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## INTERNATIONAL COMMITTEE OF THE RED CROSS

### *PRINCIPAL ITEMS OF INTEREST IN APRIL*

*Indonesia.* — On March 19, ICRC Delegates visited Amboina Prison and the prisoner of war camp at Batu Gadjja (Amboina) and on March 28, Macassar Prison in the Celebes.

*Afghanistan.* — M. G. Hoffmann, ICRC Delegate on special mission, went at the end of April to Cabul, to make closer contact with the Afghanistan Red Crescent, which is being constituted. He also had instructions to visit the authorities and discuss the question of ratifying the new Geneva Conventions. It will be recalled that Afghanistan was represented at the Geneva 1949 Diplomatic Conference and took an active part in drawing up the Conventions.

*Jordan.* — The ICRC Delegate visited Ramallah Prison on March 31.

*Greece.* — The Alexandra Prison, Volos, was visited on March 16, the Penitentiary on March 27, and three prisons at Corfu on March 27 and 28.

*“Volksdeutsche”.* — Since the movement to reunite the members of dispersed families began, 43,879 Volksdeutsche and “Polish Germans” have been transferred to Western Germany via Friedland Camp and, to March 16, 1951, 16,099 Volksdeutsche from Czechoslovakia have reached Furth im Wald transit camp.

*International Red Cross Conference on Refugees at Hanover.* — The International Committee was represented by a Delegation

of four at the International Red Cross Conference on Refugees, called at Hanover by the League of Red Cross Societies.

The German and Australian Red Cross Societies had desired this Conference, and, at the suggestion of the Swiss Red Cross, the decision to hold it was ratified by the session of the Board of Governors at Monaco in Autumn, 1950. The Conference met at Hanover from April 9 to 14, 1951. The Societies of the seventeen following countries were represented :

Australia, Austria, Belgium, Brazil, Denmark, France, Germany, Great Britain, Iceland, Italy, Netherlands, New Zealand, Norway, Peru, Sweden, Switzerland and the United States.

The international authorities and organizations represented included the American, British and French High Commissioners in Germany, the International Labour Organization and UNICEF.

Dr. Bohny, President of the Swiss Red Cross and Vice President of the Board of Governors of the League, acted as Chairman.

The Delegates spent a day and a half in visiting camps, centres and colonies for refugees and stateless persons in Germany. They heard statements of the German authorities on the problem of Eastern minorities transferred to the West, and of other refugees and non-German stateless persons in Germany. Speakers included the German Federal Minister for Refugees, Herr Lukaschek, the President of Lower Saxony, Herr Kopf, the Minister for Refugees in Lower Saxony, Herr Alberts, the State Secretary to the Federal Ministry for Refugees, Herr Schreiber, a Director of the same Ministry, Herr Middelman, and Dr. Lilje, Evangelical Bishop of Hanover.

The League and the ICRC submitted reports, and the German and Austrian Red Cross Societies supplied full information on their work in behalf of Refugees.

The Conference adopted twelve Resolutions, dealing with the necessity for the Red Cross to intervene in behalf of refugees, material and moral needs of refugees, youth assistance, co-ordination of relief, adoption and emigration, reunion of dispersed families, and legal assistance.

The Conference invited the ICRC to continue and extend its activities in this particular field.

The Committee's Delegation took advantage of its visit to Germany to meet the German Federal authorities at Bonn. It had talks at the Federal Chancellery, the Ministry for External Affairs and the Ministry for Refugees. The Delegation also visited the headquarters of the German Federal Red Cross Society at Bonn.

*War Invalids.* — A first consignment of twelve artificial limbs (six legs and six arms), ordered at Cairo for Arab amputees, was handed over at Jerusalem by the ICRC Delegate to the Union of Arab War Invalids.

*International Broadcast.* — The second International Red Cross programm, "A Century Later", was broadcast on May 8, anniversary of the birth of Henry Dunant. In addition to the ICRC and the League, fifteen National Societies took part.

