-adapt themselves to a normal way of life. While hostilities continued, they remained in hope that the end of the war would involve their release. They cannot, however, be longer sustained by this hope at the present day, since they are in entire ignorance as to the intentions of the Detaining Powers concerning them.

In these circumstances, the ICRC cannot refrain from drawing the attention of the Governments concerned to this grave problem, and express the hope that they will see their way to informing the PW they still hold, whose anxiety is daily increasing, as to the steps they propose to take, in conformity with the principles of the Convention relative to the treatment of Prisoners of War.

Profiting by the occasion of Christmas and New Year 1946-1947 to recall the distressing position of the PW as of other exiles,

the ICRC returned to this painful problem, and sent out the following appeal :

The New Year is close at hand—the second since the war ended. The whole world is longing for true Peace. At this time of the year when so many families are happily united, many human beings are still separated from their loved ones.

Hundreds of thousands of people in distress, refugees and displaced persons, fill the camps in Germany, Austria and Italy. They lead a miserable existence in promiscuous companionship. They are anxiously waiting to know when they may be allowed to return home, or emigrate to a country of their choice, to start another home. Moreover, millions of PW are still held in Africa, Asia, the Far East and nearly all European countries. Some of them have been expecting their release for some years, but this depends on the will of the victorious Powers, since they surrendered unconditionally.

The ICRC and other organizations have often intervened in favour of these refugees, displaced persons and captives. All those who can raise their voices on their behalf must do so now. Let none in this festive season forget the wretched men and women for whom hours that should be so bright will be darkened by the uncertainty of their future lot.

Besides these statements on matters of principle, the ICRC and in particular its delegates abroad gave active help, wherever necessary, in organizing and carrying out repatriations. Proposals were frequently made to the Detaining Powers, who alone had the competency and responsibility in this field, to hasten the rate of repatriations or to improve transport conditions.

In this connection, the work of the delegation in Brussels was especially in keeping with Red Cross ideals. When presenting the note of July 2, 1946, to the Belgian and Luxemburg Governments, the delegate went beyond the offer of suggestions and himself took in hand, to a certain extent, the repatriation of PW held by these two Governments. In personal contact with the Belgian authorities, he constantly stressed the gravity of the PW problem and the urgency of finding a solution. The Belgian Government thereupon decided to repatriate, from May 1947 onwards, gradually but speedily, some 50,000 German PW, who were mostly employed as miners in Belgium. As the execution of this scheme seemed to be hampered by administrative difficulties, raised by the Allied authorities of occupation in



Germany, the delegate took the initiative in making the necessary contacts to overcome these obstacles. The repatriation of the German PW in Belgium was then decided on, and the scheme was started on the date arranged.

In the course of an interview with the Government of Luxemburg, the Brussels delegate examined with their representative the question of repatriating the German PW in Luxemburg. Some days later, these talks were confirmed by a note to the Luxemburg Government, in which the arguments of the ICRC on the subject were set out. The Government was led to share these views, and shortly afterwards took the first steps towards repatriating the PW held by them.

In the Far East, when Japanese resistance was ending, the Tokyo delegation set up teams, each composed of one delegate of the ICRC, with representatives of the Japanese authorities and of the Swedish and Swiss Legations. One of these teams settled in each of the seven principal camps for Allied PW in Japan, where they did most valuable service, ensuring the continuance of food supplies and the protection of PW against harsh treatment ; note was taken of the their most urgent needs, and arrangements made for their removal to the ports of embarkation. At Singapore, in the absence of any authorities, the delegate undertook in person to negotiate with the Japanese officials for the release of the Allied PW and civilian internees in Malaya <sup>1</sup>.

In Czechoslovakia, following on renewed representations, the ICRC and its delegation in Prague were able to obtain the transfer of good part of the 30,000 Sudete prisoners to Germany with their families.

Thus the ICRC delegates, although hostilities had ended, continued to perform their customary duties in all the countries where PW remained. During the camp visits, they were frequently called on to explain to PW impatient to return home the reasons why the Detaining Powers did not satisfy them at once, and to acquaint them with the steps taken by the ICRC to promote general repatriation.

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<sup>1</sup> See the chapter on the war in the Far East, pp. 442 sqq.

During these visits, the delegates also noticed that captivity beyond the end of the war, when PW had been counting on immediate return home, often had a serious effect on morale. This was so marked that they judged it necessary to ask the ICRC to take urgent steps to hasten the release of certain groups. Similar steps were taken with success, for instance, in the case of 25,000 Italian PW in British India, and of 58,000 Italian PW held in South Africa.

On learning that repatriation was due shortly, the delegates often took the opportunity to pay one more visit to the PW, either in their base camp or in the transit camps. They were thus able to collect possible complaints or requests, and submit them to the authorities. Above all, they were able to help the PW in many ways, too numerous to reckon, by issuing relief, demanding an increase in rations, forwarding messages, ensuring the fair distribution of canteen benefits, or the payment of credit vouchers for the balance of pay due on their return home. In this connection, it may be noted that the ICRC delegates were specially helpful in the despatch of excess kit to the repatriates' home country, thanks to a relay depot in Geneva. This service was much employed for Italian PW in Australia, and for Italian and German civilian internees in the United States. One may add that such last visits to PW and civilian internees due for repatriation often involved journeys accompanied by considerable risk, e.g. in China, Japan and the Pacific Islands.

The ICRC delegates also had to supervise the conditions in which PW and civilian internees were sent back home. They inspected a great many ships, specially fitted out for such transport, in particular in North Africa, the United States, Australia and the Far East. Usually too, they were present at the embarkation. In most cases, transport conditions were satisfactory, sometimes even excellent. A few times, however, the delegates had to ask for improvements to be made. There was an instance of this at Oakland (New Zealand), where the living quarters of two ships provided to repatriate 800 Japanese PW were so rudimentary that the ICRC delegate, having in mind the length of the voyage, objected to their sailing in this

condition and demanded improvements, which delayed the sailing for several weeks.

A similar supervision was exercised over repatriations by rail, either on departure or arrival ; in many cases this led to an improvement in travelling conditions. Thus the delegate in Paris suggested that the trains for the conveyance of 42,000 Austrian PW who had been held in France should run through Switzerland. This shortened the journey by three days, in conditions in every way more favourable than by any other route. The plan met with numerous difficulties in practice and principle, but was finally achieved in excellent conditions, thanks to the support of the Swiss Government authorities and the devotion of the Swiss Red Cross, which provisioned the repatriates in their journey across Switzerland. In December, 1945, the ICRC had to make urgent representations to the Hungarian and Rumanian Governments, in order to carry relief to the trains conveying Hungarian PW repatriated from Rumania, and to get them moving, after remaining blocked in the stations at the Rumanian frontier.

On many occasions the ICRC delegates did not confine themselves to supervision alone. When circumstances allowed, they accompanied the convoys in person, by land or sea, as far as the country of their destination. When this was not possible, the arrival of the convoy was usually checked at its destination by another delegate, and the latter made contact with the local authorities in order to help the repatriates on their way towards home.

The ICRC delegate in the French zone of Germany was informed that some sick German PW, recently repatriated there, had been summarily returned to civil life without receiving any attention or the means of existence. He informed Geneva, which made insistent representations to the French authorities, and these then made good the deficiencies. In the meantime, the delegate seconded by local welfare organizations, succeeded in finding food and lodging for about 40,000 repatriates.

Besides cases of collective repatriation, individual cases should be mentioned as well, i.e. the men for whose repatriation the ICRC was begged to use its influence. Applications of this

kind were made in great numbers, e.g. those concerning Italian PW held in Yugoslavia. The ICRC at all times considered that such steps were not covered by the 1929 Convention; this agreement permitted solely mediation for the return to their country of seriously sick and seriously wounded PW, and of Protected Personnel. Considering that these applications had been forwarded by Italian Government authorities, who made out that it was impossible to take the matter up themselves with the Yugoslav authorities, the delegation in Belgrade was given the task of handing in these applications and instructed to take appropriate action.

Besides acting in behalf of PW, the ICRC and its delegations played an important part as channel of information, by forwarding, either to the Detaining Power or to the home country and next of kin, numerous particulars in respect of repatriation.

At the time the present Report closes, on June 30, 1947, many PW, especially German, are still held in various countries. The exertions of the ICRC and its delegates, as they have been described, continue in behalf of these men, and will be carried on, if the means are given to it, until the moment when the last prisoner shall have reached home <sup>1</sup>.

*Disabled PW.* — Some account should be given here of the steps taken by the ICRC to make a census of disabled PW. The Committee thought that it would be useful to inform the Powers concerned of the number of disabled PW for whom they would be responsible on their return from captivity. Therefore, in December 1944, it asked the competent authorities of all detaining countries to have lists drawn up by medical officers or camp leaders, showing those disabled, either sick or wounded, who were still in captivity.

This scheme became superfluous in the case of those PW held by the Axis Powers, since these men were able to return

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<sup>1</sup> A special section of the present Report deals with the question of PW who were made civilian workers. This transformation must in certain cases be considered as release in the country of detention, without repatriation.

home when the war ended. The Allied authorities, on the other hand, were willing to agree to this plan in principle.

In October 1945, the Committee received the lists of disabled PW in the Middle East and the United States. These nominal rolls were very carefully drawn up on the model devised by the ICRC, and included the names of three or four thousand Germans, one thousand Italians, several hundred Austrians, a small number of Czechoslovaks and Poles and some citizens of other countries. The information supplied in these lists was indexed for each individual, after the terms applying to the disease or disability, medical treatment, province of domicile, family dependants and professional status had been classified in code.

These index-cards allowed lists to be completed, by province of domicile and occupation zones, as well as by the disease or disability. The lists were then forwarded to Austria, Czechoslovakia, Germany and Italy, by agreement with the competent authorities, to the district offices who were in charge of receiving the disabled. These offices were thus able, before repatriation, to arrange for the necessary care and relief of the disabled on their return. The information proved to be of valuable service to the local authorities.

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## **XI. The Conflicts in Eastern Europe**

As has been said, the only legal basis for the welfare work of the ICRC in behalf of PW is Art. 79 and 88 of the Convention of 1929 relative to the Treatment of Prisoners of War, in which the Committee is specified by name. This basis is fragile enough, since it offers the ICRC no means of imposing its services. The establishment of the Central Information Agency, which it is entitled to propose to the Powers, and the other non-defined humanitarian work that the Convention leaves to its initiative, are subject to approval by the belligerents concerned.

After having shown the activities of the ICRC in behalf of PW in countries where the above treaty stipulations were in force, some account is due of the efforts made by the ICRC, what it could and could not do, whenever the said stipulations were not applicable (conflicts in Eastern Europe), or were only partially applied (conflict in the Far East). The present chapter deals with the conflicts in Eastern Europe, and the following with the conflict in the Far East.

### **(A). INTRODUCTION**

Under the general title "Conflicts in Eastern Europe", the reader should understand : (1) the war between Russia and Poland in September 1939 ; (2) the first Russo-Finnish war in the winter of 1939-1940 ; and (3) the war between the Axis Powers and the USSR from 1941 to 1945. Not only did these three conflicts follow upon each other at brief intervals in the same area of the world, and with, on one side, the same belligerent Power—the USSR—but more important still, in so far as we

are concerned, they had a similar feature : the failure to implement the Convention of 1929 relative to prisoners of war.

It is a generally known fact that the hostilities in Eastern Europe were marked by the absence of the humanitarian safeguards which elsewhere allowed material alleviation of the invariably distressing situation of PW: exchange of lists and news, camp visits, relief supplies, etc. The reason for this state of affairs is not always known, and even if the legal aspects are familiar, surprise is expressed at what appears to be a lapse of the ICRC.

The legal situation is simple: Russia, like Finland for that matter, had not ratified the Convention of 1929 relative to the treatment of PW<sup>1</sup>. Consequently, Russia's adversaries were no more bound by the Convention in regard to that country, than the USSR was bound in regard to them. In the circumstances, the ICRC could, in theory, have washed its hands of a conflict in which the only Convention expressly defining its activities in behalf of PW was not implemented. Such a policy it did not for one moment entertain. The Committee is the guardian of humanitarian principles, the justice of which is recognized by the Red Cross, whether they are embodied or not in an international Convention ; it therefore offered its services, to the fullest extent possible, to the parties in the Eastern war. The Committee renewed its offers, repeated them insistently, and entered upon many negotiations ; but all in vain.

Failing the PW Convention of 1929, there were the Regulations annexed to the Fourth Hague Convention of 1907 ; these the USSR had previously recognized, together with the Red Cross Conventions concluded before 1914. Article 15 of the said Regulations<sup>2</sup> provided for the work of Voluntary Aid Societies for the relief of PW. True, it originally referred to voluntary aid societies in the country where PW were held ; but no doubt

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<sup>1</sup> Both parties had ratified only the Geneva Convention of 1929 for the relief of the wounded and sick in armies in the field.

<sup>2</sup> The text of this article, which the 1929 Convention repeats almost word for word, runs as follows : " Relief societies for prisoners of war, which are properly constituted in accordance with the laws of their country and with the object of serving as the channel for charitable effort, shall receive from the belligerents, for themselves and their duly accredited agents every facility for the efficient performance of their humane task, within the bounds imposed by military necessities

was ever expressed, in the course of previous wars, nor since September 1939, that the ICRC could act as an intermediary in the despatch of relief supplies to PW camps. Moreover, up to the outbreak of war, the ICRC entertained normal relations with the Alliance of Red Cross and Red Crescent Societies of the USSR. It had recognized the Alliance in 1921, as the only national Red Cross Society of the USSR; in this capacity, the Alliance was a member of the International Red Cross, and regularly paid a substantial annual contribution to the ICRC<sup>1</sup>.

In the interval between the two World Wars, from 1919 to 1922, the ICRC had cooperated extensively with the Soviet authorities in repatriating over one million Austro-Hungarian, German and Russian PW and civilians. The conduct of these extensive operations had led in 1920 to the establishment of a permanent delegation of the ICRC in Moscow. This delegation ceased its activity only in 1937, by mutual agreement, when the circumstances which had called it into being were on the point of ending. From 1939, the Committee had a delegation in Germany which visited PW camps holding nationals of countries other than the USSR, and contributed towards the relief of these men. Subject to the permission of the Detaining Power, the ICRC would have been able to include the camps for Russian PW in its field of action.

Failing the Convention, conditions therefore appeared favourable for an amicable agreement, empowering the Committee to extend its activities to the victims of the war in Eastern Europe.

The reasons why the Committee's endeavours failed can be given only by the two chief antagonists. The ICRC, for its part, can merely adduce the facts and regretfully note that millions of PW, on both sides of the Eastern front, were deprived of the assistance which was offered them.

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and administrative regulations. Agents of these societies may be admitted to the places of internment for the purpose of distributing relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an undertaking in writing to comply with all measures of order and police which the latter may issue."

<sup>1</sup> The contribution for 1942 still reached the Committee by February 1944.



(B). FIRST PERIOD : 1939-1940

**Partial Occupation of Poland by Russia  
The Russo-Finnish Conflict**

On November 30, 1939, war broke out between Russia and Finland. On December 4, the ICRC simultaneously informed both countries that it was at their disposal, especially for the exchange of news concerning PW. Furthermore, the USSR occupied since September part of the Polish territory. The ICRC therefore instructed one of its Members, M. C.J. Burckhardt, and Dr. Marcel Junod as delegate, to travel to Paris and enter into contact with the Soviet Ambassador in that city, M. Suritch. While declaring he was not competent in the matter, M. Suritch stated he would communicate the Committee's suggestions to his Government, but added that he thought inadvisable to send a delegate of the ICRC into the Polish territories occupied by the USSR. As for the Russo-Finnish conflict, he considered that this could be usefully followed by a representative of the ICRC with headquarters in Tallinn (Estonia), as the despatch of delegates to the two countries at war did not meet the wishes of his Government.

Meanwhile, another delegate sent by the ICRC stayed from December 26, 1939, to January 20, 1940, in Finland. The delegate received the assurance, on January 19, that the Finnish Red Cross was authorized to open an Information Bureau on enemy PW, as stipulated in Art. 14 of the Hague Regulations of 1907. In addition, the delegate was, by special favour, allowed to visit a clearing camp for Soviet prisoners, which left him a satisfactory impression.

The ICRC continued meanwhile its endeavours to establish contact with the Soviet authorities, in particular by a letter to M. Suritch in Paris (February 1, 1940), asking whether it would be possible for M. Burckhardt to go to Moscow to begin effective and friendly cooperation with the Russian authorities and the Red Cross Alliance. On February 24, 1940, a further letter informed M. Suritch that M. Burckhardt was going to Berlin,

and asked whether, on that occasion, he could examine with the Soviet Ambassador in Berlin the practical conditions of his journey to Moscow. In March 1940, M. Burckhardt did actually see the Soviet Ambassador in Berlin, but the interview led to no tangible result. Thereupon, hostilities between Russia and Finland ceased, and these negotiations were suspended.

On the practical plane, however, a certain degree of co-operation was secured between the Red Cross Alliance in Moscow and the ICRC. As an instance, the Alliance sent to the Committee in 1939 and 1940 letters of enquiry about Polish nationals who were missing in 1939, and the Central Agency in Geneva was in many cases able to furnish the required information.

A year went past without any further official steps by the ICRC being demanded by circumstances. In April 1941, the Committee instructed Mlle. Quinche to interview Madame Kollontay, Soviet Ambassadress in Stockholm, on its behalf. Mlle. Quinche paid two visits to the Embassy, on April 2 and 4, during which the delegate explained the wish of the ICRC to send a representative to Moscow who would be accredited to the Alliance, as was the case from 1920 to 1937. In a letter dated April 23, 1941, the ICRC confirmed these steps. Thinking it essential to establish fresh contacts, the ICRC requested Mme. Kollontay to study the possible despatch of a delegation to Moscow for the purpose of discussing such matters as war refugees, relief for civilian populations and search for missing combatants and civilians. The visits to the Embassy in Stockholm were not followed up by the Soviet authorities, and the letters of April 23 elicited no response.

### (C). SECOND PERIOD : 1941-1945

#### 1. First Phase : June 3, 1941—September 1941

An event of the highest importance made the problem of relations between the Russian authorities and the ICRC still more pressing : on June 22, 1941, the German Wehrmacht, soon followed by Finnish, Rumanian, Slovak, Hungarian and Italian forces, invaded Soviet territory.

The next day, June 23, according to their custom, the ICRC notified all parties to the new conflict that it placed itself at their disposal to carry out its traditional activities. The notification addressed to the USSR Government ran as follows<sup>1</sup>:

Telegram 6183. Geneva, June 23, 1941.

People's Commissar for Foreign Affairs Moscow,

The ICRC, being anxious to carry out its humanitarian task according to available means, places its services at the disposal of the Soviet Government for all cases where its intermediary according to Red Cross principles might be useful, in particular for the collection and transmission of news relating to wounded and prisoners, according to the methods working at present through the intermediary of the Central Prisoners of War Agency with all Powers at war.

The ICRC proposes following measures: the Soviet Government to establish lists of prisoners of war in good health or wounded indicating name, first name, military unit, date of birth, place of internment, state of health, and if possible, place of origin, and first name of father; same indications to be given for the dead.

All such particulars: 1) to be forwarded to the adverse parties; 2) to be notified to next of kin who apply to the ICRC for news.

To hasten the transmission of all particulars received we contemplate setting up an office and a subsidiary organization in a place most suitable for geographical reasons.

We are sending similar communications to the German, Finnish and Rumanian Governments. The fact that the USSR is not party to the Geneva Convention of 1929 relative to the treatment of prisoners of war must not form an obstacle to the execution of the above proposals, in so far as their application is approved by the parties to the conflict.

(signed) Max HUBER

The reply arrived a few days later:

Telegram from Moscow, June 27, 1941.

Huber President of the ICRC, Geneva.

The Soviet Government is ready to accept the proposal of the ICRC concerning the despatch of particulars about prisoners of war, if such indications are forwarded by the countries at war with the USSR.

(signed) MOLOTOV, People's  
Commissar for Foreign Affairs.

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<sup>1</sup> The text of this and the following telegrams has been slightly amplified in the English translation, to make it more readable.

For the first time, the Committee thus received from the Soviet authorities a reply to the proposals which it had made on several occasions since 1939 ; moreover, it was in the affirmative. M. Molotov's telegram raised the hope that henceforth Russia would adopt an attitude similar to that of all the other countries, both as regards PW and its own relations with the ICRC.

On June 27 already, Finland, Rumania and Germany, and shortly after, Hungary and Italy were notified of the acceptance of the Committee's proposals by the USSR.

On July 2, the Committee was able to inform M. Molotov that his proposals had been accepted by Finland. The Committee also asked permission for one of its delegates to get into touch with the Soviet Ambassador in Ankara, with a view to setting up in that city a relay for mail between the Central Agency at Geneva and the official PW Information Bureau in Moscow. On July 6, M. Molotov notified his agreement on the latter point, thus justifying the high hopes which were entertained at Geneva as to the successful outcome of the negotiations :

Telegram from Moscow, July 6, 1941.

The Soviet Government notifies its agreement to contacts between the International Committee and the USSR Ambassador in Ankara, to study the establishing in Turkey of a relay for despatch, subject to reciprocity, of information for the Central Prisoners of War Agency.

(signed) MOLOTOV, People's  
Commissar for Foreign Affairs.

On July 9, the ICRC informed Moscow that its delegate would leave shortly for Ankara. It also notified the consent of Germany, Finland, Hungary and Rumania to an exchange of PW lists.

Telegram 6881. Geneva, July 9, 1941.

People's Commissar for Foreign Affairs, Moscow.

Warmest thanks your wire July 6. Are planning send very shortly to Ankara our chief delegate Doctor Marcel Junod. Following on your wire June 27, we can inform you that German, Finnish, Hungarian and Rumanian Governments have sent us agreement, subject to reci-

procity, to exchange lists of prisoners of war through the Central Prisoners of War Agency.

In view of the similar response of the Soviet Government we note that the requisite conditions for the implementing of our proposal for the exchange of particulars between the USSR and these governments are fulfilled. The ICRC will communicate the replies of other belligerents upon receipt.

Dr. Junod soon afterwards left Switzerland for Turkey, via the Balkans. Before leaving Berlin by air for Istanbul, he discussed matters with the Committee's delegation in Berlin and with the German authorities. He obtained from the latter an important piece of information: the German Supreme Command (OKW) would communicate the names of PW by means of "capture cards", according to the model adopted jointly by the OKW and the ICRC. These cards, printed in German and Russian, included four identical pages, intended respectively for the OKW, the ICRC, the Protecting Power for Soviet interests (Sweden), and the Soviet Information Bureau.

Meanwhile, the ICRC had introduced Dr. Junod to M. Vinogradov, Soviet Ambassador in Ankara, by a telegram dated July 9; on the 17th, by a second wire, the Committee gave further particulars as to the significance of his mission:

Telegram 8017 Geneva July 17, 1941.

VINOGRADOV, USSR Ambassador, Ankara

In agreement with the Soviet Government to whom we applied on the outbreak of hostilities, with a view to studying practical methods of reciprocal communication between belligerents of all particulars concerning prisoners of war and wounded, we have delegated to Ankara Doctor Marcel Junod, chief delegate of the ICRC, to establish contact with your Excellency and to study practical means for receipt and transmission such information. Dr. Junod left Geneva for Ankara on July 15. We recommend him to your Excellency's kind courtesy.

On July 22, the ICRC was able to wire to the People's Commissar for Foreign Affairs, and at the same time to the Red Cross Alliance, that Italy and Slovakia in turn had agreed to exchange PW lists, subject to reciprocity, and that Italy was also disposed to apply the Convention of 1929:

Telegram 7162. Geneva, July 22, 1941.

People's Commissar for Foreign Affairs, Moscow.

Following on our 6881, beg to inform you that Italian and Slovak Governments have sent us their agreement, subject to reciprocity, to exchange lists of prisoners and wounded. The Italian Government would moreover undertake, on condition of reciprocity, to apply in regard to USSR the other provisions of the Convention of 1929 relative to the treatment of prisoners of war. We should be glad to learn your Government's attitude in this respect. Our delegate Dr. Junod has reached Ankara.

In reply to this notification of the Italian proposal, the ICRC received the following telegram, dated August 8, 1941, which defined the Soviet policy in regard to prisoners, wounded and sick :

Telegram, Moscow, August 8, 1941.

HUBER, President of the ICRC Geneva.

In reply your No. 7162 the People's Commissariat for Foreign Affairs has the honour, by order of the Soviet Government, to inform you that the Soviet Government has already notified in their Note of July 17 last the Swedish Government, representing Soviet interests in Germany, that the Soviet Union considered binding upon itself the Rules of War which are set out in the IVth Convention of the Hague of October 18, 1907 concerning the laws and customs of war on land, subject to the obligatory condition that the above rules be observed during the war by Germany and her Allies. The Soviet Government agrees to the exchange of particulars about prisoners of war, wounded and sick, in the order provided for under Art. 14 of the Annex to the above Convention, and under Art. 4 of the Geneva Convention of July 27, 1929 for the relief of wounded and sick of armies in the field. Regarding your communication concerning the proposal by the Italian Government to apply the other articles of the Geneva Convention of 1929 on the treatment of prisoners of war, the Soviet Government draws your attention to the fact that all the main questions of the regime of captivity are entirely covered by the above-mentioned Annex to the Hague Convention.

VYCHINSKI, Assistant People's Commissar for Foreign Affairs.

The German Government had already been informed of the Soviet point of view through the Protecting Power. M. Vy-chinsky's reply was nevertheless communicated to the German

Red Cross, first verbally by the Committee's delegation, then in writing on August 14.

From that moment, the question arose with the Committee whether the USSR would confine itself strictly to the terms of the Hague Convention, or if it would agree to widen the scope of the said Convention in the sense of the Geneva PW Convention of 1929.

It should be noted that the Hague Convention of 1907 (referred to by M. Vichinsky) is somewhat vaguely worded as regards the points covered by the Committee's proposals concerning the establishing and forwarding of lists of prisoners of war, wounded and dead (which seemed to have been expressly approved by M. Molotov). The Hague Convention provides for the creation in each belligerent State of an information bureau, to answer all enquiries about prisoners of war. The establishing of lists and their transmission to the adverse party are not expressly stipulated. On the other hand, Art. 4 of the Geneva Convention of 1929 on the wounded and sick is not ambiguous. In particular, it states that "the belligerents shall communicate to each other reciprocally, as soon as possible, the names of the wounded, sick and dead collected or discovered", and that "they shall establish and transmit death certificates". Art. 16 of the said Hague Convention stipulates freedom of correspondence for PW, and guarantees them opportunities of receiving and sending money and parcels, free of charge.

The ICRC therefore prepared to act on the grounds of these treaty stipulations, as they had done in 1914-1918, and as it was acting at the time in respect of all the other belligerents. To be prepared for every contingency, the Central Agency at once opened a Russian Section. This Section was fairly active, although on a reduced scale, throughout the entire war<sup>1</sup>.

A mission composed of two members of the ICRC, M. Carl Burckhardt and M. Edouard de Haller, supporting the permanent delegation in Germany, began to examine these problems in Berlin with the German authorities. On this occasion, they were invited to visit a camp at Hammerstein, in which recently

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<sup>1</sup> See the relevant Chapter in Vol. II.

captured Soviet PW were detained. This exceptional visit did not have the same character as the visits carried out, according to uniform rules, by the accredited delegates of the ICRC. No report was therefore written on it.

On August 9, the Soviet Embassy in Ankara transmitted to the delegate of the ICRC in that city the substance of a letter from M. Morozov, Vice-President of the Alliance, as follows :

Ankara, August 13, 1941.

The Embassy of the Union of Soviet Socialist Republics has the honour to inform you that, according to information received from M. Morozov, Vice-President of the Alliance of Red Cross and Red Crescent Societies in the URSS, the Central Prisoners of War Information Bureau has been formed under the Executive Committee of the Alliance of Red Cross and Red Crescent Societies.

The above-mentioned Bureau will collect and issue all information relating to prisoners of war of the Red Army and of enemy forces ; it will despatch letters and parcels, collect and preserve all property and documents left by deceased or released prisoners of war, and forward them to their destination.

All correspondence concerning the above questions should be sent to this Bureau at the following address :

Moscow, oul. Kouibicheva 12, Central Information Bureau for Prisoner of War Affairs.

(signed) A. GEGALOVA

First Secretary to the Embassy of the USSR.

A talk which the delegate of the ICRC had at the Soviet Embassy enabled the former to place the following interpretation upon these statements : information about PW would be forwarded to Geneva, the Moscow Bureau undertaking to receive and send letters and parcels to the PW. This interpretation was perhaps too generous, and as it reached Geneva long before the original reply from M. Morozov, it contributed to entertain with the ICRC (who communicated it to the Axis Powers) the hope that the Committee's initial proposals would be promptly carried out by the Soviet authorities.

The note from the Soviet Embassy in Ankara of August 1 in no way specified whether the authorities would supply information on prisoners of war of their own accord. It said nothing about the transmission of particulars, nor about the



shape (lists, capture cards, individual cards) in which they would be sent by the Information Bureau. Meanwhile, on August 15, the ICRC sent to the People's Commissar for Foreign Affairs a letter and a technical memorandum about lists of prisoners of war, the use of the "capture card" and the death notice forms advocated by the Central Agency. On the same day, a copy was sent to the Alliance.

In the beginning of August, the German Embassy in Turkey informed the Committee's delegate that rumour had it that M. Stalin had warned the Russian soldiers that, if they allowed themselves to be taken prisoner of war, their next of kin would suffer reprisals. Should this rumour be confirmed, the German authorities added, this policy might justify a refusal to communicate to the USSR the names of captured PW, or to allow these men to correspond with their next of kin. The delegate was asked by the German Embassy to inform the Soviet Embassy of these views. The latter Embassy seemed highly astonished and replied that the Soviet Government had never made the statement which was attributed to M. Stalin. The delegate informed the German Embassy of this reply, but received no assurance that the German authorities considered it satisfactory, and that consequently there remained no further obstacle to the despatch of the first lists of Soviet prisoners of war.

On August 20, the Committee's delegate in Ankara informed the ICRC that he had sent to Moscow a copy of the first German list of Russian PW, that he had notified the Soviet Embassy in Ankara of the fact, and that he had wired to Moscow that the list had been sent. This list, which was handed direct to the delegate by the German Embassy in Ankara, included 300 names of Soviet PW interned in Camp 304. It was written in pencil in Russian characters on unofficial ordinary squared paper. This first "list" was also to be the last.

On August 22, the Soviet Ministry for Foreign Affairs and the Alliance were notified by the ICRC that Finland agreed to apply the Hague Convention, subject to effective reciprocity, and that she had opened her information bureau. On August 28, Rumania stated in turn her intention of applying the Hague Convention and of drawing up lists of Soviet PW. The other

allies of Germany, and especially Germany herself, never established their position in this respect, at all events never through, or with the knowledge of the ICRC.

On August 26, the official Soviet Information Bureau acknowledged the receipt of the telegram announcing the first list of Russian PW in Germany. They informed the Committee's delegate in Ankara that the lists made out by them would be written in Latin characters, and that the PW would be allowed to send capture cards by post to their next of kin.

Meanwhile, the delegate in Ankara continued to call frequently at the Soviet Embassy. On September 6, he notified the ICRC that the Soviet Government had been advised of the visit paid to a Russian PW camp by MM. Burckhardt and de Haller, that they appreciated the fact and asked for a report. On this occasion, the delegate took up with the Embassy the question of reciprocity to be granted by the Soviet authorities, which would have implied the despatch of a delegation of the ICRC to the USSR. Regarding the Soviet request for a report, satisfaction was given in the course of two interviews (September 19 and 25) between M. Vinogradov, Soviet Ambassador in Ankara, and M. de Haller, who was travelling to Egypt via Turkey. M. de Haller gave an account of his visit to the camp at Hammerstein, which he confirmed by a written account for M. Vinogradov. He added, however, that the visit was exceptional and almost fortuitous, that the usual rules had not been observed on this occasion, and that it had not been possible to carry it out according to the principles which usually govern camp visits made by the Committee's delegates. M. Vinogradov, upon examining photographs which were shown him of this camp visit, stated the prisoners were not members of the Soviet forces, but civilians captured during the German advance.

During these talks, M. de Haller had the opportunity of explaining the machinery for the despatch and issue of relief supplies to PW, and the control of distribution in the course of camp visits and through the co-operation of PW spokesmen and a system of receipts. He added that this machinery was already working in behalf of British and German PW, and that it gave satisfaction to the blockade and counter-blockade authorities.

He also expressed disappointment that the Committee's mission in Turkey had as yet received no lists of prisoners in the USSR.

In order to speed up the despatch of these lists, M. de Haller asked that Dr. Junod and his assistant, who spoke Russian, might receive their visas for Moscow. He pointed out that their work would consist not so much in visiting PW camps, as in seeing that the scheme for establishing lists was working satisfactorily, and in placing the wide experience acquired in this field by Dr. Junod at the disposal of the Soviet authorities. M. Vinogradov promised to support this application for visas. He also asked whether reciprocity would be granted *ipso facto*, if Dr. Junod saw German PW. Not having formal assurances from the German authorities on this point, M. de Haller could not give a definite answer. He thought, however, that such would no doubt be the case, judging by the readiness he had observed in Berlin in the month of August.

This visit was followed, on September 25, by an application for visas for the delegates nominated. The ICRC informed the Alliance of this fact and asked it to hasten the despatch of lists.

However, during a conversation which M. de Haller had at the German Embassy in Ankara, on Sept. 24, the Embassy implied that the patience of the German authorities was almost exhausted, in view of the absence of all reciprocal action by the USSR; the Embassy referred in particular to the delay in keeping their promises by the Soviet Information Bureau, as regards the sending of news by the PW themselves, and the despatch of a first list of German PW in the USSR, announced by the Alliance on August 26. In fact, the German authorities in Berlin notified the Committee's delegation that they would send no more lists, as long as there was no effective *quid pro quo*. The ICRC at once pointed out to the OKW the danger implicit in such a reply, which might make it impossible to reach any agreement with the adverse party. Unfortunately, the German authorities henceforth constantly put forward this formal decision. Nothing further could, however, be achieved, unless one of the chief belligerents concerned really came forward. The ICRC renewed their endeavours to secure such a step by the USSR, since it could no longer be expected from Germany. A

second phase of negotiations thus began, in which the ICRC, tried to induce the German authorities to adopt a more liberal attitude, and to persuade the USSR to act so as to set in motion the entire machinery of exchanges, as had been foreseen.

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Meanwhile, Finland, Italy and Rumania established PW lists according to the rules laid down by the ICRC. On November 10, the Finnish Information Bureau sent off to Geneva the first ten lists of sick and wounded Soviet PW, asking the ICRC to hold them and forward them only after the arrival of corresponding lists from Moscow. On December 4, the ICRC wired to the Alliance in Moscow and the Soviet Embassy in Ankara that these lists had arrived, and notified the condition placed by Finland on their transmission.

On December 23, the Finnish Red Cross stated that it had made out 27,000 cards in respect of Soviet PW in good health. It stated its readiness to give the ICRC all information it might ask for about these men. The ICRC took note of the fact and seized the opportunity to express its wish to receive lists of these men also.

Italy, in turn, sent through the ICRC lists of PW, and stated that she would continue to do so, if reciprocity could be established. She also asked the ICRC to inform Moscow that Soviet civilian internees in Italy would receive the same treatment as those of other countries. This news was communicated on November 14 to the Alliance in Moscow and the Soviet Embassy in Ankara.

Rumania sent to Geneva, on October 6, 362 lists of PW in camps and hospitals in Rumania ; these men, it was added, were being well treated. Other lists followed. But Rumania sent a warning on October 20 that the lists would cease, unless reciprocity was ensured. On November 3, 279 of these lists were handed in Ankara to M. Vinogradov by the ICRC. But the Rumanian Red Cross, fearing that any suspension of the transmission of lists might be regarded as an act of reprisal—whereas it was to serve merely as a means of hastening the

despatch of lists of Rumanian PW by Moscow—informed the Committee that it would continue to send more lists.

The winter threatened to be very severe for the PW, and an important exchange of letters took place between the Rumanian Red Cross and the Committee as to the possibility of sending them relief supplies. Rumania being herself short of essential goods, the Committee were asked to try to procure shipments of clothing by the Soviet Government.

These negotiations could not, however, lead to any tangible result, since the very principle of sending parcels and supplies was subordinate to a previous agreement between Russia and her chief adversary, Germany. The attitude of the Soviet and German authorities regarding the matter of lists did not leave much room for hope of any such agreement.

## **2. Second Phase: October 1941 — Summer 1942**

### **(a) *Endeavours of the ICRC to establish contact with the USSR.***

Faced with the German refusal to supply fresh lists of Soviet PW without any counterpart, and with the *de facto* suspension of the right to correspondence of these men, the ICRC had to make strenuous efforts to induce the Soviet authorities to implement the stipulations of the Hague Regulations relating to PW mail and relief shipments. It could be supposed that the implementing of the Regulations in this respect might compel the German authorities to make a final pronouncement for, or against the full application of the stipulations of that Convention, and ultimately to assume the responsibility of a refusal. Without changing their policy, the German authorities and the German Red Cross regularly enquired from the Committee's delegates in Berlin, and from the headquarters in Geneva, concerning possible progress achieved in this matter. At one time, it was believed that Germany would send fresh particulars. The OKW even stated on December 19, 1941, their readiness to communicate the cards relative to 500,000 PW, but refused on February 9 following to authorize camp visits and the despatch of news concerning Soviet PW, so long as reciprocity did not

exist. Meanwhile, according to information received from private sources, which reached Geneva at the time and was confirmed by press despatches, the conditions in which Soviet PW were held by the Germans were steadily deteriorating.

The Committee, concerned by this highly irregular situation, endeavoured in October 1941 to establish more direct contact with Moscow by utilizing other channels than that of Ankara <sup>1</sup>. Firstly, Madame Kollontay, Soviet Ambassadress in Stockholm, was twice written to by Mlle Quinche, who had been courteously received by her at the time of her mission in April <sup>2</sup>. Mlle. Quinche expressed the view that all matters in abeyance could be dealt with more easily, if the Committee could send a representative to Moscow. She asked advice of Madame Kollontay as to the best way of reaching this aim. It was still possible for a neutral delegate to travel to Moscow, whereas the fact that Switzerland was surrounded by the Axis Powers seemed, temporarily, to preclude the possibility of sending a Soviet delegate to Geneva. On November 30, Madame Kollontay replied that she had endeavoured to place the Committee's views before the Soviet authorities. There was no further answer to this step.

With similar intentions, M. Burckhardt who was in London to discuss in particular the question of shipping food supplies for PW in general through the blockade, had a first interview on December 1, followed by other contacts, with the Soviet Ambassador in London, M. Maisky <sup>3</sup>. The letter of December 2 confirming this interview gave a précis of the discussion. After enumerating the chief steps taken by the Committee and recalling the application for visas made on September 25, 1941, for the entry of two delegates to the USSR, M. Burckhardt stated that if the two names proposed were not approved by the

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<sup>1</sup> The German official application, communicated through Dr. Junod to the Soviet Embassy in Ankara regarding possible reprisals on next of kin of Soviet prisoners, was unfavourable to the negotiations conducted by the delegation in Ankara.

<sup>2</sup> See above, p. 408.

<sup>3</sup> It is to this interview that reference is made below in relation to relief for Soviet PW.

Soviet authorities, he would see no objection to submitting other names, even those of nationals of neutral countries other than Switzerland, if preferred.

Following on this letter, the Chargé d'affaires of the USSR in London wrote on December 18 that a list of candidates for the post of delegate to the USSR would be considered favourably by the Soviet authorities. On January 14, 1942, after a series of communications with the Swedish Red Cross, the ICRC telegraphed to Moscow the names of six Swedish and Swiss delegates, who would be ready to leave for the USSR. Copies of this telegram were handed to M. Maisky and Madame Kollontay. The Committee never received any answer.

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Besides the matter of exchange of information, the Committee endeavoured to send relief supplies to all PW, and in particular to Soviet PW in Germany. It will be remembered that, according to the Hague Regulations, PW are authorized to receive relief, in the form of parcels, free of all dues. Between the USSR and the Axis countries, the normal channel for such shipments was through Turkey and Bulgaria. The consignment of personally addressed parcels was subordinate to the knowledge that the recipients were really in captivity, and what were their addresses. Owing to the absence of lists, capture cards or any other particulars, and as a result of the silence of the respective Information Bureaux, these data were lacking. The shipment of collective parcels addressed to Governments, Red Cross or other Relief Societies had therefore to be envisaged<sup>1</sup>. Should the issue of these supplies in the Axis countries demand supervision, the Committee's delegation in Germany (which was already doing this supervisory work on behalf of the Allies of the USSR) seemed adequate to exercise this control. Moreover, applications had been received in Geneva from the German Red Cross (who wished to send some minor consignments to their nationals, doubtless as a test case), from Finland and from Rumania

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<sup>1</sup> Besides, the system of postal parcels is not employed in Russia.

(who were much more pressing in behalf, not of their own nationals, but of the Soviet PW they held), and these countries asked the help or intervention of the ICRC, especially in procuring the required food supplies and clothing.

Under these conditions, the Committee prepared to act as intermediary between the belligerents, to facilitate the exchange of shipments of relief supplies. War operations being conducted on Soviet territory, Russia was however unable to supply the necessary commodities, and the ICRC planned their purchase in countries having excess supplies. Here a new difficulty arose : the Allied blockade regulations only allowed the importing into Axis countries of goods whose issue to PW could be conducted under the supervision of the Committee's delegates, according to the scheme already adopted for other Allied PW in German hands. This condition was absolute ; in the absence of any delegate of the ICRC authorized to supervise distribution, no relief supplies from territories under Allied control were allowed to pass through the blockade.

Numerous facts testify to the endeavours made by the Committee to lay the foundations of a relief scheme in the Eastern European conflict <sup>1</sup>. By August 1941, the Committee's delegation in Berlin questioned the OKW on the subject, since they were responsible for PW. They answered on the August 30, that they saw no objection to the shipment of parcels to Soviet PW, and that they even welcomed the scheme. But they suggested that these shipments should be sent in the form of collective parcels, to be the responsibility of the camp commanders and issued by them. This suggestion did not exactly agree with the provisions of the Hague Convention ; it would, moreover, have proved unacceptable to the Allied blockade authorities. Geneva did not, therefore, regard it as a *sine qua non* condition, and it was merely recorded.

Shortly afterwards, at the end of September, the conversations took place, as has been seen, in which the scheme adopted

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<sup>1</sup> In this General Part, questions relating to relief are dealt with only in their connection with the entire problem of relations between the ICRC, and Germany and Soviet Russia. The relief programmes themselves and the relevant steps are described in Vol. III.



by the Committee in Germany was explained to the Soviet Ambassador in Ankara. After these talks, on October 1, the ICRC offered to the Alliance in Moscow its good offices for the transmission of collective relief consignments of food and clothing to Russian PW. The Committee pointed out that they were able to make purchases on various markets for the account of the Soviet Government.

At the same time, on the basis of Art. 15 of the Hague Regulations, the Committee asked that facilities similar to those granted elsewhere, be given it for the shipment of relief supplies of the same kind to German PW in the USSR.

Simultaneously, and in expectation of an affirmative answer, the ICRC took steps with the British blockade authorities, and enquired of possible donors and suppliers about the terms upon which relief shipments to Russian PW could be made. The entry into the war of the United States temporarily altered the aspect of the problem, and the solutions contemplated were again open to question. Negotiations were thus further complicated and delayed ; they could be brought to a conclusion only in the beginning of 1942.

The Soviet authorities were kept informed of these negotiations and endeavours through conversations and letters which were exchanged in London between M. Maisky and a member of the ICRC, M. Burckhardt. The latter, in a letter dated December 2, informed the Soviet authorities that a delegate of the ICRC in Berlin, Dr. Roland Marti, had visited a camp where amongst others, Russian PW were held, and that he had chanced to notice that these PW needed clothing and food parcels. M. Burckhardt added that the ICRC had studied ways and means for sending relief supplied to the Russian PW, and expressed his gratitude to the American Red Cross for having offered its co-operation in this field. He then took up the question of the costs which would be entailed if the ICRC were to employ a cargo ship for this purpose, and of the terms for purchase and shipment food-stuffs, which could be bought in the Belgian Congo.

On February 16, the ICRC was at last able to announce to the Commissariat for Foreign Affairs in Moscow that it was in possession of the requisite authorizations.

'Telegram 6374 Geneva, February 16, 1942.

Molotov People's Commissar for Foreign Affairs, Moscow,

The British Government authorize the purchase of foodstuffs in Africa for parcels for Russian prisoners of war in Germany and transportation by International Redcross ships. Would your Excellency kindly make us a proposal in this respect ? The necessary funds for these purchases could be sent us through the Bank for International Settlements in Basle.

This telegram was completed on February 27 by a wire to M. Molotov announcing, firstly, that the Canadian Red Cross had offered 500,000 vials of vitamins for Russian PW, and secondly, that the German authorities had agreed in principle to collective consignments for Russian PW. The Committee added that the British authorities asked for supervision of the issue of shipments by the Committee's delegates, and that this condition would doubtless be accepted by the adverse party, if the Soviet Government agreed to allow delegates of the ICRC to be sent to Russia.

All these offers and communications from the ICRC to the Soviet authorities remained unanswered, either directly or indirectly.

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In view of this silence, the ICRC abandoned for the time being any general negotiations, by its own motion, with a view to establishing an agreement between Germany and Russia regarding the exchange of PW lists and of relief supplies.

Considering the formal decision made by Berlin not to forward any lists without reciprocity, and that none of the treaty stipulations relating to PW mail and relief supplies, like those relating to the communication of lists of sick and wounded, had been implemented by the two parties, the ICRC thought that there seemed little hope in the near future of a change of attitude, either on the part of Germany or of the USSR, which would make an agreement possible.

At first, the ICRC was disquieted by the fact that the Soviet authorities remained dumb, and suspected some misunderstanding. Information which subsequently reached Geneva

proved that the Committee was not alone to encounter absolute silence ; parallel negotiations undertaken by the Protecting Powers and by neutral or friendly Powers met with no better response. Adopting similar tactics in the matter of Soviet PW, the German authorities acted in the same way towards other intermediaries as towards the ICRC.

The Allies of Soviet Russia were directly concerned in the Committee's securing as wide an application as possible of the humanitarian principles defined by the international Conventions. Any discrimination between PW of various nationalities detained by Germany might indeed lead finally to a deterioration in the living conditions of those who were most favoured.

The appeals and steps of the ICRC were followed with great interest, in particular by the English-speaking countries. These facilitated the endeavours of the ICRC, and even offered them, of their own accord, their friendly and direct assistance, whilst undertaking parallel negotiations. But all attempts remained fruitless.

*(b) Negotiations in Germany concerning relief for Russian PW.*

In the spring of 1942, the ICRC received the assurance from the countries associated and allied with Soviet Russia, that donations were ready for Russian PW. The Committee then asked the OKW, in May 1942 if it would be possible to forward these parcels to the PW, and invited suggestions as to the co-operation of its delegates in their issue.

A communication from the Committee's delegation in Berlin (June 1, 1942) stated that the OKW objected to the shipment of foodstuffs to Russian PW. On the following day, however, a representative of the OKW stated to the Committee's delegate that the refusal was not final, and that consequently the answer to the Committee's application would be deferred.

It was only on September 2, 1942, that the OKW replied officially : the shipment of parcels to Russian PW was refused. According to a letter from the delegation in Berlin, however, the OKW seems to have agreed to such shipments, but on the following three conditions : (a) the OKW would themselves

name the camps to be benefited ; (b) the camp commanders would themselves arrange for issues and collect receipts ; (c) there would be no supervision and no camp visits by delegates of the ICRC in the case of Russian PW.

These conditions were contrary to those laid down by the blockade authorities and by the donors, and were unacceptable to them.

Since issue of foodstuffs to Russian PW in Germany proved impossible, the ICRC decided to send to Finland the donations in kind which were available. Finland had, of its own accord, asked for a supplement of foodstuffs for Russian PW, since its position made it temporarily impossible to supply this extra amount, and it agreed to the control conditions laid down <sup>1</sup>.

In a telegram sent by the ICRC on October 5, 1942, the Alliance was notified of this distribution, and was asked to inform the appropriate quarters in Moscow of the fact.

*(c) Relations between the ICRC and the Soviet Authorities in the summer and autumn of 1942.*

In July 1942, the transmission by the Alliance of a protest by German PW, and a Finnish request for exchange of information about PW, sick and wounded, furnished the ICRC with an opportunity of handing to the Alliance, through the Soviet Embassy in Ankara, and to the Soviet Government, by a letter addressed to M. Molotov, a memorandum summarizing their efforts in the Eastern conflict. No answer was received to this memorandum, nor to an approach made to the Soviet authorities in another field ; in a letter of October 5, 1942, the ICRC asked whether the Soviet Government would be ready to support a scheme for reuniting Polish families who had been dispersed by the war, this scheme being part of the work for the protection of civilian populations.

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<sup>1</sup> The detail of this relief scheme in Finland will be found in Vol. III, Part I, chapter 4.

In October 1942, the end of what may be called the second phase is situated. The position was far from encouraging, if not the contrary. The ICRC had been compelled to interrupt its efforts to obtain an exchange of lists. The German refusal and the absence of any Soviet response now constrained it to give up its endeavours in the field of relief. The Committee had to relinquish all hope of seeing the two major belligerents in Eastern Europe come to any kind of agreement in this respect.

### **3. Protests and application for enquiries**

On several occasions during the war in Eastern Europe, protests alleging violations of international law were lodged with the ICRC.

On January 19, 1940, the association known as the " *Lieux de Genève* " <sup>1</sup> notified the Committee that they had received from Finland an application for an enquiry in respect of certain air bombardments. The Committee declined the proposal to participate in the enquiry. It referred in this connection to its memorandum of September 12, 1939, defining the conditions under which they could take part in enquiries. The chief condition was, it will be recalled, that the Committee should be approached by all parties concerned <sup>2</sup>.

Shortly afterwards, the ICRC received direct, by letter from the Finnish Red Cross, dated January 31, 1940, a protest against the air bombing of civilian populations, hospitals and sanatoriums. In accordance with the policy it had recently reaffirmed, and with established custom, the Committee confined itself to sending this protest to the Alliance. It notified the Commissariat for Foreign Affairs in Moscow of this step, and, asked that the Alliance should be enabled to reply, giving the views of the Soviet Government on the subject. No answer was received to this request.

On August 27, 1941, the Rumanian Red Cross informed the Committee that wounded members of the Rumanian forces were

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<sup>1</sup> See below, chapter on Hospital Zones.

<sup>2</sup> See above, pp. 173 sqq.

reported to have been mutilated by Russian soldiers. The ICRC likewise communicated this protest to the Alliance, with the request for an answer which would be sent to the Rumanian Red Cross. This further request did not elicit any reply.

On June 4, 1942, the ICRC received from the Alliance, through the Soviet Embassy in Ankara, a letter dated February 9, 1942, to which were annexed records of statements made in January 1942 by German PW detained in Camp 78, alleging breaches of the Geneva Convention of 1929, committed by the German army, and a memorandum from M. Molotov, previously published, on the crimes, atrocities and acts of violence committed in the occupied regions of the USSR. In their letter, the Alliance asked the ICRC to communicate their protest to the Red Cross Societies of all countries. It has been said<sup>1</sup> that the ICRC established as one of its rules never to bring before world opinion any findings other than those of their own delegates. The Committee replied on July 9 to that effect but in view of the formal character of the application received, the ICRC stated that they would send the documents concerned to the German Red Cross, asking it to submit them to the German Government.

The German Red Cross replied in a letter dated September 30, 1942, that on the German side there was no intention of entering into any discussion about these statements, which had already been known for a long time through broadcast messages and tracts dropped by aircraft.

In June 1942 (the date remained in blank on the original), the President of the Executive Committee of the Alliance, M. Kolesnikof, communicated a further protest from German PW interned in Camp 74, dated the month of May. It was received at the end of August in Geneva and communicated to the German Red Cross.

*The Katyn Forest Affair.* — It will be recalled that in April 1943, the German authorities stated in the press that they had found in common graves, in the Forest of Katyn, near

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<sup>1</sup> See above, p. 173 sqq.

Smolensk, in territory which was occupied at the time by the German forces, the bodies of thousands of missing Polish officers.

On April 15, 1943, the ICRC received from the German Red Cross a request to take part in the operations of disinternment ; all facilities were offered for the immediate departure of an ICRC delegation. In a second application, the German Red Cross asked the assistance of the Committee in identifying bodies which, they stated, were the bodies of Polish officers reported missing in the USSR and " who were stated to have been murdered by the Bolsheviks ".

On April 17, the Polish Government in London also asked that representatives of the ICRC " should be allowed to examine on the spot the situation described by the German communiqués ".

On account of the publicity this case received throughout the world, the ICRC made known their answer in a press communiqué, on April 23, as follows :

The German Red Cross and the Polish Government in London have applied to the ICRC, asking it to participate in the identification of the bodies which have been discovered, according to German reports, in the vicinity of Smolensk. The ICRC have replied in both cases that, in principle, it would be ready to lend assistance in appointing neutral experts, on condition that all the parties concerned ask them to do so, in conformity with the memorandum sent by the ICRC on September 12, 1939 to the belligerent States, and in which the Committee established, at the outbreak of war, the principles according to which it could ultimately take part in such investigations.

Shortly after, on May 4, the Polish Government withdrew their application. The German Government never confirmed the requests made by the German Red Cross. As for the Soviet Government, it never sent any request to the Committee on the subject. For these reasons, the conditions laid down by the Committee were not met. The Committee therefore took no part, even indirectly, in the investigation on the case known as the Katyn Forest Affair.

#### 4. Third Phase: From autumn 1942 to the end of hostilities

##### (a) *Actual beginning of mail from PW in Russia.*

At the beginning of this period, in November 1942, the battle for Stalingrad was raging. The fighting was so desperate that any concession by one of the antagonists seemed out of the question. Yet it was at this time that the Russian authorities allowed numbers of Axis PW to send post-cards to their next of kin. These cards were supplied by the Alliance and forwarded through the Turkish post office.

The ICRC were deeply interested by this practical result, which corresponded to their hopes, and considered it as the prelude of a new phase in the entire problem—the more so as official Rumanian circles and certain unofficial circles in Germany attached great importance to this beginning of a mail service. The time seemed at hand to endeavour once more to come to some formal agreement, or to reach a *modus vivendi* which would give general effect to this first and partial success.

Early in 1943, the ICRC therefore sent to Ankara another mission, which was instructed to sound the Soviet representative as to Russia's new attitude. Information was required on the following points: (a)—whether the Soviet post offices would forward, within the borders of Russia, any replies which might come from the next of kin to the PW cards; (b)—whether the Soviet Information Bureau could supply the addresses of the PW whose names had been broadcast by the Soviet stations, or forward the mail addressed to it, when the address of the camp was unknown; (c)—Whether the Bureau was in a position to answer the enquiries from the Geneva Agency about PW. These enquiries concerned almost entirely PW from Axis countries.

During his conversations at the Soviet Embassy, the Committee's delegate was careful to stress that Geneva would be glad to present similar demands to the German authorities on the USSR. The ICRC hoped that the Soviet attitude would enable it, by the interplay of reciprocity, to secure similar



measures by Germany and her allies, some of whom, such as Rumania and Finland, had for a long time past shown themselves favourably disposed.

The Committee's delegate did not merely make enquiries. He handed to the Soviet Embassy the first correspondence forms sent from Rumania by Russian PW, and messages from Russian civilians in occupied territory to their next of kin in the USSR. He took this occasion to explain to the Soviet representative the working of the Committee's Civilian Message Scheme, which was adopted at the time by practically all the countries at war.

Finally, he renewed in his talks the wish of the Committee that this correspondence should be extended in both directions and pointed out the efforts made by the Committee to work out a scheme for supplying Russian PW with food.

The Soviet Embassy undertook to send a report to Moscow on all these matters ; but here again, the ICRC never received any reply.

During this time, the delegates of the ICRC in Germany took every useful opportunity to ask for improvements in the treatment of Russian PW, without however ever receiving favourable answers. The Rumanian Government authorized the ICRC to send to Moscow all the lists of Russian PW in Rumania, on condition of an exchange of equivalent particulars. They moreover invited the ICRC to send one of their members to establish contact with the Rumanian Red Cross and to visit PW camps.

*(b) Further contacts with the Soviet Authorities.*

Whereas it was possible to maintain or reinforce direct relations between the ICRC and most of the belligerent Powers, the necessary contact with Soviet Russia was always indirect and too intermittent. To remedy this state of affairs, the Committee decided to instruct its former delegate in Moscow during the period 1920-1937, to act as permanent liaison with the Soviet Embassies which were within reach of Geneva and close to the USSR, namely those at Ankara and Teheran. The delegate was given two letters, one addressed to the People's

Commissar for Foreign Affairs, the other to the Alliance, which he handed to the Soviet Embassy upon his arrival at Ankara in May 1943. In the first of these, the ICRC recalled in substance its offer of services, which led to no practical result, at the outbreak of hostilities. It pointed out that a mandate received from the International Red Cross Conferences laid upon it the imperative duty of maintaining with National Societies every useful contact, to enable it to carry out relief work in behalf of war victims, especially of the wounded and sick, PW and civilian internees. This co-operation had been hampered, owing to circumstances and difficulties of a practical nature. The ICRC was now instructing a special delegate to keep the Soviet authorities informed, and to conduct the negotiations required for a solution. In the letter to the Alliance, the ICRC expressed its wish to set up a scheme for sending information about PW, as had been suggested at the outbreak of the war in Eastern Europe, and according to the telegrams exchanged at that time between the ICRC and the Soviet Government. The Committee recalled that during the first World War, the ICRC were able to make enquiries in Russia in regard to combatants who were taken prisoner, or had fallen on the battle-field.

Simultaneously, on April 19, 1943, a telegram was sent to M. Molotov. Recalling the affirmative answer which he had given on June 27, 1941, to the concrete proposals of the ICRC, and the acceptance of the enemy Governments, the telegram expressed the hope that it would be possible to arrange for the exchange of lists and similar information. It stated further that 54,000 names of Russian PW in Rumania were available at the delegation's offices in Ankara, on condition of reciprocity, to the offer of the Rumanian Government.

In Teheran, the delegate of the ICRC once more explained the view of the ICRC, both in writing and verbally, to the Soviet Embassy in that city<sup>1</sup>. A few days later and at the

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<sup>1</sup> He proposed in writing to that Embassy, to inform the appropriate authorities in Moscow as to the various war activities of the ICRC, to learn the wishes of the U.S.S.R., to which the ICRC might be in a position to respond, and to gather information concerning the work of the Alliance about which Geneva possessed only few details.

suggestion of the Embassy, he asked for a visa for Moscow. He added that on his arrival, he could supply fuller particulars to the authorities concerned on the services which the ICRC could render to certain classes of war victims on both sides of the front. This welfare work would be carried out either along the lines of the Hague Convention, or of the most liberal humanitarian principles, and subject to complete reciprocity, as was the work carried out elsewhere by the Committee. The delegate also expressed the hope that by going to Moscow, misunderstandings that might exist between the Soviet authorities and the ICRC might be cleared up. In order to hasten the establishing of closer relations, the delegate suggested to the Alliance on August 14, 1943 that they should send one of their representatives to Teheran to discuss the above matters.

Meanwhile, the exchange of news continued between PW in Russia and their next of kin, and between Russian civilians and combatants in Rumania and their next of kin in the USSR. It was difficult to ascertain the volume of this correspondence ; the ICRC transmitted only a small part of it ; all the remainder went by the regular channels, i.e. the postal services of the neutral countries. In October 1943, however, the hope was dashed that sufficient reciprocity was established to allow a general exchange of mail, which would be extended to the masses of Russian PW in Germany as a whole. The delegation of the Committee in Berlin was informed unofficially—and with considerable delay—that the Russian PW in Germany were still not allowed to write to their next of kin in the USSR. The reason for maintaining this prohibition was, apparently, that the despatch of cards by a certain number of German prisoners in Russia did not furnish conclusive proof of a formal and general authorization granted to all German PW.

Shortly before receiving the telegram from Geneva informing him of this refusal by the Germans, the Committee's delegate in Teheran twice repeated his former requests to the Soviet Embassy. On October 31, he also recalled the wish of the ICRC that the Alliance should appoint, or delegate to him, a representative who would keep him informed of the activities of the Alliance, and contribute by personal contact to strengthen tradi-

tional and friendly relations. He likewise handed to the Soviet Embassy a report drawn up by M. Chapuisat, a member of the ICRC who, accompanied by M. de Traz, had been authorized to visit the Russian PW in Rumanian hands. The report gave an account of the inspection of camps situated in the territories which were occupied at the time by the Rumanians.

The delegate of the ICRC at last had the satisfaction, in December 1943, of meeting in Teheran a delegate of the Alliance. He was told, however, by this qualified representative that the Alliance was wholly absorbed by its task at home and had temporarily abandoned all foreign activities; the question of enquiries about PW was outside the competency of the Alliance and concerned, first and foremost, the Supreme Army Command. As for the shipment of relief parcels to PW, a satisfactory solution could doubtless be envisaged.

The delegate of the Committee spoke in defence of the Committee's views; moreover, in a letter of December 8, 1943, he described the relief schemes for Russian PW, which had been undertaken in Finland under the sponsorship of the ICRC. He commented on the reports on visits to Russian PW camps in Finland and Rumania, and on the work undertaken in Switzerland in behalf of Russian escaped PW in that country<sup>1</sup>.

Following on these negotiations, the Soviet Embassy in Teheran informed the delegate of the Committee that the whole question of the relations between the ICRC and the USSR was being examined in Moscow.

At the end of January 1944, the ICRC instructed its delegate in Teheran to express once more the interest which attached to the establishment of direct contacts with the Alliance in a town chosen by it, and to the visit of a representative of the Alliance to Geneva. Likewise, if Moscow expressed the wish, the ICRC would be glad to send to the USSR a mission charged with

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<sup>1</sup> A certain number of Russian PW and civilians who were in Germany succeeded, between 1942 and 1945, in escaping and taking refuge in Switzerland. This country was surrounded at the time on all sides by the Axis forces, and these escapees, like those from other Allied countries, could not return to their country of origin. They were therefore assembled temporarily in internment camps in Switzerland.

the work of preparing the establishing of another permanent delegation to the Soviet Government and the Alliance. Four months later, on May 9, 1944, these same proposals were submitted direct from Geneva by telegram to the Commissariat for Foreign Affairs and to the Alliance.

Although no general solution of matters of principle was reached, some partial results were achieved. The Alliance agreed, through their representative in Teheran, to answer enquiries in Soviet-controlled territories concerning members of the Red Army and civilians who had moved from their homes as a result of the war. The ICRC was then receiving from neutral, and even Allied, Red Cross Societies enquiries of this kind, as these Societies apparently received no answer to their direct enquiries and thus applied to the ICRC, whom they thought to be in a more favoured position than themselves.

Meanwhile, on March 10, 1944, the delegate of the ICRC in Teheran informed the Soviet Embassy that, at the earnest request of the Committee's delegates in Berlin, the German authorities had at last agreed to a certain freedom of correspondence for the Russian civilian detainees in Germany and in the occupied territories, but on condition that the ICRC should guarantee reciprocity on this point. The matter remained in abeyance.

At last, however, a reply to all the steps taken by the ICRC arrived. It was not what was expected. On August 9, 1944, the representative of the Alliance in Teheran and the Soviet Embassy verbally informed the delegate of the ICRC that, for the time being, the Alliance was not authorized by the Soviet Government to enter into official and direct relations with the ICRC, and that it was therefore not in a position to answer the proposals made by the Committee. It was added that this decision should not prevent the continuation of the *de facto* relations, as they existed at the time, nor the study of current problems in semi-official interviews.

This decision placed a check on the unceasing endeavours of the ICRC in behalf of the Russian PW in the hands of Germany and her allies, and of Axis prisoners in the hands of the USSR.

The ICRC therefore undertook no more general steps. But it kept up occasional contacts with the Soviet authorities and the Alliance. On the other side of the front, the Russian PW camps in Germany remained strictly closed to the ICRC, although it had constant relations with the German authorities.

It was only in the very last stages of the war, when the camps were forced to open in Germany, because the PW had to be removed from the front, that the "white trucks" of the ICRC, conveying food supplies to the PW along the high roads, had occasion to help columns of Russian PW whom they met on the march. The ICRC asked the Western Allies for permission to give these men also the benefit of the stocks which had been built up in Germany for their own nationals. The emergency was so great that the Committee did not even wait for an answer to act. The reply reached Geneva quickly, and was of course in the affirmative.

Meanwhile, the Soviet armies advanced their front through the countries who were allies of Germany or occupied by her; they took Vienna and Berlin. Everywhere, as is usual, the Committee's delegations remained at their posts and pursued their humanitarian duties.

Most of these delegations were tolerated by the Soviet military authorities, and were able, at least partially, to meet the tasks which confronted them. On the other hand, the delegates who had remained in Berlin were suddenly deprived of the means of carrying on their work. They were finally taken to Soviet Russia in June 1945, and interned for several months, without even knowing the grounds for this measure, before being repatriated to Switzerland.

