

Click on "CHAPTER BIBLIOGRAPHY" or "SPECIFIC BIBLIOGRAPHY" to see content

^ CHAPTER BIBLIOGRAPHY

- ICRC & IFRCRCS, The Fundamental Principles of the International Red Cross and Red Crescent Movement, Ethics and Tools for Humanitarian Action, ICRC/IFRCRCS, Geneva, 2015, 93 pp.
- ICRC & IFRCRCS, Handbook of The International Red Cross and Red Crescent Movement, 14th ed., ICRC/IFRCRCS, Geneva, 2008, 1278 pp.

Introduction

Quotation

The ICRC's mission

Since it was founded in 1863, the ICRC has been working to protect and assist the victims of armed conflict and other situations of violence. It initially focused on wounded soldiers but over time it extended its activities to cover all victims of these events.

In A Memory of Solferino, Henry Dunant suggested creating national relief societies, [1] recognizable by their common emblem, and an international treaty to protect the wounded on the battlefield. [2] A permanent committee was established in Geneva to further Dunant's ideas. A red cross on a white ground [reversing the colours of the Swiss flag and paying tribute to the country, as host of the Geneva International Conference of 1863] was chosen as the emblem and the committee went on to adopt the name of the International Committee of the Red Cross.

Initially, it was not the ICRC's intention to take action on the ground. However, the National Societies of countries in conflict – viewed as too close to the authorities – asked the ICRC to send its own relief workers, believing that humanitarian work in times of conflict needed to offer guarantees of neutrality and independence acceptable to all parties, which only the ICRC could do. The ICRC therefore had to build up operational activities very quickly within a framework of neutrality and independence, working on both sides of the battlefield. Formal recognition of this function came later, when the Geneva

Conventions explicitly recognized the purely humanitarian and impartial nature of the ICRC's activities, and gave the organization a special role in ensuring the faithful application of international humanitarian law.

The ICRC defines its mission in the following terms:

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance.

The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles.

Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.

To be able to carry out its mission effectively, the ICRC needs to have the trust of all States, parties and people involved in a conflict or other situation of violence. This trust is based in particular on an awareness of the ICRC's policies and practices. The ICRC gains people's trust through continuity and predictability. Combining effectiveness and credibility irrespective of time, place or range of needs is a permanent challenge for the organization, because it must be able to prove it can be both pragmatic and creative. Within the framework of the ICRC's clear strategy and priorities, its delegations in the field are thus given considerable autonomy to decide how best to help victims of conflict and other situations of violence.

[...]

The ICRC's identity

The ICRC's purpose

The raison d'être of the ICRC is to ensure respect, through its neutral and independent humanitarian work, for the lives, dignity and physical and mental well-being of victims of armed conflict and other situations of violence. All of the ICRC's work is geared towards meeting this fundamental objective and strives to fulfil this ideal. The ICRC takes action to meet the needs of these people and in accordance with their rights and the obligations incumbent upon the authorities.

The dual nature of the ICRC's work

The ICRC's work developed along two lines. The first of these is operational, i.e. helping victims of

armed conflict and other situations of violence. The second involves developing and promoting international humanitarian law and humanitarian principles.

These two lines are inextricably linked because the first operates within the framework provided by the second, and the second draws on the experience of the first and facilitates the ICRC's response to the needs identified. This dual nature thus reinforces the very identity of the ICRC and distinguishes it from other international humanitarian organizations, private or intergovernmental, which generally concentrate on just one of these two priorities.

An organization with a mandate

A key characteristic of the ICRC is that it was given a mandate (or rather mandates) by the States party to the Geneva Conventions to help victims of armed conflict. Its work is therefore firmly rooted in public international law. In other situations of violence, the ICRC derives its mandate from the Statutes of the Movement. [3]

The main legal basis for the ICRC's work is to be found in international humanitarian law. The Statutes of the International Red Cross and Red Crescent Movement (the Movement) and resolutions of the International Conference of the Red Cross and Red Crescent and the Council of Delegates underscore the legitimacy of the ICRC's work. International humanitarian law, like the Statutes of the Movement, confirms a historical tradition of ICRC action which predates its successive codifications.

States gave the ICRC the responsibility of monitoring the faithful application of international humanitarian law. As the guardian of humanitarian law, the ICRC takes measures to ensure respect for, to promote, to reaffirm and even to clarify and develop this body of law. The organization is particularly concerned about possible erosion of international humanitarian law and takes bilateral, multilateral or public steps to promote respect for and development of the law.

The ICRC generally cites international humanitarian law in reference to its activities. It nevertheless reserves the right to cite other bodies of law and other international standards protecting people, in particular international human rights law, whenever it deems it necessary.

The ICRC has developed several policy documents that draw on its long experience. These texts serve as a guide for its actions and aim to give the organization long-term coherence, which in turn gives the ICRC added predictability and credibility when exercising its mandate.

Membership in a Movement

Another characteristic of the ICRC is its membership in a Movement – a Movement which it initiated.

The ICRC is one component, and National Societies and the International Federation of Red Cross and Red Crescent Societies (the Federation) are the others. This link with the Movement is reinforced by the similarity of tasks of all Movement components and by the use of common emblems.

The Movement's mission is:

- to prevent and alleviate suffering wherever it may be found;
- to protect life and health and ensure respect for the human being, in particular in times of armed conflict and other emergencies;
- to work for the prevention of disease and for the promotion of health and social welfare;
- to encourage voluntary service and a constant readiness to give help by the members of the Movement, and a universal sense of solidarity towards all those in need of

its protection and assistance (Preamble to the Statutes of the Movement).

It may be added that by carrying out its activities throughout the world, the Movement contributes to the establishment of a lasting peace.

The mission of the National Societies is to carry out humanitarian activities within their own countries, particularly in the role of auxiliaries to the public authorities in the humanitarian field. [4]

The ICRC undertakes procedures to recognize National Societies on the basis of criteria set out in the Statutes of the Movement. The recognition of National Societies makes them full members of the Movement and eligible to become members of the Federation. The ICRC cooperates with them in matters of common concern, such as their preparation for action in times of armed conflict, tracing and reuniting families and spreading knowledge of international humanitarian law and the Movement's Fundamental Principles. In armed conflict and other situations of violence, the ICRC is responsible for helping them boost their capacity to meet the increased need for humanitarian aid.

Often it is thanks to the National Societies' presence, resources, local knowledge and motivation that the ICRC can successfully carry out its work in the field. National Societies may also be involved in international operations via the ICRC, the Federation or the National Society of the country in question. The ICRC benefits from a unique worldwide network made up of all the National Societies. Cooperation and coordination within the Movement help make the best possible use of the capacity of all members. In accordance with the Movement's agreements and rules, the ICRC directs and coordinates international relief activities in "international and non-international armed conflicts" and in situations of "internal strife and their direct results." It also directs and coordinates activities aiming to restore family links in any situation requiring an international emergency response.

The ICRC thus has two levels of responsibility:

- doing the humanitarian work that derives from its own mandate and its specific areas of

competence;

- coordinating the international operations of the Movement's components.

The Fundamental Principles of the International Red Cross and Red Crescent Movement

The ICRC's endeavour is guided by seven Fundamental Principles, which the organization shares with the other components of the Movement. The principles – humanity, impartiality, neutrality, independence, voluntary service, unity and universality – are set out in the Movement Statutes and constitute the common values that distinguish the Movement from other humanitarian organizations. The Movement has given the ICRC the task of upholding and disseminating these principles. The first four, which are set out below, are those most commonly cited by the ICRC and are specifically mentioned in its mission statement:

- Humanity is the supreme principle. It is based on respect for the human being and encapsulates the ideals and aims of the Movement. It is the main driving force behind the ICRC's work.
- Impartiality, a principle that rejects any form of discrimination, calls for equal treatment for people in distress, according to their needs. It enables the ICRC to prioritize its activities on the basis of the degree of urgency and the types of needs of those affected.
- Neutrality enables the ICRC to keep everyone's trust by not taking sides in hostilities or controversies of a political, racial, religious or ideological nature. Neutrality does not mean indifference to suffering, acceptance of war or quiescence in the face of inhumanity; rather, it means not engaging in controversies that divide peoples. The ICRC's work benefits from this principle because it enables the organization to make more contacts and gain access to those affected.
- The ICRC's independence is structural: the Committee's members are all of the same nationality and they are recruited by co-optation. The ICRC is therefore independent of national and international politics, interest groups, and any other entity that may have some connection with a situation of violence. This gives the ICRC the autonomy it needs to accomplish the exclusively humanitarian task entrusted to it with complete impartiality and neutrality.

Scope of work and criteria for taking action

There are four different situations in which the ICRC takes action:

1. The ICRC's endeavour to help the victims of international armed conflict and non-international armed conflict is at the heart of its mission. The ICRC offers its services on the basis of international humanitarian law, and after taking due account of the existing or foreseeable need for humanitarian aid. [5]
2. In other situations of violence, the ICRC offers its services if the seriousness of unmet needs and the urgency of the situation warrant such a step. It also considers whether it can do more than others owing to its status as a specifically neutral and independent organization and to its experience. In these situations, its offer of services is based not on international humanitarian law but on the Statutes of the Movement. [6]

3. If a natural or technological disaster or a pandemic occurs in an area where the ICRC has an operational presence, meaning it can deploy quickly and make a significant contribution, the organization steps in with its unique capabilities, to the extent it is able and in cooperation with the Movement. It generally takes action during the emergency phase only.
4. In other situations, it makes its own unique contribution to the efforts of all humanitarian agencies, especially within its fields of expertise such as tracing work and disseminating international humanitarian law and the Fundamental Principles. These are all fields in which it has an explicit mandate.

The ICRC sets priorities on the basis of the following criteria:

- the extent of victims' suffering and the urgency of their needs: the principle of impartiality, mentioned in humanitarian law, remains the pillar of the ICRC's work, which is non-discriminatory and proportionate to the needs of the people requiring protection and assistance;
- its unique capabilities deriving from its distinctiveness as a neutral and independent organization and intermediary and its experience in assisting the victims of armed conflict (local knowledge, human resources, logistics, tracing work, etc.). The particular merit of the ICRC, which results from its principles and its operational experience, is recognized by the international community. It fits into the scheme of an environment for humanitarian work that is characterized by numerous very different agencies;
- the legal basis for its work: the ICRC endeavours to take action in situations where international humanitarian law is applicable and carefully considers the advisability of taking action in the context of the direct results of these situations and in other situations of violence not covered by international humanitarian law (internal disturbances and tensions). In all cases, it tailors its action according to the criteria set out above.

Operational considerations and constraints (such as impact on other activities, whether the ICRC has been invited to take action, and security issues) can be added to these criteria.

Strategies for fulfilling the mission:

From comprehensive analysis to specific activities

A comprehensive analysis

For any action to be taken, a comprehensive analysis of the situation, the actors present, the stakes and the dynamics must be carried out. This enables the ICRC to identify the people adversely affected and their needs. It requires a clear understanding of the problems' causes and a good knowledge of local facilities, their capabilities and their potential. The ICRC endeavours to obtain an overall perspective of an issue of humanitarian concern by looking at all the aspects and at the different responses that would be suitable.

