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A. Withdrawal of the ICRC from Burma in 1995: newspaper article

[Source: Reuters: “Red Cross shuts office in Burma out of frustration”, in *Bangkok Post*, June 20, 1995.]

The International Committee of the Red Cross (ICRC) said yesterday it was closing down its office in Rangoon because it had failed to get proper access to political prisoners in Burma.

The ICRC said in a statement it first requested access to political prisoners in Burma in May last year. The ruling State Law and Order Restoration Council (SLORC) finally responded to that request in March.

“This reply was not satisfactory as it took no account of the customary procedures for visits to places of detention followed by the ICRC in all the countries where it conducts such activities,” the statement said.

“The ICRC has tried to persuade the SLORC to reconsider its position, but in vain,” it said.

Human rights groups and Rangoon-based diplomats estimate there are several hundred

political prisoners in Burma including the 1991 Nobel Peace Prize winner Aung San Suu Kyi and many members of the pro-democracy political party she co-founded.

B. ICRC visits to people deprived of their freedom: purpose and conditions

[Source: ICRC Activities, Protection, Detention, Geneva, ICRC, April 4, 2004.

<http://www.icrc.org/Web/Eng/siteeng0.nsf/html/detention-visits-010407> [1]

Purpose of ICRC visits

In any crisis situation, be it a full scale war or a case of internal political unrest, people deprived of their freedom can be subjected to various forms of abuse. Prisoners are part of the general population that finds itself at risk because of the conflict (in a broad sense). The reason why the ICRC is concerned by these victims of violence who happen to be behind bars is that this particular category of people is normally not accessible to other organizations.

The main purpose of ICRC visits is to ask the authorities to take any steps deemed necessary to improve the detainees' treatment. In case of emergency, the ICRC provides the inmates with medicines, clothing, toilet articles and food.

[...]

It should be underlined, however, that it is up to the detaining authorities to ensure the protection of the people they take into custody, and that they can be held accountable if they fail to do so.

The ICRC's activities on behalf of prisoners have four main objectives:

- to prevent or put a stop to disappearances and extra-judicial killings;

- to prevent or put an end to torture and ill-treatment;
- to improve conditions of detention where necessary;
- to restore contact between detainees and their families.

Experience has shown that prison visits and the physical presence in a place of detention of people from outside can be an effective way of preventing the occurrence of abuses.

[...]

All ICRC visits follow a standard procedure and take place only if certain conditions are fulfilled

ICRC visits to places of detention start with a preliminary exchange of views with the people in charge there to explain how the visits themselves are organized and carried out. Together with those same authorities, the delegates then inspect the entire premises (cells, dormitories, latrines, showers, exercise yards, visiting rooms, kitchens, workshops, sports areas, places of worship, infirmary, punishment and solitary confinement cells, etc.). The most important part of the visit is the private conversations the delegates have with each prisoner who so requests, as well as with those to whom the delegates themselves wish to speak in private, at which neither the authorities nor the guards are present. In this way the ICRC team tries to find out what the prisoners regard as their main problems.

After analysing the information gathered and their own observations, the delegates submit their findings, conclusions and recommendations, together with a plan of action, to the people in charge of the place of detention and take note of their comments. In many cases, problems can be solved by establishing an ongoing working relationship with the local prison authorities.

The next step is to approach the higher authorities. Problems such as overcrowding, medical transfers and water or food supplies very often depend not only on the prison

director but also on other authorities such as the Prisons Department or the Ministry of Health. Such approaches may take the form of interviews at various levels or of correspondence or written reports, depending on how great and how urgent the problem is.

The ICRC regularly provides the national authorities with a summary report on its findings over a given period or in a specific category of places of detention, which covers not only the problems identified but also any improvements observed or steps taken.

Prior conditions

Drawing on the experience acquired over the years, the ICRC has established guidelines enabling it to evaluate a prison system with maximum objectivity and submit concrete and realistic proposals which take local customs and standards into account.