*International Medical Organizations.* — On the initiative of the World Medical Association, a meeting took place on April 25 and 26 of representatives of the said Association, the World Health Organization, the ICRC, the League and the International Council of Nurses. The object was to secure closer co-operation between medical organizations and the Red Cross. The fullest support was promised to the ICRC, especially in wartime. Medical assistance for prisoners, dissemination of medical and therapeutic information in wartime, and the protection of civilians were also discussed. The meeting, which will be followed by others on similar lines, has done much to strengthen relations between the ICRC and the international medical organizations.

*Official Opening of Archives Building.* — On April 27, the new building which contains, amongst other records, the card indexes and files of the Central Prisoners of War Agency, was officially opened in the presence of the Geneva authorities and the Press. Professor Max Huber, Honorary President, M. Paul Ruegger, President, and several members of the International

Committee were also present. The representatives of the municipal authorities were greeted, on behalf of the Committee, by M. E. Chapuisat, member of the ICRC. After thanking the City and Canton of Geneva for associating themselves with the work of the Committee, M. Chapuisat explained the significance of these international archives, which have brought home, in a practical way, to millions throughout the world, the value of Red Cross organizations, and which are, he said, an honour to Switzerland and to Geneva.

After M. Thevenaz, administrative counsellor, had suitably replied on behalf of the authorities, the visitors were shown round the new building.

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*Visitors.* — Recent visitors included :

M<sup>me</sup> Lakshmy P. Krishnappa, of the Indian Red Cross ; a Delegation of seven Brazilian journalists ; Mrs. Nietsche, of the Californian Section of the American Red Cross, and M. Hector Blanco, Uruguayan Chargé d'affaires at Berne and Delegate of the Uruguayan Red Cross.

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*THE INTERNATIONAL COMMITTEE  
OF THE RED CROSS AND THE UNITED NATIONS*

**Resolutions adopted by the United Nations General  
Assembly in its Fifth Ordinary Session**

During its Fifth Session, the United Nations General Assembly adopted three Resolutions which called upon the services of the International Committee of the Red Cross and of the League of Red Cross Societies. The Resolutions concern :

I. — The repatriation of Greek Military Personnel at present in captivity in certain European countries.

II. — The repatriation of Displaced Greek Children.

III. — Measures for the peaceful solution of the problem of Prisoners of War.

The texts of these Resolutions, brought to the notice of the International Committee by the Secretary-General of the United Nations, and of the replies given by the Committee, will be found below.

**I. — REPATRIATION OF GREEK MILITARY PERSONNEL  
IN CAPTIVITY IN CERTAIN EUROPEAN COUNTRIES**

*Letter addressed on December 6, 1950, to the President of the International Committee by the Secretary-General of the United Nations. (This also concerns Point II.)*

(Translation)

Sir,

I have the honour to attach for the information of the International Committee of the Red Cross the text of Resolu-

tions entitled "Threats to the Political Independence and Territorial Integrity of Greece", adopted by the General Assembly in its 313th Plenary Meeting, December 1, 1950.

I have the honour to be,

Sir,

Your obedient Servant

(Signed) Trygve LIE

Secretary-General

#### TEXT OF THE RESOLUTION

*The General Assembly,*

*Having considered* the unanimous conclusions of the United Nations Special Committee on the Balkans concerning those members of the Greek armed forces who were captured by the Greek guerrillas and taken into countries north of Greece,

*Having noted* that, with the sole exception of Yugoslavia, the other States concerned are still detaining these members of the Greek armed forces without justification under commonly accepted international practice,

(1) — *Recommends* the repatriation of all those among them who express the wish to be repatriated;

(2) — *Calls upon* the States concerned to take the necessary measures for the speedy implementation of the present Resolution;

(3) — *Instructs* the Secretary-General to request the International Committee of the Red Cross and the League of Red Cross Societies to ensure liaison with the national Red Cross organizations of the States concerned, with a view to implementing the present Resolution.

REPLY OF THE INTERNATIONAL COMMITTEE  
OF THE RED CROSS

(Translation)

Geneva, January 12, 1951.

