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DE LA CROIX-ROUGE

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INTERNATIONAL COMMITTEE OF THE RED CROSS

REFUGEES AND STATELESS PERSONS

The ICRC has drawn the attention of Governments to the position of refugees and stateless persons, in the following message, dated May 1, 1950.

I. Before touching on the actual problem of Refugees and Stateless Persons which is the subject of this communication, the International Committee of the Red Cross feels that a reference is necessary to the fundamental and universal principles of human fellowship which are those of the Red Cross and on which the considerations that follow are based.

The Red Cross itself arose out of the idea that all human beings who suffer and need protection—the wounded on the field of battle are a case in point—deserve our attention. It inevitably follows that no consideration of who or what a person is, shall be allowed to discriminate to his prejudice, or hinder charitable effort.

The International Committee considers itself obliged by its special position to devote particular attention to those cases of distress which, because of exceptional circumstances, are outside the scope of any other authority or organisation.

II. The problem of refugees and stateless persons is complex and many-sided. We cannot, in this communication, enlarge upon its changing aspects. Its extent is, tragically, world-wide, and Asia knows equally with Europe what suffering it has caused.

Today, a man may have to fly even inside his own country as well as beyond its frontiers; he may use his freedom to refuse allegiance to his authorities, and they may withdraw

their protection ; he may finally find himself without any nationality.

Whatever complications there may be in individual cases, one thing stands out and it is revolting to the sense of humanity : there are men who find themselves legally and materially barred from ordinary life. For them, the most elementary human rights might as well not exist, for they cannot found a family, recognise a child or, in spite of their longing for normal existence, move to some other place.

For a very large number of them, there is no authority to whom they might address themselves in full confidence and which would have, in regard to them, a competence recognised between nations.

It is the duty of the Red Cross to take up the cause of those who have none to aid them. Where there is a hiatus of such tragic implication, it must speak out, appealing for goodwill to find some solution. And solution can only come from a common effort.

III. The International Committee has had this problem before it since the end of the War, and sought, within the limits, regrettably too restrictive, of the opportunities available to it, to take positive action. It thus approached Governments with a view to reuniting dispersed families, in despite of frontiers that were for all practical purposes closed. Similarly, it lent its good offices in the distribution, especially in Europe and the Near East, of relief to refugees, acting on specific mandates and with means placed at its disposal. Again, with the full agreement of the interested Governments, it provided refugees and stateless persons with Travel Documents which allow them, as they choose, to return to their countries, to emigrate, or to justify their presence in the place where they happen to be.

In this, the International Committee was acting on the obligation imposed by the principles it professes, and it so acted when no other authority was competent or prepared to do so. In the face of individual hardship, the Red Cross must endeavour to make up for deficiencies when other human institutions fail.

IV. The consequence of what has been said is obvious : the fundamental principles of the Red Cross—which are reaffirmed moreover in the Declaration of Human Rights—impose the obligation of finding for the problem of the refugees and the stateless, a general and comprehensive solution not limited as has hitherto been the case, by standards other than the purely humanitarian.

V. The International Committee is aware of the fact that the question of an international status for refugees is being studied. It draws the attention of Governments and the responsible institutions to the vital importance of not limiting, by a too strict definition, the categories of persons who may be entitled to that status, but of leaving the scope wide and comprehensive, taking into account only the unfortunate position of those who, today as in the future, may have to avail of it. The International Committee reserves the right of making, at the proper time, all suggestions on the subject which experience of the facts may dictate.

Moreover, as rules are valuable only insofar as they allow of supervision and appeal, the International Committee wishes to emphasise how important it is that there should be a permanent international organisation, impartial and independent, to ensure the protection of refugees—but on the condition that it will, without discrimination, embrace all refugees and stateless persons.

The International Committee, in the spirit of the 1929 Conventions, assisted prisoners of war and civilian internees during the recent past. Every time the situation demanded, the Committee felt it must attempt, so far as it was able, to substitute for the Protecting Power, taking over obligations which went far outside mere humanitarian relief.

The position in regard to refugees and stateless is today somewhat similar. The International Committee again feels that, in the spirit of the new Geneva Civilian Convention established in 1949, and because of its role as neutral intermediary, it must endeavour to make good the absence of a protecting authority.

To achieve practical effect, however, this willingness of the International Committee must find its counterpart amongst Governments which, like it, consider that the whole civilised world has a responsibility for a situation which is a contradiction of the elementary principles of law, admitted as valid by every State for its own citizens.

