

THE INTERNATIONAL TRACING SERVICE

While the tragedy of the concentration camps has been the subject of many published works, there are few people who know of the International Tracing Service (ITS) which, since the end of the Second World War, has contributed to the humanitarian work in aid of victims of the war, in particular the survivors of the hitlerian concentration camps.

The activities of the International Tracing Service, the only institution of its kind, are more readily understood in the context of the major events that have distinguished humanitarian action for the victims of the two world wars.

HISTORICAL SUMMARY

At the beginning of the twentieth century, the law of war was based on the principle that military operations should be directed only at the armed forces, and that the civilian population should be generally immune. This idea was so widely accepted that the Conference of The Hague in 1907 decided not to include in the "Regulations respecting the Laws and Customs of War on Land" a provision stating that nationals of a belligerent living in the territory of the enemy should not be interned: it was considered at that time that the principle was self-evident.

The 1914-1918 war, however, wrought a fundamental change in this traditional concept. On the outbreak of hostilities, most of the States closed their frontiers, forced all foreigners to remain in their territory, and interned all civilians of enemy nationality. The result was a flood of requests for news and

a great many inquiries relating to civilians addressed to the International Committee of the Red Cross (ICRC) in Geneva, which thus found itself suddenly faced with an unexpected and difficult task, for, while lists of prisoners of war were sent regularly to the Central Prisoners of War Agency, there was no list of civilian internees. It was only as a result of repeated efforts by the International Committee of the Red Cross that certain Governments consented to enter the names of civilian internees on the lists of prisoners. Others, however, refused to do so and did not reply to requests to locate civilian internees, so that families were left in great mental anguish.

The ICRC organized visits to camps of civilian internees, but none of these activities and inquiries had the support of any specific law. Nevertheless, some special ad hoc agreements were concluded during the war. Unfortunately they were for the duration of hostilities only, and lapsed after the armistice was signed in 1918.

As soon as the war was over, the ICRC began to examine how the repetition of such a situation could be avoided. With this aim, it proposed to the Tenth International Red Cross Conference, held in Geneva in 1921, that a convention for the protection of enemy civilians and the population of occupied territories should be studied at the same time as the status of prisoners of war. The report presented by the ICRC on the subject was to serve as the basis for a "CODE FOR PRISONERS OF WAR, DEPORTEES AND REFUGEES" comprising, in addition to the provisions relating to the status of prisoners of war, articles on the civilian population in territory occupied by an enemy. These articles were chiefly intended to limit deportations, evacuations of population and the taking of hostages by the occupying power.

However, it was pointed out to the ICRC that the moment appeared to be inopportune to propose to governments that they define the status of civilians in wartime, and that such a proposal might even be regarded as serving ill the cause of peace as upheld by the League of Nations. For this reason, and counter to the wishes of the ICRC, the Diplomatic Conference that met in Geneva in 1929 dealt only with the plight of prisoners of war, for whom the Convention relating to their treatment was adopted, on the basis of the draft prepared by the ICRC. Nevertheless, at the prompting of the ICRC, the following hope was expressed in the Final Act:

of the States which remain in their territory, and interned will continue to be treated as civilians. The result was a list of requests for news and

"The Conference, endorsing the Resolution passed unanimously by its two Committees, recommends that comprehensive study be undertaken for the conclusion of an International Convention governing the position and the protection of civilians of enemy nationality who happen to be on the territory of a belligerent or on territory occupied by him."

The Fourteenth International Conference of the Red Cross, which met at Brussels in 1930, confirmed the mandate of the International Committee to continue the work it had undertaken for the protection of civilians of enemy nationality. A committee set up by the ICRC then produced a draft text, along the lines of the principles established by previous conferences. This draft was presented to the Fifteenth International Red Cross Conference in Tokyo in 1934 and became known as the "Tokyo draft". This draft convention confirmed and developed the principles which the ICRC had been upholding from 1920 to 1925, comprising chiefly the prohibition of mass evacuation and individual deportation except for precise and definite reasons and, above all, the application to civilian internees of treatment at least as favourable as that granted to prisoners of war. In addition it proposed that the Geneva Convention of 1929 should be applied to them as far as possible. For supervision of the application of the future conventions, this "Tokyo draft" proposed the same measures as had been laid down in the 1929 Convention relating to the treatment of prisoners of war.