Sir,

The International Committee of the Red Cross has noted the text of the Resolution concerning the repatriation of Greek military personnel retained in captivity in certain European countries, adopted by the United Nations General Assembly in Plenary Meeting on December 1, 1950, and communicated in your letter of December 6.

The International Committee has the honour to inform you that the problem posed by this Resolution, which calls for its collaboration, is at present under examination. The Committee will, as soon as possible, communicate to you its conclusions as to the role it could usefully assume in helping to find a solution.

I have the honour to be,

Sir,

Your obedient Servant

(Signed) Paul RUEGGER  
*President*

II. — REPATRIATION OF DISPLACED GREEK  
CHILDREN

*Text of the Resolution communicated to the International Committee in the letter mentioned under Point I.*

*The General Assembly,*

*Noting with grave concern the reports of the International Committee of the Red Cross and the League of Red Cross*

Societies and of the Secretary-General, and particularly the statement that "not a single Greek child has yet been returned to his native land and, except for Yugoslavia, no country harbouring Greek children has taken definite action to comply with the Resolutions unanimously adopted in two successive years by the General Assembly",

*Recognizing* that every possible effort should be made to restore the children to their homes, in a humanitarian spirit detached from political or ideological considerations,

*Expressing* its full appreciation of the efforts made by the International Committee of the Red Cross and the League of Red Cross Societies and by the Secretary-General to implement General Assembly Resolutions 193 C (III) and 288 B (IV),

(1) — *Requests* the Secretary-General and the International Committee of the Red Cross and the League of Red Cross Societies to continue their efforts in accordance with the aforementioned Resolutions ;

(2) — *Urges* all States harbouring the Greek children to make all the necessary arrangements, in co-operation with the Secretary-General and the international Red Cross organizations, for the early return of the Greek children to their parents and, whenever necessary, to allow the international Red Cross organizations free access to their territories for this purpose ;

(3) — *Establishes* a Standing Committee, to be composed of the representatives of Peru, the Philippines and Sweden, to act in consultation with the Secretary-General, and to consult with the representatives of the States concerned, with a view to the early repatriation of the children ;

(4) — *Requests* the International Committee of the Red Cross and the League of Red Cross Societies to co-operate with the Standing Committee ;

(5) — *Requests* the Secretary-General to report from time to time to Member States on the progress made in the

implementation of the present Resolution, and requests the international Red Cross organizations and the Secretary-General to submit reports to the General Assembly at its Sixth Session.

REPLY OF THE INTERNATIONAL COMMITTEE  
OF THE RED CROSS

(Translation)

Geneva, January 12, 1951.

Sir,

We have the honour to acknowledge the receipt of your letter of December 6, 1950, bringing to the notice of the International Committee the text of the new Resolution concerning the repatriation of Displaced Greek Children, adopted by the United Nations General Assembly in Plenary Meeting on December 1, 1950.

The International Committee has noted this Resolution of the General Assembly and intends shortly to inquire from the different States directly interested in the question of the Displaced Greek Children, whether they agree, as far as the work of the Committee is concerned, to the new procedure suggested by this Resolution in order to reach a solution of the problem.

Should these States be unable to agree to the terms of the Resolution, the International Committee will not be in a position to accept it as a basis for a new and more comprehensive effort. In such case, it will continue, in agreement with the League of Red Cross Societies, to operate in the sense of the two Resolutions previously voted unanimously by the General Assembly.

The International Committee will not fail to inform you at the earliest moment possible of the result of this further démarche.

I have the honour to be,

Sir,

Your obedient Servant

(Signed) Paul RUEGGER  
President

### III. — MEASURES FOR THE PEACEFUL SOLUTION OF THE PROBLEM OF PRISONERS OF WAR

*Letter addressed on January 4, 1951, to M. Paul Ruegger,  
President of the ICRC, by Mr. A.D.K. Owen, Acting Secretary-  
General of the United Nations.*

January 4, 1951.