After this, the relations between the delegations of the ICRC and the Soviet occupation authorities became normal. A new delegation was even able to settle in Berlin and co-operate extensively with these authorities, bringing relief to the civilian population in the capital and in the Soviet zone.

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## **XII. The Far Eastern Conflict<sup>1</sup>**

### **(A). INTRODUCTION**

During the first World War, the number of prisoners in the hands of the Japanese forces was very small, and the ICRC was not really called on to take action in the Far East. At that time nothing had revealed the very considerable differences which existed between Japanese conceptions and Western ideas on the subject of prisoners of war. At the time of the last War the position was different.

During nearly four years, up to the capitulation of Japan in August 1945, the activities of the ICRC met with the most serious difficulties in all areas under Japanese domination. These difficulties were doubtless due chiefly to the survival of certain ancestral ideas, according to which the status of prisoner of war is degrading.

Having emerged from its thousand year old isolation less than a century ago, the Empire of the Rising Sun soon entered the group of the Great Powers. Like these, it had adhered to the humanitarian laws embodied in the Geneva and Hague Conventions. It had more particularly signed the two Geneva Conventions of July 27, 1929, the first for the relief of wounded and sick in armies in the field, and the other concerning the treatment of prisoners of war. But of these two Conventions it had ratified the first, but not the second. So far as treatment

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<sup>1</sup> It should be noted that the present chapter deals, by way of exception, with the matter of Relief Supplies, as far as the Far Eastern conflict is concerned. In this theatre, questions of relief and of protection were closely related, and they were both handled by one particular Department of the ICRC.

of prisoners of war was concerned, one can gauge how much tradition remained alive, not only in the military clans called on to govern the destinies of the Empire, but also in the Japanese people as a whole.

Indeed, even in the West, the idea that PW should be protected against arbitrary action by the conqueror, is relatively recent in the history of law ; as late as the XVIIth century, Grotius seemed to admit that persons captured during war became slaves under international law, as did their posterity.

In Japan, in 1854, if we may believe a contemporary English diplomatist, during the civil war which opened the country to modern industrial methods, the military parties fighting each other executed all captured adversaries out of hand<sup>1</sup>. In fact, the Japanese were of opinion that any soldier captured was dishonoured and thus deserved capital punishment. In 1882, in spite of far-reaching changes carried out in other spheres, under the influence of Western ideas, the Regulations of the Imperial Army upheld the principle that military honour forbade a Japanese soldier to surrender to the enemy. The military regulations promulgated by the Minister of War on January 8, 1942, at the beginning of the Far Eastern conflict, maintained these traditional ideas in all their strictness. The chapters of these regulations concerning the life, death and honour of a Japanese soldier state that every man must die if he cannot carry out the task assigned to him, in order that his country may have victory. To be taken prisoner is a disgrace.

The customs observed in Japan during the second World War show how deeply public opinion was still governed by these ideas. When a soldier left his family to join a combatant unit, his departure often led to a ceremony to which his friends were invited. This ceremony was carried out in accordance with funeral rites. A lock of hair and a piece of nail of the soldier were kept by his relatives. From that moment, the man was dead, so far as his family was concerned, and was regarded by them as having returned to his ancestors. He could only come back alive as a conqueror. In the meantime, his relations

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<sup>1</sup> Cf. Sir Ernest SATOW : "A Diplomat in Japan", pp. 327 sqq.



experienced no wish to receive news of him. Should his letters not be held up by the military authorities, he was advised not to write. The news of his capture by the enemy involved dishonour for his family. This conception was still so firmly fixed in the Japanese mind that certain prisoners whose capture had, in accordance with the Convention, been notified to the Central PW Agency, insisted that their names should not be forwarded to Tokyo. In other cases, Japanese soldiers concealed their identity out of respect for their families. A delegate of the ICRC noted, even after the close of hostilities, that Japanese PW who were being repatriated, were determined never to see their families again, and to accept employment anywhere under assumed names "to avoid dishonour". To understand the state of mind which then dominated Japan, we need only remember the praise that the military communiqués showered upon garrisons or civil populations who refused to surrender and committed suicide or were killed to the last man.

Although the Japanese kept the initiative in operations for a long time, and thus suffered fewer losses than the enemy, the figure of prisoners captured on both sides is nevertheless striking. In October 1944, the number of Japanese PW in the hands of the Allied forces was 6,400, whereas that of Allied PW in the hands of the Japanese at the same time could be estimated at 103,000 (without counting those who died in the camps or were drowned through ships being torpedoed).

In these circumstances, the situation of Allied PW was bound to be critical. Since the Japanese Authorities took only very little interest in their own prisoners, they exercised severity where enemy PW were concerned. Though a few Japanese in high position were anxious to implement the Convention, their attempts were obstructed by the military authorities, who denied the value of humanitarian principles. These principles were the more difficult to defend, since the argument of reciprocity could hardly be adduced.

Furthermore, discipline in the Japanese Army was always very strict. Disciplinary punishments were so severe as to be incomprehensible to the Western mind. The same discipline

was unfortunately enforced on Allied troops in Japanese camps. The PW was not only regarded as a deeply detested enemy, but also as a man who had "lost face" by ceasing to fight. Furthermore, so far as food was concerned, the Japanese soldier's rations are far smaller than those issued to the Allied forces. As for living conditions in Japan, there is no need to emphasize the contrast between them and the standard to which inhabitants of countries of Western civilization are accustomed.

The Japanese treatment of civilians was not comparable to that to which the PW were subjected. The Japanese Government always displayed concern for its nationals who were domiciled in enemy territory at the moment of the attack on Pearl Harbour. According to the Japanese conception, these persons were not dishonoured by the fact that they had been interned by Powers at war with Japan. Also, the fact of their great number gave some weight to arguments based on reciprocity.

Thus, by reason of the difficulties which had been encountered up to August 1945, the ICRC had to make very strenuous efforts, even to secure results which were in no way proportionate to these exertions.

From the moment of the capitulation, however, the Japanese authorities ceased to obstruct the Committee's endeavours. During the weeks which preceded the arrival of the Allied troops, the representatives of the ICRC were able to carry out the essential task of bringing relief to Allied service men and civilians held in prisoner of war or internee camps. This action saved from starvation and sickness a large number of persons whom the victorious forces were not yet able to help, since they were far away and capitulation had been very sudden. The release of these detainees, who numbered about 200,000, did not, as a matter of fact, require much time.

Then arose the question of the millions of members of the Japanese Army and Navy, handed over by the capitulation to the Allied forces. The situation was now reversed, and the absence of reciprocity worked against the Japanese. The numbers of the personnel who thus fell into the hands of the Allies in the space of a few days created a problem which could

only be solved by allocating the Japanese troops fixed quarters, and leaving them under the command of their staff officers. The Japanese officers became responsible for the carrying out of orders given by the Allied military authorities. In these circumstances, the Allied Governments thought it impossible to apply to Japanese soldiers all the provisions of the 1929 Convention, and decided to classify the personnel of the Japanese Army and Navy under a distinct category of detainees, called "Surrendered Enemy Personnel" (SEP). Obviously, the ICRC could not be indifferent to their fate. It took steps with regard to them and approached the Allied Authorities, as it did during hostilities, when it appealed to the Japanese authorities in favour of the Allied PW. It even obtained from the Allied States signatories to the Convention, facilities which its delegates had been refused by the Japanese authorities during the war. These representatives were allowed, on application, to visit Japanese military camps, to talk freely with the Japanese, and to organize correspondence and relief work. The situation of these men was the same as that of the Germans after the capitulation of the Reich; the Germans also were regarded by the Allies as "Surrendered Enemy Personnel"; the steps taken by the ICRC in respect of both are set forth in the chapter concerning PW whose rights under the Convention were in dispute.

The ICRC was also called upon to act in the conflicts of which Indonesia and Indochina were the theatres during the post-war period. These matters are dealt with below, in their proper place.

We shall here consider especially the steps taken by the ICRC in favour of Allied nationals during the Far Eastern war. This study has two parts.

The first concerns the general activities of the ICRC, and deals with the endeavours made to secure the application of the Convention in the Far East, the appointment of delegates of the ICRC, their relations with the Japanese authorities, visits of camps living conditions, correspondence and issue of relief supplies.

The second part summarizes the work of the delegates and representatives of the ICRC, by districts, and mentions the relief issued both to Allied and Japanese PW and internees.

(B). ACTIVITIES OF THE ICRC DURING THE FAR EASTERN  
CONFLICT

I. General conditions

As soon as hostilities began between Japan, on the one side, and the United States and Great Britain on the other, the ICRC invited the three Governments concerned to forward all information concerning PW by cable to the Central PW Agency at Geneva. Although Japan was not bound by the 1929 Convention relative to the treatment of prisoners of war, no obstacle should be raised to the forwarding of such information, "in so far as the Governments of the belligerent States reciprocally allow such communication or declare themselves willing to apply *de facto* the provisions of the 1929 Convention".

On December 24, 1941, the ICRC notified Tokyo of the favourable reply received from the U.S. Government and of the appointment of a representative in Washington ; the Committee further proposed that its Tokyo correspondent should be recognised as representative for Japan.

The reply of the Japanese Government, received in January 1942, agreed to communicate to the Central Agency information concerning PW and non-combatants detained by the Japanese authorities ; it also notified the opening in Tokyo of an information office for PW (*Huryojohokyoku*).

Some days later the Committee's representative was approved by the Japanese Authorities.

The ICRC had, however, received no definite reply from the Japanese Government as to the policy the latter wished to follow with regard to the Convention itself. The Committee therefore applied once more to Tokyo, in February 1942, and further made it clear that, in its opinion, the fact that Japan was not a party to the Convention in no way prevented the *de facto* application of the provisions of this Convention to civilian internees, subject of course to reciprocity. In Tokyo, too, the Committee's representative made constant attempts to obtain from the Japanese Government a definite reply as to

the manner in which the latter intended to treat PW and civilian internees. The Japanese Government made its position on the question known through the Japanese Legation at Berne in the following terms :

Since the Japanese Government has not ratified the Convention relative to the treatment of prisoners of war, signed at Geneva on July 27, 1929, it is therefore not bound by the said Convention. Nevertheless, in so far as possible, it intends to apply this Convention *mutatis mutandis*, to all prisoners of war who may fall into its hands, at the same time taking into consideration the customs of each nation and each race in respect of feeding and clothing of prisoners.

The Legation's note added that the Japanese Government had already, through the countries protecting the interests of these States in Japan, notified the above to the United States of America, Great Britain, India, South Africa, Canada, Australia, and New Zealand.

The ICRC called Tokyo's attention to the fact that the list of States to which the Japanese declaration had been notified did not include the Netherlands. The Japanese Government thereupon replied that it would also apply the 1929 Convention to the nationals of that country.

As for the application of the Convention to civilian internees, the Japanese Legation at Berne stated on February 14, 1942 :

During the whole of the present war the Japanese Government will apply, *mutatis mutandis*, and subject to reciprocity, the articles of the Convention concerning prisoners of war to non-combatant internees of enemy countries, on condition that the belligerent States do not subject them against their will to manual labour.

The Legation asked the ICRC to communicate this reply to the Governments of Great Britain, Canada, Australia, New Zealand, South Africa, India and the Netherlands Indies, the same text having been communicated to the United States of America through the Swiss Government.

These results gave reason to hope that the work of the ICRC could be carried out under conditions similar to those which prevailed in the other theatres of military operations. This

hope was belied, by reason of the Japanese character and the conditions under which hostilities in the Far East were prosecuted.

Mistrust reached such a pitch that all foreigners who were not nationals of a Power allied to Japan were suspected of espionage. Indeed, the Committee's delegation itself seemed to be barely tolerated. The civil and military police went so far as to regard the delegation as a centre instructed to obtain information for, or on behalf of the representatives of the Protecting Power, whose duty was—so the Japanese authorities thought—to establish liaison with Japan's enemies. To combat these suspicions, the Committee's delegation at Tokyo denied itself the same close relations with the representatives of the Protecting Powers as in the other belligerent countries, where no such difficulties existed. By fostering this suspicion, the military clans systematically hampered the action of the Committee's representatives.

The circumstances in which one of these agents (not officially recognised it is true), was condemned and executed, show what dangers were incurred in the Far East by men who tried to serve the humanitarian work of the Red Cross in that part of the world. Dr. Matthaeus Vischer had been chosen by the Committee to act as delegate in Borneo before the island was occupied by the Japanese forces. When that occupation took place, in March 1942, the head of the Tokyo delegation was instructed to have Dr Vischer accredited to the authorities and to the Japanese Red Cross. The Ministry of Foreign Affairs in Tokyo, and the Japanese Legation at Berne were notified of Dr Vischer's presence in Borneo. When renewing its demand that this delegate should be officially recognised by the Ministry of Foreign Affairs, the Committee stated that Dr Vischer's duties in the future would be the same as in the past, namely "to care for all the victims of the war in accordance with the tradition of absolute neutrality of the ICRC".

In spite of frequent applications, the ICRC received no reply before the Japanese defeat. An official of the Ministry of Foreign Affairs then verbally expressed, on August 18, 1945,

the agreement of the Japanese government to Dr Vischer's appointment. A few days previously, the ICRC had been informed by the Swiss Legation in Japan that Dr Vischer and his wife had been arrested on May 13, 1943, on a charge of conspiracy against the Japanese Government, and that they had been sentenced and executed in December of the same year. Among the charges brought forward by the Japanese naval court-martial against these unfortunate people was that of having "criminally" sought to learn not only the number of PW and civilian internees in Borneo, but also their names, age, race, status, conditions of life and health, and of attempting to send them food. It is true that, in answer to a strong protest, the ICRC did receive apologies both from the officials of the Ministry of Foreign Affairs and from the Japanese Red Cross ; the former explained that the ship which carried the records of the 1943 affair had been torpedoed and sunk with all on board. But at no moment during the war, could this Department or this Red Cross Society give the ICRC assistance even distantly comparable to that which it enjoyed in the other belligerent countries.

## **2. Relations with the Authorities and with the Japanese Red Cross**

The Japanese Red Cross, which was highly esteemed in Japan, was mainly intended to provide for the upkeep of Red Cross hospitals and the training of nurses.

In spite of the best intentions, the "Foreign Section" of this national Society was regarded by the military authorities only as a subordinate department. It was unable to carry out the rapidly increasing duties which were connected with the war. The burden of the work fell on a Director and a Secretary, assisted by three voluntary workers, who were unfortunately not well acquainted with foreign languages. Custom demanded that a representative of the Society should accompany the Committee's delegates in their camp visits, but the Secretary, who was the only person available, was soon exhausted by this arduous task. In view of staff shortage, the Society had renewed difficulties in co-operating usefully with the Committee's delegation in Tokyo.

The relations of this delegation with the Ministry of Foreign Affairs (*Gaimusho*) were cordial, but on the whole of slight importance. In practice, this department generally played for time and put off any decision in matters concerning the Committee's delegation. They often referred delegates back to the Japanese Red Cross, alleging that the ICRC would have thereby a means of making contact with the Japanese authorities. The minor part allotted to that Society in Japan during the war is well known. The dilatory attitude of the *Gaimusho* was also shown by the delay in its replies to notes from the delegation. Thus, in six months seventeen notes were sent to the Ministry and four replies only were received.

The PW Information Bureau (*Huryojohokyoku*), which was a government service subordinate to the Ministry of War, was very unwilling to co-operate with the delegation. In practice, relations with this Bureau were confined to an exchange of notes, replies arriving even more slowly than from the Foreign Office. Personal visits were discountenanced; the delegation was even asked to deal with all questions only by correspondence. A note from the delegation dated April 25, 1945, emphasized the fact that there was "a singular lack of information" concerning the PW and civilian internees in Rabaul (New Britain). The directors of the Bureau took serious umbrage at this, and threatened to stop sending to Geneva any news concerning the health or death of PW, unless they at once received apologies. The staff of the PW Information Bureau were all retired officers, who distrusted foreigners.

Relations with this Bureau were so difficult that it was only at the close of hostilities that the delegation was able to know exactly how it was organized. The Bureau comprised two offices: (1) the office for information concerning PW and (2) the office for the administration of PW; both were under the same chief. Whereas the Information Bureau issued the least possible amount of data concerning PW, nothing was ever said about the administration of the camps. The lists of deceased PW, particularly of airmen, were incomplete. Further, the information asked for by the Central PW Agency seems never to have led to enquiries in the camps; replies were merely



given on the strength of information contained in the central card-index in Tokyo.

Relations with the officials of the Ministry of the Interior (*Naimusho*), which was responsible for civilian internee camps, were also by no means easy. The police officials often hardly dissembled the contempt they felt for the Red Cross delegates, despite the fact that Japan has a reputation for habitual courtesy. At a certain time, the delegates were entirely unable to travel, as the *Naimusho* refused to grant them the necessary permits.

### **3. Appointment of new Delegates**

The first delegate of the ICRC was, as has been said, approved by the Japanese authorities in January 1942.

Very soon he discovered how arduous his duties would be, and asked Geneva to give him an assistant. The ICRC first planned to send him a highly experienced assistant delegate, chosen among its Geneva staff; in view of the attitude of the Japanese towards all foreigners, and to save time, the Committee decided to take the advice of their Tokyo delegate and choose a Swiss resident in Japan. At the same time, attempts were made to obtain the consent of the Japanese authorities to the appointment of delegates to foreign territories under Japanese authority.

Before the Japanese occupation the ICRC had already appointed delegates in these territories, at Singapore and in Java, Sumatra and Borneo, by agreement with the local authorities. From the very first days of the occupation, the Committee tried to obtain acceptance by the Japanese government of these delegates, who had been concerned with the relief of nationals of the Axis Powers, and would henceforth have to turn their attention to nationals of the Allied Powers, both PW and civilian internees. Furthermore, the Committee asked for official recognition of delegates at Shanghai, at Hongkong, in Siam and in the Philippines.

The Japanese Government agreed to the appointment of delegates in occupied territories which were no longer regarded

as zones of military operations. Thus an ICRC delegation was set up at Shanghai in March 1942, and at Hongkong in June 1942.

The ICRC did not, however, relax efforts to obtain the consent of the Japanese authorities to the appointment of delegates at Singapore, at Manila, in the Dutch East Indies and in Siam. The delegate at Singapore was accepted only at the time of the Japanese capitulation in 1945 ; nevertheless, during the occupation, he was able to do a certain amount of work in a more or less private capacity. As regards Manila, the Japanese Government invariably replied that "the time had not yet come" to make this official appointment. The agent wrote himself :

Throughout the entire occupation I was never recognised by the local Japanese authorities, and whatever I was allowed to do had by all appearances to be of a private nature in my name.

In the Dutch East Indies, the negotiations undertaken with the Japanese Government proved fruitless, the latter confining itself to the reply that "the question could not be considered at present". The position of the Committee's representatives in the Dutch East Indies was the more difficult since, to all practical purposes, they were unable, throughout the war, to get into touch either with the headquarters of the ICRC at Geneva, or with the Tokyo delegation.

In Siam, the attempts of the ICRC to get their delegates accredited were partially successful. The Siamese authorities did indeed agree to the appointment of a delegate at Bangkok, but the Japanese refused to approve him, and that considerably hampered his work.

The situation remained unchanged up to the capitulation of Japan (except for the Philippine Islands, which were liberated before). In June 1943, the Japanese Ministry of Foreign Affairs categorically refused the repeated applications of the ICRC : "As we have already explained time and again through your delegate in Japan, in view of the special circumstances prevailing in the southern occupied territories, the time has not yet come for compliance."

As soon as Japan came into the war, the ICRC tried to send some of its assistants to the Far East. The Japanese Government replied to every application from the ICRC that "the time was not yet come to contemplate the carrying out in practice of this scheme". On February 11, 1943, the ICRC insisted in the following terms :

Since the month of September 1939, the ICRC has sent to various countries special missions of a temporary character, in order to visit the national authorities and to make contact with the delegates whom they have appointed on the spot without being able to get in to personal touch with them. We do not think that there is any need to stress the value of such journeys, which are calculated to solve problems which concern Governments and the ICRC equally.

Japan has now been more than a year engaged in the present war, and the question we have to discuss with the Japanese Ministry of Foreign Affairs and Red Cross have become more and more numerous and complicated. At the same time, the duties entrusted to our delegate in Tokyo have been considerably extended. We are therefore certain that your Government will welcome the scheme that we have prepared.

The reply of the Japanese Government was that "the purpose of this mission would be better served if the departure were postponed to a later and more suitable date". In May 1943, the ICRC proposed the sending of a mission which could have travelled on one of the ships repatriating Japanese diplomatists.

The object of the mission would thus be more clearly defined, with the aim of making contact with the Imperial Authorities and the Japanese Red Cross. At the same time, the special mission would give the ICRC delegation in Tokyo all information necessary to enable it to carry out its duties in the manner regarded as the most effective by all concerned.

This proposal was renewed in the month of September. In November, the Japanese Ministry of Foreign Affairs cabled to the ICRC that "the material situation has not changed since our last communication" and that the despatch of a mission should be postponed to a more favourable date.

The Committee's delegate in Tokyo, a medical practitioner of Swiss nationality domiciled in Japan, was fully acquainted with the customs of the country, and had already represented the ICRC in Japan during the first World War. He died at his

post in January 1944, and this loss was the more unfortunate for the ICRC, since it seemed impossible to bring the Japanese Government to consent that a mission should be sent from Geneva. This event furnished the ICRC with a reason for an urgent renewal of its previous applications. The Committee had just been informed by the Japanese Legation at Berne of the "emotion of the Japanese authorities", in view of certain statements in the American and British press concerning "atrocities" committed by Japanese troops on the persons of Allied PW. Geneva took this opportunity to reply that any intervention by the ICRC to establish the facts would carry very much more weight, if the Japanese Government found it possible to accept the request which it had been the duty of the ICRC to submit, that a special mission be sent. Furthermore, the ICRC attempted to influence the decision of the Japanese by the communication, in February 1944, of a reply received from Washington, stating that "all the United States Government services concerned were, for their part, prepared to receive at any time a special mission to the United States, and to give them all facilities for carrying out their task". This, however, did not change the attitude of Tokyo.

Finally, in the autumn of 1944, the Japanese Ministry of Foreign Affairs for the first time gave a favourable reply. Unfortunately, for reasons beyond the control of the ICRC, the departure of the mission was delayed. The practical preparation of the journey (planning of the route, issue of travel permits, difficulties of transport in countries at war, etc.) lasted several months and it was only in June 1945 that the new head of the delegation, accompanied by a woman assistant, who was thoroughly familiar with the work of the Central PW Agency, was able to leave Switzerland for Tokyo, where they arrived on August 11, at a moment when the second atomic bomb had just fallen on Nagasaki.

#### 4. Visits to Camps

The difficulties encountered by the ICRC in accrediting its delegates to the Japanese authorities inevitably made problems for them in carrying out their duties. The suspicion with which

they were regarded, and the ill-will of the Japanese authorities responsible for the administration of prisoners of war, meant that they were only able, for instance, to visit 42 camps out of the 102 known to exist in Japan, Formosa, Korea and Manchuria, at the time of the capitulation.

Furthermore, these visits, during which they had to avoid quoting humanitarian conventions (mere mention of these texts annoyed Japanese military authorities) did not produce all the results that might have been expected from them. In Japan itself, the delegates found 34,000 Allied prisoners of war after the surrender of the Japanese forces, whereas only 27,000 names were known at Geneva. Also, more than anywhere else, many practical obstacles were put in the way of visits to camps. Permits, which had to be renewed in the case of each visit, were particularly difficult to obtain. The delegates, again, did not always receive the necessary travel permits. Lastly, when they went to fortified zones in which prison camps were situated, they had to supply photographs and make up an individual file for each application. Often the delegates did not know till the last moment whether the permit granted was a general one, or limited strictly to a single delegate. The duration of the visit of the camps was generally restricted to two hours, made up of one for conversation with the camp commandant, thirty minutes for visiting quarters, and thirty minutes for an interview, in the presence of the Japanese officers of the camp, with a camp leader appointed by them. No communication with the other prisoners was authorized, and negotiations undertaken with the object of altering this state of things were not successful. The camp commandants frequently refused to reply to questions put to them, on the score that they had not received authority to give information.

Visits to civilian internment camps were not so difficult. Nevertheless, after the autumn of 1944, the task of the delegates in this field was much complicated by the Japanese police authorities. No communication with the camp leaders or with the internees could take place, unless it was in the presence of representatives of the Detaining Power. The authorities found all kinds of reasons to delay or put off visits of delegates. The

representatives of the ICRC noted that almost always their visits to the camps occurred several days before or after the visits of the representatives of the Protecting Power.

At the end of 1944, the Japanese Government, in reply to many requests from the ICRC, at last did allow certain camps to be visited, on condition that these visits should not interfere with military operations, that persons carrying them out should be chosen on the spot and should act as temporary representatives of the Tokyo delegation. Reciprocity, too, was to be guaranteed by the Allied Governments, particularly in New Caledonia and in the islands of Saipan, Tinian and Guam. The ICRC accepted the first three conditions, and quickly succeeded in obtaining assurances of reciprocity from the Allied Governments concerned. The Committee then requested that the agents, which it already regarded as its delegates, at Singapore, in Siam, and in the Philippines, should be appointed to carry out these visits. The delegate at Singapore was refused approbation, and the Japanese authorities suggested the appointment of a person entirely unknown to the ICRC. The Committee held to its request for official recognition of its representative, but it was never possible to come to an agreement with the Japanese authorities, although the candidate suggested by the Japanese authorities would have been accepted by the ICRC, but only for visits of camps.

This is the place to pay a just tribute to the activities of the delegates chosen on the spot by the ICRC. In spite of the difficulties, they brought all their intelligence and their courage to the work which was demanded of them. Most of them worked without remuneration, in full agreement with their employers, generally Swiss firms.

## **5. Correspondence**

The Pacific War, which spread over thousands of square miles, inevitably put serious obstacles in the way of correspondence. These were still further increased by the strictest censorship imposed as a result of a mistrust even greater than it was elsewhere.

The forwarding of the correspondence of prisoners of war or civil internees to their families was never satisfactory. It was nearly impossible in the southern territories occupied by Japanese forces, Siam, Malaya, Netherlands Indies and Melanesia. The negotiations undertaken by the ICRC had, however, led on April 17, 1942, to a declaration of principle, according to which the Japanese Government "was ready to allow prisoners of war and civil internees to correspond freely with their families in foreign countries". Measures were then taken to send a first instalment of mail on the first ship for exchange of diplomatic personnel repatriated to Japan. Further instalments of mail were to be sent through Siberia.

The Japanese authorities laid down certain conditions concerning the wording and distribution of messages for the Far East, conditions which the ICRC was able to define in the following manner in a letter to the Belgian Red Cross in 1943 :

The regulations issued by the Japanese authorities limit to 25 words the length of the letters that prisoners of war and civil internees in the Far East may receive, and require that these letters should either be typed or written in capitals. These restrictions are enforced for correspondence addressed to all prisoners, either in Japan itself, or in Japanese overseas territories (Korea, South Sea Islands), or in territories occupied by Japan. In the case of civil internees, only letters for those who are in territories occupied by the Japanese forces are subject to these restrictions. For prisoners of war and civil internees presumed to be detained by Japan, but whose names have not yet been communicated letters may be sent through the ICRC to the Japanese Red Cross. In those cases where the names are known, but the address of their camp is not known, the official information bureau on prisoners of war (*Huryojohokkyoku*) is responsible for sending such mail through us.

Far from improving, the situation only became worse until towards the end of 1944, when the Japanese Government accepted the following proposals :

(a) Exchange of cable messages (Telegraphic Message Scheme) enabling prisoners of war and civil internees in the Far East to send and receive every year a message of ten words, not including address and signature. All these messages were forwarded by the Central Agency at Geneva. The system was inaugurated

at the beginning of 1945 ; six months later 65,823 messages had been forwarded to Tokyo, and 2,126 had been received from Japan.

(b) Exchange of correspondence enabling civilians at liberty residing in the Netherlands Indies, the Philippines, Burma, and Malaya to give and receive news by means of a form, with set phrases for information and queries, which the sender could fill in simply. This system was also to be put in practice between these territories and the other countries under the Tokyo Government.

At the beginning of the war, the ICRC could only get in touch with its representatives by telegram, since no correspondence by letter was possible. It was difficult to transmit by telegram, with the necessary degree of accuracy, instructions, reports or special requests for information. Furthermore, in order to meet the requirements of the censorship, telegrams to the Southern occupied territories had to be sent in the Japanese language. Correspondence in these circumstances, between Tokyo, Shanghai, Bangkok and Geneva, was very uncertain, and with the southern regions it was almost impossible, reaching the point where certain representatives could not get any message through, either to Geneva or to Tokyo, and in 1945 the ICRC had reason to wonder if they were still alive. It should be noted, however, that the Committee's representative at Singapore was able to communicate with Geneva by cable at the beginning of the war, thanks to the help of a Japanese official responsive to humanitarian ideals. He also managed to get through to Geneva a bundle of correspondence by the hand of the Vice-President of the Japanese Red Cross, who being in Singapore on a mission, took this packet to Tokyo.

Letter-mail, which was later authorized subject to Japanese censorship, was so slow that the ICRC often gave up using it for communication with its representatives. The Committee's correspondence, too, with its delegates, either by letter or by telegram, was subject to censorship under conditions which seriously hampered it. Thus in March 1944, a telegram from a delegate giving an account of his visit to the PW camp at



Fukushima, was considerably amended by the Military Authorities, who were unwilling that the delegate should report the unsatisfactory details that he had noted concerning the rations, sanitary conditions, and discipline of the Allied soldiers detained in this camp. The ICRC and the Allied Authorities, to whom these reports were forwarded, were aware of the difficult position of the delegates, and had to guess at what the messages meant as best they could. It should be noted that as an exceptional measure, and in a few cases which were indeed very rare, the ICRC was authorized to telephone first in German, and then in English, to its delegation at Tokyo.

## **6. Relief**

Immediately after Japan's entry into the war, the question was considered of sending relief to Allied nationals who had fallen into the hands of the Japanese. The difficulties in the way of conveying relief supplies by sea over such great distances, in war zones, access to which was forbidden by the Japanese to any neutral ship, were considerable. The Committee was unsuccessful in its attempts to obtain a permit to bring to the Far East Red Cross ships with the relief stores urgently needed by Allied prisoners and civil internees.

As early as December 30, 1941, the British Red Cross asked the ICRC to organize in the Pacific a line similar to that which was to connect the United States with Europe across the Atlantic. The Australian Red Cross, for its part, expressed its readiness to provide for the first relief supplies from the South, if it could have a neutral ship with an escort and marked with the distinctive emblem of the ICRC.

The Japanese Legation at Berne, when approached on this matter, informed the Committee that the Tokyo Government would not object to a neutral ship being used. When the Japanese stated that they were ready to give relief to prisoners of war and civil internees, in accordance with the provisions of the 1929 Convention, the ICRC asked the Japanese Red Cross if it had in mind the bringing up of relief stores on Red Cross ships. The reply, however, was long in coming. A little later, when the British Government proposed to send to the

Far East a ship with relief stores for its nationals taken prisoner at Singapore, the Committee put the same question to the Japanese Government and requested them to agree in principle to the carrying of relief stores by Red Cross ships. Pending an official reply, and on the basis of the declarations made at Berne, the Committee set about finding a neutral ship<sup>1</sup>. In this spirit, the American Red Cross planned to put on the Pacific service a ship transferred to the Swiss flag, and to the ownership of a corporation with Swiss nationality. It further offered to bear the expense involved, and then requested the Committee to ask the belligerent Powers for a safe-conduct for the *Vasaland*, moored in the port of Gothenburg. This ship was to run on the route Seattle-Kobé-Shanghai-Hongkong-Manila. On its return, it would be sent to a United States port indicated by Japan, with relief stores on board for Japan's own nationals.

Knowing that the Japanese, for military reasons, would oppose any traffic in the Yellow Sea and the China Sea, which were war zones, the ICRC thought that it would be easier to secure an agreement for the establishment of a direct line from the United States to Japan, i.e. Seattle-Yokohama, or a line linking the United States with the neutral port of Macao.

Therefore, when making its request for consent by the Tokyo Government in June 1942, the Committee mentioned the route suggested by the American Red Cross and left it to the Japanese Authorities to choose a port, at the same time suggesting that of Macao. The ICRC meanwhile endeavoured to find a ship which might have been bought by the Foundation and employed in the Pacific. The French Government offered the *Wisconsin*, which was detained in the U.S.A. This ship, however, was no longer under French control, since it was being used by the Americans. There was then some thought of using the *Indiana*, another ship under French control in the United States.

The German Authorities at the outset refused to allow the *Vasaland* to leave the Baltic, so that the American Red Cross had to decide to charter the *Kanangoora*, another Swedish ship detained in the United States.

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<sup>1</sup> At this time the ICRC was taking steps to set up a "Foundation for the Organization of Red Cross Transports".

At the same time (in August 1942) the Japanese Government announced that it would not allow any neutral ships to enter Japanese waters, nor the waters surrounding territories occupied by Japan. It also refused to allow the establishment of a regular service, but permitted relief to be sent by ships used for the exchange of diplomatists and civilians between Japan and the Allied Powers. On this refusal, the Committee insisted on the creation of a half-way house at Macao, where ships might unload their cargoes. This port, being situated in Portuguese territories, and therefore neutral, was to play in the Far East a part similar to that of Lisbon for the Atlantic. At the end of September, the Committee learnt that the Japanese Red Cross had hinted that "the chances of arriving at an agreement would perhaps be greater if the Red Cross ships had a Japanese crew". The ICRC then contemplated creating a regular line, with a half-way house at Lourenço-Marquez. In October 1942, they submitted the scheme to the Japanese Authorities, and discussed it with the representatives of the American Red Cross. The ICRC, which had already obtained the agreement of the French and German Authorities for the transfer to the Foundation of the Belgian ship *Carlier*, had thought of using this vessel between the United States and South Africa. For the journey between South Africa and the Far East, it proposed to employ, with a Japanese crew, the French ship *Ville de Verdun*, which was interned in Japan.

The occupation of North Africa by the Allies in November 1942 upset the scheme for the purchase of the *Carlier* and, when a month had passed, the Tokyo Government informed the Committee that it did not see any possibility of organizing a transport service between Japan and Lourenço-Marquez.

In spite of this set-back, the question was taken up again. On February 24, 1943, the ICRC submitted to the Japanese Red Cross a proposal of the American Red Cross for the establishment of a service between the United States and Japan, with a half-way house in the Pacific. By this plan, an American ship would have unloaded the goods at a place to be determined, and they would have been distributed at various points in the Far East by a Japanese vessel. In the same way, the American

ship would have unloaded in the United States the relief stores coming from Japan for Japanese prisoners and internees. The United States would even have agreed that the American ship should do the whole trip, the American crew being replaced at the half-way house by a Japanese crew for the Far Eastern part of the journey.

Likewise, on February 26, 1943, the Committee advised its delegation in Japan to resume negotiations with regard to the Lourenço-Marquez-Japan service by a Red Cross ship flying the Swiss flag, and carrying only relief stores for prisoners of war and civil internees of the two belligerent parties. In April 1943, the Japanese Red Cross, in reply to the American proposals, stated that the Japanese Government had no objection in principle to the sending of relief, but that it could not yet change its resolve not to permit the entry of neutral vessels into zones of military operations. Nevertheless, if the American Government were to send relief stores by a Soviet vessel to Vladivostock, Japan would be ready to consider the granting of facilities for the forwarding of such relief supplies. In fact, soon after this, the Japanese Ministry of Foreign Affairs notified Switzerland, in its capacity as Protecting Power, that Japan would send one Japanese ship monthly to Vladivostock, on condition that its passage was guaranteed by safe-conducts issued by the Powers concerned. This news was communicated to the ICRC by the United States Legation in June 1944. In November, a Japanese ship, the *Hakusan Maru*, was sent to the Siberian port of Nakhodka, to take on there part of the cargo of relief supplies that the United States had sent to that port on a Russian ship. The *Hakusan Maru* loaded at Nakhodka 2000 tons of goods delivered at Vladivostock by the American authorities. This consignment included a total of 74,364 parcels.

At the beginning of the year 1945, the Committee thought that negotiations for the establishment of a regular service, if resumed, would have some chance of success. Two lines could have been established : one linking Europe to Sumatra, for the supply of the Sunda Islands, the other between the United States and Japan for food supplies to Japan and China. The

*Mangalore* and the *Travancore*, Swedish ships which were then in service on the Atlantic line, seemed suitable to be put on to these new routes. From Sumatra, failing neutral cargo vessels, they could use ships of the Japanese coasting trade, which would provide a shuttle service. There were discussions to this end with the Japanese Legation at Berne in February 1945.

The cargo loaded at Vladivostock, as has been seen above, seemed at last to give hopes of the establishment of regularity in the dispatch of relief supplies. Unfortunately, the *Awa Maru*, one of the ships responsible for distributing the relief supplies brought by the *Hakusan Maru* in the Southern occupied territories, was torpedoed on its return voyage on April 1, 1945, by an American submarine. From that time, the Japanese Government refused to entertain any plans for Red Cross ships to ply in the Far East. The Japanese Authorities persisted in this attitude up to the capitulation, and the negotiations, which had been carried on for nearly four years with a view to establishing Red Cross transport services in this part of the world, in the end had no success. In this field, as in others, the fact that the efforts of the ICRC were fruitless was not through neglect of any feasible plan, even the boldest, or because there was failure to urge such a plan upon the Japanese Authorities on every possible occasion.

With the exception of the *Hakusan Maru*, it was only in the ships used for the exchange between Japan and the Allied States of persons in the diplomatic service and civilians, that medical stores, food and correspondence, could reach the Far East by sea.

A suggestion for these consignments was made for the first time in March 1942 by the Committee's delegation in Japan. Food and medical stores would be distributed to the consignees by the Japanese Red Cross. The exchange would take place in the following manner: American or British ships would be sent to Lourenço-Marquez or any other port, to which Japanese ships on their side would also proceed. There would be a representative of the Protecting Power on board, who would at the same time work as the agent of the ICRC. A delegate

of the ICRC would supervise the unloading of the goods, if necessary their storage, and their reloading on to another vessel. A first exchange took place in July 1942. The ship *Asama Maru* went to Lourenço Marquez to meet the *Gripsholm*. It brought 6,993 parcels back to Japan or to the occupied territories. A second exchange ship, the *Tatura Maru*, carried relief supplies from Lourenço-Marquez in September 1942. With regard to this, the delegate at Tokyo wrote as follows :

All the goods, including 48,818 parcels, 360 of which seem to have arrived in a bad condition, were unloaded at Singapore. The delegation in Japan asked the Huryojohokyoku to take the necessary steps, so that 60% of the cargo might be divided among the prisoners of war and civil internee camps of the Singapore sector, and the remaining 40% between the prisoners of war and the civil internee camps in the Netherlands Indies.

In October 1944, according to the reports of the delegate at Tokyo, the *Kamakura Maru* carried a cargo of 47,210 parcels, 32,940 of which were unloaded at Hongkong. Lastly, the *Teia Maru*, going to meet the *Gripsholm*, took on board a number of parcels intended for Allied nationals detained in the Far East. On this subject, the Committee's delegate reported as follows :

Out of a total of 48,760 parcels dispatched 48,581 parcels have been distributed in the Far East. The allocation of these parcels and the collection of reports on them, as well as receipts, when compared to the total despatch of 48,760 parcels, should be regarded as a satisfactory achievement in time of war.

The Committee's delegates were never able to exercise complete supervision of the unloading or the issue of these relief supplies. In most cases the Japanese Authorities took on this work, both in Japan and in the occupied territories. It was only very seldom that the delegates were able to be present at these operations. A certain check on distribution might, however, have been carried out through the individual receipts in each parcel, but it was very difficult to get hold of these documents. The first receipt received was a general receipt, signed only by Japanese officers ; it contained no details as to distribution, and thus did not give the guarantees implicit in receipts signed by the consignees. (It should be noted that a

fairly large number of individual receipts reached the ICRC after the end of hostilities, and among these there were those signed by Generals Percival and Wainwright, and by Governor-General van Starckenborg.)

There was an extensive correspondence with the Japanese authorities about the allocation of these relief supplies. During the war only a few replies came from the Prisoners of War Bureau and from the Japanese Ministry of Foreign Affairs, and the information received was seldom very satisfactory. The delegates tried gradually to obtain proofs that all relief supplies which were delivered had, in actual fact, been distributed to the addressees, but they only managed to do this in certain cases and after persistent discussion.

Parcels were distributed to Allied prisoners and civil internees, without distinction of nationality, since the American, British and Netherlands Government had decided to pool these relief supplies.

To sum up, on these four ships more than 150,000 parcels were despatched, and this number reached their destination. If that number be added to the consignment on the *Hakusan Maru*, a total of 225,000 parcels were divided between the Allied prisoners of war and internees in the Far East. The unfortunate sinking of the *Awa Maru* was the reason brought forward by the Japanese authorities for not allowing any further consignments. Thus, no relief supplies reached Japan or the occupied territories after those which had been brought by the *Hakusan Maru* in November 1944.

In these circumstances, local purchase of supplies, a course which should have been taken only to supplement relief arrangements, became essential in practice. We shall confine ourselves here to mention of the general methods and total figures of these purchases.

The necessary funds came from the Allied Governments, from the Allied Red Cross Societies and other relief organizations. At first they were transferable at pleasure, but as from 1944 they had to be sent to Tokyo. Transfer of funds in territories outside Japan was subject to a special permit. Owing to the rate of exchange imposed by the Japanese Government, these

funds lost a part, often a large one, of their purchasing power. Lastly, funds intended for certain destination, had to be converted once or several times into different currencies at a rate fixed by the Japanese authorities themselves. It should further be borne in mind that the activities of certain delegates in these parts never had the sanction of the central Authorities and the local commandants.

About 21 million Swiss francs were transferred to the Far East through Geneva. The various delegations were able to use more than 16 millions. Five millions never reached their destination, since it had not been possible to obtain the "re-transfer" permit.

It was in August 1945, after the Japanese capitulation, that the activities of the ICRC in the Far East were at last able to have scope. For it was on that date that the delegates in the Southern occupied territories were recognized by the Japanese authorities, and that they were able to visit the ex-prisoners of war and civil internees who were still in the camps, and to give them help. Certain delegations, either direct or through Geneva, forwarded to the Allied commands a list of urgently needed relief supplies, to be dropped by parachute in camps indicated to pilots by large national flags or Red Cross flags. This work of the delegations was taken over, as soon as they arrived, by the Allied organizations responsible for the repatriation of ex-prisoners of war and civil internees.

Appeals to public generosity made by certain delegates, particularly at the moment of the capitulation of Japan, made it possible to collect on the spot considerable gifts in kind of great variety, and funds which may be estimated as equivalent to about 1,200,000 Swiss francs.

The annexed table gives a general outline of the use of the funds.

More detailed tables giving the names of the various donors, the use to which these funds were put in local money and the equivalent in Swiss currency, will be found in the annex to Vol. III, which deals with institutions from which gifts were received.

Lastly, mention should be made of the fact that very large



	Funds supplied by Governments and Red Cross Societies	Funds collected on the spot	Total
Drugs, surgical apparatus, dental treatment . . . . .	953,032.46	38,568.25	991,600.71
Soap, washing and toilet, disinfectants . . . . .	289,894.03	6,859.10	296,753.13
Food . . . . .	8,784,470.04	547,737.33	9,332,207.37
Clothing, footwear, thread, buttons	601,196.26	89,197.07	690,393.33
Toilet articles ; tooth brushes, tooth powder, razors, blades, combs, brushes, etc. . . . .	134,809.15	2,440.35	137,249.50
Books, games, sports equipment, musical instruments . . . . .	44,060.30	28,354.40	72,414.70
Beds, mattresses, blankets, sheets, towels . . . . .	126,899.67	37,359.60	164,259.27
Household utensils, brooms, toilet paper . . . . .	104,476.50	5,024.42	109,500.92
Office fittings, stationery, pencils, etc. . . . .	37,213.47	74.40	37,287.87
Allowances (for civilians) . . . . .	831,644.73	—,—	831,644.73
Pocket money (prisoners of war and civilians) . . . . .	1,518,161.47	50,080.14	1,568,241.61
Relief packages . . . . .	371,161.70	—,—	371,161.70
Tobacco, cigarettes, articles for smokers . . . . .	486,265.89	177,307.13	663,573.02
Officers' mess (Shanghai) . . . . .	18,281.15	—,—	18,281.15
Rent, telephone, electricity, heating, repairs to building, furniture, kitchen fittings, wages (800,000 frs. of which was for the "Rosary Hill Red Cross Home" Hong-kong) . . . . .	899,099.86	44,891.95	943,991.81
Miscellaneous, including carriage of goods, transports, cable charges	913,338.40	155,512.74	1,068,851.14
<b>GENERAL TOTAL</b> Swiss francs	<b>16,114,005.08</b>	<b>1,183,406.88</b>	<b>17,297,411.96</b>

sums reached the Far East through the Protecting Powers. The delegates collaborated closely with their representatives, particularly at Shanghai and at Bangkok.

## 7. Repatriation

Although Japan was not a party to the 1929 Convention on the treatment of prisoners of war, the ICRC, in its memorandum of February 15, 1944, submitted to the Japanese

Government, as to the other Governments concerned, the question of the repatriation of wounded and sick prisoners of war and civilian internees. No reply was given. The Committee returned to the problem in the month of June of the same year and telegraphed to the Japanese Ministry of Foreign Affairs, proposing the acceptance by the Imperial Government of a reciprocal agreement between the parties concerned for the repatriation of wounded and sick, particularly those whose state of health might become worse as a result of the climate. Pending the conclusion of such an agreement, the Committee asked, as a preliminary measure, that the prisoners should be transferred to districts where the climate was better ; it even offered to supply all the medical relief necessary for the help of these men.

The reply was received in October 1944 ; it stated that practical difficulties were involved in the repatriation of wounded and sick, but, even so, the Japanese Government was giving the question of the transfer of these persons the required attention and it went on to point out that the authorities, as far as they could, were distributing the necessary medical relief, whilst the proposal of the ICRC to supply such relief remained still under consideration.

On March 28, 1945, a note on the same subject was sent again to the Japanese Government. In June 1945, when the Geneva mission set out, this question had not yet been solved ; it was to form the subject of negotiations by the delegates on their arrival. The Japanese capitulation occurred soon afterwards.

#### (C.) WORK OF THE DELEGATIONS AND AGENTS OF THE ICRC IN THE FAR EAST

From 1941 to 1947, the humanitarian work of the delegations and agents of the ICRC in the Far East was carried out, in the first instance, in behalf of Allied nationals ; after the capitulation of Japan for the benefit also of the Japanese. The work of the ICRC in the regional conflicts in the Archipelago and Indo-China will be treated under the relevant headings in this Section.

## 1. Delegation in Japan

(competent for Japan proper, Korea, Formosa and Manchuria)

The ICRC delegation in Japan first set up its headquarters in Yokohama, where it remained from January 1942<sup>1</sup> to 1944. It then moved to Karuizawa, a small hill town not far from Tokyo, at that time under constant bombardment by the Allies. The relief stores, however, were left in Yokohama, and an office was established in Tokyo.

From the outset, the delegation of the ICRC met with many difficulties in the execution of its task<sup>2</sup>. In spite of these, however, it successfully acted in behalf of the American, Australian, British, Canadian and Dutch PW, of whose presence in Japan, Korea, Manchuria and Formosa notification had been received.

It was at once clear to the delegation that the civilian internees were in a better position than the PW. In the camps for civilian internees, the death rate was between one and two per cent, whereas in some PW camps it exceeded 10 per cent. Though they possessed the best equipment, the camps at Mukden had the highest death rate; the cause lay in the change of climate, to which the PW suddenly transferred from hot countries were exposed. Moreover, these removals from warm latitudes to the cold countries of Manchuria and Korea were carried out in extremely bad conditions.

In spite of obstacles, the delegation succeeded in visiting 63 camps, 42 for PW and 21 for civilian internees. They endeavoured to secure for PW and internees means of corresponding with home, and to give them food and clothing bought on the spot, by way of supplementing the relief brought by the "exchange ships"<sup>2</sup>. These attempts however met with the

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<sup>1</sup> See above.

It should be noted that in addition to the activities which came within its regular duties, the ICRC delegation assumed the responsibility of negotiating with the Japanese home authorities on general matters concerning the Far East.

<sup>2</sup> See above.

opposition of the Japanese military authorities, who refused to sanction any purchases other than medical supplies.

The delegation kept up some contact with the Japanese Red Cross. This Society had organized a relief service for PW, which was however nullified by the attitude of the authorities. On several occasions, however, the intermediary of the President of the Japanese Red Cross proved of great help to the delegates. We record also that the Japanese Red Cross always met the expenses entailed by the visits of delegates to the camps.

From 1942 a neutral Committee of the World Alliance of YMCA, of which the delegate of the ICRC was a member, issued relief of an intellectual kind to PW.

In 1943, thanks to the funds pooled by the American and British Red Cross Societies, the delegation was able to purchase and issue medical stores and articles of every-day use which were most urgently needed in the PW camps. This was done successfully in spite of the shrinking supplies for sale in Japan. In 1943, this relief was extended to civilian internees, who until that time had only been helped once, at Christmas 1942, in Yokohama. In this city there were eighteen hospital nurses and one school teacher, an Australian woman, arrested in New Guinea, whose identity the delegation was at first forbidden to report to Geneva.

Notwithstanding the opposition of the Japanese authorities, the agents of the ICRC managed in the spring of 1945 to organize a relief scheme in Kobe and Yokohama, with the help of the funds placed at their disposal by the National Catholic Welfare Conference. With this money, the delegation purchased medical stores and goods originally intended for export to South America, and was able to assist necessitous persons, in particular the victims of the bombardments of Kobe. This scheme was unfortunately brought to a stop on the orders of the Japanese police. Other funds supplied by the same Conference were used to provide grants to certain stateless internees, who were not in receipt of any relief from outside sources.

On August 6, 1945, the first atomic bomb fell on Hiroshima. Three days later a second bomb destroyed Nagasaki. The same day also, the date of the entry of the USSR into the war against

Japan, the mission sent by Geneva to take over the delegation arrived in Tokyo.

At the first news of the capitulation of Japan on August 11, the delegation got in touch with the Protecting Powers, with a view to sending a representative of the ICRC and a representative of each of the Protecting Powers to the seven groups of PW camps in Japan. Speedy action was necessary for the effective protection both of PW and of civilian internees. It was equally necessary to make direct contact with the detainees and get an idea of their needs, as they would have to remain in camp until the arrival of the Allied troops. On the grounds of this information a plan was drawn up with the help of the Japanese authorities, whose attitude towards the delegation now changed completely. Only then was the exact number of PW and civilian internees divulged, as well as the location of the camps in which they were detained.

The scheme finally agreed upon provided, first, for the evacuation of the camps near the ports of embarkation on the east coast, then for the transport by rail to the same ports of the PW in the camps situated in the interior and in the west. The aim was to avoid needless exertion for the PW, many of whom were in very poor condition. It offered, moreover, the undoubted advantage of ensuring the feeding of PW up to the moment when they were handed over to the Allies.

The delegates had received definite instructions. They were to compile nominal rolls of PW, by nationalities ; also the sick and wounded were to be listed by categories. They were to assemble all PW, without exception, including those who were under detention or in hospital ; they were to co-operate with the camp medical officers for the removal of the sick and wounded, organize transport and be in attendance personally at the embarkation. The various stages were to be accomplished in co-operation with the representatives of the Protecting Powers, the Japanese camp authorities, the PW camp commandants, and the representatives of the Japanese Red Cross. The last-named offered to supply equipment, such as stretchers, blankets, medical stores, and so forth.

The delegates left Tokyo on August 24, and remained in

constant touch with their chief, who was thus in a position to keep Allied H.Q. informed of the needs of the camps. In addition, the head of the Tokyo delegation went on board a United States warship to discuss the possibility of moving about 6,000 PW held in the Tokyo sector.

To meet the most urgent needs, the delegation asked the Japanese authorities to increase the food rations of all PW in the hands of the Japanese forces, and this was done.

Food supplies were parachuted into the camps by the United States Air Force, who dropped parcels in the camps indicated by the delegates. These camps had been plainly marked, and the PW were ordered to remain in them, until the arrival of the Allied forces who were to take charge of their removal. The capitulation having come suddenly, the U.S. Administration was not able to carry out the evacuation as quickly as the PW wished. Some left the camps on their own, and that added to the problem of assembling them.

After the PW had left, large quantities of food, clothing and medical stores which had been parachuted, remained in the camps. The delegates obtained permission of the American Eighth Army to collect these supplies and issue them to the civilian internees, who after being liberated expressed the wish to remain in Japan. Thereafter, all the goods which could be collected were brought back to Yokohama, where distribution centres were organized, as well as in Tokyo. In addition to the civilian internees, hundreds of persons soon applied for help ; amongst these were Chinese workmen, Russian refugees, Italians, Frenchmen, and stateless persons. They had either been interned by the Japanese, or had lost their property in the air raids. Supreme Allied H.Q. left it to the delegates of the ICRC to give relief to those they considered as victims of the war. Thus some 10,000 persons were assisted.

At Kobe, the United States Consul notified the delegate of the ICRC of the existence of 16,000 Chinese PW. The Allied PW removed from the Hiroshima sector were then about to load on to the ship which was taking them home, five complete wagon-loads of relief goods. The delegate hastened to retrieve these supplies and sent them to the Chinese PW.

When things became more normal in Japan, the delegation promoted the setting up of an International Relief Committee, composed of resident foreigners ; to this it handed over the balance of the relief stocks of the U.S. Army, and the cash donations of the National Catholic Welfare Conference. A gift of 10,000 yen from the same funds was made to the International Catholic Hospital in Tokyo.

It should be noted that before the capitulation of Japan, the ICRC was never allowed to give its attention to the Chinese, Indian or Malayan prisoners, since they were considered by the Japanese to belong to the " Asiatic sphere of co-prosperity ". The refusal was so peremptory and absolute that it precluded any further attempts in this direction.

The delegate in charge of the removal of the PW from the Hiroshima sector had been instructed to study on the spot the relief measures to be taken after the dropping of the atomic bomb. After collecting all relevant information, the head of the delegation in Japan called on Supreme Allied H.Q. and requested that relief measures be undertaken at once. Three days later, on the personal order of General MacArthur, fifteen tons of medicaments and hospital stores were placed at the disposal of the ICRC, for distribution to the victims of the atomic bomb. An American Commission was then leaving for Hiroshima, and the head of the Committee's delegation was invited to accompany it. On September 8, six aircraft left for Hiroshima, each carrying two or three tons of medical stores and foodstuffs; these were issued to the victims, who filled the forty-two hospitals of the city. Relief was also supplied to an orphanage and to the victims of a tidal wave which occurred in the Hiroshima area shortly after the dropping of the atomic bomb.

Apart from these duties, which immediately followed the capitulation, the delegation turned its attention to the Japanese PW in Allied hands. In addition to visiting the camps, the delegation maintained contact with the Allied and Japanese authorities regarding all general matters which were dealt with at Tokyo—not only concerning Japan proper, but all the territories formerly occupied by Japan—in matters connected with repatriation, correspondence, and relief.

The German community in Japan were repatriated as soon as transport became available. The ICRC also helped those amongst them who were in need.

## **2. Delegation in Shanghai**

From the beginning of the war, the ICRC tried to obtain permission of the Japanese to establish delegations in occupied China. Permission was, however, granted only for Shanghai, and subject to certain conditions: the delegation was to enter into official contact only with the Japanese Consulate and not with the military authorities; no relief measures were to be undertaken without the previous consent of the Japanese authorities; communications with the outside world would be censored; interventions in behalf of persons detained by the Japanese police were strictly prohibited.

In April 1942, the delegation began its work for the PW and civilian internees, both in the Haiphong Road Camp and in the Civilian Assembly Centres. The attitude of the authorities, who did not recognize the 1929 Convention, made this task difficult. (It will be recalled that the 1929 Convention had not been ratified by Japan.) On one occasion the delegate of the ICRC, who tried to assist some PW who had attempted to escape, referred to this Convention. The reply was that the Japanese authorities had at their service experts well versed in the law of nations, and that in any case "they made their own international law".

In order to extend his field of work, the delegate in Shanghai secured the co-operation of correspondents in certain areas. He found Swiss nationals in Canton, Peking, Tientsin and Tsingtao willing to accept this task, in addition to their other official duties.

Finally, a more or less regular correspondence was carried on between the delegation in Shanghai and that in Chungking, that is to say, between occupied China and free China. This mail concerned especially enquiries and messages, as this route was shorter and more certain than by the Trans-Siberian line.



*Allied PW.* — From January 1942, Allied PW were removed from the Pacific Islands and from Tientsin to a camp in Shanghai. The delegate of the ICRC at once set about making lists of these men. Some of them tried to escape and were imprisoned as deserters: the delegate took repeated steps in their behalf, but these were quite unavailing, as the Japanese authorities disregarded every appeal. When, at the beginning of 1942, he tried to organize a relief service for the PW, he met with a blank refusal, the Japanese asserting that the prisoners "lacked nothing". He managed, however, to organize two relief consignments, and parcels sent by the American Residents Association in Shanghai were handed to the U.S. prisoners. The Consulate-General of Japan undertook to see that the parcels sent by the British Residents Association should be delivered to the British seamen interned in the Shanghai Camp. In spite of this assurance, the parcels never reached the detainees.

In June 1942, the same Consulate-General advised the delegation that they would no longer attend to PW matters, since the Liaison Bureau of the Japanese Army was the only competent authority for this question. After repeated and insistent applications, the delegation obtained permission of the Bureau to organize a fortnightly relief service in behalf of the prisoners. These relief supplies were drawn either from the stocks which the American Red Cross had built up before the U.S. entered the war, part of which it had been possible to retrieve, or from the donations of resident foreigners. Another source was supplies purchased with the money paid by the Japanese authorities for American Red Cross stores which had been requisitioned. When these funds were exhausted, the delegation drew on funds sent by Geneva, originating from Allied Red Societies. Unfortunately, the Japanese authorities shortly afterwards ruled that the delegation should do no relief work among PW except with funds transferred through the Yokohama Specie Bank, at the official rate of exchange. This rate had so little relation to the purchasing power of the Shanghai dollar that, according to the report of the delegate, "if the sum of 100,000 Swiss francs received in February 1945, had been shared among the thousand PW of the camp, it would have been barely

sufficient to give each PW four ounces of bacon ". The delegate added :

As the Japanese authorities had refused to go back on their decision, in spite of our many appeals, we were faced with the alternatives of suspending our help to the PW (who would then probably have been reduced to a state of semi-starvation), or of infringing the orders of the Japanese authorities, and so jeopardizing our personal credit. Obviously, we could not let the PW down... The Japanese camp commandant, who was quite familiar with the situation, told us bluntly that he could not run the camp satisfactorily on the allocation granted by Tokyo, in view of the high prices prevailing in Shanghai. On several occasions he asked us earnestly to continue our relief donations, and if possible, to increase rather than diminish them. It was all the same to him where we got our funds from : not being a banker, he did not understand the financial regulations of the Government.

By overriding the Japanese regulations—a difficult and risky operation <sup>1</sup>—the delegation was able to continue giving effective relief, and incidentally saved Allied donors a sum of nearly eight million Swiss francs. The system of fortnightly relief worked perfectly up to the closing of the PW camp at Shanghai in May 1945. By that time the number of PW had dropped from 1,500 to 1,000.

In order to supply the things most needed in the way of relief, the delegation asked the senior officers and the chief medical officer to draw up a list of what they required. The foodstuffs supplied from June 1942 to May 1943, represented an average of 225 to 250 grammes daily per head. The delegation even succeeded in sending fresh fruit. The clothing provided was particularly welcome during the years 1942-43, when the PW were short of underwear and garments of all kinds. The delegation procured large quantities of vests, shirts, boots and socks, and so on, buying these either direct from the Shanghai merchants, or drawing from the stocks that, at the request of the delegate, the Municipal Council had placed at the disposal of the

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<sup>1</sup> Obviously, if the ICRC had been allowed to carry on its regular humanitarian activity within the framework of the Convention, it would never have had recourse to agencies which evaded government regulations.

ICRC after the Home Guard of the town had been disbanded. The delegation also managed to find stoves and fuel. Unfortunately, from the beginning of 1944, it was difficult to supply the PW with enough fuel.

Having observed that the medical equipment of the camp was totally inadequate, the delegate succeeded in obtaining and installing the apparatus for a proper X-Ray service, a surgical department with fully equipped operating theatre, and a dental service, which contributed towards maintaining or improving the health of the PW. The delegate even found dentures, which were made in Shanghai according to the instructions supplied by the camp dentists. When on two occasions the authorities removed the camp to another district of Shanghai, the medical and hygiene equipment was also transferred.

At Christmas, the delegation collected gifts from the neutral and non-interned residents, and added the donations received from national Red Cross Societies. Responding to these efforts the PW wrote, for example, in 1942: "It will be a long time before Christmas is forgotten by the soldiers and the seamen of the U.S., British and Norwegian merchant marines interned in the Shanghai Camp".

Official visits to the camp could only be made with the consent of the Ministry of War at Tokyo. Permission was usually granted two or three weeks after the application had been made, and this had to be renewed for each separate visit. The delegate was generally informed that he could visit the camp on the day following the receipt of the permission. After consultation with the spokesmen and the camp commandants, he was allowed to inspect the buildings and equipment and sometimes to talk to the PW—a privilege contrary to the rules applied in other PW camps in Japanese hands. The delegate could even pay an occasional private visit to the two American and British officers who acted as camp leaders.

On May 2, 1945, the Japanese officer in charge of the camp took it upon himself to advise the delegate confidentially that the camp was about to be transferred to North China, and asked him to send a large supply of foodstuffs and clothing which the PW might need on the journey. This was done

immediately, at the cost of considerable effort. On May 5, the PW left Shanghai. A member of the delegation managed to let them know that the ICRC would continue, as far as possible, to look after their interests. The delegate was also advised by the camp commandant that 25 PW could not leave Shanghai, for reasons of health or age; he and a representative of the Protecting Power then took steps to see that these men were admitted into a Shanghai hospital for treatment. Furthermore, the delegate of the ICRC did in fact succeed in helping the PW who had left Shanghai in the course of their various moves in China. Thanks to his personal relations with the camp commandant, whom he went to see in Peking, and to the valuable help of his correspondent in that city, the delegate was able to have issued, within a few hours, the food and clothing needed by the PW for the successive stages of their journey to Japan, which they reached in the month of July 1945.

*Civilian internees.* — In November 1942, the Japanese began to arrest certain Allied nationals. At first, neither the representatives of the Protecting Power, nor the delegation of the ICRC were allowed to look after the civilians, who had been assembled in a camp situated at Haiphong Road, in a suburb of the city. The Japanese preferred to deal direct with the American and British Residents Associations on all matters relating to these internees.

In March 1943, the Residents Associations were dissolved, and many of their members interned. The Japanese authorities then accepted the offer of the ICRC to organise a relief service and to forward to Shanghai the correspondence of the internees of the Haiphong Road Camp. A fortnightly parcel service was established. On its side, the Protecting Power was authorized to send monthly allowances, which enabled the detainees to buy food. The Haiphong Road Camp differed from other "civil assembly centres" by the fact that it was placed under the Japanese military authorities, and that the status of the internees was very similar to that of the PW. However, the lists of the internees of this camp were sent to Geneva, not by

the Japanese military authorities, but by the delegation in Shanghai.

At the time of their arrest the internees of the Haiphong Road Camp were allowed to take with them only a small suitcase containing strict essentials. Even so, for quite a long time, they had less to endure than the PW. For reasons that are obscure, the situation changed in 1944. In January 1945, the treatment of the internees appeared so bad, that the delegate advised Geneva of the situation, adding that on his last visit he was forbidden to talk to the inmates. The ICRC instructed the delegate to do everything he could to visit the camp as quickly as possible and try to find out the reasons for the critical situation of the internees. The representative of the Protecting Power in Shanghai received similar instructions. Unfortunately, the necessary permission from the Ministry of War in Tokyo did not reach Shanghai before the internees were removed. On July 8, they were sent to Fengtai, in North China, without the delegation having been informed or given an opportunity to prepare relief measures. This transfer, for which cattle-trucks were used, took five days. So bad were the conditions, with the heat and the lack of food, that eighty per cent of the internees were unable to walk on their arrival. In spite of their reiterated appeals, neither the delegate of the ICRC nor his representative at Peking was allowed to visit the internees. Shortly afterwards hostilities came to an end, and the internees were accommodated in the hotels of Peking. The representative of the ICRC in that city at once set about providing them with food and clothes, during the six weeks that elapsed before they were sent back to Shanghai. The funds required for this scheme were subscribed locally.