Accordingly, the International Committee, most anxious that the closest attention be given to the present communication, is confident that Governments will be good enough to state :

- (a) if they are in agreement with the views expressed above, and, if so,
- (b) if they are prepared to grant all facilities to the International Committee, to enable it to ensure general assistance and protection to refugees and the stateless, when there is no authority recognised as competent to do so ;
- (c) if they are prepared, with a view to constructive action, to examine with the International Committee, the probable financial demands of such a scheme.

The Committee is convinced that Governments will accord their sympathetic consideration to what has been said above, and thus show their generosity in regard to a problem which is amongst the most serious and harassing of our times.

Paul RUEGGER
President

Max HUBER
Honorary President

RELIEF TO PALESTINE REFUGEES

On April 30, 1950, the Commissariat of the ICRC for Relief to Palestine Refugees handed over to the United Nations Organisation. On the occasion of the transfer, the President of the ICRC, M. Paul Ruegger, addressed the following message to the staff of the ICRC in Palestine :

“ In the evening of April 30, on instructions which you will receive in my name from M. Alfred Escher, Commissioner of the International Committee, the flags of the Red Cross and of the International Committee, in refugee camps, hospitals, centres, clinics, administrative headquarters and installations of all descriptions, will be everywhere hauled down, right to the ports of Beirut and Haifa. The Red Cross flag, which was first flown in Geneva in 1864, will be lowered even in Jerusalem, the Holy City, which saw, in the beginning of 1948 and during hostilities in the months which followed, the self-denial, sacrifice and hardships of many of our best delegates, doctors and nurses ; when a handful of young men and women under the leadership of M. Jacques de Reynier laid the foundations of the action—a notable page in Red Cross history—which was instrumental in saving many thousands in Palestine.

“ I have waited until your mission and ours in the Holy Land was ended to convey the thanks of the International Committee in Geneva, and my deep personal gratitude. It is fitting that I should first thank M. Alfred Escher, Head of the Commissariat, who brought to his task so much concentration and tenacity. His whole team has well earned our gratitude. I thank the regional heads and their assistants, who displayed a spirit of initiative which I am happy to acknowledge. I thank our doctors, who did wonders with the limited means placed at our disposal and to obtain which we had to fight so hard ; their recompense is in the knowledge that despite the migrations, the unpropitious weather, the very real danger of sweeping epidemics which our teams were able to avert, public health is today satisfactory, and infantile mortality has been reduced to

an unhoped-for extent. I thank, above all, those amongst our collaborators who have never forgotten that to serve the Red Cross not only implies courage, self-sacrifice and a willingness to work on unassumingly, but also a becoming humility in the face of a task far outstripping the capacity of ordinary human resources. I thank also those who had the deeper appreciation of the ulterior object of their work : sympathetic understanding of the different groups they were called upon to aid—those, in short, who knew, as was their duty as servants of the Red Cross, how to forget themselves in their devotion to a task of exceptional magnitude.

“ In the name of the International Committee at Geneva I thank our dauntless nurses. Three times, since May 1948, I have seen them at work and watched them taking over different duties. My particular gratitude goes to those who, at the beginning of 1948, kept to their posts during the fighting in Jerusalem, face to face with difficulties always changing and always harassing. They have deserved well of the International Committee and the Red Cross.

“ I thank, finally, those in charge of relief in Jerusalem to the necessitous who are not refugees—relief undertaken by the ICRC itself—and who have not spared themselves in the work.

“ Many of you will remain on to serve, with the same constant loyalty, under another flag. Others, not less meritorious, will return home or prepare to serve the International Committee in the fight against suffering. All those who have that inner conviction of having given of their best in the Holy Land will continue to be part of the reserves on whom the International Red Cross must always rely. We know that in the future also, whatever the circumstances, they will not be found wanting.”

Geneva, May 1, 1950.

RELIEF FROM ABROAD FOR BERLIN AND EASTERN GERMANY

The International Committee of the Red Cross states that one of its members, M. Rodolfo Olgiati, has returned from a journey to Berlin and Eastern Germany. M. Olgiati visited the principal distribution centres for supplies donated to the International Committee by various welfare organisations, including the Swiss Relief to Europe, the Quakers, the Mormons, and the Danish, Norwegian and South African Red Cross Societies. Children and tuberculous patients recommended by local doctors are, with aged persons, the principal beneficiaries.

From 1945 to date, the Berlin Delegation has received 9,000 tons of goods, worth 17 million Swiss francs, for distribution. Seventy-five sealed trains were used to transport part of them from Switzerland.

NOTES AND DOCUMENTS

A PAGE OF HISTORY: THE ICRC AND POLITICAL PRISONERS IN GERMANY

Both in its wider implications and in its details, the work of the International Committee during the last War is still little known. The two principal reasons for this probably are ignorance of the extent to which the Conventions allot particular fields to the Committee, and secondly, the caution with which the ICRC often had to work.