A number of factors should be considered: social, economic, political, cultural, security, religious and ethnic, among others. Analysis should also take account of the interdependence of local, regional and international factors affecting a situation of conflict or any other situation of violence.

Analysis provides a basis for deciding on an overall strategy, with specific priorities and objectives, and determines the types of problem and/or the categories of needs on which the ICRC is going to concentrate its efforts and its resources. It is then a matter of developing a strategy aimed not only at addressing the direct consequences of problems, but also – as far as possible within the framework of neutral and independent humanitarian activities – their origins and causes.

In so doing, the ICRC must first exploit its strong points and the opportunities offered by the local environment, and second try to minimize its weaknesses and neutralize or circumvent external difficulties. Because of the complementary role played by partners in and outside the Movement, the strong and weak points of these partners must also be taken into account in strategy discussions.

Depending on what needs to be done, the various activities either start simultaneously or consecutively.

Four approaches set out in the mission statement that allow the ICRC to fulfil its purpose

As described in the ICRC's mission statement, the organization combines four approaches in its overall strategy after analysing a situation in order to, directly or indirectly, in the short, medium or long term, ensure respect for the lives, dignity, and physical and mental well-being of victims of armed conflict and other situations of violence.

Protecting the lives and dignity of victims of armed conflict and other situations of violence

The protection approach

[See ICRC, Protection Policy]

- In order to preserve the lives, security, dignity, and physical and mental well-being of victims of armed conflict and other situations of violence, this approach aims to ensure that authorities and other actors fulfil their obligations and uphold the rights of individuals.
- It also tries to prevent or put an end to actual or probable violations of international humanitarian law or other bodies of law or fundamental rules protecting people in these situations.
- It focuses first on the causes or circumstances of violations, addressing those responsible and those who can influence them, and second on the consequences of violations.

Assisting victims of armed conflict and other situations of violence

The assistance approach

[See ICRC, Assistance Policy]

- The aim of assistance is to preserve life and/or restore the dignity of individuals or communities adversely affected by armed conflict or other situations of violence.
- Assistance activities principally address the consequences of violations of international humanitarian law and other relevant bodies of law. They may also tackle the causes and circumstances of these violations by reducing exposure to risk.
- Assistance covers the unmet essential needs of individuals and/or communities as determined by the social and cultural environment. These needs vary, but responses mainly address issues relating to health, water, sanitation, shelter and economic security by providing goods and services, supporting existing facilities and services and encouraging the authorities and others to assume their responsibilities.

Directing and coordinating the Movement's international relief efforts in armed conflict and other situations of violence

The cooperation approach

- The aim of cooperation is to increase the operational capacities of National Societies, above all in countries affected or likely to be affected by armed conflict or other situations of violence. A further aim is to increase the ICRC's capacity to interact with National Societies and work in partnership with them.
- The cooperation approach aims to optimize the humanitarian work of Movement components by making the best use of complementary mandates and skills in operational matters such as protection, assistance and prevention.
- It involves drawing up and implementing the policies of the Movement that are adopted during its statutory meetings and strengthening the capacities of the National Societies, helping them to adhere at all times to the Fundamental Principles.

Endeavouring to prevent suffering by promoting, reinforcing and developing international humanitarian law and universal humanitarian principles

The prevention approach

- The aim of prevention is to foster an environment that is conducive to respect for the lives and dignity of those who may be adversely affected by armed conflict and other situations of violence, and that favours the work of the ICRC.
- This approach aims to prevent suffering by influencing those who have a direct or indirect impact on the fate of people affected by these situations. This generally implies a medium or long-term perspective.
- In particular, the prevention approach involves communicating, developing, clarifying and promoting the implementation of international humanitarian law and other applicable bodies of law,

and promoting acceptance of the ICRC's work.

Combining activities: Multidisciplinarity

Each activity responds, in humanitarian terms, to a specific problem or to common problems. Each approach uses its own implementation strategies. These strategies combine different activities from the four programmes detailed in the annual planning tool: protection, assistance, prevention and cooperation. Thus, a protection strategy could also include activities from the assistance, prevention or cooperation programmes. Digging wells in a camp for the displaced may be one aspect of an assistance programme and may be intended to tackle the lack of water. It would therefore form part of the assistance approach. However, this activity could equally be intended primarily to protect people exposed to violence while looking for water outside the camp. It therefore also forms part of the protection approach.

Combining activities is particularly important. The ICRC is duty bound to use all means at its disposal, according to each situation and to the priorities and objectives identified. Furthermore, the different approaches are of mutual assistance: for example, ICRC staff may receive information on violations of international humanitarian law while carrying out assistance work and this can then provide the grounds for making representations to the authorities, which is part of the protection approach. In conflict situations, assistance activities often take on a protection nature, and vice versa, to the point of being inextricably linked. It was after all to the ICRC that the Movement assigned the task of endeavouring at all times to protect and assist victims of these events.

Combining activities is often supported by what the ICRC calls its humanitarian diplomacy. The aim is to influence – and if necessary modify – the political choices of States, armed groups, and international and supranational organizations in order to enhance compliance with international humanitarian law and to promote the ICRC's major objectives. To that end, the ICRC encourages the various services and hierarchical levels at headquarters and its network of delegations to increase dialogue with these entities on general issues of concern to it. The essential message of humanitarian diplomacy is the same for all delegations, whatever their operational priorities.

Coordination of humanitarian activities

Both from headquarters and in the field, the ICRC coordinates its activities with other humanitarian organizations in order to improve the lives, directly or indirectly, of victims of armed conflict and other situations of violence. Coordination is only possible as far as the strictly humanitarian approach of the ICRC, as an impartial, neutral and independent organization, allows. Authority cannot be ceded to any other entity or group of entities.

Modes of action

In keeping with the emphasis it places on complementary roles, the ICRC takes into account its partners' (in and outside the Movement) strong and weak points and their fields of expertise in its strategic discussions.

The ICRC's strategy is based on combining "modes of action" and on selecting the appropriate activities depending on the approach (or approaches) chosen. Modes of action are the methods or means used to persuade authorities to fulfil their obligations towards individuals or entire populations.

The ICRC's modes of action are: raising awareness of responsibility (persuasion, mobilization, denunciation), support, and substitution (direct provision of services). The ICRC does not limit itself to any one of them; on the contrary, it combines them, striking a balance between them either simultaneously or consecutively.

1. The aim of raising awareness of responsibility is to remind people of their obligations and, where necessary, to persuade them to change their behaviour. This translates into three methods:
 - a. Persuasion aims to convince someone to do something which falls within his area of responsibility or competence, through bilateral confidential dialogue. This is traditionally the ICRC's preferred mode of action.
 - b. The organization may also seek outside support, through mobilization of influential third parties (e.g. States, regional organizations, private companies, members of civil society or religious groups who have a good relationship with the authorities in question). The ICRC chooses such third parties with care, contacting only those who it thinks will be able to respect the confidential nature of the information that they receive.
 - c. Faced with an authority which has chosen to neglect or deliberately violate its obligations, persuasion (even with the mobilization of support from influential third parties) may not be effective. In certain circumstances, therefore, the ICRC may decide to break with its tradition of confidentiality and resort to public denunciation. [7] This mode of action is used only as part of the protection approach, which focuses on the imminent or established violation of a rule protecting individuals.
2. If authorities are unable to take action, the ICRC provides support where necessary to enable them to assume their responsibilities.
3. When the competent authorities do not take or are unable to take appropriate measures (owing to lack of means, or unwillingness, or when no such authorities exist), the ICRC takes direct action in their place (substitution) to meet the needs of the people or populations affected. If the situation is critical, the ICRC acts first and then speaks to the authorities to persuade them to take appropriate measures or to help them examine possible solutions.

Guidelines for action

The above-mentioned strategy is implemented with consideration for the following guidelines:

1. The ICRC's humanitarian work is impartial, neutral and independent. Experience has taught it that

this approach offers the best chance of being accepted during an armed conflict or other situation of violence, in particular given the risk that actors at a local, regional or international level may become polarized or radicalized. The integration of political, military and humanitarian means as recommended by some States is therefore a major source of difficulty for the ICRC. The organization insists on the need to avoid a blurring of lines while still allowing for the possibility of complementary action.

2. Many of the ICRC's tasks are carried out close to the people concerned – in the field, in other words, where the organization has better access to them. The individuals and communities concerned must be consulted in order to better establish their needs and interests, and they should be associated with the action taken. Their value systems, their specific vulnerabilities and the way they perceive their needs must all be taken into consideration. The ICRC favours a participatory approach aimed at building local capacities.
3. The ICRC has a universal vocation. Its work is not limited to certain places, or to certain types of people (such as children or refugees). With a presence in numerous regions of the world, the ICRC has an overall vision that enables it to undertake comprehensive analysis. The organization must have a coherent approach everywhere it works if it is to appear transparent and predictable. However, this does not mean that ICRC activities are uniform. Taking the context into consideration is still a key aspect of analysis and strategy.
4. The ICRC gets involved during the emergency phase and stays for as long as is necessary. However, the organization is careful to ensure that its involvement does not dissuade the authorities from fully assuming their responsibilities or the communities affected from relying on their usual coping mechanisms. It also takes care not to get in the way of other organizations and actors who are building up civil society's resources. Measures are taken so that the ICRC is able to leave the scene in an appropriate manner when the time comes.
5. The ICRC engages in dialogue with all those involved in an armed conflict or other situation of violence who may have some influence on its course, whether they are recognized by the community of States or not. No one is excluded, not only because engaging in dialogue does not equate to formal recognition but also because multiple and varied contacts are essential for assessing a situation and for guaranteeing the safety of ICRC activities and personnel. The ICRC maintains a network of contacts locally, regionally and internationally. In the event of violations of international humanitarian law or other bodies of law or other fundamental rules protecting people in situations of violence, the ICRC attempts to influence the perpetrators. In the first instance, it will take bilateral confidential action. [8] When it comes to confidential action and to communication with the public, the ICRC wants to promote transparency and present itself as an organization acting in a credible and predictable manner. Moreover, reflecting the interest that States have in the unique status and role of the ICRC, the organization's right to abstain from giving evidence has been recognized by several sources of international law.
6. While doing what it can to help needy people, the ICRC also takes into consideration the efforts of others since there is a wide variety of agencies in the humanitarian world. The main objective of interacting with other providers of aid is to make the best use of complementary efforts in order to meet needs. Interacting should provide the basis for building on the skills of each and hence for obtaining the best possible results, then continue to respond to needs in the long term through programme handover. Interaction should therefore be based on transparency, equality, effective operational capacities and a complementary relationship between organizations. It starts with – but

is not limited to – the Movement and its universal network. Indeed, the other components emerge as the ICRC's natural and preferred partners, with whom it would like to develop and strengthen a common identity and vision. [9]

7. Through its work, the ICRC bears a certain responsibility for the individuals or entire populations it endeavours to protect and assist. Its fundamental concern is to have a genuinely positive impact on their lives. It has set up a framework of accountability and tools for planning, monitoring and assessing its actions; these help it examine its performance and results and hence constantly improve the quality of its work. The ICRC evaluates all of its activities using various criteria and indicators, including thresholds of success and failure, so that it can become more effective and find the most appropriate way of answering to beneficiaries and donors. Its work is regularly assessed, and reoriented if necessary.