The other "civil assembly centres", which were first set up in January 1943, were placed under the control of the Japanese civil authority, in this case the Consulate-General of Japan. The delegate of the ICRC at once got in touch with the representatives of the Protecting Power and the American, British and Netherlands Residents Associations. It was decided that the Swiss Consulate, as representative of the Protecting Power, would deal with all financial questions. The Japanese authorities

permitted only the delegation of the ICRC to set up and direct a liaison service with the other civil assembly centres. This service was in charge of the purchase and despatch of relief, and of the forwarding of mail. The delegation set up an office which, in the first week, received nearly 10,000 parcels. The Japanese Consulate authorised only one delivery a month, for each camp. The weight of individual parcels was not to exceed twenty English pounds, later reduced to ten. The Japanese authorities insisted on being given the lists of donors and allowed each of these to send only five parcels. Although these rules complicated their task, the delegation succeeded in making the system work satisfactorily.

The goods were transported either by truck or by barge. As the situation of the Japanese army grew more critical, transport became more and more precarious, being especially affected by the warfare between Chinese partisans. It became necessary to fall back on trains for conveying the supplies, in spite of the difficulty of finding the necessary railway wagons at short notice.

The delegates visited the camps every time they were granted permission ; from 1944 onwards they even made their visits without the sanction of the Japanese Consulate-General. Sometimes also, the members of the delegation accompanied the relief consignments and succeeded in obtaining valuable information.

It should be mentioned in this connection that serious accusations and complaints were made by certain of the internees against the delegate of the ICRC. These accusations had their roots in the fact that forty per cent of the internees had neither friends nor relatives in Shanghai who could send them parcels. To clear the delegate, who certainly did not fail in his task and did not deserve the criticism that was levelled at him, we must explain that all the relief consignments sent to the camps bore the mark "Gift of the ICRC", merely as required by the Japanese authorities, who had made the rule that the relief given to internees must be absolutely free. The ICRC itself never had any funds at its disposal for these consignments ; they were financed by the Governments, which sent the necessary fund to the Protecting Power. The Swiss Consulate-General, acting

in the name of the Protecting Power, exercised strict control of the allocation of relief. This control was so severe that, until the middle of 1944, relief could be issued only against a promissory note signed by the recipient. It will be seen that, given the Japanese regulations, the ICRC acted merely as an intermediary—an indispensable one, it is true. It should be remembered also that the internees, who were used to a high standard of living, were particularly sensitive to the discomforts of internment; their complaints were proportionately sharp.

Numerous letters from both PW and internees have been received which bear witness not only to the complete good faith of the delegate, but also to the remarkable work he achieved in Shanghai.

To summarise : the special service organized by the delegation in Shanghai for the help of the 6,000 internees, lodged in eight civil assembly centres, had a dual purpose : (1) to forward thousands of parcels sent by the friends and relatives of the internees in Shanghai ; (2) to distribute relief to those internees who had neither friends nor relatives. After much negotiation, the Swiss Consulate in its capacity as agency of the Protecting Power, was able to make purchases ; it was thus possible to issue 116,379 parcels to the internees in the assembly centres.

The delegation also secured private donations for the internees at Christmas, including 400 parcels for issue to all the children. These parcels were the more welcome as the children were not reckoned in the ordinary distributions. The cost of the Christmas parcels was covered by funds collected among the French and Swiss communities in Shanghai. A single subscriber gave 80 per cent of the amount collected. In 1945, a donation by a hospital in the town made it possible for small sums to be distributed as pocket money to internees at the time of their release.

In addition to the relief consignments, the delegation handled the correspondence of the civil assembly centres. The following measures were agreed upon with the Japanese authorities :

(a) Each internee could send a message abroad once a month, on Form 61 C.

(b) Each internee could send a local message once a month on a form established for this purpose.

(c) Telegrams from abroad could be handed to the internees through the dual intermediary of the ICRC and of the Japanese Consulate-General.

(d) The internees were allowed to send telegrams abroad, through the intermediary of the ICRC, after approval by the camp commandant.

In spite of the delays due to the Japanese censor, which were sometimes considerable, over 250,000 messages were received and sent through the delegation.

After the capitulation of Japan, the civil assembly centres came under the control of the Swiss Consulate, as agent of the Protecting Power, until the arrival of the representatives of the British and American Red Cross Societies relieved the delegation of its responsibilities to the internees. Ex-internees in need continued to be the concern of the delegation, and the ICRC message scheme was maintained.

Among the many persons whom the ICRC was able to help through its delegate, mention should also be made of necessitous civilians who were at liberty. These included the aged parents, wives and children of the internees or PW, who were unable for any reason to earn a living, or whose earnings were insufficient to maintain them.

Prior to the war, the British Residents' Association had started a relief fund, called "Dean's Fund", for persons in need. When all the British nationals were interned, the delegate of the ICRC, in agreement with the occupying authorities, managed this fund and continued the relief given by this society. About eighty persons were helped; amongst them were some forty children, also some aged folk unable to earn a living. This fund, which was exhausted at the beginning of October 1943, unfortunately could not be replenished, in spite of the applications made to the British authorities by the Protecting Power, and to the British Red Cross by the ICRC.

Other civilians of various nationalities (Greeks, Yugoslavs, Czechoslovaks, Iranians, Irish and Poles) also appealed for help



to the ICRC. Up to the autumn of 1943, the delegate was able to provide some support for most of the poorest cases, thanks to the generosity of some of their wealthier compatriots, who were generally grouped in associations. Later, the Governments concerned sent some funds through Geneva.

The position of the ICRC in regard to a certain category of civilians, called "European refugees", was always rather difficult. These were mainly German or Austrian Jews, who arrived in Shanghai between 1936 and 1941, and numbered several thousand. As soon as assigned residences had been arranged for these Jews, the Japanese authorities issued strict instructions prohibiting the ICRC from all action in their behalf. The delegation informed Geneva of the situation of these persons, and this information was passed on to the Joint Distribution Committee in New York, who sent money direct to the group. Consequently, the situation of these particular civilians was at no time critical.

In addition, the delegate, as soon as he had the opportunity and the means, opened a soup kitchen for the poor.

With the arrival of the Allied troops, the Japanese military personnel in China were put into internment camps. They were however repatriated fairly soon. As long as they remained, the delegation in Shanghai—which then became the official delegation for the whole of China—visited them regularly until their departure. The message service, which had been arranged during the war for PW and civilian internees, was continued for these men.

### **3. Delegation in Hong-Kong**

When the British possession of Hong-Kong fell to the Japanese on December 25, 1941, the ICRC at once appointed a delegate to work in that city. This appointment did not receive the assent of the Japanese authorities, however, until June 1942.

Since Hong-Kong was situated in the centre of important military operations, the needs of the PW, interned civilians, and numerous destitute civilians were very great. In order to help these persons, the delegate had to deal principally with the

military authorities, who showed no desire to facilitate his task. On the contrary, by censoring the mail, requiring him to furnish monthly reports, notifications concerning any changes in his staff, and so on, they did much to hinder his work.

The delegate's task was complicated still further by the fact that the authorizations defining the scope of his activities were frequently interpreted by the Japanese authorities in contradictory ways, with the result that it was difficult for him to know exactly what he was permitted to do for the victims of the war. In 1945, for instance, the Japanese Ministry of Foreign Affairs went back on the essentials of the agreement which it had made in 1942, concerning the range allowed to the delegation for its work. The delegate, for the most part, was kept in complete darkness about the changes in the composition of camps. He received no notifications of births, deaths, internments, or releases, nor was he informed of the fluctuations in the amount of the food ration supplied to interned persons.

The delegate of the ICRC in Shanghai was sent to Hong-Kong in order to help the officially accredited delegate in that city in the initial stages of the work. It was clear to him, from the moment of his first contact with the Japanese authorities, that difficulties were likely to arise owing to the unhelpful attitude of these authorities towards the new delegation. He did not hesitate, therefore, to establish courteous relations with them. Later, he was criticised by certain Allied nationals for this policy. At the end of the war, however, those persons who had been most critical recognized that he had acted for the best in difficult circumstances.

The delegate in Hong-Kong was faced with many problems, due especially to the fact that no representative of the Protecting Power was able to carry out his functions in that city. He had to organize a Civilian Message service for abroad ; issue to PW and interned civilians the mail arriving from the interior ; transmit telegrams ; set on foot enquiries concerning persons presumed to have been living in Hong-Kong at the outbreak of the war ; forward books or gifts of money from private persons to PW and civilian internees ; purchase, with funds donated from outside, and hand over parcels for PW and

civilian internees ; compile lists of PW and fill out cards for each individual case ; manage British funds to be employed for the following purposes : (1) purchase of relief supplies for British PW, for interned British civilians, and for the Bowen Road Military Hospital ; (2) pocket-money for PW and civilian internees, and subsistence grants for certain non-interned civilians ; (3) payment of doctors' and dentists' fees.

Gifts in kind, and funds subscribed from official and private sources, for PW, civilian internees, and non-interned civilians, reached large totals.

The distribution of grants to non-interned civilians (families of PW and civilian internees) was at first undertaken by the British Chief Medical Officer in Hong-Kong, who, on account of his qualifications, was not interned by the Japanese. As soon as the funds for that purpose reached it, in January 1943, the delegation took the non-interned civilians in need into its care. Distinctions had to be made, in order that the funds available might give adequate help to those in greatest need. This practice of making distinctions obviously gave rise to occasional criticism.

There were also in Hong-Kong a great many necessitous civilians (refugees from various countries), who did not come within the above-mentioned category, but who applied to the Committee's delegation for help. This was granted, in so far as available means allowed. The work soon came to an end ; in November 1942, the Japanese authorities noted the presence of a large number of needy Orientals among these recipients of relief, and ordered the delegate to stop this aid and to confine his activities strictly to PW and to interned civilians and their relatives.

*Prisoners of war.* — The PW in Hong-Kong numbered about 3,000. In spite of the difficulties already referred to, the delegate succeeded in having food parcels, articles of every-day use, and pocket-money sent to them. Unfortunately, the price of commodities rose steadily and the expenses involved were considerable. Thus, the scale of this relief sometimes fell short of what was needed.

Mention should be made, for instance, of the peculiar obstacles of an administrative kind which hampered the despatch of relief consignments. Firstly, an application had to be made to the Japanese Commander-in-Chief, who required to be furnished with a list stating the nature and quantity of the relief goods. The permission, if granted, was handed to the delegation two days before the supplies were to be delivered. Transport had then to be secured (often it was necessary to engage hundreds of porters), and steps taken to prevent pilfering.

The PW were housed in two camps and in the Bowen Road Military Hospital. In Hong-Kong as in Shanghai, visiting of the camps by the delegate was subject to the previous approval of the Tokyo authorities, a sanction that was sometimes a long time in coming. These visits were rendered still more difficult by the fact that the Japanese military took exceedingly severe measures to prevent the PW from getting in touch with the delegate and so betraying their true situation. The delegate was always accompanied by at least six Japanese, and the PW, especially the officers, had to resort to ingenious, but risky devices for conveying information to him. Once, for instance, during a visit, a French PW who had been a member of the Hong-Kong volunteer defence forces, shook hands with the delegate, and at the same time slipped to him a small piece of bamboo containing a minute piece of paper on which was written valuable information regarding the prisoners' needs, especially in medical stores. Another time, a PW who openly told the delegate that he and his compatriots were starved, was severely beaten.

*Civilian Internees.* — These numbered about 2,500 and were detained in Camp Stanley. Towards the end of 1944, some were transferred to a new camp at Kowloon. The funds supplied to the ICRC by the British authorities for relief for these internees, were either allocated in the form of monthly grants, or used to purchase foodstuffs and other goods on the spot. But, as has been said, the rise in prices, and the rate of exchange fixed by the Japanese, put an end to these relief purchases. Consequently, the internees asked the delegate to arrange for the sale of

valuables. The delegate agreed, on condition that a minimum price for each article be fixed by the owner ; he would then do his best to get a better figure. This scheme was carried out in July 1944, and the proceeds were, in some instances, three times the price fixed by the owners. In April 1945, the Japanese authorities ordered this system to be stopped ; the delegate, in spite of his protests, received no explanation of this policy until the capitulation. As a matter of fact, certain Japanese had continued to collect the articles for sale and, letting the internees believe that the ICRC was still conducting this business, themselves took charge of the selling and handed over to the owners only a part of the proceeds, thus making a handsome profit. In the circumstances, it is understandable that the internees, who were unaware that these sales were no longer being negotiated by the Committee's delegation, sometimes expressed criticism of the Hong-Kong delegate.

As the Protecting Power was not represented in Hong-Kong, it was agreed, at the suggestion of the Allies and with the consent of the ICRC and the Japanese authorities, that the Committee's delegate in that city should select, according to specified criteria, from amongst seriously ill, the women and children, the persons eligible for repatriation under an agreement made between the Japanese Government and the Protecting Power.

Thus, in November 1943, a number of British civilians from Hong-Kong were exchanged at Goa, in Portuguese territory. Throughout 1944, negotiations proceeded for a similar exchange arrangement, to be conducted in the same conditions, and which was to have enabled 700 British nationals of Hong-Kong to be released. Unhappily, this plan fell through.

The delegate in Hong-Kong gave help in the work of relief for the families of internees. These non-interned British citizen, numbering about 1,100, were destitute.

In 1943, they received a monthly subsistence allowance, a rent allowance, and free medical and dental care, including treatment in hospital, if needed. This relief work at the beginning entailed a monthly expenditure of 50,000 "military yen" (occupation currency), which corresponded to about 50,000 Swiss francs. As the local authorities supplied rice, flour, sugar,

oil, salt, and so on at reduced prices, this sum made it possible for a great many families to be supported. Four doctors provided regular medical and dental care, whilst beds and rooms were reserved for patients at the French Hospital. This system, though satisfactory at first, soon proved to be inadequate, as the result of the rise in prices.

The delegate then planned the establishing of a Home, where the families of interned civilians would receive food and medical care, and where expenses would be considerably reduced. This plan was approved by the occupation authorities, who stated that persons refusing to go to this Home would not be troubled, but would no longer receive allowances from the ICRC. An isolated building belonging to the Spanish Dominicans was rented, and the Home established under the name "Rosary Hill Red Cross Home". About 800 persons at once applied for admission; but as Rosary Hill could not accommodate so many, it was decided that only those whose circumstances were the most precarious would be given shelter. This discrimination provoked a certain number of complaints. All the same, it is a fact that Rosary Hill rescued 682 civilians from destitution. Furthermore, about fifty people who were old or invalid were taken in at the French Hospital.

In the eighteen months during which the many destitute civilians found refuge at Rosary Hill, the cost of living steadily rose. In the spring of 1945, the daily upkeep—including cost of medicines and heating—was thirty-five times higher than when the Home was opened in October 1944. This alarming situation led the delegate in April, 1945, to urge all those who could do so to leave the Home. In May 1945, 350 persons left for Macao, a Portuguese possession, where living was much cheaper and where they could be helped by the British Consulate. This proved to be an opportune step, inasmuch as the funds sent from Geneva had been blocked in Tokyo since March. In order, therefore, to secure funds, the delegate had to draw upon his own resources or borrow. By acting thus at his own risk, he was able to obtain goods to the value of 70,000 Swiss francs. These same goods, if paid for with funds transferred by official channels, would have cost over 2,000,000 Swiss francs.

Finally, in order to save the remaining inmates of Rosary Hill from starvation, he was obliged to suspend the grants of pocket-money to PW and interned civilians during the last few weeks of the war.

As regards United States citizens, nineteen PW, eighteen civilians internees, and nine families comprising a total of 35 non-interned persons, were helped by means of the funds furnished to the delegate at Hong-Kong by the American Government and Red Cross.

Persons of other nationalities likewise sought help from the ICRC. These included about one hundred Latin Americans, three Dutch, one Czech, one Hungarian, and several Russians. The Latin American Governments and that of the Netherlands provided small sums for their nationals in distress; but the delegate lacked the necessary funds to organize relief on a regular basis for these people. By March 1944, so many requests were being received from nationals of other Allied countries that, upon the proposal of the delegate, a number of persons were interned in the new Kowloon military camp, and were in that way saved from destitution.

The delegate was obliged to refrain from giving assistance to Indian, Philippine, and Chinese nationals. The Japanese authorities had forbidden him to do so, threatening, if he persisted, to put a stop to all his relief activities.

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After the capitulation, the delegate was able to visit all the camps in the Hong-Kong area, in order to ascertain the most urgent needs of the internees, who were awaiting their repatriation or return to ordinary civil life. The relief supplies with which he was able to furnish them included not only foodstuffs and medicaments, but also office supplies, radio sets, writing-paper, and so forth.

At the request of the British Government, the delegate telegraphed to the Portuguese Red Cross, in Macao, asking them to arrange for the sending of food supplies and coal for the European colony in Hong-Kong. Transport was arranged for

Camp Stanley, so that the former detainees might be visited by their relatives and friends.

When British forces arrived in the city on August 30, the delegate placed his staff and office facilities at the disposal of the Australian Red Cross representatives and relief units for PW. He also supplied the Australian Red Cross with the names of persons most urgently in need of assistance.

At the beginning of September 1945, 400 tons of Australian Red Cross relief supplies were issued to former PW and civilian internees, prior to their repatriation. By December 1945, all had been sent home.

As soon as Japan capitulated, the Hong-Kong delegation undertook relief work for captured Japanese military personnel. Camps were visited and relief supplies distributed. This relief included, in particular, message-forms to be filled in and despatched to relatives in Japan. The repatriation of these Japanese was soon completed, and the work of the Hong-Kong delegation thus came to an end.

#### **4. Delegation in Siam (Thailand)**

Siam was drawn into the war against the United States and Great Britain at the beginning of 1942.

Many PW camps had been set up up on Siamese territory, under the control of Japanese troops, as well as camps for interned civilians administered by the Siamese authorities. There were also a large number of camps for Asiatic labourers recruited in South-East Asia for the building of the Burmese Railway.

The delegate appointed by the ICRC in 1943 had been officially recognized by the Siamese authorities, but the Tokyo Government refused to endorse this arrangement. He was therefore able to act officially in the interests of the civilian internees, but could never secure the sanction of the Japanese authorities to undertake relief work for PW, or for the labourers engaged on the construction of the railway. He endeavoured, on several occasions, to alter this state of affairs, but his very first request met with a refusal, on the part of the Japanese Embassy



in Bangkok, to state the number of the PW transferred from Singapore to Siam. According to the information in his possession, these amounted to about 30,000.

He made a further attempt, in September 1943, and was again told that neither the Tokyo Government nor the Japanese Embassy in Siam recognized his appointment. However, he was given permission, without any restrictions whatever, to send relief supplies and pocket money to PW. The Japanese Embassy undertook to forward these supplies to the Japanese military authorities, and to furnish receipts signed by the camp commandants and camp leaders. The letter addressed by the Japanese Ambassador to the delegate a few days later stipulated, however, that all the funds required for his relief schemes must be sent through Tokyo, and that he was in no case to make use of his own personal resources for this purpose, nor contract loans. This letter also stated :

The Japanese Government recognizes officially the representatives of the ICRC only in Japan, in Shanghai, and in Hong-Kong<sup>1</sup>. Relief work in Siam will, therefore, be dealt with in the same way as for the population in general. The Japanese military authorities suggest that this relief should consist principally of foodstuffs, toilet articles and cigarettes. There are no restrictions with regard to pocket-money, but the distribution of this, as of relief parcels, lies solely within the competence of the Japanese military authorities.

With regard to interned civilians, the delegate is requested to enter into contact with the Siamese Government.

*Prisoners of war.* — The delegation received from the Protecting Power the funds required for the purchase of relief for PW. It undertook these purchases, as well as the packing and despatch of the relief supplies to the camps known to it.

The delays in certain transfers of funds meant that the Protecting Power had not always cash available at the required moment. Thanks to the co-operation of a Swiss firm, the delegation was, however, always able to obtain the needed supplies at the most advantageous prices. From November 1943 to

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<sup>1</sup> On the subject of the appointment of delegates in the Southern occupied territories, see above.

July 1945, 11,774 parcels of assorted goods and medicaments were despatched to PW in nine consignments. These men were, for the most part, British, New Zealanders and Australians.

The first six consignments were handed over to the Japanese military authorities at Bangkok railway-station ; the remainder were sent direct by the delegation to the camp authorities.

The Protecting Power undertook, for its part, to hand to the Japanese Embassy, for transmission to the military authorities, funds to provide assistance for PW in hospital, and pocket-money for other categories.

In an attempt to help the Dutch PW also, as the Protecting Power had no funds available for these men, the ICRC obtained 280,000 Swiss francs from the Netherlands Red Cross. The delegate asked the Japanese authorities for permission to purchase on the spot food supplies for these men. This application was refused, however, the authorities requiring that the funds be handed over to them, so that they might make these purchases themselves. As an exception, the delegate was allowed to send a consignment which he had already prepared for despatch.

In October 1944, in spite of the official veto, he succeeded in sending a second consignment of relief to Dutch PW. Pocket-money for these prisoners was also included on both these occasions.

Having learned through indirect sources that the health situation amongst PW was bad and that they were dying by hundreds, the delegate made every effort to send them medical supplies. The Siamese government depot and the principal Bangkok dispensaries had no stocks available, but the Siamese Red Cross agreed to supply an assortment of medical stores, although its own reserves were low. In face of so serious a situation, the delegate, aided by his employees, to whose devotion he gives the highest praise, resorted to all possible means in order to send the PW the medical stores they needed. Often he had to buy on the black market and secure information regarding PW needs without the knowledge of the Japanese authorities. Most of these stores were brought up by stealth and delivered at night. The job was a risky one, but of vital importance for the

men. Thirty consignments, comprising 395 cases, were delivered in this way between August 28, 1943 and September 30, 1945. These consignments included preparations of all kinds, medical and surgical instruments, bandages, dental equipment, etc.

Early in 1945, the delegate also succeeded in supplying medicaments to Dutch PW. A consignment of 20 cases was despatched early in 1945, by means of funds made available by the Protecting Power.

When the capitulation took place, and the customary opposition on the part of the Japanese military authorities was removed the delegate was free to look after the wants of the 30,000 American, Australian, British and Dutch PW. The PW medical officers submitted lists of the medical stores and instruments needed, and the relief for which request had been cabled to London and India, soon arrived.

The Siamese Government and people endeavoured to improve the conditions of the PW awaiting release. Thousands of them were taken to Bangkok, where they received all possible care. Concerts and teas were organized for their benefit. The delegate launched an appeal which brought in over a million "bât" (approximately 400,000 Swiss francs). The Siamese Red Cross offered its assistance, and its personnel spared no efforts to help the released men. Ambulances were lent by the Ministry of Health. Thanks to donations received from the public, large quantities of books and writing-paper were sent to the men who were still awaiting release. Eight hundred pairs of spectacles (500 of which were sent by air from Geneva) were supplied by the delegation. It worked in close touch not only with the Siamese Red Cross, but also with the YMCA, which furnished large quantities of relief supplies. The Australian Red Cross sent large consignments of food, such as eggs and fish, by air.

The Protecting Powers, for their part, contributed 800,000 bât towards the purchase of relief.

Upon the arrival of the Allied troops, 113,000 Japanese soldiers surrendered. These were interned and classed as "Surrendered Enemy Personnel". These men were not considered as covered by the terms of the Convention; but as their money had not been confiscated, they were able to buy all that they needed, and

the delegate was not therefore required to give them relief. Nevertheless, he visited the camps in which they were detained.

*Civilian Internees.* — The Siamese authorities had interned a certain number of British and Dutch citizens (178 British and five Dutch) in December 1941. These interned persons were humanely treated. Meals were supplied by the hotels, to begin with, then in 1944 a kitchen was installed in the camp. The food was satisfactory, both as regards quality and quantity. The cost of food and upkeep was deducted from the grant paid by the Government, which, by 1942, amounted to 0,50 bât per head daily. British internees were authorized to borrow up to 60 bât per month. The relief funds were managed by the two Protecting Powers. Medical attention was provided by a Siamese doctor who visited the camp each week. Patients were admitted to hospital free of charge, and were required to pay only for such medicines as were not in stock. The delegate was able to visit the camp regularly ; he supplied the internees with quantities of reading matter, textbooks and similar supplies.

*Refugees.* — Following the Japanese capitulation, the delegate was called upon in October 1945 to look after 200 French refugees, mainly women and children, from Indo-China, where serious disturbances had broken out. These refugees arrived in Siam in a deplorable condition. The French Legation undertook at once to provide them with accommodation, but turned to the delegation for help to meet their other needs. The latter advanced a sum of about 100,000 bât out of the funds of the National Catholic Welfare Conference. The delegation also purchased certain urgently needed supplies for these refugees who left Bangkok at the end of November.

The situation having become worse in Java, 4,500 Dutch women and children, who had been interned by the Japanese in camps on the island, were taken to Siam. They were all housed in hotels and institutions in Bangkok, before being lodged in two reception camps. The delegation was able to provide them with a few comforts, by drawing on the funds of the Conference.

*Workers.* — During the war, the Japanese recruited Asiatic labour—Malay, Chinese, Indian, and Javanese—for the construction of the Burmese Railway. These labourers worked in the jungle, in the most deplorable conditions, ill fed, without sanitation or medical care. They died by thousands, but, as long as the Japanese occupation lasted, it was impossible to help them.

After the capitulation, the delegate in Bangkok tried to improve the lot of these workers, who numbered about 35,000. Funds were sent him for this purpose, e.g. from the Malay Relief and Welfare fund (for Malays), from the Indian Red Cross (for Indians), from the Chinese Government (for Chinese). Certain sums, moreover, were taken from the funds of the Conference. Part of the relief funds given by the Siamese people were also used by the delegate to help these Asiatic workers. Throughout this time, the delegate remained in close contact with the Welfare Bureau, directed by Allied officers, which provided these Asiatics with relief and free medical treatment.

The delegate's work did not cease with the coming of the Allied forces. He continued to visit the camps. As most of these Asiatic labourers were British subjects, the British and Indian Red Cross Societies came to their aid; not being familiar with the special conditions prevailing in the Siamese market, they requested the delegate to make purchases on their behalf, until these workers could be repatriated. A sum of 100,000 rupees received from the Indian Red Cross in November 1945, was used for the benefit of Indian labourers. Moreover, a proportion of the gifts in money and goods contributed by the public and various institutions in Siam was also allocated for this purpose.

#### **5. Delegation in Singapore**

The ICRC appointed its representative in Singapore on Jan. 1, 1942. Before the British authorities had time to approve the appointment, the town was taken by the Japanese. Further this agent had not had time to correspond with headquarters in Geneva and was obliged to start work without having received any particular instructions.

As already mentioned, the ICRC tried to secure the recognition of its representative by the Japanese Government. Repeated attempts failed, and it was not until the end of the war that the Japanese Government consented to acknowledge the Committee's representative, whose task, in those conditions, was extremely arduous. In spite of these handicaps, he succeeded in carrying out a considerable piece of work.

When the Japanese occupied Singapore, he started to make daily visits to the Town Hall, where a form of civilian government had been set up by the Japanese authorities. By a happy chance, he met there a former Japanese Consul of his acquaintance, who helped him to get in touch with the authorities. He was, however, informed that the services of a representative of the ICRC were not required, either for PW or civilian internees, and that he would not be allowed to visit the camps.

As soon as Singapore was taken the Committee's representative received information on the conditions in which the civilian population was being assembled in internment camps. He tried to get authority to help these persons, but the Japanese remained obdurate. He was even forbidden, under threats, from continuing the help which he had been giving for some weeks to the representative of the Australian Red Cross. That same representative, however, was still able to purchase some food-stuffs, and was trying to regain possession of large quantities of medical stores that belonged to his Society and which had been confiscated by the Japanese.

The representative of the ICRC, having failed in his persistent efforts, asked for an interview with the General in command ; instead of having a reply, he was taken by the Japanese police three times to the Kempei Tai (police station) and questioned for several hours. The Japanese accused him in particular of spying, and forbade him all contact with PW, internees or their representatives.

The Committee's representative had no means, during the months that followed, of giving official assistance to PW or internees. His attempts to set up a home for aged Europeans, nationals of neutral countries, were systematically opposed by the Japanese authorities. He tried in vain to improve conditions

for the persons who had been shut up in Changi Prison, ordinarily used for 600 Asiatic criminals sentenced to solitary confinement, and now holding over 3,000 men and women. These inmates slept on bare concrete floors and were short of food, so that their state of health was becoming serious.

At the beginning of the war, it was fairly easy to gather information regarding PW and civilian internees in camps from inmates sent to purchase stores for the camps in town, or working under Japanese supervision for the municipal authorities. From information thus received, some private relief could be arranged. In order to avoid any indiscretion which might compromise his activity, the Committee's representative refused to get in direct touch with the organizers of this relief; at the same time, he set up, amid great difficulties, an information service on the needs of the camp, which was effective throughout the whole of the war.

When in touch with Allied nationals released on parole, the Committee's representative succeeded in getting his offer of help laid before the camp commandants. Such action was contrary to the regulations in force, but the Japanese administration was subdivided into so many departments that the suggestion could be followed without the higher authorities becoming aware of the fact.

Until the end of 1942, the Committee's representative received five to ten visitors a day—European neutrals in distress, relatives of PW or internees who required assistance, and others. With the help of Swiss and Chinese friends and the support of the Sultan of Johore, the representative managed to start a fund which enabled him to keep 50 families from want until the end of 1943. This scheme was often frustrated by the Japanese police, who, finally, put a stop to all contact with these unfortunate people.

Eight months after the fall of Singapore, the representative of the Australian Red Cross suggested to the PW Camp Commandant that he should ask the ICRC for a loan of some 50,000 Straits dollars (about 100,000 Swiss francs). The loan was made and then renewed in 1943. The efforts of the representative of the ICRC were rewarded when he was authorized to distribute

gifts to camps and to get in touch by cable with the chief of the Delegation in Tokyo.

The Japanese authorities, for military reasons or through lack of comprehension, frequently thwarted the efforts of the Committee's representative, but this was not the policy of all their nationals. For instance, until the end of the war, a Japanese sergeant undertook without payment to translate telegrams and letters, for the Japanese censor insisted upon the use of the Japanese language. This man visited the representative every week, undeterred by the close watch kept by several detectives. His last friendly gesture was, in August 1945, to approach the Japanese High Command to ask that an interview be given to the representatives of the ICRC and the Protecting Power, in order that arrangements might be made for the release of Allied PW and civilian internees.

Conditions for civilian internees improved soon after the opening of the "Bureau of Control for Enemy Nationals", under the direction of the chief of the Internees Department. This official, who had studied in England and had occupied an important position at the Japanese Embassy in London, organized the Bureau on Western lines and chose civilian internees to work in it. One of these was allowed to visit the Committee's representative and, with the help of his colleague, to make a few purchases. Unfortunately, camp funds were running low, in spite of donations by the public, and an arrangement was finally accepted by the Chief of the Department whereby ICRC relief was distributed to civilian internees, from 1942 to August 1945. The deliveries were at irregular intervals, it is true, as permission was sometimes delayed.

October 10, 1943, was a tragic date for internees in Singapore: Allied submarines entered the port and caused great damage. The Japanese authorities, believing that this was due to sabotage for which internees were responsible, closed the camps to all outside contacts. They questioned and tortured several internees: fifteen of them died. From that time, the representative of the ICRC found it still more difficult to deal with the local authorities, who would only tolerate him in his capacity as "neutral agent". He proceeded therefore as a



private individual, being assured of his status as a neutral.

He took advantage of circumstances to have a useful interpretation placed on the instructions received by the chief of the Department from Tokyo. These instructions specified that the Singapore Internee Department had the right to receive gifts for camps. The Committee's representative caused the orders received in Japanese to be translated by the general term: "Authority for the ICRC to make free gifts"; he was then able to carry on a series of relief schemes over several months, without interference by the Japanese. The representative often had the impression that the Japanese camp management was, at bottom, pleased by his consignments, as the fixed rate they were allowed for camp upkeep soon became insufficient. Supplies were bought with the generous help of two important firms, who delivered the goods at wholesale rates, without charging for insurance and warehousing. Some brokers also helped the ICRC representative, and made certain profits which were justified by the services rendered in procuring supplies which it was impossible to obtain on the regular market.

In January 1945, the Ministry of Foreign Affairs in Tokyo, who until then had apparently been unaware of the activities of the Committee's representative, informed him through the Tokyo Delegation that as he had not been recognized by the Japanese Government, he could not receive funds, and that he should immediately cease sending supplies to camps. Four thousand five hundred civilian internees were thus to be deprived of the assistance which he was still able to give. This decision of the Japanese Government would have been the death warrant of hundreds, if the representative had not continued his work, by making surreptitious agreements with certain camp authorities. From this time on, his action was the more admirable as he had no longer even the standing of a neutral agent, the Japanese Government regarding him as *persona non grata*.

The relief supplies to internees amounted to 2,390,000 Straits dollars, and to PW to 117,500 Straits dollars, provided by the British Government and the British Red Cross. The explanation of the comparative smallness of the second figure is that

the representative's appeals to the Japanese military authorities, camp authorities and even the High Military Command invariably met with the same reply : " The prisoners of war are well cared for ; they get their pay and consequently need no assistance whatever ".

The value of the representative's work may be fully appreciated when it is recalled that the only contacts he could achieve on rare occasions with Geneva were by cable, through the Delegations at Tokyo or Bangkok. The reply to his first message took six months to reach him. He was sometimes able to profit by the facilities afforded to the Swiss Consul in Singapore, or he had recourse to a Japanese cable service for the use of Japanese forces for their private or business communications with home.

Contact of the representative in Singapore with other delegations in the Far East was of course extremely difficult. He was ordered to submit all communications received from delegations of the ICRC in the Far East to the police. He complied with this order once or twice, but as the mail was not returned to him he made up his mind in time to disregard this formality. As the representative could get no information and found it so difficult to send cables and mail, he could only reply to the ICRC by indirect means. Many PW were secretly removed either to Siam or other areas, and the detachments which returned to Singapore had greatly diminished numbers. It may be presumed that at the beginning of the war there were 3,200 civilian internees in Singapore, increasing in number to 4,500 in 1945. Whilst the war lasted, it was never possible to ascertain the number of PW, and it was not until after the fighting had ceased that the total was known to be about 90,000. At the time of the capitulation, there remained about 30,000, including 16,000 nationals of the English-speaking countries and 14,000 Indians. No relief could be distributed to the Indian camps, with the exception of some medical stores and spectacles, which the Indian doctor was able to acquire with the discreet help of the representative.

It was only at the moment of the capitulation that the Japanese accorded official recognition to the representative of the ICRC ; that is to say, after three and a half years of ceaseless work at great risk. The delegate at once visited, or sent his agents to visit PW and internee camps. He also organized a relief service and issued thousands of parcels to PW and internees.

From the Japanese capitulation in August 1945 and until the arrival of the Allied troops, he spent 346,500 Straits dollars for PW, 902,000 for civilian internees and 11,000 for detainees' relatives resident in Singapore, numbering about 3,500 adults and 1,500 children. These funds were provided by the British Government and the British Red Cross, and by local subscription <sup>1</sup>.

On the arrival of the Allied troops, Japanese military personnel in Singapore, Malaya and Burma were interned in camps with their own military command, under British control. The Singapore delegation, and the Indian delegation (for Burma) visited the camps to give assistance and relief supplies.

After his first visits to the camps in Burma, the Committee's delegate in British India cabled to Geneva to ask for supplies (toilet requisites, sports equipment, games, musical instruments, newspapers, etc.). Funds for the Japanese were still available in Geneva, and as the YMCA wished to be associated with this particular relief scheme, arrangements were made for joint shipments of these articles to Burma. In the meantime, the YMCA had already issued games and miscellaneous supplies in the camps in Burma. The Japanese Red Cross had also sent large supplies of newspapers, books and magazines.

The repatriation of the men was commenced in the spring of 1947, and was completed by October.

In Malaya, a great number of Japanese prisoners classed as " Surrendered Enemy Personnel " (SEP) were placed in camps. They received no money or tobacco. The delegate of the ICRC visited them and, in the autumn of 1946, secured an allowance of five cigarettes per week for each man ; at the beginning of 1947, the number was raised to twenty. Issues of soap,

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<sup>1</sup> See schedule in annex to Vol. III.

toilet requisites, sports equipment, games, wireless sets and newspapers were made, and the British authorities agreed to pay SEP for their work when they came to be repatriated.

## **6. Delegation in the Philippines**

During the war in the Pacific the ICRC, through the agency of its delegation at Tokyo, appointed a representative in Manila. His principal duties were to purchase and distribute relief supplies to PW and civilian internees.

This agent was introduced by the Swiss Consul in Manila to the Chief of External Affairs of the Japanese Military Command, who promised his support, provided that it had the sanction of the Tokyo authorities. The representative was never officially recognized, however, nor given authority to visit CI and PW camps. He tried on several occasions to inspect Santo Tomas Camp, but without success ; on each occasion his request was deferred " to a later date ". In view of these circumstances, he was instructed to do his best, even by private means, to send relief to camps. He again approached the Japanese military authorities, who authorized him to remit, in May 1943, 50,000 pesos (approximately 80,000 Swiss francs) to the Executive Committee of Santo Tomas Camp. On this occasion, he had an interview with the Chairman of the internees' executive committee, and the funds were used for the purchase of medicaments and articles of daily use, and for allowances to internees' families in Manila who were without means of support.

It should be recorded that the Committee's representative in Manila, who was never in direct contact with Geneva, also acted for the Protecting Power and, in this double capacity, he had greater facilities for assisting Allied nationals.

The Protecting Power, Switzerland, supplied the Executive Committee with 47,000 pesos per month, for assistance to internees and their families. In August 1943, the delegate obtained authority to hand the Executive Committee an extra amount of 50,000 pesos. The sum was shared amongst various CI camps, religious communities and hospitals.

When the Japanese decreed the independence of the Philippines, conditions for the internees altered, as the Japanese kept a strict check over communications between the camps and the exterior. Henceforth no step could be taken without their formal consent; they undertook the distribution of relief supplies which arrived on November 7, 1943, by the exchange ship *Teia Maru*, and 7,529 parcels were shared amongst the camps at the beginning of December.

Camps were in urgent need of funds; as the monthly allowances made by the Protecting Power were delayed by the dilatory methods of the Tokyo central administration, the Committee's representative was authorized to make a further advance of 50,000 pesos, paid in two instalments in December 1943 and January 1944. The amounts paid in May and August 1943 provided for the needs of 8,031 Allied nationals, both internees and destitute civilians, comprising 6,362 Americans, 1,462 British, 100 Dutch, 52 Poles, 18 Norwegians and 37 other nationals.

Further changes in the conditions for civilian internees occurred in 1944, when the Japanese War Intelligence Bureau of Investigation took over the administration of camps. The Japanese Ambassador warned the delegate verbally that he must entirely give up camp visiting if he wished to avoid trouble, and the last amount paid over was returned to him. The Japanese authorities opened an enquiry on the delegate's activities and seriously contemplated the reimbursement of the first two amounts paid out by the ICRC, by means of deductions from camp maintenance funds. Such a course would have had the direst consequences for the internees.

In the Philippines, as in all occupied territories in the Southern Pacific, the Japanese authorities forbade the Committee's delegate to help PW

The situation again changed when a YMCA Committee was set up in Manila. The delegate worked with this Committee which not only provided the customary intellectual and moral help afforded by the YMCA, but also undertook the distribution of gifts from neutral or Chinese donors, and of medicaments.

The ICRC made further attempts in August 1944 to send

relief supplies to the Philippines. Its representative visited the Japanese Embassy in company with the Swedish Consul, but could not obtain satisfaction. In November 1944, the Japanese Embassy left Manila. The military authorities then stopped all communications, and only with great difficulty could even small supplies be sent to the camps.

The American forces arrived in the Philippines in February 1945 and liberated Santo Tomas Camp, the only camp with which the Committee's representative had been able to make direct contact.

The representative, then recognized as the official delegate, was requested by the American authorities to work with them in giving relief to the destitute refugees who were arriving in thousands from the districts south of Manila, where the food situation in general was becoming very serious. The delegate set up a distributing centre in his own house, to supply free food and clothing to needy refugees. The supplies were provided by the American Army and the work of distribution went on for over four weeks. Thereafter, the relief work of the delegate was supported by gifts from local people and owed much to the good-will shown by many.

In line with the practice of his Red Cross colleagues in the Far East, the Manila delegate visited the camps for Japanese prisoners captured by the Americans. He was able to establish that the men were being treated in accordance with the terms of the Convention. He distributed a few relief supplies and successfully arranged for PW to correspond with their families.

## **7. Dutch East Indies Delegation**

The work of the delegations of the ICRC in the Dutch East Indies was carried out in behalf of the nationals of this side or that, according to the turn in military events.

The Netherlands East Indies Government interned German nationals when Holland was invaded by Germany in May 1940, and Italian nationals when Italy joined the conflict. In February 1942, when the country was occupied by the Japanese these

internees were released and Allied nationals interned. In August 1945, after the Japanese defeat, the Allied nationals were liberated and replaced in the camps by Japanese, when the Axis nationals were once again interned. The Indonesian conflict led to the return to concentration camps of a great number of Dutch nationals, who had only just been released and who had not yet recovered from the privations endured during the Japanese occupation.

In 1940, the ICRC had obtained authority from the Dutch authorities to appoint delegates in the East Indies. These representatives first visited internment camps for Germans and Italians, and then those for the Japanese.

When those territories were occupied by the Japanese, the ICRC made every effort to get official recognition for their delegates from the occupying authorities. These attempts as already stated, met with the systematic refusal of the Tokyo Government. The delegates not only lacked official recognition, but were also cut off from Geneva during the war. They could not do any relief work, since it was forbidden in their own region, and the islands of Java, Sumatra and Borneo were cut off from the rest of the world.

*Java.* — The occupation of Java took place at the end of February, 1942. The delegate at once attempted to get in touch with the Japanese authorities, but it was not until the end of March that he was able to interview the official in charge of external affairs, who informed him that his Government did not recognize any representative of the ICRC in the South Pacific. Another attempt was made a few days later by the representative of the Netherlands East Indies Red Cross, who wished to suggest a relief scheme for wounded and sick military personnel, and the transmission of mail via Geneva. The scheme fell through, this Red Cross Society having been dispersed shortly afterwards by order of the occupying Power.

In spite of persistent attempts, the Committee's representative in Java was never authorized to visit camps, and the Japanese High Command never allowed him to come into

personal contact with PW or civilian internees. Thus frustrated, the delegate tried at least to help relatives and friends who wished to send parcels to PW and civilian internees. The Japanese authorities requested him to make a written application to this effect. The Swedish and Swiss Consulates, who represented the Protecting Powers, managed shortly afterwards to organize a relief service at Soerabaya. As an exceptional favour this scheme was allowed by the Japanese naval authorities, who had a dominant influence in this town. The commandants of the PW and internee camps thus allowed ladies' committees to send parcels weekly to the camps. This scheme was allowed to go on until June 1943, when all communication with camps was forbidden, even those in which there were women and children.

The Committee's representative, having learnt that relief parcels carried by the "exchange ships" had been sent to Singapore for reforwarding to the Dutch East Indies, applied to the Japanese authorities on several occasions for information regarding these consignments. The only reply vouchsafed was that all instructions for the distribution of these supplies had been given direct by Tokyo to the military authorities who took delivery of the parcels.

On several occasions, the delegate tried to improve conditions for PW and internees by suggesting their exchange, or the supply of medicaments, but his efforts always met with flat refusal.

For some time, he was able to maintain a message service between Tokyo and Batavia. In May 1943, the Japanese Secret Police (*Keimpei Tai*) ordered him to "cease all activity".

*Sumatra.* — A few weeks after the Japanese occupation, the Dutch were interned, the men in the prisons, the women and children in the schools, churches and mission buildings. These civilian internees suffered particularly from inadequate sanitary arrangements and lack of medical attention; their conditions became worse as the war went on and their financial means and food supplies diminished.

The situation for PW was equally pitiable. At the beginning



of the occupation, the Committee's representative, as a doctor and in his personal capacity, was allowed to visit some PW camps, but this authority was withdrawn a few weeks later.

*Borneo.* — As already recorded, the devotion of the Committee's representative to the humanitarian cause cost him his life. His activities were held by the occupying authorities to be criminal and he fell victim to the suspicious hostility of the military authorities, who were quite incapable of grasping the reasons for his efforts. It is difficult, in the absence of any records, to give a correct account of the extent of Dr. Vischer's help to PW and internees before his execution by order of the naval authorities, in December 1943 (for "plotting against the Japanese Army"), but it may be recalled that his interest in their welfare was one of the principal charges against him by the court-martial which sentenced him to death.

When the Japanese capitulated in *Sumatra*, the delegate of the ICRC made a general tour of the camps. He at once assisted in relief measures by distributing foodstuffs (fruit and vegetables) and funds received from private persons and relief societies. He also gave his services to the central relief organization whose purpose was to co-ordinate these activities. Relief committees were formed which, with the help of the Chinese residents in particular, set about collecting gifts of money and food, and finding and putting in order premises to lodge liberated internees, purchasing food, clothing and medicaments, collecting fruit and vegetables, distributing relief according to requirements, removing PW and internees, organizing canteens to provide from 300 to 600 meals daily and installing hospitals, with doctors and nursing personnel. Unfortunately the political situation rapidly became critical and the work of these committees shrank to such an extent that by the end of October 1945, the Committee's delegation at Medan was the only remaining agency able to continue the supply of relief to several thousand former PW and internees. The necessary funds were supplied by private subscription and by the Netherlands Red Cross.

In *Java*, the delegates of the ICRC (who had at last been officially recognized by the Tokyo Government) supported local relief activities in behalf of former PW and internees who were still in the camps. With this object, they kept in touch with the representatives of the Protecting Powers and the Japanese authorities who had been instructed to keep order until the arrival of the Allied troops. At the end of August, they were able to visit some camps and arrange for the despatch of food and clothing collected locally. There was much confusion ; the Japanese authorities issued " Red Cross " permits to all who applied ; emblems profusely decorated buildings, cars and vehicles. The delegate tried to co-ordinate the offers of voluntary assistance which flowed in from all sides. He received and allocated funds supplied by the Japanese. A number of trucks was placed at his disposal, which he employed to meet the needs of the moment.

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*Conflict in the Archipelago.* — In the autumn of 1945, the Indonesian Republic was proclaimed ; 35,000 persons, Dutch and Indo-Dutch were interned, and fighting began between Dutch and Indonesians.

The Netherlands Government soon requested the ICRC to intervene. At the end of the year, two delegates were sent from Geneva to Java to set up the headquarters of the Delegation at Batavia. They began by getting in touch with the Dutch and British authorities and the Netherlands Red Cross ; they next approached the Republican authorities and the Indonesian Red Cross organization, which had just been constituted. Early in 1946, the ICRC had secured the agreement of the Republican authorities to the following proposals :

(a) Application of the Geneva Convention to persons detained in camps ;

(b) Lists to be made of all camps in Republican territory, giving all details of camp locations, strengths, etc. ;

(c) Authority for delegates of the ICRC to make a preliminary tour of the camps to last a fortnight ;

(d) Authority for detainees to send Red Cross messages of twenty-five words in Malay, Dutch or English, addressed to their relatives in any country ;

(e) Nominal lists of all internees in Republican hands to be given to the Delegation in Batavia, for transmission to the Netherlands Red Cross, the Dutch East Indies Red Cross and the British Red Cross.

As it had been agreed, the delegates were able during the first half of February 1946 to visit 51 camps for civilian internees and four hospitals in Central and East Java. The camps held 21,000 internees, including 16,000 women and children.

In the course of 1946 and until most of the internees had been removed, that is to say, during the first half of 1947, the Committee's delegates repeatedly visited these camps, as well as others ; many camps were visited on two or three occasions.

In addition to their steps to secure improvements in living conditions and the transmission of requests and complaints from internees, the delegates obtained agreement to certain schemes, in which they had an active part.

Food parcels given by the Netherlands Red Cross were forwarded to the camps by the delegation at Batavia, with the help of the Indonesian Red Cross organization. The same arrangement was made for medicaments. As there were practically no pharmaceutical supplies in the whole of the Republican territory, it was agreed that the Netherlands Red Cross should supply medicaments to the Indonesian Red Cross organization, and that an equivalent in currency should be paid to the internees. This agreement procured funds for the internees and at the same time supplied the Indonesian population with medicaments. The plan had the entire approval of the donors. It may be added that the funds were given by the delegates themselves during their camp visits.

The delegation at Batavia had a large part in the success of negotiations for the removal of internees towards the terri-

tories held by the Dutch. The evacuation started at the end of June 1946 and was completed during the first half of 1947. At the beginning, rapid progress was made with the help of the British authorities, who supplied the means for air transport. In the autumn, however, the removals came to a standstill, and were only resumed after representations made by the delegation at Batavia.

This delegation also reforwarded the internees' heavy mail.

The repatriation of the Indonesians enlisted by the Japanese military authorities for land work, or for road and railroad building, started in the spring of 1946. The first halt was Batavia and, although he had no official instructions, the Committee's delegate made a point of being present when these repatriates arrived in the town. They were given temporary lodging in a transit camp, which had accommodation for several hundreds, and were handed over to the care of the Indonesian Red Cross organization, to be sent on to their various destinations. The transit camp was visited by the delegates, who asked the Netherlands authorities to make improvements in installations, housing, food and clothing for the repatriates.

The delegation in Batavia also looked after Japanese and German military personnel, and German civilians in Allied hands who remained in the Netherlands East Indies after the fighting in the Far East had come to an end. They visited PW and CI camps, distributed relief and took steps to hasten repatriation.

The repatriation of SEP under Dutch control began in the spring of 1947.

### **8. Delegation in Indo-China**

On being informed that PW camps existed in Indo-China, the ICRC attempted, in 1943, to obtain authority to send a delegate to Saigon, but the request was refused by the Japanese authorities.

In March 1945, when the Japanese, displacing the French forces, occupied Indo-China, the ICRC offered its services for the exchange of news with France and for the despatch of relief

supplies. It again pressed for authority to appoint a delegate, but this was once more refused.

The official recognition of the Committee's delegate was only granted when the Japanese capitulated in August 1945. At this time there were two PW camps in Indo-China, which held 4,544 members of the British and Dutch forces. These camps were under the control of the Japanese authorities in Siam and were, in comparison with all other camps in the Far East, reputed to be "not so bad". The camps had received food supplies from the Swiss Consulate during the whole period of the occupation; after the capitulation, this duty was assumed by the delegation of the ICRC. The expenses incurred, amounting to 118,000 piastres (about 75,000 Swiss francs), were borne by the British and Dutch authorities.

Funds subscribed locally allowed for the purchase of articles of which the PW were in great need. The British and Dutch PW left in September 1945, and the French Red Cross took over the relief of the French PW.

In 1946, the sum of 20,000 piastres, given by the National Catholic Welfare Conference, was handed to the sisters of St-Vincent de Paul at Dalat by the ICRC to give help to orphans of the native population.

*Conflict in Indo-China.* — At the end of 1946, fighting broke out again between the French forces and the Vietnam troops; civilians and military personnel were taken prisoner. Through its delegation in Paris, the ICRC at once approached the French Government and offered its services, which at first were not, however, considered necessary. When the conflict became more severe, the ICRC, in January 1947, instructed its chief delegate for South East Asia to go to Indo-China. Shortly afterwards, the French authorities requested that a delegate should be sent to that country. The delegate arrived in Saigon on January 23, and at Hanoi on January 29.

Contacts were at once made with the French and Vietnam authorities and the Vietnam Red Cross organization.

On February 12, the delegate visited the camp of Hoa-Binh, 60 kilometers south-west of Hanoi, where 171 French nationals

were detained. Medical supplies were provided and milk for the children. The delegate visited ten French military prisoners 30 kilometers south-west of Hanoi. During the delegate's talks with the Vietnam authorities, he asked for the release of certain categories of internees (women, children and aged persons). On February 28, three men, thirteen women and children of French nationality, together with thirteen Indians were set free. In compensation, the delegate secured the agreement of the French authorities to increase the rice rations for Vietnam prisoners.

Whereas communications with the French authorities were fairly easy, the Vietnam authorities could only be reached by radio. Further, every meeting of the Vietnam representatives and the Committee's delegate between the fighting lines had first to be negotiated with each of the parties. As soon as it became known that the ICRC had a representative in Indo-China, many and varied requests came in from Governments and private persons. The Chinese Government, for instance, asked the delegate to consider with the Chinese Consul in Hanoi how to assist Chinese nationals adversely affected by the events. Some religious orders asked the ICRC to look into the situation of missionaries in Tonkin and North Annam.

In March 1947, the delegate asked the ICRC to appoint an assistant, if possible a doctor. The request was granted and the assistant-delegate left at once.

On April 25, the two delegates had a talk between the fighting lines with the general secretary of the Vietnam Red Cross organization, when they discussed at length all questions concerning PW and civilian internees. They made an exchange of mail and handed over 400 kilograms of relief parcels and funds for the French internees, as well as anti-cholera vaccine and DDT powder for the Vietnam Red Cross organization.

After an exchange of telephone messages by wireless, another meeting was arranged for May 7. Individual and collective relief parcels for French internees were handed to the Vietnam Red Cross organization, together with 10,000 vials of anti-cholera vaccine and 100 kilograms of DDT powder for this society's use.

The delegate could not, however, obtain authority to visit the French internees, on the grounds that "camp visiting was at present impossible owing to transport difficulties".

After repeated requests by the delegate, a meeting was arranged in Vietnam territory, 40 kilometers above Hanoi, on the Red River, for the middle of June. In the meantime, the delegate visited Hanoi Prison and various camps for Vietnam PW in French hands; he obtained important improvements in the prisoners' living conditions, and the discharge of some who were under 18 years of age. On June 22, the delegate went to the meeting place; during the talk he urged the importance for both sides of allowing him to visit the internees. He also requested the release of some categories of internees (women, children, sick and aged). He confirmed the request in writing and was promised a reply by radio. During this interview, the delegates handed the Vietnam Red Cross organization 1,200 kilograms of relief supplies in individual and collective parcels (clothing, food, milk for the children, mosquito netting, medicaments and other requirements, intended for French PW and internees, sent by the French Red Cross and private donors). He also exchanged a large amount of mail and handed over 30,000 piastres for the French internees. The Vietnam Red Cross organization received anti-cholera vaccine (12,000 vials) and 300 kilograms of DDT powder from the French Red Cross.

On June 27, the ICRC delegate visited Haiphong Prison and all camps of Vietnam PW in the district. He then went to Saigon and, on July 3, visited the Central Prison. He was also given authority from the French authorities to visit the Poulo-Condore penal settlement. After having organized relief for the Vietnam PW in Saigon, the delegate went on to make enquiries concerning 1,000 persons in Cochinchina of whom nothing had been heard since the events of 1945-1946.

#### (D). ACTIVITIES IN UNOCCUPIED CHINA

The special Report made by the ICRC on its activities from March 1938 to September 1939 gives an account of its last steps in China before its delegate's mission came to an end, early in 1939, in agreement with the Chinese Red Cross.

Although China had ratified in 1935 the PW Convention of 1929, the Official Information Bureau for which Art. 77 provides had not been set up on Chinese territory. Japan too, as is known, had not ratified the Convention ; for this reason, the agreement could have no force whilst the conflict was limited to these two countries. When the Chungking Government joined the Allies, the internment of German and Italian nationals provoked similar measures in respect of Chinese living in Germany or Italy, both of which countries had ratified the Convention. From that time, the Convention stipulations could and should be applied.

In December 1942, the ICRC sought from the Chinese Government authority to send on a temporary mission to Chungking the chief of its delegation in British India, accompanied by a Swiss citizen resident in India, M. Senn, who could be appointed delegate in China, should a standing delegation be set up in this country.

The Chinese Government's consent reached Geneva in March 1943, and in April the two representatives of the ICRC left Delhi by air for Chungking. The cordial welcome of the Chinese authorities and Red Cross induced the head of the mission to ask for formal assent to the appointment of his colleague. The required authority was given and, in June 1943, this representative took up his residence in Chungking and established the delegation.

The field of activity was vast. Enemy nationals (PW, internees and persons in assigned residence) were scattered over twelve provinces and separated by immense distances. The representatives therefore had to make long journeys across tracts of uninhabited country, by primitive conveyance. Some of these tours, near the Japanese lines or in the neigh-



bourhood of bands of partisans in action in the interior of the country, were not without risk. The unexpected arrival of the representative of the ICRC was always a great comfort to these unfortunate people, who were completely isolated and who had been cut off for months, or even years, from news from the outside world.

The camps could not, over such wide territory, be placed under the control of a single authority. Some were subject to the Central Government, more came under the provincial governments, and others, within the zone of operations, were the responsibility of the military authorities. It was thus impossible to obtain a complete list of camps or nominal rolls of the inmates ; it was also very difficult to get permission to visit the camps.

*Prisoners of war.* — At the time of release, the PW strength was found to be about 3,000, but the delegate was only able to check about 1,000 in the camps which he had discovered and which he was given leave to visit. The relatively small number of PW taken by each side is explained by the peculiar features of the war in China. It was guerrilla warfare without any clearly defined front ; small-scale skirmishes at widely scattered points or confined to certain districts led to combatants being captured singly or in small groups.

The camps, known as "Captive Concentration Camps", were scattered over several provinces and held officers (including a few airmen), Japanese army and merchant navy personnel, Koreans, Siamese and a few civilians (men, women and children). In one camp in North China, the delegate found Russian PW and a few Americans, whose capture dated back to the first years of the war between China and Japan. He at once made a direct appeal to the Central Government for their release, but without success. He sometimes had difficulty in obtaining from camp commandants the information he required.

The delegate also had to approach the authorities regarding PW rations, which had been fixed on the basis of a certain sum of money per head. The rations varied in quantity and quality with the fluctuations of the money market, so that the amount

of food given to PW became gradually less as the value of the Chungking dollar fell. After prolonged negotiations, the rations were based on weight. The delegate did not, however, succeed in getting free postage for PW.

On several occasions, the Chungking delegation served as a channel for the Chinese Government's complaints regarding the treatment of Chinese PW in Japanese hands, particularly in Indo-China. The complaints were conveyed by Geneva to the Japanese Government, and the replies were sent by the same means. As already stated, however, delegates were never allowed to visit Asiatic PW in Japanese hands.

*Civilian internees.* — The great majority of the 300 civilian internees (War localized) with whom the delegate was in contact were Catholic and Protestant missionaries ; they were nationals of countries at war with China and belonged to Missions whose headquarters were in occupied China. The ministers of religion who served parts of the country which had become military zones, had been sent to the rear and assembled in isolated places. British and American missionaries were free to move, the Germans and Italians were kept under watch and were not allowed beyond a two-mile limit. All, without distinction had to provide for themselves. The delegate took particular care of these missionary groups and made them allowances. Several were in the Honan province, where there was famine ; the delegate tried to get consent for their release, or at least to have them transferred to a more suitable region where they could obtain food. It was due to his efforts that the missionaries were allowed to return to the Mission Houses to which they belonged ; some decided to remain, however, and to endure the hardships. The delegate made further efforts later for the nuns to be finally released.

Over 500 enemy aliens, who were at liberty on parole, sought the delegate's help. Among them, the Japanese, German and Italians found themselves without a Protecting Power.

There was a large number of refugees, displaced persons, stray children, aged persons without support and, in particular, victims of famine and flood. As the ICRC had no funds to assist

them, the delegate tried to meet the most urgent needs with the help of the American and British Red Cross Societies, with whose representatives he was constantly in touch.

*Civilian Messages.* — One of the delegate's first cares in arriving at Chungking had been to organize, together with the Chinese Red Cross, a civilian message service, by message forms or cable. Civilian internees, who up to that time had been without news of their families and who could not correspond with them, at once took advantage of this service. This form of help was a great boon to those who had been cut off for years from the outside world, particularly the missionaries who could no longer correspond with their superiors. The same applied to civilians, both Chinese and aliens, who made regular use of this means of communication. The number of messages sent during the 34 months of M. Senn's mission amounted to 2,900 and the messages received to 6,200.

With regard to the forwarding of these messages, it should be noted that the mail service worked regularly in both directions between certain provinces of free China and occupied China. That is the only known instance where, in a country at war and partially occupied by the enemy, postal communications continued between free and occupied territories.

The delegations at Chungking and at Shanghai took advantage of this fact to exchange messages intended for the one zone or the other without having to make the long circuits by way of Geneva or Cairo.

When the war came to an end, the exchange of messages with the Philippines, Dutch East Indies, Australia, New Zealand, America and Canada showed a marked increase.

*Enquiries.* — In addition to messages, the presence of a delegate in free China made possible response to many individual requests for information by setting on foot enquiries, either by Chungking or by Geneva.

*Relief.* — The delegation in Chungking gave valuable service in forwarding relief between free China and the territories

occupied by the Japanese. Next of kin could thus give financial help to relatives living in these regions ; the delegation arranged transfers of money by cabling to Geneva for notification to the delegations at Shanghai or Hong-Kong. All these transfers were made in American dollars. It was by this means alone that the missionaries interned in free China and cut off from their headquarters in occupied China could receive means to live.

The strict currency regulations in force, however, hampered the delegation's work for aliens living in free China who wished to receive funds from Europe or America.

*Repatriation.* — The ICRC handed to the Chinese Government, as it did to other governments, its memorandum of January 15, 1944, concerning the repatriation of wounded and sick prisoners of war. In May 1945, the Chinese Government accepted the proposals of the ICRC. The fact was brought to the knowledge of the Japanese Government who stated, at the end of July 1945, that it could not accept a proposal in this sense.

From April 1945, the work of the delegate at Chungking greatly increased on account of the many problems raised by the release of Korean PW, and of civilian internees. Stateless persons and civilians without a Protecting Power called on his help, and the very great areas involved made his new duties still more arduous. On this account, the ICRC decided, in August 1945, to increase the China delegation by sending out a second delegate, a doctor. The development in the war situation led to a decline in the calls on the customary services of the ICRC and the despatch of the second delegate became superfluous. The Japanese capitulation had the effect of restoring to the Chinese Government the control of the territories formerly occupied by the Japanese, and the repatriation of PW was being completed.

At the end of 1945, the ICRC closed the delegation at Chungking and entrusted its work for the whole of China to its delegation at Shanghai.

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### **XIII. Prisoners whose right to Protection under the Convention was in dispute**

The work of the Committee covered not only those whose right to protection under the Convention was undisputed, but also PW whom circumstances, it appeared, excluded from benefits deriving from its application. The Committee, as it said in its memorandum of August 17, 1944, held " that the fundamental principles of international law and of human rights should also be applied when, in the course of a war, situations arise which are not explicitly mentioned in the international Conventions ".

The main categories of these prisoners in whose behalf the ICRC intervened were :—

" *Partisans* ", by which is meant all combatants to whom the adversary does not recognize the status of belligerents ;

*Italian Military Internees* (IMI), i.e. members of the Italian army disarmed by the German forces and interned in Germany after the conclusion of the armistice between the Italian Government and the Allied Powers in 1943 ;

" *Surrendered Enemy Personnel* " (SEP), consisting of members of the German and Japanese armed forces captured at the close of hostilities to whom, in 1945, the British and United States authorities assigned a status distinct from that of prisoners of war ;

*Prisoners of war transferred* by a Detaining Power to one of its allies ;

*Prisoners of war ' transformed ' :*

(a) into civilian workers,

(b) into political detainees ;

*Merchant seamen.*

## A. PARTISANS <sup>1</sup>

### 1. General Remarks

The opening years of the War witnessed immense changes in the political system of Europe. Many countries were occupied, armistices were concluded and alliances reversed. Some Governments ceased to be ; others went into exile and yet others were brought to birth. Hence arose an abnormal and chaotic situation in which relations under international law became inextricably confused. In consequence, national groups continued to take an effective part in hostilities, although not recognised as belligerents by their enemies, and members of such groups, fighting in more or less disciplined formations in occupied territory or outside their own country, were denied the status of combatants, regarded as " franc-tireurs " and subjected to repressive measures on grounds of internal security.

This disquieting situation at once engaged the closest attention of the ICRC and inspired it to unremitting efforts to secure for " Partisans " captured by their adversaries the benefits of treatment as Prisoners of War under the Conventions, provided of course that they themselves had conformed to the conditions laid down in Art. I of the Regulations annexed to the IVth Hague Convention of 1907 <sup>2</sup>.

The decided attitude adopted by the ICRC in this respect is entirely in accordance with the traditional spirit of the Red

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<sup>1</sup> The term " Partisans " will be used as exclusively applicable to all combatants to whom their adversaries refuse to recognise belligerent status.

<sup>2</sup> The Article reads as follows :

" The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps fulfilling the following conditions :

1. To be commanded by a person responsible for his subordinates ;
2. To have a fixed distinctive emblem recognisable at a distance ;
3. To carry arms openly ; and
4. To conduct their operations in accordance with the laws and customs of war."

Cross. The Red Cross is concerned not with the individual interests of States, but with those of men and women who are victims of war and whose lot should not be dependent on juridical considerations by such States respecting the nature of the struggle in which they are involved. The International Committee have accordingly always endeavoured to secure respect for the humanitarian Conventions and the principles they embody, in all circumstances resembling, whether closely or remotely, the conditions of international war. We have particularly in mind here a state of civil war and, in fact, all conditions in which help is needed by victims of armed conflicts.