In reality, the letter of the Conventions offered very limited scope. Even the few clauses which gave the ICRC a specific right to intervene were made conditional on the prior approval

of the belligerents. Despite this slender legal justification, the ICRC managed to do much. A fairly complete picture can be gained from numerous articles published in the *Revue internationale* on the ICRC's war activities.

Many people were led to wonder, therefore, if the ICRC, which was able to do so much for prisoners of war by virtue of the Conventions, had not lacked concern for detainees in the concentration camps. It was often thought that the ICRC had similar powers in respect of the concentration camps, as they had under the Conventions in regard to prisoner of war camps. In reality, the Committee's representatives were *at no time* allowed to enter these camps, with the single exception of Theresienstadt, which the Germans intended to be a model ghetto, and which was entered only after a year of negotiating. At Auschwitz and Ravensbrück, the Delegates were not allowed past the administrative buildings; access to huts and direct contact with the detainees were everywhere strictly denied to them.

The ICRC has published an account of its efforts to help prisoners in concentration camps¹; but it may be useful to recall the position and the difficulties encountered at the outbreak of hostilities.

There was never much hope of effectively aiding the political detainees. As no Convention could be invoked in their favour, action had to be unofficial. In 1939, no positive result had yet been obtained from the long years of efforts to give civilians a status in International Law. The Tokyo Draft Convention was ready for consideration by the Diplomatic Conference arranged for 1940. The ICRC pressed belligerents to adopt the Draft; it could have served as a basis to protect civilians in occupied areas. With the unexpected exception of Germany, the proposal was rejected by all the Governments approached. An arrangement between the parties, concluded soon afterwards on the initiative of the ICRC, did, it is true, allow the Committee to

¹ *Documents sur l'activité du Comité international de la Croix-Rouge en faveur des civils détenus dans les camps de concentration en Allemagne (1939-1945)*, Geneva, 1947. (In French only) See also *Revue internationale*, August 1945, pp. 601-612, and December 1945, pp. 949-950.

assist enemy civilians who had been interned in belligerent countries on the outbreak of war. The German authorities, however, persistently refused to allow similar protection to hostages, deportees and other persons arrested "for security reasons".

In the Summer of 1943, after prolonged negotiating, the ICRC obtained permission to send individual food parcels to deportees whose addresses were known. At the time, however, the Committee had, from private sources, the names of only a few score deportees. Attempts were made to procure fuller information. The detainees themselves then took a hand; the receipt vouchers sent back to Geneva bore, in addition to the receiver's own name, the signatures of several other detainees. Secret lists also were received in Geneva. Gradually, through these unofficial channels, thousands of names were gathered, and to all of them, the ICRC dispatched food parcels and medicine.

From November 12, 1943, to May 8, 1945, 1,112,000 parcels were sent to the camps. The figure may appear infinitesimal in proportion to the number of deportees; seen in the light of the obstacles that were overcome, it is indeed remarkable.

The Allied blockade, amongst other political obstacles, prevented relief supplies from entering Europe, unless *bona fide* distributions could be guaranteed, and thus constituted a major hindrance to the development of this relief scheme.

During the last months of the War, impending defeat finally induced the Germans to make far-reaching concessions. In March, 1945, they gave permission to send food to all deportees, to have an ICRC Delegate in each camp, and to repatriate certain prisoners. The rapidity of the Allied advance, coupled with the breakdown of rail communications and widespread chaos in Germany, hindered the application of the agreement. Despite wholly inadequate means, the ICRC sent out emergency fleets of trucks, often through the fighting zones. Distributing supplies on the way to the streams of prisoners and deportees on the roads, thirty-seven convoys remained in constant service between the food depots and the multitude of the distressed. Eight concentration camps were contacted, including Ravens-

brück, Dachau, Theresienstadt, Mauthausen and Bergen-Belsen. Delegates remained in the camps and succeeded, during the last few weeks of the War, in preventing the execution of orders for mass destructions.

The ICRC made constant endeavours to trace deportees and obtain information for their relatives. A most interesting document, written in 1943 and recently discovered in the secret archives of the *Wehrmacht*, pays an involuntary tribute and at the same time gives official recognition to the Committee's efforts. This document is the order for the application of the notorious *Nacht und Nebel*¹ Decree, addressed by "Command Secret Affairs" on June 25, 1943, to the German Armistice Commission, Wiesbaden, in reply to French representations concerning the deportation of civilians to Germany under the said Decree².

"The repeated protests of the French Delegation and the constant efforts of the International Committee of the Red Cross prove that the fate of persons arrested and sent to Germany is causing concern to extensive classes of the population in occupied territories.