Whatever the circumstances, the ICRC visits people deprived of their freedom only if the authorities allow it:

- to see all prisoners who come within its mandate and to have access to all places at which they are held;
- to speak with prisoners in private, without any third parties being present;
- to draw up a list of prisoners during its visit whom it considers to come within its mandate, or to receive such a list from the authorities and to check and supplement it if necessary;
- to repeat its visits to all prisoners of its choice if it considers that the situation so warrants, and to do so as often as it wishes.

Confidential reports

Until the late 1940s, the ICRC used to publish its reports on visits to prisoners. However, because its reports were sometimes used polemically for political purposes, thereby jeopardizing further dialogue with the authorities, the ICRC had to stop publishing them.

Since then, ICRC reports have been submitted solely to the authorities concerned.

The ICRC reserves the right to publish its entire report if a detaining authority issues an abridged and consequently incomplete version of it. Whenever the ICRC visits prisoners of war captured during an international armed conflict, it also sends a copy of its report to their power of origin.

[...]

Private interviews with prisoners: the cornerstone of ICRC action

Conversations in strict privacy between delegates and individual prisoners, without any authorities present, are the cornerstone of ICRC action on behalf of people deprived of their freedom. Such interviews without witnesses, as they are sometimes called, serve a dual purpose: they give the prisoners a break from prison routine, one in which they can speak freely about what matters most to them and be sure of being heard; and they enable the ICRC to find out all about the conditions of detention and the treatment of prisoners. The interviewing delegate also enquires how the arrest and the subsequent questioning took place, and about the conditions of detention at the various places where the prisoner was temporarily held before arriving at the place visited. In addition, the delegate may be given information about fellow prisoners whose arrest has not yet been notified to the ICRC or whom it has not been able to contact. He or she will ensure that the interview takes place without interference from other prisoners, who might seek to exert pressure.

The task of conducting such interviews is all the more delicate in that giving such an account often revives painful memories of traumatic experiences – and there is no question of subjecting the prisoners to a fresh interrogation. There are no precise rules for interviewing them: it is up to the delegate to assess the situation on a case-by-case basis and adjust to it to create an atmosphere of trust. Sometimes the chance to speak to somebody

from outside is enough for the individual prisoners to confide in the delegate, while at others it may take several visits before they will tell their story. Then again, they may open up only to the ICRC doctor. On the strength of the information thus gathered and after cross-checking, the ICRC decides what action should be taken.

Whenever necessary, interpreters are used to communicate with the prisoners, They are recruited by the ICRC itself and, to avoid any pressure, they are never nationals of the country in which the visits take place. If it has no suitable interpreters available, the ICRC may ask the prisoners to appoint one or more from among themselves; this practice is seldom adopted, however, since the prisoner interpreting a fellow inmate's remarks may be endangered by doing so or may distort what he or she says.

A professional code of conduct drawn up with the prisoner interests in mind

To the ICRC, the interests of the individual prisoners visited prevail over all other considerations. Their situation may lead to diplomatic approaches or some other intervention, but must always be handled with the utmost caution: a risk of reprisals against prisoners if allegations of ill-treatment are reported to the prison authorities may cause the ICRC to postpone its call for an investigation. Delegates will nevertheless contact other officials – often at a higher level – to prevent such situations from recurring. On no account will the ICRC quote a prisoner's statements without his or her express permission. It takes care to see that its interventions do not have any negative impact on the day-to-day life of inmates, and adapts them accordingly. Where there is overcrowding, for example, the most logical solution would presumably be to transfer some prisoners to other places of detention. But in many cases they might thus be taken far away from their families and deprived of their material support, which is sometimes vital. So delegates make sure that any transfers make due allowance for that consideration.

The ICRC is also careful not to disrupt the prisoners' own internal organization. To

withstand the pressures of prison life to the best of its ability, every group of prisoners sets up its own structures which sometimes reflect the social hierarchy and political movements of the outside world. To request the transfer of prisoners from one block to another may upset that internal structure and have serious repercussions such as fights, rivalries between groups or the deprivation of certain advantages linked to residence in a given block. On the other hand, the ICRC may ask for prisoners to be transferred because they are being taunted or ill-treated by cellmates for political or other reasons.

