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Afghanistan, ICRC Position on Alleged Ill-Treatment of Prisoners

[Source: ICRC, Press release, 01/69, Geneva, 12 December 2001; available on <http://www.icrc.org> ^[1]]

Geneva (ICRC) – Allegations regarding massacres and serious ill-treatment of prisoners continue to emerge in connection with the war in Afghanistan despite repeated reminders to all parties of their obligations under international humanitarian law. The International Committee of the Red Cross (ICRC) has been asked many times whether it intends to carry out a public investigation of these allegations. To avoid any misunderstandings on this issue, the ICRC wishes to state the following:

- As the guardian of international humanitarian law, the ICRC takes any allegation of massacre or ill-treatment very seriously. Nothing can excuse wilful disregard for the basic humanitarian rules applicable to all individuals, whether they are foreign nationals in a country at war or not. These rules stipulate that prisoners must be treated humanely and their dignity respected.
- The ICRC has ceaselessly reminded all parties of their obligations under international humanitarian law, in particular the Geneva Conventions, as it applies to the Afghan conflict. It has received assurances in this connection from the highest authorities.
- The ICRC is currently collecting information on all allegations of ill-treatment. In

accordance with the organization's standard procedure in such cases, this information will not be made public but will serve, depending on the findings, as the basis for representations to the relevant authorities.

- The international community has recognized the special role played by the ICRC in connection with armed conflicts and other situations of violence. Accordingly, the organization is not expected to take part in public enquiries or tribunals set up to assess the veracity of any given allegations, as this could jeopardize its access to vulnerable communities and individuals. The ICRC nonetheless welcomes all initiatives that may lead to greater compliance with international humanitarian law.
- To date, ICRC delegates have registered and visited over 1,000 prisoners in Afghanistan in order to check on the conditions of their arrest and detention. During these visits, which are ongoing, delegates provide basic medical care and offer the detainees a chance to write to their families.

Discussion

1. What does the ICRC's recognized role as "guardian of the Geneva Conventions" entail? (GC I-IV, Arts 9 ^[2]/9 ^[3]/9 ^[4]/10 ^[5] respectively; GC III, Art. 126 ^[6]; GC IV, Art. 143 ^[7]; Statutes of the International Red Cross and Red Crescent Movement, Art. 5(2)(c) and (g); See Statutes of the International Red Cross and Red Crescent Movement ^[8])
2. Because of this role, must (can) the ICRC publicly condemn any ill-treatment of prisoners? What do you think are the considerations and criteria that will determine the ICRC's attitude in this respect? Would the ICRC still be able to visit prisoners if it publicly condemned any ill-treatment they were subjected to?
3. From what Fundamental Principles of the Red Cross and Red Crescent are the ICRC's working procedures derived?

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[1] <http://www.icrc.org>

[2]

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[8] <https://casebook.icrc.org/case-study/statutes-international-red-cross-and-red-crescent-movement>