Apart from various applications made to authorities, of which account will be given hereafter, the ICRC, having regard to the fact that partisan movements were spreading into an ever-growing number of European countries, addressed on August 17, 1944, the following Memorandum to all belligerent States :

“ Certain aspects of the present struggle have induced the International Committee to envisage the consequences of acts of war committed by or against combatant formations whom their adversaries have not recognised as belligerents, but regard as partisans. The Committee are of opinion that, when in the course of war, situations arise analogous to those of war, but not explicitly covered by International Conventions, the fundamental principles of international law and of humanity should nevertheless be regarded as applicable.

“ The International Committee have always devoted especial attention to the treatment of Prisoners of War, and are of opinion that all combatants, without regard to the authority to whom they belong, should enjoy the benefit of the provisions applicable to Prisoners of War, if they fall into enemy hands. But this benefit must be conditional on conformity on their part to the laws and usages of war, especially the following :

- (1) They must be commanded by a person responsible for his subordinates ;
- (2) They must carry a distinctive badge, and
- (3) They must bear arms openly.

“ The International Committee also attach especial importance to securing universal respect for the principles of the Geneva Convention for the Relief of the Sick and Wounded in Armies in the field, and to enabling auxiliary Red Cross organisations to discharge their functions for the benefit of all sick and wounded alike, without discrimination.

"The International Committee are of opinion that the principles stated must be applied, irrespective of all juridical arguments as to the recognition of the belligerent status of the authority to whom the combatants concerned belong.

"In view of the situation hereinafter described, the International Committee, as always when armed forces are in conflict, are ready to serve as impartial intermediaries. In particular, they are ready to forward distinctive badges and notify the wearing of such emblems by combatants not in uniform, as soon as it receives such information from either party for communication to the other."

In lieu of an official reply, the German Government, through representatives of the Ministry of Foreign Affairs, gave a verbal assurance that it would henceforward in principle treat as prisoners of war all partisans bearing arms openly and who might fall into its power. The ICRC was further led to understand that this decision was not unconnected with its efforts, especially those on behalf of the Warsaw partisans. Nevertheless, the German Government was not able to make any official declaration on this subject.

The Belgian, French, Italian, Norwegian and Yugoslav Governments, as well as those of Czechoslovakia and Poland, supported the Committee's views and gave affirmative replies. The Slovak Government did the same, with the certain reservations <sup>1</sup>.

The Government of the United States placed on record the "generous offer" of the International Committee to undertake the role of impartial intermediary between opposing forces, with a view to securing for partisans recognition as regular combatants.

The British Government replied through its Consulate at Geneva on September 27, 1944, that it fully appreciated the "humanitarian considerations" which had prompted the Committee's Memorandum. No final decision on the subject had as yet been reached, but examination of the Committee's suggestions had disclosed "considerable practical difficulties" in the way of their acceptance.

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<sup>1</sup> See p. 524 below.



The Belgian and Yugoslav Governments requested the Committee to forward to the opposite party the badges carried by their partisans. It may be added that the Committee had already undertaken a similar office in respect of Italian and French partisans and the badges carried by them.

In view of the highly complex and disquieting nature of the partisan problem, about which the Powers were far from any general agreement, the ICRC can do no more than express the hope that a Diplomatic Conference will soon go thoroughly into the matter and reach a solution inspired by the broadest sentiments of humanity.

## **2. Particular Steps and Representations**

(a) *French Partisans.* — The first case to engage the Committee's close attention was that of the French Forces, followers of General de Gaulle, who side by side with Allied troops pursued their resistance against Axis forces after the Franco-German and Franco-Italian armistices of 1940.

Both of these agreements stipulated that French nationals who continued to bear arms against Germany and Italy should be regarded as "francs-tireurs" and should not enjoy the protection of the laws of war.

The Committee's delegates in Germany and Italy were instructed to pay particular attention to this question, and were soon able to report to Geneva that French partisans, fighting in British uniform, when captured, were given the benefit of the same treatment as British prisoners of war.

The question became peculiarly urgent when whole units, clad in French uniform, took part in military operations in North Africa and left prisoners in the hands of German and Italian forces. After the fighting round Bir-Hakeim in 1942, the German and Italian press published most alarming articles on the subject of the treatment reserved for such prisoners. In point of fact, however, it was later ascertained that those prisoners taken at Bir-Hakeim, who had been told that they would be shot out of hand, did in fact expect to be executed during several days.

The ICRC immediately made urgent representations, especially by a verbal note delivered to the German and Italian Consulates at Geneva, with a view to securing assent to their arguments. They demanded that soldiers fighting under the orders of General de Gaulle and wearing French uniform should receive the same treatment as their fellow-countrymen fighting in British uniform. The Committee expressed their apprehension that if extreme measures were taken in dealing with these men, grave consequences affecting the treatment of prisoners of war generally might ensue, and might even endanger the application in its entirety of the Convention of 1929.

In reply to these two notes, the German and Italian Governments informed the Committee verbally that they would not apply to these French combatants the provisions of the armistices, but that these men would be treated as prisoners of war. As a matter of fact, the partisans of General de Gaulle taken at Bir-Hakeim were detained in separate camps and enjoyed the régime of prisoners of war.

It may be added that, with effect from August 1, 1941, the Committee had entered into direct relations with General de Gaulle and had requested him, on condition of reciprocity, to apply the Geneva Conventions to prisoners of war and civilian internees in the hands of the French Forces. General de Gaulle, by a letter dated November 19, 1941, informed the Committee that the Free French authorities regarded themselves as bound by the Geneva Conventions.

As from June 6, 1944, the time when Allied Armies landed in France, the Committee had also to consider the treatment of French partisans who had engaged in hostilities against German forces in occupied France.

By telegram dated June 15, 1944, the French Provisional Government, then at Algiers, requested the Committee to convey to the German Government a strong protest against the terms of a declaration made by the Supreme Commander of the German Armies in Western Europe and broadcast on the Paris radio on June 11, 1944. According to this declaration, "persons taking part in movements of rebellion directed against the

rear of the forces of the occupying Power, have no right whatever to the protection which may be claimed by regular combatants . . . It is laid down in Article 10 of the Franco-German armistice that French nationals continuing to resist German forces after the conclusion of that agreement, will be treated by German troops as "francs-tireurs" . . . Such rebels will not be regarded as prisoners of war, but executed in accordance with martial law."

The Provisional Government was of opinion that "the German Government could not invoke the terms of a pseudo-armistice, which could not be accepted as having any international validity and is contrary to the provisions of the Hague Convention ratified by Germany herself."

The Provisional Government further made it known that the French Forces of the Interior, comprising all combatant units taking part in the struggle against the enemy, formed part of the French Army and enjoyed the benefit of all rights and privileges accorded to combatants by the laws in force. These forces conformed to the general conditions laid down in the Regulations annexed to the Fourth Hague Convention of October 19, 1907.

The Provisional Government warned the Government of the Reich that, if the threats contained in the declaration broadcast by Radio Paris were given effect, it would be obliged in return to take with regard to German prisoners of war all measures rendered necessary by the initiative of the Supreme Commander of the German Armies in Western Europe.

The ICRC transmitted this message *totidem verbis* to the German Government, and of its own motion drew the attention of that Government to the vital importance, from the humanitarian point of view, of securing to all combatants taken prisoner by the enemy the benefit of the rules applicable to prisoners of war, even in cases not provided for by existing Conventions.

The ICRC also invited the attention of the German Government and of all Governments concerned, to Sec. 3 of Art. 2 of the Convention of July 27, 1929, relative to the Treatment of Prisoners of War, in which it is laid down that the latter are not be made the subject of reprisals.

In July 31, 1944, the Government of the Reich, through the German Consul-General at Geneva, gave the Committee a verbal reply to their telegram of June 16. Here is the record made by the ICRC on this occasion :

“ The Government of the Reich states that it has no knowledge of the existence of any Provisional Government at Algiers. Consequently, the Government of the Reich, without comment on the matter and the manner of M. Massigli's dispatch, cannot accept transmission of any such message, and expresses its profound surprise that the Committee should have thought itself empowered to forward a dispatch from any such quarter.

“ The Government of the Reich accordingly considers this communication as null and void. As for the treatment accorded to captured insurgents, it will be that contemplated by the Supreme Commander on the Western Front.”

A few days later the FFI<sup>1</sup> in the Haute-Savoie encircled and occupied Annecy and there captured some 3,000 members of the Wehrmacht. The Commandant of the FFI in the Haute-Savoie stated publicly that he would apply the Convention to these prisoners, in conformity with the promise he had made them in the armistice convention signed with the German colonel. The ICRC learnt of this in the press and considered that if they could visit the German prisoners and state in reports sent to the Reich authorities that the Convention was indeed applied, their endeavours to obtain recognition of PW status of captured FFI would be facilitated. Not wishing, however, to contact the Haute-Savoie FFI without the consent of the Algiers Government, the ICRC laid its idea before the representative of this Government at Geneva, who not only approved the plan but also gave instructions for the French authorities in Annecy.

Meanwhile, the Germans had shot 80 French political hostages in the Montluc prison at Lyons, and the French authorities in Annecy therefore decided to shoot in reprisal 80 German prisoners in their hands.

Following on steps by the ICRC at Annecy and in Geneva, when they laid stress upon the consequences, immediate and remote, affecting large numbers of PW, that would be likely to ensue from such reprisals, the FFI Command consented to

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<sup>1</sup> FFI = Forces françaises de l'intérieur.

postpone the execution for several days, to enable the ICRC to make urgent representations in Berlin. The aim of these steps was to secure an undertaking from the German Government not to proceed with the execution of French civilian internees and further to ensure for all French partisans captured the benefit of PW treatment. The German prisoners in FFI hands in Haute-Savoie were, moreover, visited by ICRC delegates, and favourable reports were sent to Berlin, as also the distinctive badge worn by the FFI. Six days having elapsed without the German Government having replied, the eighty German prisoners were executed.

The ICRC nevertheless decided to continue their endeavours to secure PW treatment for captured partisans and instructed their representatives in Berlin to make enquiry as to the fate of French combatants reported as "missing, believed to be prisoners in Germany". Nominal rolls of these men had been communicated to Geneva by representatives of the French Resistance Movement.

The German authorities expressed their willingness to give information with regard to partisans believed to be prisoners, provided that details (name in full, date of birth and circumstances of capture) could be given.

A first attempt yielded encouraging results and the Committee was shortly able to communicate to the Ministry of Prisoners, Deportees and Refugees in Paris a provisional list, which had been received from the German authorities, of F.F.I. detainees in a camp in Germany.

To enable them to make further enquiry in Berlin, the ICRC requested the said Ministry to furnish nominal rolls of F.F.I. members believed to be prisoners in Germany, who had acted as combatants in conformity with the provisions of the Hague Convention of 1907.

The status of such prisoners being still undecided, the Committee continued its efforts in their behalf, and by repeated representations, succeeded in securing from the German authorities not indeed a formal undertaking, but at any rate a verbal assurance that members of the F.F.I. taken by the Germans would be treated as prisoners of war.

Accordingly on March 23, 1945, the ICRC was able to reply to an enquiry from the Ministry of Prisoners, Deportees and Refugees with regard to conditions in German camps, where combatants and medical staff of the F.F.I. were detained. In its reply the ICRC reviewed the position and emphasised its efforts to secure a formal declaration from the German authorities, which the latter had consistently declined to provide.

(b) *Slovak Partisans*. — After the Slovak rising of August 1944, large numbers of partisans were made prisoner.

On August 17, 1944, the ICRC conveyed to the Slovak Government its Memorandum containing a statement of the principles which, in its opinion, should be held to determine the position of combatant formation not recognised by their opponents as belligerents and regarded as "partisans" <sup>1</sup>.

To this note, the Slovak Government replied that, though not formally a party to the Hague Convention of 1907, it was prepared to accept the conditions laid down in Article I of the Regulations annexed to that Convention. At the same time, it made certain reservations with regard to "distinctive badges" (*signe distinctif*). This expression the Slovak Government understood to mean enemy uniform, even though incomplete. It did not understand the term as covering Slovak uniform worn with parts of foreign uniform or foreign badges of rank, instead of those adopted by the Slovak Republic.

The ICRC was informed by its delegate at Bratislava, by report dated November 1, 1944, that insurgents wearing Slovak uniform were liable to be court-martialled, but that President Tiso, holding that they had been suborned from their duty, had stated that they would be mercifully treated; insurgents wearing German uniform, on the other hand, were liable to immediate execution.

According to this report, the Slovak Red Cross was not allowed to intervene on behalf of insurgents, who were left to depend solely on the German authorities. On enquiry of these authorities as to the fate of these insurgents, the Committee's repre-

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<sup>1</sup> See above, p. 517.

sentatives were informed that Slovak prisoners of war remained only the shortest possible time in screening camps in Slovakia and were then sent to Reich territory. While being screened and transferred, they could not be visited by delegates of the ICRC, but on reaching Germany they would, like others, pass into the sphere of activity of the Red Cross representatives in Berlin.

On November 7, 1944, the Committee was apprised by its London representative of a complaint by the Czechoslovak Red Cross in Great Britain, to the effect that Slovak partisans captured during the rising were being subjected to inhuman treatment <sup>1</sup>.

The Committee at once directed its London delegate to ascertain from the Czechoslovak Government in Great Britain what army these partisans belonged to, where that army was in being and what uniform and badges they wore—without which information the Committee could not intervene in their behalf with the Slovak and German authorities.

The Committee's delegate at Bratislava then reported, on January 6, 1945, that 380 Slovak partisans had been removed to Prison Camp No. XVII at Kaisersteinbruch, near Vienna. He added a list of these men, obtained from underground sources, and complaints as to the inadequacy of their rations.

This delegate had approached the German authorities in Slovakia with a request that these detainees might be permitted to receive food parcels. Assent having been given to this proposition, the ICRC attempted to get it ratified by the Reich authorities in Berlin. The Red Cross delegate also intervened in behalf of American and British airmen undergoing imprisonment as "members of the Anglo-American Air Staff in liaison with the partisans", and secured an undertaking that they would be transferred to prisoner of war camps.

On January 19, 1945, the Committee's delegates in Berlin pressed once more their demand for information as to the position of Slovaks interned in Germany and expressed the

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<sup>1</sup> The situation in Slovakia was complicated by the fact that there was a Slovak Government in Slovakia and a Czechoslovak Government in London, recognised by the Allied Powers.

desire that they should be treated as prisoners of war and given the benefit of the Convention of 1929.

On February 15, 1945, the standing representative of the Czechoslovak Government with the League of Nations informed the Committee that the Slovak partisans interned in the Camp at Kaisersteinbruch had been transferred thence to the camp at Altenburg in Thuringia, where "they were to be subjected to the same régime as Russian prisoners, that is to say, they would have to suffer the same disadvantages as the latter". He requested that a delegate of the ICRC should visit Altenburg Camp. The Committee at once instructed its Berlin representatives to secure information as to the treatment of Slovak partisans in German camps, and furnished them with the approximate number of Slovak prisoners of war and internees in Germany, together with a list of the camps in which they were believed to be. These lists had been compiled partly from information given by the next of kin and transmitted by the Committee's representative at Bratislava, who had found means to supplement them with details gathered from various sources. The delegate added that, in the light of his information derived from the Slovak Ministry of National Defence, a distinction should properly be drawn between :

(1) *Slovak Military Internees*, i.e. Slovaks who had fought with the German Army and had been interned after the rising of the autumn of 1944. Some of these men were already back in Slovakia ; others had been merged in auxiliary formations attached to the German Army.

(2) *Insurgents (partisans)* captured in Slovakia and transferred to Germany.

The ICRC at the same time requested its delegates to obtain all possible information as to the category to which Slovaks found by them in the camps belonged, with a view to the dispatch of relief supplies.

Meanwhile, the delegate at Bratislava took advantage of the fact that the Allied authorities permitted visits to transit camps, and strongly urged the German High Command in Slovakia to



give similar permission for visits to partisans in transit camps in that area.

He requested that so-called "capture cards" relating to insurgent Allied combatants in German hands should from time to time be forwarded to him, and that every facility be given for the transmission of parcels sent by the Slovak Red Cross to Slovak prisoners and internees in Germany.

The last request received a favourable reply from the Chief of the German General Staff, but military developments in the spring of 1945 prevented any practical results.

(c) *Yugoslav Partisans*. — In August 1943, the ICRC was informed that Yugoslav partisans had fallen into the hands of German troops and had been interned in the Reich. They thereupon opened negotiations by enquiring of the Government of the Reich how these men would be treated. The German High Command replied on October 18, 1943, that Yugoslav partisans would be treated "as prisoners of war", but did not make it clear that these men would in all respects have the status of prisoners of war and enjoy the benefit of the Convention of 1929. In the beginning of August 1943, an order was issued by the German High Command that prisoners taken in the course of military operations in Croatian territory by the forces in occupation, were to be transferred to Germany, where they would not be treated as "francs-tireurs", but would have their lives spared. It proved impossible, however, to check this statement, and the Committee's attempts remained ineffective, because its delegates were refused permission to visit these men.

In the spring of 1944, the ICRC, through its delegates in Berlin, asked the German High Command what practical effect had been given to their decision on the question of principle. The High Command replied that Germany was no longer at war with Yugoslavia and that the treatment of partisans taken in the course of police operations was consequently entirely a matter for the German Police. These partisans were for the most part detained in camps occupying a position midway between concentration camps and civilian internee camps, access to which by the Committee's delegates was refused.

At this same period, the Committee instructed its delegates at Zagreb to endeavour to open communications with the Yugoslav Forces of Liberation. Contact was made, and in September 1943 the command of these Forces intimated its readiness to receive the Committee's proposals. In November 1943 the Committee's representatives at Zagreb communicated to the Free Force Command certain proposals whose acceptance, on condition of reciprocity, would tend to facilitate similar demands already submitted in behalf of Yugoslav prisoners of war. These proposals turned upon eight points, as follows :

- (1) General application of the Geneva Conventions of 1929.
- (2) Extension by analogy to Civilian Internees of the provisions of the Geneva Convention of 1929 relative to Prisoners of War.
- (3) Dispatch of a permanent delegate of the ICRC to the headquarters of the Yugoslav Liberation Movement, with the right to visit prisoner of war camps.
- (4) Permission to undertake enquiries and search in territories occupied by the Forces of the Liberation Movement relative to members of forces and civilians, and to introduce the so-called " Civilian Messages " in the same territories.
- (5) Communication to the ICRC of nominal rolls of Prisoners of War.
- (6) Communication to the ICRC of information with regard to cases of death and health conditions among prisoners, their transfer to other camps, etc.
- (7) Permission for the regular delivery to Prisoners of War and Civilian Internees of relief in money or in kind.
- (8) Permission for relief work amongst the civil population, especially women and children, suffering from the effects of war in territories set free by the Forces of the Movement.

When submitting these proposals the Committee's delegates at Zagreb handed the Free Force Command two copies of the Convention of 1929 in French and Serbo-Croatian, and urged

them to make direct contact with the Committee by any available means.

Acting on this suggestion, Free Force Command in January, 1944, informed the ICRC of its readiness to study the application of the Geneva Convention, on condition of reciprocity, and requested the dispatch to its headquarters of a Red Cross representative.

The ICRC at once sent a delegate on a mission to Italy, and at Bari on May 13, 1944, this representative had an interview with Colonels Nikolich and Mestrovich. At this interview the Committee's representative did not fail once again to lay stress on the importance of being able to assure the German Authorities that German soldiers captured by the Free Forces were being treated as prisoners of war. It seemed indeed likely that, if the ICRC had been able to give Berlin some detailed information about these prisoners and to produce an undertaking from Free Force Command to recognise the right of the Committee's representatives to visit prisoner of war camps and send relief to the inmates, the Committee would have had less difficulty in securing from the German Authorities similar treatment for Yugoslav prisoners in their hands. Unfortunately, however, Free Force Command could not be induced to clarify its own position with regard to these questions.

Nevertheless, the ICRC did not let the matter rest, and very shortly, early in 1944, through its delegates in Berlin put before the German Authorities a fresh request for permission to visit all Yugoslav partisans, without distinction, whether captured by the Wehrmacht or by police. This time, the German High Command replied that the matter would be considered and submitted to the German Foreign Office.

This seemed to afford some ground for hope, and the Committee forthwith renewed its approach in that quarter. Unfortunately, the reply received was to the effect that the High Command had raised unfounded hopes, since the German Government did not recognise the Governments to which these Yugoslav partisans belonged. Consequently, no attempt at intervention by the Committee in their behalf could succeed.

It was at this time that the ICRC despatched to all belligerent

Governments its Memorandum of August 17, 1944, inviting them, in view of the fundamental principles of international law and the dictates of humanity, to grant to all combatants in their hands the status of prisoners of war, no matter what authority they were serving under, in so far as they themselves had conformed to the laws and usages of war <sup>1</sup>.

On August 25, 1944, the Committee received from the German High Command a second declaration, similar to that of October 18, 1943, and stating that partisans taken prisoner in the Balkans were being treated as "prisoners of war", without making it any clearer whether they enjoyed the benefit of the provisions of the Geneva Convention of 1929, or not.

On the strength of this assurance the Committee's chief delegate requested the German High Command to allow the Committee to ascertain what treatment these partisans were receiving, that is to say, to visit the camps where they were detained. On September 2, the High Command explained that its declaration had been misinterpreted ; it must be understood that the Committee's delegates could only be allowed to visit those partisans who had already been classed with prisoners of war. Thus one week after making this declaration, the German Authorities in effect went back on their own decision, for the last pronouncement practically cancelled the first.

It should be explained that combatants belonging to the Yugoslav Free Forces had for the most part, at the beginning of hostilities, been placed in Yugoslav prisoner of war camps and had till then always been visited and helped by the Committee's delegates in exactly the same way as prisoners of war belonging to the old Yugoslav army, taken in 1941, no distinction being drawn between them.

Besides the Yugoslav PW camps in Germany, the Committee's delegates also visited similar camps in Norway, where partisans were detained.

These men had been taken to the extreme north of Norway to the region known as the "tundra", and there placed in the custody of the German police, who made them over to the

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<sup>1</sup> See above, p. 517.

Norwegian State police. Concerned by the unhappy situation of these men, who were beyond the reach of all usual means of control and were suffering severely from the arctic climate, the Committee made representations in Berlin, where the German High Command seemed surprised to learn of their existence, and secured their transfer to the south of the country. Here they were put under the authority of the High Command and treated as prisoners of war. The change of climate and of regimen saved the lives of many of these unhappy people, numbers of whom had died of consumption. A hospital was opened in the centre of Norway for the care of the sick, and at long last, after prolonged efforts and much delay, delegates of the Committee were, in the spring of 1943, for the first time allowed to visit these camps. If they were not able to visit all—some labour detachments employed in islands considered as within the sphere of operations being excluded from the permission—the Red Cross representatives were at any rate able to satisfy themselves that the Yugoslav partisans in Norway were being treated as prisoners of war. Thus, despite difficulties of distance and transport, about 1700 Yugoslavs in the hands of the German Army in Norway could be relieved by the Committee, in the same way as Yugoslav prisoners in Germany. From the beginning of 1944 they received standard American Red Cross parcels and clothing, of which they were in great need. The ICRC also conveyed to them the gifts of the Yugoslav Relief Committee in Cairo.

The ICRC meanwhile never lost interest in these Yugoslav partisans. In January 1945, the Yugoslav Military Mission established in Great Britain, in answer to a request made on August 17, 1944, at length informed them regarding the distinctive badges worn by Yugoslav Free Force combatants. This information was at once passed on to the German Government, who were reminded of the Committee's previous attempts to secure for all Free Force combatants recognition of their status as prisoners of war.

The conclusion of hostilities put an end to these prolonged negotiations, steadily pursued by the Committee, but unfortunately without any definite decision in favour of the

Yugoslav partisans held in Germany, in camps other than PW camps. The efforts of the Committee and of its delegates in Berlin were consistently reinforced by similar steps by the delegates in Belgrade and Zagreb.

Early in 1943, the ICRC had established its representatives in Zagreb. From that time up to the spring of 1945, all attempts on their part to intervene with the local civil and military authorities in behalf of war victims, especially partisan prisoners and their next of kin, encountered lively opposition. Such was the state of feeling that even certain welfare activities could not be undertaken by the Committee's delegates without some personal risk. Nevertheless, they found means to use part of the medical stores given for the benefit of sick and wounded partisans (anti-typhoid vaccines, etc.) and a relief service was organised, especially in Croatia, which operated without distinction of race, creed or nationality for the benefit of civilians, especially children, of whom there were large numbers in the partisan camps.

If the efforts of the ICRC and their delegates did not achieve more definite results in favour of partisan prisoners and the recognition of their status, they did, however, in some cases succeed in securing improvements in their living conditions. The Committee's delegates were able to use for the benefit of these men part at least of the gifts provided by National Red Cross Societies and other institutions in the United States, Canada and Australia.

Thus, though the ICRC delegate could not visit the concentration camp of Zemun, he was nevertheless able, with the co-operation of the Serbian Red Cross, to send foodstuffs supplied by the Swiss Red Cross to women and children detained there as partisans.

(d) *Italian Partisans*. — In December 1943, the Italian Government notified the ICRC of the distinctive badges worn by partisans of the Italian Resistance Movement, and asked that this information should be conveyed to the German Authorities and action taken to secure for those concerned the benefit of the provisions of international law.

In January 1944, the Committee acted on this request, and

at the same time laid stress on the importance attached by them to securing for all combatants captured by their opponents the advantage of treatment as PW, irrespective of their military status. The Committee also reminded the German Authorities of their earlier representations in this sense, which had been made on October 27, 1943, through the Italian and German Consulates at Geneva. In spite of repeated reminders, this communication remained unanswered.

In June, 1944, press reports stated that leaflets had been scattered from the air in Northern Italy. These leaflets were signed by the Commander of the German Forces and enjoined all partisans to lay down their arms, on pain of immediate execution in case of capture. The Committee asked the German Government whether these reports were correct. At the same time it took occasion to re-state its position with regard to the question of principle governing the treatment of partisans. To this communication also no reply was ever received.

No decision in the sense desired was ever made, in spite of all efforts to secure for these men treatment as prisoners of war.

(e) *Polish Partisans.*— On October 3, 1944, the representative of the Polish Red Cross at Geneva informed the ICRC of a declaration made by the German Authorities—a declaration which was certainly prompted by the various steps taken by the Committee—that members of the Polish underground forces would be treated as prisoners of war. In reliance on these declarations the Committee's delegates in Berlin, after the Warsaw rising, requested that Polish prisoners be given the benefit of the Convention of 1929, and that nominal rolls of such prisoners be duly submitted with a view to the dispatch of relief supplies offered by the Polish Red Cross in London. According to the terms of the instrument of surrender executed at Warsaw, the German Authorities did grant Polish partisans taken since the beginning of the outbreak treatment according to the Convention of 1929. Men with falsified identity discs were no less recognised as PW, but were required to declare their real description. Ranks conferred by the Polish Command were also recognised. These PW were thus protected against reprisals for their political

or military activities before and during the struggle for Warsaw.

In the Polish Army, women were employed as auxiliaries, in administrative posts and hospital units, as liaison agents and so forth. These women were also recognised as PW.

As soon as it was apprised of the terms of the armistice, the Committee gave proof of its concern in the position of members of the Polish Army, especially female PW and young people. It directed the Delegation in Berlin to urge the German Authorities to confine these female prisoners in suitable camps, where they could be treated with due regard to their sex, in accordance with the requirements of the Convention of 1929. The Committee also desired them to see that these women were not "transformed" against their will into civilian workers, and generally to secure observance in this respect of the terms of the armistice. The Committee at the same time made protest to the German Authorities with regard to breaches of agreement reported by its representatives after visits to Polish camps.

On March 2, 1945, the German Foreign Office gave an assurance to the ICRC of the high importance which the German authorities attached to the punctual observance of the terms of surrender, drawn up on October 3, 1944, and added that if, in the early period, regrettable occurrences, such as those mentioned in the reports of the Committee's delegates, had taken place, every possible effort was now being made by the Military Authorities to improve conditions for female PW.

The ICRC continued to urge upon the German and Swiss Authorities the provision, in accordance with Chapter IV of the Convention of 1929, of accommodation in Switzerland for women and young people belonging to the Warsaw army, who were sick or wounded.

The German Authorities, by SS General Kaltenbrunner's letter dated March 2, 1945, indicated their readiness to agree to the accommodation in Switzerland of women and young people who had belonged to General Bor-Komorowski's army, on condition of receiving equivalent concession, and the Swiss Government also expressed its approval in principle of such accommodation.

The course of military operations and technical difficulties



resulting therefrom prevented the execution of this scheme before the German surrender.

(f) *Greek Partisans*. — The ICRC's delegates in Germany had occasion more than once to concern themselves with the position of Greek partisans. A certain number of these and also of Albanians had been taken to Germany and placed in PW camps, where they could be visited. The Committee's delegates had talks with the prisoners' spokesmen, and informed Berlin and Geneva of the destitute condition of these men, and asked for relief supplies to be sent.

In August 1944, the Committee's delegates discovered 500 Greeks and 400 Albanians in Stalag VII A at Moosburg, where they were treated like other PW. In Stalag VI C and VI F at Munster, which were visited in October, 1944, about 700 Greek detainees were treated like PW.

At the request of the Greek Red Cross, in February 1945, the Committee's delegation in Berlin took up the case of 480 Greek partisans confined in Camp VI J at Dorsten. A pressing request was made to the German Authorities that these men should be treated in accordance with the Geneva Convention. But the projected visit to this camp could not be made, because of the many transfers which were taking place at this time.

The Committee's delegates in Berlin also made enquiries about the fate of a large number of Greek civilians who were said to have been deported to Germany on suspicion of pro-partisan activities or collaboration with the insurgents. As a result, the Committee were able to inform the Greek Red Cross in London on November 28, 1944, that most of these deportees had recovered some measure of personal freedom and had been enrolled in labour units. But it had not been possible to ascertain their exact whereabouts.

#### (B). ITALIAN MILITARY INTERNEES (IMI)

When the armistice was concluded between the Italian Government and the Allied Powers at the beginning of September 1943, the major part of Italy was still occupied by

the German Army, which immediately set about disarming the Italian troops and transferring them to Germany.

The ICRC took the opportunity of the presence in Geneva of a senior German official to ask at once for a nominal roll of the Italian Military Internees. On October 20, 1943, it instructed its representative in Berlin to make clear that in its opinion "the Italian members of the forces and civilians who have been interned in camps after the armistice between Italy, and Great Britain and the United States should be granted the treatment prescribed by the Geneva Convention, with the practical consequences this implies (communication of names of prisoners and internees to the Central Agency—possible despatch of relief—visits to camps by delegates)".

The Supreme German Command replied to this at the end of November that the Italians would be treated on the same footing as French PW; they would be entitled (1) to two five-kilo parcels per month and (2) to the same allowance of mail; their status would not, however, be that of prisoners of war because they were subject to the Neo-Fascist Italian Government which was still Germany's ally, and because Berlin reserved the right to deal direct with that Government, to the exclusion of any international authority, in all that concerned these men. Therefore, it added, the list of these military internees would not be communicated to Geneva, and camp visits would not be allowed, nor would the issue of relief supplies be permitted.

The ICRC nevertheless managed to obtain from the German Government an estimate of the aggregate number of IMI, which amounted to 550,000. These men were granted the right to send personal news by means of "capture cards". By March, 1944, the ICRC had received 180,000 of these cards.

The German authorities intended, in agreement with the Neo-Fascist Italian Government, to convert these internees into free workers, but over a year passed before a beginning was made with the plan. During that year, according to eye-witnesses, their condition was worse than that of PW of any other nationality, even of the Russians. They could neither correspond with their next of kin, nor receive relief parcels, because Southern Italy was occupied by the Allies and transport

was disorganized by war in the North. Cut off from all outside help they were in a state of complete destitution, a prey to physical wasting and tuberculosis, and in conditions of pitiable neglect in regard to hygiene.

The President of the ICRC wrote to the German Government and stressed the necessity of finding a humane solution to this problem. The head of the ICRC Delegation in Berlin was called to the German Chancellery a few days later and informed that a special relief service for IMI had been organized by the Italian Embassy, that this service kept in touch with the Italian Red Cross established in Vienna and that, provided the Italian Delegation saw no objection, the Committee's delegates might visit the military internee camps. In point of fact, during private talks with the officials of the Ministry of Foreign Affairs, the Committee's delegate had gathered the impression that the German administration would welcome relief measures for the IMI. It was realized that relief supplies could come only from countries overseas, and the condition upon which the supply of such relief depended was accepted, that is, the presence of delegates of the ICRC to supervise their distribution. It remained to parry the possible objection of the Italian Delegation which, for political reasons, might have wished to keep all the credit for such relief work. The Committee's delegate in Berlin succeeded in countering such a move. The delegates were then granted permission to supervise personally the issue of relief supplies from overseas, provided no mention was made of the source. The President of the ICRC wrote to the Foreign Office in London and had several interviews with the representative in Geneva of the American Red Cross, to keep both parties informed of the German decision. The negotiations, however, to secure relief supplies from overseas, were not finally concluded before the IMI had already been turned into civilian workers. Despite their efforts the ICRC was therefore unable to alleviate the hardships of these men. It was, however, the means of sending off a few isolated consignments of relief.

The German authorities did not recognize as regular combatants members of the Italian army who continued to fight on the Allies' side against Germany. After the 1943 armistice

Marshal Badoglio had, in agreement with the Allied authorities, formed a regular army whose members almost all wore British or American uniform, and some units of which fought on the Italian front. These men were known as "Badoglists". The Committee's delegates in Berlin were assured by the Reich that PW status would be applied to these men, but the delegation was never in a position to assure itself as to their treatment.

On October 11, 1944, the German Government informed the ICRC verbally that members of the Italian army captured on the front would be accorded PW status. It was, however, to be feared that these prisoners would, like the IMI, be turned into civilian workers. In response to a further intervention by the Committee's delegates, the German authorities stated that "combatants of the Royal Italian Army would not be included in this transformation and would enjoy PW status". This promise was communicated to the Italian Minister in Berne on October 16, 1944, by the ICRC.

In the course of a talk in Geneva, a representative of the German Foreign Office confirmed that Italian combatants captured by the German forces after September 1943, were under the protection of the Italian "Dienststelle" in Berlin, and that they were covered by the 1929 PW Convention.

In spite, however, of the stipulations laid down in Art. 77 of that Convention, the ICRC never received any information on these prisoners.

The German authorities were reminded that the Allied High Command in the Mediterranean had given orders that all Republican Italian Combatants who were captured should be granted PW status. The ICRC further pressed its request that its delegates be admitted to camps holding Italian prisoners and that the information for which Art. 77 provides should be sent to Geneva. The Committee pointed out that these combatants had been captured fully armed in the course of operations, and that they were regular soldiers on the fighting strength. The efforts of the delegates were at last successful, and the ICRC obtained lists of "Badoglists" in Stalag IX C at Schellrode.

### (C). SURRENDERED ENEMY PERSONNEL (SEP)

The term SEP applies to members of the German and Japanese armies captured by the Allies after the unconditional surrender of these two armies. These prisoners were considered by the detaining military authorities as deprived, by the fact of capitulation, of the protection provided by the 1929 Convention.

In Europe, most German SEP were in Italy where, in September 1945, they numbered 65,000 men. Smaller groups were held in Germany, Austria and Norway. In the Far East SEP was in considerable strength. The Japanese army numbered 3,500,000 men at the time of the capitulation, of whom 1,800,000 were in China and Manchuria, 200,000 in the Philippines, 650,000 in Burma, Malaya and the Dutch East Indies, and 850,000 in the Islands of the Pacific.

In their Memorandum of August 21, 1945 the ICRC had admitted that the unconditional surrender of Germany placed these prisoners in a situation without precedent. "This situation", the Committee added, "cannot be governed, at the present time, by an *ad hoc* agreement, to which the Detaining Powers and the State of which these prisoners are nationals might be parties. For this reason, the International Committee, while not being called upon to express an opinion on the situation thus created, considers that the prisoners of war should continue to enjoy all the guarantees to which they are entitled by existing Conventions, and that these Conventions retain their entire significance, even though their normal application be suspended or modified, more especially since one of the belligerent parties has in actual fact disappeared".

It was not long before the Committee's representatives, in Italy for example, observed that these principles were not followed in respect of troops who, as a result of the capitulation, had fallen *en masse* into Allied hands. Prisoners considered as SEP by the British and United States military authorities had personal property impounded without any receipt being given. They had no spokesman to represent them; officers received no pay; other ranks compelled to work got no wages;

officers of the Detaining Power did not return their salute. In any penal proceedings they had the benefit of none of the guarantees provided by the Convention. They were, however, humanely treated, properly fed and in some respects had better conditions than PW, as they remained in units with their own officers ; in labour camps they had some freedom of action.

In the Far East the question of the status of Japanese combatants captured by the Allies was raised for the first time in October, 1945, after intervention in their behalf by the Committee's delegate in Singapore. The British authorities replied that the Convention was not applicable to SEP. The United States Army H.Q. in Tokyo gave a similar reply to the Committee's delegate, and added that the Japanese military personnel captured before September 2, 1945 (date of the capitulation), would continue to be treated as PW, whereas those taken after that date would still be considered as SEP. The United States authorities added, too, that the Committee's delegates might visit camps where these men were detained, upon the consent of G.H.Q. in Tokyo.

In January 1946, the ICRC, on the basis of reports furnished by their representatives in Italy and in the Far East, approached the United States Government in Washington, reminding it that "the stipulations of the Convention apply both to members of the forces captured singly, as well as to whole military formations which surrendered (for example the German army in Tunisia)", and that there was no reason for thinking "that the issue is in any way different when all the combatant forces of a belligerent country lay down their arms simultaneously".

Following this step, instructions in line with the Committee's point of view were given. A circular of the United States Army H.Q. in Europe, dated March 20, 1946, stated that "conditions under which a distinction was originally made between prisoners of war and members of disarmed enemy forces no longer exist. Hence, in order to simplify administration of both these categories of enemy personnel, all such personnel in the future will be referred to and reported as prisoners of war".

This declaration (which was, however, not immediately put

into force) settled the question only of German prisoners in American hands.

In the Far East, the United States and British Authorities adhered to the SEP idea in respect of Japanese prisoners. It should not be forgotten that the Japanese conception of honour could not easily be reconciled with the idea of PW status. The men concerned preferred to that status as defined in the Convention, an arrangement which left them under the authority of their own officers. They were then with their officers, the more willing to obey the supreme order to surrender given by the Emperor. Even so, the ICRC did its best to issue relief to these men by means of Japanese funds still available at the Tokyo Delegation. This relief work is described in the chapter dealing with the Committee's work in the Far East <sup>1</sup>.

The Committee felt it was the moment, however, to remind the British and United States Governments of the need to ensure for SEP conditions more compatible with the provisions of the Convention. On September 6, 1946, the delegates in London and in Washington presented to the Foreign Office and the State Department, a letter which set out once more the situation of these prisoners deprived of the protection of the Convention. It concluded as follows :

The unconditional surrender of the German and Japanese forces, which resulted in their laying down arms without the special reservations usually inserted in armistice conventions, does not *ipso facto* imply that the capitulating Power abandons all claim to the benefits of the Hague and Geneva Conventions in favour of its nationals. The Committee are fully aware of the particular difficulties which face the detaining Authorities in their endeavour to apply certain Articles of the Convention, but they would be glad if these Authorities did not decide, in consequence, to deprive the prisoners completely of the benefit of the stipulations contained in the said Conventions. Furthermore, it should be stressed that the creation of this new category of military detainees imperils the very existence of the status laid down in the Convention of 1929 relative to Prisoners of War. The International Committee cannot remain indifferent to this situation, and consider it their duty to draw the attention of Governments to the dangers that might arise in the future from the existence of such a precedent, which might be invoked

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<sup>1</sup> See above.

by any belligerent State. There can be no doubt that it is in the interest of all States to be assured in peace time that, in the event of war, their nationals captured by the enemy shall always benefit by the application of the Conventions concluded for the purpose of ensuring the protection of Prisoners of War.

The Foreign Office replied on February 20, 1947. While recognizing that it might be possible to claim that surrendered enemy personnel fall within the definition of PW in Art. 1 of the Convention and in Articles 1, 2 and 3 of the Regulations annexed to the Hague Convention of 1907, the British Government pointed out that it is very doubtful whether such a situation as occurred in Europe and the Far East in 1945, when very large numbers of men surrendered *en masse*, was contemplated at all, at the time when either the Hague or the Geneva Convention was drafted. His Majesty's Government added that had an armistice been signed in 1945, provision would have been expressly made in it to recognize this distinction between SEP and prisoners of war. Independently, however, of this legal aspect of the question, the ICRC were assured that "in practice" SEP were made the object of no discrimination "from the humanitarian point of view". While, for a considerable period after capitulation, it was impossible for Commanders-in-Chief to do more than ensure that captives were treated as humanely as possible, instructions had been given for improvement of these men's status, and in framing these instructions, the Convention of 1929 had been kept constantly in view. In May 1946, it was "decided that in all cases where it was possible to extend to Surrendered Enemy Personnel, wholly or in part, the benefits of the Convention, it should be done, but this should not be stated to be done in accordance with the Convention, since it would naturally lead to claims to rights under the Convention which could not be conceded".

The State Department in Washington replied on March 17, 1947 as follows:— "It is the policy of this Government that such detainees be given the same status as prisoners of war. You are assured that the Committee's report is being brought to the attention of the military commanders concerned, and that appropriate steps are being taken to insure that all enemy



military personnel still in American hands have the treatment provided for in the Geneva Convention."

In conformity with this promise, the prisoners were paid for their work, according to the scale fixed for PW. This decision had retrospective effect as from September 1, 1946. The ICRC stressed the importance of pay being granted prisoners as from the beginning of their captivity, and the United States Government gave its agreement on that point.

#### (D). TRANSFERRED PRISONERS

The Convention of 1929 in Art. 25 and 26 covers the "Transfer of Prisoners of War"; it stipulates what provisions must be made for the transport of the wounded and sick, and lays down that satisfactory measures must be taken to ensure that prisoners have possession of their personal effects and that their mail is forwarded to them. These clauses apparently covered only transfers within the territory of the Detaining Power. They laid down, apart from these particular stipulations, no general principle concerning transfer of PW by a Detaining Power to one of its allies.

The question arises whether such transfers are compatible with the Convention. As the signatories have undertaken to treat PW with humanity "at all times" (Art. 2) and to repatriate them (Art. 75), can they shift these responsibilities on to another Power, when handing over to it any prisoners in their hands?

Here was a serious problem of which the Convention makes no mention. It became a matter of constant concern to the Committee when the United States authorities agreed to hand over to the French Government a large number of German PW as labour for reconstruction work in France.

Clearly, any Detaining Power signatory to the Convention accepts the responsibility of according to PW throughout their captivity such treatment as international law demands. The ICRC has always held that a particular Power could in no circumstances hand over prisoners to an allied Power not party to the Convention, since these men would then, at once, be

deprived of protection under the terms of the Convention. And even in the case of transfers taking place between two Powers, both of them signatories to the Convention, it should not result for the prisoners transferred that they have less favourable treatment.

The ICRC took a stand on this matter in its Memorandum of August 21, 1945 addressed to the Governments of France, Great Britain, the U.S.S.R. and the United States :

“ Certain transfers of PW ”, the Committee wrote, “ have been carried out, the prisoners thus passing from the custody of one Detaining Power to that of another Allied Power. Although no reference to such transfers can be found in existing Conventions, the question may be raised whether, in obedience to the spirit of Articles 2 and 75 of the 1929 Convention, the Detaining Powers are entitled to dispose in this manner of the prisoners who are in their hands. However this may be, should measures of this kind be decided upon, the International Committee are of opinion that such a step should in no wise involve a weakening of the guarantees to which the prisoners are entitled by Convention, nor modify their *de facto* position.

The International Committee, therefore, consider that such transferred PW should, at all events, benefit by treatment at least equal, or equivalent, to that they would have enjoyed, had they remained in the custody of the Power by whom they were detained in the first place. They should, in particular, be allowed the same facilities of notifying their next of kin, and of receiving regular mail and relief parcels, and should be ensured adequate conditions of hygiene and visits by an approved organization ”.

In practice, this carrying over of the responsibility of the initial Detaining Power was generally recognized. In the particular case of the transfer of German prisoners by the United States authorities to the French, both Governments gave full attention to the interventions of the ICRC.

During 1945, a number of complaints were received at Geneva concerning the conditions of health of German prisoners in France, who were inadequately clothed and fed and, at the same time, compelled to do very heavy work. This situation, mainly due to the severe lack of supplies from which the French themselves were suffering, was investigated by the Committee's delegates. When the United States authorities were informed,

they decided in October 1945 to suspend transfers of PW to the French authorities. These transfers were resumed in February 1946, but only after exhaustive negotiations between the two Governments, and were then continued until June 30, 1946. The number of men transferred, some 450,000, is much below the figure which had been estimated.

We have mentioned above<sup>1</sup> the case of the German officers in Foucarville Camp, to whom the United States Authorities had promised repatriation, but who, owing to their subsequent transfer to the British Authorities, seemed likely to be deprived of this prospect. The ICRC intervened in their behalf in London and in Washington and secured a fair settlement of the question.

#### (E). "TRANSFORMED" PRISONERS OF WAR

Considering the general character of Art. 82, according to which "the provisions of the present Convention shall be respected by the High Contracting Parties in all circumstances", the right which these same Powers have reserved to themselves in Art. 83 "to conclude special conventions on all questions relating to PW concerning which they may consider it desirable to make special provision" seems remarkably limited. Logically, it can apply only to the implementing of principles laid down in the Convention. No appreciable modification of the Convention could result from it.

For this reason, modifications made to the status of PW in order to "transform" them into civilian workers call for explicit reservations. It is, however, in keeping with the spirit of Art. 83 that all "more favourable measures by one or the other of the belligerent Powers concerning the prisoners detained by that Power" are substituted for the previous régime. This same comment may be used in support of such "transformations" when rigours of captivity are thereby made less harsh.

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<sup>1</sup> See p. 338.

There are, however, serious objections to the transformation of PW into political detainees.

The ICRC, in registering its objections and reservations in regard to these various cases of transforming the status of PW, still continued to give its customary assistance to prisoners who had been "transformed" into civilian workers.

### **1. Transformation into Civilian Workers**

In 1943 the German Government was short of labour for carrying out its armament programme and conceived the idea of transforming PW into civilian workers in order to circumvent Art. 31 of the Convention, which forbids employment of PW in the manufacture of arms or munitions. Against a certain number of material advantages (civilian clothes, compensation bonus, family allowances, mail facilities, leave) PW who were given "captivity leave" were required to relinquish the status defined by the 1929 Convention.

In the case of French prisoners, this measure was notified to the Vichy Government and the men concerned could, if necessary, apply for help to French offices which had charge of their interests in Germany. It was a very different matter for the Belgian, Dutch and Polish prisoners who, once "transformed", lost all protection under international law, and were left unreservedly to the mercy of the Detaining Power.

On August 23, 1943, the ICRC sent the following note, appealing to the Governments of belligerent States :

" The International Committee of the Red Cross desire to draw the particular attention of the belligerents to the situation with regard to rights the PW have acquired, both under the terms of the Hague and Geneva Conventions, and according to the general principles of international law, regardless of the time of capture during the present conflict.

" It would appear that, according to information received by the International Committee, certain categories of prisoners have, as a result of diverse circumstances, been deprived of their PW status and of the conventional rights arising therefrom. The Committee, therefore, earnestly recommend that the Powers concerned ensure that the provisions by which the prisoners benefit, be safeguarded under all circumstances and until the termination of hostilities "

While the transformation of PW into civilian workers offered them certain material advantages, the inherent disadvantages became more and more serious as the internal situation in Germany deteriorated. "Transformed" prisoners were no longer subject to military jurisdiction. They lost the benefit of the Articles of the Convention which ensure certain rights in case of legal proceedings. If there was any dispute with their employer, they came into the power of the German civil police, who could either submit the case to the ordinary courts or send the men to disciplinary or concentration camps as "political detainees". These camps, it will be recalled, were barred to the Committee's delegates.

As to the repatriation of wounded and sick, as stipulated by the Convention, the German administration gave a consistent refusal, asserting that men who had worked a certain time in the German war industry might carry secrets of manufacture to the enemy.

"Transformed" prisoners had advantages at first in regard to letters and parcels. When postal communications between France and Germany ceased, the ICRC proposed to the French and German authorities that the 25-word civilian message system should be adopted. The Committee undertook, from September 1944, to forward this mail, and came to the assistance of the French Red Cross, to speed up exchange of messages by sorting them in Geneva. The same service was given to the German Red Cross. From November 1944, the system worked satisfactorily.

The Provisional Government of the French Republic then asked that French PW "transformed" into civilian workers should enjoy the same mail facilities as those granted to PW. The Committee did not think it advisable to take steps in this matter, lest it endanger the results already achieved.

Where relief was concerned, it was long impossible for the ICRC to get parcels through to "transformed" prisoners, owing to its undertakings to donors and the blockade authorities. It was only during the last weeks of the war that they were able to supply both "transformed" prisoners and civilian workers.

A few days after publication of the appeal of August 23, 1945, mentioned above, the Italian Government asked the Allied Powers for an armistice. There was a large number of Italian PW in Allied hands. Anxious to exploit their new relations with Italy to advantage, the British and United States Governments, in their turn, set about "transforming" these prisoners into civilian workers, and so overstepped the limits placed by the Convention on employment of PW labour. Negotiations followed, and led to an agreement between the Badoglio Government and the British and United States Governments.

On March 9, 1944, the Secretary of State for War said in the House of Commons :

To give effect to the Italian Government's declaration of co-belligerency and to enable those anxious to do so to join most effectively in the common war effort, Italian prisoners of war under the control of H.M. Government in the United Kingdom who have volunteered are being formed into units organized on a military basis.

The Regulations published by the United States Army H.Q., Communications Zone, European Theatre of Operations on March 5, 1945, ran along much the same lines :

Italian co-operators may be utilized for any type of work in the furtherance of the Allied effort, without regard to the restrictions imposed by Art. 31 and 32 of the Geneva Convention of 1929.

The document goes on to state that :

Members of Italian service units, i.e. "co-operators", are prisoners of war, having been captured by US forces in North Africa and Sicily. They have been screened as secure, have voluntarily signed a "Declaration of Service", and as a result of diplomatic negotiations between the Allied Nations and the Provisional Italian Government, their status as prisoners of war under the Geneva Convention of 1929 has been modified. Their status is therefore governed by the agreements made with their government.

Despite the material advantages granted to "co-operators" (same type of lodging, clothing, food and pay as British and United States troops, more or less extensive liberty inside camp

and the immediate neighbourhood), quite a large number of Italian prisoners refused the new status offered them.

The "transformation" system instituted by the Allied Governments did not entirely remove the men from the Committee's supervision, or that of the Protecting Power. Permission had to be sought, however, every time the delegates made a visit to the camps. Visits were allowed on humanitarian grounds only and no longer by virtue of the Convention. Intervention, too, by the Protecting Power was allowed only in the case of legal proceedings taken against the "transformed" prisoner.

After ascertaining from its Washington delegation what considerations had determined the agreement between the two Powers, the ICRC felt it unnecessary to repeat its appeal of August 23, 1943. It maintained, however, the stand it had taken in that document, and continued to give help to "transformed" Italian prisoners as to other PW. Although "co-operators" usually stated they were satisfied with the treatment given to them (particularly in India, where large farms and veterinary hospitals were run entirely by Italians), nevertheless, visits from ICRC delegates were always keenly appreciated.

When, in 1947, the French Government were concerned with "transforming" in their turn German prisoners into civilian workers, there were no German authorities with whom to negotiate, the German State having ceased to exist at the moment of the unconditional surrender of the armed forces. It was the ICRC, in fact, that in a sense assumed the role of Protecting Power for German PW. It was, therefore, to the ICRC that the French Government turned, after having drafted their plan in agreement with the United States Government, on whom still rested the responsibility for the 450,000 prisoners transferred to the French authorities.

This plan comprised a programme of repatriation and transformation into civilian workers of some proportion of the German PW detained in France. These men were to be allowed to opt freely for this new scheme, which entitled them to a contract similar to that of other aliens working in France.

It was understood, at the same time, that in all circumstances they would have rights at least equivalent to those ensured by the 1929 Convention. The ICRC was asked not only to continue supervision for these "transformed" prisoners, but also to watch over the registering of the option and so to guarantee freedom of choice.

The Committee did not fall in with that proposal. The principles laid down in its Memorandum of August 21, 1945, precluded its acceptance of any responsibility for a modification of a status which, however advantageous from certain points of view, differed nevertheless in essence from the solution the ICRC had always advised; it could not depart from its advocacy of total and final repatriation of PW at the earliest date after the end of the war. The Committee informed the French Government, that even so, it would continue to give its customary help to these men, and also to those who had lately become civilian workers. The delegates would keep up their visits to both groups, before, during and after the taking of the option. The ICRC would receive the complaints of both "transformed" and regular PW, examine them, bring them before the responsible authorities and ask for appropriate measures to be taken to meet each case. These complaints might relate to the position of "transformed" prisoners, or of those still held in captivity, or they might refer to the conditions under which option was carried out, or its effects. The Committee reserved the right, moreover, of putting these questions themselves to PW. Thus, the ICRC held to its opinion in the letter and in the spirit, and from which it never moved, that in fulfilment of the Convention there should be as little delay as possible in the repatriation of PW.

During the Paris Conference in March 1947, the ICRC secured acceptance of the principle that prisoners of war who had opted for civilian worker status should have the power, within six weeks of signature of their contract, to withdraw their own decision after appealing to Geneva.

The Ministry of Labour in France, putting into effect that agreement, published two circulars in the "*Journal officiel*" of April 18 and June 26, 1947, on the subject of German PW



“ transformed ” into civilian workers. Acting on the publication of these circulars, the Committee's Delegation in Paris issued seven notes to their representatives in France. According to information furnished by the French authorities to the ICRC, some 85,000 prisoners opted for “ transformation ” under these conditions.

## **2. Transformation into Political Detainees**

Another category of PW consists of men discharged as prisoners and interned as civilian detainees because of their connection with the National-Socialist Party. In line with the arrest of civilians on a similar charge, they were placed in internment camps by the occupying Powers and so lost their rights under the Convention.

When the ICRC had word of such cases, it instructed its delegates in the Allied occupation zones to approach the responsible authorities. In the view of the Committee, only repatriation and final liberation could follow the end of PW captivity, and so release the Detaining Powers from obligations they had contracted. Rights acquired by PW at the moment of their capture, should, in the view of the Committee, be inalienable until their final liberation, and they could in no case be deprived of them subsequently by a unilateral decision of the Detaining Power. Obviously, in maintaining this point of view, the ICRC had no wish to hinder legal proceedings against certain prisoners, but they considered that this did not warrant depriving these men of the status to which they were entitled and further that, during the proceedings, PW should simply be considered as suspect and could not be deprived of benefit under the Convention.

The Committee's delegates first took action in November 1945. They asked for permission to visit the detainees in question and mentioned that it was due from them to make application, in this case, to the Allied authorities, just as during the war they had applied to the German Authorities in behalf of deportees in Germany.

The Committee's delegates were able to visit, from the beginning of 1946, the camps in the British and French Zones.

In the American Zone, however, they have not so far been allowed to visit civilian detainee camps which have been placed by the American authorities under German control. Since the spring of 1947, however, the ICRC has obtained permission to visit camps under the direct authority of the Americans.

In Austria, the Committee's delegates were permitted to visit political detainee camps in the three Western Occupation Zones. As a result of these visits improvements were made in the conditions of detainees, and similar benefits were secured also for "transformed" prisoners of war.

#### (F). MERCHANT SEAMEN

Formerly legal practice sanctioned capture in time of war of merchant seamen. Influenced mainly by German writers, the opinion of jurists altered, and the 1907 Peace Conference, held at the Hague, laid down in the Ninth Convention a rule in the contrary sense, according to which merchant seamen "are not made prisoners of war, on condition that they make a formal promise in writing not to undertake, while hostilities last, any service connected with the operations of the war".

Maritime warfare, as practised during the first World War, made these stipulations obsolete. Merchant vessels, though not intended to take an active part in hostilities, were nevertheless armed and might take part in offensive operations. Enemy merchant seamen, in fact, were, as in the past, captured and detained as prisoners.

Even so, when the Diplomatic Conference of Geneva drew up the 1929 Convention for PW, it was not considered necessary to mention this practice, and adherence to the Hague Regulations was preferred. A proposal by the Rumanian Delegation stating explicitly that "crews of enemy merchant vessels... shall be considered as prisoners of war", was ruled out by the Conference and the competent Commission stated that "It is clear from the text (Art. 1)... that the Convention is applicable to all persons belonging to the armed forces of the belligerent parties—which description does not include crews of merchant ships".

The 1929 Convention therefore makes no mention of merchant seamen. During the second World War, the merchant marine was exposed to the same practices as in the first War. Crews of prizes and survivors of naval operations were always taken prisoner but, in default of precise regulations, there was no uniformity of treatment at the hands of the belligerents. Brazil, Germany, Italy, South Africa and the United States, placed merchant seamen on the same footing as civilian internees. Australia, Canada, Great Britain and New Zealand considered them as PW by extension of Part VII of the Convention (" Application of the Convention to certain categories of Civilians "). This last group of States applied, however, neither Art. 23 relative to pay, nor Art. 27 relative to employment, but with these exceptions the men were, for the most part, subject to the same regulations as civilian internees.

Efforts of the Committee in their behalf encountered no particular difficulties ; they were similar to those in favour of PW and civilian internees. The financial situation of merchant seamen was, however, often far more of a problem than that of PW. They could rarely find paid work, even if the Detaining Power allowed them enough freedom to look for employment. As they had not even the means for buying bare necessities, they were completely destitute. In some cases, the Government of their own country, or the company in whose employ they had been, made them a small allowance through the intermediary of either the Protecting Power or the ICRC. The Committee repeatedly drew the attention of the authorities in the men's own country and of the Detaining Powers, to the difficulties of these merchant seamen. The problem was especially acute in the case of officers of the Italian merchant marine detained in Australia. They were, at first, classed as civilian internees. After two years of internment they were, however, accorded the status of PW. They then received a little financial relief from Italy, but later these allowances ceased.

The Committee's intervention in behalf of German seamen held in Portuguese India encountered obstacles, owing to the fact that this was neutral territory. These seamen, who remained on board their ships, were completely isolated. The

Committee's delegate in India was able to visit them and issue relief sent from Germany. After scuttling their ships in March 1943, these men were interned in a prison. Several were condemned to terms of imprisonment. The Committee's delegate visited them again and brought them relief supplies.

The ICRC also looked into the case of German and Italian merchant seamen interned in Saudi Arabia, but failed in its attempts to have them transferred to a more temperate climate.

In Germany, enemy merchant seamen were not placed in the same camps as civilian internees, but in the "Milag" Section of a camp for naval prisoners. The Committee's delegates were therefore able to visit them, usually without difficulty.

In one case, however, the Committee had to take special steps in behalf of Norwegian seamen. These men were at Gothenburg, in Sweden, where they were taking part in a maritime exhibition when Germany attacked Norway. They were captured in the Skagerak by the German forces and were, at first, interned in a naval PW camp. In 1943, the Committee learnt that the "Gothenburg seamen" had been transferred to a concentration camp, where they were cut off from the outside world. It attempted several times to come to their help. "These men are protected by no Convention", it wrote to the German Government on March 13, 1945, "but the ICRC holds the opinion, based on sound legal considerations and humanitarian convictions, that seamen who are not attached to the enemy's armed forces are entitled, beyond all possible doubt, when in captivity, to the most favourable régime..."

The intervention just mentioned is a striking proof, it would appear, that revision of the Hague Regulations governing crews of merchant ships is now due. The treatment of captured merchant seamen in both World Wars demonstrates that those Regulations no longer serve.

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## **XIV. Internees in Neutral Countries**

### **(A). INTRODUCTION**

The circumstances of the second World War, as in 1914-1918, brought a fairly large number of men from the belligerent forces either singly or in groups, into neutral States, where they were interned, together with other combatants, such as escaped PW and deserters, as well as civilian refugees.

The ICRC took all steps which seemed necessary for giving them relief, but its activities were of course far more limited in scope than those carried out in belligerent States in the interest of PW and civilian internees. Combatant and civilian refugees in neutral countries were in fact not in the hands of the enemy, but in those of a neutral State, where they could usually call upon the diplomatic representatives of their respective countries to look after their interests.

The relief work of the Committee in behalf of internees in neutral countries was especially active in Switzerland. It was here, because of the country's geographical situation, that the greatest number of refugees of all kinds were to be found. Here too, the authorities' frequent appeals to the Committee were made the easier by the fact of its headquarters being in Geneva. The ICRC, however, also made efforts in behalf of internees or refugees of the countries at war, in Arabia, the Argentine, Eire, Hungary, Iran, Latvia, Liechtenstein, Lithuania, Portugal, Rumania, Slovakia, Spain, Sweden, Turkey and Uruguay, and was on many occasions able to give useful assistance.

## (B). MILITARY INTERNEES

### I. General Activities

The internment in neutral countries of combatants belonging to the belligerent armed forces finds only a summary and very inadequate ruling in international law. The subject is, in the main, dealt with in Articles 11 to 15 of the Fifth Hague Convention of 1907, in the following terms :—

*Article 11.* — A neutral Power which receives on its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war.

It may keep them in camps and even confine them in fortresses or in places set apart for this purpose.

It shall decide whether officers can be left at liberty on giving their parole not to leave the neutral territory without permission.

*Article 12.* — In the absence of a special convention to the contrary, the neutral Power shall supply the interned with the food, clothing, and relief required by humanity.

At the conclusion of peace the expenses caused by the internment shall be made good.

*Article 13.* — A neutral Power which receives escaped prisoners of war shall leave them at liberty. If it allows them to remain in its territory it may assign them a place of residence.

The same rule applies to prisoners of war brought by troops taking refuge in the territory of a neutral Power.

*Article 15.* — The Geneva Convention applies to sick and wounded interned in neutral territory <sup>1</sup>.

The 1929 Convention relative to the treatment of PW does not apply to military internees in neutral countries. Art. 77 of this Convention does, however, make it incumbent upon neutral States who have admitted belligerents to their territory, as upon belligerent States, to establish official information bureaux. These offices are required to transmit to the Powers concerned, through the intermediary of the Protecting Powers

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<sup>1</sup> "The Hague Conventions and Declarations of 1899 and 1907" Carnegie Endowment. New York, 1915.

or of the Central PW Agency, all information concerning interned personnel of armed forces.

Also, Art. 49 of the International Postal Convention (Cairo, 1934), provides for the exemption of postal charges on correspondence and parcels intended for military internees in neutral countries, as for PW.

*Neutral States.* — The Swiss Government agreed, in June 1940, to receive on their territory and to intern 32,000 men of the 45th French Army Corps and 13,000 men of the 2nd Polish Division. After the repatriation of the French internees in January 1941, the Polish Division remained, and in 1943, the authorities interned 23,000 men of the Italian forces. In addition, individual internments during hostilities amounted to 7,000 combatants belonging to 37 different nationalities.

In September 1939, *Rumania* received 20,000 men of the Polish forces, who were interned. *Hungary* received 36,000, *Lithuania* 14,000 and *Latvia* 1,600. Other neutral countries gave refuge to a limited number of military internees of various nationalities.

*Information.* — At the outbreak of hostilities, the ICRC drew the attention of neutral States to Art. 77 and 79 of the 1929 Convention, and stressed that these States would be well advised to set up without delay, official bureaux for communicating information relating to military internees to the Central Agency. The neutral States agreed in principle to this suggestion and set up information bureaux for this purpose. In practice, however, the Central Agency experienced some difficulty in obtaining detailed and regular data by lists. Switzerland alone gave regular notice of changes in the internees' circumstances (sickness, deaths, etc.).

From 1940 onwards, the Agency began to receive a continuous flow of enquiries from the relatives of combatants interned in Switzerland, or supposed to be there, to which they were able to reply, from the descriptive data supplied by the Swiss authorities. With the assistance of the Swiss military postal service, the Agency distributed the heavy mail arriving from

relatives. As many of the internees, and the Poles in particular, were anxious to have news of their relatives, who were often scattered in different places, the Agency, in May 1941, began making searches based on the enquiry cards issued to internment centres. One section of these cards was marked "Requests", which allowed internees to make known to the ICRC their wishes regarding the conditions of internment, at a time when the Committee had not yet instituted visits to the camps. The increasing number of military internees, escaped prisoners and civilian refugees led the ICRC in January 1942, to set up a special section of the Central Agency which collected and supplied information on all refugees in Switzerland <sup>1</sup>.

The Committee's delegate in Rumania, together with the Rumanian Red Cross, set up in September 1939, a message service by forms, which was used by the Polish internees and refugees who wished to have news of their relatives in Poland. These messages came to Geneva in thousands, and served as a basis for the first Polish card index in the Central Agency. When postal communications were again resumed, the messages were sent on direct to Poland.

*Postal franchise.* — On November 6, 1939, the ICRC circulated an appeal to all States concerned to apply free postage to correspondence and parcels, as provided for by the Cairo Convention and, in addition to this, to grant free postage for parcels exceeding the weights allowed by the parcel post, to enable the dispatch of collective relief to internees <sup>2</sup>. This appeal, followed by others of the same kind, gave satisfactory results.