[Source: ICRC, The ICRC. Its Mission and Work, March 2009; available at <http://www.icrc.org>; footnotes partially omitted]

▲ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- BERNARD Vincent, QUINTIN Anne, "Governing Armed Conflicts: The ICRC between Hierarchy and Networks", in BARNETT Michael N., PEVEHOUSE Jon C. W. & RAUSTIALA Kal (eds.), *Global Governance in a World of Change*, Cambridge, Cambridge University Press, 2021, pp. 265-287.
- BUGNION François, *The International Committee of the Red Cross and the Protection of War Victims*, Geneva/Oxford, ICRC/Macmillan, 2003, 1161 pp.
- De MAIO Jacques, "L'action de la Croix-Rouge internationale", in *Les nouvelles d'Afghanistan*, No. 124, February 2009.
- FORSYTHE David P., *The Humanitarians: The International Committee of the Red Cross*, Cambridge, CUP, 2005, 356 pp.
- FORSYTHE David P., "The ICRC: a Unique Humanitarian Protagonist", in *IRRC*, Vol. 89, No. 865, March 2007, pp. 63-96.
- FREYMOND Jacques, WILLEMIN Georges & HEACOCK Roger, *The International Committee of the Red Cross*, The Hague, M. Nijhoff, 1984, 209 pp.
- GAZZINI Tarcisio, "A Unique Non-State Actor: the International Committee of the Red Cross", in *Human Rights and International Legal Discourse*, Vol. 4, No. 1, 2010, pp. 32-46.
- HAROUEL Véronique, *Histoire de la Croix-Rouge*, Paris, PUF, Que sais-je ? 1999, 127 pp.
- HEINSCH Robert, "The International Committee of the Red Cross and the Challenges of Today's Armed Conflicts", in GIEGERICH Thomas (ed.), *A Wiser Century?: Judicial Dispute Settlement, Disarmament and the Laws of War 100 Years After the Second Hague Peace Conference*, Berlin, Duncker and Humblot, 2009, pp. 393-415.
- HUTCHINSON John F., *Champions of Charity: War and the Rise of the Red Cross*, Colorado and Oxford, Westview Press, 1996, 448 pp.
- PICTET Jean, *Une Institution unique en son genre : Le Comité international de la Croix-Rouge*,

Geneva, Henry-Dunant Institute, Paris, Pedone, 1985, 111 pp.

- RATNER Steven R. & GILADI Rotem, “The Role of the International Committee of the Red Cross”, in CLAPHAM Andrew, GAETA Paola & SASSOLI Marco (eds.), *The 1949 Geneva Conventions: A Commentary*, Oxford, OUP, 2015, pp. 525-548.
- SHUCKSMITH Christy, *The International Committee of the Red Cross and its mandate to protect and assist : law and practice*, Oxford, Portland, Hart, 2017, 216 p.

Further reading:

- BOISSIER Pierre, *History of the International Committee of the Red Cross: From Solferino to Tsushima*, Geneva, Henry-Dunant Institute, 1978, 512 pp.
- BUGNION François, “From the End of the Second World War to the Dawn of the Third Millennium – The Activities of the International Committee of the Red Cross During the Cold War and its Aftermath: 1945-1995”, in *IRRC*, No. 305, March-April 1995, pp. 207-224.
- DURAND André, *History of the International Committee of the Red Cross: From Sarajevo to Hiroshima*, Geneva, Henry-Dunant Institute, 1978, 675 pp.
- DURAND Roger & MONNIER Philippe, “Vingt fois sur le métier... Notice sur la genèse d’Un Souvenir de Solférino et de ses rééditions”, in DUNANT Henry, *Un Souvenir de Solférino*, réédition Henry-Dunant Institute & Slatkine, Geneva, 1980, pp. I-XVII.
- FREYMOND Jacques, *Guerres, révolutions, Croix-Rouge: Réflexions sur le rôle du Comité international de la Croix-Rouge*, Geneva, I.U.H.E.I., 1976, 222 pp.
- HUBER Max, *La pensée et l’action de la Croix-Rouge*, Geneva, ICRC, 1954, 376 pp.
- MOOREHEAD Caroline, *Dunant’s Dream: War, Switzerland and the History of the Red Cross*, London, Harper-Collins, 1998, 780 pp.
- PROVOST René, “The International Committee of the Red Widget?: the Diversity Debate and International Humanitarian Law”, in *Israel Law Review*, March 2007, 40 pp.

Footnotes

- [1] Dunant suggested that permanent relief societies be set up which would begin making preparations during peacetime so as to be ready to support the armed forces’ medical services in wartime. These societies would coordinate their efforts and be recognized by the authorities. He also proposed that an international congress be held “to formulate some international principle, sanctioned by a Convention inviolate in character, which, once agreed upon and ratified, might constitute the basis for societies for the relief of the wounded,” and would also protect the wounded and those coming to their aid [...]
- [2] In making Henry Dunant’s ideas a reality, and in particular, promoting the adoption of a solemn commitment by States to help and care for wounded soldiers without distinction, the ICRC was at the forefront of the development of international humanitarian law. Its fieldwork was later given a legal basis through mandates contained in international humanitarian law and in resolutions adopted at meetings of the International Conference of the Red Cross and Red Crescent.

- [3] See Statutes of the International Red Cross and Red Crescent Movement (footnote added by the authors)
- [4] See *infra*, I. Institution, 1. The ICRC within the International Red Cross and Red Crescent Movement, a) National Red Cross and Red Crescent Societies (footnote added by the authors)
- [5] See for instance GC I-IV, Art. 9/9/9/10 respectively; GC I, Art. 23; GC III, Arts 73, 123 and 125-126; GC IV, 14, 59, 61, 140 and 142-143; P I, Art. 33. (footnote added by the authors)
- [6] See Movement Statutes, Arts 5.2(d) and 5.3 [Statutes of the International Red Cross and Red Crescent Movement] (footnote added by the authors)
- [7] Public denunciation is subject to very strict conditions. See *infra*, Quotation, under V. I.3.3. Public condemnation
- [8] See *infra* V.ICRC's approach, 1. Confidentiality, not publicity (footnote added by the authors)
- [9] See *supra* I. Institution, 1. The ICRC within the International Red Cross and Red Crescent Movement (footnote added by the authors)

I. Institution

^ CHAPTER BIBLIOGRAPHY

Suggested reading:

- GRIGNON Julia, "Le Comité International de la Croix-Rouge", in *RQDI*, Hors-Série, 2021, pp. 253-268.
- LABBÉ Jérémie & DAUDIN Pascal, "Applying the humanitarian principles: Reflecting on the experience of the International Committee of the Red Cross", in *IRRC*, Vol. 97, No. 897-898, 2016, pp. 183-210.
- PICTET Jean, *The Fundamental Principles of the Red Cross: Commentary*, Geneva, Henry-Dunant Institute, 1979, 93 pp.

Further reading:

- McGOLDRICK Claudia, "The future of humanitarian action: an ICRC perspective", in *IRRC*, Vol. 93, No. 884, 2011, pp. 965-991.

1. The ICRC within the International Red Cross and Red Crescent Movement

(See the Red Cross and Red Crescent Movement website: <http://www.redcross.int>)

^ CASES AND DOCUMENTS

- Statutes of the International Red Cross and Red Crescent Movement
- The Seville Agreement

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- HAUG Hans, *Humanity for all: The International Red Cross and Red Crescent Movement*, Geneva/Bern/Stuttgart/Vienna, Henry-Dunant Institute/Paul Haupt Publishers, 1993, 682 pp.
- KYAZZE Amélia B., “Walking the walk: Evidence of Principles in Action from Red Cross and Red Crescent National Societies”, in *IRRC*, Vol. 97, No. 897-898, 2016, pp. 211-233.

Further reading:

- SCHROEDER Linh, “The ICRC and the Red Cross and Red Crescent Movement: Working Towards a Nuclear-Free World since 1945”, in *Journal for Peace and Nuclear Disarmament*, Vol. 1, No. 1, 2018, pp. 66-78.

a. National Red Cross and Red Crescent Societies

(The list of the National Societies’ websites is available on <http://www.ifrc.org>)

Introductory text

Originally created for service in time of armed conflicts, as auxiliaries to the military medical services, National Red Cross and Red Crescent Societies today carry out a wide range of activities in situations of both war and peace. [10]

The activities carried out by the 186 National Societies are as diverse as the countries they serve. Their wartime role to support armed forces medical units remains essential but now represents just one of many aspects of their work.

Other National Society activities include: setting up and managing hospitals; training medical personnel; organizing blood donor clinics; assisting the handicapped, the elderly and the needy; providing ambulance services and road, sea and mountain rescue services. In addition, many National Societies are also responsible for emergency relief in the event of man-made or natural disasters (technological catastrophes, floods, earthquakes, tidal waves, etc.).

More recently, many National Societies have also considerably increased their involvement in new areas: relief to refugees and displaced persons; assistance to victims of epidemics (HIV/AIDS); and dissemination and implementation of International Humanitarian Law (IHL).

Each National Society must fulfil strict conditions in order to achieve recognition by the ICRC and thus become a member of the International Red Cross and Red Crescent Movement. [11] In particular, it must be recognized by its own government as a voluntary aid society, be constituted on the territory of a State party to the Geneva Conventions, use one of the recognized emblems and respect the Fundamental Principles of the Red Cross and Red Crescent Movement.

▾ CASES AND DOCUMENTS

- Statutes of the International Red Cross and Red Crescent Movement [Art. 4]

▾ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- LANORD Christophe, “The Legal Status of National Red Cross and Red Crescent Societies”, in *IRRC*, No. 840, December 2000, pp. 1053-1077.
- LANORD Christophe, *Le statut juridique des sociétés nationales de la Croix-Rouge et du Croissant-Rouge*, Geneva, Thoiras, Éditions de la Chapelle, 1999, 545 pp.

a. the International Federation of Red Cross and Red Crescent Societies

(See the International Federation of the Red Cross and Red Crescent Societies website:
<http://www.ifrc.org>)

▾ CASES AND DOCUMENTS

- Statutes of the International Red Cross and Red Crescent Movement [Art. 6]

▾ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- GAUTIER Philippe, “ONG et personnalité internationale : à propos de l'accord conclu le 29 novembre 1996 entre la Suisse et la Fédération internationale des Sociétés de la Croix-Rouge et du Croissant-Rouge”, in *RBDI*, 1997, pp. 172-189.

a. the International Red Cross and Red Crescent Conference

▾ CASES AND DOCUMENTS

- ICRC, Protection of civilians against digital threats
- Statutes of the International Red Cross and Red Crescent Movement [Arts 8-11]
- ICRC, The Question of the Emblem

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- BUGNION François, “The International Conference of the Red Cross and Red Crescent: challenges, key issues and achievements”, in *IRRC*, Vol. 91, No. 876, 2009, pp. 675-712.
- PERRUCHOUD Richard, *Les Résolutions des Conférences internationales de la Croix-Rouge*, Geneva, Henry-Dunant Institute, 1979, 470 pp.
- SANDOZ Yves, “Conférence internationale de la Croix-Rouge et du Croissant-Rouge : un plan d’action pour l’humanitaire”, in *IRRC*, No. 836, December 1999, pp. 819-829.