Sir,

In the attached Resolution "Measures for the Peaceful Solution of the Problem of Prisoners of War", adopted by the General Assembly of the United Nations at its 325th Plenary Meeting on the recommendation of its Third Committee (Document A/1749), I have been requested "to establish an *Ad Hoc* Commission composed of three qualified and impartial persons chosen by the International Red Cross, or failing that, by the Secretary-General himself, with a view to settling the question of prisoners of war in a purely humanitarian spirit and on terms acceptable to all the governments concerned".

During the discussions at the Third Committee my representative read the cablegram received in connexion with this question from your organization and from the League of Red Cross Societies. The League of Red Cross Societies stated that the question of prisoners of war was one of the essential prerogatives of the International Committee of the Red Cross, while you in your cablegram advised that the International Committee of the Red Cross could only accept a mandate from the General Assembly if all the interested governments agreed on the draft Resolution under discussion. Subsequently, my representative stressed the fact that there are two international organizations of the Red Cross. The Third Committee, nevertheless, decided to retain the term "International Red Cross" in the Resolution.

In view of the attitude taken by the Third Committee, I have the honour to make the request that the International Committee of the Red Cross and the League of Red Cross Societies, to whom I am addressing a similar note, proceed

jointly in choosing the three members of the proposed *Ad Hoc* Commission.

I have the honour to be,

Sir,

Your obedient Servant,

(Signed) A.D.K. OWEN

*Acting Secretary-General*

TEXT OF THE RESOLUTION

*The General Assembly,*

*Mindful* that one of the principal purposes of the United Nations is to achieve international co-operation in solving international problems of a humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all,

*Considering* that the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations,

*Believing* that all prisoners having originally come within the control of the Allied Powers as a consequence of the Second World War should either have been repatriated long since, or have been otherwise accounted for,

*Recalling* that this is required both by recognized standards of international conduct and the Geneva Convention of 1949 for the protection of war victims, and by specific agreements between the Allied Powers,

(1) — *Expresses* its concern at the information presented to it tending to show that large numbers of prisoners taken in the course of the Second World War have neither been repatriated, nor otherwise accounted for ;

(2) — *Calls upon* all Governments still having control of such persons to act in conformity with the recognized standards of international conduct and with the above-mentioned international agreements and conventions which require that, upon the cessation of active hostilities, all prisoners should, with the least possible delay, be given an unrestricted opportunity of repatriation and, to that end, to publish and transmit to the Secretary-General before 30 April, 1951 :

(a) The names of such prisoners still held by them, the reasons for which they are still detained and the places in which they are detained ;

(b) The names of prisoners who have died while under their control as well as the date and cause of death, and the manner and place of burial in each case.

(3) — *Requests* the Secretary-General to establish an *Ad Hoc* Commission composed of three qualified and impartial persons chosen by the International Red Cross or, failing that, by the Secretary-General himself, with a view to settling the question of the prisoners of war in a purely humanitarian spirit and on terms acceptable to all the Governments concerned. The Commission shall convene at a suitable date after April 30, 1951, to examine and evaluate, in the light of the information made available to the Fifth Session of the General Assembly, the information furnished by Governments in accordance with the terms of the preceding paragraph. In the event that the Commission considers that this information is inadequate or affords reasonable ground for believing that prisoners coming within the custody or control of any foreign Government as a consequence of military operations of the Second World War have not been repatriated or otherwise accounted for, the General Assembly :

(a) Requests the Commission to seek from the Governments or authorities concerned full information regarding such prisoners ;

(b) Requests the Commission to assist all Governments and authorities who so desire in arranging for and facilitating the repatriation of such prisoners ;

- (c) Authorizes the Commission to use the good offices of any qualified and impartial person or organization whom it considers might contribute to the repatriation or accounting for of such prisoners ;
- (d) Urges all Governments and authorities concerned to co-operate fully with the Commission, to supply all necessary information and to grant right of access to their respective countries and to areas in which such prisoners are detained ;
- (e) Requests the Secretary-General to furnish the Commission with the staff and facilities necessary for the effective accomplishment of its task ;

(4) — *Urgently requests* all the Governments to make the greatest possible efforts, based in particular on the documentation to be provided, to search for prisoners of war whose absence has been reported and who might be in their territories ;

(5) — *Directs* the Commission to report as soon as practicable the results of its work to the Secretary-General for transmission to the Members of the United Nations.