*Treatment.* — The ICRC was also anxious to know the conditions in which military internees in neutral countries lived, and it approached the Powers concerned on several occasions with this object. In the absence of definite treaty stipulations covering conditions of internment and treatment, the Committee always laid stress on the principle that conditions for

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<sup>1</sup> See Vol. II, Part II.

<sup>2</sup> See Vol. III, Part III, Chapter 7.



internees in a neutral country should be at least equal to those in force for PW in enemy hands. In its circular letter of April 9, 1940, addressed to the neutral Powers most directly concerned, it proposed that, as a minimum scale, the provisions of the 1929 Convention should be applied, by analogy, to military internees. From Budapest and Bucharest, the Committee received the assurance that the 1929 Convention would be applied in full for military internees. The Swiss authorities, whilst admitting that the stipulations of the Convention were by analogy applicable to internees, were not willing to agree that the conditions provided should be the minimum scale. The Government cited, as example, several instances in which the 1929 Convention could not well be applied, e.g. the deterrents to escape, for which the disciplinary punishments in force for PW appeared inadequate ; the rate of pay for officers, which seemed too high ; the employment of internees which could not offer the same accident insurance as that for Swiss workers.

The Swedish Government declined to agree, pointing out that by receiving members of belligerent forces in their territory, neutral States were liable to run into great difficulties, and that it would not be fair to add to their problems by subjecting them to the extremely detailed provisions of the 1929 Convention which were, in any case, difficult to apply to military internees.

On the whole, the treatment of these internees in Switzerland was by no means less favourable than that laid down by the 1929 Convention for PW. Only the disciplinary punishments for attempted escape were more severe, owing to the fact that States which have interned members of belligerent forces on their territory, are under an obligation to the Powers at war to prevent their escape.

*Repatriation.* — The ICRC made an approach to neutral States holding large numbers of internees, to find out their intentions as to the repatriation of members of the medical personnel amongst them. The Committee held that the provisions of the Geneva Convention for the repatriation of medical personnel captured by the enemy, should by analogy also apply to the same personnel interned in neutral countries. Hungary,

Latvia, Lithuania, Rumania and Switzerland held the same point of view, which corresponded moreover with the practice followed by the belligerent Powers, whereby medical personnel and hospital staff might be employed in the care of their interned fellow-countrymen, and should only be repatriated if their numbers were in excess of those required. Switzerland fixed the proportion of medical officers at 3.3 per cent in relation to the number of internees.

On some occasions, internees in neutral countries appealed to the ICRC on the grounds that they were liable to repatriation against their will. In such cases the Committee recalled to the notice of the Powers concerned, the principle which it has at all times maintained, that no person may be repatriated against his will, if he should have any valid objections. Other internees requested the Committee to hasten their repatriation, and all possible efforts were made to achieve this.

## **2. Work of the Committee's delegates**

The ICRC made application to neutral States which had interned members of belligerent forces, to enable its delegates to visit the camps, as had been arranged for PW camps in belligerent countries, and this was usually granted in due course.

*Switzerland and Liechtenstein.* — The ICRC was at first only granted authority for occasional camp visits, but as from April 1944, regular visits were allowed. Four delegates were officially accredited to the Swiss authorities, who made all arrangements for them to carry out their duties, which brought them in touch with nationals of thirty-seven different countries. The delegates chosen by the Committee for this work had a wide knowledge of languages, and it was a great solace to the English-speaking, German, Greek, Italian, Russian, Spanish and Yugoslav internees to be able to talk with them in their own language. The delegates had to deal with a number of questions concerning the equipment and arrangement of the camps. They discussed practical questions of improvement in camp conditions with the commandants, and cleared up misunderstandings due to lack

of mutual comprehension. Above all, it was their task to raise the morale of men suffering from a prolonged absence of freedom and the atmosphere of camp life.

During their visits, delegates drew up lists of internees who were without news of their relatives, for transmission to the Central PW Agency. They gave especial attention to the internees' hygiene and health, and forwarded to Geneva all requests for dental treatment, medicines, spectacles, etc. The delegates visited at regular intervals the internees who were in hospital or in sanatoria, and by discussion with the doctors and staff ensured that the wishes of the patients should be met as far as possible. Requests for relief in kind or material for intellectual and similar pursuits were sent to the departments concerned of the ICRC, or the YMCA.

When visiting camps in Switzerland (as elsewhere), the delegates received numerous individual or collective requests and complaints from the internees. These they recorded in their reports, together with any comments or decisions. The complaints and reports were transmitted by the ICRC to the authorities concerned, asking them to investigate the facts and to take action in behalf of the internees, where necessary. In Switzerland, the authorities responded, as a rule, to these requests; investigations were made and those claims which were found to be justified—some were not—were given due consideration. All questions connected with lodging, clothing, food, work, hygiene and medical care were given most careful thought.

The number of visits made by the Committee's delegates to military internment camps in Switzerland, since 1944, amounted to 864; their field of action also covered the Principality of Liechtenstein.

*Rumania.* — The ICRC had the services of a delegate from the outbreak of war. On the way to Poland, he was obliged by military operations to break his journey at Bucharest on September 23, 1939. He took advantage of his stay in Rumania to investigate the condition of the many Polish internees in that country. They were found to be receiving treatment

similar to that of the Rumanian troops, and moreover they were nearly all repatriated in 1940. In May 1943, a special mission, consisting of M. E. Chapuisat, a member of the Committee, and M. D. de Traz, visited PW camps in Rumania and Polish internees, who were then few in number. At the beginning of 1944, a permanent delegate was appointed in Rumania, who visited the few Yugoslav airmen interned there.

*Hungary.* — In October 1939, Mr. M. Davis, joint delegate of the ICRC and the League of Red Cross Societies, visited Polish internee camps, which were in good order and well run thanks to the Hungarian Red Cross. The internees received the same pay as the Hungarian troops. The majority were repatriated in 1940, and those who remained kept their status as military internees after Hungary entered the war. During their journey in May 1943, MM. Chapuisat and de Traz visited 26 Polish internee camps, four camps for escaped French, Italian and Yugoslav PW, and a camp for Slovak deserters. From the summer of 1943 onwards, when a permanent delegate was appointed in Budapest, the internees and escaped PW received regular visits, amounting in all to 52. The delegate was able to verify that military internees received the same pay as the national forces, better rations than the civil population, and were under less onerous surveillance than in 1940.

*Slovakia.* — In May 1943, MM. Chapuisat and de Traz visited French and Yugoslav internees.

*Lithuania and Latvia.* — Internees were visited in December, 1939 and January 1940 by the joint delegate of the ICRC and the League, which resulted in relief consignments being organized.

*Eire.* — In December 1943 and in July 1945, an ICRC delegate was able to visit the British and German airmen interned in that country.

*Spain.* — Military internees were assembled for the most part in the camp of Miranda de Ebro, which they shared with a number of civilians, and were subject to the same regulations as these civil detainees. It was not until 1943 that the Committee's delegate in Spain got permission to visit this camp ;

he found conditions there very precarious. He returned several times between then and June 1945 and remained in close touch with the commandant and the camp leader. He was thus able, by means of application to the responsible authorities, to obtain considerable improvements as regards lodging, sanitary installations, and recreation. Food and clothing, however, were unsatisfactory for a long time. Four small camps were used for internment besides that at Miranda. One of them held Italians, and two others Austrian and German customs officials. The delegate was able to visit these camps after long negotiations.

*Portuguese India (Goa and Damao).* — Escaped German and Italian prisoners were visited by the Committee's delegate in India from 1942 onwards, and he was able to do them many services.

*Portuguese East Africa.* — The escaped Italian PW had visits from June, 1945 onwards, from the delegate in Rhodesia.

*Argentine and Uruguay.* — The Committee's delegates made regular visits to the German sailors who were part of the crew of the warship *Graf von Spee* and the seamen of a merchant vessel.

*Saudi Arabia and Yemen.* — Nine hundred German and Italian sailors interned at Jidda were visited in March, 1942 by the Committee's delegates in Egypt, who were able to send them regular relief supplies and medicaments bought with funds from their own countries. They were also able to look after the mail of these men. Similar services were done for a small number of internees in the Yemen.

*Sweden.* — The ICRC was not given authority to visit military internees; these men were however seen by their own diplomatic representatives.

#### (C). OTHER CATEGORIES OF MEMBERS OF BELLIGERENT FORCES IN NEUTRAL COUNTRIES

In addition to military internees proper, already described, mention should be made of certain other classes of members of belligerent forces in neutral countries.

*Escaped PW.* — The principal category consists of escaped PW, who had fled the country of the Detaining Power and sought refuge on neutral territory, or more frequently, attempted in this way to reach their own countries.

The Fifth Hague Convention stipulates that a neutral Power which receives escaped prisoners of war shall leave them at liberty<sup>1</sup>. The neutral Power is therefore not under obligation, as in the case of military internees, to prevent their leaving its territory or rejoining the armed forces to which they belong. Thus, numbers of French prisoners who had escaped from Germany and entered Switzerland were passed into the unoccupied zone in France; this practice continued until the German forces occupied the whole of French territory.

At that time, Switzerland was completely surrounded by Axis belligerents, so that escaped prisoners arriving in that country were obliged to remain there. In view of the influx of large numbers of escaped prisoners, the Swiss authorities first placed them in quarters under surveillance, and then in camps, where conditions were similar to those of military internee camps.

The ICRC looked after their interests in the same way as those of military internees.

At the end of the war, the Swiss authorities, on the grounds that conditions were then very different from those during the war, declined to receive escaped prisoners in Swiss territory and gave orders that they should be turned back. Those who escaped were almost exclusively from France. The ICRC, in an effort to forestall excessive measures being taken on their return to French territory, made several appeals to the French and Swiss Authorities. The two countries finally concluded an agreement putting the question on a satisfactory footing. Moreover, the Committee's delegates visited in prison those who had escaped before their expulsion, arranged for them to write to their relatives, and reported their needs to voluntary welfare organizations.

Other neutral countries in which the ICRC carried out relief

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<sup>1</sup> See above, p. 556, Art. 13 of this Convention.

schemes also received escaped PW. When these were obliged to stay in the country, the Committee was able to give them aid on the same scale as for military internees.

The fairly large number of PW who escaped into Spain after the end of the war were not turned back, but were interned and treated as military internees. The Spanish authorities offer no obstacle to the repatriation of those who wish to return, as long as they are authorized to do so by the occupying Powers in Germany. Since it has however not yet been possible to settle the costs of such repatriation, although the Committee is taking active steps about this, these escaped men have still not been able to return home.

*Deserters and Partisans.* — In addition to military internees and escaped PW certain neutral States gave shelter to deserters and " defaulters ". In Switzerland they were treated as military internees. With regard to " partisans ", they also were included within the grade of military internees, when their status as combatants was proved. When their status was in doubt they were held to be civilian refugees <sup>1</sup>.

#### (D). CIVILIAN REFUGEES IN NEUTRAL COUNTRIES

As a result of military and political events a great number of civilians from belligerent countries were driven to seek refuge in neutral territory, either singly or in groups. The refugees included persons who were in flight before military invasion or police measures threatening their lives, emigrants, persecuted Jews, stateless persons and similar classes. When their stay in neutral countries was allowed, these refugees were usually interned by the authorities in camps, or accommodation centres. Although these civilians were subject only to the jurisdiction

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<sup>1</sup> It may be noted that members of belligerent forces who were seriously sick, for the most part former PW, were given accommodation in hospital by the Swiss Government, as a result of agreements made between Switzerland and the States concerned. These hospital cases did not have recourse to the services of the ICRC.

of the neutral country in which they were living, and no international convention could be applied for their protection, the ICRC made efforts to carry out measures of relief in their behalf, as they did for military internees.

Thus, in Switzerland, authority was given to the ICRC in the spring of 1944 for visits to civilian camps and centres. Two delegates were appointed for this work, and the number of their visits amounted to 323. The diversity of race, nationality, language and creed made their task one of great tact and patience. They became the counsellors of persons who were often suffering profound distress of mind. The delegates made every effort to help, by interpreting their needs to the authorities in charge of camps and centres, in order that the many requests they received might be considered. In cases where the ICRC thought that individual or collective complaints should be laid before the Central Management of the camps, these authorities opened investigations which were conducted in a very liberal spirit, and in which a delegate was often able to take part.

A great many Polish civilian refugees were received by Hungary, Latvia, Rumania and Lithuania in September 1939. At the end of 1939 and the beginning of 1940, they were visited by the joint mission of the ICRC and the League, when efforts were made to arrange for the sending of relief supplies.

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## *PART IV*

### CIVILIANS

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#### **I. General Remarks**

The reader has seen what the ICRC was able to do for the wounded and sick members of the forces, and especially for prisoners of war. Though the Committee submitted for their relief humanitarian proposals to the Powers going far beyond treaty stipulations, its work was, in fact, based first and foremost on existing Conventions. These Conventions, obviously imperfect in some respects, yet form a juridical system of precise stipulations as to the treatment of the victims of war mentioned above ; at the same time they provide the ICRC with a secure basis from which to begin work.

At the start of the second World War, the ICRC after much thought, decided to extend its field of work to include civilians. There were indeed indications that civilians would have to endure as much as men in the fighting services from the inflictions of war : they might have to suffer even greater hardships. In weighing those facts, the Committee found itself without the support of legal instruments such as those it possessed for intervention in behalf of members of the armed forces. Individual civilians, just as civil populations as a whole, are without any treaty protection. In this new field the Committee had therefore to depend entirely on improvisation and could only bring into play its traditional humanitarian initiative. It is true, the Regulations annexed to the IVth Hague Convention of 1907 contain terms (Art. 42 to 56) which are applicable to civilians, but they are very inadequate. They cover only the populations of occupied countries and leave out of account civilians in enemy

territory. Even in the War of 1914-1918, these Regulations had not served to prevent the tyrannies of which these people were the victims. Over thirty years had passed since these rules came into force : they were signed at a time when acts of warfare were confined to the fighting zone. What significance had these laws now in face of new technical, economic and political methods of total warfare, which tend to expose the civil populations of whole countries to the same perils as soldiers encounter ?

The absence of any international conventions in recent time for the protection of civilians is explained by the fact that, until lately, the laws of war were founded on the principle that military operations must be limited to the armed forces, and that the civil population have a general immunity. This idea was so widely accepted that the Hague Conference of 1907 abandoned the proposal to introduce into the Regulations on the laws and customs of war on land, a provision which would have laid down that " nationals of a belligerent, living in the territory of the adverse party shall not be interned ". It was, on that occasion held that the principle was self-evident.

The War of 1914-1918 was to have a profound effect on this historic point of view. With the declaration of war, the belligerent States closed their frontiers, detained all aliens, and interned civilians of enemy nationality. The ICRC was confronted with a new problem, of which it had received no warning. It had to improvise within the framework of the International PW Agency, a section to collect information on civilians interned, evacuated or deported. The Committee sought to get from the Detaining Powers, permission for the internees to send brief messages to their relatives in enemy territory, or in territory occupied by the enemy. It also arranged that its delegates or those of neutral countries should make visits to the camps for civilian internees. But for all these efforts and interventions, it had the sanction of no stipulation in treaty law.

When, therefore, the war came to an end, the ICRC set to work to find means of forestalling a repetition of so grievous a situation. It put forward the proposals at the Tenth Inter-

national Red Cross Conference which met at Geneva, in 1921, that the text of a *Convention for the protection of enemy aliens and of civil populations of occupied territories*, should be studied alongside the statute for prisoners of war. These two subjects, as we know, were finally separated, and the Diplomatic Conference of 1929 concerned itself solely with the treatment of prisoners of war. The ICRC was, nevertheless, not diverted from its studies to assure a legal international statute for civilians, and it framed the draft Convention, known as the "Tokyo Draft". That Draft was approved by the Fifteenth International Red Cross Conference held at Tokyo in 1934, and was to have been submitted to a Diplomatic Conference called by the Swiss Federal Council. Replies to the invitations were a long time in coming ; the urgency of such a Conference seemed remote at a time when there was expectation of general disarmament, and when the possibility of war seemed out of the question. It was only in the course of 1939 that the acceptances received from the States which had been invited, made it possible to fix the date of the Conference at the beginning of 1940 in Geneva. The outbreak of war put an end to plans for the meeting and prevented the ratification of the Tokyo Draft which, if it had been adopted in time, would have assured enemy aliens in the territory of a belligerent at the outbreak of war and civilian nationals of a country occupied by the enemy, a protection at least equal to that accorded to PW by the Convention of July 27, 1929. In September 1939, considerable numbers of civilians in enemy territory found themselves without any treaty protection, and civilians in territory occupied by the enemy had no more help than that given by the few incomplete and obsolete provisions of the Hague Regulations of 1907.

To meet such a situation, the Committee proposed already on September 4, 1939, to the belligerent States that there should be established, on the basis of the Tokyo Draft, a general statute which would cover both categories of enemy civilians: those who were in the territory of these States and those who were in the territory which had passed, by whatever right, to the sovereignty of those States. With this in view, the Committee suggested

that either bilateral *ad hoc* agreements should be concluded, or that the provisions of the Tokyo Draft should be applied in advance of its ratification, for the duration of the conflict.

Persisting in its attempt, the Committee addressed a memorandum to the belligerent Governments on October 21, 1939, and returned to its proposals of September 4. It suggested the adoption of an alternative solution for the benefit of civilians who, being in enemy territory at the outbreak of war, might be interned : that is, the application by analogy to those civilian internees of the terms of the 1929 Convention relative to the treatment of PW, in so far as they are not exclusively applicable to members of the armed forces.

The majority of Governments expressed a preference for the alternative solution proposed by the Committee, whereby *civilian internees in enemy territory* should be given by the Detaining Powers a standing similar to that of PW, and whereby the ICRC and the Protecting Powers should be allowed to supervise the treatment accorded to these internees who were allowed the minimum rights that the 1929 Convention confers on prisoners of war. The Committee was then able to give to civilian internees in this category the benefit of services in all details similar to those granted to prisoners of war. A description of that work will be described later in this Report. As a result of these efforts of the ICRC about 160,000 civilians belonging to fifty nationalities had the benefit, during the whole period of the war, of a legal status and of treaty guarantees which otherwise, as in the past, they would have lacked. We should mention that a good number of enemy aliens were left at liberty, or given conditional liberty. The Committee will record later the help it was able to bring to these people.

On the other hand, no provision was made for *civilian nationals of a country occupied by the enemy*. It had not been possible for the Tokyo Draft to be put into force, after the proposals had been ignored and when the suggestions put forward by the ICRC on September 4, 1939 had been met with silence. The German Government alone had declared a readiness to discuss the conclusion of a Convention on the basis of the Tokyo

Draft. The civilians of the occupied territories therefore lacked any legal protection, and many of them were executed or carried off into concentration camps. It will be seen further on in this Report that the Committee made every effort to mitigate their sufferings, but its powers were, unfortunately, too limited.

The ICRC had also to deal with special categories of civilians, e.g. *Jews*, whom the racial laws of the Axis countries condemned to persecution; *Civilian Workers*, recruited by force in the occupied countries and deported to Germany; *Refugees*, scattered throughout the world by military operations or political events; and *Racial Minorities*, subjected to measures of evacuation.

In the last chapter of this section, the Committee gives an account of its activities in behalf of *Civil Populations* as a whole, that is medical aid, and their protection against the effects of war.

The ICRC, from September 1939, was seriously concerned by the fact that civilians living in a belligerent country had no rights for *corresponding* with members of their family residing in the country of another belligerent, or in enemy-occupied areas. In order to solve this complex and grievous problem, the Committee organized a large-scale system for transmitting news of strictly family interest between civilians separated by events of the war. To this end, it drew on the experience gained in the War of 1914-1918, and later in the Spanish Civil War, where for three years civilians separated by the front line were only able to correspond through the ICRC, by means of a printed form bearing a written message of 25 words. During the second World War, this standard form introduced by the Committee was adopted by many different States. These messages, collected by the National Red Cross Societies in each country, were sent to the ICRC, censored and then forwarded to the country of destination, where they were distributed by the National Red Cross Society. Thus, in the course of the recent war, twenty-four million messages passed through Geneva. This system, by which

almost all civilians separated by the war were able to correspond with friends and relatives, is one of the great achievements of the Committee for the benefit of civilians.

The ICRC also carried out, by way of the Central PW Agency, a great number of searches for *missing civilians*, as well as enquiries and many other investigations. A detailed account of these various activities, such as civilian messages, formal enquiries, reunion of scattered families, is given in Vol. II.

Finally, the Committee carried out important *relief schemes* in behalf of civilians in areas most severely stricken by the war. It collaborated especially in this field with the League of Red Cross Societies, in the framework of the Joint Relief Commission of the International Red Cross. We refer the reader to Vol. III, and to the Report of the Joint Relief Commission, presented to the XVIIth International Red Cross Conference.

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## II. Civilian Internees

### (A). APPLICATION IN PRINCIPLE TO CIVILIAN INTERNEES OF THE 1929 CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR

We shall use the term " Civilian Internees " for enemy aliens who were in the territory of a belligerent State when it entered the war, or in territory occupied by that State, and who were interned solely on the grounds of their nationality.

The ICRC, as already mentioned, had, on the opening of hostilities, proposed to the belligerent Powers the adoption of the Tokyo Draft, or failing that, the application by analogy to civilian internees of the 1929 PW Convention, in so far as they are applicable to civilians and not exclusively to members of the forces. The countries at war gave preference to the second course.

Germany, who was apparently the first Power to apply the 1929 Convention to civilian internees, confirmed this action to the ICRC on September 28, 1939. The French Government gave notice of its adherence to the Committee's proposal on November 23, pointing out however that it would enter on the lists of information only the names of those internees who had given their formal consent. The British Government in practice gave civilian internees the benefit of the 1929 Convention from November 1939, and confirmed this officially on April 20, 1940.

The ICRC was thus able to note that, on the basis of its proposals, agreement had been reached between the three belligerent Powers to grant Civilian Internees treatment not less favourable than that of Prisoners of War. The decision to intern any specified class of enemy aliens or, on the other hand,

to leave them at liberty, continued nevertheless to rest with each Power.

In a Note of December 7, 1939, the ICRC attempted to summarize for the use of the Powers concerned the principles for applying the 1929 Convention to civilian internees as follows :

(1) The main purpose of the application of the Convention to civilian internees is to accord to them the guarantees of treatment which the Convention assures to PW, whilst reserving to the Detaining Power the necessary opportunities for supervision and discipline. This is the concept which should govern all interpretation.

(2) The Convention is applicable in its entirety, except for those stipulations referring to conditions which, by their nature, can apply only to enemy service men taken prisoner (for instance, Art. 18 and 19 on rank and badges, and Art. 21 and 22 concerning officers). Art. 1, defining the scope of application of the Convention, will be replaced by the agreement of the belligerent parties to apply the Convention to enemy aliens interned in their territories.

(3) Articles such as 42, 46, etc., for example, mentioning military authorities, will be interpreted as referring to the civil or military authority in control of the civilian internment camps. In a general way, the stipulations which cannot be literally applicable shall be interpreted as having force, by analogy, in respect of civilians.

There are certain points in respect of which the application by analogy does not serve, but which may, nevertheless, in their substance be of considerable value to civilian internees. They are as follows :

- (a) Whilst Art. 4, providing for the maintenance of PW by the Detaining Power, is obviously applicable to civilian internees, Art. 23 concerning prisoners' pay cannot apply otherwise than by analogy. However, civilian internees who, by the fact of their internment, are no longer in a position to carry on their profession may find themselves in a situation much less favourable than that of military PW, if they are precluded from earning by their work.
- (b) Stipulations concerning the employment of PW should also be applied to internees, although the question probably presents greater difficulties, due to the fact that unlike PW, civilian internees do not fall into more or less uniform groups based on age, sex, and physical condition.
- (c) In regard to penal sanctions, it is clearly not a matter of course that the application of the Convention to civilian internees shall involve, where they are concerned, the application of military rules and



regulations of a penal and disciplinary nature. Since civilians, even of enemy status, are subject as a general rule to common law (which is less severe than military law), it should be determined what law should be applicable to such civilians.

As it is of the highest interest that the Convention should be applied without delay, agreement upon the above points should in no way hold up the putting into execution of the general agreement in principle already reached. This is all the easier, since the application of the essential stipulations from the strictly humanitarian standpoint, seems to present no difficulty. The stipulations, which comprise almost the whole of the Convention, are the following :

- Part I. General Provisions, Art. 2 to 4.
- Part II. Capture (Internment), Art. 5 and 6.
- Part III. Captivity (Internment). In particular, Art. 8 to 22, 25, 35 to 44, 60 to 67 (with reservation as to Art. 8 concerning the condition put forward by the French Government, by which the names of civilian internees shall not be communicated except with their formal consent).
- Part IV. End of Captivity (Internment), Art. 68 to 75.
- Part V. Deaths, Art. 76.
- Part VI. Bureaux of relief and information, Art. 77 to 80 (same reservation concerning the communication of names and addresses provided for in Art. 77 and 79, as that expressed for Art. 8),
- Part VIII. Execution of the Convention, Art. 82 to 88.

Each time that a further Power entered the war, the ICRC called on it to apply the 1929 Convention to enemy aliens whom it felt necessary to intern.

Formal adherence was given to this measure, sometimes with certain reservations, and often in confirmation of a practice already established, by the following States in succession :

Egypt (February, 1940), Canada (May, 1940), Italy (June, 1940), Dutch East Indies (July, 1940), Australia (August, 1940), South Africa (June, 1941), Greece (April, 1941), United States (December, 1941), and India (March, 1942).

Brazil, whose position was exceptional, made important and numerous reservations, which do not allow that Power to be considered as having genuinely applied the 1929 PW Convention to civilian internees.

Japan, while pointing out that she was not a party to the

1929 Convention, declared herself, however, in February 1942 ready to apply it, *mutatis mutandis*.

In this way, about 160,000 civilian internees, for the duration of the war, benefited by the same safeguards as prisoners of war, for whose treatment regulations in minute detail had been laid down by the 1929 Convention.

## (B). ACTIVITIES OF THE ICRC IN BEHALF OF CIVILIAN INTERNEES

From what has been said, we may conclude that the activities of the ICRC for the welfare of civilian internees were carried out in the same manner as those for PW. Most of the Committee's chief interventions with Governments referred both to PW and civilian internees. We shall, therefore, not repeat here what has already been said about internees in the chapters dealing with the Committee's work in behalf of PW, but shall confine ourselves to summarizing the results achieved, and call attention to certain features concerning civilian internees in various fields, in which they were shown the same solicitude by Geneva as the prisoners of war.

### 1. Visits to Internee Camps

The conditions in which visits to internment camps were carried out have already been set forth in the chapters dealing with visits to PW camps.

During hostilities and the period following, delegates of the ICRC not only visited internment camps in Europe, but also carried out 177 visits to such camps in the Dutch East Indies, 14 in New Zealand, 109 in Japan and occupied China, and, lastly, thirteen in Free China.

Thus, from September 1939 to June 1947, delegates of the ICRC carried out 1,426 visits to internee camps in countries where the 1929 PW Convention was applied to civilian internees. They not only inspected camps holding large numbers, such as Crystal City (U.S.A.) and Fayed (Egypt), which held respectively 3,000 and 5,000 internees, but also those which contained only

very few, such as Maramanga, in Madagascar, with 16 civilians and Tollentino, in Italy, with only five.

The visits gave the delegates an opportunity of demanding a list of internees in the camp ; this they generally got without difficulty, but often after great delay. One fact, should, however, be remembered, which did not apply to lists of PW, that many civilian internees objected to their names being communicated to their State of origin, because of certain risks, real or imaginary, that they themselves or their relatives living in that State might thus incur. Taking account of this legitimate desire, certain Governments, and especially the French Government, although agreeing to apply the 1929 PW Convention to civilian internees, made the explicit reservation that they would only give the ICRC the names of internees who agreed to this notification to their State of origin. In other cases, the delegates or the detaining authorities, in sending lists of internees to Geneva, marked with a cross those who objected to their names being communicated to their own country. Thus, the wishes of these people were respected and the Central PW Agency was still able to reply to individual requests for news. On receipt at Geneva, the lists of civilian internees, like those of PW, were, subject to the above reservation, communicated to the State of origin of the internees, who made itself responsible for informing next of kin. For details, we refer the reader to Vol. II (Central PW Agency).

While these arrangements were being made, the delegates of the ICRC were instructed to undertake an extensive investigation of the condition of civilians in enemy territory. They had in particular to enquire into : (1) the different categories of enemy aliens interned ; (2) the regulations to which they were subject ; (3) the authorities responsible for them ; (4) the authorities able to give information about them ; and (5) the requirements of the internees in respect of material relief or intellectual aid, and so forth. The information that the delegates sent to Geneva on these points enabled the ICRC to plan its relief work <sup>1</sup>.

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<sup>1</sup> On the question of sending relief stores to internee camps, see Vol. III, Part III, Chapter 5.

Since it was impossible to talk privately with every internee, the delegates of the ICRC always arranged to have an interview with the camp leaders, both men and women, who were thus free to express the wishes and complaints of their companions. The ICRC heard of no cases in which these interviews could not be carried out freely and privately, so that it never had to act in this connection.

On many occasions the delegates of the ICRC took the opportunity to start a general discussion with the camp authorities themselves of problems concerning the internees. These improvised meetings met everywhere with most fortunate results. Thus at Camp McCoy (U.S.A.), after such a meeting, the camp commandant told the delegate that his visit had bettered his relations with the internees and had also much improved their morale.

## **2. Living Quarters**

Conditions varied considerably, according to the country and place where the internees were detained, and the climate in which they were obliged to live. At Vittel, in occupied France, the internees were lodged in the first-class hotels of this watering-place, whereas at Fayed, in Egypt, they lived under canvas right out in the desert. This was not, however, the case everywhere in Egypt; members of religious orders were interned in the convent of Terza-Guiza, a modern building which was provided with every facility. In Germany, an internment camp for women was likewise established in the old and spacious convent of Liebenau, on Lake Constance, while in Uganda, the internees had been grouped by families in bungalows surrounded by gardens and originally intended for Army officers of the Detaining Power. The most usual type of accommodation seems however to have been hutments, more or less comfortably equipped according to place and country. This kind of accommodation as living quarters for civilian internees was found in almost all countries: in France (St. Denis and Troyes), Germany (Milag North and Biberach), the United States (McCoy, Fort Stanton and Kennedy), Canada (Camps 33 and 130, a model camp), Australia (Gaythorne and Liverpool), and so on.

Living conditions (furniture, general comfort and hygiene) also varied according to the camps. Some internees had beds, whilst others slept on the ground ; some had separate rooms, whereas many lived together in dormitories holding several dozen people.

In these circumstances, it was clearly not the part of the delegates of the ICRC to suggest any levelling up of living conditions for civilian internees in the various countries, to bring them as near as possible to the maximum standard. Their duty was a more realistic one : account being taken of local resources and climate deficiencies, to try to ensure living conditions compatible with human decency and not injurious to the health of the internees.

Thus, the delegate in the Belgian Congo asked for a ceiling to be fitted above the sleeping quarters of the civilian internees who were lodged in an exhibition building of Elizabethville, to protect them from the variations in temperature. The delegate in Egypt suggested that sheets should be issued to the internees in the camp at Tantah, and that the internees of Camp 310, who were sleeping on the ground, should receive palliasses as soon as possible. He also arranged that the tent in which the sick ward at Fayed was installed, and which he thought too primitive, should be replaced by one more spacious, provided with beds and sufficient medical equipment. He also took steps to have a mess hut built at the camp at Embabeh.

In Germany, the delegates of the ICRC intervened in order that the civilian internees of the camp at Biberach who were lodged in dilapidated huts, should be provided with the necessary material to repair their dwellings themselves. He also arranged for the sanitary installations in the camp, which were inadequate and in a bad state, to be completed and repaired.

The delegate in the United States had to ask for the same improvements in the Ellis Island camp for civilian internees. Furthermore, in Camp Forrest, the delegate had a drainage system installed, so that the huts of the internees should no longer be flooded by the heavy rains, and had sand and cinders laid down on the paths in the camp.

In India, the delegate was able to record that considerable

improvement had been made in the internment camps as a result of his visits of inspection, particularly in those of Deoli and Premnagar.

### 3. Food

Under Art. 11 of the Convention, the food rations of the internees were in principle equivalent in quantity and quality to those of depot (army base) troops.

In Germany, and in the occupied countries, the internees were entitled to the same quantities of rationed commodities as was the civil population, but they could not buy unrationed food products on the market. Furthermore, the official ration included a more or less large proportion of waste ; this led to many complaints being made to the delegates, who forwarded them to the responsible authorities, if they seemed justified ; for instance, the basic ration of potatoes was often reduced by a quarter, and sometimes by half, owing to peelings and waste.

In occupied France the rations of the civil population were less than those of the German population, but the delegates managed to arrange that the quantity issued to American and British internees detained at Vittel should be fixed according to the rules laid down in Germany.

In many cases, the amount of food given to internees was found to be inadequate. The countries whose nationals were interned were obliged, as in the case of PW, to add collective assistance forwarded through the ICRC, or to make grants in money paid by the Protecting Power. For this reason delegates had often to inform that Power of the needs of the internees in respect of nourishment. In 1943, the delegate was obliged to intervene in occupied China, in respect of British subjects interned at Yangtso and at Hong-Kong, whose undernourishment had become really serious. In India, in 1942, the delegation of the ICRC insisted on keeping the daily allowance at 60 rupees, instead of the 50 rupees decided upon by the authorities—a measure which had alarmed the German and Italian internees of the camp at Purandah. In Egypt, the delegation strongly urged that the allowance should be raised from 10 to 13 piastres,

an increase regarded as indispensable to improve the food of internees whose health had been enfeebled by the climate.

In certain barren areas, where there was no cultivation, the total lack of vegetables led to functional disease, and the delegates had several times to take action in order to obtain grants from the Detaining Power for the issue of such foodstuffs.

Moreover, the problem of foodstuffs was far more complicated in the case of internees than in that of PW, owing to the presence in one camp of persons whose age, health, and habits of diet differed considerably. One standard ration could not be suitable for children, adults, old persons and the sick.

Attention had to be given by the delegates to the quantity of milk allotted to babies, to expectant mothers or women with children at the breast, which was often inadequate or less than the official ration. Thus, in 1942, at Embabeh (Egypt) the delegate noted that the milk given was only equivalent to a half ration. In Dutch Guiana, the delegate even took the step of having one or two cows from a neighbouring farm brought to the camp.

The delegates also took steps for the treatment of stomach and intestinal cases, which were always very numerous, and ordered them a diet. They also arranged for the food to be suited to the national taste of the internees. In the United States, the Japanese complained that their food was cooked according to the American taste, and that they had rice only eighteen times in a month, whereas in Japan the Americans suffered from inadequate rations, although they were equivalent to the normal rations of the Japanese population. In India, the German and Italian internees could not accustom themselves to Indian menus similar to those of the troops, and asserted their wish to have European cooking. The same thing occurred in areas occupied by coloured troops, whose food did not agree with white people.

The inferior quality of the food was often due to insufficient cooking, caused by the bad condition of kitchen-ranges, the repair or replacement of which had to be insisted on.

Finally, the question of water was one of great importance

in desert areas ; its scarcity sometimes obliged the delegates to take a hand in arranging the search for springs, and the laying down of pipes for water supply, in order to ensure that food could be cooked.

The food question was particularly serious in the case of internees who were left in assigned residence ; they had to find their own food with the daily allowance made to them by the Protecting Power. This allowance was generally inadequate. The delegates reported to the Protecting Power and the ICRC, from all sides, on the unfortunate position of these internees. In several countries, it was possible to arrange for them to receive parcels, which the delegates handed over personally in localities where there were no postal communications. This was the case in Greece, where the delegation had to set up a relief organization for British and United States citizens. Mention should be made also of the efforts made in Free China by the Chungking delegation, which provided food for Italian and German missionaries isolated in areas far distant from the capital. The internees in assigned residence were particularly numerous in Italy (*confinati*) and scattered throughout the Peninsula ; for this reason, it was no small task for the delegates to keep them supplied with food.

The establishment of canteens was of importance both for the morale and the physical condition of the internees ; the delegates therefore attached great importance to this, and did not fail to take steps to provide them, as laid down in Art. 12 of the Convention, in camps where they were lacking. Where a canteen already existed, they satisfied themselves that it was working properly : this was generally left to the initiative of a responsible internee, who enjoyed the confidence of his companions.

#### 4. Correspondence

The correspondence of civilian internees, like that of PW, was restricted by the detaining authorities, under Art. 36, Sec. 1 of the Convention. Nevertheless, as a general rule, the authorities took full account of the legitimate needs of the internees, and the number of letters and cards which they were allowed



to send every month was relatively high. Thus, in Germany and in France, civilian internees could send three letters and four cards a month ; in Great Britain four letters (not including those which the internees might address to the authorities, to the representatives of the Protecting Power or to the ICRC) ; in the United States, eight letters and sixteen cards ; in Egypt, three to four letters and four cards ; in Australia, eight letters or cards, and so on. The amount of incoming mail was, as a rule, unrestricted.

The correspondence of civilian internees, like that of PW, was in all countries accepted post free. Difficulties on this subject arose in Egypt, however, from the fact that only correspondence sent to foreign countries enjoyed this exemption, whereas that intended for the interior of the country had to be stamped. The ICRC had to negotiate with the Egyptian authorities for more than a year before this discrimination was abolished in practice.

The slowness of mail, however, of which the internees had to complain in many countries, was the most frequent cause of action taken by delegates of the ICRC. This was particularly the case in the United States, where in almost all camps the internees (particularly those whose relatives also lived in the United States), complained strongly of the delay in the forwarding of their mail. This delay was due to the fact that censorship of mail from or to the camps was centralized in New York. The irritation of the internees at Camp Forrest was so great, that, on one of his visits to the camp, the delegate was obliged to appeal to their good sense. But the excitement started again later. Finally, the American authorities, as a result of the steps taken by this delegate, which were supported by the representatives of the Protecting Power, decided to set up a separate office to censor the mail of internees whose relatives lived in the United States.

In Germany and in India, the delegate of the ICRC, at the request of the internees, also had to approach the authorities of certain camps on the score of the delays in mail. Likewise, in the Belgian Congo and in British Guiana, the delegates applied to the detaining Authorities, asking them to take all possible

steps to promote the forwarding of mail. At the same time, however, they explained to the internees the great difficulties which the transport of mail was meeting with at that time.

To make up for the irregularity of the postal service, civilian internees in certain countries, for instance in the Belgian Congo, in Algeria, and in Dutch Guiana, made use of the 25-word "civilian message", which seemed to give them more security. In other countries (e.g. the United States, and British and Dutch Guiana) in order to speed up the forwarding of their correspondence, the internees used the "express message" forms put at their disposal by the delegate of the ICRC <sup>1</sup>.

In many countries, civilian internees were allowed, often as a result of steps taken by delegates, to use the air mail and send telegrams, on condition that they paid the usual charges.

#### **5. Visits of Relatives to the Internees**

The regulations in force concerning visits of relatives to internees differed not only as between countries, but as between camps in the same country, for it depended in practice upon the views of the camp commandants. As a general rule, internees were allowed to receive a certain number of visits every month, for a limited period. Thus in Germany, internees were allowed to receive one visit a month, the period of which, in principle, might not exceed half an hour; but at Ilag VII (Laufen), the period of the visit was in practice unlimited. At the camp of Vittel, the monthly visit was allowed at first to extend over two or three days, during which internees and visitors had every opportunity of seeing each other several times; however, when the number of internees had greatly increased, visits were no longer allowed to exceed one day. In other camps in France (St. Denis and Compiègne), the internees were allowed to be visited by their relatives once a fortnight; at Pithiviers, on the other hand, visits were allowed only once in every two months.

In Great Britain, the civilian internees were assembled in the Isle of Man. The members of their families who came to visit

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<sup>1</sup> See Vol. II, Part I, Chapter 4.

them were allowed to stay for a few days and to meet them several times ; furthermore, married internees were allowed to visit their wives and children every six weeks. In India, on the other hand, internees could only receive visits from their relatives in exceptional cases. It was in Egypt, apparently, that regulations for visits varied most widely. The number of visits that internees could receive varied from three a week to one a month. On the other hand, the period of these visits, which at first was two hours, was raised by degrees to three and then to five hours, as the result of steps taken by the delegate of the Committee.

In many countries additional visits were authorized, often as a result of action taken by the delegates, during the Easter and Christmas holidays.

Visitors and internees generally met in a hut built for that purpose, and under surveillance. In certain camps' especially in Australia, there was a grating between them. Sometimes the grating was a double one, as at Leeuwkop (South Africa). In these two countries, the delegates, at the request of the internees, intervened in order to have these gratings done away with.

Most of the negotiations of the delegates of the ICRC aimed at increasing either the number or the period of the visits. Thus, visits of relatives to internees in Egypt had twice been suspended, in 1941 and in 1942, as a result of military operations, and the ICRC continually pressed the point until they were re-established. The delegate in that country also frequently approached the authorities, in order that interned German and Italian women might see their children, and that the internees should be allowed to visit sick or elderly relatives in Cairo and Alexandria. The delegate in the Belgian Congo requested that friends of internees should be allowed to see them, since many of them had no relatives in the country ; the delegate in Kenya arranged for a meeting of Italian PW in the colony with their interned wives and children who were about to be sent to Italy.

In France, Canadian civilian internees in the camp of St. Denis were deprived of visits from their relatives, in January 1943, as the result of a decision of the German authorities, on the pretext

that a similar measure had been taken with regard to German internees in Canada. This prohibition was not removed until January 1944, after the incident (which in any case seems to have been based on a misunderstanding), had been smoothed over, thanks to the action taken by the ICRC. Furthermore, the delegate in Paris arranged for sick internees in Val de Grâce Hospital to be visited by their relatives more often than had been laid down.

In Germany, the Committee's delegation approached the Ministry of Foreign Affairs, in order that the visitors which internees in Tittmoning were allowed to receive each month might stay longer than the regulation half-hour, and that internees who had seen nobody for several months should be entitled to additional visits.

## **6. Family Camps**

It is proper to call attention to the efforts of the ICRC and the work it did in respect of family camps. This was a field of activity quite different from that which was customary for the ICRC in respect of PW; it was also one that gained results which made an interesting contribution in the field of humanitarian law.

The ICRC had been informed by its delegates that the separation of members of the same family, and particularly of father, mother and children, because of internment in different camps, had serious effects on their morale and physical health, and badly jeopardized the education, and thus the future of the children. It had learned, moreover, that the authorities in some parts of the British Commonwealth might agree to bring together in the same camp husbands with their wives and children, who had hitherto been living in different camps, and that these authorities had even carried out this idea in more than one country. Thus, family camps had been established in Australia, Rhodesia, Ceylon and Great Britain (Isle of Man). The same thing had been done in the Belgian Congo and in Dutch Guiana (Surinam). Stressing these precedents and the importance of reciprocity, in March 1942, the ICRC took the

step of asking the German Government its views on the establishment of similar camps in Germany. That Government replied that it had always done its best to improve the lot of civilian internees, but that the bringing together of married couples in the same camp had not appeared necessary, since only a small number of married women had been interned. Nevertheless, the German Government understood the importance of the question, and stated that it was attempting to bring British married couples who had been separated, together in the same camp ; but by reason of technical difficulties, it had not yet been possible to set up a family camp.

This attitude of the German Government having been communicated to the British Government, the latter, at the request of the delegate in London, transferred nineteen German families, whose members had hitherto been separately interned, to the family camp in the Isle of Man. While the British authorities were thus acting in behalf of German families interned in Great Britain, the German Government set up a family camp at Vittel, and moved to it from St. Denis a hundred and fifty married internees whose wives were interned at Vittel, and also several elderly couples. No decision was made, however, as to the establishment of a family camp in Germany itself.

These first results led the ICRC to approach Canada, India, South Africa and the United States, with a view to establishing family camps in their territory.

In June 1942, the Canadian Government replied that the question of the establishment of family camps did not arise in Canada, since women and children of enemy nationality had not been interned. It added that, if such measures had had to be taken in the case of several men belonging to the same family, they were naturally interned in the same camp.

The American authorities stated that they already made a practice of interning members of the same family together, when they were all subject to such a measure. Thus, a small number of families were interned together at Seagoville (Texas). In the case of families where the husband alone had been interned, the authorities were considering how to bring them together. The result of this enquiry seems to have been the

establishment in January 1943, of the family camp at Crystal City, with accommodation for 3,000 persons. German and Japanese families lived here in conditions that were excellent in every way.

The constant efforts of the delegate in Southern Rhodesia for nearly a year and a half led to an agreement between the Governments of South Africa and Southern Rhodesia under which, towards the end of 1944, German husbands interned in South Africa married to women interned in Southern Rhodesia were moved to that Dominion and reunited with their families.

In India, the question of the establishment of family camps had already been considered, but despite official assurances, nothing practical had been done, except the establishment of the family camp in Ceylon. After the revival of this problem by the ICRC, two family camps were set up at Satara and Purandhar, where several hundred families of different nationalities, mainly German and Italian, were quartered.

Furthermore, family camps were set up in Denmark, Palestine, Syria, and Jamaica.

While this scheme was being developed, the delegation of the ICRC in London managed to arrange for the internment in the Isle of Man of the remaining 24 German married couples who were still detained separately in British camps.

These achievements enabled the ICRC to approach the German authorities once more on this question. The Germans had enlarged the family camp at Vittel, where they had brought together further British and American married couples, and a few families of other nationalities. The question of establishing family camps in Germany had, however, made no progress, in spite of negotiations by the delegate in Berlin. According to the Germans, the lack of adequate premises resulting largely from the devastation by the air raids, was the main cause of this delay. The wishes of the ICRC were finally met by the opening of two family camps at Biberach and Wuerzach, in Wurtemberg. However, these camps were never family camps in the sense understood in the English-speaking countries. At Biberach, the men and the women with their children, lived separately, but

were allowed to see each other during the whole day ; at Wuerzach, the same thing applied to couples, while large families each had a room in which all members lived together, the other camp premises being used in common by all the internees. For a large number of internees real family life was therefore not possible, and the ICRC failed to get this state of things improved, since the German authorities always pleaded the lack of premises.

Living conditions in the family camp were more liberal than those of the ordinary camps ; the parents had more freedom, and wherever it was possible, the children attended the Government schools.

It should be added that family camps were visited by the delegates in the same way as ordinary internment camps.

#### **7. Clothing**

The States which had agreed to apply to civilian internees the PW Convention by analogy, were obliged, under Art. 12, to supply them with clothing, linen and footwear, and to provide regularly for their replacement and repair. Several of these States, however, were disinclined to carry out their undertakings, pleading that it was in fact impossible to clothe the internees. The delegates, who were anxious to improve the clothing situation which they noted during their visits, after approaching the responsible authorities without success, could only call upon the ICRC for assistance.

In Germany, the British and American internees received issues of battle-dress through the ICRC.

In occupied France, in 1943, the delegates found the internees at Compiègne (Frontstalag 122) in a deplorable state as far as clothing was concerned ; sixty per cent had no complete suits, ninety per cent lacked underclothing and socks, forty per cent had no overcoats. At St. Denis, there were, as well as the British internees, hundreds of refugees from Belgium and Northern France who had fled south during the exodus in 1940, and were therefore entirely destitute, possessing nothing but what they wore at the time of their arrest. At Vittel, the clothing of British

and American internees demanded immediate improvement ; at Val de Grâce, the hospital cases wore old French uniforms. The delegates forwarded long lists of requests to the ICRC in respect of all these camps.

In Algeria, at the time of the visit in 1943 to Djelfa Camp, which held internees of various nationalities, the delegate found considerable need of clothing. A list was forwarded to the Civil Aid Commission, which was under the American Governor.

In the Belgian Congo, the attention of the responsible authorities was drawn, in 1942, to the application of Art. 12, since they were extremely slow in supplying even the most necessary clothing to German and Italian internees in the camp at Elizabethville. As the result, a pair of sheets was issued to every internee.

In Egypt, the representative of the Committee asked the authorities several times during 1943 to give each internee a standard outfit of clothing, to which he would be entitled.

In the United States, the internees were generally well provided with army uniforms dyed dark green ; this dye, however, caused the clothing to shrink, so that internees who were tall found it difficult to get wearable clothing. The delegate arranged with the authorities that the uniforms should no longer be dyed, but marked on the back with " C.I.N." in white letters. The conditions in respect of footwear were not satisfactory, since the army repair shops were overworked.

In Australia conditions in respect of clothing were also satisfactory, and no action by the delegate of the ICRC was necessary.

After visiting the camp at Mazaroni (British Guiana) in 1943, where people of various nationalities were interned, the delegate obtained permission to supply clothing, a list of which he had submitted, and which the camp commandant was unable to obtain.

### **8. Employment**

In 1942 the ICRC questioned its delegates with regard to the evidence obtained concerning the ill effects of prolonged inactivity on the physical, mental and emotional condition of civilian internees. On August 17, it sent out a circular letter to its delegations concerning the organization of regular work in internment camps. This circular went into the question



thoroughly and was accompanied by a memorandum enumerating the main kinds of work to be considered. It also laid stress on the fact that, if it was desired to obtain the result hoped for, such work amongst other conditions, would have to be both voluntary and done for remuneration. These documents enabled the delegates to approach the Governments concerned and to ask them for their views and intentions concerning work by civilian internees.

Several Governments, in particular the British and German, had not waited for the ICRC to take action before introducing voluntary work for civilian internees. In countries where this was already the practice the delegates confined themselves to suggesting an extension, or the recognition of measures already taken. In other countries, however, everything had to be built up from the start. Apart from the undisguised opposition of some authorities, delegates had sometimes also to overcome opposition from the internees themselves. This attitude was due either to a lack of interest, or to a fear that they might assist the war effort of the detaining State, and thus become liable to blame, or even penalties from their own government once the war had ended.

For instance, the British internees at Biberach, Würzach and Liebenau (Germany), when visited in June 1943 by a delegate of the Committee, stated that they would accept no work until they had been expressly authorized to do so by their own Government. The same happened in the case of American internees at Laufen and Tittmoning in Germany. The ICRC then got in touch with the British and United States Governments, and informed all these internees that their Governments had no objection to their employment, provided that the work carried out was not prohibited under Arts. 31 and 32 of the Convention. On the strength of this approval, the internees were henceforth able to benefit without further scruple from the general plan for paid work. This was drawn up at the suggestion of the ICRC by the German Ministry of Foreign Affairs, and consisted chiefly of carpentry and the manufacture of toys and other wooden articles.

The question of consent by national Governments to work by civilian internees for the detaining States was also raised by

Italian internees in the United States and in the Belgian Congo, and by German internees in Great Britain and in the United States. Here, too, the ICRC was able to communicate the permission of their Governments to the internees.

In the Belgian Congo, in particular, the question of work by civilian internees had somewhat special features. In practice, any Italian civilian internee who accepted employment was *ipso facto* released. Once the agreement of the Italian Government had been notified to the Belgian Congo, only those Italians remained in the camps who, for various reasons, would not or could not work. These were also a certain number of German civilian internees, whom public opinion would have been reluctant to have released. The Committee's delegate, with the support of the local authorities, made efforts to get paid employment for them which could be carried out, if possible, within the camps. But such work seems to have always been on a reduced scale, owing to the climate, the nature of the soil, the restricted area of the camps, and the lack of raw material and tools.

Regulations applying to the work of civilian internees varied widely according to the country and the camp, especially in regard to pay. Thus, in Germany, internees employed on camp work in Ilag VII received no wages, whereas others, who built a hut at Laufen, were paid 70 pfennigs a day. In France, work was not paid in the camps at Compiègne and Saint Denis : at Pithiviers on the other hand, internees who worked were given remuneration. As for work on camp equipment and maintenance, it was sometimes paid and sometimes not : if it was not paid, those who did such work were usually granted certain advantages which other internees did not enjoy. As a general rule, civilian internees working were entitled to the same accident insurance as local workers.

In almost all the countries which interned enemy aliens, these people took up gardening. As a rule, this work, which was carried out inside the camps and which provided recreation and diversion, was not paid.

In Australia, Canada and the United States, the internees were mainly occupied on market gardening and forestry work, for which they received a small wage. Delegates of the ICRC visited

the timber yards and places where this work was carried out, and satisfied themselves that they did not provide cause for any complaints. They were further able to note that wherever the internees were employed, their morale was excellent.

In Great Britain, the work of the internees, who had all been transferred to the Isle of Man, was in some of the camps very well organized. Here, too, it consisted mainly of agricultural and gardening work. Internment Camp "P" was regarded by the ICRC as a model in so far as the organization of work was concerned. In some camps, however, nothing had been provided for in this respect. The delegate of the Committee therefore asked the competent authorities to find employment for the people in these camps.

Concerning action taken by the delegates on their own initiative, we may quote the following instances.

In Camp No. 101, in Canada, in order to encourage the work undertaken by the internees on improving the playing field, the delegate himself guaranteed the cost up to a fairly large sum. In Egypt, the delegate sent money to the internees at Tantah, to have beds made by a local joiner. He also sent the internees at Mansurah a stock of wool for knitting sweaters for convalescent PW. The delegate in Southern Rhodesia arranged for the internees in that country to manufacture articles which could not be found locally, and for these articles to be sold by the Red Cross. The rumour had been spread that Italian doctors were employed as miners in Southern Rhodesia; the delegate of the ICRC issued a denial of these statements, making it clear that all Italian doctors in the country were in charge of hospitals, and that, furthermore, no internee was working in a mine. He also applied to the Governor General of Nyasaland, who, as a result carried into effect a scheme of employment for the civilian internees in the Protectorate.

## **9. Hygiene**

The supervision of hygiene formed a very wide field of action which put the vigilance of the delegates to the test. This supervision had to be far more thorough in camps for civilian internees, above all in those for women, than in camps for PW, where the observance of rules for cleanliness and health is easier to achieve,

thanks to military discipline. This field of investigation showed the great advantage of having medical delegates, and the ICRC always tried to keep a large proportion of such men amongst the personnel of its delegations.

In the first place, the delegates had to satisfy themselves that water, the chief factor in hygiene, was available in sufficient quantities. In dry districts, they recommended the internees not to waste it, and gave advice for planning its use in a rational manner. Thus, in Saudi Arabia, sweet water was completely lacking, and the German and Italian internees learned how to obtain it by the evaporation and condensation of sea water. At Fayed (Egypt), water was available only for two or three hours a day, at a rate of 50 litres for each person for all requirements of the camp, which meant that it was impossible to have showers.

Not only the washing places, but installations for baths, showers and laundry were inspected by the delegates. They had often to take action to have the fixtures made less primitive, and to get them repaired or enlarged. They supplied quantities of toilet articles (linen, soap, shaving soap, razors, blades, tooth brushes, tooth powder, etc.). At Mansurah (Egypt) German, Italian, and Greek women internees were living in such deplorable hygienic conditions that, on his first visit in 1942, the delegate gave the camp commandant a sum of 20 Egyptian pounds to meet immediate needs (purchase of insect powder, disinfectants, linen, etc.). Many camps left much to be desired in respect of latrines : here too, the delegates insisted upon the enlarging or improvement of the fittings, and investigated conditions of cleanliness and the use of disinfectants. Elsewhere, the ventilation was inadequate, and the cubic air space insufficient, because of the cramped premises. In certain districts, the delegate had to start a campaign against malaria, by providing mosquito nets and quinine, and having the ground drained in order to get rid of the stagnant water produced by floods (for instance in India after the monsoon, and in Egypt after the rise of the Nile).

Particular attention was given by the delegates to medical care, and they had in this respect to deal with a number of widely varying questions : appointment of a doctor where there was none (fortunately a very rare occurrence) ; establish-

ment or improvement of a hospital ; increase of the number of beds and of the bedding ; supply of indispensable medical stores in daily use ; supply of pharmaceutical proprietary goods, of hospital equipment, and surgical instruments ; questioning of patients ; transfer of serious cases to the nearest hospital or to a private clinic ; engagement of nurses ; organization of an X-ray service for diagnosing tuberculosis ; measures against epidemics (isolation of contagious cases, etc.)

In Rhodesia, the camp at Salisbury reserved for German and Italian families gave the delegate a great deal of trouble in 1942 ; there were a few cases of infantile paralysis, at the same time as an epidemic of measles (183 cases) and an epidemic of amoebic dysentery (308 cases). It was very difficult to deal with the dysentery, and the delegate had to take vigorous action to persuade the women to allow themselves to be treated by hematin, which they accepted unwillingly, alleging that this treatment led to abscesses of the liver.

In the Yemen the unsatisfactory health conditions of the German and Italian internees was improved, thanks to the necessary vaccines sent by the Cairo delegation.

In the United States, in a camp of Italian internees, where there were syphilitic cases, the delegate was able to take all necessary measures to avoid contagion.

In 1942 Geneva received disquieting reports about the serious inadequacy of the medical care given to internees in the hands of the Japanese at Hong-Kong. The ICRC at once took steps to have a delegate appointed, with instructions to visit internment camps in occupied China. It asked for permission to send medical stores and for information as to the extent and nature of medical requirements. The Japanese Government replied that the unsatisfactory health conditions at the time when the camps were first set up was due to exceptional circumstances, but that successive improvements had made it possible to meet a temporary situation and to reduce the death-rate.

In Egypt, the delegates had the internees in one camp inoculated against typhoid fever.

Health conditions were also influenced by the climate. In Algeria, the delegate asked that old people, who suffered from

the severe heat, should be removed to a milder climate. In Saudi Arabia, he obtained solar topees and smoked glasses for the internees. In India, the sun caused much ophthalmic disease, and the delegate arranged for an oculist to visit the camps periodically. Mixed medical commissions, similar to those provided by the 1929 PW Convention, were set up in certain countries for the purpose of visiting internees who were sick. These were especially useful in Egypt, where the delegate of the ICRC saw to it that the medical committees looked after the internees regularly, whether in the hospitals or in certain distant camps. At the Italian Umberto Hospital, in Cairo, where internees of Italian and other nationalities were treated, the Commission examined 25 to 30 cases a month and declared from ten to fifteen to be eligible for repatriation. At Tantah, the Committee came once a month and examined about fifteen cases, of which two on an average were found to be eligible.

The delegates of the Committee had everywhere to deal with the dental treatment of internees. The question of dental plates raised a financial problem, which they tried to solve, either with the help of the Protecting Power, or direct with the Dental Service at Geneva. This Service had set up a relief scheme and drew up two questionnaires to be filled up by every patient, one to fix the required treatment and the other the actual cost. The delegate handed these forms to the dentist in charge of the case ; in Italy, the Italian Red Cross agreed to distribute them in all internee camps. In France, the ICRC sent the necessary dental supplies to the British internees in the Val-de-Grâce Hospital in Paris. In Germany, dental treatment in certain internee camps was inadequate and the ICRC had to supply a great number of dental plates, in particular for British internees at Kreuzburg. The same was the case in Egypt, where internee camps were short of dental equipment, and sometimes even had no dentist. In India, the camp of Dehra-Dun had only a single dentist to look after 10,000 PW and 2,000 internees, and the ICRC had to send dental supplies for the camp by air. Similar consignments were sent by air to Australia and Venezuela. At Maracaibo, in Venezuela, the German internees had been left without any possibility of having dental treatment.

## 10. Leisure

With very few exceptions, Art. 17 of the Conventions was applied to civilian internees everywhere in a most generous spirit, and with a full understanding of their wishes and of the conditions needed to maintain their morale and physical health.

Vol. III contains an account of the schemes for "intellectual aid" to civilian internees, which were carried out by the ICRC. The Committee not only responded to requests made of it, as it could: it went further and invited calls on its help through its delegates, who, during their visits, enquired especially into the use made by the internees of their leisure time, and encouraged initiative where it was lacking.

In the intellectual field, the ICRC, besides stocking libraries, facilitated arrangements for the teaching of languages, for various classes for adults, and even for children's schools. The small number of internees in each camp did not warrant any scheme for university courses, on the lines of those which were given in PW camps. For the same reason, camp newspapers published by internees were very few. In Egypt, one of these papers had been suspended as a disciplinary measure, but the delegate of the ICRC managed to have this cancelled. Many camps had their own theatrical company, and their orchestra; most of them had wireless, often broadcast by loud-speakers, and some camp commandants even authorized the listening-in to broadcasts from the country of origin of the internees. In Germany, on the other hand, the use of gramophones met with opposition from the censor, which destroyed the records sent to the British and Canadian internees.

In 1943, when a large number of records was sent as a Christmas present, the ICRC asked the German authorities to show some latitude, and suggested that a single firm accepted by them should be called upon to manufacture records, to avoid their being destroyed. Several camps were able to organize cinema shows, paying for the hire of the films out of the funds of the canteen. In two camps in Canada a professional operator was hired at the expense of the delegation.

These recreations, completed by indoor and outdoor games

called for the most varied equipment. As the result of an agreement with the ICRC, the YMCA undertook to provide the greater part.

Expeditions and walks outside the camp can have importance for the physical health and morale of internees, in giving the illusion of a certain freedom of movement, and the ICRC took especial interest in this question. In 1943, it sent instructions to its delegates to collect all information or suggestions on this subject. The few examples given below are evidence that the question was treated in a widely different way by the responsible authorities. Apart from applications made to them by its delegates, the ICRC informed certain detaining States direct of cases which seemed to merit attention.

In Germany, daily walks in groups under escort, lasting one or two hours, were organized in some camps. In others, the internees had the right to leave the camp under escort from once to four times a week. In the diplomatic camp there was an expedition every other day, under the escort of an official of the Ministry of Foreign Affairs. In Ilag XIII, internees over fifty years of age were allowed to go out freely once or twice a week. In Ilag VII, the American internees complained to the delegate of the ICRC that the walks had been discontinued in winter because of the cold, and the delegate arranged for them to be started again. On the other hand, the British and Egyptian internees in one particular Dulag could only walk about inside a small area measuring 10 by 20 metres, enclosed with barbed wire.

In occupied France, the internees at Vittel could only leave the area of the camp (which, it is true, was very large) twice a year under escort. Later on, the regulations were eased, and even sleighing parties were organized in winter. At St. Denis, the internees had not been allowed to leave the camp at all until 1943, because of its position at the gates of Paris. The ICRC took the opportunity, when a high official of the German Ministry of Foreign Affairs was passing through Geneva, in September 1943, to draw his attention to this regrettable position. Berlin gave the necessary instructions, and as from December, the camp authorities organized walks every fortnight, the intervening



weeks being reserved for visits that the internees might receive. A member of the delegation in Paris was able to accompany one of the expeditions by motor-bus, which was made to the park of Chantilly. In Algeria, foreign workers of various enemy nationalities at Colomb-Bechar were free in the evening and could visit any places in the town open to the public.

In Saudi Arabia internees were freely allowed to go out of the camp to its immediate neighbourhood. The internees took advantage of this to go for bathes in the sea. In Australia, as a result of applications made by the delegate, the internees were, after 1943, allowed to take a walk once a week. In Canada, walks were taken under escort on Saturday and Sunday. In the Belgian Congo, the question of walks was settled in a way strictly in accordance with the spirit of the Convention, thanks to the action of the delegate who arranged for instance, that the internees at Elisabethville should be free to make their purchases in town.

In Great Britain, in Camp 24, the Japanese internees were allowed to have three walks a week. The ICRC interceded on receiving a complaint from a camp of German internees, who had a space only some 100 metres long for their recreation. Internees in the Isle of Man as a rule had the opportunity of going out of the camp every day, and even of expeditions with picnics and sea bathing. In Egypt, the internees at Fayed were allowed to bathe in the sea, some three miles from the camp. If walks were not possible, internees were allowed to go and stay with their families outside the camp. In Dutch Guiana the women refused to leave the camp with their children, since they did not wish to be escorted by coloured soldiers. The Committee's delegate proposed that the children should be allowed to go out for walks, in charge of a woman internee having the confidence of the camp commandant. In India, the delegate arranged that permits to leave the camps should be granted once or twice a week, according to the camp. Many internees however refused to take advantage of this, since they did not wish to be accompanied by an escort.

In Italy, regulations for walks outside the camp varied considerably from one camp to the other, some being very

generous and others very strict. In Japan, the internees could get individual permits to leave the camp on an application giving reasons, and in certain conditions. In Kenya, many opportunities were given of leaving camp and making expeditions. In Mexico, where there were two camps for German and Italian internees of the Merchant Service, passes were granted allowing them to go into the town and visit the neighbourhood. In Palestine, the Italian internees in a camp near a place where archaeological excavations were in progress, had the privilege of working there under the direction of one of their own countrymen, a priest who was an oriental scholar.

In Southern Rhodesia, in family camps, expeditions were organized once a week for groups of ten families at a time. In Syria, no one was allowed to go outside the camps, but these covered a very large area. In Tanganyika, a walk of three hours a day took place under the escort of a British officer. The internees who worked were treated in the same way as civilians at liberty, and outside working hours had complete freedom by day and by night. In Uganda, interned families were free to go for walks from 8 a.m. to 6 p.m. Men who had no families were obliged to remain within a specified perimeter. In New Zealand, a walk for one group, under escort, was arranged to take place every day for two and a half hours. The internees of a camp situated in a small island were free from sunrise to sunset ; they were not allowed access to the beach, the port or the lighthouse.