[...]

C. ICRC resumes its activities in Myanmar, May 6, 1999

[Source: ICRC News release 99/26, 06/05/1999,
<http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/57jppe?opendocument> ^[1]]

ICRC begins visits to detainees and prisoners in Myanmar

ICRC (Geneva) – The International Committee of the Red Cross (ICRC) today began visiting detainees and prisoners held at Insein Prison near Yangon, the capital of the Union of Myanmar.

Under the terms of a verbal agreement with the State Peace and Development Council (SPDC), the ICRC has access to all places of detention in the country. The visits are to take place in accordance with the ICRC's standard procedures.

[...]

D. ICRC pressed to close field offices, November 11, 2006

[Source: ICRC News release 06/133, 27/11/2006,
<http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/myanmar-news-27112006?opendocument> ^[1]]

Myanmar: ICRC pressed to close field offices

Geneva/Yangon (ICRC) – The government of Myanmar [...] ordered the International Committee of the Red Cross (ICRC) to close its five field offices in the country [...] effectively making it impossible for the organization to carry out most of its assistance and protection work benefiting civilians who live in difficult conditions in border areas.

The Myanmar authorities also announced that ICRC visits to detainees would not be allowed to resume. Those visits were halted in December 2005 since the ICRC was no longer able to carry them out in accordance with its standard procedures.

The ICRC utterly deplors the decision by the Myanmar authorities to close its field offices as it places in jeopardy the accomplishments of the humanitarian work already carried out in behalf of the most vulnerable among the country's population, in particular people held in prison or living in sensitive border areas.

[...]

Owing to the ICRC's increasing inability to do effective work in Myanmar and to the deterioration, and subsequent cessation, of dialogue with the government, the organization's activities have had to be scaled down in recent months to a few limited projects [...].

Over the past 12 months, the ICRC has tirelessly sought to restore a constructive dialogue

during meetings with the government of Myanmar to address pressing issues of humanitarian concern. [...] Unfortunately, despite the ICRC's strenuous efforts, there has been no sign of the deadlock being broken, a fact which now forces the organization to review its operational framework in the country.

E. ICRC Annual Report 2008

[Source: ICRC Annual Report 2008: Myanmar, 27/05/2009,
[http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/annual-report-2008-myanmar/\\$File/icrc_ar_08_myanmar.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/annual-report-2008-myanmar/$File/icrc_ar_08_myanmar.pdf) ^[1]]

[...]

The ICRC had not visited detainees or monitored their treatment and living conditions in Myanmar since December 2005, as the authorities would no longer allow the organization to carry out visits in accordance with its standard procedures. Detainees registered during previous visits and individual cases continued to receive ICRC-supported family visits once a month and, upon their release, had their travel costs home covered by the ICRC.

However, detainees and their relatives were unable to correspond with each other through RCMs owing to the suspension of ICRC visits to places of detention.

[...]

Detainees in places of detention affected by the cyclone

Twenty prisons and labour camps housing some 17,000 inmates and 2,000 staff were thought to have been affected by Cyclone Nargis. To help them cope with the effects of the cyclone, detainees in places of detention identified by the Ministry of Home Affairs received basic food items, blankets, clothing, essential medicines and soap provided by the

ICRC.

Following a constructive dialogue with the Prisons Department, the ICRC was permitted to assess damage to infrastructure in the worst-affected prisons. Rehabilitation projects focusing on kitchens and water systems were then initiated.

[**N.B.:** Following the temporary authorization to access detainees affected by Cyclone Nargis, the ICRC was not able to resume its activities according to its standards procedures, as for April 2010.]

Source URL: <https://casebook.icrc.org/case-study/icrc-visits-detainees-interviews-without-witnesses>

Links

[1] <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/detention-visits-010407>