Further reading:

- ARZUMANIAN Naïri, “Le suivi de XXVIIe Conférence internationale de la Croix-Rouge et du Croissant-Rouge”, in *IRRC*, No. 845, March 2002, pp. 221-235.
- LA VACCARA Alessandra, “Strengthening Compliance with IHL: An Achilles’ Heel? Reflections on the 32nd International Conference of the Red Cross and Red Crescent”, in *The Asian Yearbook of Human Rights and Humanitarian Law*, Vol. 1, 2017, pp. 300-314.
- NATOLI Tommaso, “The 33rd International Conference of the Red Cross and Red Crescent (2019)”, in *Yearbook of International Disaster Law*, 2021, pp. 383-392.
- PERRUCHOUD Richard, “Resolutions of International Red Cross Conferences and their Implementation by the National Societies”, in *IRRC*, No. 227, 1982, pp. 88-96.

2. Legal status of the ICRC

^ CASES AND DOCUMENTS

- Agreement Between the ICRC and Switzerland
- UN, ICRC Granted Observer Status
- ICTY/ICC, Confidentiality and Testimony of ICRC Personnel

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- BARRAT Claudie, “The Red Cross and Red Crescent Movement: A Position Affirmed in International Humanitarian Law Treaties”, in *Status of NGOs in International Humanitarian Law*, Brill, 2014, pp. 60-85.
- DEBUF Els, “Tools to do the job: The ICRC’s legal status, privileges and immunities”, in *IRRC*, Vol. 97, No. 897-898, 2015, pp. 319-344.
- DOMINICÉ Christian, “La personnalité juridique internationale du CICR”, in *Studies and Essays on International Humanitarian Law and Red Cross Principles in Honour of Jean Pictet*, Geneva, ICRC, The Hague, M. Nijhoff, 1984, pp. 663-673.
- LORITE ESCORIHUELA Alejandro, “Le Comité international de la Croix-Rouge comme organisation sui generis ? Remarques sur la personnalité juridique du CICR”, in *RGDIP*, Vol.3, 2001, pp. 581-616.
- REUTER Paul, “La personnalité juridique internationale du Comité international de la Croix-Rouge”, in *Studies and Essays on International Humanitarian Law and Red Cross Principles in Honour of Jean Pictet*, Geneva, ICRC, The Hague, M. Nijhoff, 1984, pp. 783-791.

Further reading:

- BARBERIS Julio A., “El Comité internacional de la Cruz Roja como sujeto del derecho de gentes”, in *Studies and Essays on International Humanitarian Law and Red Cross Principles in Honour of Jean Pictet*, Geneva, ICRC, The Hague, M. Nijhoff, 1984, pp. 635-641.
- BARILE Guisepe, “Caractère du Comité international de la Croix-Rouge”, in *Rivista di Diritto Internazionale*, Vol. 62, 1979, pp. 111-115.
- DISTEFANO Giovanni, “Le CICR et l’immunité de juridiction en droit international contemporain : fragments d’investigation autour d’une notion centrale de l’organisation internationale”, in *Revue suisse de droit international et de droit européen*, Vol. 3, 2002, pp. 355-370.
- DOMINICÉ Christian, “L’accord de siège conclu par le Comité international de la Croix-Rouge avec la Suisse”, in *RGDIP*, Vol. 99/1, January-April 1995, pp. 5-36.
- KOENIG Christian, “Observer Status for the International Committee of the Red Cross at the United Nations: A Legal Viewpoint”, in *IRRC*, No. 280, January-February 1991, pp. 37-48.

3. Independence

^ CASES AND DOCUMENTS

- Agreement Between the ICRC and Switzerland
- ICRC’s Approach to Contemporary Security Challenges

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- SOMMARUGA Cornelio, “Swiss Neutrality, ICRC Neutrality: Are They Indissociable? An Independence Worth Protecting”, in *IRRC*, No. 288, May-June 1992, pp. 264-273.
- VAN MIEROP Ed Schenkenberg, “Coming clean on neutrality and independence: The need to assess the application of humanitarian principles”, in *IRRC*, Vol. 97, No. 897-898, pp. 295-318.

4. Traditionally mono-national governing body and international action

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- BRUHWILER Claudia Franziska, EGLI Patricia & SANCHEZ Yvette, “The ICRC at a crossroads: Swiss roots—international outlook”, in *Journal of International Humanitarian Action*, Vol. 4, No. 13, 2019, 17 pp.
- BUGNION François, “The Composition of the International Committee of the Red Cross”, in *IRRC*, No. 307, July-August 1995, pp. 427-446.

5. Humanity

^ CASES AND DOCUMENTS

- ICJ, *Nicaragua v. United States* [Para. 242]

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- COTTER Cédric, “Humanity at a Time of Inhumanity: The International Movement of the Red Cross and Red Crescent”, in VAN BERGEN Leo & VERMETTEN Eric (eds), *The First World War and Health*, London, Brill, 2020, pp. 378-399.
- MÖLLER Esther, “Between globalisation and contestation: humanity as a polemical concept within the Red Cross and Red Crescent Movement”, in KLOSE Fabian and THULIN Mirjam (eds), *Humanity: History of European concepts in practice from the Sixteenth Century to the present*, Göttingen, Vandenhoeck and Ruprecht, 2016, pp. 209-227.

6. Neutrality and impartiality

Quotation

On the general level, the idea of neutrality pre-supposes two elements: an attitude of abstention and the existence of persons or groups who oppose one another. Although neutrality defines the attitude of the Red Cross towards belligerents and ideologies, it never determines its behaviour towards the human beings who suffer because, in the first place, the wounded do not fight one another. And, above all, the essential characteristic of the Red Cross is to act and not to remain passive.

Neutrality and impartiality have often been confused with one another because both imply the existence of groups or theories in opposition and because both call for a certain degree of reserve. The two ideas are nevertheless very different, for the neutral man refuses to make a judgement whereas the one who is impartial judges a situation in accordance with pre-established rules.

Neutrality demands real self-control; it is indeed a form of discipline we impose upon ourselves, a brake applied to the impulsive urges of our feelings. A man who follows this arduous path will discover that it is rare in a controversy to find that one party is completely right and the other completely wrong. He will sense the futility of the reasons commonly invokes to launch one nation into war against another. In this respect, it is reasonable to say that neutrality constitutes a first step towards peace.

While neutrality, like impartiality, is often misunderstood and rejected, this happens because there are so many who want to be both judge and party, without recourse to any universally valid criterion. Each side believes, rather naively, that his cause is the only just one; that refusal to join it is an offence against truth and justice.

[**Source:** Pictet, J.S., Red Cross Principles, Geneva, International Committee of the Red Cross, 1979, pp. 52-53]

^ CASES AND DOCUMENTS

- ICRC, Protection of War Victims [Para. 3. 3]
- ICRC's Approach to Contemporary Security Challenges
- United Kingdom, Labour Party Campaign – Misuse of the Emblem
- ICRC Report on Yemen, 1967
- ICRC, Iran/Iraq, Memoranda
- UN/ICRC, The Use of Chemical Weapons
- Case Study, The Conflicts in the former Yugoslavia [Paras 14, 21 and 22]
- Bosnia and Herzegovina, Constitution of Safe Areas in 1992-1993
- ICTY/ICC, Confidentiality and Testimony of ICRC Personnel [Part A.]

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- FORSYTHE David P. & RIEFFER-FLANAGAN Ann J., *The International Committee of the Red Cross: a Neutral Humanitarian Actor*, Abingdon, New York, Routledge, 2007, 122 pp.
- HARROFF-TAVEL Marion, “Neutrality and Impartiality: The Importance of these Principles for the International Red Cross and Red Crescent Movement”, in *IRRC*, No. 273, November-December 1989, pp. 536-552.
- KALSHOVEN Frits, “Impartiality and Neutrality in Humanitarian Law and Practice”, in *IRRC*, No. 273, November-December 1989, pp. 516-535.
- KU Charlotte & CACERES BRUN Joaquin, “Neutrality and the ICRC Contribution to Humanitarian Action”, in *International Peacekeeping*, Vol. 10/1, Spring 2003, pp. 56-72.
- SLIM Hugo, “Humanitarian Diplomacy: The ICRC's Neutral and Impartial Advocacy in Armed Conflicts”, in *Ethics & International Affairs*, Vol. 33, No. 1, 2019, pp. 67-77.
- TERRY, Fiona, “Taking action, not sides: the benefits of humanitarian neutrality in war”, *Humanitarian Law & Policy blog*, June 21, 2022.

Further reading:

- GASSER Jörg & MATTLI Karl, “A neutral, impartial and independent approach: key to ICRC's acceptance in Iraq”, in *IRRC*, Vol. 90, No. 869, 2008, pp. 153-168.
- HENTSCH Thierry, *Face au blocus : La Croix-Rouge internationale dans le Nigéria en guerre (1967-1970)*, Geneva, Institut universitaire des hautes études internationales, 1973, 307 pp.
- HUBER Max, *Red Cross and Neutrality*, Geneva, ICRC, 1936, 11 pp.
- JENATSCH Thomas, “The ICRC as a Humanitarian Mediator in the Colombian Conflict: Possibilities and Limits”, in *IRRC*, No. 323, June 1998, pp. 303-318.
- KUMAR Rajeesh, *The International Committee of the Red Cross in Internal Armed Conflicts, Is Neutrality Possible?*, Singapore, Palgrave/Macmillan, 2019, 135 pp.
- MINEAR Larry, “The Theory and Practice of Neutrality: Some Thoughts on the Tensions”, in *IRRC*, No. 833, 1999, pp. 63-72.
- PLATTNER Denise, “ICRC Neutrality and Neutrality in Humanitarian Assistance”, in *IRRC*, No. 818, March-April 1996, pp. 161-179.

7. Funding

(See, e.g., the “Finance and Administration” section in ICRC Annual Reports, available on <http://www.icrc.org>)

▲ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- GOLAY Jean-François, *Le financement de l'aide humanitaire : L'exemple du Comité international de la Croix-Rouge*, Berne, Peter Lang, 1990, 313 pp.

Footnotes

- [10] See *Statutes of the International Red Cross and Red Crescent Movement* [Art. 3]
- [11] See *ibid.* Art. 4: Conditions for recognition of National Societies

II. ICRC activities

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- IRRIC, *ICRC: 150 years of Humanitarian Action*, Vol. 94, No. 888, 2012, pp. 1192-1585.