REPLY OF THE INTERNATIONAL COMMITTEE  
OF THE RED CROSS

(Translation)

Geneva, January 12, 1951.

Sir,

I have the honour to acknowledge the letter of January 4, 1951, signed by Mr. A.D.K. Owen, informing the International Committee of the Red Cross of the text of the Resolution adopted by the United Nations General Assembly in its 325th Plenary Meeting : " Measures for the Peaceful Solution of the Problem of Prisoners of War " (Document A/1749).

Mr. Owen requested the International Committee, in conformity with a provision of the said Resolution, to designate

jointly with the League of Red Cross Societies the members of the *Ad Hoc* Commission it has been decided to create.

Since the end of the second World War, the International Committee has done everything in its power to hasten the repatriation of prisoners of war, and you are no doubt aware of its efforts in this direction.

As we underlined in our telegram of December 10, 1950, on the same subject, the 1929 Prisoners of War Convention referred to repatriation, but, as the Armistice in many States has not been followed by a Peace Treaty, it failed to cover the situation which has arisen.

The actual words used at the end of the first paragraph of Article 75 of the Convention are : " In any case, the repatriation of prisoners shall be effected as soon as possible after the conclusion of peace ".

In spite of this difficulty, the Committee has repeatedly addressed itself to the principal Powers holding large numbers of prisoners of war. Drawing attention to the situation, it requested that repatriation be speeded up, and pointed out in this connection that, in the spirit of Article 75, prisoners of war should be sent home as soon as possible after the cessation of hostilities.

In the Conference of Government Experts which met in 1947 to study the revision of the Geneva Conventions, and during the Geneva Diplomatic Conference of 1949, the Committee constantly insisted on the need for modifying Article 75 of the 1929 Convention, in order to make it fully applicable, legally, to the situation which had arisen at the end of the second World War.

At Geneva, the Plenipotentiaries adopted this point of view, and the first paragraph of Article 118 of the new Prisoners of War Convention of August 12, 1949, reads : " Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities ".

The Committee will naturally continue to do everything in its power to secure the repatriation of any remaining prisoners of the second World War, until all have been enabled to return to their homes.

Here, as in all other circumstances, any action the Committee may take must be in conformity with its position as a specifically neutral and impartial body. In other words, it can only operate with the full agreement of the authorities in the interested States.

It was in this sense that, on September 12, 1939, the International Committee addressed a Memorandum to all Governments and Red Cross Societies, drawing attention to its special position, and defining the functions it could adopt when events take place which are likely to give rise to differences between States. In the third part of this Memorandum, the Committee pointed out that it could undertake an inquiry only if a specific mandate had been given it in advance by the Conventions, or by an *ad hoc* agreement between the interested parties.

As the Committee's position has not altered, I presume you will be interested to have cognizance of the text of this Memorandum, copy of which is attached.

It was in application of these same principles that the Committee replied, in its telegram of December 10, 1950, to the draft Resolution submitted by Mr. Martin Hill, that it could not nominate members of the proposed Commission unless all the Governments concerned consented individually or by *ad hoc* agreement.

Since then, the General Assembly has adopted the Resolution proposed by the Third Commission, despite the opposition of certain States.

The International Committee could not take part in the designation of the members of the *Ad Hoc* Commission, unless the conditions laid down in its Memorandum of September 12, 1939, are fulfilled; this does not seem to be the case, as the Resolution of the Assembly was not voted unanimously by the interested States.

I feel convinced you will understand the attitude of the International Committee, which is dictated by its anxiety to safeguard, in all circumstances, the neutrality and impartiality which are absolutely essential to it, and by the desire of doing nothing which might place obstacles to the traditional work it has unremittingly continued in its search for the missing.

We need scarcely add that the present decision will be communicated to the League of Red Cross Societies, which is already familiar with our point of view.