## **11. Discipline**

On December 7, 1939, the ICRC sent a Memorandum to the belligerent Powers, calling their attention to the fact that civilian internees should, as a rule, be subject to the ordinary penal laws of the country in which they were detained. The British, German and United States Governments accepted this proposal in principle. They also admitted the principle, vital to the application of disciplinary law, that civilian internee camps should not be under military authority. The German authorities were obliged, however, to make an exception to this rule in the case of camps placed in areas occupied by their

troops. These camps were administered by the military authority when they were short of civilian officials.

The application by analogy of the 1929 PW Convention to civilian internees had, in particular, the consequence that the camp authorities, even those of civilian camps, were allowed to subject internees to disciplinary punishment, which made it possible to avoid imposing sentences of imprisonment in such cases. It is obvious that disciplinary punishment could in no case be ordered according to military rules. Not military law, but camp regulations constituted the basis of the discipline to which civilian internees were subject, and of the disciplinary punishment which could be imposed.

The camp representatives in civilian internee camps, unlike the camp leaders in PW camps, had very wide powers, which varied according to the detaining State. Very often he had the powers of a camp commandant, and was in particular responsible for order and discipline ; also he had to see that the regulations were observed. In some countries, the civilian internees appointed several of their comrades to serve on the camp tribunal. This was a special feature which had no analogy in PW camps. These tribunals imposed penalties for breaches of camp regulations. The offences were for the most part attempts to escape, insubordination, disobedience to the rules against gambling, or traffic in Red Cross foodstuffs.

Supervision was provided according to the country and the circumstances, by the Army, the police, or by men chosen amongst the internees themselves. The penalties laid down included, according to the offence, detention in the cells (three to 28 days), a ban on receiving Red Cross parcels, on walks for a certain period, and on writing letters or reading newspapers, books, etc.

During visits to civilian internee camps, the delegate of the ICRC gave advice to the camp representatives, with whom they were able to talk very freely and without supervision. They took action, whenever necessary, to put a stop to the very few excesses that might occur in connection with disciplinary penalties.

The reports of the Committee's delegates as a whole show that discipline was good in most of the camps, and that the number of penalties was very small.

## **12. Repatriation during hostilities**

During hostilities, the repatriation of civilians, whether interned or not, was generally through diplomatic channels, that is to say, through the Protecting Powers. The ICRC had sometimes, however, to take action in this field, either because diplomatic negotiations seemed to lead to no result, or because its intervention had been asked for, or because it availed itself of the initiative accorded by custom in humanitarian questions, and thought fit to act in cases that seemed especially to merit its attention.

Here are some examples of these various interventions.

As early as October 25, 1939, the ICRC called the attention of the French Government to the assurances given by the German Government, by which French nationals in Germany were not interned, could correspond with their relatives in France and return to their own country if they wished ; the Committee asked for reciprocity in respect of German nationals in France. As a result of this step, the two Governments entered into negotiation and agreed to carry out a general exchange of their civilian nationals, with the exception of men between 17 and 60 years of age. After the conclusion of the Franco-German armistice, the ICRC approached the German Government in November 1940 in favour of French civilian internees at Constance, and as a result, half of them were repatriated.

In August 1941, when the Soviet Union and Finland were at war, the delegation of the ICRC at Ankara had to look after the Finnish diplomatic staff held up on the Russo-Turkish frontier in unsatisfactory and unhealthy conditions. It was able to arrange for the transfer of the women and children to Turkey.

About the same time, the ICRC sent out a circular letter to all belligerents urging them to provide for the repatriation of civilian internees.

The Belgian and Italian Governments replied that they

were at that moment negotiating for action of this kind through the Protecting Power. The Netherlands Government stated in November 1941 that most of the enemy aliens in the Netherlands East Indies had already been evacuated.

Since the German Government had indicated its position only in regard to special and auxiliary conditions, the ICRC reverted several times to this question, but was unable to obtain any reply on the problem as a whole.

The British Government stated that it had always been in favour of the repatriation of civilians, as long as it was desired by those concerned, and could not involve any detriment to the State. It added that the fact that repatriations had been so infrequent could only be attributed to problems of transport, due to the unwillingness of Germany to guarantee a safe route for ships carrying repatriates.

Australia agreed to repatriation in principle, subject to a reservation that it would not be granted for those liable to military service, or to persons whom it seemed right to detain for security reasons. South Africa stated that it shared the point of view of the British Government.

In a circular letter dated October 13, 1942, the ICRC asked the British, German and Italian Governments to apply to civilian internees Art. 72 of the Convention, dealing with the repatriation of PW who have been in captivity for a long period, but this request remained unanswered.

In November 1943, the ICRC drew the attention of the British and German Governments to the urgent need for the repatriation of civilian internees to whom Art. 72 would logically apply. The German Government made no reply. The British Government was preparing to submit proposals for exchange to the German Government through the Protecting Power: these referred to the repatriation of German civilians interned in the Isle of Man and in India.

The Memorandum of the ICRC of February 15, 1944, concerning the repatriation of PW for reasons of health, made reference also to civilian internees, and claimed for them the benefits of Arts. 68 et seq. of the Convention. It suggested that those of them who were sick or elderly, or who had been interned over

a long period, should be repatriated or accommodated in a neutral country.

Finally, the ICRC in November 1944, once more approached the British, German and United States Governments, begging them to take steps at once for the general repatriation of civilian internees, whose condition of distress was becoming ever more serious. Furthermore, it asked for nominal rolls of internees eligible for repatriation, and recommended measures suitable for avoiding the separation of families during repatriation.

At the same time, the United States Legation in Berne asked the ICRC for lists of citizens of all the Republics of Latin America interned in Europe, with a view to organizing the repatriation of these internees after the war, in the same conditions as for citizens of the United States. Being anxious not to delay this repatriation, and by agreement with the States concerned, the Geneva offices lost no time in supplying the lists asked for.

Furthermore, the ICRC was often requested to provide an escort for ships or trains carrying civilian internee repatriates, when there was an exchange of nationals. Such exchanges were carried out for instance at Lisbon in December 1943, between Germans and Italians; at Barcelona, in May 1944, between Germans, and British and Americans; at Lisbon, in July and August 1944, between Germans from South Africa and British internees; at Gothenburg, in September 1944, between Germans and British. These exchanges were, in fact, part of more extensive operations involving the exchange of sick and wounded PW and medical personnel.

At Goa, in Portuguese India, in September and October 1943, there were two exchanges of Japanese and Allied civilians. The delegate of the ICRC responsible for selecting British repatriates from Hong Kong, and for supervising the transshipment of relief parcels, was associated with these operations.

Finally, in 1945, negotiations took place for the removal from the Channel Islands of civilians who were seriously sick; the ICRC sent two doctors, to be responsible for supervising the selection of these cases on the spot.

### (C). CIVILIANS IN RESTRICTED LIBERTY

(Assigned ; *isolati* ; *confinati* ; *hébergés*.)

In addition to persons classed as "Civilian Internees", the ICRC had to deal with other civilian internees who had the benefit of a partial freedom. This applied, particularly in Italy, to the persons in assigned residence, and to the so-called *isolati*, and in France to the *hébergés*.

The "assigned" were civilians of enemy nationality, who were obliged to remain in their usual place of residence, and who could not go outside the locality beyond a certain radius. While continuing their usual way of life and, in many cases, carrying on their ordinary work, they were obliged to report regularly to the police.

The *isolati* were civilians of enemy nationality who were removed by the Italian authorities to small localities, usually in mountain districts and called "free communes". Here they were allowed to move about freely within a radius of three kilometres, but were also bound to report regularly to the local police.

In Italy, both the "assigned" and the *isolati* were classed with the *internati*, i.e. "civilian internees", in regard to their right to receive parcels and also to be visited by the Committee's delegates.

The *confinati* in Italy (although the *isolati* were often described by this name) were in fact political detainees, usually Italians, who for security reasons had been deported to the Islands.

Information given to the Committee by its Rome delegation showed that in May 1942, there were 1,559 persons in assigned residence and 1,349 *isolati* of British nationality. There were also in that country, at the time, about 400 Belgian and French nationals divided amongst the three categories of internees, *isolati* and "assigned".

In France the *hébergés*, or "accommodated" had a status similar to that of the *isolati* in Italy. They were alien civilians who, for various reasons, such as lack of identity papers or

means of existence, or because they were former "civilian internees" released on account of their age, had been compulsorily subjected to a certain place of residence, in which case they were usually given food and lodging by the Detaining Power. They were granted a certain degree of liberty, being allowed to move about and even to work in the locality. On being approached by the Committee's delegation in Paris, the French authorities confirmed that they considered the *hébergés* as "civilian internees", as regards the right to receive parcels, and also to be visited by Red Cross delegates.

After the capitulation of Japan, German civilians, of whom the majority had been transferred to that country from the Dutch East Indies by the Japanese, were "confined" (restricted) to certain districts (Kawaguchi, Hakone, and other places). They lived in communities administered by the Japanese, under American supervision.

In France, Italy and Japan, the Committee's delegates, who were in contact with the local authorities, paid visits to many of the *hébergés*, *isolati* and *confinati*. In Italy, however, the *isolati* were so widely scattered that it was impossible for the delegates to visit them all, so that for practical reasons they had to depend upon short visits of investigation in each district or province where such persons were to be found. The delegates were thus able to establish that, whereas some *isolati* were living in very precarious circumstances, for others, on the contrary, conditions were good, sometimes even excellent. These visits gave great encouragement to the morale of these civilians, and afforded them an opportunity of talking with the delegates and explaining their wishes and anxieties.

As a result of what they had observed, and the claims and complaints of the *hébergés* or *isolati*, the Committee's delegates in France and Italy were able to pass on to Geneva appeals for relief for individuals or groups. The ICRC were thus, in spite of the difficulties of the blockade, able to send several consignments of food parcels and clothing to the *hébergés*, and above all to the *isolati*, which were shared out amongst the most needy cases.

Although the question of relief supplies was by far the most



important that concerned these two classes, the Committee's delegates were, especially in Italy, also able to do them many kinds of service, by approaching the Detaining Power in their behalf. For instance, representations in favour of the *isolati* who had no Protecting Power and who received only a very small allowance from the Italian Government, led to the reunion, whenever possible, of members of the same family. They were also given an opportunity to work, and thus improve the family finances.

The delegates established on several occasions that the *isolati* could not live on the allowances made by the Italian Government, and that they were worse off as regards living conditions than the internees, who had neither food nor lodging to provide for. The Committee's representatives appealed to the authorities concerned, that the daily food allowance to the *isolati* should be raised from 8 to 15 lire, and the monthly housing allowance from 50 to 100 lire.

In the Far East, the Committee's delegates took advantage of their visits to the Germans " confined " in Japan, to hand them relief on a small scale (money, chocolate, cigarettes, etc.).

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### III. Other Civilian Internees

*(Political Detainees, Deportees, Hostages and others)*<sup>1</sup>

As mentioned elsewhere, the ICRC secured undertakings from the belligerents when war broke out, that they should grant civilian internees correctly so termed (that is, civilians of enemy nationality arrested in a belligerent country at the beginning of the war solely on account of their nationality), safeguards analogous with those to which PW are entitled. No Convention and no special agreement, however, protected political detainees, hostages and deportees.

The occupation of the major part of Europe, between 1940 and 1943, by the Axis Powers, put millions of civilians under the domination of one group of belligerents. When the balance between the opposing groups of belligerents became tipped on the Axis side and the principle of reciprocity was no longer a moderating influence, civilians were more and more exposed to the arbitrary methods of the occupying Authorities. The activities of the ICRC in behalf of civilians were hampered by mounting difficulties. Thousands of civilians were evacuated "for administrative reasons", deported *en masse* or individually or seized as hostages. Sometimes too they were subject to internment in concentration camps for "reasons of security", or they suffered summary execution.

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<sup>1</sup> In February, 1946 the ICRC, in reply to various questions from Government authorities, National Red Cross Societies, associations and private persons, published a series of "Documents" from their records, which serve to illustrate the activity which the Committee undertook during the war in behalf of civilians, and in particular of those detained in the concentration camps in Germany.

The Committee was gravely concerned by rumours of these proceedings, and in order to reply to numerous requests received from official or private organizations and from the general public, in 1941 it repeatedly approached the German authorities and the German Red Cross for information on the fate of civilian nationals of territories occupied by the Axis Powers who had been arrested, deported or taken as hostages. The Committee made enquiries as to places of detention and to the treatment meted out to the inmates. Attempts were made to obtain lists and addresses of persons arrested and probably sent to Germany. Permission was sought to send relief supplies. On May 20, 1942, the Committee, with that object, addressed a note to the German Foreign Office with reference to the internees in camps at Drancy, Compiègne and in North Africa. The note was not answered. Further, the German Red Cross informed the CICR on April 29, 1942 that it had been unable to obtain the requested information, concerning non-Aryans said to have been evacuated from occupied territories, the responsible authorities having refused to reveal any details. A little later, on August 20, 1942, the German Red Cross went further and stated that in the matter of civilian detainees, the responsible Authorities refused to give any information, even concerning Aryans.

The ICRC was particularly concerned as to the fate of hostages, deportees of all kinds and detainees in concentration camps. Its means of investigation were, however, extremely limited. Its anxiety not to prejudice its activities based on the Conventions, and the principle it held of open dealing, forbade recourse to secret methods of investigation. On the other hand, it soon learnt by experience that it must give up official moves, since the Authorities took umbrage when any question was broached where interference could not be justified by reference to the provisions of international law. To provoke this annoyance in certain quarters was to run the risk of seeing those doors shut, which up to the present had been open to its delegates. The Committee could not make categorical demands in behalf of civilian internees without thereby compromising the whole of its work in the interests of prisoners of war, an activity which it

was able, generally speaking, to carry out to general satisfaction. The ICRC even had to take into account the threat, several times repeated, by the German Government to suspend application of the 1929 Convention relative to the treatment of prisoners of war.

The only arguments open, therefore, to the ICRC were patient persuasion and its own moral authority. It may further be noted that on many occasions public protests, demanded sometimes by public opinion, are unfortunately barren and even likely to jeopardize what the Red Cross can usefully accomplish. For that reason, in its efforts in behalf of detainees in the concentration camps in Germany, the Committee acted according to circumstances and in close reference to the turns of the political situation. It took advantage of every chance that came its way to get practical results. The achievements were slight, may be, when measured with the ills to be assuaged, and yet were not inconsiderable when offset against the obstacles. Thus, the ICRC, side by side, with the Vatican and various National Red Cross Societies, gradually prepared the agreements which, in the last phase of the war, opened the gates of concentration camps to its delegates and their motor vehicles.

In recording the extent of the work of the ICRC in this field, in addition to official interventions, mention should be made of the labours of finding the most serviceable approach to problems and of getting them into the right perspective. Efforts, too, had to be made to sound the various quarters. Delegates, on occasion had to take action in their own personal capacity and engage in talks likely to disclose the psychological trends of the moment. Their business too was to discover how far certain requests might be pressed without putting the whole of the negotiations in peril. It was also their task to keep contacts alive until the favourable moment came when concessions could be won. To form a fair judgment on its work, it should be borne in mind that the ICRC was dealing with a State that had almost the whole of Europe in its power at that time. There was nothing to prevent it, if it were so inclined, from breaking off relations with an organization whose strength lay

solely in its humanitarian tradition and its moral authority. It was indeed solely by virtue of its right to come forward when there was need for humanitarian intervention that the ICRC asked that civilians interned in concentration camps should be granted the minimum rights given to civilian internees correctly so termed : that they should be allowed to communicate with their relatives, receive parcels and mail, be visited by its delegates and registered by means of official lists or by descriptive cards addressed to the Central Prisoners of War Agency.

Stressing the principle of reciprocity the ICRC claimed recognition of the universal character of its activity, at the service of all belligerents equally ; it was thus possible to put it to the German Government that the ICRC delegates had intervened to good purpose in behalf of German nationals interned in Great Britain, in North Africa and overseas, in the United States, in Brazil, in Dutch Guiana, in Venezuela, and other countries, where their delegates had as a rule been given permission to visit camps of persons detained " for reasons of security ".

From the outbreak of war the British Government had declared its readiness to authorize the agencies in charge of German interests in the United Kingdom and the Colonies to make inspections freely, and to draw up reports on internment conditions of those aliens who could not be left at liberty. The Government of India showed the same willingness. The Committee's delegates were soon able, therefore, to visit detainees in camps under the Home Office, in the Isle of Man, furthermore in India and in territories under British control in Kenya, Palestine, and Egypt. They were also able to visit camps in the Dominions, to which numerous German and Italian civilians residing in the Near East had been transferred.

In the United States the delegates visited regularly the Ellis Island and Crystal City camps, in which a large number of German civilians transferred from Central and South America were interned, and inspected living conditions of the detainees.

In regard to France, delegates visited German and Italian civilian centres, in North Africa and camps in the south of France, at Gurs, Argèles-sur-Mer, Vernet, St. Cyprien and other

places. These camps held internees of many kinds: members of the Spanish Republican Army and of the International Brigades, refugees who had fled before the German advance, Italian and German civilians and thousands of Jews expelled from Germany. The ICRC approached the Vichy Government and succeeded in obtaining considerable changes in living conditions, improvements in accommodation, discipline, rations and hygiene. The Committee made every endeavour to secure the release of detainees recognized as harmless (especially of the women and children), the repatriation of some of them; they also tried to promote the emigration of the Spaniards and the Jews. Relief supplies and medicaments were sent to these camps.

In Brazil, the ICRC had been able to play a part ever since the outbreak of war and to give regular help to the numerous German nationals arrested for reasons of security and held in confinement.

At the time of the mass arrests of hostages in the Netherlands, the ICRC wrote to the President of the German Red Cross on June 1, 1942, recalling the fact that Art. 50 of the Regulations annexed to the Fourth Hague Convention of 1907, forbids the infliction of collective punishment on populations of occupied territory, as the result of individual acts for which they cannot be held responsible. The President's attention was also drawn to the clauses of the Tokyo Draft, which stipulate that an occupying Power that has found itself compelled to take hostages, must accord them humane treatment and may not, under any pretext, put them to death or submit them to corporal punishment. It was added that, although the Draft had not come into force, its principle might nevertheless be invoked.

The President of the German Red Cross replied, on July 7, that "urgent military necessity alone has led the responsible authorities to take these measures and that, for the moment, it is quite impossible to give heed to certain principles, even though we have them very much at heart".

On August 24, 1942, the ICRC notified the German Red Cross that a large number of civilian internees, nationals of countries occupied by Germany, had no Protecting Power, but

that it seemed, nevertheless, that the guarantee of the 1929 Geneva Convention could hardly be refused them. It enquired what had been done to represent the private interests and ensure the personal defence of these internees before the courts.

The pleas in all these interventions, written or verbal, were flatly declined by the German authorities. It was held that detention of these persons was not due to their enemy nationality, but to various reasons "relating to the security of the detaining State": they could not be treated on the same footing as prisoners of war, nor as civilian internees properly so called; they were considered as "criminals", as "enemies of the State" subject to the single authority of the political police. Always the same reply was returned.

The ICRC was not deterred from making its interventions; it continued to ask for guarantees, to plead the cause of persons arrested and deported from France, the Netherlands, Belgium, Denmark, Norway, Poland, North Africa, Yugoslavia. The Committee were gravely concerned as to the fate of the professors deported from Cracow University, the students of Oslo deported to Germany, Polish, Norwegian, Dutch officers under preventive custody, French civilians deported to Northern Italy, Greek civilians arrested as hostages by the Italian military authorities, Cretan Greeks deported to Belgrade, the Polish Red Cross personnel in Lyons deported to Germany, workmen deported from Hungary, from Croatia, from Slovakia, from France, Spanish Republicans interned in Germany, French deportees arrested in Vichy during the German retreat and others.

The ICRC persisted in seeking for "minimum guarantees", at least, for these hostages, for civilians held in custody and for deportees.

On July 24, 1943, the Committee addressed a solemn appeal to all Governments of belligerent States, urging them "to respect, even in the exigencies of war, the fundamental right of the individual to justice and to immunity from summary conviction, as well as from charges imputing responsibility for acts not committed by him".

In Germany and in countries occupied by it, these persistent

efforts had disappointing results. They only led to a few visits to camps of hostages authorized in the Netherlands at the beginning of the war, and a very few positive replies from the German Red Cross in respect of individual enquiries. On the other hand, in some of the satellite countries, the ICRC was able to expand its work in a way more to its satisfaction and with better result, especially in behalf of the Jews interned or deported in Hungary, in Croatia, Slovakia and Rumania. That will be clear in the chapter devoted to the Jews.

In Germany, however, one single concession granted by the Reich in 1943 enabled the ICRC to increase its practical work of relief, information and even of protection in behalf of deportees and internees in concentration camps and ghettos. The Committee's Delegation in Berlin appealed to the German Foreign Office, and it was granted that food parcels might be transmitted to civilians in concentration camps, provided they were addressed direct and by name to nationals of countries other than Germany. In the present Report there will be found an account of a relief scheme which it was possible to build up on such a slender basis <sup>1</sup>.

Very few names and addresses of detainees were at that time in the Committee's hands, but no effort was spared to secure additions to the list. The delegates, unable to get into the concentration camps, as it were laid siege to them, and never missed a single opportunity of obtaining information. They made contact with the commandants, with subordinate employees or even sometimes with detainees working in the Kommandantur. They tried to get into offices of camps where the card indexes were kept. During such attempts, ICRC delegates were sometimes turned out at the point of a revolver. They also got into touch with some of those who had escaped from concentration camps. They collated any information concerning detainees which they gathered during visits to PW camps ; for instance, it often happened that in factories labour detachments of PW were associated with squads from concentration camps. The ICRC thus secured thousands of names and

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<sup>1</sup> See Vol. III, Part I, chapter 7.



addresses of detainees and set up a special parcel department for concentration camps. This department, known as the CCC (*Colis aux camps de concentration*), gradually grew beyond expectation. Within a few weeks of the establishment of this department receipts reached it bearing the signatures of those to whom the parcels had been addressed, and sometimes those of one or several of their comrades. These signatures were the first sign of life from the deportees, and helped to relieve the acute anxiety of their families. The detainee had, at any rate, been "located" by Geneva. Even if the deportees belonged to the category in the greatest peril, those who were swallowed up in *Nacht und Nebel* —Night and Mist—there was some chance, if only a slight one, of their not disappearing beyond hope of trace. This card-index gradually grew, fed from still other sources. Lists arrived by underground ways in Geneva from camps or from countries occupied by the German armed forces, and relief parcels could then be sent to each person recorded.

Thus in the matter of relief and of news, satisfactory results were obtained. On the other hand, it was out of the question for the Committee to bring any influence to bear on the system in force in the concentration camps, and so put an end to the brutalities inflicted on the detainees. The ICRC relief scheme itself was tolerated by camp commandants, rather than officially recognized by the central authority.

During the summer of 1944 the Committee decided, with the object of increasing the number of recipients, to send collective parcels, in spite of the fact that the German permit only applied to individual parcels. These consignments gave sustenance, but had also an incalculable moral value, to which the numerous letters of gratitude received by the ICRC bore witness. To these unfortunate people, deprived of any protection and without any means of exchanging a word with their relatives, the parcels, even when they had been in part pilfered by the guards, were "surely from the hand of Providence", as one detainee wrote. Another declared: "We are not wholly forgotten; we have a friend in the Red Cross."

Details will be given in the relevant chapter on how this

relief scheme worked, despite the inflexible blockade regulations and, later, the destruction of railways and bridges.

On October 2, 1944, the ICRC again approached the German Foreign Office in an attempt to obtain a general improvement in conditions for civilian detainees. The Committee recalled the fact that as a result of various steps taken by them, the belligerent Powers had consented, from the outbreak of war, to grant enemy nationals in their territory treatment on a basis of analogy to that of PW. They also recalled that this treatment did not apply to so-called "political" detainees, i.e. those whose internment was not solely based on the fact that they were enemy nationals; that nevertheless the ICRC had not ceased from interceding with all belligerents in behalf of this particular class of civilian detainees, in order to secure the same treatment for them as that given to the civilian internees proper. The Committee sought from the German authorities that they should grant these persons at least minimum guarantees, without distinction of nationality or place of internment, whatever might be the grounds for their internment or transfer.

"In present circumstances", wrote the ICRC, "all civilians held in custody and cut off from their own country, whose number is increasing, are of particular concern to us. For this reason, the Committee feel they are bound to endeavour by all possible means to assure their services to civilian detainees in the same measure as to PW and civilian internees in belligerent countries.

The ICRC therefore request the German authorities to permit, as a minimum measure :

(1) That the delegates of the ICRC be authorized to visit concentration camps and other places of detention in Germany and in occupied territories, where political detainees of non-German nationality are to be found ;

(2) That the ICRC be authorized to have foodstuffs, clothing and medicaments issued to these detainees, according to their needs, as noted by the Committee's delegates ;

(3) That nominal rolls showing the names and home addresses of political detainees be established and forwarded to the ICRC ;

(4) That civilian detainees be informed of the charges on which they have been arrested."

The ICRC also addressed a communication to the Allied Governments, on October 16, 1944. In informing them of the requests made to the German Government in behalf of foreign political detainees, they pointed out that "to ensure, as far as possible, a favourable reply to the application recently made to the German authorities, it was desirable that the Committee should be in a position to inform the German Government that the Allied authorities were ready to grant reciprocity, that is, in case the Allied Governments actually held or should at any subsequent time hold German citizens as political detainees, that they would grant them facilities similar to those which the Committee was now demanding from the German authorities".

Continuing these efforts, the ICRC proposed to the German Foreign Office, on December 9, 1944, as also to the other Governments, that a meeting should take place in Geneva of plenipotentiary representatives of the Governments concerned—in application of Art. 83 of the 1929 Convention—to reach a serviceable agreement concerning all problems relative to civilians in enemy hands. The Committee wrote to the German Minister of Foreign Affairs in the following terms:— "It is important that discussions should not be limited to the subject of the treatment of these detainees, but that they should also deal with the question of the ultimate repatriation of certain categories such as women, the aged, sick persons and children. There might also be occasion to take into account those persons whose detention in custody it no longer seems possible to justify, since the reasons for their arrest no longer exist." The ICRC went on to say:— "However desirable it may be to examine at the same time the problem of release and that of repatriation of these detainees, the difficulties which this subject might give rise to should in no way form an obstacle to the conclusion of a satisfactory agreement, put through as rapidly as possible, and ensuring to the detainees the benefits in general which were set forth in our note of October 2, 1944."

The ICRC therefore urgently begged the Reich Government to consider these proposals favourably.

On February 1, 1945, the German Consulate in Geneva transmitted the reply of the German Government to the Committee's Note of October 2, 1944. It read as follows :

" The responsible German Authorities, have carefully examined the International Committee's statements concerning the treatment of persons detained in preventive custody (*Schutzhäftlinge*). As a result of this examination the measures set out below have been confirmed with regard to this category of detainees who are nationals of French and Belgian territories :

(1) Exchange of news on Red Cross forms is authorized between these detainees and their next of kin.

(2) The detainees may receive parcels containing foodstuffs, clothing, medicaments and books forwarded as individual or collective parcels by the ICRC.

(3) In the event of legal proceedings, detainees will be informed of the grounds for the charge preferred "

The German Government further stated that the detainees' names and addresses might be communicated to next of kin and to the ICRC by post, and that therefore the drawing up and dispatch of special lists appeared superfluous. Moreover, the German authorities were prepared to reply to individual enquiries concerning these detainees. For imperative reasons " relating to national defence ", permission to visit the camps could not be given. The question of repatriation of detainees, raised by the ICRC, had been given favourable consideration : the German Government was prepared to repatriate French children, women and aged persons who were in Germany, on condition that German civilian internees should be sent back from France to their own country.

The ICRC replied to this communication by a Note on February 15, 1945. They stressed the fact that urgent measures should be taken concerning the legal defence of detainees, " not only regarding penal law proceedings, in the precise sense of the word, but also in civil and especially police cases ". The Committee also urged that their delegates might be allowed to visit camps " with the special object of organizing relief consign-

ments and transmission of news". The German Authorities were begged to reconsider this question without delay, and the ICRC further emphasized that the Governments holding German civilian internees had promised guarantees of reciprocity concerning these persons<sup>1</sup>. The ICRC expressed appreciation of the German Government's decision concerning the exchange of news on Red Cross forms, but held the opinion that this exchange of news could in no way take the place of the nominal rolls. It proposed that an identity card (of which a sample was enclosed, modelled on the PW capture card) should be attached to the detainee's first despatch of news, and that it should be filled in by the person concerned. These cards would allow the formation of a card index of detainees. The despatch of news and forms should be done without any delay, either direct to Geneva, or to the ICRC Delegations in Berlin and Uffing. In regard to collective and individual relief supplies, the Committee asked to be sent the essential details concerning places of detention and camp strengths. The ICRC noted with satisfaction, concerning repatriation, that the German Government, as well as the French and Belgian Governments, had stated that in principle they were in favour of the repatriation of certain categories of civilians and detainees "in preventive custody"; therefore the ICRC proposed to these Governments to repatriate the following classes :—

(1) The sick and wounded, the aged, infirm and women and children. In the case of the sick and wounded, the standards in force for PW could be made applicable, to start with. Children should, as far as possible, be repatriated in company with their parents, relatives or persons in whose charge they were.

(2) Persons against whom no penal proceedings had been taken, or who were not accused of any serious offence.

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<sup>1</sup> In reply to the memorandum the ICRC sent on October 16, 1944, on this subject, the British and United States Governments stated that they were prepared to grant that German nationals held or captured by them and classed as political detainees should receive treatment analogous to that which the ICRC was asking the German Authorities to give to British and United States citizens. The Provisional Government of the French Republic had also given guarantees of treatment by reciprocity.

(3) Persons pleading in defence prescription or lapse of the grounds for their internment.

The ICRC proposed to make a start as soon as possible with the repatriation of women and children, to be followed by that of the sick and aged. It declared itself ready to examine, in agreement with the Swiss Government, the question of the transit and transport of these persons, if the responsible authorities so desired. The ICRC stressed the advantage of arranging a simultaneous exchange of views with the various German authorities concerned, in order to agree without delay on measures of repatriation and their execution. They reiterated the proposals they had submitted to the German Government in the Note of October 2, 1944 and begged it to nominate a delegate with instructions for undertaking the proposed discussions in Geneva.

The ICRC President, M. Carl J. Burckhardt, taking advantage of the more favourable attitude of the German Authorities, went to Germany to plead once more the cause of the civilian detainees. In March 1945 he secured important concessions from General of the SS Kaltenbrunner. Besides stipulations governing food supplies for PW, decisions of primary importance were made in behalf of civilian detainees : the ICRC was authorized to issue them with food supplies ; an ICRC delegate would be placed in each camp provided he undertook to remain there until the end of hostilities ; a collective exchange of French and Belgian detainees against German civilian internees was agreed to <sup>1</sup>. Meanwhile, it was open to the ICRC to repatriate women, children and the aged from the concentration camps, as well as Jewish deportees, in particular those of Theresienstadt. Concentration camps were open to the ICRC delegates for the first time.

The Committee had for some time made renewed efforts to deal with the break-down of German railway traffic, by improvising on a large scale transport by road to carry food supplies

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<sup>1</sup> During negotiations which took place at Kreuzlingen in April 1945, the German authorities finally gave their consent to the repatriation of all civilian detainees who were nationals of the Allied countries, Spain, Rumania and Switzerland.

to PW and concentration camps. The scheme was approved by the French Government which lent 100 trucks, for which the fuel was supplied by the War Refugees Board and the drivers (Canadian PW) detailed by the German Government.

No time was lost in sending out the fleets of white ICRC trucks, which sped along the roads on their charitable mission, the "white angels", as they were called by those they were sent to help. By travelling day and night, they were able to cross the battle areas in spite of all obstructions, carrying food supplies to the concentration camps and even distributing part of them to escaped or evacuated PW and internees, making their way along the roads, and completely destitute. Once unloaded, the lorries were straightway made to serve other uses ; on their way back towards the Swiss frontier, they collected men and women from these camps, thereby saving them from almost certain death. Repatriation was also carried out via Lübeck and Gothenburg by means of ICRC trucks, either direct by the Swedish Red Cross or in conjunction with it. The delegates, in accordance with the special agreements made by their President, were often able to play a decisive part in dealing with camp authorities, and to prevent the extreme measures which, there was reason to fear, might be taken before their release by the Allied Forces.

In spite of the said agreements, however, discussions with camp authorities were by no means easy. Camp commandants, alleging that they had received no instructions, refused entrance to the delegates, and the latter had great difficulty in getting authority to make personal issues of food supplies to the internees. Until the very end, camp commandants made every attempt to conceal the tragic conditions existing in the camps.

In Berlin itself, the delegation managed to secure important concessions in favour of internees in concentration camps, with regard to rations, correspondence and the treatment of Jews. They took steps to prevent evacuations, as well as to improve living conditions, and negotiated with the German authorities the repatriation of the French women interned at Ravensbrück. During the last phase of the war, the delegation remained at

their post, in spite of the heavy fighting before the occupation of the capital; the Jews at the assembly camp of the Berlin Jewish Hospital were taken under their protection; they interceded for those confined in the Berlin prisons; and, in spite of personal risk, protested against any excesses which they were likely to suffer. Thanks to their efforts, the majority of those imprisoned were set free <sup>1</sup>.

When orders were given for Oranienburg Camp to be evacuated and between thirty and forty thousand human beings, men, women and children, set off along the roads in long columns, escorted by ordinary convicts wearing German Army uniforms, the delegation made superhuman efforts to feed them on their way. In giving an account of their efforts, the chief delegate in Berlin wrote :—

“ Without wishing to make any claims, we may safely say that our taking action saved thousands of these unfortunate detainees’ lives. The arrival of the Committee’s delegates among the masses of exhausted detainees, being harried along to a certain death, brought to them invaluable moral encouragement. Moreover, the trucks which arrived from Wagenitz and Lübeck (with which we had made contact in spite of difficulties) brought provisions for the famished and carried the sick and exhausted towards Schwerin in the American zone. The presence of the delegates had a powerful effect upon the SS guards, who were forced to realize their responsibilities. To quote the Yugoslav camp leader of Oranienburg, who was marching in a column, the sight of the Red Cross lorries in Below Forest seemed a miracle : the shout went up from all sides : “ The International Red Cross ! We are saved ! ”

Another witness, describing the part played by the delegates during camp evacuations, wrote as follows :—

“ The distribution of parcels certainly saved many lives, but it should be recorded that the mere presence of the Committee’s delegates in the midst of the columns had a double psychological effect. First, the SS guards being under the eye of the delegates, ceased their killing. Secondly, the prisoners felt they were no longer alone, that they had someone behind them who had firmly stood up to the SS. This gave them support and helped them to hold out for another few days ”.

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<sup>1</sup> The delegations in Paris and Brussels also approached the occupying authorities when, during the German retreat, detainees were to be transferred to Germany. Their intervention, supported by the representatives of neutral Powers, brought about the release of these detainees.



The delegates were able to prevent the headlong evacuation of certain camps and to help in handing them over to the Allied forces, by hoisting the white flag, as at Dachau and Mauthausen. At Dachau, the delegate, after distributing provisions to the prisoners, stayed in the camp ; when the Americans approached, he persuaded the commandant (who wished to abandon the camp with his men) to keep back part of the personnel in order to prevent the internees from straying over the countryside in disorder. The delegate then tied a white towel to a broomstick and went out of the camp accompanied by a German officer. "Bullets were flying round us", he wrote in his report. "Shortly afterwards, I caught sight of an American motorized section and attracted their attention by waving the flag. I at once got in touch with the American general in command and handed over the camp to him as arranged beforehand."

At Mauthausen, the delegate, who for the past week had been staying in the camp, reached the American lines on May 5, 1945, after making all arrangements for the American troops to enter the camp without resistance. Before leaving, he handed the detainees' representative the Swiss flag and a white flag. It was agreed that as soon as the representative saw the delegate returning in his white car, he would haul down the swastika and hoist the white flag. After passing through the St. Georgen and Gusen districts, the delegate met a large-size tank. His description follows :—

"When I saw the gun muzzles turn, I told my companions to stop the car, and went on alone holding the white flag. The flaps opened ; numbers of young soldiers with arms climbed out. I made a firm request for an advance guard of two or three heavy tanks and as many light tanks, with their crews, and 500 men besides, to proceed at once to the camp, to take charge, disarm the 500 or so SS men still remaining, as well as men of the Volkssturm. I gave an assurance to the American commanding officer that no resistance would be offered by the civil population, and he gave his consent by radio, warning me that I should be held responsible for the lives of every American soldier. An American joined me in the car and we set off again for St. Georgen, followed by the tanks. At St. Georgen and Gusen the Americans were received as liberators, and we went on to Mauthausen, where I noted with satisfaction that the anti-tank defences had been left open, as I had ordered. I had been right in trusting the population. We followed the hairpin bends of the

main road leading to the fort : the crematorium could be seen in the distance. On arriving at the Kommandantur, I saw that, as arranged, the swastika was down and the white flag flying. The SS were too few in number to resist and were immediately disarmed : my plan had succeeded.

Internees appointed beforehand disarmed the SS men and relieved them of their duties, the armed prisoners now guarding their pitiless gaolers. After a short period of disorder, due to the internees' sudden liberation, the camp again became calm . . . Camps I and II at Gusen, which formed part of Mauthausen were in turn liberated . . . Thus, certain aims had been achieved : the districts of St. Georgen, Gusen and Mauthausen were saved the ravages of war, the camps were not destroyed, and 60,000 human beings were freed, although the Americans had not then yet reached Linz, where the fight was raging ''.

It was only after painful and laborious parleying with sentries, NCOs and camp commandants, often at the risk of being arrested or shot as spies, that delegates succeeded in getting General Kaltenbrunner's orders carried out, for the repatriation of certain classes of internees. The camp authorities only consented to release the internees after a last resistance, and all manner of excuses were put forward to prevent delegates from entering the camps.

The delegate who was in charge of repatriating the Ravensbrück internees <sup>1</sup> gave the following account of his experiences :

" At last, after protracted negotiations, the Red Cross trucks have been able to remove 300 women deportees (299 French and one Polish) from Ravensbrück Concentration Camp, to Switzerland.

" On April 5, at 6 a.m., I went to the camp and asked to see the commandant, to get permission to be present at the roll-call of the 300 women whom I was to accompany to Switzerland. No one was aware that I was to escort these women, and no one was willing to allow me to enter the camp and see the commandant. At last an NCO informed me that the women would be directed to the cars on the main road, but that no one was allowed into the camp. At 7 a.m. the first group of one hundred women arrived—it was a terrible and pathetic sight to see these poor creatures, famished, dirty, frightened and suspicious—they could not believe they were to be set free, and took me for an agent of the

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<sup>1</sup> As a counterpart of this repatriation, and in accordance with the agreements made, the Committee also organized the convoy of 454 German civilian internees from France, who arrived at Constance on April 7.

SS, sent to fetch them for the gas chamber. They could hardly be made to understand that they were leaving for Switzerland, and a great many were unable to climb into the trucks without help. The majority were afflicted with hunger oedema, swelling of the ankles and abdomen, and oedema of the eyelids. They had all been given three days provisions, but hardly were they seated in the lorries before they fell ravenously upon the food. After the first fear they gradually gained confidence and at 9 a.m. we left Ravensbrück, hoping to return before long. After a lengthy halt at Hof, where the exhausted women could at last have a rest in peace, we arrived in Switzerland on the evening of April 9. It was only then that these 300 terror-stricken women realized that the moment of their freedom had come. Military operations prevented our returning to Ravensbrück, but further transports took place from other camps, in accordance with our agreements”.

Soon after this repatriation, one of the Berlin delegates visited Ravensbrück to try to arrange for the camp to be handed over until the arrival of the Russian forces, thus avoiding a disastrous mass evacuation, such as occurred at Oranienburg. Although the proposal was refused, the delegate was assured that halting places had been organized with accommodation and kitchens, that each woman would take with her a Red Cross parcel, that the “Westerners” (i.e. French, Belgians, Dutch, Northern races including Poles) would be evacuated by rail, by the Swedish Red Cross trucks and by the Committee’s lorries bringing supplies from Lübeck. There would only remain from 500 to 1,000 “Easterners” (i.e. Russians, Ukrainians, Rumanians, Serbs) who would be evacuated on foot. The sick women, of whom there were about 1,500, would remain in camp. The delegate made vain attempts to have the Easterners also removed by train or car, or to arrange that they should be left in the camp.

It should be stressed that the powers of the ICRC for help and protection could not be extended to all concentration camps; there were numerous camps and labour detachments of which they had no knowledge, or to which they were denied access until the end of hostilities.

Many instances of deportation, internment for administrative reasons, or summary legal proceedings occurred, even since the

end of the war, in various countries in which the ICRC could not intervene, since it had no legal authority. These show, after the painful experience gained during the two World Wars, the precarious situation of civilians in enemy hands. When hostilities ceased, the ICRC continued its work of relief in behalf of displaced persons, refugees and internees still held in camps, whenever called upon, within the limits of the means at its disposal. The Committee holds that one of its most urgent duties is to attempt, in time of peace, to establish under international law the status of civilians of enemy nationality, who are resident in the territory of a belligerent or in occupied countries at the outbreak of war, and to draft a legal instrument likely to be ratified in the near future.

*Civil War.* — It may be considered proper at this stage to give an account of the activities, in special circumstances caused by civil war, of the Committee's delegates in behalf of hostages. This was the task of the delegation in Athens, when on December 2, 1944, civil war broke out between the various political parties, which brought about the intervention of British forces.

Until the liberation of Greece, the delegation had been actively engaged in assisting the civil population, often in very difficult circumstances. Reference to Vol. III of this Report will show the wide field covered by the delegates in the allocation and distribution of relief supplies, and the part they played, especially with the "Greek Relief Commission". The civil war soon paralyzed all traffic in the town; the Red Cross emblem was not everywhere respected and the delegation lorries, when carrying out their work, were often under fire. Some were put out of use by machine-gunning, and the escorts had narrow escapes.

As the situation was so serious, the delegation decided to get in touch with the leaders of the ELAS (the peoples' army for the liberation of Greece), to get an assurance that the Red Cross emblem, as well as the service of relief carried on under its protection would be respected, and further, that the hostages taken by the people's army and brought to Athens and other places would be set free, as they were being held in conditions

causing their relatives great anxiety. Negotiations were pursued on both sides of the fighting line. On January 1, 1945, the ELAS Central Committee gave a written undertaking signed by three of its members and the Chief of the General Staff, to recognize the 1929 Geneva Conventions, and to authorize all verification and supervision required, in accordance with their provisions.

It was agreed that ELAS should give immediate instructions to enable the delegates to visit all camps for civilian and combatant prisoners, hostages, and prisons, and to give necessary relief. ELAS also undertook to provide a list of all camps and prisons, showing the approximate number of inmates.

On January 5, 1945, the heads of ELAS gave orders that all women, children and aged persons taken as hostages should be released, and the delegation was given official authority to send them home.

This was a very heavy task for the delegates : it entailed a search for hostages scattered in the mountain regions, providing rations, organizing transport convoys along roads which were nearly impassable in mid-winter, and setting up reception centres. Lorries were immediately loaded with food supplies and sent out to bring the released hostages back to Athens. In each village they went through, escaped hostages made themselves known and gave information as to the direction taken by the convoys of hostages heading for Lamia, south of Larissa, Arachova and Levadia.

On January 16, the head of the delegation and a representative from ELAS headquarters met at Larissa. An order for the release of all hostages was given, except as agreed for those under detention in prisons. Released hostages were to be assembled in certain towns and villages and handed over, with a statement of identity, to the Committee's delegates or, in their absence, to the mayors and chairmen of local councils.

The delegation had also to work out the problem of transport and food supplies for these hostages from the moment of their reception and assembling. About 7,500 hostages were taken to Athens in Red Cross trucks, or in transport lent by the British Army or by UNRRA. The first hostages who arrived

in Athens in the lorries were given the shelter provided by the delegation. "From January 2 to March 9", as the head of the delegation wrote in his report, "we covered 6,700 miles, an indication of our long exertions, of work accomplished and risks accepted with only the car, generally, for taking a few hours of sleep".

During the whole of their relief work for hostages, the Committee's delegates were assisted by voluntary nurses of the Greek Red Cross, who earned the praise of all for their unsparing devotion to duty.

This work was successfully accomplished and the Committee had to thank the courage, enterprise and devotion of its delegates who made the principles of humanity prevail over the passions of civil strife. The representative of the Greek Red Cross on February 2, 1945, conveyed to the President of the ICRC the thanks of the Greek Government, "for the action taken by the delegates to secure the liberation of civil hostages and for their tireless efforts to take relief supplies to hostages who were not yet set free".

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#### **IV. Repatriation of Civilian Internees and Deportees after the close of Hostilities**

The Committee and its delegates were almost as widely engaged in the interests of civilian internees to be repatriated after the war, as they were in behalf of PW. In the case of both the one and the other, the ICRC constantly urged the governments of the countries in which these detainees were being held, and in some instances also, the governments of the countries in which they were formerly domiciled, that repatriation should be carried out as quickly as possible and with the minimum of hardship, and also with due regard to the best interests and wishes of the detainees themselves. As in the case of PW, the Committee's delegates supervised embarkations, inspected accommodation aboard ship, and travelled on trains carrying civilian repatriates.

As civilian internees enjoyed no protection under the terms of any specific Convention and frequently had endured unsatisfactory living conditions, the delegates were naturally called upon to come to their aid when they were being repatriated.

Thus the Committee's delegation in France gave every assistance it could to the 8,000 German civilian internees, who had up to that time been dispersed in 33 camps, when they were transferred to the two repatriation camps at Pithiviers and Ecouves. Milk was given to the children, food for the journey and medical supplies were provided. The delegation then gave its help in the organization of the twelve large convoys which, between October 1945 and May 1946, took the civilian internees back to their country. It undertook the feeding of these repatriates and the provision of medical care. The delegates

also accompanied each of the trains and on arrival got into touch with the authorities on the spot, so that there should be no delay in the return of these people to their own homes.

Thanks to generous local collections, the Committee's representative at Peking was able to give all liberated internees money, food, clothes, coal and other necessities, so that they should not have to begin life again completely destitute of means. For some, too, he was able to provide part of their travelling expenses.

The delegates participated in the repatriation of German women and children whose husbands or fathers had been interned in December 1941 when hostilities broke out between the Netherlands and Japan. These detainees had been interned in the Dutch East Indies and then transferred to Dehra Dun in British India. At the end of the war, despite the efforts of the delegates, most of these Germans were sent direct from Dehra Dun to Germany before their families could join them. During the war these relatives had been sent by the Japanese to Japan and North China. A few families however had remained in the Dutch East Indies, where they had been interned by the Dutch on the island of Onrust, off Batavia, whilst others had remained in territory controlled by the Indonesians.

Thanks to the representations of the delegates, who did everything possible to speed up the reunion of these scattered families, 453 German civilians dispersed throughout the Dutch East Indies were collected at Batavia, whence they were returned to Germany in the summer of 1947. At the end of the period covered by this Report a few German families still remained in North China. Almost all, however, who were in Japan had been sent back to Germany. At the time of writing there was one problem still outstanding : that of the German civilian internees at Dehra Dun, who had been authorized to return to the Dutch East Indies, but who for a large part were still being held in India.

Much as the Committee desired to do all it could for civilian internees and to get them home without delay, it had in certain cases to be on its guard against undue haste. Some civilian



internees, for instance, expressed a wish to remain in the country where they had been interned, either because it had, earlier, been their home for many years, or because they were anxious to emigrate to some other country, instead of returning home. A large number, too, of German civilian internees wished to be able to choose the zone of occupation in Germany to which they would be sent.

In this connection the repatriation of German civilian internees held in the Belgian Congo gave rise to considerable correspondence between the Committee, its delegates in Brussels and the Congo, and with the Belgian and Congolese authorities. Though, as was pointed out to those concerned, it was not within the competence of the Committee to support the requests of those who wished to remain in the Congo—a matter exclusively for the Belgian authorities—the Committee did, however, request the latter to allow those who wished, to go to the country willing to receive them. It further urged that civilian internees wishing to go to Germany should be returned by way of Belgium to the zone of their own choice. In the case of internees anxious either to remain in the Congo or to emigrate, the Committee stressed that no one should in any case be repatriated before receipt of the final decision of the authority to which application had been made.

In 1939, the German members of the religious order of Knights Templars living in Palestine had been interned. In July 1941, 500 of them were transferred to a civilian internment camp in Australia.

Fearing a mass repatriation to Germany of its members, the Order requested the help of the Committee in June 1946. The Committee took up the matter in London and Canberra, asking that members of the community still in Palestine should be released on the spot, whilst those transferred to Australia should be brought back to the Holy Land. The Australian Government stated that there was no question of authorizing the return to Palestine of the 500 Knights Templars transferred to Australia, but these people would have the option of being repatriated to Germany, or of being released in Australia. Since only a few of the members of the community still in Palestine

had finally been able to obtain permission to stay there, the Committee made further representations to the British and Australian Governments, urging that those members not permitted to remain in the Holy Land should be allowed to emigrate to Australia and join their brethren there. In January 1947, the British Government informed the Committee that it adhered to its former view of the case, which was that, owing to the extreme complexity of the problem, it reserved the right to decide each individual case on its merits. Further representations were being made in London at the time of writing.

Mention must also be made of the work done during 1945 and 1946 by the delegate in Central America in behalf of German civilian internees in Surinam and Curaçao. Though some of these were released on the spot, others were allowed to emigrate to various Latin American countries, whilst a third category were compulsory repatriated to Germany. The delegate refrained from any part in the classification by the Detaining Power of each of the internees according to those categories, but he was very active in behalf of those in need of help. Those released on the spot returned to their former conditions of life and stood in no need of help. The delegate's efforts, however, were necessary for getting authority from the Netherlands and Venezuelan Governments for the emigration to Venezuela of internees who had permission to settle abroad. In that he was successful, and his work made the emigration much easier for many of these people. The delegate also did much useful service in behalf of the repatriates to Germany. He saw them on to the ship which was to take them to Europe and sent a list of their names to Geneva, so that the delegate in the Netherlands could watch over their interests when they disembarked there. This also enabled the delegates in Germany to trace their families in cases where there had been a change of address. The delegate in the Netherlands met them when they came off the ship and, uniting his efforts with those of the Dutch Red Cross, secured the return of their luggage, which had previously been impounded.

The Committee's delegate in Central America also took up

the case of a number of German civilians, previously resident in Latin America, who had been transferred to the United States and interned in various camps, for example, at Ellis Island (New York). It had been the intention of the United States authorities to repatriate all these internees to Germany, regardless of the fact that most of them no longer had any relatives living there and would have left behind them their wives and families on the American Continent.

After approaching the representatives of several countries, especially of the United States, the delegate in Central America secured permission for these internees to return to the countries in which they had formerly been domiciled.

In the chapter of this Report dealing with the internment of civilians in concentration camps, the reader will find an account of the great difficulties experienced by the Committee in securing, in March 1945, the consent of the Reich to the exchange of women, old people, and sick persons of French and Belgian nationality held in these camps, for German civilians interned in France and Belgium. The Committee later obtained from Berlin an extension of this concession to all civilians belonging to the Allied Powers and also to Spaniards, Rumanians and Swiss.

Reference should be made to another chapter for a full account of such repatriations as the Committee was able to carry out after obtaining this concession from the German authorities. These repatriations were made by road in extremely difficult conditions. We shall confine ourselves here to recalling that on April 7 and 9, 1945, three hundred French women deportees who had been rescued from the horrors of Ravensbrück were taken to Switzerland and then returned to their homes, whilst 454 German civilian internees from France were taken to Constance. In April also, five fleets of trucks run by the Committee took 1,334 French, Belgian and Dutch internees from Mauthausen to Switzerland, whilst 1,700 deportees were transported, under arrangements made by the Committee's delegates, to Lübeck and nearby ports, whence 800 of them were conveyed to Sweden in two ships chartered by the Committee.

During the same period the Committee secured the repatriation of 2,250 French civilians belonging to the Alpes Maritimes region, who had been deported to Northern Italy. This repatriation was carried out by way of Switzerland.

At the end of the war repatriation had temporarily to be suspended as a result of the health precautions instituted by the United States Authorities, who quarantined all the former inmates of concentration camps. Repatriations began again in May and were carried out by the responsible authorities. However, the Committee was able to share in this work on its own account by using its trucks to bring into Switzerland some 5,200 persons collected from Mauthausen, Dachau, Theresienstadt (Terezin) and from the assembly centres established by the occupation Authorities.

From April 7 to July 10, 1945, the Committee was thus able to repatriate on its own account some 10,750 deportees, not to mention the German civilians repatriated from France.

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## **V. Enemy Civilians or non-interned Aliens**

### **(A). CIVILIANS RESIDENT IN THE TERRITORY OF A BELLIGERENT STATE.**

Most of the enemy aliens or non-interned foreigners living in the territory of belligerent States, and whose situation attracted the attention of the ICRC, belonged to families whose head or bread-winner had been interned.

This class of civilians had complete freedom of action and could therefore send news of themselves by all the means available to the inhabitants of the country where they lived. When normal postal communications with countries abroad were cut, they had the same right as the ordinary citizen to make use of the 25-word family message, which had been devised by the ICRC for exactly this purpose.

It also occurred that civilians at liberty in a belligerent country asked the Committee's delegates to transmit messages for them to Geneva.

When visiting civilian internee camps, the delegates were able to give the internees news of their relatives who remained at liberty. At the request of an internee the delegate would ask the ICRC to procure, if possible, through one of their delegations abroad, news of some relative presumed to be still at liberty. When able to secure such news, the Committee forwarded it to the internee through the visiting delegate.

The ICRC itself, as well as delegates, constantly made use of this means of information to reply to requests for news not only from civilian internees, but also from Red Cross Societies and authorities of various States, and even from

individuals. Thus, in March 1945, the Rumanian Government enquired about some 300 Rumanian students and workers "detained" in Germany as a result of political events. The Committee took the necessary steps, but the state of anarchy already existing in Germany made any search out of the question. Similar requests reached the Committee from the Bulgarian authorities, as well as from several Iranian citizens. The Committee was able, in several instances, to be of help in matters of this kind.

More than once, on the occasion of Christmas and New Year, the ICRC sent on, at the request of the civil internees of certain camps (e.g. Dehra Dun, India, in December 1941) news and good wishes to their relatives.

A further means of getting news of civilians presumed to be at liberty, was to address a "civilian enquiry" to the civil authority or the Red Cross Society of the country where the person was supposed to be. The ICRC made very wide use of this means of information through the national Sections of the Central Agency, and thus reassured a great number of people as to the fate of relatives or friends. This means of information was open to all, and applied not only to enemy civilians or aliens living at liberty in a belligerent country, but to all civilians wherever they might be.

Finally, the ICRC resorted to telegraphic enquiry concerning relatives presumed to be at liberty. Numerous requests of this kind reached the ICRC from the English-speaking countries (especially from the United States), where there was anxiety to obtain news of civilians in the Far East, above all in Japan. After long negotiations with the Japanese Red Cross, the Committee succeeded in inducing that Society to agree, in principle, to such enquiries, on condition of reciprocity, as well as to the transmission of the 25-word family message. This task, which at first devolved on the Delegation in Japan, was subsequently taken over by the Japanese Red Cross. Thus, following on its receipt in Geneva, a request from the American Red Cross for telegraphic enquiry was cabled by the ICRC to the Delegation in Tokyo, and later to the Japanese Red Cross, if forwarding charges were guaranteed; if they were not, it was transcribed in

Geneva on a 25-word form and sent on to Japan. Incoming messages were dealt with in the same way.

The issue of relief supplies to non-interned civilians in belligerent countries did not come within the supervision which the ICRC otherwise exercised over all relief schemes carried out in its name. The Committee therefore considered that this operation should in principle come solely within the competence of the Protecting Powers. Although this was the view generally held, delegates were in exceptional cases authorized to distribute to non-interned civilians occasional relief in money. Delegates in Great Britain and Australia undertook on several occasions to allocate funds provided by the German Red Cross amongst needy German families living at liberty in those two countries.

Besides this relief work, which was exceptional and limited in scope, the ICRC and its delegates did non-interned enemy civilians many services in the most varied fields. The Committee undertook, for instance, to notify National Red Cross Societies of cases brought to their knowledge of destitute civilian nationals, who were forced to ask for internment, or to be sent back to a camp. Among similar cases looked into by the ICRC, in Great Britain and Germany in particular, mention may be made of that of a British family in Germany, which was living at liberty, but in pitiable circumstances, with a sick child; thanks to steps taken by a delegate, these people were admitted to a family camp.

Whenever possible, the ICRC approached the authorities, for example in India and Algeria, in behalf of families of enemy nationality, with the aim of finding means to solve the problem of these people deprived of their support by the internment of the bread-winner. Elsewhere, the Committee acted as intermediary in forwarding small gifts which internees wished to send to their relatives at Christmas and the New Year.

The repatriation of enemy or alien civilians at liberty in belligerent countries also occupied the attention of the Committee. The problem had already arisen in 1939, in connection with plans for the exchange of diplomatic personnel between Egypt and Germany. Despite all attempts to reconcile divergent points of view, no agreement was achieved which might

have served as a precedent for similar occasions. Subsequent cases, whenever they occurred, were the subject of negotiations which depended on the good will of the parties concerned.

In August 1941, the Delegation in Ankara brought about the removal to Turkey of the wives and children of the Finnish diplomatic personnel in Moscow, who had been held up for three weeks on the Russo-Turkish frontier. The ICRC was further able in July 1942, to arrange for the exchange of British and United States diplomatists stationed in Japan against Japanese diplomatists in the United States, through the port of Lourenço-Marques. The Committee was unsuccessful, however, in the negotiations set on foot at the beginning of 1943 for the exchange of Mexican diplomats in France and Germany, and in those of 1944, for the exchange of German diplomats in Rumania against Rumanians in Germany. It should be pointed out that the repatriation of diplomatic personnel is within the competence of the Protecting Powers; it was moreover in consultation with them that the ICRC gave their good offices whenever requested.

Shortly after the end of the war the help of the Committee was again sought to assist nationals of various countries who were trying in vain to get home. Mention may be made of some hundred Chinese students who wished to return home, held up in Germany by difficulties with their visas. The Committee took action to enable them to travel from Germany to Switzerland. The ICRC further instructed their delegations in China and in Germany to assist Germans living in China and Manchuria by taking preliminary steps for their repatriation. They were also the means of securing the repatriation of ex-internee missionaries, such as German members of the Missionary Order of Knights Templars in Palestine and Australia, Belgian nuns in Japan, and similar groups.

#### (B). CIVILIANS IN TERRITORY OCCUPIED BY A BELLIGERENT.

In nearly all instances known to the ICRC, those enemy civilians who were left at liberty in occupied territory were



elderly or sick persons, of whom many were living in homes or hospitals.

The means of correspondence described above, which were open to non-interned civilians living in a belligerent country, were also available to non-interned enemy or alien civilians in occupied territory.

At the end of 1944, the Japanese Red Cross set up a new message system, based on the 25-word family message, to allow in particular, civilians living at liberty in the Southern Territories occupied by the Japanese, i.e. in the Dutch East Indies, the Philippines, Burma and Malaya, to correspond with their relatives. The ICRC perfected these forms after prolonged technical study. They carried a certain number of printed phrases only, with which the sender could frame his message by underlining the appropriate phrase. This new method, introduced by the ICRC to all National Red Cross Societies concerned, came too late however to give the services expected of it.

Although in principle it was not within the province of the Committee, as already mentioned, to assist non-interned civilians, exceptions were made in special cases. In July 1941, there were some 3,500 British citizens living at liberty in occupied France, almost all of whom had been previously interned. A quarter of them were, according to the delegates' estimate, without any means of existence. Living in a state of extreme destitution, they received relief officially from their Protecting Power only. The Committee, wishing to make some improvement in their living conditions, suggested to the British Red Cross that the distribution of relief parcels should be extended to these people, and proposed a system of effective supervision which would guarantee proper distribution. The required authority was not however given. Later on, the Committee, still gravely concerned as to the fate of these people, placed some funds at the disposal of the delegation in Paris for their benefit.

It also devolved upon the Committee's delegates, both in France and in Germany, to deal with a number of requests for voluntary internment from persons who had been released, but were unable to support themselves; they therefore wished

to be interned once more in their former camps, and this wish was granted.

The help of the ICRC was also sought to hasten the repatriation of several aliens or groups of aliens living at liberty in countries which the events of the war prevented them from leaving. Thus, in February 1941, the Committee was requested to take steps to bring about the repatriation of British citizens in Norway. In 1942 it was solicited by Greeks, whose home was in Egypt and who were detained in Greece by the occupying Authorities, to take steps enabling them to regain their country of residence. In 1942, also, 2,000 French nationals whose home was in North Africa and who were detained in France by the occupation of the Free Zone, asked the Committee for assistance in their repatriation. On this occasion, a transfer of French citizens domiciled in France and held up in North Africa, in exchange with the other group, was considered. In 1944, the Committee was also asked to act as intermediary in securing an exchange of Italians of Southern Italy, retained in the North, for their countrymen whose home was in the North and who were retained in the South. The Committee did not fail to bring all these cases to the knowledge of the respective competent authorities, and to ask them to consider them with sympathy.

In Greece, British subjects from the United Kingdom, of whom the majority were living in Athens, were left at liberty by the German troops of occupation. Later on, American citizens were in the same position, and both groups were regularly supplied, every fortnight or four weeks, by the delegation in Athens with relief parcels taken from stocks intended for PW of the English-speaking countries. Moreover, this delegation distributed to the French and Belgian colony in Athens relief parcels provided by the Joint Relief Commission.

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## VI. Special Categories of Civilians

### (A). JEWS

Under National Socialism, the Jews had become in truth outcasts, condemned by rigid racial legislation to suffer tyranny, persecution and systematic extermination. No kind of protection shielded them ; being neither PW nor civilian internees, they formed a separate category, without the benefit of any Convention. The supervision which the ICRC was empowered to exercise in favour of prisoners and internees did not apply to them. In most cases, they were, in fact, nationals of the State which held them in its power and which, secure in its supreme authority, allowed no intervention in their behalf. These unfortunate citizens shared the same fate as political deportees, were deprived of civil rights, were given less favoured treatment than enemy nationals, who at least had the benefit of a statute. They were penned into concentration camps and ghettos, recruited for forced labour, subjected to grave brutalities and sent to death camps, without anyone being allowed to intervene in those matters which Germany and her allies considered to be exclusively within the bounds of their home policy.

It should be recalled, however, that in Italy the measures taken against the Jews were incomparably less harsh, and that in the countries under the direct influence of Germany, their situation was usually less tragic than in Germany itself.

The Committee could not dissociate themselves from these victims, on whose behalf it received the most insistent appeals, but for whom the means of action seemed especially limited, since in the absence of any basis in law, its activities depended

to a very great extent upon the good will of the belligerent States.

The Committee had in fact, through the intermediary of the German Red Cross, asked for information concerning civilian deportees "without distinction of race or religion", which was plainly refused in the following terms: "The responsible authorities decline to give any information concerning non-Aryan deportees." Thus, enquiries as a matter of principle concerning the Jews led to no result, and continual protests would have been resented by the authorities concerned and might have been detrimental both to the Jews themselves and to the whole field of the Committee's activities. In consequence, the Committee, while avoiding useless protest, did its utmost to help the Jews by practical means, and its delegates abroad were instructed on these lines. This policy was proved by the results obtained.

*Germany.* — Even when the German Wehrmacht was winning, the Committee's activities in behalf of the Jews met with almost insuperable difficulties. Towards the end of 1943, however, the German authorities allowed the Committee to send relief parcels to detainees in concentration camps, many of them Jews, whose names and addresses might be known to it. The Committee was able to collect a few dozen names, and by these slender means the system of individual and then collective relief for political detainees was started, an account of which is given elsewhere in this Report. Each receipt returned bore several names, and these were added to the list of addresses: thus the receipts often gave the first news of missing persons. By the end of the war, the Committee's card index for political detainees (Jewish and non-Jewish) contained over 105,000 names.

During the last year of the War, the Committee's delegates were able to visit the camp of Theresienstadt (Terezin), which was exclusively used for Jews, and was governed by special conditions. From information gathered by the Committee, this camp had been started as an experiment by certain leaders of the Reich, who were apparently less hostile to the Jews than those responsible for the racial policy of the German

Government. These men wished to give to Jews the means of setting up a communal life in a town under their own administration and possessing almost complete autonomy. On several occasions, the Committee's delegates were granted authority to visit Theresienstadt, but owing to difficulties raised by the local authorities, the first visit only took place in June 1944. The Jewish elder in charge informed the delegate, in the presence of a representative of the German authorities, that thirty-five thousand Jews resided in the town and that living conditions were bearable. In view of the doubt expressed by the heads of various Jewish organizations as to the accuracy of this statement, the Committee requested the German Government to allow its delegates to make a second visit. After laborious negotiations, much delayed on the German side, two delegates were able to visit the camp on April 6, 1945. They confirmed the favourable impression gained on the first visit, but ascertained that the camp strength now amounted only to 20,000 internees, including 1,100 Hungarians, 1,1050 Slovaks, 800 Dutch, 290 Danes, 8,000 Germans, 8,000 Czechs and 760 stateless persons. They were therefore anxious to know if Theresienstadt was being used as a transit camp and asked when the last departures for the East had taken place. The head of the Security Police of the Protectorate stated that the last transfers to Auschwitz had occurred six months previously, and had comprised 10,000 Jews, to be employed on camp administration and enlargement. This high official assured the delegates that no Jews would be deported from Theresienstadt in future.