Further reading:

- HENTSCH Thierry, *Face au blocus : La Croix-Rouge internationale dans le Nigéria en guerre (1967-1970)*, Geneva, Institut universitaire des hautes études internationales, 1973, 307 pp.
- LOANE Geoff & FAL-DUTRA SANTOS Ricardo, "Strengthening resilience: The ICRC's community-based approach to ensuring the protection of education", in *IRRC*, Vol. 99, No. 905, 2017, pp. 797-820.
- OLASEENI O.A. & MIMIKO Kayode, "ICRC's Responses to the Challenges of Humanitarian Assistance during Armed Conflicts", in *Journal of Law, Policy and Globalization*, Vol. 54, 2016, pp. 92-102.
- Rapport du Comité international de la Croix-Rouge sur son activité pendant la Seconde Guerre Mondiale (1er septembre 1939 – 30 juin 1947), Vol. I, Activités de caractère général, 767 pp.; Vol. II, L'Agence centrale des prisonniers de guerre, 344 pp.; Vol. III, Actions de secours, 583 pp.; Vol. IV, Annexes, 69 pp.; Geneva, ICRC, 1948.

1. In armed conflicts

^ CASES AND DOCUMENTS

- Case Study, Armed Conflicts in the former Yugoslavia
- Former Yugoslavia, Special Agreements Between the Parties to the Conflicts
- ICTY/ICC, Confidentiality and Testimony of ICRC Personnel [Part A.]

a. visits to detained persons – interviews without witnesses

^ CASES AND DOCUMENTS

- Agreement Between the ICRC and the ICTY Concerning Persons Awaiting Trials Before the Tribunals
- Israel, Cheikh Obeid et al. v. Ministry of Security
- Inter-American Commission on Human Rights, Coard v. United States [Paras 30-32]
- Ethiopia/Somalia, Prisoners of War of the Ogaden Conflict
- Eritrea/Ethiopia, Partial Award on POWs (Part A., paras 28, 29, 45, 55-62, 81 and 84; Part B., paras 100, 150-163)
- ICRC, Iran/Iraq, Memoranda
- Iran/Iraq, 70,000 Prisoners of War Repatriated
- United States, The Schlesinger Report
- Case Study, Armed Conflicts in the former Yugoslavia [Paras 12 and 21]
- ICRC, Visits to Detainees: Interviews Without Witnesses [Part B.]
- Afghanistan/Canada, Agreements on the Transfer of Detainees [Part A., paras 4, 7, 10; Part B., para. 10]
- United States, Status and Treatment of Detainees Held in Guantanamo Naval Base [Part II.]

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- *L'action du CICR en faveur des prisonniers*, Geneva, ICRC, May 1997, 35 pp.
- AESCHLIMANN Alain, "Protection of detainees: ICRC action behind bars", in *IRRC*, Vol. 87, No. 857, 2005, pp. 83-122.

Further reading:

- STIBBE Matthew, "The Internment of Civilians by Belligerent States during the First World War and the Response of the International Committee of the Red Cross", in *Journal of Contemporary History*, Vol. 41, No. 1, 2006, pp. 5-19.

a. protection of the civilian population

^ CASES AND DOCUMENTS

- ICRC, Protection Policy
- Case Study, Armed Conflicts in the former Yugoslavia [Para. 31]
- Bosnia and Herzegovina, Constitution of Safe Areas in 1992-1993
- ICRC, Statement - War in Cities ; What is at Stake?

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- “ICRC: 150 years of humanitarian action”, in *IRRC* Vol. 94, No. 888, 2012, pp. 1190-1585.
- AESCHLIMANN Alain, “Protection: the International Committee of the Red Cross Experience”, in O’FLAHERTY Michael (ed.), *The Human Rights Field Operation: Law, Theory and Practice*, Aldershot; Burlington, Ashgate, 2007, pp. 223-241.
- BRADLEY Miriam, *Protecting Civilians in War: The ICRC, UNHCR, and Their Limitations in Internal Armed Conflicts*, Oxford, OUP, 2016, 240 pp.
- BUSSMANN Margit & SCHNEIDER Gerald, “A porous humanitarian shield: The laws of war, the red cross, and the killing of civilians”, in *The Review of International Organizations*, Vol. 11, 2016, pp. 337-359.
- ICRC, *Enhancing Protection of Civilians in Armed Conflict and Other Situations of Violence*, Geneva, ICRC, 2008, 80 pp.

Further reading:

- KRILL Françoise, “ICRC Action in Aid of Refugees”, in *IRRC*, No. 265, July-August 1988, pp. 328-350.
- MAURICE Frédéric & COURTEN Jean de, “ICRC Activities for Refugees and Displaced Civilians”, in *IRRC*, No. 280, January-February 1991, pp. 9-21.

a. provision of relief supplies

^ CASES AND DOCUMENTS

- The Seville Agreement [Art. 6.1.]
- ICRC, Assistance Policy
- UN, Security Council, Sanctions Imposed Upon Iraq [Part C., para. 6]
- Case Study, Armed Conflicts in the former Yugoslavia [Para. 12]

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- FORSYTHE David, “The ICRC and Humanitarian Assistance – A Policy Analysis”, in *IRRC*, No. 314, September-October 1996, pp. 512-531.
- MOUREY Alain, *Nutrition Manual for Humanitarian Action*, ICRC, Geneva, 2008, 712 pp.
- PERRIN Pierre, “The Impact of Humanitarian Aid on Conflict Development”, in *IRRC*, No. 323, June

1998, pp. 319-333.

Further reading:

- GRÜNEWALD François, “Food Aid: For or Against?”, in *IRRC*, No. 315, November-December 1996, pp. 588-608.

a. medical assistance

^ CASES AND DOCUMENTS

- ICRC Report on Yemen, 1967
- ICRC/Lebanon, Sabra and Chatila

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- ICRC, *Primary Health-Care Services: Primary Level*, Geneva, ICRC, May 2006, 26 pp.
- RUSSBACH Rémi, GRAY Robin C. & COUPLAND Robin M., “ICRC Surgical Activities”, in *IRRC*, No. 284, September-October 1991, pp. 483-490.

Further reading:

- GARACHON Alain, “Thirteen Years’ Experience in Fitting War Amputees with Artificial Limbs”, in *IRRC*, No. 284, September-October 1991, pp. 491-493.
- PERRIN Pierre (ed.), *Handbook on War and Public Health*, Geneva, ICRC, 1996, 446 pp.
- PERRIN Pierre, *HELP: Public Health Course in the Management of Humanitarian Aid*, Geneva, ICRC, 1999, 783 pp.

a. tracing service

^ CASES AND DOCUMENTS

- ICRC, Tracing Service
- ICRC/Lebanon, Sabra and Chatila
- ECHR, *Cyprus v. Turkey* [Opinion of Judge Fuad]
- Case Study, *Armed Conflicts in the former Yugoslavia* [Para. 22]
- Bosnia and Herzegovina, *Release of Prisoners of War and Tracing Missing Persons After the End of the Hostilities*

Suggested reading:

- IRRIC, “Missing Persons”, in *IRRC*, No. 848, 2002, pp. 720-902.
- IRRIC, “The Missing”, in *IRRC*, Vol. 99, No. 905, 2017, pp. 475-863.
- DJUROVIC Gradimir, *The Central Tracing Agency of the International Committee of the Red Cross: Activities of the ICRC for the Alleviation of Mental Suffering of War Victims*, Geneva, Henry-Dunant Institute, 1981, 259 pp.
- LONDOÑO Ximena and ORTIZ SIGNORET Alexandra, “Implementing international law: An avenue for preventing disappearances, resolving cases of missing persons and addressing the needs of their families” in *IRRC*, Vol. 99, No. 905, 2017, pp. 547-567.
- SASSÒLI Marco & TOUGAS Marie-Louise, “The ICRC and the Missing”, in *IRRC*, No. 848, December 2002, pp. 727-750.
- VONÈCHE CARDIA Isabelle, “The International Committee of the Red Cross: Identifying the Dead and Tracing Missing Persons – A Historical Perspective”, in PÉROUSE DE MONTCLOS Marc-Antoine, MINOR Elizabeth & SINHA Samrat (eds.), *Violence, Statistics, and the Politics of Accounting for the Dead*, London/New-York, Springer, 2016, pp. 71-86.

Further reading:

- DOGNY Violaine, “Cooperation between the ICRC and the Tracing Services of the Newly Independent States of the Former-Soviet Union”, in *IRRC*, No. 323, June 1998, pp. 205-214.
- NOWAK Manfred, “Disappearances in Bosnia-Herzegovina”, in O’FLAHERTY Michael, *Post-war Protection of Human Rights in Bosnia and Herzegovina*, The Hague, M. Nijhoff, 1998, pp. 107-121.
- SCHREYER Thierry, “L’action de l’Agence centrale de recherches du CICR dans les Balkans durant la crise des réfugiés kosovars”, in *IRRC*, No. 837, March 2000, pp. 49-65.

a. the relevance of ICRC practice for the development of customary IHL

Quotation

“[...] a number of Governments have suggested that the phrase “the international community as a whole” [...] should read “the international community of States as a whole”. [...] The Special Rapporteur does not agree that any change is necessary in what has become a well-accepted phrase. States remain central to the process of international lawmaking and law-applying, and it is axiomatic that every State is as such a member of the international community. But the international community includes entities in addition to States: for example, the European Union, the International Committee of the Red Cross, the United Nations itself.”

[Source: A/CN.4/517, United Nations General Assembly, 2 April 2001, International Law Commission,

53rd session, Geneva, 23 April – 1 June and 2 July – 10 August 2001, Fourth Report on State Responsibility, presented by M. James Crawford, Special Rapporteur, p. 15, available on <http://www.un.org>]

^ CASES AND DOCUMENTS

- ICTY, *The Prosecutor v. Tadic* [Part A., paras 99 and 109]

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- D'ASPREMONT Jean, "An Autonomous Regime of Identification of Customary International Humanitarian Law: Do Not Say What You Do or Do Not Do What You Say?", in VAN STEENBERGHE Raphael (ed.), *Droit international humanitaire: un régime spécial de droit international?*, Brussels, Bruylant, 2013, pp. 73-101.
- HENCKAERTS Jean-Marie & DEBUF, Els, "The ICRC and the clarification of customary international humanitarian law", in LEPARD Brian D., *Reexamining customary international law*, New York, Cambridge University Press, 2017, pp. 161-188.

2. Outside armed conflicts

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- BRADLEY Miriam, "From armed conflict to urban violence: transformations in the International Committee of the Red Cross, international humanitarianism, and the laws of war", in *European Journal of International Relations*, Vol. 26, No. 4, 2020, pp. 1061-1083.
- GRUNEWALD François, "From Prevention to Rehabilitation – Action, during and after the Crisis: The Experience of the ICRC in retrospect", in *IRRC*, No. 306, May-June 1995, pp. 263-282.
- HARROFF-TAVEL Marion, "Action Taken by the International Committee of the Red Cross in Situations of Internal Violence", in *IRRC*, No. 294, May-June 1993, pp. 195-220.