"This is what the Führer had foreseen and intended. It is his opinion that the only effective and durable way of discouraging the inhabitants from attempting criminal attacks against the Occupying Power is to condemn those responsible to death, or to take such measures as leave their families and the general population completely in the dark as to what has happened to them.

"The Führer's instructions, based on the idea of intimidation, have been the object of mature consideration; they are not an obstacle to the High Command's giving information, after sentence has been executed, regarding any one of the condemned persons, when this course, for instance, might induce changes in internal policy in France. This procedure will apply only in isolated instances, however; if the French were informed of all executions, they would rightly conclude that the other offenders have been sentenced to terms of imprisonment only.

¹ These words form part of the spell which ensures the disappearance of Alberich, lord of the Nibelungs (See Richard Wagner's *Rheingold*, Act I.).

² References, signatures, etc. authenticating the texts quoted, but omitted here, will be found in the *Revue internationale*, April 1950, pp. 284-287.

“ On principle, therefore, replies to requests from the French Delegations should be in the negative unless, for reasons of external policy, it may be thought fit to transmit them to High Command (WR). Paragraph IX of Executive Regulation No. 2 of March 16, 1942 (Draft) prescribes the following reply : “ The guilty person has been arrested. No other information can be given ”.

The above text undoubtedly disposes of the charges laid, during and after the war, against the International Committee, of alleged inaction where political prisoners were concerned. We have shown what the material assistance of the ICRC represented. The text now quoted makes it evident that silence was not indifference. Discretion was essential for the success of an undertaking which, at first sight, seemed hopeless enough, but which was none the less pursued doggedly right through the War. The signature by sixty-eight Governments on August 12, 1949, of the Geneva Civilian Convention marked, from one point of view, the culmination of a long effort steadily pursued, despite all vicissitudes.

In annex to the above, we may quote the following two extracts.

(1) — *Extract from the “ Nacht und Nebel ” Decree*
“ For information of Concentration Camps ”
(August 4, 1942) ¹

“ By order of the Führer, the Decree of the Chief of High Command, dated December 12, 1941, for the suppression of offences committed against the Reich, or against the occupying forces in occupied territories (*Nacht und Nebel-Erlass*) provides that persons guilty of such offences shall be transferred to Reich territory as a measure of intimidation. They shall be sent before a special tribunal ; if, for whatever reason, such trial is not feasible, they shall be put in security detention in a concentration camp. Detention will, in principle, continue to the end of the War.

¹ Quoted by the Office of Chief Counsel for War Crimes.

" The object of this Decree being to leave the family, friends and acquaintances of detainees without information as to their fate, no contact with the outside world will be tolerated. These internees may not write, receive letters or parcels, or be visited. The External Services will release no information about them.

" In case of death, the family will, for the time being, not be informed. Definite regulations in this matter will be made at a later date.

" These provisions apply to all detainees named in RSHA (Security Detention) records as coming under the *Nacht und Nebel* Decree; they also concern all detainees designated as belonging to the " Porto " and " Continent " categories.

" Detainees who succeed in communicating with their families shall, for tactical reasons, be allowed to keep up their correspondence, subject to the general regulations for the correspondence of internees in security detention ".

(2) — *From SS Administrative and Economic Services,
Oranienburg
August 18, 1942*

Subject : Detainees under Keitel Decree

" To Commandants of the following concentration camps :
Dachau - Saarbrücken - Buchenwald - Mauthausen - Flossen-
burg - Neuengamme - Auschwitz - Gross-Rossen - Natzweiler -
Ravensbrück... and the Lublin Prisoners of War Camp.

" Enclosed for information and action, an extract, for concentration camps, of the *Nacht und Nebel* Decree, and concerning detainees under the Keitel Decree.

" When handing over such detainees, care should be taken to specify that they come under the Keitel or the *Nacht und Nebel* Decrees."
R. B.

*STANDING COMMISSION
OF THE INTERNATIONAL RED CROSS*

The Standing Commission of the International Red Cross met at Geneva on May 11, 1950, in plenary session, with H.E. Ali Rana Tarhan in the Chair.

In accordance with agreements between the United Nations and the International Red Cross, relief to Palestine Refugees came to an end on April 30, 1950. Duly noting the positive results achieved in the work carried out, the Commission reiterated the hope that the refugees would soon be given permanent homes.

The Commission also noted the questions which had been discussed in the regular meetings between the Presidents of the International Red Cross bodies, as also between their Secretariats.

The Commission took note of arrangements already made by the American Red Cross for the next International Red Cross Conference, to take place in Washington in October 1952.