I have the honour to be,

Sir,

Your obedient Servant

(Signed) Paul RUEGGER  
*President*

## ANNEX

### MEMORANDUM

(Translation)

*Geneva, September 12, 1939.*

#### *The International Committee of the Red Cross and Violations of International Law*

### I

The essential task of the International Committee of the Red Cross in wartime is to fulfil the humanitarian obligations which fall to it either directly under the international Conventions (Art. 79, Prisoners of War Convention) or, in conformity with its traditions, under its own Statutes and those of the International Red Cross. The principal objective is to alleviate the evils of war by promoting and co-ordinating relief of all kinds to the victims.

In Draft Conventions, the National Red Cross Societies gave the International Committee the responsibility for setting up Control Commissions in certain cases, and if necessary, organizing the special body which would rule upon violations of the Conventions in specific cases. Under Article 4 of the Committee's statutes, it is likewise said that a special "aim and object" is "to decide on charges of alleged infractions of the Conventions, and, in general, to consider all questions which demand the opinion of a body neutral by definition".

### II

The functions, in regard to violations of the Conventions or any other action likely to be contested between belligerent Parties, which

the Committee might assume, should be exercised only insofar as they do not interfere with its positive humanitarian work, or render it more difficult. In any case, such functions should not absorb too much of its time and energy, nor, above all, risk compromising its reputation—which is indispensable—for impartiality and neutrality. (See attached article by M. Max Huber : “ The Red Cross and Neutrality ”, *Revue internationale de la Croix-Rouge*, No. 209, May 1936.)

During the first World War, the International Committee did not make inquiries into alleged violations.

Visits made to prisoner of war camps, to verify that the Conventions were being observed, were made at the request of both Parties.

In international conflicts after 1918, the International Committee sent complaints received from the Red Cross of a belligerent State to the Red Cross of the country complained of, asking the latter to formulate a reply. The Committee has always reserved the right to publish or not publish such documents.

In one case, the Committee endeavoured to apply Art. 30 of the Geneva Convention by arranging the constitution, with the assent of both Parties in conflict, of an Inquiry Commission. This attempt proved abortive.

### III

If the International Committee agrees to take part in an inquiry about an alleged violation of a Convention, or of humanitarian International Law, it would be on the following principles :

(1) — The Committee could and should not constitute itself into an inquiry commission or an arbitration tribunal, nor designate its members to inquire or arbitrate.

(2) — The Committee would limit itself to trying to find one or more persons qualified to conduct the inquiry, and, if called upon, to pronounce upon points raised by the contending Parties.

(3) — The Committee could not conduct an inquiry, or pronounce on questions if called upon to do so, except in virtue either of a mandate given by a Convention, or of an *ad hoc* agreement. Such agreement it could propose spontaneously, or at the request of one of the Parties. The conduct of the inquiry should furnish all guarantee of an impartial procedure which would give each of the Parties the means of defending its case.

(4) — If the conditions stated do not exist, but if a representative of the International Committee has become aware of acts which may constitute a violation of the Conventions or of the principles of law, the Committee shall be alone entitled to decide whether it shall reserve its Delegate's report, or if, and in what conditions, the report shall be communicated, for a response, to the Party complained of.

(5) — If a belligerent asks the International Committee to make an inquiry, no communication to the public by the Press or in any other way shall be made or authorized on the subject without the consent of the Committee.

(6) — The International Committee devotes itself to safeguarding humanitarian interests in all circumstances, principally in time of war and domestic disturbances. Its special mission, however, which takes priority over all others, is to watch over the interests protected by the Geneva Conventions for the Amelioration of the Condition of the Wounded and Sick, and for the Treatment of Prisoners of War, or any other Conventions proposed by the Red Cross.

If, therefore, the International Committee should be led to make inquiries in the conditions indicated above, such inquiries should bear principally on infractions of the Conventions. Inquiries on violations of the laws of war in general, and especially of regulations referring to methods of war employed, can only exceptionally enter this sphere of the International Committee's work.