Further reading:

- COLASSIS Laurent, "The Role of the International Committee of the Red Cross in Stability Operations in Iraq", in *IYHR*, Vol. 40, 2010, pp. 183-202.
- FINEGAN Oran & al., "International Committee of the Red Cross (ICRC): General guidance for the management of the dead related to COVID-19", in *Forensic Science International*, Vol. 2, 2020, pp.

129-137.

- LE BIHAN Stéphanie, “Addressing the protection and assistance needs of migrants: The ICRC approach to migration”, in *IRRC*, Vol. 99, No. 904, 2018, pp. 99-119.

a. **visits (with interviews without witnesses) to detainees held in connection with the situation**

^ **CASES AND DOCUMENTS**

- ICRC, Tracing Service [Para. 4]
- Case Study, Armed Conflicts in the former Yugoslavia [Para. 1]
- ICRC, Visits to Detainees: Interviews without Witnesses [Part B.]

^ **SPECIFIC BIBLIOGRAPHY**

Suggested reading:

- “The International Committee of the Red Cross and Torture”, in *IRRC*, No. 189, December 1976, pp. 610-616.
- SINNER Philippe de & REYES Hernan, “Activités du CICR en matière de visites aux personnes privées de liberté : une contribution à la lutte contre la torture”, in CASSESE Antonio (ed.), *The International Fight against Torture*, Baden-Baden, Nomos, 1991, pp. 153-171.

Further reading:

- MOREILLON Jacques, “International Solidarity and Protection of Political Detainees”, in *IRRC*, No. 222, May 1981, pp. 123-130.
- MOREILLON Jacques, *Le Comité international de la Croix-Rouge et la protection des détenus politiques*, Geneva, Henry-Dunant Institute, Lausanne, Éditions L’Age d’Homme, 1973, 303 pp.
- THOMPSON Andrew, “Restoring hope where all hope was lost”: Nelson Mandela, the ICRC and the protection of political detainees in apartheid South Africa”, in *IRRC*, Vol. 98, No. 903, 2016, pp. 799-829.

3. Worldwide

a. **Advisory Services on International Humanitarian Law**

^ **CASES AND DOCUMENTS**

- Romania, Voluntary Report
- ICRC, Advisory Services on International Humanitarian Law

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- BERMAN Paul, “The ICRC’s Advisory Service on International Humanitarian Law: The Challenge of National Implementation”, in *IRRC*, No. 312, May-June 1996, pp. 338-347.
- ICRC, *The Domestic Implementation of International Humanitarian Law, A Manual*, ICRC, Geneva, 2015, 534 pp.
- *National Implementation of International Humanitarian Law 2002-2003 Biennial Report*, Geneva, ICRC, 2004, 40 pp.

a. dissemination

^ CASES AND DOCUMENTS

- ICRC/Geneva Call, Dissemination of IHL using I.T.
- ICRC, Protection of War Victims (Para. 2.3)
- Case Study, Armed Conflicts in the former Yugoslavia [Para. 1]
- ICRC, International humanitarian law and the challenges of contemporary armed conflicts in 2015 [paras 306-307]

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- BOUVIER Antoine A. & SAMS Katie, “Teaching International Humanitarian Law in Universities: the Contribution of the International Committee of the Red Cross”, in *Yearbook of International Humanitarian Law*, Vol. 5, 2002, pp. 381-393.
- CHOPARD Jean-Luc, “Dissemination of the Humanitarian Rules and Cooperation with National Red Cross and Red Crescent Societies for the Purpose of Prevention”, in *IRRC*, No. 305, May-June 1995, pp. 244-262.
- HARROFF-TAVEL Marion, “The International Committee of the Red Cross and the promotion of international humanitarian law: Looking back, looking forward”, in *IRRC*, Vol. 96, No. 895-896, 2015, pp. 817-857
- JASTRAM Kate & QUINTIN Anne, “Prevention in practice: Teaching IHL in US legal academia”, in *IRRC*, Vol. 96, No. 895-896, 2015, pp. 987-1027.
- SANDOZ Yves, “Réflexions sur la mise en œuvre du droit international humanitaire et sur le rôle du Comité international de la Croix-Rouge en ex-Yougoslavie”, in *Revue Suisse de Droit International et de Droit Européen*, No. 4, 1993, pp. 461-490.

- SPOERRI Philip, “From Dissemination towards Integration: An ICRC Perspective”, in *Military Law and The Law of War Review*, Vol. 52, No. 113, 2013, pp. 113-121.

Further reading:

- BAERISWYL Edith & AESCHLIMANN Alain, “Reflections on a Dissemination Operation in Burundi: Declaration for Standards of Humanitarian Conduct: Appeal for a Minimum Humanity in Situation of Internal Violence”, in *IRRC*, No. 319, July-August 1997, pp. 385-408.
- BIGLER Roland, “Disseminating International Humanitarian Law in Colombia: Dissemination is Everyone’s Job – A Firsthand Report by an ICRC Delegate”, in *IRRC*, No. 319, July-August 1997, pp. 421-432.
- BOUVIER Antoine, “Diffusing and Teaching International Humanitarian Law”, in *Refugee Survey Quarterly*, Vol. 21/3, 2002, pp. 175-180.
- HANKINS Stéphane, “Promoting International Humanitarian Law in Higher Education and Universities in the Countries of the Commonwealth of Independent States”, in *IRRC*, No. 826, July-August 1997, pp. 479-482.
- ROBERTS David L., “Training the Armed Forces to Respect International Humanitarian Law: The Perspective of the ICRC Delegate to the Armed and Security Forces in South Asia”, in *IRRC*, No. 319, July-August 1997, pp. 433-446.
- STUBBINS BATES Elizabeth, “Towards Effective Military Training in international Humanitarian Law”, in *IRRC*, Vol. 96, No. 895-896, 2015, pp. 795-816.

a. humanitarian diplomacy

^ CASES AND DOCUMENTS

- ICRC, Protection of War Victims [Para. 3.2.]
- ICRC’s Approach to Contemporary Security Challenges
- UN, Resolutions and Conference on Respect for the Fourth Convention
- UN, Report of the Secretary-General for the World Humanitarian Summit

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- HARROFF-TAVEL Marion, “The Humanitarian Diplomacy of the International Committee of the Red Cross”, in *African Yearbook on International Humanitarian Law*, 2006, pp. 1-16.
- MAURER Peter, “Humanitarian diplomacy and principled humanitarian action”, in *IRRC*, Vol. 97, No. 897-898, 2015, pp. 445-452.
- TERRY Fiona, “Humanitarian diplomacy: the ICRC experience”, in *Negotiating relief: the politics of*

4. The ICRC's role in the continuum between pre-conflict and post-conflict situations

^ CASES AND DOCUMENTS

- The Seville Agreement [Preamble, para. 3, Arts 5.3.1. and 5.5.]
- The Conflict in Western Sahara [Part C.]

a. ICRC residual responsibility towards persons it has assisted during a conflict

cases and documents

- Colombia Peace Agreement

5. Cooperation between the ICRC and National Societies

^ CASES AND DOCUMENTS

- The Seville Agreement [Arts 5-9]

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- IIRC, *International Review of the Red Cross Archive, Cooperation between National Societies and the ICRC*, Vol. 38, No. 323, 1998, pp. 195-396.

6. Cooperation with other humanitarian organizations

^ CASES AND DOCUMENTS

- ICRC, Protection of War Victims [Para. 3.2.]
- ICRC, Assistance Policy
- ICRC's Approach to Contemporary Security Challenges

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- BONARD Paul, *Modes of Action Used by Humanitarian Players: Criteria for Operational Complementarity*, Geneva, ICRC, September 1998, 65 pp.
- GUINOTE Filipa Schmitz, “The ICRC and the “humanitarian–development–peace nexus” discussion”, in *IRRC*, Vol. 101, No. 912, 2019, pp. 1051-1066.

Further reading:

- DENNE Sarah R., “Re-thinking Humanitarian Aid in the Post-Gulf War Era: the International Committee of the Red Cross Takes the Lead”, in *Case Western Reserve Journal of International Law*, Vol. 39, No. 3, 2007, pp. 867-895.
- MUNTARBHORN Vitit, “Protection and Assistance for Refugees in Armed Conflicts and Internal Disturbances: Reflections on the Mandates of the International Red Cross and Red Crescent Movement and the Office of the United Nations High Commissioner for Refugees”, in *IRRC*, No. 265, July-August 1988, pp. 351-366.

7. Cooperation with political organizations

^ CASES AND DOCUMENTS

- ICRC’s Approach to Contemporary Security Challenges
- UN, ICRC Granted Observer Status

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- CHURCHILL Ewumbue-Monono & VON FLUE Carlo, “Promotion of International Humanitarian Law through Cooperation between the ICRC and the African Union”, in *IRRC*, No. 852, December 2003, pp. 749-773.
- PFANNER Tony, “Cooperation between Truth Commissions and the International Committee of the Red Cross”, in *IRRC*, Vol. 88, No. 862, June 2006, pp. 363-373.

III. Legal basis of ICRC action

^ CASES AND DOCUMENTS

- Statutes of the International Red Cross and Red Crescent Movement [Art. 5]
- Case Study, Armed Conflicts in the former Yugoslavia [Para. 31]

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- BUGNION François, “Red Cross Law”, in *IRRC*, No. 308, September-October 1995, pp. 491-519.

1. In international armed conflicts

a. right to visit protected persons (prisoners of war and protected civilians)

GC III, Art. 126(5); GC IV, Art. 143(5)

^ CASES AND DOCUMENTS

- Israel, Cheikh Obeid et al. v. Ministry of Security

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- RODENHAUSER Tilman, “Strengthening IHL protecting persons deprived of their liberty: Main aspects of the consultations and discussions since 2011”, in *IRRC*, Vol. 98, No. 903, 2016, pp. 941-959.

a. right of initiative

GC I-IV, Arts 9/9/9/10 respectively; P I, Art. 81(1)

^ CASES AND DOCUMENTS

- ICRC, Assistance Policy
- Bosnia and Herzegovina, Constitution of Safe Areas in 1992-1993

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- NISHAT Nishat, “The Right of Initiative of the ICRC and Other Impartial Humanitarian Bodies”, in CLAPHAM Andrew, GAETA Paola & SASSOLI Marco (eds.), *The 1949 Geneva Conventions: A Commentary*, Oxford, OUP, 2015, pp. 495-508.
- SANDOZ Yves, “Le droit d’initiative du Comité international de la Croix-Rouge”, in *German Yearbook of International Law*, Vol. 22, 1979, pp. 352-373.

a. **the Central Tracing Agency**

GC I, Art. 16(2); GC III, Art. 123; GC IV, Art. 140; P I, Art. 33(3)

^ CASES AND DOCUMENTS

- ICRC, Tracing Service
- Iran/Iraq, 70,000 Prisoners of War Repatriated
- Bosnia and Herzegovina, Release of Prisoners of War and Tracing Missing Persons After the End of Hostilities

a. **“substitute of the Protecting Power”**

GC I-IV, Arts 10(3)/10(3)/10(3)/11(3) respectively; P I, Art. 5(4)

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- GASSER Hans-Peter, “Respect for Fundamental Judicial Guarantees in Time of Armed Conflict: the Part Played by ICRC Delegates”, in *IRRC*, No. 287, March-April 1992, pp. 121-142.