The Tokyo Conference immediately adopted the draft as the basis for diplomatic negotiations, and mandated the ICRC to take all necessary steps leading to a Convention as soon as possible. At the time, nobody foresaw the possibility of an imminent conflict, and the urgent need for a diplomatic conference for this purpose was far from obvious to all. Replies thus were slow to come in, and it was only during 1939 that the agreement of the States invited made it possible to fix the date of the conference for the beginning of 1940, in Geneva. This is why, when war broke out, the "Tokyo draft" was still only a draft.

Since there was no duly ratified Convention, the International Committee of the Red Cross hoped to be able to persuade the governments to conclude provisional arrangements for which the

Tokyo draft would provide the basis . Unfortunately, when the ICRC requested the belligerents to make reciprocal undertakings to apply the Tokyo text de facto, it met with general indifference. Refusing to be discouraged by this attitude, which was to have such grave consequences, the International Committee asked that civilians who were interned should be at least considered as equivalent to prisoners of war and that the 1929 Convention should be applied to them accordingly by analogy. Most of the belligerents agreed to extend the benefit of this Convention to civilians of enemy nationality who happened to be in their territory and who were arrested solely because of their nationality; this was the case for many French nationals resident in Germany and German nationals resident in France, who were interned when war was declared. But the benefit of this protection was not extended to civilians of enemy nationality who were in occupied territory, such as Poland at the outbreak of war.

It is true that if the general provisions relating to occupied territories in The Hague Regulations of 1907 had been applied in good faith they would have been sufficient to protect the civilian population. Unfortunately, they were not properly observed and, after the Second World War, many persons were sentenced for war crimes under The Hague Regulations. Deficiencies in these Regulations have been overcome in the Fourth Geneva Convention of 1949.

After that, the situation of civilians during the Second World War was marked by four phases:

The first phase (from September 1939 to spring 1940) was characterized by the ICRC's attempts to obtain from the belligerent Powers the temporary adoption of the Tokyo draft or, failing that, the application to civilian internees of the provisions of the 1929 Convention relating to prisoners of war.

The second phase (from 1940 to 1943) corresponded to the occupation of the greater part of Europe by the Third Reich, millions of civilians thus coming under the sway of a single belligerent group. The balance between the opposing Powers being thus upset, these civilians were increasingly at the mercy of the occupying authorities, since reciprocity no longer exercised its moderating influence.

In the third phase (1943-1945), the ICRC, whose general and official efforts to help civilian detainees invariably encountered refusals, tried to improve their lot by actions of a practical and local nature. In fact, because of the change in the political and military situation, the authorities of the Third Reich, decided to grant certain facilities.

Thus, in 1943, the Reich authorities consented to allow deportees to receive relief supplies sent to them, provided that the packages were addressed directly by name to the beneficiaries. Yet they still refused to supply lists of the internees. In spite of this handicap, the International Committee of the Red Cross tried sending relief supplies to the few deportees whose whereabouts it knew. An initial consignment of personal parcels was sent off and, surprisingly, receipt notes were returned bearing not only the signature of the beneficiary but the names of five, ten or fifteen comrades. More names, more parcels for the Committee to send. In this way, from 1943 to the end of the war, 6,836 tons of goods (1,631,000 parcels) had been sent to the concentration camps.

The fourth phase (1945) was distinguished by the major concessions that the German Government finally agreed to make during the last three months of the war. In particular the ICRC managed to obtain authorization to send delegates to some of the camps, provided that they stayed there until the liberation. A number of ICRC delegates, all volunteers tried to enter the camps of Ravensbrück, Oranienburg, Theresienstadt, Mauthausen, Dachau and Turckheim, and succeeded in saving the lives of some detainees. (See the ICRC publication "Work of the ICRC for civilian detainees in German concentration camps from 1939 to 1945".)

Throughout the war the International Committee of the Red Cross never stopped making approaches to the authorities of the Third Reich on behalf of civilian detainees. It was because of this unceasing pressure that it achieved the few results already mentioned.

After the war, some persons reproached the ICRC for not having "protested" against the existence of the concentration camps and for not having condemned the atrocities committed within them. Protest was unceasing from the ICRC to the responsible authorities; in fact one entire part of its work consisted solely in a long sequence of protests. Many improvements in treatment resulted precisely from this kind of activity.

But why no public protest? Any protest of this kind would have jeopardized irretrievably the efficient work the ICRC was carrying on, day in, day out, for two million prisoners of war and for some civilian internees. In fact, when the ICRC persisted in its protests, the Reich authorities threatened to suspend the application of the 1929 Geneva Convention relating to the treatment of prisoners of war which had generally been observed.