Whereas other camps exclusively reserved for Jews were not open to inspections for humanitarian purposes until the end, the Committee's activities were at least effective in several concentration camps containing a minority proportion of Jews. During the final months, the Committee, in urgent circumstances, took on a task of the greatest importance by visiting and giving aid to these internees, providing food, preventing last-minute evacuations as well as summary executions, and even taking charge during the critical hours, sometimes days, which passed between the retreat of the German forces and the arrival of the Allies from the West or the East.

A more detailed account of these various activities is given in the chapters on Political Detainees in this volume and in Vol. III, as well as in special publication entitled *Documents sur l'activité du CICR en faveur des civils détenus dans les camps de concentration en Allemagne, 1939-1945*.

Less is known of the part played by the Committee in countries whose Governments were subject, in varying degrees, to German influence and where special laws concerning Jews had been enacted, similar to those under German legislation.

Through its delegates, particularly in Budapest, Bucharest, Bratislava, Zagreb and Belgrade, the Committee was able to make the best possible use of its moral authority and the well disposed attitude shown to it by a few non-German authorities, who had more or less freedom of action, but who were not so relentlessly bent on carrying out a racial policy as the German Government. In its capacity as a neutral intermediary, the Committee was in a position to transfer and distribute in the form of relief supplies over twenty million Swiss francs collected by Jewish welfare organizations throughout the world, in particular by the American Joint Distribution Committee of New York. Without the help of the ICRC, this concerted effort made by a whole community would have doubtless been vain, as no Jewish organization was allowed to act in countries under German control. A detailed account of this important relief scheme will be found in Vol. III.

The efforts of the Committee were not limited to the activities described above; as time went on, it eventually became in truth a "Protecting Power" for the Jews, by interceding with Governments in their behalf and in some cases exercising a genuine right of protection, by obtaining the benefit of extraterritoriality for hospitals, dispensaries and relief organizations, and even by acting as arbitrators in the settlement of disputes. This was its task, especially in Rumania and Hungary, for over a year during the last phase of the war in 1944 and 1945. In countries where the efforts of the Committee were less considerable, they were none the less of great benefit to the Jews. These may be described in a brief summary before reverting to the Committee's activities in Hungary and Rumania.

*France.* — In November 1940, the Committee obtained permission from the authorities for one of its members to visit camps in the South, where a certain number of Jews were amongst the civilian internees. The camp at Gurs, in particular, contained six thousand Jews from the Bavarian Palatinate. The visit gave a clear idea of the situation inside the camp and and the urgent necessity for relief; appropriate steps were taken in the internees' behalf.

The Jews from Poland who, whilst in France, had obtained entrance-permits to the United States were held to be American citizens by the German occupying authorities, who further agreed to recognize the validity of about three thousand passports issued to Jews by the consulates of South American countries. The persons concerned were lodged in camps reserved for Americans at Vittel. In 1942, when Germany and the States in South America began negotiations for the exchange of internees, it was found that the majority of the internees at Vittel held accommodation passports and consequently were in danger of being deported. The ICRC interceded in their behalf through the Berlin Delegation and succeeded in arranging for them to remain at Vittel, only a few being deported.

*Greece.* — Immediately after the German occupation, the Committee was called upon to deal with the case of 55,000 Jews in Salonica, who were the victims of racial legislation. In July 1942, all men between eighteen and forty-five were registered, and the majority were enrolled in labour detachments. The delegation furnished them with medical and toilet supplies. In May 1943, these workers were sent to Germany, and the delegation in that country insisted on the right to give them food-parcels. This course led to difficulties with the German authorities, who in their resentment demanded that one of the delegates should be replaced.

*Slovakia.* — Many thousands of Jews had been forced to leave the country and enlist in what was called "labour service", but which in fact seems to have led the greater number to the extermination camps. At the same time, a large proportion

of the Jewish minority had permission to stay in the country, and at certain periods Slovakia was even looked upon as a comparative haven of refuge for Jews, especially for those coming from Poland. Those who remained in Slovakia seem to have been in comparative safety until the end of August 1944, when a rising against the German forces took place. While it is true that the law of May 15, 1942, had brought about the internment of several thousand Jews, these people were held in camps where the conditions of food and lodging were tolerable, and where internees were allowed to do paid work on terms almost equal to those of the free labour market. In 1944, the Jewish community had managed to secure an almost complete suspension of forced immigration towards the territories under German control.

At the time of the rising, the interned Jews escaped from the camps ; some returned home, and others took to the hills. The measures of repression which followed fell on the Jewish population as a whole. The German military authorities summoned the Slovak Government to make wholesale arrests for the purpose of deporting the Jews to Germany. The order dated November 16, 1944, laid down that all Jews should be mustered in the camp of Sereď, and to that end, that Jews living in the capital should previously be assembled, on November 20, in the Town Hall of Bratislava. On the same day, the delegate went to the Town Hall and noted that only about fifty Jews had obeyed the summons. The rest had gone into hiding, as the Slovak authorities had foreseen, either by fleeing to the country or concealing themselves in the town in the so-called "bunkers". In his concern over this situation, the President of the ICRC wrote to the Head of the Slovak Government asking him to put an end to the deportations. Monsignor Tiso received this letter on January 2, 1945, and answered at length on January 10. He recalled the fact that up to that time the Jews had been spared, adding however that in view of the rising, his Government had been forced to yield to the pressure which had been brought to bear upon them. He concluded by saying : " To sum up, it remains wholly true that in the solution of the Jewish question, we have endeavoured to remain



faithful to humane principles to the full extent of our powers." Official aid to the fugitives in the "bunkers" was out of the question; the delegation in Bratislava, however, with the help of the Slovak Red Cross and, in the provinces with that of the Catholic Church, succeeded in providing them with funds, which were handed to their spokesmen, and which allowed them to support life during the last months of the war.

The Committee's representative was unable to secure permission to visit the camp of Sered. He was, however, allowed to enter the camp of Marienka, where Jews of alien nationality were interned.

*Croatia.* — From May 1943 to the end of 1945, the delegation gave aid to the Jewish community of Zagreb, to whom on behalf of the Joint Committee of New York, it paid out an average amount of 20,000 Swiss francs monthly. It also made available to it considerable quantities of food supplies, clothing and medical stores.

In October 1944, the German authorities, on the pattern of measures taken in the neighbouring countries, imprisoned the Jews of Zagreb, and seized their food stores. The delegation at once made representations to the Croat Government, and secured the return of these stores.

*Hungary.* — As in Slovakia, the Jews were relatively spared, in so far as the local government retained a certain freedom of action. But when German pressure was reasserted, from March 1944 onwards, the position of the Jews became critical. The replacement in October 1944, of Horthy's Government by one in bondage to Germany, provoked a violent crisis; executions robberies, deportations, forced labour, imprisonments—such was the lot of the Jewish population, which suffered cruelly and lost many killed, especially in the provinces. It was at this point that the Committee, to alleviate these sufferings, took action with vigour and authority. At the same time the aid prompted by the King of Sweden, was given with considerable courage and success by the Swedish Legation in Budapest, helped by some members of the Swedish Red Cross.

Until March 1944, Jews who had the privilege of visas for Palestine were free to leave Hungary. On March 18, 1944, Hitler summoned the Regent, Admiral Horthy, to his headquarters. He expressed his indignation that "in Hungary very nearly a million Jews were able to live in freedom and without restrictions". Even before the Regent had returned to Budapest, German troops had begun the occupation of Hungary in order to prevent her from abandoning her alliance with Germany. This occupation forced upon the Head of the Hungarian State a new government that was far more dependent on German authority than the one preceding it. Emigration of the Jews was straightway suspended, and the persecutions began.

This was a matter of the gravest concern to the ICRC. The President appealed to the Regent, Admiral Horthy: "The matters brought to our knowledge seem to us", he wrote on July 5, 1944, "so utterly contrary to the chivalrous traditions of the great Hungarian people that it is difficult for us to credit even a tithe of the information we are receiving. In the name of the ICRC, I venture to beg Your Highness to give instructions enabling us to reply to these rumours and accusations." The Regent replied, on August 12: "It is unfortunately not within my power to prevent inhuman acts which no one condemns more severely than my people, whose thoughts and feelings are chivalrous. I have instructed the Hungarian Government to take up the settlement of the Jewish question in Budapest. It is to be hoped that this statement will not give rise to serious complications..."

In the spirit of this reply, the Hungarian authorities allowed the delegate in Budapest to affix shields on the camps and internment buildings for the Jews, conferring on them the protection of the Red Cross. If the use of these shields (hardly compatible, moreover, with the precise terms of the Geneva Convention) was not more extensive, this is due to the fact that the Jewish Senate of Budapest was of opinion that the measure would doubtless lose its effectiveness if generally applied.

The Hungarian Government, furthermore, showed themselves

willing to favour a resumption of Jewish emigration. The Committee got in touch with the British and United States Governments as a matter of extreme urgency and, during August, obtained a joint statement from these two Governments declaring their desire to give support by every means to the emigration of Jews from Hungary.

To this end, the Committee was requested to transmit the following message to Budapest from the United States Government: "The United States Government has been advised by the ICRC of the Hungarian Government's willingness to permit certain categories of refugees to emigrate from Hungary... The Government of the United States, taking into account the humanitarian considerations involved as regards the Jews in Hungary, now specifically repeats its assurance that arrangements will be made by it for the care of all Jews who in the present circumstances are allowed to leave Hungary and who reach the territory of the United Nations or neutral countries, and that it will find for such people temporary havens of refuge where they may live in safety. The Governments of neutral countries have been advised of these assurances and have been requested to permit the entry into their territory of Jews from Hungary who may reach their frontiers."

On October 8, the Hungarian authorities, in conformity with the undertaking given to the Committee, announced the final suspension of deportations and made known that the Kistarcea Camp for Jewish intellectuals, doctors and engineers, had been broken up and the internees released.

The hope raised by this statement was short-lived. A few days later the full tide of the great tribulations of the Hungarian Jews was to set in. In view of the setbacks of the German Army, Admiral Horthy had decided to sever his country's connection with Germany. On October 15, he asked the Allied Powers for an armistice for Hungary. This proclamation had an immense effect amongst the Jews, who were ardent in their demonstrations against the occupying Power. Although the German Army was in retreat both in Eastern and Western Europe, it had still a firm foothold in Hungary. The Regent failed in his plan and was arrested. Hungarian supporters of

the Germans seized power and set about a repression, increasing in severity as the fighting zone came nearer, placing Budapest in a state of siege. It is alleged that shots were fired from Jewish houses on the German troops ; however that may be, repression was centred on the Jews. It was immediately decided to remove them from Budapest and to confiscate their property. Sixty thousand Jews fit for work were to be sent to Germany, on foot, in parties of one thousand, by way of Vienna. Moreover, among the able-bodied, men between sixteen and sixty, and women between fourteen and forty were commandeered for forced labour in building fortifications in Hungary. The rest of the Jewish population, including the disabled and sick, was confined in four or five ghettos near Budapest. The only Jews to escape evacuation were those in possession of passports with visas for Palestine, Sweden, Switzerland, Portugal or Spain.

These measures were accompanied, at the outset, by brutalities and thefts against which the delegate immediately protested. The Ministry of the Interior, giving heed to this action, issued a decree forbidding pillage as from October 20. Meanwhile, the delegation was giving refuge to the members of the Jewish Senate of Budapest. Since their position was apparently threatened, the delegate renewed his appeals to the German authorities, as to the Hungarian Government and on October 29, the wireless announced that the ICRC buildings were granted extritoriality, similar to that of the Legations.

His position thus strengthened, the delegate devoted himself with all the more assurance to the relief work he had courageously undertaken in behalf of the Jews. " It is hard ", he wrote, " to imagine the difficulty I had in holding out against a gang in whose hands the power lay, and at a time when disorder, murder and aggression were the order of the day, to compel it still to show some restraint and to observe the respect due to the Red Cross emblem..."

The fate of children whose parents had been deported to the labour camps was especially tragic. The delegate succeeded, with the help of the " Jo Pasztor " organization, in setting up some twenty homes in which these children, accompanied in

some cases by their mothers, could be accommodated. The hospital staff consisted of trained nurses and of Jews, whose employment in these homes ensured them a certificate of protection similar to those which the delegate issued to his fellow workers.

The Committee's representatives also opened soup-kitchens, each able to provide about a hundred hot meals a day. Reception and accommodation centres were set up, as well as hospitals with children's and maternity wards, and a first aid station open to the public "without distinction of race or creed". Furthermore, the delegate issued thirty thousand letters of protection, which although without any legal basis, were respected by the authorities and exempted their holders from compulsory labour.

In November, one hundred thousand Jews poured into Budapest from the provinces. The Government decided to shut them up in a ghetto, and with them the Jews who had remained in Budapest, in particular the children sheltered in the Red Cross homes. "I considered that my main task", wrote the delegate, "lay in ensuring that this ghetto life was at least as bearable as possible. I had incredible difficulty in obtaining from the Hungarian Nazis, in the course of daily bargaining, conditions and concession which would ensure to some degree the means to exist for those in the ghetto. Continual interviews took place with the Jewish Senate on the one hand, and with the town administration on the other, to ensure at least minimum food supplies for the ghetto at a time when all traffic had stopped, owing to the constant bombing, and provisioning was becoming more and more difficult." The delegate secured that the Jews' rations should be fixed at 920 calories, i.e. two thirds of the minimum Hungarian prison fare. Later on it was possible to make a slight increase of this figure, thanks to the issue of relief supplies.

In spite of the delegate's efforts, the children transferred to the ghetto had been put sixty in a room in premises which it had been impossible either to clean or to disinfect. Pleading the danger of epidemics, he succeeded in getting the children

inspected by a committee who had authority to make some decision on their situation. This health inspection allowed 500 of the 800 children examined to be sent back to the homes from which they had been removed, and for 300 to be placed in hospitals. The other children did not leave the ghetto, but were taken care of there by relatives or friends. Furthermore, the Delegation sent into the ghetto, with permission of the Government, five persons instructed to furnish regular and detailed reports on each child's need of food and clothing. Finally, on the initiative of the delegate, one thousand orphans selected "without distinction of race or religion" were assembled in the Abbey of Panonalma, a Benedictine monastery placed at the delegate's disposal by the Bishop of Győr. This refuge, under the protection of the Red Cross, was respected by the German and Hungarian troops in retreat, and also by the Soviet Army.

The devotion and generosity of the Bishop of Győr were a fruitful help to the delegate in the relief work he had undertaken. His task was to improve the food and shelter of the convoys of Jews who were being deported to labour camps in Germany and compelled to do stages of twenty-five to thirty kilometres a day on foot. The Bishop organized a relief centre en route, which he financed and which was administered by representatives of the Committee. It gave shelter from bad weather, for a few hours at least, to thousands of Jews during their terrible exodus. The "transport groups" of the delegation issued food to them on the road, paid the peasants to carry the weakest, fifteen to twenty at a time, in their carts, gave medical attention to the sick and dispensed medical supplies.

On November 12, a new threat hung over the hospitals protected by the Red Cross emblem, which the police had searched with an order to turn out the Jews. The delegate, on the strength of the authority he had been granted, protested to the Government. As a result, the police authorities were instructed not to proceed with the evictions from the hospitals.

It must be apparent what difficulties and dangers were encountered at every turn by the Committee's representatives in a town subject to the most violent bombardments. They were supported in their courageous work by the untiring devotion

to duty of the members of the Jewish Senate, and by the equally generous activity of the representatives of the two main protecting Powers, Switzerland and Sweden.

As soon as Budapest was liberated, the delegate and the local Jewish organizations established, with the funds of the New York Joint Committee stocks of foodstuffs and of the most necessary medical supplies. The Russian military authorities had ordered all foreigners to leave Budapest. When our delegate had to go, a Hungarian minister paid him the tribute of stating that he had, in a time of historic crisis, succeeded in making the capital a "protectorate of Geneva".

*Rumania.* — The delegate's part was a very important one, owing to the opportunities there were in that country for the purchase of foodstuffs. Financial aid and relief in kind could be sent from Bucharest to Poland and neighbouring countries. The Committee came to an agreement concerning relief in Rumania itself with the National Red Cross there, to whom our delegate handed funds for the purchase of goods. It should be emphasized that wealthy Rumanian Jews contributed in large measure towards assisting their co-religionists in need. From 1943, the Committee's work in Rumania was made easier by the fact that the delegate had been able to inspire the Rumanian Government with trust.

During the period in September 1940, when the "Iron Guard", supported by the Gestapo and the German SS, had seized power, the Jews had been subjected to persecution and deportation to death camps. Later, under the dictatorship of Marshal Antonescu, they met with less severity. Special understanding was shown by the Vice-president of the Council, Mr. Mihai Antonescu, who was entrusted with the settlement of the Jewish question. "The Rumanian Government", he wrote to the delegate in Bucharest, "repudiates any material solution contrary to civilized custom and in defiance of the Christian spirit which dominates the conscience of the Rumanian people."

In December 1943 Mr. Mihai Antonescu had an interview with this delegate which led to making later activities of the Com-

mittee in behalf of Jews far easier. This talk bore mainly on the case of Jews deported beyond the Dniester to the Ukraine, who were natives of Bessarabia and the Bukovina. These provinces had been returned to Rumania after the first World War, and came again under Soviet power by the terms of the Soviet-German treaty at the beginning of the Second War. After the reshuffle in 1941, Rumania, who had become Germany's ally against the USSR, reoccupied these two provinces. The Jews, whom the Rumanians considered guilty of having welcomed too easily a return to Russian allegiance, were then deported. The Rumanian Government's plan, drawn up in agreement with Germany, seems to have been to settle these Jews on lands in the region of the Sea of Azov. This could not be carried out, however, unless the USSR were defeated. In the light of the Russian victories, the Rumanian Government decided, towards the close of 1943, to repatriate the survivors of this deplorable migration, the numbers of which had fallen from 200,000 to 78,000. Mr. Mihai Antonescu welcomed the opportunity of the approaches made by the delegate in Bucharest, to entrust him with a mission of enquiry into the means of carrying out this repatriation, and authorized him to tour Transnistria to distribute clothing and relief to these unfortunate people. Furthermore, the delegate succeeded in getting an assurance that the Czernowitz Jews, the only ones still compelled to wear the yellow star, should be exempted, as this badge exposed them to the brutality of German troops passing through. Finally, it was agreed that Red Cross purchases might be freely made at the official rates.

When the delegate saw the Vice-president of the Council again on his return, he drew his attention specially to the plight of the children who had lost their parents and were left abandoned in Transnistria. Mr. Mihai Antonescu promised to allow 150 children to leave each week for Palestine or elsewhere, if the Committee could arrange their journey. Three months later, the Rumanian Government offered two recently-built first-class steamers, the *Transilvania* and the *Bessarabia*, then held in Turkish waters, and suggested the Committee should buy them, reserving to Rumania the option of repurchase,



for use as transports for emigrants under the Swiss flag. Switzerland, as the protecting Power for British interests, could in fact be considered as the protecting Power for Jews bound for Palestine, since these Jews were to become on arrival assimilated to British nationals.

Up to that time, the remedy of emigration had been no more than a meagre palliative for the sufferings of the Jews. Bulgaria had shut her frontiers to emigrants travelling on a collective passport, and only Jews under eighteen years of age or over forty-five had been able to reach Turkey, under individual permits. Transport by sea from Rumanian ports would have afforded the best means of emigration. But besides the difficulties met with by the Jews in leaving, account had to be taken of the political problem raised for the British authorities by an influx of Jews, considered as intruders by the majority of the local population of a territory under British mandate. The first vessel, the *Struma*, which left Constanza for Palestine independently of any action by the Committee, at the beginning of 1942, had been detained at Istanbul owing to engine trouble, and was subsequently obliged to sail again for Rumania, as it was impossible to obtain the necessary permits to continue on its route. It was wrecked, and 750 emigrants were drowned. This pioneer expedition, ending so disastrously, was a lesson in the need of prudence.

The Committee was asked to grant the protection of the Red Cross emblem to emigrant transports and would have consented to this, on the basis of a very liberal interpretation of the provisions of the Tenth Hague Convention of 1907, which govern the use of hospital ships, whilst reckoning too that cargo-boats sailing under their control and carrying relief supplies for PW or civilian internees were covered by the Red Cross emblem. However, it would have wished to do this in agreement with all the Powers concerned. Therefore, the Committee made its consent conditional on the following terms. The transport organizations should charter neutral vessels which would be accompanied by the Committee's representative, and would be used exclusively for the transport of emigrants. The ships were not to sail before obtaining safe-conducts from all the

belligerents concerned, as well as their agreement as to the route to be followed.

These conditions were unfortunately never obtained. The *Bellacita*, however, was authorized by Rumania to carry out a daily service for the transport of Jewish children from Constanza or Mangalia to Istambul, and sailed under the protection of the Rumanian Red Cross, the Committee having notified all belligerents of these voyages.

The delegate in Bucharest was faced with a very grave decision when the question arose of embarking Jews for Palestine on two Bulgarian vessels, the *Milka* and the *Maritza*, both chartered by Zionist organizations. There was reason to fear the same fate for them as for those who sailed in the *Struma*. Moreover, the heads of Jewish organizations did not agree as to the names for the list of emigrants, and the Rumanian authorities applied to the Committee to arbitrate. The delegate confined himself to a check of the emigration permits and thus aided their departure. They arrived safely in Istambul a few days later. In August 1944, the Committee finally agreed that vessels carrying emigrants might display the Red Cross emblem, even in the absence of certain of the conditions which had been laid down.

On August 23, the King of Rumania took advantage of the retreat of the German troops to put an end to the dictatorship of Marshal Antonescu, and to enter into armistice negotiations with the Allies. The racial laws were thereupon abolished in Rumania.

The Committee continued their relief work in behalf of Jews, however, until the close of hostilities.

In its report of December 1944, the delegation in Bucharest stated that, thanks to consignments from the Joint Committee of New York and to collections made on the spot, it had been able to come to the help of 183,000 Rumanian Jews, comprising : 17,000 deportees repatriated from Transnistria ; 30,000 men liberated from forced labour with their families (90,000 persons) ; 20,000 evacuees from small towns and villages ; 10,000 evacuees from the war zone ; 20,000 homeless persons, as a result of bombardments ; 20,000 workmen and officials dismissed from

their employment ; and 6,000 Hungarians who had succeeded in escaping deportation and were found in Northern Transylvania.

Tribute was paid to this humanitarian work by the President of the American Union of Rumanian Jews. He wrote, in March 1945, to the Committee's delegate in Washington as follows :

" The work of the International Red Cross in helping the Jewish population in Rumania, and the Jews transported to Transnistria has been appreciated at its true worth not only by Dr. Safran, the Chief Rabbi in Rumania and the Jewish Community of Rumania, but also by the many thousands of members of our Union whose own relatives benefited by that help. The International Red Cross Committee has rendered truly invaluable service to our people in Rumania."

Mr. Joseph C. Hyman, Vice-President of the American Joint Distribution Committee of New York, had already made public the debt of gratitude due to the International Red Cross. In an article published in the journal " News " on February 16, 1945, under the title " The Joint Distribution Committee lauds International Red Cross Co-operation ", he is quoted as follows : " Thousands of Jews in newly liberated lands and in German concentration camps owe their lives to the sanctuary and the help given them by the International Red Cross... In those parts of the world where J.D.C., major American agency for the rescue and relief of distressed Jews overseas, cannot itself work directly, we know we can count on the International Red Cross... to act for us in bringing aid to suffering Jewry."

#### (B). CIVILIAN WORKERS

The welfare of civilian workers who were conscripted by Germany in the occupied countries and taken to German territory, raised some very difficult problems. These persons were not protected by any treaty stipulations and had no status in international law. They were alleged to be " free " : they were in reality subjected to coercive measures which gave cause for great anxiety. The ICRC was not able to take any effective action in their favour until the beginning of 1944.

Civilian workers in Germany were conscripted by various methods and their treatment differed according to the manner in which they had been pressed into service, their skill and the type of work required of them. Voluntary workers, who were assured by contract of normal living and working conditions, offered no problems until military operations made impossible for them to correspond direct with their relatives.

There were (1) those called up (*requis*) for compulsory labour service and made available to the Germans by the French Authorities ; (2) those who had eluded that service and were then tracked down, threatened, arrested and finally sent by force to Germany ; (3) prisoners of war who had been repatriated for sickness and then sent back to work in Germany ; (4) many who had been convicted on various charges and at the end of their sentence retained as workers ; (5) prisoners of war " converted " (*transformés*) into civilian workers <sup>1</sup> ; (6) most important, countless men and women in all parts of Europe who were arrested and pressed into work for Germany against their will.

Sometimes civilians who had been forcibly conscripted were put to work locally, but usually they were sent to other territories where they could be more easily supervised.

The regimen for these civilian workers was not uniform : some had fairly decent living conditions and were lodged in huts adjoining the works where they were employed, or were given accommodation by the contractors or in the homes of the farmers. The great majority, however, were those who had eluded forced labour, compulsory workers and others ; they were assembled in labour camps where the treatment was often very harsh. There were also disciplinary labour camps, where the internees were usually persons under suspicion of holding subversive political opinions, or those convicted of breaches and offences, often of a trivial nature. These camps were under the control of the Gestapo, and living conditions therein were often more rigorous than in ordinary camps. Civilian workers were frequently kept in solitary confinement

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<sup>1</sup> See p. 544.

for several months. Towards the end of the war, the German authorities had assembled the large majority (80%) of the civilian workers, for the purpose of control, into special camps (*Arbeitsgemeinschaft-Sonderlager*).

In principle, civilian workers received wages and ration cards, entitling them to procure food and clothing in the same manner as German workers. In practice, it was often a quite different matter. A great many civilian workers, arrested without warning and carried off at once to Germany, arrived there without any kit, and wearing summer clothing and light footwear. When the industrial centres where they lived were bombed and their personal belongings were destroyed, they had no means of replacing them. As the food situation was very precarious, they suffered badly from underfeeding.

For long the ICRC was unable to intervene in behalf of civilian workers, because they enjoyed no protection under international law. In theory, they were living at liberty in Germany and deemed to be "free" and "volunteers". Their status rested only on agreements reached between the German Government and the authorities in occupied territories (for instance, the French Government). On these grounds, the German authorities tolerated no intervention in their dealings with the alien civilian workers they employed in the territories under their control, and who formed part of the *Arbeitsfront* (Labour Front). Various societies were formed to look after the French workers. In Paris, there were the *Amis des travailleurs français en Allemagne* (Friends of French Workers in Germany) for help to the voluntary workers, the *Service social d'aide aux Emigrants* (Emigrants Welfare Service) and, of more importance, the *Commissariat des travailleurs en Allemagne* (Commission for Workers in Germany), instituted by the Government authorities in occupied France, with headquarters in Germany. Belgian workers had no organization in Germany of this description to which they could apply. The Italian workers could seek advice and information from the *Dienststelle* (Centre) at the Italian Embassy, Berlin. The Yugoslav and Polish workers were entirely deprived of protection and were subject without redress to the will of the German authorities.

For some years the German authorities were not willing to grant a status to French civilian workers, on the grounds that they did not consider them to be nationals of a country with which Germany was at war. They argued that the organizations set up to look after the interests of French civilian workers were apparently adequate to ensure their protection. In regard to civilian workers of other nationalities, they maintained their right to treat them as they thought fit.

During the summer of 1944, however, the conditions for civilian workers suddenly became worse. When the second front was formed by the Allies in Western Europe, the majority of the workers, Belgian, Dutch and French were cut off from their own countries. They were thus deprived of all protection and could no longer receive news or parcels from their relatives.

To help them, the ICRC again approached the authorities in Berlin, Paris and Brussels. It first attempted to deal with the problem of the sudden stoppage in communications between civilian workers and their homes. Before this stoppage occurred, workers could send letters : the present situation now required the adoption of the Civilian Message System, i.e. forms with the Red Cross heading, by which senders and receivers could exchange twenty-five word family messages. In September 1944, the Committee took on the forwarding of these messages and, in order to speed up the process, helped the French Red Cross by having the sorting done at Geneva. The same service, operating in the reverse direction, was rendered to the German Red Cross. French civilian workers were able to send two messages a month. By November 1944, the system was working as well as circumstances allowed between Germany and the Western countries. The number of messages exchanged by civilian workers and their relatives, through the ICRC, amounted to 4,279,197.

The civilian message forms were distributed to civilian workers by the German Red Cross and to their next of kin by the National Red Cross Societies. Some difficulty was experienced in obtaining the workers' correct addresses. In countries other than Germany, the scheme was more difficult to put into motion, and only succeeded after a considerable lapse of time.

The situation of PW who had been " converted " into civilian

workers made a special problem when the Provisional Government of the French Republic requested that these men should have the same means for correspondence with their families as prisoners of war, and should not be limited to the Civilian Message forms. As the Committee had every reason to fear that further demands of this nature would prejudice the concessions already obtained for civilian workers' mail, they were unable to attempt a solution of the problem.

Enquiries for civilian workers were hampered by the fact that they had nowhere been recorded in a card index. The fairly detailed index kept by the *Arbeitsfront* was not open for consultation. It was quite impossible even to estimate the number of Italian civilian workers, for no organization was in a position to make out lists, or to trace any single worker among them. No index had been made by the Italian authorities.

The Committee's delegation in Berlin made every effort to collect information relating to civilian workers of all nationalities, for transmission to Geneva. There was no system for the notification of deaths. Until 1944, the deaths of French civilian workers were listed by the industrial concerns where they were employed and communicated to the French Delegation in Germany. When the war gathered momentum, the German Red Cross merely sent the names of deceased civilian workers to the ICRC, and omitted death certificates. The ICRC therefore supplied the death certificate forms to the *Arbeitsfront*, since it possessed a card index and was apparently in a better position than the German Red Cross to establish such documents. Where the Italians were concerned, before this system came into force, deaths were not recorded by any agency. The mail of the deceased person was merely sent back with the remark *Gestorben* (deceased) or marked with a cross on the envelope.

The plight of civilian workers who became sick was also a distressing problem. The workers discharged because of ill health ceased to receive wages, and the daily sick-pay from health insurance was paid to them only for a few weeks. As they were no longer recognized as sick employees by the concerns for whom they had worked, they could not claim their ration cards

and did not know to whom they could turn for help. The Committee appealed to the German authorities to allow the repatriation of the seriously sick. In so doing, they met with great opposition from the police authorities, who feared leakage of information which might affect national security. It was then proposed that these men should be admitted to hospital, with the prospect of repatriation after a few months' quarantine. In order that the most urgent cases might have attention, the ICRC suggested that PW medical officers might be allowed to tend sick civilian workers lodged in the camps in their districts. In October 1944, the Provisional Government of the French Republic agreed to this plan. The Committee then recalled to the German authorities that they had already made a similar request, in behalf of German civilian internees, in 1943. The German authorities at first refused, on the score of the danger of the transmission of information of a military or political nature but, after having been approached on several occasions, they informed the Committee, in March 1945, that they had taken the steps requested of them.

The ICRC had also to help a great number of women civilian workers' children, who had been born in Germany, and were living in wretched conditions. The mass repatriation of the children and the mothers could not be considered ; on the other hand, it was not right to part the children from the mothers. A plan should have been ready to repatriate, first, the abandoned children and orphans, then the invalid mothers, who were unfit for work, with their children. The problem was too far-reaching for an appreciable result in a short time. In 1944 and 1945, however, day-nurseries for infants were gradually provided, to which gifts of condensed milk were made under the supervision of the ICRC delegation in Germany.

The Committee made efforts to improve the food supplies for civilian workers, which the advance of the war made very precarious. It was not until February/March 1945, however, that they were able to set on foot a scheme of relief by sending a few parcels to civilian workers of various nationalities. The end of the war came soon afterwards, and the consignments could no longer be sent.



In Allied countries, the conditions for alien civilian workers raised hardly any problems, as they were very rarely subjected to compulsory work. When they contracted for work, it was locally and under fair conditions. The Committee did intervene, however, in 1945, in behalf of Italians of Slovene origin, held in Corsica and Sardinia as civilian workers, who could not correspond with their relatives. A Civilian Message service was arranged for them by way of Rome, where the messages were checked.

### (C). REFUGEES AND STATELESS PERSONS

After the conclusion of the first World War, the problem of refugees and stateless persons became of great concern to international agencies and Governments. A very large number of persons then residing outside the borders of their homeland lost their nationality. Without any means of acquiring another, they became stateless. It will be recalled that, at the instigation of the ICRC and of the National Red Cross Societies, the League of Nations set up a High Commissariat with the particular duty of dealing with the case of Russian emigrants, and of Greek and Armenian refugees. This was the origin of the identity document called the "Nansen Passport". Later on, the Intergovernmental Committee for Refugees (ICR) was set up in 1938 for the protection of persons who had to leave their homes through the rise of the Fascist and Nazi movements.

The second World War was marked by a series of migrations, deportations and mass transfers of population which greatly heightened the gravity of the problem. When the fighting ceased, millions of "Displaced Persons" (DPs) were to be found in Europe, chiefly in Germany and Austria. Although the majority were able to return to their countries of origin, large numbers remained on the spot; some were housed in camps opened for this purpose by the Allied military authorities and UNRRA; others lived as best they could amongst the local population. Of this mass of DPs very many refused to go back to their country of origin. They were thus in a particular difficult situation, as they no longer enjoyed the protection of their

Government, and many did not belong to the categories who were entitled to assistance from UNRRA.

Though fully conscious of the tragic plight of these refugees and DPs, and anxious to co-operate in their relief, the ICRC was at once forced to recognize that it could not give itself all the help it would have wished. The problem was so vast and raised so many varied questions, that it went far beyond the material resources and the competence of the Committee. It was not only a matter of housing these exiles and giving them material aid ; many of them required a new legal status and identification papers, which would enable them to lead a comparatively normal existence in their country of residence, until arrangements could be made for the emigration of those who could not be assimilated.

On August 25, 1945, the ICRC approached the Intergovernmental Committee for Refugees (ICR), with information about the legal position and economic situation of those DPs who could not be sent to their former homes ; the ICRC further offered its co-operation, should this be desired.

The debates during the Fifth Session of the ICR, held in Paris on November 20-22, 1945, showed that this body wished to confine its welfare action to the groups of refugees specified under its statutes, namely the victims of Fascism and Nazism ; to these the Spanish refugees were added. The ICRC intervened again on December 13, 1945, and stressed that these exiles were in urgent need of moral and material support by some international agency ; it asked " to whom it should hand over the steadily increasing number of applications received in Geneva, not only for emergency relief. Many correspondents ask that a competent agency should take steps for the emigration of the refugees and for their temporary or permanent establishment in their country of residence (issue of establishment and working permits, eligibility for relief, etc.)."

In his reply, dated January 9, 1946, the Director-General of the ICR said he would be happy to take " every possible occasion to co-operate closely and usefully with the ICRC.", and his gratitude " for any information which the ICRC could communicate on the situation of the refugees ".

He further confirmed that its terms of reference did not allow the ICR to deal with DPs who refused to go back to their homes. He specified that UNRRA had been given the necessary powers to issue relief in kind to this class of persons, and recalled that the question of refugees had been placed on the agenda of United Nations.

On February 12, 1946, the General Assembly of United Nations unanimously agreed upon the principle that in the absence of national authorities representing the interests of persons who considered they were for the time being unable to return to their home countries, it was for the Governments of the countries where these persons had found refuge to extend to them the right of asylum, in accordance with international law, and in particular to refrain from sending them back to their own country against their wish. The Assembly further instructed the Economic and Social Council to study the creation of an International Refugee Organization (IRO).

As the result of a steadily increasing number of appeals, the ICRC applied on May 6, 1946, to the Secretaries for Foreign Affairs of the Western occupying Powers. It expressed the hope that the resolution of the General Assembly of United Nations, which gave the refugee problem a favourable solution in principle, might lead the Economic and Social Council to set up an international agency to deal with the future of the refugees. "To the question of repatriation or the option they demand of avoiding forcible return to their home country", the ICRC added, "many other vital problems arise for the people who have been driven from their home countries by the events of war."

Since it was clear, however, that some time would elapse before the proposed body was actually set up, the ICRC asked what military or civil authority the Committee could in future send the applications which it was constantly receiving from former PW, DPs and refugees, and which they would be glad to hand over to an agency competent to examine such cases.

The French Government named a department of the Ministry for Foreign Affairs to deal with these appeals, whereas the

British Government merely advised the ICRC to hand them to the responsible military authorities.

Official organizations thus dealt with the matter in a very imperfect manner. Only a small proportion of the refugees was actually helped, either by the ICR, whose protection extended only to certain specific classes, or by UNRRA, whose work covered neither the refugees living outside the camps, nor former enemy nationals.

In view of this situation, and being anxious to assist to the best of its ability, the ICRC considered that the most useful service it could render would be to collect the fullest data on the subject and to forward them, as it had been asked, to the ICR and to the other agencies concerned. The Committee then assembled the information supplied by its delegates who visited the refugee centres, or by groups of refugees, private persons and to relief organizations. In the autumn of 1945, the Committee made a census of DPs who were not eligible for repatriation. Information on their numbers, living conditions (health, food, clothing, housing), and opportunities for emigration, were classified according to nationalities and areas of residence. These schedules provided the most accurate picture possible of the refugee situation in the occupation zones in Germany and Austria, and also in Italy, Denmark, Norway and Czechoslovakia. The statements on the refugee situation were carefully kept up to date, and were sent regularly to the responsible authorities and agencies during the years 1946 and 1947.

The ICRC did not confine its co-operation to such work. Whilst endeavouring to facilitate the creation of a body with sufficiently extensive powers, the Committee itself took practical action in certain fields.

The work of the Committee was indeed indispensable in almost all the domains of refugee relief. Like most of its delegations, it received in Geneva thousands of appeals; help was sought not only by refugees, but by private associations, national Red Cross Societies, civil and military authorities, and by the intergovernmental organizations themselves. We must remember that, contrary to many government or private agencies, the ICRC could extend its help without discrimination

to all refugees, without any consideration of political opinion, nationality, race or religious belief.

The chief bodies with which the ICRC was thus led to co-operate were the British Red Cross, the International Social Service, the *Deutsche Caritas Verband* (German Caritas Association), the Survey Committee on Displaced Persons (Washington), the World Council of Churches, the Vatican Relief Committee, the relief agencies set up by the countrymen of the DPs, settled in overseas countries, and the Jewish organisations.

Space does not allow a detailed statement of the attempts made by the ICRC to find practical answers to the refugee problem. Today even, the setting up of IRO has not entirely solved the question, especially as regards the legal status of DPs. Their living conditions, their needs, the causes which lie at the root of their leaving home, are too varied. We shall deal here only with the main achievements.

*Relief.* — On the outbreak of war, the ICRC had opportunity to send relief to the refugee camps in the south of France.

When hostilities were over, the ICRC had on hand large stocks of goods and funds, coming from various sources and which were intended for prisoners of war. A small part of these supplies and funds were made available to the Committee by the donors and were used for DPs, amongst whom were a great many former PW and deportees who had been unable to return home.

By the end of 1945, the ICRC was able to undertake issue of relief supplies, through gifts in kind and in money sent to them by several Governments and national Red Cross Societies for DPs of specified nationalities.

Particulars of these relief schemes will be found in Vol. III <sup>1</sup>. Reference can also be made to the Report of the Joint Relief Commission of the International Red Cross. The work of this Joint Commission, which was set up by the ICRC and the League of Red Cross Societies to assist the civilian populations in the occupied countries, also covered to a certain extent the refugees who were living in these countries.

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<sup>1</sup> See Part I, chap. 11, and Part. III, chap. 4.

*Dispersed Families.* — For Europe alone, the number of DPs has been estimated at close on thirty millions. We can readily imagine the number of dispersed families which this figure represents. In the summer of 1943 already, the ICRC took up the question of how to re-establish communications between them. Seconded in this work by national Red Cross Societies, the ICRC introduced in addition to the Civilian Message Scheme (see Vol. II), a system of identity cards which, in spite of almost insuperable difficulties, proved extremely useful. In full agreement with UNRRA (set up in November 1943), the ICRC made arrangements to act as central research bureau, as soon as the end of the war would allow wide-scale research. The "Dispersed Families Service" was opened for this purpose; without awaiting the end of the war, it began at once to gather all obtainable information. When the time came, this Service was ready to act. Suddenly, however, UNRRA decided to create its own Central Bureau and regional offices. The ICRC had therefore to abandon a scheme which could have been extremely useful. Before winding up the Service, every possible use had been made of the assembled data; the enquiries or information which continued to reach Geneva were then sent on to the offices of UNRRA.

In Vol. II will be found all details of the attempts made by the ICRC, and of its achievements in this most important field.

*Correspondence.* — The disappearance of the German and Austrian Post Offices prevented the resumption of regular correspondence between the DPs and their relatives; the ICRC therefore supplied its delegates and the leaders of the fleets of motor vehicles which travelled to Germany and Austria, with stocks of printed forms for distribution to the DPs. These very simply worded forms were meant to allow these persons to give news of their state of health and their temporary address. No reply was provided for.

Between June 5, 1945 and March 5, 1946, 135,000 such forms were collected and forwarded through the Central PW Agency to the following countries: Hungary, Germany, Rumania, Poland, Czechoslovakia, Yugoslavia, Austria, Russia, France

and Italy. In addition, about 60,000 forms filled up by DPs from Hungary, were sent direct from Germany to Hungary.

This scheme, which enabled DPs to give brief news to their families, was not however a real mail service. The ICRC therefore proposed, on October 18, 1945, to the US Commander of Armed Forces in the European Theatre, to introduce a form containing 25 words which would have been issued in DP camps, and which the ICRC would have undertaken to send to their destination. Unfortunately, this suggestion was not approved.

The DPs were, on the other hand, able to benefit to a certain extent by the Civilian Message Scheme, which the ICRC had asked the Allied Authorities to authorize once more, in order that civilians in the occupied countries might correspond with countries abroad.

In Austria, the Civilian Message Scheme was started again in the British occupation zone (September 12, 1945), and in the American and French occupation zones (November 15, 1945). In Germany, the American and British authorities unfortunately did not allow the resumption of the Scheme, but this mode of correspondence functioned as from January 19, 1946, in the French zone.

*Travel Documents.* — At the end of the war, many persons who were released from PW, deportee and workers' camps had no identification papers, since these had been impounded by the detaining authorities. In the absence of any diplomatic or consular services to whom they could apply, these persons turned to the delegates of the ICRC, asking them to issue a document which would enable them to solicit the appropriate military authorities for repatriation. In view of the distressing situation of these applicants, the ICRC took steps in February 1945, to establish a "Travel Document" (bearing the number CICR 10.100), for issue by its delegations abroad to former detainees who applied to them. This Travel Document was soon enlarged to a document bearing the number CICRC 10,100 B. This merely registers the verbal statements made by the

bearer ; its period of validity is limited, and it constitutes neither an identity card, nor a passport. It is handed to persons who are without identification papers, and who are unable to procure new ones ; it is chiefly intended to enable dispersed civilians in Europe to emigrate to a country of their choice, where they may start a new life, but it also serves, should the need arise, to facilitate their repatriation, or merely to justify their presence in the place where they may be living as a result of the war.

The issue of Travel Documents is obviously subject to the approval of the Allied and local Authorities. Moreover, the main condition required of the applicant is to produce the written promise of a visa granted by the Consulate of the country where he wishes to go, and an authorization to leave his country of residence.

The work of the ICRC in this field depended on the attitude of the Consulates of the immigrant countries, and could be pursued only in countries where consular services had been speedily re-opened. In Germany, the country which has the largest numbers of DPs, Travel Documents have been issued only in a few cases, owing to the almost total absence of foreign consulates. The Committee's delegations in Italy, Czechoslovakia and Austria had, however, issued over 9,000 of these documents by Nov. 30, 1946. The holders of these travel documents were able to travel to the countries where they wished to go in South America (Brazil, the Argentine, Paraguay) and North America. In France, the responsible authorities showed readiness to recognize this document, and this enabled the Committee's delegation in Paris to issue a limited number.

In April 1946, the ICRC informed the ICR of its inability, on account of financial stringency, to continue this work, and asked the ICR to take it over. In his reply dated June 4, 1946, the Assistant Director of the ICR replied that UNO were contemplating establishing a new body to deal with DPs of all categories. He expressed the wish, however, that until it was possible to issue a new identity document which could have international recognition, the ICRC should continue to



issue Document 10.100 B which, he said, "although not having the features and all the advantages of a real identity and travel certificate, had nevertheless proved most useful."

It will be recalled that on December 15, 1946, the General Assembly of UNO adopted the draft constitution of the International Refugee Organization (IRO). The Preparatory Commission of IRO held its first sessions in Geneva (February 1947), then in Lausanne (May and July 1947). UNRRA and the ICR ceased all their activities on June 30, 1947, and the Preparatory Commission of IRO became operative. Needless to say, the work of the ICRC in this particular field ceases when the authorities of the countries where the refugees are living offer them the means of securing either a government travel certificate, or a passport for travel abroad. Thus, the Committee's work in Czechoslovakia was stopped in the spring of 1947. At the same time, the Italian Ministry for Foreign Affairs informed the Committee's delegation in Rome that Italy had ratified the intergovernmental agreement on the issue of travel certificates. The delegation was, however, asked to continue to establish Document 10,100 B for some months still, until the practical measures adopted by the Italian authorities could come into force.

*Camp visits.* — Besides the above activities, the ICRC instructed its delegates to visit the DP camps, with a view to any local improvements they might be able to secure in living conditions and regimen. An instance of this work was the services rendered to former Yugoslav PW in Austria, and to the Baltic refugees who were threatened with loss of their ration books, as a result of difficulties with the military authorities and UNRRA.

The Committee's Delegation in Berlin also took steps in behalf of former Allied PW who asked either to be released from the camps, or to enjoy living conditions equal to those granted to them as PW. The Committee's delegates also obtained transport facilities for groups of children, and tried to find opportunities of emigration for DPs.

In Italy, the Committee's delegates were very active in behalf of refugees, in particular by asking that the refugees should be assembled according to nationality, that common law criminals be segregated, and that aliens whose papers were in order and who were charged with no offence, should be released.

In Denmark, the Committee's delegates several times visited German refugee camps, in particular the large camp at Okshöl, which numbered some 35,000 in June 1946. They talked with the refugees and their spokesmen, and drew the attention of the British Military Command and the Danish authorities to improvements which should be made in the treatment of the internees, especially as regards housing, sanitary installations, mail, educational activities, recreation, etc. These refugees had no Protecting Power ; their morale was lowered by idleness, although their living conditions were in general good. The Committee's delegates did what they could to help them ; in co-operation with the Danish authorities, they were able to renew contact between many refugees and relatives from whom they had had no news for years. They also stressed with the Danish authorities the advisability of holding out hopes of being sent home — the refugees' most ardent desire, and the only prospect able to improve their morale.

Lastly, the Committee's Delegation approached the Allied authorities on several occasions, to recommend that refugees should not be repatriated against their will, when they had justifiable reasons for refusal. All the Committee's delegates were instructed to notify the appropriate authorities, on this occasion as on others, that in its view repatriation should never be compulsory. This view was confirmed by the General Assembly of UNO in their Resolution of February 12, 1946, according to which " no refugees or displaced persons shall be compelled to return to their country of origin, if, after receiving full knowledge of the facts, including adequate information from the governments of their countries of origin, they have expressed valid objections to returning ", with the exception, in particular, of " war criminals and traitors ".

## (D). RACIAL MINORITIES

### 1. General Remarks

Another category of civilians who were a matter of grave concern to the ICRC were the racial minorities expelled after the end of the war from their countries of domicile.

Article 13 of the Potsdam Agreement, signed in Berlin on August 2, 1945, provided for the removal to Germany of German populations who were resident in Poland, Czechoslovakia and Hungary. However, as described below, measures of expulsion had already been taken immediately at the end of the war, whilst others were decreed at a later date. Close on fourteen million people affected by these measures were thus forced to abandon their homes at short notice, and those who had had to leave them for a time because of the fighting, were prevented from returning <sup>1</sup>.

The ICRC at once received a great number of appeals, drawing its attention to the alarming conditions of food and health in which a great number of these people were living, after hasty expulsion from their homes and assembly in provisional camps, and also to the often deplorable conditions of their transfer to Germany. Had it been borne in mind that the repatriation of some 1,500,000 Greeks from Asia Minor, after the first World War, had taken several years and required large-scale relief schemes, it would have been easy to foresee that the hurried transplanting of fourteen million human beings would raise a large number of problems from the humanitarian standpoint, especially in a Europe strewn with ruins and where starvation was rife.

The question arose what the ICRC could do. As regards the principle of the transfer of population it was powerless. The

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<sup>1</sup> These measures were applied not only to German citizens, termed *Reichsdeutsche*, living in those countries, and to Germans in territories of Eastern Germany awarded to Poland by the Potsdam Agreement, but also to members of various German-speaking racial minorities in Central European countries and in the Balkans, who were called *Volksdeutsche*.

decision had already been made, either by common consent between the Allied Powers, or unilaterally by sovereign States. There had moreover been precedents ; mass transfers of populations had already taken place during the war, which were decided upon by international agreement, or on the authority of the German Government alone. The population concerned belonged to German racial minorities in Rumania, the Baltic States, Italy, Poland and Yugoslavia. At that time, however, the German Government was in a position to ensure adequate living conditions for the persons whose removal it had itself requires or organized. In 1945, on the other hand, the German minorities had no national government, no National Red Cross Society and no Protecting Power to look after them. They therefore called upon the ICRC.

The Committee could not remain deaf to this appeal. The immediate consequences of the war were that still more millions of human beings were thrown into poverty and distress, and left without protection. These facts were enough for the Committee to attempt, to the best of its ability, some alleviation in the fate of these people.

It must be admitted, however, that little could be done. The vast compass of these deportations and the haste with which they were carried out, the inadequate means at the disposal of the Committee, almost exhausted after six years of war, and the number of other urgent tasks to which these means had also, or primarily to be devoted—these, and many other causes prevented the ICRC from doing all that it wished to accomplish. There were still further factors : the accumulation of difficulties brought about by the destruction of war, the apathy and lack of interest in the deported minorities on the part of peoples who had themselves been too long oppressed and persecuted ; these too contributed to tie the hands of the Committee.

As soon as the ICRC had sufficient information on the problem, and independently of practical schemes of relief it had undertaken from the outset, it decided to approach the Great Powers and to offer them its services. On September 8, 1945, it sent the following telegram to the Foreign Ministers of Great Britain, France, the Soviet Union and the United States.

The International Committee is receiving numerous and pressing appeals relating to the situation of the civil populations whose transfer from one part of Europe to another has already begun, or is now contemplated. These appeals stress the fate of millions of people, of whom a large proportion are women and children and who seem to be exposed to wander without shelter or means of existence. Unaware of the measures taken or decided on, in particular by the countries of departure or destination, the Committee offers its co-operation, if it be considered opportune, and that of its delegations in Germany and the neighbouring countries, in particular to investigate needs, or to distribute the relief supplies which would immediately be placed at its disposal, or which it could collect itself with the help of other relief societies. The Committee hopes then to receive from the competent authorities all facilities for relief work on the spot <sup>1</sup>.

At the end of the war, neither stocks of goods, nor funds of its own were immediately available to the ICRC. Its only course, besides that of asking Governments that the deportations should be carried out in conditions as humane as possible, was to enlist the co-operation of Red Cross Societies or of other relief organizations, and to collect funds. In so far as consent was given to the work of the Committee, it could visit assembly camps and assist in distributing relief. An account follows of how such work was carried out in various countries.

## **2. Camp visits and negotiations with Authorities**

*Czechoslovakia.* — It was in this country that the ICRC first had to deal with the problem of racial minorities. A great number of people were hurriedly interned in camps, whilst awaiting their deportation from the country. Since the only grounds for this internment previous to expulsion were the German origin of those concerned, the ICRC held that, from the humanitarian point of view, these internees should logically be classed with "civilian internees" <sup>2</sup>. The Committee approached the Czech Government and attempted to have this view accepted: it also asked that its delegation be given the right to visit camps.

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<sup>1</sup> The Governments to whom this telegram was addressed did not vouchsafe any reply to the ICRC on the offer of its services.

<sup>2</sup> See above, Part IV, Chapter 2.

The first visit took place on June 2, 1945, at Patronka near Bratislava. Subsequently, the Slovak Government gave the delegation of the ICRC general authority to visit camps in Slovakia, whereas the Czech Authorities required special application to be made for each visit. Delegates carried out 72 visits to 56 camps between June 2, 1945 and June 30, 1947. In accordance with arrangements made with the Czechoslovak Government, who had agreed that there should be co-operation between the Delegation of the ICRC on the one hand and the Ministries for Foreign Affairs, the Interior and Public Health on the other, a separate report was made on each visit, and handed to the responsible authorities with the comments of the Delegation.

Moreover, the ICRC on March 14, 1946 sent a general Memorandum to the Prague Government. Whilst having to refrain from taking any stand on the decision in principle which had led to these deportations, and taking into consideration only their consequences on the humanitarian plane, the ICRC recalled that it held it to be its duty to contribute, to the best of its ability, to rendering the carrying out of these transfers as humane as possible. Generally speaking, the ICRC was of opinion that, in view of the unsatisfactory conditions in these camps, it was important to put an end to the provisional internment as soon as possible. The Memorandum further maintained that during this internment the persons concerned should be given the same status as "civilian internees", and expressed the wish that the full list of camps should be sent to the Committee. Whilst recognizing the improvements already made by the authorities in the treatment of the internees, the Committee suggested the adoption of various urgent measures, in particular to reunite members of the same family, to increase food rations and clothing issues, and to improve hygiene, medical care and accommodation.

Finally, the ICRC stressed the importance of allowing those deported to bring away personal belongings and foodstuffs in sufficient quantity, in order to avoid their arriving in Germany, as it happened all too often, in a state of complete exhaustion and undernourishment. These conditions could very rarely

be alleviated by the very scanty stocks available in a ruined and disorganized country.

The Delegation in Czechoslovakia, which remained throughout in contact with the authorities responsible for this question, was glad to observe a real improvement in the situation. It also looked after members of racial minorities who had been imprisoned, often without any charge being brought against them, and secured the release of several hundreds, subject to their ultimate deportation.

The Delegation of the ICRC also had occasion to investigate the position of members of the Hungarian minority, whose transfer had also been decided on by the Czechoslovak Government. It did not, however, fall to the ICRC to take any action in this question, since these people, unlike the German minorities, had a Government and a National Red Cross in their own country to look after their interests.

*Poland.* — It was not until June 1946 that the ICRC was able to post a delegate in Poland. During the first months, he experienced some difficulty in getting recognition of his right to investigate the problem of the German minority. He was moreover taken up by his work in behalf of the tens of thousands of PW held in Poland. He was able, nevertheless, to establish useful contact at once with the Polish Red Cross, which had sick German civilians locally in its care in Silesia. This contact led later on, at the beginning of 1947, to the permission given by the Central Committee of the Polish Red Cross to its Information Bureau in Warsaw to extend its work to German civilians. Moreover, the Delegation of the ICRC succeeded, at the same period, in taking up the problem of the German minority with the Ministry of the Interior. Having learned that convoys of evacuees had arrived in Germany in a very bad condition owing to the hardships of the winter, the Delegation managed to induce the Ministry to postpone these deportations to a milder season. Finally, on June 27, 1947, following on a request from Geneva, the delegate was authorized to visit assembly camps and he was able at once to undertake the first visit to Kalawsk Camp.

*Yugoslavia.* — The Yugoslav Government had also issued decrees for the deportation of members of the German minority in Yugoslavia. There too, numerous German civilians were interned or held in custody whilst awaiting their transfer. The ICRC was hardly able to take any action on this question. Permission had not been granted to increase the strength of the Delegation, and activities therefore had to be confined to its customary work for PW. The Committee did not however lose sight of the matter. Private appeals and reports to the effect that conditions of internment were not satisfactory as regards food, hygiene and treatment having reached Geneva, the ICRC informed the Yugoslav Red Cross. It furthermore asked this Society, as it was unable itself to take any steps, to include in its own activities humanitarian relief to members of German minorities interned or held in custody <sup>1</sup>.

*Rumania.* — In January and February 1945, the delegation of the ICRC was able to visit members of racial minorities who had been interned in civilian internee camps at Slobozia, Caracal and Targu-Giu. After the Rumanian Government had, in March 1945, ceased to authorize camp visits, the ICRC, which still received numerous applications, continued to approach the authorities in the attempt to improve the situation of these people, since they were without any Protecting Power.

*Hungary.* — The Delegation in Budapest was able to make visits to camps in November 1945 and January 1946. After one of these visits, the delegation submitted its comment to the Hungarian Authorities with the object of improving the conditions of internment.

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<sup>1</sup> Although this Report ends at June 30, 1947, mention must be made here of the reply of the Yugoslav Red Cross, dated August 6, 1947. After quoting the various measures taken or contemplated by the Government in behalf of German minorities in Yugoslavia, the Society stated that it carried out regular humanitarian relief work amongst these people, in particular in finding homes for orphans or children who were abandoned, and by the despatch to German communities of medical teams and stores. The Society also intended to support measures for promoting the emigration of minorities.



### 3. Relief

The facts established by the delegates when visiting the camps, during the course of transfers, or in in the countries of destination, required more than steps with the competent authorities. They also demanded emergency schemes for relief. Since no funds or goods were available for these minorities, the ICRC, besides making some direct consignments, mainly played the part of a welfare intermediary, making every endeavour to collect funds and to promote the despatch of relief consignments. With this end in view, it forwarded the appeals, application sand reports received to the Joint Relief Commission of the International Red Cross, and to the Swiss Relief Fund, as a first step, and asked them to include these minorities in their future relief schemes. Such appeals were later sent to the organizations which, in conjunction with the ICRC, signed annual appeals in behalf of civil populations<sup>1</sup>. These were : the Caritas Catholica Internationalis, the World Council of Churches, the OSE Union, the International Union for Child Welfare, the World Alliance of YMCA, the World Alliance of YWCA, the American Friends' Service Committee, the World Student Relief Fund, and yet others, according to the purpose. Finally, the ICRC lent the services of their delegations for co-operation in the distributing of relief supplies, in particular to the internment camps, which in many cases the Delegations alone had the right to visit.

For further details on the relief work entailed, see Vol. III, and more particularly the Report of the Joint Relief Commission.

### 4. Legal Protection

The reception and accommodation of such multitudes of people in a country destroyed and lacking in food demanded more than relief schemes. It gave rise to many problems, in particular the legal protection of the members of racial minorities, who were considered as Germans in their former country of residence and as such forfeited the citizenship of that State,

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<sup>1</sup> Two of these appeals, those of 1946 and 1947, make explicit reference to the needs of transferred populations.

but could not lay claim to German citizenship. The ICRC, convinced that only an inter-governmental organization would be able to solve this problem, sent a Memorandum to the Preparatory Commission for the International Refugee Organization (IRO), suggesting that this body should extend its assistance, in particular in the legal field, to members of expelled minorities not of German origin.

This intervention forms part of the work which the ICRC is still pursuing in behalf of refugees and stateless persons, and which is dealt with in the preceding Section D.

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## **VII. Protection of Civilian Populations against the effects of War**

### **(A). PROTECTION OF CIVILIAN POPULATIONS AGAINST BOMBARDMENTS**

#### **1. Historical Introduction**

There is a principle which governs the laws of war as a whole and which informs the regulations gradually evolved for the limitation of bombardment in time of war and to give protection to civil populations. This principle is that belligerents may not have the unrestricted option of means to do injury to the enemy.

Already in 1874 the Brussels Conference, in its draft International Declaration, stipulated (Art. 15) that "open and undefended" towns, built-up areas and villages should not be attacked or bombarded. The Conference thus drew a distinction between fortified and open towns.

This distinction was not retained by the first Peace Conference held at the Hague in 1899, and only the idea of "defence" was approved. Article 25 of the Regulations annexed to the Second Convention of 1899 merely forbids attack or bombardment of towns or villages "which are not defended". This stipulation was revived by the Fourth Hague Convention in 1907. It is further stated in Art. 25 of the Regulations concerning the Laws and Customs of War on Land that bombardment "by any means whatsoever" of undefended towns and villages is prohibited. The object was to ensure application of the

Regulations to bombing from airships, a possibility that was foreseen <sup>1</sup>.

Further, the 1899 Conference sanctioned for the first time a new discriminative standard, that of the "military objective". The Second Hague Convention of 1907 had recognized (Art. 2) naval bombardment of a town or port, even undefended, when the aim of these bombardments was to destroy certain objectives listed in the Article and which constitute, in point of fact, military objectives. It may be argued that this new specification was not taken into account in framing the Hague Regulations, because aviation was only rudimentary in 1907 and its potentialities in war were as yet unknown.

It should also be pointed out that Art. 25 of the 1899 Regulations covers only undefended localities of the forward zone. At that time it would have been inconceivable to legislate for the protection of localities in the rear which, in point of fact, enjoyed complete immunity.

It was at this period too, it appears, that a beginning was made with the inclusion of the "military objective" concept in the common law of warfare. In most of the armed conflicts which have broken out since 1914, belligerents nearly always relied on this tenet to justify bombardments considered by the adversary as against the laws of war. The disputes which this subject has provoked have turned, not on the principle of the legality of bombarding military objectives, but on what kind of targets constitute such objectives. In 1923, a Committee of legal experts met at the Hague and framed draft regulations on air warfare. A classification by kind of military objectives was attempted, and list was made of them (Art. 24). Further, this Committee laid down the principle according to which the only bombardments admitted as permissible were those carried out in the zone of operations.

Immediately after the end of the first World War, the ICRC decided within its own competence to examine measures likely to ensure a certain limitation of methods of warfare and to

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<sup>1</sup> The first bombings by plane took place during the Italo-Turkish war of 1911-1912.

protect the civil populations. At the first Assembly of the League of Nations it tabled a number of suggestions for ruling out the new methods of warfare which had come into use in the war of 1914-1918. The ICRC advocated, in particular, the prohibition of gas and the limitation of air warfare by ruling out bombardment of the civil population. It further recommended strict application of Art. 25 of the Hague Regulations, which forbids bombardment of undefended localities, by giving so precise a definition to "undefended localities" that prohibition could not easily be evaded.

These principles were taken up by the Tenth International Red Cross Conference (1921), when Governments were invited to conclude agreements in this sense and as complements to the Fourth Hague Convention.

The Twelfth International Red Cross Conference (1925) recorded its satisfaction at the signature, on June 17, 1925, of the "Protocol of Geneva", which makes solemn condemnation of all means of chemical or bacteriological warfare. The opinion of the Conference was that, in case of a possible violation of this Protocol, it should be the task of the Red Cross to make researches in time of peace, in co-operation with civil and military authorities, on the means to protect civil populations from the effects of chemical and bacteriological warfare. In response, the ICRC convened an International Commission of Experts, first in Brussels (1928), later in Rome (1929), and requested that its deliberations cover bombardments by aircraft. This Commission proposed various measures of a general nature which tended in the main to prescribe education of the public in means of protection against aero-chemical warfare and bombardments, by the creation of an information centre within the responsibility of the ICRC, and by special instructions to be given the civil population.

Moreover, since the Commission had recognized the impossibility of complete protection by technical means alone, the Committee also gave its attention to the legal aspect of protection of civilians. In 1930, eight eminent jurists of different countries were consulted by the Committee for their considered opinion on the possibility of making explicit those clauses in international

law which give protection to the civil populations outside the fighting zone against bombardments of all kinds, or of making these clauses much more effective.

These consultations, and the resolutions of the Commission of Experts in Rome, led the Fourteenth Red Cross Conference (Brussels, 1930) to entrust the ICRC explicitly with the task of studying measures of reinforcing the legal position of civil populations in time of war. To meet this new task the ICRC convened a Commission, consisting exclusively of legal experts, which met in Geneva in 1931.

This Commission, after examination of the Conventions then in force and study of the possibilities of extending their scope, adopted a report which makes it clear that only total prohibition of bombardment from the air and of chemical warfare would, from the legal point of view, ensure effective protection of civil populations.

A few months later a Conference met in Geneva, under the auspices of the League of Nations, for the reduction and limitation of armaments. The ICRC seized this opportunity of laying before the members of this Conference a collection of all data it had assembled on the subject of chemical and air warfare. At the same time, it made an urgent appeal to the Conference for the total prohibition of air bombardment and of chemical and bacteriological warfare.

These endeavours were of no avail, and the ICRC, losing all hope of inducing Governments to agree to total prohibition of air warfare, then turned its labours in a new direction and gave its attention to the setting up of hospital and security localities and zones <sup>1</sup>.