2. In non-international armed conflicts: the right of initiative provided for in Art. 3 common to the Conventions

(See also *supra*, Implementation Mechanisms, IX. Implementation in time of non-international armed conflict, 4. The ICRC’s right of initiative)

^ CASES AND DOCUMENTS

- Sudan, Report of the UN Commission of Enquiry on Darfur (Para. 550)
- Sri Lanka, Jaffna Hospital Zone
- Afghanistan, Soviet Prisoners Transferred to Switzerland
- Russian Federation, Chechnya, Operation Samashki (para. 10)
- Somalia, Traditional Law and IHL

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- BRADLEY Miriam, *Protecting Civilians in War, The ICRC, UNHCR, and their Limitations in Internal Armed Conflicts*, Oxford, OUP, 2016, 240 pp.
- DREVON Jérôme & HERBET Irénée, “Engaging armed groups at the International Committee of the

Red Cross: Challenges, opportunities and COVID-19”, in *IRRC*, Vol. 102, No. 915, 2021, pp. 1021-1031.

- QUINTIN Anne & TOUGAS Marie-Louise, “Generating Respect for the Law by Non-State Armed Groups: The ICRC’s Role and Activities”, in HEFFES Ezequiel, KOTLIK Marcos D. & VENTURA Manuel J. (eds), *International Humanitarian Law and Non-State Actors, Debates, Law and Practice*, The Hague, Asser Press, 2020, pp. 353-386.
- “ICRC Engagement with Non-State Armed Groups: Why, How, for What Purpose, and Other Salient Issues”, in *IRRC*, Vol. 102, no. 915, 2021, pp. 1087-1098.

a. **meaning**

b. **possible addressees of such initiatives: both parties to the conflicts**

3. In other situations calling for a neutral humanitarian intermediary: the right of initiative provided for in the Movement’s Statutes

▲ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- “ICRC Position on Hostage-Taking”, in *IRRC*, No. 846, June 2002, pp. 467-470.
- SANDOZ Yves, “Attitude du CICR en cas de prise d’otages – Commentaire”, in *IRRC*, No. 846, June 2002, pp. 475-488. “ICRC Position on Hostage-Taking”, in *IRRC*, No. 846, June 2002, pp. 467-470.

Further reading:

- MINNIG Michel, “The Lima Hostage Crisis: Some Comments on the ICRC’s Role as a ‘Neutral Intermediary’”, in *IRRC*, No. 323, June 1998, pp. 293-302.

▲ CASES AND DOCUMENTS

- Statutes of the International Red Cross and Red Crescent Movement [Art. 5(3)]
- ICRC, Request to Visit Gravesites in the Falklands/Malvinas

IV. Importance of IHL in ICRC operations

▲ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- BUGNION François, “The International Committee of the Red Cross and the Development of International Humanitarian Law”, in *Chicago Journal of International Law*, Vol. 5/1, Summer 2004, 18 pp.

- GEIß Robin, ZIMMERMANN Andreas & HAUMER Stefanie (eds.), *Humanizing the Laws of War The Red Cross and the Development of International Humanitarian Law*, Cambridge, CUP, 2017, 266 pp.
- PICTET Jean, *Le droit international et l'activité du Comité international de la Croix-Rouge en temps de guerre*, Zürich, Orell Füssli, 1943, 34 pp.
- ZAMMIT BORDA Aldo (ed.), *International Humanitarian Law and the International Red Cross and Red Crescent Movement*, Abingdon, New York, Routledge, 2010, 202 pp.

Further reading:

- SAYAPIN Sergey, “International Committee of the Red Cross and the Use of International Human Rights Law”, in ROGERS Damian (ed.), *Human Rights in War*, Singapore, Springer, 2020, 20 pp.
- SOMMARUGA Cornelio, “Humanitarian Law and Human Rights in the Legal Arsenal of the ICRC”, in *Human Rights and Humanitarian Law*, The Hague, M. Nijhoff, 1997, pp. 125-133.

1. The ICRC and the legal qualification of the situation

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- FERRARO Tristan, “The ICRC's legal position on the notion of armed conflict involving foreign intervention and on determining the IHL applicable to this type of conflict”, in *IRRC*, Vol. 90, No. 900, 2015, pp. 1227-1252.

a. competence of the ICRC to qualify armed conflicts

^ CASES AND DOCUMENTS

- ICJ/Israel, Separation Wall/Security Fence in the Occupied Palestinian Territory [Part A., para. 97]
- Case Study, Armed Conflicts in the former Yugoslavia [Paras 2 and 9]

a. practical importance of qualifying a conflict

b. difficulties for the ICRC to qualify a conflict

^ CASES AND DOCUMENTS

- Case Study, Armed Conflicts in the former Yugoslavia [Paras 2 and 9]

aa) objective difficulties

- establishment of the facts
- constantly developing law

bb) political difficulties

- the ICRC seen as warmonger
- the ICRC taking position on facts relevant to jus ad bellum (the origin of the conflict)

^ CASES AND DOCUMENTS

- Former Yugoslavia, Special Agreements Between the Parties to the Conflicts [Part A.]

- divergence from the appreciation of the international community

cc) difficulties for its operational access

dd) advantages and shortcomings of a pragmatic approach

2. Reference to IHL in the ICRC's various functions as the guardian of IHL

^ CASES AND DOCUMENTS

- ICRC/Geneva Call, Dissemination of IHL using I.T.
- The Environment and International Humanitarian Law (Part D.)
- ICRC's Appeals on the Near East
- ICRC, Statement - War in Cities ; What is at Stake?

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- DORMANN Knut & RAAB Andrea, "Developing and clarifying international humanitarian law: the role and legacy of the ICRC", in KOLB Robert, GAGGIOLI Gloria & KILIBARDA Pavle (eds), Research Handbook on Human Rights and Humanitarian Law, Cheltenham, Edward Elgard Publishing, 2022, pp. 240-264.
- RATNER Steven R., "Law Promotion Beyond Law Talk: The Red Cross, Persuasion, and the Laws of War", in The European Journal of International Law, Vol. 22, No. 2, 2011, pp. 459-506.
- RATNER Steven R. & GILADI Rotem, "The Role of the International Committee of the Red Cross", in CLAPHAM Andrew, GAETA Paola & SASSOLI Marco (eds.), The 1949 Geneva Conventions: A Commentary, Oxford, OUP, 2015, pp. 525-548.
- SANDOZ Yves, The International Committee of the Red Cross as Guardian of International Humanitarian Law, Geneva, ICRC, 1998, 32 pp.

Further reading:

- SASSÒLI Marco, "La contribution du Comité international de la Croix-Rouge à la formation et à l'application des normes internationales", in BETTATI Mario & DUPUY Pierre-Marie (eds), *Les O.N.G. et le droit international*, Paris, Éditions Economica, 1986, pp. 93-102.

a. defending IHL

▾ CASES AND DOCUMENTS

- United States, Status and Treatment of Detainees Held in Guantanamo Naval Base [Part II.]

a. developing IHL

▾ CASES AND DOCUMENTS

- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction

▾ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- CORNELLA Caroline, "La teneur humanitaire du Traité sur l'interdiction des armes nucléaires à la lumière des commentaires du Comité international de la Croix-Rouge (CICR) : les remparts du droit international humanitaire et l'expérience du CICR en faveur d'une interdiction mondiale des armes nucléaires 'en vue d'une élimination complète'", in NERI Kiara (ed.), *Le droit international et le nucléaire*, Bruxelles, Bruylant, 2021.
- DORMANN Knut & MARESCA Louis, "The International Committee of the Red Cross and its Contribution to the Development of International Humanitarian Law in Specialized Instruments", in *Chicago Journal of International Law*, Vol. 5/1, Summer 2004, 12 pp.
- GEISS Robin, ZIMMERMANN Andreas & HAUMER Stefanie, *Humanizing the laws of war: the Red Cross and the development of international humanitarian law*, Cambridge, Cambridge University Press, 2017.

Further reading:

- STAHN Carsten, "Between Constructive Engagement, Collusion and Critical Distance: The ICRC and the Development of International Criminal Law", in *Chinese Journal of International Law*, Vol. 15, No. 1, 2016, pp. 139-166.

- TATE Hazuki, *Le Comité international de la Croix-Rouge comme architecte du droit international : vers le code des prisonniers de guerre (1929)*, in *Monde(s)*, Vol. 2, no. 12, 2017, p. 203-220.

a. promoting reflection on IHL

^ CASES AND DOCUMENTS

- Sixtieth Anniversary of the Geneva Conventions

d. interpretation of IHL

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- GRIGNON Julia, "Les Commentaires des Conventions de Genève rédigés sous la direction de Jean Pictet" in GRIGNON Julia (ed), *Tribute to Jean Pictet*, Montreal/Geneva, Yvon Blais edn, Schulthess, 2016, pp. 140–149.
- HENCKAERTS Jean-Marie, CAMERON Lindsey, DEMEYERE Bruno, LA HAYE Eve, NIEBERGALL-LACKNER Heike, "The updated Commentary on the First Geneva Convention – a new tool for generating respect for international humanitarian law", in *IRRC*, Vol. 97, No. 900, 2015, pp. 1209-1226.
- HENCKAERTS Jean-Marie, ARMAN Jemma, HIEMSTRA Heleen & KROTIUK Kvitoslava, "The updated ICRC Commentary on the Third Geneva Convention: A new tool to protect prisoners of war in the twenty-first century", in *IRRC*, Vol. 102, No. 913, 2020, pp. 389-416.
- HENCKAERTS Jean-Marie & POTHELET Elvina, "The interpretation of IHL treaties : subsequent practice and other salient issues", in *Law-making and legitimacy in international humanitarian law*, Cheltenham, Northampton, E. Elgar, 2021, p. 150-169.
- HENCKAERTS Jean-Marie & DEBUF, Els, "The ICRC and the clarification of customary international humanitarian law", in LEPARD Brian D., *Reexamining customary international law*, New York, Cambridge University Press, 2017, pp. 161-188.
- MOHR Charlotte & POLICINSKI Ellen, "From the gilded age to the digital age: the evolution of ICRC legal commentaries", in *IRRC*, Vol. 104, No. 920-921, 2022, pp. 1898-1917.
- MÜHREL Linus, "Die Kommentare des Internationalen Komitees vom Roten Kreuz, ihre Autorität und ihr Einfluss auf die Entwicklung des Humanitären Völkerrechts im Wandel der Zeit", in BOOR Felix et al. (eds), *Zeit und Internationales Recht*, Tübingen, Mohr Siebeck, 2019, pp. 139-172.

e. promoting accession to IHL

▾ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- GASSER Hans-Peter, “Persuading States to Accept Humanitarian Treaties”, in IRRC, No. 320, September-October 1997, pp. 529-538.
GASSER Hans-Peter, “Universal Acceptance of International Humanitarian Law – Promotional Activities of the ICRC”, in IRRC, No. 809, September-October 1994, pp. 491-505.

f. disseminating IHL

e. implementing IHL

▾ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- CARON Dominique, “Le rôle du Comité international de la Croix-Rouge dans la mise en œuvre du droit international humanitaire”, in *Études internationales*, Vol. 72/3, 1999, pp. 87-112.
- GHESQUIERE Stefaan, “The implementation of international humanitarian law and the International Committee of the Red Cross”, in *Armed conflicts and the law*, Cambridge, Intersentia, 2016, pp. 445-483.
- PFANNER Toni, “Le rôle du Comité international de la Croix-Rouge dans la mise en œuvre du droit international humanitaire”, in *Law in Humanitarian Crises: How Can International Humanitarian Law Be Made Effective in Armed Conflicts?*, Luxembourg, Office for Official Publications of the European Communities, 1995, pp. 177-248.

