

## THE INTERNATIONAL TRACING SERVICE

### its Origin, Tasks and Activities

Nearly everybody is conscious of the tragedy of the concentration camp system, which has shaken our epoch in a terrifying manner. But only few persons know the International Tracing Service, an institution unique of its kind, which since 30 years has quietly been carrying out a humanitarian activity, the value of which hardly ever will be fully appreciated.

However before speaking about the International Tracing Service, it seems suitable to return to the beginning of the 20th century, a time in which the world did not yet bear the mark of disintegration.

#### Brief historical survey

At the beginning of the century, the law of war was founded upon the principle that military operations should be limited to armed forces, and that the civilian population should enjoy general immunity. This notion was so widely accepted that The Hague Conference of 1907 did not deem it necessary to introduce a provision in the REGULATIONS CONCERNING THE LAWS AND CUSTOMS OF WAR ON LAND which would have stipulated expressly "that civilians of enemy nationality residing in the territory of the belligerent are not to be interned". One meant at that time that this principle was out of discussion.

However the war of 1914 profoundly modified this traditional conception. Indeed with the beginning of hostilities most countries closed their frontiers, retained all foreigners on their territory and interned civilians of enemy nationality. As a result, the International Committee of the Red Cross (ICRC) in Geneva received a flood of requests for information and for intervention on behalf of civilians. The International Committee suddenly saw itself confronted with an unforeseen and difficult task. While the Central Agency for Prisoners of War regularly received lists of prisoners of war, no such list of interned civilians was ever established. It was only after repeated proceedings of the International Committee of the Red Cross, that finally several governments declared themselves willing, to enter the civilian internees on the prisoners lists. Other governments declined and did not even answer the



inquiries concerning civilian internees, so that families remained in the most painful anxiety.

The International Committee organized the visiting of civilian internee camps, but it had no legal basis for all its proceedings and interventions. Nevertheless, some particular ad hoc conventions were concluded during the war. One of the first conventions was established in Geneva in 1917 under the auspices of the ICRC by the delegates of the Bulgarian and Serbian Red Cross. Unfortunately these conventions, made for the duration of the hostilities, became null and void after the conclusion of the armistice in 1918.

Immediately after the war the ICRC sought ways and means in order to avoid a repetition of this deplorable dilemma in the future. For this purpose it presented the text of a Convention for the protection of civilians of enemy states and of the population in the occupied territories, to the Xth International Conference of the Red Cross meeting in Geneva in 1921. These International Conferences are always composed of representatives of all National Red Cross Societies, of the ICRC, of the League of Red Cross Societies, as well as of Governments, and they are the highest deliberative authority of the Red Cross. The report which the ICRC presented in this sense was to become the basis of a "CODE FOR PRISONERS OF WAR, DEPORTEES AND REFUGEES". Besides the regulation concerning the prisoner of war status, it was to include articles concerning the civilian population in the territories occupied by the enemy. These articles limited the right of the occupying power especially in respect of deportations, evacuations and the taking of hostages.

Meanwhile it was urged at the ICRC that the time was unfavourable to propose an elaboration of a convention for civilians in war-time to the governments. It was even asserted that such an initiative at that time could be considered as detrimental to the cause of peace, which was supported by the LEAGUE OF NATIONS. For this reason, and contrary to the wish of the ICRC, the diplomatic conference which gathered in Geneva in 1929 - a board of state representatives which is authorized with deciding, or revising international conventions - occupied itself only with the fate of

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prisoners of war. For the benefit of prisoners of war, a convention concerning their treatment was adopted on the basis of the project of the ICRC. In the final record, on proposition of the ICRC, the following declaration of legal intent was taken down:

"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 XIVth International Red Cross Conference which met in Brussels in 1930 confirmed to the ICRC the mandate to continue the task which it had begun for the protection of civilians of enemy nations. A commission set up by the ICRC elaborated the draft, based on the principles outlined by the previous conferences, which was presented to the XVth International Red Cross Conference assembled in Tokio in 1934 and which is known under the name "TOKIO-DRAFT". This draft for a convention confirmed and developed the principles which the ICRC had represented continually, from 1920 to 1925, namely the proscription of mass evacuations as well as the deportation of individuals if they were not justified, and above all the application to the civilians, who would be interned, of a treatment at least as favourable as that of the prisoners of war, the GENEVA CONVENTIONS being, by analogy, applicable to them in the measure where it is applicable to the civilians. This "TOKIO-DRAFT" foresaw the same control measures with regard to the application of the future Convention for the prisoners of war as did the Convention of 1929.