It remains to mention, before closing this chapter, that the Fifteenth International Red Cross Conference (London 1938) addressed a general appeal to the responsible Authorities in all countries, to make every effort to secure the prevention of air bombardment, or such restriction of it that the lives of defenceless women, children and the aged might be safeguarded. The Conference further asked the ICRC to pursue, in co-operation

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<sup>1</sup> See the following chapter B, p. 692.

with the Save the Children International Union (now International Union for Child Welfare), its study of means of protecting women and children against suffering caused by war. The second World War broke out shortly afterwards, and the ICRC, abandoning its theoretical studies, devoted its whole time and labour to alleviate, in a practical manner, the misfortunes of war victims.

## **2. Efforts of the ICRC during the Second World War**

The various steps taken by the ICRC during the War in the field of protection of civil populations against bombardments may be divided into two categories. There were its attempts to get agreements from belligerents that bombing be restricted to objectives, the destruction of which would prove necessary for certain war operations. There were also its efforts to promote the institution of security localities or zones. The latter being covered in the following chapter, only the subject of restriction of bombing will be discussed here.

### *(a) Steps in general against bombing.*

On March 12, 1940 the ICRC addressed an appeal to States signatory to the Geneva Convention and of the Fourth Hague Convention of 1907.

In this appeal the Committee set forth the problem of protection of civil populations against bombardments and invoked the great principles laid down by the Fourth Hague Convention which, founded on general immunity granted by the law of nations to the civil population, deny belligerents unrestricted rights in the choice of means of inflicting harm on the enemy and prohibits bombardment of undefended towns or dwellings. Since there was no convention which covered the creation of security zones, the Committee proposed to the belligerents that that they should conclude agreements by which, in confirmation of the Fourth Hague Convention, they would declare military objectives to be the only permissible targets, that would indicate such objectives and prohibit any bombardment of the civil

population. It was also suggested that measures should be taken for inspection in the event of alleged infringement. Finally, the Committee made a solemn appeal to the belligerents to refrain from reprisals, and reminded them that in all circumstances persons and objects protected by the Red Cross emblem should never be the object of attacks, not even as a measure of reprisal.

On the same date (March 12, 1940) the ICRC also sent a Circular Letter, No. 362, to National Red Cross Societies, begging that the Societies should approach their respective Governments in support of the above appeal.

Fourteen States replied to this appeal <sup>1</sup>. All concurred with the human principles which inspired it, but none adopted in practice the proposals advanced by the ICRC. Among the major Powers then engaged in the war, the German Government expressed approval of the Committee's proposals, but stated that as long as the enemy did not restrict bombardments to military objectives, it found itself compelled to act in the same way. The Government of the United States replied that it supported the plan put forward by the Committee, and recalled public statements by President Roosevelt condemning bombardment of civil populations. The British Government gave assurances that the RAF had received orders not to bomb non-military objectives, provided that the adversary kept to the same rule. The Italian Government recalled the fact that bombing of the civil population was prohibited by a law enacted in 1938, and that it had every intention of adhering to this principle, in so far as the enemy also conformed to it.

On May 12, 1940, two days after the great German offensive was launched on the Western front, the Committee felt it a duty to address a new note to Governments of belligerent States. As the conflict each day became more intense, the ICRC, recalling the terms of its earlier appeal, again made a solemn call to the belligerents to prohibit attacks on people, who unarmed and

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<sup>1</sup> Brazil, Egypt, Finland, Germany, Great Britain, India, Italy, Latvia, Poland, Sweden, Turkey, Union of South Africa, United States of America and Yugoslavia.



innocent of any active part in the struggle, should not have to suffer the assaults of war. In its appeal to the conscience of the nations and in the name of human dignity, the Committee made its voice heard throughout the world.

One Government only, that of Australia, replied to this appeal that it entirely approved both its spirit and its terms.

Three years went by, during which the civil population suffered damage to life and property far exceeding that experienced in the first World War, and which went on increasing. The Committee decided to speak out again, undeterred by the almost complete silence which met their appeal of May 1940, and despite their principle of proving their moral position and their purpose of service by deeds, not words. On July 23, 1943 the Committee sent a telegram to all Governments then at war recalling the two earlier appeals and again begging them to respect man's right not to be made to suffer for acts he had not committed. The Governments were once more besought not to have recourse to destruction which could have no justification and to methods of warfare proscribed by international law and by man's conscience.

A few days later, in a letter of July 30, 1943, the ICRC forwarded the text of this telegram to National Red Cross Societies.

Seventeen Governments replied <sup>1</sup>. They all approved of the step taken by the ICRC and pointed out that they had always respected the principles of the law of nations covering the protection of civilians, and would continue to do so. Some Governments, for example the United States, qualified this statement by saying explicitly that they would refrain from inflicting unnecessary suffering on civil populations "as far as possible". Others, such as Poland and Slovakia, said they would also refrain, "subject to reciprocity".

A few months later, on December 30, 1943, the ICRC when sending an appeal to belligerents to remind them that the

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<sup>1</sup> Brazil, China, Colombia, Croatia, Cuba, the Dominican Republic, Finland, France (French Committee of National Liberation, Algiers), Greece (Greek Government in Cairo), Honduras, Hungary, Italy, Mexico, Panama, Slovakia, Thailand, United States of America.

Geneva Conventions prohibited any kind of reprisal, in particular against prisoners of war, stressed again for the third time, the grave concern it felt as regards methods of warfare which tended less and less to spare the civil population and property of not the slightest military importance. Of this too, the ICRC informed National Societies by letter of January 25, 1944.

Eight States<sup>1</sup> replied to this appeal, but only two took a definite stand regarding the general question of methods of warfare. The United States of America insisted that their armed forces bombarded only objectives with military importance, and Finland made clear that it had never taken the course of bombing behind the front.

During the last two years the War had reached a degree of intensity never known before and had at last become "total" war. The recourse to systematic destruction by bombing from the air, and later to new weapons such as flying bombs and atomic bombs, caused a vast upheaval in the age-long conception of warfare, both in the field of military strategy and in that of international law; the civilized world had now, therefore, to meet problems far more grave and urgent than in the past.

The new character of the weapons of warfare put in peril those values of humane significance over which the Red Cross is one of the staunchest guardians. The Committee then felt prompted to raise its voice yet again, and to draw the attention of all National Red Cross Societies to these grievous questions.

Thus, in its Circular Letter No. 370 of September 5, 1945, it pointed out a few of the most immediate problems which such an upheaval imposed on the Red Cross and on which it was imperative that a pronouncement should be made. We think it useful to quote here some extracts from the Circular.

There can be no doubt that war, an anachronism in a civilized world, has taken on a character so devastating and so wide-spread, in the web of conflicting interests of the various continents, that the thoughts and labours of all should be turned to the paramount task of making impossible the resort to arms. The Red Cross, nevertheless, is compelled, in

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<sup>1</sup> China, Finland, Hungary, Iran, Italy, Thailand, United States of America, Yugoslavia (Yugoslav Government in Cairo).

time of war, to pursue its traditional efforts in the field of international law, that is to rise in defence of humanity and of the demands that it makes. At a moment when peace seems, at last, to have returned, it may appear ill-timed to take up such a task, but that should not deflect the Red Cross from this fundamental duty. As the destructive forces of war increase, so much the more imperative does it become to protest against this overthrow of human values and to turn the light of man's conscience, frail though it be, to pierce the darkness.

It is indeed questionable whether the latest developments of the technique of warfare leave any possibility for international law to cover a firm and sound order of society. Already the first World War, and still more the long disaster of the past six years, demonstrate that the conditions which prompted the framing of international law in its model form in the Geneva and Hague Conventions, have undergone far-reaching change. It is clear that developments in aviation and the increasingly destructive effects of bombing have made practically inapplicable the distinctions hitherto drawn, whereby certain classes of people had by right a special protection (for instance, the civil population in contrast to the armed forces). The inevitable development of weapons, and so of warfare as a whole, has a greater significance by reason of the exploitation of the discoveries in nuclear physics, which permit the producing of arms of a potency hitherto unknown. It would be useless to attempt a forecast for this new weapon, or even to express an opinion on the prospect that the Powers would relinquish it altogether. The question arises whether they would, perhaps, keep it in lasting and unfailing reserve as a supreme safeguard against war and as a means of preserving a just order. This hope is not, perhaps, entirely vain as, during this six years struggle, there has been no recourse to the chemical or bacteriological means of warfare as outlawed by the Powers in 1925. It is as well to remember this fact at a time when there have been so many infringements of law and so many reprisals have been taken.

In former times war was, essentially, an armed contest between combatant forces. To-day, it supposes the total mobilization of all living forces of the nation against the enemy country and it involves the whole population. Warfare has now altered fundamentally owing to recent discoveries and to technical application of them. Mankind is thus faced with a problem of supreme gravity which calls for decisions on the moral plane.

The Geneva Convention gives guarantees to the wounded and sick of the armed forces—just as to their adversaries—that their lives will be protected and that they will have the right to proper care; the Convention on the treatment of prisoners of war watches over the physical and moral situation of those in captivity. The terms of these instruments declare the absolute inviolability of an enemy who is no longer fit for combat and give recognition to the dignity of the human personality.

Protection of the civil population must rest on these same principles. The same applies to the endeavours made by the Red Cross to bring relief supplies of all kinds—foodstuffs, clothing and indispensable medicaments—to women, children and old people in occupied territories. Safeguarding of children is the last line which the Red Cross must defend, if war is not to mean utter destruction of mankind.

From totalitarian war have sprung new techniques. Must it then follow that the individual person will no longer enjoy the protection of the law and that he will thus be considered as a mere pawn in the mass struggle? That would mean the collapse of the principles that are the foundation of international law, which affords physical and moral protection to the human person. Even in time of war, a system of law which is purely expedient, based on self-interest and which serves only the exigence of the moment, could never offer an enduring security.

Unless respect for the significance and dignity of man is sustained, war will inevitably lead to boundless destruction, since the human mind which harnesses the forces of the universe seems, by the mechanisms it contrives, to hasten the onrush of destruction.

The Red Cross ideal, however, endures. It embodies the conception of the significance and dignity of man. It then far transcends the law of nations and the laws of war. It is upon that ideal, using the word in its most profound sense, that human society depends for its survival.

#### (b) *Particular cases.*

The ICRC received protests from National Red Cross Societies and from Governments that certain bombardments had affected the civil population. In accord with their customary procedure<sup>1</sup>, the Committee transmitted these protests either to the National Society of the country accused, or direct to the Government concerned, if they came from an adverse Government.

On March 1, 1944, the Netherlands Red Cross protested to the ICRC against the bombing of Nijmegen, Enschede and Arnhem. This protest was retransmitted to the British and American Red Cross Societies on April 14 of the same year.

To these same National Societies were forwarded, on May 30, 1944, protests dated March 22 and 30, 1944 from the Albanian Red Cross against attacks from low-flying planes and their machine-gunning of Albanian towns. It also, on June 9, 1944 sent on the protest of the French Red Cross, dated April 22,

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<sup>1</sup> See above, Part. I, Chapter 6 (C).

1944, against the simultaneous use of direct action and delayed action bombs<sup>1</sup>. On May 30, 1944, too, the ICRC transmitted to these two Societies a protest from the Rumanian Red Cross, of April 28, 1944, against the bombing of towns in Rumania.

The British Government stated meanwhile that it would give attention only to protests transmitted by the diplomatic channel of the Protecting Power; it was therefore to the American Red Cross alone that the Committee sent, on September 26, 1944, a fresh protest from the Albanian Red Cross against bombing of the town of Peja.

On June 16, and August 28, 1944, the Albanian Government transmitted to the ICRC, by the intermediary of the German Consulate at Geneva, a protest against the machine-gunning of civilians on the roads and in the fields by Allied airmen. This protest was sent on to the Department of State in Washington on September 15, 1944.

On August 9, 1944 the Belgian Red Cross sent a protest to the ICRC with details of the bombarding of targets in Belgium in June and July 1944. The ICRC decided to transmit it, on September 1, 1944 to the Governments of France, Germany, Great Britain, and the United States, by the intermediary of their respective diplomatic representatives in Geneva.

On September 5, 1945 the ICRC received from the Syrian Red Crescent a protest against the bombardment of Damascus by the French forces. This protest was, in the usual way, forwarded on September 19, 1945, to the French Red Cross.

A certain number of private persons (well-known people, associations, and others) wrote to the Committee; some called on it to protest to Governments against the bombing of certain places or areas of the country, others to ask it to investigate the origin or the effect of specified bombardments held to be contrary to international law. When it received protests of this kind, the Committee replied that it could only transmit pro-

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<sup>1</sup> The ICRC published an article in the "Revue internationale de la Croix-Rouge" in September 1944, stressing the increased danger which delayed action bombs cause to the civilian population and to rescue squads, and pointed out that the use of such weapons of war was contrary to the spirit of the Geneva Convention.

tests received from Governments or National Red Cross Societies and, further, that it could only take part in any investigations if asked to do so by all Governments concerned.

A response of that kind was sent, for instance, to a group of French intellectuals who in a letter of May 1943, had protested against the bombing of French towns, to certain leading Rumanians who, during the month of April 1944, had asked the ICRC to protest to the Allies against bombing of the principal towns of Rumania, and to the Archbishop of Malines who had sent a pastoral letter on the matter of bombing in Belgium <sup>1</sup>.

## (B). HOSPITAL LOCALITIES AND SECURITY ZONES

### 1. Historical Introduction

Henry Dunant, the founder of the Red Cross, was the first to conceive the idea of hospital and security zones. In 1870 he proposed to the Empress Eugenie the neutralization of a certain number of towns and zones for the accommodation, not only of wounded and sick, but also of civilians, old people and children. Similarly, during the Commune rising in 1871 he strove to find means of protecting women and children resident in Paris from the likely consequences of the town being bombarded by the Government troops, and from the explosions and fires planned by the Commune.

In 1929, General Georges Saint-Paul, of the French Army Medical Corps, advanced the idea, in his turn, that better protection should be ensured in wartime for young children and their mothers, for pregnant women, old people, and the sick and disabled, by sheltering them in security localities or zones away from big towns. It was due to his initiative that the Association " Lieux de Genève ", was founded in 1931 at Geneva, with the purpose of carrying out his plan.

Further, in 1934, giving effect to a recommendation made by the Seventh International Congress of Military Medicine and

Pharmacy, a commission of doctors and legal experts met at Monaco and worked out a preliminary draft Convention (called the Monaco Draft), which contained in particular stipulations that hospital towns and localities should be allocated for the wounded and sick members of the forces, and security towns and localities for use as shelter for certain classes of the civil population. The Monaco Draft was forwarded to the Belgian Government, which contemplated convening a Diplomatic Conference to examine it ; the idea had, however, to be abandoned.

The Fifteenth International Red Cross Conference, held in Tokyo in 1934, recommended that the Monaco Draft should be studied and that the ICRC and National Red Cross Societies "should get in touch with Governments to encourage their efforts for the speedy carrying out of all measures with a view to the protection of both military wounded and sick and of the civilian population".

For their part, the Standing Committee of the International Congresses of Military Medicine and Pharmacy sent the ICRC the Monaco proposals and offered to co-operate in the revision and choice of texts, which might serve as a basis for discussions at a Diplomatic Conference.

Heeding these recommendations, the ICRC convened a Commission of Experts, who sat on October 15 and 16, 1936, and included twenty-seven delegates of National Red Cross Societies, the Committee of the Congresses of Military Medicine and the Save the Children International Union.

The debates revealed a strong current of opinion in favour of the institution of hospital towns, but also made it clear that this problem raised many questions of an essentially military character, which it would be advisable to submit to experts.

Furthermore, it fell to the Commission to express an opinion on the possible extension of the protection contemplated for wounded of the armed forces (hospital towns) to certain classes of the civil population (security localities). The Commission considered such an extension most advisable, but that attention should be given in the first place to the institution of hospital towns—more particularly within the framework of the Geneva Convention and the traditional sphere of Red Cross work—

and that the larger problem of places of security should be left to a later date, when there would be more hope of solving it. The ICRC therefore concentrated its work on the protection of wounded and sick of the armies in the field.

On the basis of the debates of the Commission of October 1936, the Committee worked out draft Articles, to serve as a framework for a Convention for the institution of hospital towns. This draft was laid before National Red Cross Societies in Circular Letter No. 336 ; they were asked to submit it to their Governments with a view to ascertaining the opinion of the General Staffs. The National Societies were also asked to inform the Committee whether their Governments would be willing to delegate a representative to a Commission of military experts, which the Committee intended to convene if they received favourable replies.

The poor response to these approaches, despite repeated attempts, did not warrant the summoning of this Commission. The Committee was therefore unable to do more than to table a provisional report at the Sixteenth International Red Cross Conference, which met in London in 1938.

The Conference renewed the mandate entrusted to the ICRC and expressed the hope that " the International Committee may be able to convoke in the near future a Commission of military experts and experts in international law, with a view to establishing a definite draft which could be submitted forthwith to a Diplomatic Conference for consideration ". It further expressed the hope that, " until such time as a plan of this character may have been put into effect, Governments will consider, as need arises, the possibility of concluding mutual *ad hoc* agreements, providing for the institution of hospital towns and areas ".

In carrying out this mandate the ICRC, in their Circular Letter No. 350, asked National Societies to appoint, in agreement with their Governments, military experts and experts in international law to form a commission for the establishment of a draft convention.

This Commission sat on October 21 and 22, 1938, and consisted of delegates of eighteen States and National Red Cross Societies. The data laid before it comprised the report the ICRC had



presented to the Fifteenth International Red Cross Conference, with the draft Articles established after the discussions of the Preparatory Commission of Experts of October 1936, two draft Conventions tabled by the Yugoslav and Rumanian Red Cross Societies, and the Monaco Draft. Further, M. C. Gorgé, then a Chief Assistant to the Swiss Political Department, had himself framed a draft convention, which the Commission also took as a basis for discussion.

In the light of these various documents the Commission worked out a new draft convention, called the "1938 Draft", and asked the Committee to add a report to it which would serve as commentary. This report, called "Draft Convention for the institution of Hospital Localities and Zones in Time of War" was forwarded to Governments by the Swiss Federal Council in January 1939, in the nature of a preliminary document in preparation for the Diplomatic Conference due to meet at the beginning of 1940 and which was adjourned owing to the war.

## **2. Endeavours of the ICRC during the Second World War**

### **(a) *General steps.***

It will be remembered that at the outbreak of war the ICRC sent to the belligerent Powers, and later to each State which came into the war, a circular letter informing them that the Committee was fully prepared to play its part in the sphere of humanitarian service, according to its customary role and to the full extent of its powers, to the end that the evils caused by war might be alleviated. The Committee stated it was ready, in particular, to examine the possibility of organizing security zones under the Red Cross emblem and the necessary measures of supervision to be designed if the belligerent Governments, with the object of increasing protection of the civil population, contemplated the institution of such zones.

On September 9, 1939, the ICRC sent the belligerent Governments a memorandum relative to hospital localities and zones. It was suggested the belligerents should either conclude *ad hoc* agreements amongst themselves to implement the 1938

Draft, or at least grant to the enemy medical service, subject to reciprocity and according to methods later to be agreed upon, guarantees similar to those set out in the Draft. The memorandum also raised the question whether, and under what conditions security localities and zones, i.e. those intended to shelter certain classes of the civil population in particular need of protection, might be set up for the duration of the war.

In a new memorandum, of October 21, 1939, concerning the possibility of agreements for the relief of victims of war and to promote the working of army medical services, the ICRC also covered the problem of hospital zones and localities and of security localities and zones. Referring to its memorandum of September 9, 1939, it called attention to the fact that the German Government, subject to reciprocity, was prepared to accept the 1938 Draft. As regards security localities and zones, the Committee asked the belligerent States to inform it upon what conditions they would be prepared to recognize security areas that the other belligerent party might establish on its own territory, even when they themselves did not set up any such zones. It further enquired what guarantees they would be prepared to grant the adverse party, if they did in fact establish these zones. Finally, the ICRC proposed to the belligerent Powers that they should delegate plenipotentiaries who could meet officially or unofficially in neutral territory, for example at Geneva, with the object of negotiating provisional agreements.

These various proposals met with no sign of approval from the Governments concerned, and the Committee was obliged to abandon its efforts in this field.

Over four years had elapsed since the despatch of their last memorandum when the ICRC felt it due that it should make a final attempt. At that time, air warfare had reached a scale and violence hitherto unknown, and the anxiety expressed by the Committee at the outbreak of war was more than justified, that it would prove a scourge to the civil population. Almost every day large numbers of defenceless children, women and old people were buried under the ruins of their homes.

The exceptional gravity of these facts induced the Committee

to send its memorandum of March 15, 1944 to all Governments. This document was covered by an urgent and solemn appeal which, in respect of the five Powers mainly concerned, took the form of a personal letter from the President of the ICRC to the heads of their Governments, in which he begged earnestly that one more effort be made in this cause, while there was yet time.

The motive underlying this fresh attempt on the part of the ICRC lay in the principle of international law which the Committee in particular had championed in its appeal of March 12, 1940. This was the principle according to which the bombing of military objectives alone was permissible, and which should be considered as the governing the rules of air warfare : it was one, it seemed, that was heeded less and less in military operations, thus leading to systematic attacks and the destruction of built-up areas. Bombing from the air, which formerly might be permitted only in the case of certain legitimate targets, was now extended over the whole territory of the enemy ; the logical consequence, by a contrary train of thought, was to fall back once more on the idea of establishing security zones, with immunity from attacks. There was no question of accepting that existing treaties and international law in general could be modified simply by the fact that belligerents now had recourse to new methods of destruction ; the present aim was to find effective means of safeguarding what might still be saved under these new and startling circumstances.

In the mind of the ICRC, the institution of security zones rests on the fundamental principle of the Geneva Convention which from the very beginnings of the Red Cross had been its most considerable endowment : that protection must be provided, even in the fighting areas, for those who have the right to be spared, because they are harmless to the enemy.

The ICRC therefore advocated, in their memorandum of March 15, 1944, the institution of protected zones where the following might find refuge :

- (a) Wounded and sick members of the armed forces (Hospital Zones and Localities, as contemplated in the 1938 Draft).
- (b) Civilian wounded and sick.

(c) Certain classes of the civil population who take no part, not even indirectly, in the fighting, and make not the least contribution to the war potential of the State (children, old people, pregnant women, and women with young children).

In respect of the classes mentioned under (b) and (c), the population of belligerent States and that of occupied territories should be placed on an absolutely equal footing. The ICRC further suggested that study should be given to the placing of certain classes of prisoners of war in security zones.

The ICRC expressed the opinion that the 1938 Draft might serve as a useful basis for the institution of hospital and security zones, even though these zones would offer refuge to larger classes of persons than those which that Draft is designed to cover. Belligerent Powers were therefore asked by the Committee to state their views on the principle of the institution of such zones. If the reply was one of approval, then that Power was asked to inform the adverse party, by any means it considered opportune :

(a) what zones it had in mind to provide protection for the classes of persons in question ;

(b) under what conditions it would agree to recognize the zones instituted by the enemy, with special reference to inspection.

The ICRC pointed out the urgent need of a practical agreement between the States concerned, and expressed the opinion that it was upon them, the States, that it devolved in the first place to indicate the location of the zones they proposed to set up in their territory, or in the territory of countries occupied by them.

Further, the Committee drew their attention to some salient points. Stress was laid, in particular, on the fact that in 1938, the experts had left open the question of night-marking of zones. In the event of a belligerent State deciding to provide the zones with night-marking, by means of suitable lighting, it ought not to take away from the effectiveness of such illuminated markings by lighting other areas that were not hospital or security zones. The ICRC therefore underlined the advantage of placing these

zones, if possible, in immediate neighbourhood to the territory of neutral States, insofar as these did not resort to or maintain a complete black-out. The objection that hospital or security zones might serve as landmarks to the enemy air force would thus be ruled out.

The Committee addressed their memorandum of March 15, 1944 to the Powers in the firm hope that heed would be given to it and that it would see its proposals rapidly achieve a practical result. The ICRC stated that it was at the service of the Governments, if its help was required to promote the conduct of negotiations and in the event, for instance, of the Powers deciding in favour of holding a meeting on neutral territory of their representatives.

The reception which the belligerent Powers gave to the memorandum of March 15, 1944, once more impeded any practical results. Whereas the States replied favourably in principle—mostly only after a long delay—none put into effect the practical and explicit proposals made by the Committee. Furthermore, among the Great Powers mainly concerned, who were chiefly responsible at that time for the conduct of the war, only Germany showed any signs of a positive reaction; the United States and Japan gave a negative reply, and Great Britain and the USSR made no response at all.

In a letter of August 25, 1944, the German Government recalled that its delegates to the Sixteenth International Red Cross Conference in 1938 had explicitly advocated the institution of hospital localities and security zones, and that in October of the same year, the German Government experts and those of the German Red Cross had taken part in the establishment of the 1938 Draft. During the first months of the war, in September and November 1939, the German Government had informed the ICRC that it considered the 1938 Draft to be a suitable basis for discussions with a view to concluding a convention. It also stated its readiness to give favourable consideration to any proposal concerning security zones, and added that, despite present difficulties, it was still prepared to take part in an exchange of views on the subject.

The United States Government, on February 12, 1945, replied

that it would be difficult to determine security zones in Germany which would not contribute, in some way, to that country's war effort, or through which would not run a line of communication constituting a potential military objective. Further, the American Government called attention to the fact that the use by Germany of flying and rocket bombs, which cannot be given precise aim, would deprive the Allied Powers of any advantages they themselves might obtain from such zones.

The Japanese Government pointed out, in a cable of November 22, 1944, that, while approving the Committee's endeavours in principle, it doubted the possibility of creating hospital localities and security zones. This Government advised the ICRC to take up again the principle set forth in the memorandum of March 12, 1940 which recognized only military objectives as legitimate targets for bombing<sup>1</sup>, and went on to make some new practical proposals along these lines.

The only Government of the British Commonwealth to reply to the memorandum of March 15, 1944 was that of South Africa ; it declined the proposals.

(b) *Particular cases.*

Besides general negotiations, a certain number of proposals, of a more or less private nature, were laid before the ICRC, all having in mind the establishment of the said zones in specified circumstances.

As a rule, the ICRC was quite unable to make any effective use of these proposals and to forward them to the Powers, because, on the one hand, they did not come from Governments but from Red Cross Societies, local government authorities, or members of the public, and because on the other hand, general negotiations on the principle itself of institution of zones were in progress, and were not yielding very encouraging results. Further, the Committee having by way of experiment sounded the Powers concerned on one of the first of these cases, at a relatively favourable moment, and having met with a refusal,

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<sup>1</sup> See above, p. 685.

thought it inadvisable to exhaust the patience of Governments by repeated appeals concerning plans which had no official character and were unrelated one to another.

In each of these cases, the Committee carefully explained the above facts to the authors of the proposals, and it recommended them, in their efforts to secure the institution of special zones, to try to get the formal agreement of the Authorities who held the *de facto* military power in the country. Furthermore, every time it was possible, the Committee informed the competent Authorities of the adverse party of the facts which had come into its hands.

The following is a summary of the principal particular cases submitted to the ICRC :

(1) During the first months of the war, the French army had made Phalsbourg a kind of hospital town, without any railway station, military workshops or depots, and situated at a distance from any railroad. Only members of the medical service had access to it, to the exclusion of all fighting units. The Red Cross emblem was displayed on ambulances, as also in the main square of the town.

The ICRC questioned the French Government on the plan and was told that no particular international importance should be attached to these steps taken by the French Army.

(2) The Central Committee of the Italian Red Cross informed the ICRC in January 1944 of the arrangements made by the local Red Cross Committee of Sienna and the medical institutions of the town to transform it, with the consent of the German and Italian military commandants, into a large hospital centre for military and civilian wounded and sick. The town also took in a great number of refugees. Attention was called to the fact that it contained no military objectives, and that the military barracks would shortly be moved outside. The Vatican had, at this time, also been active with the aim of safeguarding the buildings of Sienna.

As the move of the Italian Red Cross reached the Committee shortly after despatch of the memorandum of March 15, 1944, the ICRC decided to send word of it to the Governments

concerned (Germany, Great Britain, the Royal and the Neo-Fascist Italian Governments, and the United States). In a letter of April 12, 1944, the Royal Italian Government replied that the competent Allied authorities found it impossible to confer the status of an open town on Sienna, as it was a road and rail junction used by the enemy. Nevertheless, it added, measures would be taken to safeguard the hospitals and the art treasures of the town.

(3) In April 1944, the Italian Red Cross asked the ICRC to intervene for the protection of security localities consisting of villages at five to six miles distance from the outskirts of Bologna, in which it was intended to shelter families who had suffered disaster in the bombing of that town. Emblems of neutrality, consisting of squares divided into two triangles, the one yellow and the other black, had been placed on a certain number of houses in these villages.

Later, in February 1945, the ICRC learned from its Delegation in Northern Italy that the German military authorities had organized local police patrols at the gates of Bologna, to prevent the exit of members of the forces who had no special reason for going to the villages.

In both cases the ICRC brought the facts to the notice of the competent Allied authorities.

(4) In August 1944, the Committee received a similar request from the Northern Italian Red Cross regarding the town of Imola, situated near the front, and harbouring close on 5,000 evacuees, wounded and sick, children and old people. The Committee could only, as in the earlier case, inform the Allied authorities of the matter.

(5) In February 1945, the Mayor of Constance proposed that this town should become a hospital and exchange centre for PW and internees repatriated for reasons of health. The Committee sounded the Interallied Military Authorities on the matter and received a favourable reply. The German Government also sent word they would give the matter favourable consideration. The purpose of these negotiations was, however,



outstripped by military events, for at that moment the town was occupied, without resistance, by the French forces.

(6) The Norwegian Red Cross in Oslo informed the ICRC, in March 1945, of proposals to secure recognition of Tromsø as a security locality. This town is on an island, and its houses are built of wood. Overcrowded with refugees and without any means of evacuation, the slightest bombing would have been a serious catastrophe for the civil population. There again, the ICRC brought the facts to the notice of the Allied Authorities.

(7) Also in March 1945, certain neutral Governments, on the advice of their consular representatives in Shanghai, suggested to the belligerent Governments concerned that a security zone be instituted in that town, on the grounds of the overcrowding in the built-up areas and the impossibility of evacuating the population, or even of digging shelters in that kind of soil.

The ICRC supported this proposal and placed its own services and those of its Delegation at the service of all parties, if they were required.

The Committee learned subsequently, that the Chinese Government had ruled out the possibility of setting up a security zone in Shanghai, in view of the prevailing situation in China.

(8) The ICRC learned that other endeavours to institute hospital or security zones had been made in behalf of Beauvais, Bregenz, Hauteville, Lindau, Prague and Vienna. These plans came, however, to nothing.

#### (c) *Declaration of Open Towns.*

According to the accepted traditions of war on land, an "open town" was a town or a place which offered no resistance to an invading army, owing to the fact that it was not fortified or was without armed forces. By occupying it, the attacking army prevented their adversary from putting it to immediate use, military or otherwise.

Technical developments of modern warfare have, however,

considerably modified this conception of an "open town". The new arms consisting of aircraft, long-range artillery and rockets make it possible to attack objectives far behind the fighting line and to reduce them for a certain length of time. An open town, in these circumstances, would be a town or a place harbouring no military objectives, and such that a belligerent could give guarantee to the adverse party that it would not be made to serve any military purposes until the end of the war, or at least till the fighting ceased in the district under discussion.

This is, however, an entirely theoretical point of view, the range of which is more than ever limited by recent experience. It must be remembered that the very concept of an "open town" must lose all meaning, if belligerents consider bombardment of towns permissible, even when they have no immediate military or strategic value, or if they carry out destructions out of all proportion to the extent and value of military objectives within such areas, or if, in other words, the main purpose of such destruction is to reduce the enemy's economic potential or to undermine his morale.

It did, however, happen during the recent war, described as "total", that certain towns were spared, owing to an independent decision of the attacker, or to an agreement, may be a tacit one, arrived at between the opposing sides (for example as regards Athens, Rome and Paris). These facts are an illustration of voluntary limitation of means of warfare otherwise considered as admissible; they are less the result of humane considerations which, by their nature, would be applicable in all circumstances, than of political and military measures taken in concrete and specific cases.

The ICRC, for its part, was requested several times during the recent war to use its good offices with the belligerents in order that certain localities might be declared open towns. The Committee was obliged to decline, as these requests were mainly of a political or military nature and would have taken it quite outside its proper sphere of action.

The Committee agreed, nevertheless, because of the exceptional circumstances, to act as intermediary in the case

of the city of Lyons. The Lyons branch of the French Red Cross had asked the ICRC, in a letter of August 30, 1944, to make some effective intervention to ensure that Lyons, which had over 700,000 inhabitants and which had suffered severely from bombing, might be declared an open town. This request had most urgent support in a letter from the Cardinal Archbishop of Lyons and another from the Pastor President of the Twelfth Region of the Reformed Church of France. Since there was no Protecting Power, the ICRC transmitted the request of the Lyons French Red Cross to the American, British, French and German High Commands with its own endorsement. The question was, however, rapidly overtaken by military events.

On another occasion too, during fighting in Budapest which caused heavy losses among the civil population, the Committee suggested to the Governments concerned that a local armistice be concluded which would permit the evacuation of non-combatants. This proposal came to nothing and became pointless shortly afterwards, when the town was completely occupied.

### (C). EVACUATION OF CIVIL POPULATIONS

During the 1941-42 winter, when famine was rife in Greece, infant mortality rose to an alarming figure. The ICRC, as a result, received pressing appeals from various sources, to help check the death-rate by the mass removal of children, mainly from *Athens* and the *Piraeus*, where the situation was becoming desperate. The Egyptian Government, supported by that of Great Britain, offered to receive 5,000 children, of whom a number would have been transferred from Egypt to South Africa; the Greek colonies, very large in both these countries, would have done their best to assist these young exiles. Beyrouth was prepared to take in a thousand, and Turkey made a similar proposal.

The Committee approached the Italian Authorities, who at once agreed. It also considered the possibility of evacuating children to Switzerland with the co-operation of the Swiss Red Cross. Negotiations with Egypt had almost been completed

when the Greek Red Cross raised serious objections concerning the Egyptian climate and the even greater obstacle of the opposition of parents, who feared to be separated from their children. The plan was therefore given up after months of negotiations.

In October 1944, the representatives in Switzerland of the Provisional Government of the French Republic asked the ICRC to approach the German Command in order to obtain, on the Vosges front, a short local truce during which the civil population of *Gerardmer*, some 5,000, including 1,400 children, might be evacuated towards the west. As a result of military operations, then in progress, these people were completely cut off and without food. The Germans had already begun to evacuate them by force towards the east in very distressing conditions. The ICRC at once took the requisite action and proposed to send a delegate to the spot to ensure keeping of the truce by both sides. Shortly afterwards, however, the arrangement became unnecessary, as the French troops took possession of the Gerardmer position.

In December 1944, the ICRC was asked by the Netherlands Red Cross, which had the sanction of the German Occupation Authorities, to negotiate with the Allied High Command for the evacuation to Limburg or Brabant of the population of *Venlo-Roermond*, a district where military operations were in full progress. There again, the rapid development of military events made the proposed scheme needless.

Shortly after, at the beginning of 1945, the Committee offered to co-operate in the proposed evacuation of about one thousand sick residents of the *Channel Islands*. The execution of this plan was delayed; the German Authorities endeavoured to make it conditional on a similar measure whereby 200 wounded German members of the forces, whom it was impossible to treat properly in the Islands, might be evacuated. In the end, the German capitulation took place before the question could be settled.

The ICRC were able to do most useful work in behalf of the civil population shut up in the *St. Nazaire* pocket. The delegate sent to France (December 1944-May 1945) on the special mission of organizing food supplies for the population of the Atlantic coast pockets occupied by the German forces,

was able to carry out, in February 1945, the removal of some 2,000 civilian volunteers of the St. Nazaire district. This operation was accomplished by trains running during short truces concluded between the two belligerents through the intermediary of the Committee's representative. A similar evacuation was contemplated for the Lorient pocket, but the capitulation of the German troops made it unnecessary.

Also in February 1945, the Municipal Council of *Vienna* submitted to the ICRC Delegation there, the plan of evacuating 180,000 children to the Vorarlberg and to Switzerland. Vienna was threatened by the approach of the fighting ; it was suffering daily air attacks, and the food problem was growing. Also, the towns and villages behind the lines were overcrowded by the thousands of fugitives who had fled the bombed regions of Germany and of the Balkans. The Committee was asked to provide huts to be erected in the territory adjacent to Switzerland. The ICRC broached the question with the Swiss Relief Fund, which had no huts available, but which offered to look after 3,000 children for three to six months. This alternative scheme was put through with the co-operation of the Swiss Red Cross.

In March 1945, the population of *Lörrach*, near Basle, informed the Committee of its wish to be evacuated to Switzerland because of the incessant bombing to which it was exposed from the Allies during their advance in the Black Forest. With the destruction of railways, this town was completely isolated and without food supplies. The military situation developed so rapidly, however, that the ICRC had no time to reply to this appeal.

To close this chapter, mention may be made of the fact that the Committee also lent the services of its Delegations in various countries (France, Belgium, Holland, Italy, Yugoslavia, Germany) to assist the schemes for the reception of children in Switzerland, which were undertaken on a large scale by the Swiss Relief Fund and the Swiss Red Cross during and after the War <sup>1</sup>.

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<sup>1</sup> As regards the steps taken by the Committee for the evacuation of Jews, see above, Chapter 6 (A).

#### (D). PROTECTION OF CIVILIAN HOSPITALS

Long before the second World War, the ICRC had been giving its attention to the question of the juridical protection of civilian hospitals. These hospitals are not, in fact, covered by the Geneva Convention, but only by a few very inadequate provisions of the Hague Conventions of 1907 (Art. 27 and 56 of the Regulations and Art. 5 of the Ninth Convention). In this connection, the Committee had circulated a report to the National Red Cross Societies in 1937; this was to serve as supporting document for the use of Commission of Experts set up to examine the question of revising the Geneva Convention.

During the War, the Committee was frequently consulted on the protection and distinctive marking of civilian hospitals. It was compelled to point out that these hospitals were not covered by the Geneva Convention and had not the right to display the emblem of the Red Cross. Certain States militarized some of their civilian hospitals in order to bring them within the scope of the Convention. The Committee therefore drew their attention to a second condition which would have to be fulfilled at the same time, if such a scheme was to be given recognition by the enemy—i.e., that hospitals so militarized should be used really, at least in part, for sick and wounded of the armed forces.

In 1943, the Government of Ceylon took the lead in displaying on its civilian hospitals an emblem consisting of a red square placed in the centre of a white one and covering one-ninth of its surface. Early in 1945 the Governments of the Reich, Northern Italy, and Slovakia informed the Powers with which they were at war, either through the Protecting Power, or through the Committee, that they would henceforth display on their civilian hospitals a red square in the centre of a white circle. The British and United States Governments stated that they would recognize this emblem.

The ICRC also received from National Red Cross Societies protests alleging the bombardment of civilian hospitals and sanatoria. In accordance with its customary practice, it had

thus to forward protests to the Alliance of the Red Cross and Red Crescent Societies of the USSR (referring to Finnish hospitals), and also to the Red Cross Societies of Germany, Great Britain and Italy, concerning the hospitals of La Panne (Belgium) and those of Larissa and Janina (Greece). The Committee also took steps to safeguard from bombardment the French hospitals of Berck-Plage—the “hospital town”. This danger was averted, however, by the change in the military situation.

The Committee did not neglect the interests of civilian hospitals in enemy or enemy-occupied territories. Its intervention was requested by a German Red Cross clinic at Windhoek (South Africa), to save its funds from confiscation as enemy property. In this the Committee was happily forestalled by the South African Red Cross, which arranged for the clinic to carry on its work without hindrance.

The Committee's delegation in Hungary, when the tide of war approached that country, took action on the spot in behalf of the hospitals, dispensaries, clinics and maternity hospitals. First of all, it persuaded the Hungarian authorities not to remove these establishments to Germany, as they had previously decided to do, but to allow them to be carried on for the benefit of civilian sick and wounded. It then took them under its protection, had lists of the hospital staffs displayed on the notice-boards, and issued to the three thousand members of the hospital staffs credential cards in four languages.

Immediately at the end of hostilities the Committee applied itself to the framing of provisions within a Convention which would cover fully and precisely the status of civilian hospitals and accord them the same measure of protection as that enjoyed by military hospitals.

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## **VIII. Medical Assistance**

### **(A). CONTRIBUTION TO THE FIGHT AGAINST EPIDEMICS**

On January 28, 1943 the "Allied Red Cross Sub-Committee for the Prevention of Epidemics" sent a memorandum to the ICRC, suggesting that research be started forthwith into the proper medical means of combating any deterioration which might occur in the health of the population in the liberated countries. It proposed that all available information on areas of epidemics in Europe be collected and that, in agreement with the National Red Cross Societies, stocks of medical stores be assembled either in Switzerland, at Geneva, or in some other neutral country. It further suggested that the funds required to purchase materials for medical assistance be raised by an appeal to Governments, Red Cross Societies and voluntary health organizations.

In order to examine these proposals, the ICRC arranged two meetings, presided over by the President of the ICRC and held on November 23 and 26, 1943, in Geneva. To these were invited a number of experts (well-known professors and bacteriologists), the Senior M.O. of the Swiss Red Cross and representatives of the Health Section of the League of Nations. The various medical and health problems affecting the civilian populations, both during the war and after the end of the fighting, were studied in principle and on broad lines, particularly the creation, instruction and equipment of medical missions and the supply of health equipment, instruments and disinfectants.

Furthermore, on August 25 and 29, 1944, the ICRC turned to the Red Cross Societies in the belligerent and neutral countries



and drew their attention to the fact that, in spite of the precautionary measures taken in all countries, contagious diseases—propagated by the movements of population—might develop in certain parts of Europe, both during hostilities and in the immediate post-war period.

To meet these risks, the ICRC suggested that the Red Cross Societies of the neutral countries should consider the preparing of medical teams which could go to neighbouring countries, should the need arise, subject to the permission of the governments concerned, taking with them first aid to the national-Red Cross Society of the country in distress. The ICRC made clear that each individual Red Cross Society was to determine the amount and the kind of help that it wanted to give. As an example, it suggested the formation and training of a staff of specialists in epidemiology, as a nucleus for future medical teams, which would be composed of doctors and nurses, and be provided with the necessary medicines, serums and vaccines.

The Red Cross Societies of Australia, Belgium, Croatia, Denmark, Germany and Spain responded to this appeal by informing the ICRC that they had arranged for the training of an adequate medical staff and were ready to contribute towards any humanitarian scheme of this kind.

#### (B). TRAINING COURSES FOR DOCTORS AND NURSES

The Swiss Red Cross, with the support of the ICRC, undertook to prepare assistance of the same kind. Under the auspices of the ICRC, this Society trained a number of doctors, nurses and technical workers in readiness for the fight against epidemics and for work in groups or individually in the areas affected by the war.

The ICRC, for its part, endeavoured to obtain the collaboration of specially qualified professors in Switzerland, chosen from the medical faculties of the Universities, to train this medical staff. The great majority of those taking the course had no special experience of epidemic work. The purpose of the

course was, however, not to train specialists, but only to refresh and complete their knowledge of the subject.

The theoretical courses dealt with the etiology, epidemiology and prophylaxy of plague, typho-paratyphoid, bacillary dysentery, scarlatina, diphtheria, influenza, penumonia and small-pox. Other courses were given on exanthematic typhus and its treatment, cerebro-spinal meningitis, etc. The participants could also acquaint themselves with the technique of destroying insect-pests and vermin, and of disinfection. They also had opportunities of taking blood and "goutte épaisse" from patients suffering from malaria.

Altogether five days of instruction were given: two days for doctors (one in Berne in July 1944 and the other in Zurich in October 1944), two courses for nurses at the same time (in Geneva and Basle) and a course for technical workers in Zurich. The courses were attended by 198 doctors, 211 nurses and 69 technical assistants. In this way, the Swiss Red Cross, in contact with the ICRC, was able to form teams trained as far as possible to meet the medical needs of the civil populations.

Mention should also be made of the visit of Brigadier-General Fox, a specialist on exanthematic typhus in the American Army. When passing through Geneva, he put forward some suggestions, upon which the ICRC (together with representatives of the League of Red Cross Societies, the Joint Relief Commission, the American Red Cross and some eminent Swiss bacteriologists) carefully studied the advantages which the various national Red Cross Societies might derive, if a representative from their country were invited to learn the new methods of combating exanthematic typhus. The ICRC decided to arrange for an advanced course under the direction of a professor, who was a specialist on the subject.

As it turned out, this course proved not to be so necessary, because thanks to General Fox it had been possible to organize similar courses in Germany for the German medical staff, and in Poland and Rumania. Moreover, the USA Typhus Commission gave courses of instruction on the use of DDT, which were attended by representatives from all the departments of France, and by medical officers from the Colonies.

In the British and American Zones of Germany, UNRRA was responsible for combating infections and contagious diseases.

As time went on, fresh suggestions were made to the ICRC, with a view to enlarging the field covered by these courses. Proposals were made that malaria, poliomyelitis, the detection and diagnosis of cases of typhoid and para-typhoid, bacillary dysentery, scabies, the use of sulphamides, etc., be included in the course. This course was to form, in fact, a summary of recent progress in this particular field. The aim was also to call in professors of foreign nationality who were specialists. Unfortunately, it proved impossible to collect the large sum of money required for carrying out this project, and although the Committee approached other organizations on the matter, the idea had to be definitely dropped and the proposed course was not held.

### (C). MEDICAL MISSIONS

#### 1. In Germany

##### (a) *Investigations teams (July-August 1945).*

Immediately war ended, the ICRC, in association with the Swiss Red Cross, organized teams to go to Germany. The purpose of these missions was to study (in collaboration with the occupying Authorities) the position and state of health of the persons of various nationalities who remained in the camps in that country, and what measures could be taken for their good.

Three teams were organized ; each included several members, among them a delegate of the ICRC and a doctor from the Swiss Red Cross, which also supplied the cars and women drivers, and thus bore the largest share of the expense involved.

The first team was to go to the South, the second to the Centre, and the third to the North of Germany. The first team returned to Geneva by the appointed date, at the end of July, after having visited the camps in Bavaria. The third returned at the beginning of August, bringing information concerning

Displaced Persons in the big camps in the Rhineland and in Schleswig. The second team was faced by tasks of particular difficulty. It kept in continuous contact with the authorities responsible at that time for Displaced Persons, to discover, in agreement with them, the most effective means of helping the DP. To facilitate its work, it split into two sections; one of these went to the French Zone, while the other visited the American Zone chiefly and also the British Zone. This team did not return to Geneva until the end of August.

The delegates and doctors all asked that immediate action be taken to help the Displaced Persons in Germany, who were prevented by circumstances from returning to their country. During the winter of 1945-46 the camps had to accommodate a very large number of displaced persons, nearly a million in the British Zone, over 600,000 in the American Zone and 80,000 in the French Zone, without counting all those who lived outside the camps. The administration of the camps was in the hands of UNRRA, but they remained under the partial control of the Military Government and of the National Red Cross Societies, until UNRRA could arrange to carry out the huge task it had just undertaken (engagement of adequate staff, transport of material and food, etc.). During this transition period, other institutions had to concentrate on the most urgent problems, and bring these thousands of people the necessary aid, which according to the reports of doctors and delegates consisted mainly of :

*Material Help:* improvement of the arrangements within the camps, especially of the kitchens; distribution of dietetic products, cereals for children, warm clothing and shoes, layettes, children's clothes, cigarettes, etc.

*Intellectual Help:* supply of school books and educational works, equipment for teaching small children.

*Medical Help:* distribution of medical supplies, detection of tuberculous persons living in overcrowded camps <sup>1</sup>.

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<sup>1</sup> For the practical realisation of these plans, see Vol. III, Part III, chap. 4, and Part. I, chap. 1.

(b) *Teams for the detection of tuberculosis in camps for Displaced Persons in Germany (autumn 1945 and throughout 1946).*

*Detection in the British Zone.* — The teams had not yet returned to Geneva to report on their investigations, when the Committee received a request from the chief Medical Officer of UNRRA in the British Zone, dated August 3, 1945, that a medical mission be sent equipped with two X-ray appliances, in order to detect tuberculosis among the internees in camps for Displaced Persons, who numbered over a million in that zone.

After a thorough study of the question, and after receiving an assurance that the persons thus diagnosed as tuberculous would be isolated and taken to hospital, the Committee asked for the help of two Swiss doctors, who responded and even consented to lend their own microphotographic apparatus and to take their own staff with them to Germany. The Swiss Relief Fund agreed to finance this work, and the Swiss Red Cross took responsibility for the technical arrangements. On the other hand, all the formalities with the responsible authorities rested with the ICRC—the only body allowed to intervene in Germany at that time.

The teams left Switzerland on October 19, 1945, complete with equipment. They worked for four weeks in the two camps of Bergen-Belsen and Fallingbostel, near Hanover, where they examined about 20,000 persons. Among these they discovered over 500 unsuspected consumptives, whom it was possible to send to hospital.

*Detection of tuberculosis in the American Zone.* — On October 11, 1945, the headquarters of UNRRA in the American Zone asked the Committee to co-operate in the fight against tuberculosis in the camps for displaced persons in that zone. The plan included the detecting of tuberculosis in the camps, arrangements for patients to be taken into hospital, their treatment, and in general all the measures which come within the province of a public health service and of an anti-tuberculosis department.

As the expeditions undertaken by the investigating teams sent to the British Zone had shown the usefulness of such work, the three organizations which had participated now examined the possibility of undertaking similar action in the American Zone, provided that the representatives of the ICRC obtained guarantees from the responsible authorities :

(1) that the necessary propaganda work would be undertaken in good time among the persons who were to be X-rayed, so that as many as possible of them would agree to be examined;

(2) that the transfer of displaced persons would be suspended in all camps, during the X-ray examinations ;

(3) that technical assistance would be given to the Swiss teams in the shape of suitable installations and assistant staff ;

(4) that diagnosis would be followed up by taking patients to hospital and giving them treatment.

The new teams also required proper apparatus and equipment. While travelling in Germany, the medical delegate of the ICRC learnt of some new Siemens apparatus on the spot, and obtained permission from the American authorities to purchase two of these, which he placed at the disposal of the teams. The delegate also secured for the ICRC, free of charge, a stock of films and valves, and additional material for the secretariat and for developing the films. At his request, UNRRA lent two trucks for transporting the apparatus and the material. These trucks were fitted with dark-rooms, which greatly helped the work. These different facilities obtained by the Red Cross enabled it to halve its expenses.

The Swiss Red Cross undertook the entire technical organization of the teams and engaged the staff. Each team consisted of one doctor, one photographer, one technical assistant and one woman driver, who also did the secretarial work. As the teams continued their work for nearly a year, the staff of the Swiss Red Cross had to be replaced several times, so that fourteen doctors succeeded one another as heads of the teams, all of them specialists in pulmonary diseases, internal medicine, or radiology. The Swiss Relief Fund bore the costs.

Two teams left in February 1946, and up to the end of the year had visited 75 camps, in which they examined about 200,000 persons.

When the teams had finished their task, several organizations asked the ICRC for permission to use its microphotographic apparatus. One was lent temporarily to the University of Tübingen, in the French Zone, and the other to the Medical Association of Hessen, at Frankfurt-on-Main.

## **2. Team in Bergen-Belsen Camp and in the Netherlands**

In March 1945, the British Red Cross requested the ICRC, through its representative in Belgium, to send a team of qualified doctors and nurses to Holland, to undertake health work on the same lines as that carried out by the British Red Cross in the liberated part of that country. The ICRC immediately got into touch with the Swiss Red Cross, the necessary steps were taken without delay, and on May 2 a team composed of six doctors and twelve nurses left Geneva for the Netherlands, in an aeroplane supplied by the British Red Cross. However, shortly afterwards, the Committee was advised by the British Red Cross that it was not possible at that moment for the Swiss team to go to North Holland. In order to avoid wasting the excellent material placed at its disposal by the Swiss Red Cross and the ICRC, the British Red Cross asked the Swiss doctors and nurses to join the six British Red Cross teams which were working in the camp at Belsen, where there were 40,000 internees, most of them ill, and 10,000 unburied corpses.

Owing to the shortage of staff, the Swiss doctors could not work there as a team, but were spread over the different parts of the camp, where they acted as senior physicians. Soon after their arrival, and partly owing to their valuable assistance, the death rate fell perceptibly.

Towards the end of May, two doctors and five nurses went to Holland, at the request of the British Red Cross. They worked first at a hospital at Amsterdam, and then in a receiving-centre for repatriates, not far from Dortmund, in the hospitals at Hilversum and in a camp for repatriated Dutch citizens at

Amersfoort, where all the repatriates underwent a radioscopic examination.

On July 26, the team completed its work and returned to Switzerland.

### **3. Teams in Central and Southern Italy**

In December 1944, the Italian Red Cross advised the Committee through its delegation in Rome that the responsible Italian authorities were anxious for Swiss medical teams to visit the provinces of Viterbo, Terni, Perugia and Teramo, where there was a danger of epidemics.

The Committee decided that it was necessary first of all to send a doctor to the places in question. It would be his task to furnish the ICRC with full information concerning the work to be done, to decide how many doctors and nurses would be required, and also to look into methods for financing the undertaking.

The information collected in this way was passed on to the Swiss organizations in a position to give their support.

On this basis the Swiss Relief Fund organized medical teams which did useful work in Italy ; it also sent relief supplies.

### **4. Teams in Northern Italy**

On April 24 and 25, 1945, the Committee was advised by its delegates in Northern Italy that as a result of the liberation of the concentration camps by the Allied troops in Germany, a large number of internees, mostly Italians, were returning to Italy on foot through the Austrian Alps. Of these refugees, 75,000 (of whom 50,000 had tuberculosis), had already arrived in the district of Merano-Bolzano, where they were completely devoid of the most urgent medical aid. Thousands of other refugees were wandering to the North of the Italo-Austrian frontier, absolutely destitute.

This information was confirmed by the Swiss Consular agent at Merano, and by the German Consul in the same town, who suggested that the Committee should speed up the transport



of the relief which could be sent from Switzerland by sending it in trucks belonging to the German Red Cross.

The ICRC at once informed the Italian authorities of the situation. It asked for the help of the relief organisations ; the Swiss Relief Fund gave financial support and the Swiss Red Cross offered its medical staff.

A team of eleven persons was formed. It included three doctors (one of whom was a medical delegate representing the ICRC), one nurse, three women assistants, two cooks and two drivers. The Italian Red Cross offered 40,000 food parcels, each weighing four kilogrammes, which were stored in Switzerland. The Swiss Relief Fund undertook to defray almost the whole cost of the team and supplied most of the relief stores.

The ICRC was made responsible for the work ; it took the necessary measures to collect the relief supplies, made the administrative arrangements, solved the difficult problem of transport, and established contacts, first with the German Authorities, and then after fighting ceased, with the American and Italian Authorities.

*Bolzano.* — The team arrived at Bolzano on May 13, 1945. After reaching an agreement with the local people in charge of the Italian Red Cross, it organized a receiving-centre for the refugees who were now crossing the Brenner by truck, in a big hospital, made over to the team by the military authorities. Its task there was to give the refugees a medical examination, to register and feed them, before letting them continue their journey. Those who were ill were admitted to hospital and given attention.

On May 22, this centre was placed under the direction of an Allied military medical officer, assisted by a local Red Cross Committee.

After the arrival of the Swiss team at Bolzano, the Allied Military Government made arrangements for the transfer of 1,300,000 Displaced Persons who wished to return to Italy. The transport of these persons was to be carried out through three routes, to the south of which receiving-centres would be set up :

- (a) at Resia, between Landeck and Malles,
- (b) on the Brenner, between Innsbruck and Bolzano,
- (c) in the valley of the Drau, between Linz and San Candido.

Several cases of exanthematic typhus had broken out in the Innsbruck district. The American Red Cross and the Military Government established by the Fifth Army, seeing the Swiss team at work at Bolzano, requested the Committee on May 19, 1945, to send them two DDT disinfection teams for Innsbruck and San Candido, and also asked a team be got ready which could be sent with all speed to Malles.

The teams which were sent to Innsbruck and San Candido in response to this appeal, gave up their work, however, because in Innsbruck the Americans had already organized several disinfection centres, and at San Candido the main road was now only used by a few occasional refugees.

*Malles.* — The team which had organized the Centre at Bolzano was reinforced and sent to Malles, in order to set up an additional receiving-centre, to accommodate 2,000 people, and a hospital with 200 beds. This centre was to serve especially as an isolation camp for repatriated persons, who had just left concentration camps.

Like San Candido, Malles was abandoned as a repatriation route, and the receiving-camp which had been installed by the Americans was no longer used. However, as a considerable number of the repatriates were ill, the hospital of Malles took in about 60 serious cases, mostly tubercular and in a very advanced state of denutrition.

*Merano.* — The Committee's delegate then enquired of the American and the Italian authorities, if a Swiss team would still be of service. He was requested to ask the Swiss Red Cross to take over a hospital of 1000 beds at Merano for three to six months. The delegate studied this proposition on the spot and at the same time wound up the hospital at Malles, from which the last patients were removed on July 27.

The Swiss Red Cross undertook the responsibility for organizing and managing the new hospital at Merano and obtained finan-

cial assistance from the Swiss Relief Fund. The delegate of the ICRC introduced the representatives of the Swiss Red Cross to the various responsible Authorities. The service of the ICRC as intermediary was then no longer needed, and it was able to withdraw.

#### **5. Teams in Yugoslavia**

In the summer of 1945 the Committee learned that the number of Yugoslav doctors and nursing staff was most inadequate, and that the Government of Yugoslavia would welcome the help of Swiss doctors.

The ICRC sent a delegate to Yugoslavia and instructed him to investigate in which district or districts the Swiss doctors should work, the number of patients to be treated daily, the kind of medical equipment required for the teams, the health situation and the assistance which might be required for Displaced Persons in Yugoslavia. The delegate was responsible for collecting information on the campaign against venereal diseases, the possibility of repatriating serious cases or taking them to hospital, and the arrangements made by the Authorities, or by the competent organisations, relating to Yugoslav disabled ex-service men.

The delegate took with him medical supplies sent by the Italian Red Cross for the Italian PW in Yugoslavia, and medical supplies, food and clothing for the civil population.

The report received from this delegate was sent by the Committee in the usual way to those Swiss welfare organizations which seemed in a position to give help to the Yugoslav population. The work which was then carried out there was the result of the preliminary steps taken by the ICRC.

Furthermore, the ICRC entrusted a specialist professor of medicine (who had been asked to join the medical team sent to Yugoslavia by the Swiss section of the International Health Centre) with a quantity of medicaments drawn from its own stocks, which were distributed in Yugoslavia. This specialist also brought back a number of valuable reports on the epidemic of exanthematic typhus which was raging in Yugoslavia.

#### (D). ASSISTANCE IN THE CAMPAIGN AGAINST TUBERCULOSIS

One of the alarming results of the war was a marked spread of tuberculosis in the devastated countries. The ICRC began to study effective means of combating this scourge; however, as it had no resources at its disposal for large-scale action, it could only give limited assistance, which may be summarized as follows:

(a) The ICRC instructed its representatives to enquire into the needs of consumptives in the countries devastated by the war. It then circulated their reports as widely as possible, as also reports derived from other sources. It tried to extend the efforts being made throughout the world to combat tuberculosis, by appeals launched in conjunction with other international organizations, and by approaching philanthropic organizations in order to obtain their practical help.

(b) From 1945 on, the ICRC helped to form teams to undertake X-ray examinations, and placed two X-ray sets at the disposal of the medical teams, by means of which 200,000 people suffering from tuberculosis in Germany were examined<sup>1</sup>.

(c) The ICRC devoted much time and thought to schemes for taking tuberculous patients into hospital where they could have adequate treatment, and also to means for diminishing the risk of infection in their neighbourhood. It made several plans for sending patients to hospitals abroad, especially to Switzerland. These schemes however, came to nothing because of the lack of funds. In reply to numerous applications, the Committee could only give information, make appeals for funds, and endorse requests sent to other welfare organizations.

(d) The ICRC on certain occasions set on foot projects for equipping sanatoria to which it sent serums and medical supplies. An appeal to various organizations produced a quantity of woollen blankets supplied by the "Union Suisse de Charité". These were handed to the Joint Relief Commission, to be sent to Freiburg-in-Breisgau, for use in hospitals for tuberculous patients.

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<sup>1</sup> See above, p. 715.

### (E). MEDICAL INFORMATION

In March 1946, the Medical Division of the ICRC began to publish a multigraphed monthly medical journal in French, entitled "Documentation médicale". The purpose of this publication was to circulate information about new therapeutics and new medicines among doctors who were prisoners of war and other practitioners who, owing to circumstances, were cut off from the information essential to their work. The Medical Division read the various medical reviews which it received monthly, and reproduced the articles which it considered most interesting. By the end of June 1947, twelve numbers had appeared. Judging from the numerous testimonials received, this journal seems to be of real service <sup>1</sup>.

The Medical Division also endeavoured to assist doctors and specialists who wished to submit the results of their discoveries to the judgment of the ICRC. In a general way, it tried to keep fully and quickly informed of all recent discoveries, by keeping up-to-date the information it was able to obtain through current publications, and the ICRC radio monitoring service.

### (F). WORK IN BEHALF OF THE DISABLED

One of the traditional tasks of the ICRC has always been the care of the war-disabled. Until recently, government authorities were able to give the necessary assistance to their own disabled nationals—nearly all of them military personnel—and the ICRC could therefore confine itself to those exceptional cases for whom such assistance was not available.

The situation changed greatly, however, during the second World War. Owing to the development in weapons, the civil populations had to endure hardships which formerly affected combatants alone. When the number of disabled reached a

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<sup>1</sup> The ICRC has published other medical studies, notably on the state health of the civil populations. See Vol. III, Part IV, chapter 1.

high figure, the government authorities of certain devastated countries which lacked resources, were unable in spite of much endeavour, to ensure means of existence and adequate care to all those persons, military or civilian, who had become disabled as a result of hostilities.

Anxious to make its contribution in this field, the ICRC created in 1944 a Service for Disabled Persons, which was attached to the Medical Division at the time of its formation in 1946.

The first task undertaken by this Service was that of compiling data which should be as complete as possible. It sought all the material required for a thorough grasp of the subject, and in 1945 sent out an enquiry to all the belligerent and neutral States who were parties to the Geneva Convention. Its purpose was to discover how they regarded the problems connected with assistance to, and re-education of war-disabled persons. A note and a questionnaire were sent, through the delegates of the Committee, to the responsible government authorities and to the national Red Cross Societies.

About 30 countries, including the most important ones, responded. Their replies were published by the Committee in July 1946, in a preliminary French edition entitled *Documentation relative à l'assistance aux invalides de guerre*<sup>1</sup>. The pamphlet reproduced the substance of the replies sent in to the questionnaire, and remarks on matters arising therefrom.

Apart from the data relating to disabled persons, some of the replies received also gave information about war-widows and orphans. Others answered the question on a broader basis, and described the psychological and economic problems involved in the social and vocational rehabilitation of demobilised military personnel and able-bodied repatriates.

The Committee published these documents in the hope that the comparative study of the methods advocated would lead the responsible authorities of certain countries to extend their schemes for disabled persons, when they realised what was being

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<sup>1</sup> An extract from this appeared in the *Revue internationale* (August 1945).

done elsewhere. Moreover, this study should enable the Medical Division to determine what measures should be undertaken <sup>1</sup>.

The preparation of a publication of this kind presented certain difficulties. The questionnaire was drawn up with great care, not so much with a view to obtaining precise replies to each question, but in order to give some guidance in framing the answers. In spite of this, the variety of the replies—due to the particular way in which each nation regards these matters and to the different languages used—involved a great deal of sub-editing, in order to achieve a certain unity of form.

The experience gained in publishing the preliminary French edition led the ICRC to modify the general lay-out of the pamphlet for the English edition. The English edition gives all the replies from each country one after the other ; the French edition prints all the replies to each question together.

The Committee had hoped to receive a quantity of scientific data concerning assistance to and reeducation of disabled persons ; but this was not the case. The progress made in this field during the war, or post-war period, is still too recent for any detailed studies to have been published at the time of writing.

The data collected as the result of this enquiry was completed with the help of printed books and other documents (pamphlets, legal texts, technical works, medical journals, documentary films). The films are of particular value for the rehabilitation and vocational training of the disabled.

These data were worked into the above-mentioned pamphlet and also into articles published in the “ *Revue internationale* ” and elsewhere. It also served as a basis for appeals sent out in behalf of disabled persons ; it will be used for papers drawing public attention to their position, for considered replies to the numerous requests received from specialized organizations or from individuals asking for information on some particular point in reference to the work of assisting or re-educating the disabled.

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<sup>1</sup> See Vol. III, Part III.

The ICRC had been approached by national associations for the disabled, complaining of the inadequacy of pensions. These appeals have been sent to the authorities concerned.

In its work for the disabled, the ICRC was greatly helped by the support and co-operation of the national Red Cross Societies, and especially of the League, which is itself doing important work in this field. The Committee has also kept in touch with Pro Infirmis, the World's Y.M.C.A., the National Catholic Welfare Conference, the World Council of Churches, the Council of British Societies for Relief Abroad and the International Labour Office.

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