- aa) monitoring respect by others
- bb) implementing IHL through its own activities

f. mobilizing against violations of IHL

▾ CASES AND DOCUMENTS

- ICRC/Lebanon, Sabra and Chatila
- ICRC, Iran/Iraq, Memoranda

▾ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- “Action by the International Committee of the Red Cross in the event of violations of international humanitarian law or of other fundamental rules protecting persons in situations of violence”, in IRRC, Vol. 87, No. 858, 2005, pp. 393-400.

Further reading:

- SANDOZ Yves, “L’appel du Comité international de la Croix-Rouge dans le cadre du conflit entre l’Irak et l’Iran”, in AFDI, Vol. 29, 1983, pp. 161-173.
- “Conflict between Iraq and Iran: ICRC Appeal”, in IRRC, No. 235, July 1983, pp. 220-222.
- “Conflict between Iran and Iraq: Second Appeal”, in IRRC, No. 239, March 1984, pp. 113-115.

3. Reference to IHL in ICRC operations

- a. dissemination
- b. preventive appeal for respect for IHL

^ CASES AND DOCUMENTS

- ICRC’s Appeals on the Near East

- a. argument for ICRC access to conflict victims
- b. argument in negotiations on the behaviour of belligerents
- c. request for enquiry into and repression of individual violations

^ CASES AND DOCUMENTS

- Afghanistan, ICRC Position on Alleged III-Treatment of Prisoners

- a. condemnation of violations
 - aa) bilateral
 - bb) public
- b. reference in negotiations with third States and the international community
 - aa) requests for ICRC support
 - bb) appeals under Art. 1 common to the Conventions

^ CASES AND DOCUMENTS

- ICRC/Lebanon, Sabra and Chatila

- ICRC, Iran/Iraq, Memoranda

4. Importance of IHL in the absence of an explicit reference

- reference to the contents of a rule without reference to its source

^ CASES AND DOCUMENTS

- Sri Lanka, Jaffna Hospital Zone

- presentation of facts and questions
- IHL as political pressure in the background

V. ICRC's approach

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- MAURICE Frédéric, "Humanitarian Ambition", in *IRRC*, No. 289, July-August 1992, pp. 363-372.
- TAUXE Jean-Daniel, "Faire mieux accepter le Comité international de la Croix-Rouge sur le terrain", in *IRRC*, No. 833, March 1999, pp. 55-61.

Further reading:

- HOLLEUFER Gilbert, "Image of Humanitarian Crisis: Ethical Implications", in *IRRC*, No. 315, November-December 1996, pp. 609-613.

1. Confidentiality, not publicity

(See also *infra* Quotation 3, under V. 3. Access to victims, not investigation of violations)

Quotation

Action taken by the ICRC in the event of violations of International Humanitarian Law or of other fundamental rules protecting persons in situations of violence

[...]

Action taken by the ICRC on its own initiative

The ICRC takes all appropriate steps to put an end to violations of international humanitarian law or of other fundamental rules protecting the persons in situations of violence, or to prevent the occurrence of such violations. These steps are taken at various levels and through various modes of action, according to the nature and the extent of the violations.

[...]

3.3 Public condemnation

The ICRC reserves the right to issue a public condemnation of specific violations of international humanitarian law providing the following conditions are met:

1. the violations are major and repeated or likely to be repeated;
2. delegates have witnessed the violations with their own eyes, or the existence and extent of those violations have been established on the basis of reliable and verifiable sources;
3. bilateral confidential representations and, when attempted, humanitarian mobilization efforts have failed to put an end to the violations;
4. such publicity is in the interest of the persons or populations affected or threatened.

Public condemnation means a public statement by the ICRC to the effect that acts which can be attributed to a party to a conflict – whether or not they are known to the public – constitute a violation of international humanitarian law.

The ICRC only takes recourse to this measure when it has exhausted every other reasonable means, including, where appropriate, through third parties, of influencing the party responsible for a violation, at the most relevant levels, and where these means have not produced the desired result or where it is clear that the violation is part of a deliberate policy adopted by the party concerned. It is also the case when the authorities concerned are inaccessible and when the ICRC is convinced that public pressure is the only means of improving the situation in humanitarian terms.

Such a measure is nevertheless exceptional and may be issued only if all of the four above-mentioned conditions have been met.

In considering “the interest of the persons or populations affected or threatened,” the ICRC must take account not only of their short-term interests but also of their long-term interests and of the fact that its responsibility is greater when it witnesses particularly serious events of which the public is unaware.

[Source: “Action by the International Committee of the Red Cross in the Event of Violations of International Humanitarian Law or of other Fundamental Rules Protecting Persons in Situations of Violence”, in *IRRC*, No. 858, June 2005, pp. 393-400, footnotes omitted; online:

^ CASES AND DOCUMENTS

- ICRC, Assistance Policy [Paras 2 and 4.3]
- ICRC Report on Yemen, 1967
- Eritrea/Ethiopia, Partial Award on POWs [Part A., paras 45-48]
- ICTY/ICC, Confidentiality and Testimony of ICRC Personnel
- Afghanistan, ICRC Position on Alleged Ill-Treatment of Prisoners
- United States, Status and Treatment of Detainees Held in Guantanamo Naval Base [Part II.]

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- “The ICRC’s privilege of non-disclosure of confidential information”, in *IRRC*, Vol. 97, No. 897-898, 2015, pp. 433-444.
- RONA Gabor, “The ICRC Privilege not to Testify: Confidentiality in Action”, in *IRRC*, No. 845, March 2002, pp. 207-219.
- “The International Committee of the Red Cross’s (ICRC’s) confidential approach: specific means employed by the ICRC to ensure respect for the law by State and non-State authorities. Policy document. December 2012.”, in *IRRC*, Vol. 94, No. 887, Autumn 2012, pp. 1135-1144.

Further reading:

- COSTAS TRASCASAS Milena, “El Comité internacional de la Cruz Roja y la regla de la confidencialidad como garantía funcional de su actuación: reflexiones al hilo de la decisión del Tribunal internacional para la antigua Yugoslavia de 27 julio de 1999”, in *Revista Española de Derecho Militar*, Vol. 76, July-December 2000, pp. 31-68.
- JEANNET Stéphane, “Testimony of ICRC Delegates before the International Criminal Court”, in *IRRC*, No. 840, December 2000, pp. 993-1000.
- JEANNET Stéphane, “Recognition of the ICRC’s Long-Standing Rule of Confidentiality: An Important Decision by the International Criminal Tribunal for the former Yugoslavia”, in *IRRC*, No. 838, June 2000, pp. 403-425.
- JEANNET Stéphane, “Non-disclosure of evidence before international criminal tribunals : recent developments regarding the International Committee of the Red Cross”, in *International and comparative law quarterly*, Vol. 50, part 3, July 2001, pp. 643-656.
- SANNA Silvia, “La testimonianza dei delegati del Comitato internazionale della Croce Rossa davanti ai tribunali penali internazionali”, in *Rivista di diritto internazionale*, Vol. 84/2, 2001, pp. 394-419.

- a. reports on visits to the authorities
- b. cases in which the ICRC goes public

^ CASES AND DOCUMENTS

- ICRC/Lebanon, Sabra and Chatila
- ICRC/South Lebanon, Closure of Insar Camp
- Lebanon, Helicopters Attack on Ambulances
- ICRC, Iran/Iraq, Memoranda [Part A., Appeal]
- UN/ICRC, The Use of Chemical Weapons [Part B.]
- Case Study, Armed Conflicts in the former Yugoslavia [Para. 21]
- ICRC, Visits to Detainees: Interviews without Witnesses [Part A.]

2. Cooperation, not confrontation

^ CASES AND DOCUMENTS

- Sri Lanka, Jaffna Hospital Zone
- Case Study, Armed Conflicts in the former Yugoslavia [Para. 21]
- Former Yugoslavia, Special Agreements Between the Parties to the Conflicts [Part B., Art. 5]

3. Access to victims, not investigation of violations

Quotation 1

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 of war, as to all others.

[Source: Report of the International Committee of the Red Cross on its Activities During the Second World War (September 1, 1939 – June 30, 1947), Geneva, vol. 1, 1948, pp. 22-23]

Quotation 2

[...] [T]he International Red Cross Committee has no intention whatsoever of sitting in judgment. It is not

a court of justice and, besides, it has not itself the means of ascertaining the facts, which alone would enable it to give a verdict. [...] It has a different part to play: it is a humanitarian institution.

[Source: HUBER Max, *The Red Cross: Principles and Problems*, Geneva, ICRC, *Sine Data*, pp. 73 and 74]

Quotation 3

[A]s a general rule, the ICRC abstains from making public pronouncements about specific acts committed in violation of law and humanity and attributed to belligerents. [...] [I]n the quest for a result which would most of the time be illusory, demonstrations of this sort would compromise the charitable activity which the ICRC is in a position to carry out. One cannot be at one and the same time the champion of justice and of charity. One must choose, and the ICRC has long since chosen to be a defender of charity.

[Source: Pictet Jean S., *Red Cross Principles*, Geneva, International Committee of the Red Cross, 1979, pp. 59 and 60]

^ CASES AND DOCUMENTS

- Case Study, *Armed Conflicts in the former Yugoslavia* [Paras 5 and 7]
- *Former Yugoslavia, Special Agreements Between the Parties to the Conflicts* [Part A., Arts 11 and 12; Part B., Arts 2.6 and 5.2]
- *Afghanistan, Separate Hospital Treatment for Men and Women*
- *Afghanistan, ICRC Position on Alleged Ill-Treatment of Prisoners*

^ SPECIFIC BIBLIOGRAPHY

Suggested reading:

- SASSÒLI Marco, "The Victim-Oriented Approach of International Humanitarian Law and of the International Committee of the Red Cross (ICRC)", in BASSIOUNI M. Cherif, *International protection of victims (Nouvelles Études Pénales 1988)*, Toulouse, Erès, 1988, pp. 147-180.