The draft of the ICRC was at first adopted by the XVth Conference (in Tokio in 1934) at the same time as basis for diplomatic negotiations, and the ICRC received the mandate to contact at the earliest possible moment, the Swiss government in order to convoke as soon as possible a similar diplomatic conference as that in 1929 which in its time set up the Convention for the treatment of prisoners of war. At that time one

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"The Committee, regarding the resolution passed unanimously by the two Commissions, recommends that comprehensive steps be undertaken for the protection of an international Convention covering the position and the protection of civilians of enemy nationality who happen to be on the territory of a belligerent on an territory occupied by her."

The XVth International Red Cross Conference which met in Brussels in 1906 confirmed to the ICRC the mandate to continue the task which it had begun for the protection of civilians of enemy nations. A commission set up by the ICRC elaborated the draft, based on the principles outlined by the previous conference, which was presented to the XVth International Red Cross Conference assembled in Tokyo in 1904 and which is known under the name "TOKYO-DRAFT". This draft for a convention continued and developed the principles which the ICRC had represented essentially, from 1864 to 1906.

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did not envisage the possibility of an imminent conflict, so that the urgent character of such a conference was not recognized. Accordingly, the replies were slow on arriving and it was only in the course of 1939 that the nations, which had been invited, allowed to fix the date for the conference in Geneva at the beginning of 1940. Unfortunately the outbreak of hostilities put an end to the carrying out of this project.

With regard to the action of the ICRC on behalf of civilians of enemy countries during the Second World War, four phases can be discerned.

The first phase (from September 1939 to spring 1940) is characterized by general proceedings taken by the ICRC who aimed at persuading the belligerent powers to adopt the "TOKIO-DRAFT" temporarily, or in case of defiance, the application of the dispositions of the Geneva Convention of 1929 relating to prisoners of war and to all civilian internees, without distinction to race, religion or political opinions.

The second phase (from 1940 to 1943) corresponds to the occupation of the major part of Europe by the troops of the Third Reich. Millions of civilians fall under the dependence of one group of belligerents. Thus the balance of power of the combatants being upset, civilians were more and more at the mercy of the arbitrary action of the occupying authorities, the reciprocity using no more its moderating influence.

In the third phase (from 1943 to 1945) in which the general and official interventions for the benefit of detained civilians finally are irrevocably condemned to failure, the ICRC attempts to alleviate their fate by intensified practical and locally restricted help actions. In the course of the development of the political and military situation in 1944, the authorities of the Third Reich, in view of the occupation of a small part of German territory by the Allied Forces, finally permit some facilities, especially in allowing the sending of individual, later, collective parcels, to the concentration camps (6.836 tons of goods, representing a total of 1.631.000 parcels, could be sent to the concentration camps).

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With regard to the action of the ICHC on behalf of civilians of enemy countries during the Second World War, four phases can be discerned. The first phase (from September 1938 to spring 1940) is characterized by general proceedings taken by the ICHC who aimed at persuading the belligerent powers to adopt the "TORINO CHART" temporarily, or in case of failure, the application of the provisions of the Geneva Convention of 1925 relating to prisoners of war and to all civilian detainees, without distinction to race, religion or political opinions.

The second phase (from 1940 to 1942) corresponds to the occupation of the neutral part of Europe by the troops of the Third Reich. Millions of civilians fell under the dependence of one group of belligerents. Thus the exercise of power by the constants being equal, civilians were more and more in the hands of the arbitrary action of the occupying authorities, especially since no more the moderating influence of the ICHC was felt.

In the third phase (from 1942 to 1945) it was the general and official responsibility for the results of detested actions finally and irresponsibly transferred to the ICHC, the ICHC attempts to alleviate their fate by interceding personally and locally, restricted help actions. In the course of the development of the political and military situation in 1944, the authorities of the Third Reich, in view of its occupation of a small part of German territory by the Allied Forces, finally permits some facilities, especially in allowing the sending of individual, later, collective parcels, to the concentration camps (2,500 tons of goods, representing a total of 1,631,000 parcels, could be sent to the concentration camps).

The fourth phase (1945) is marked by the capital concentration camps. The German Government is prepared to make during the last three months

of the war and especially by the agreements made in Germany between the President of the ICRC and the SS-General (SS-Obergruppenführer) Kaltenbrunner, by which the gates of the concentration camps were to be opened for the first time to the delegates of the ICRC. However, in spite of these agreements, the discussions with the Camp Commandants remained difficult, as the Reichsführer-SS Himmler had ordered the evacuation of all concentration camps; this started in fact with the known consequences: the death marches.

During the entire war the ICRC had never ceased to siege the most dreadful bastille of all times erected in the defiance of humanity, and to harass the authorities of the Reich for the benefit of the civilian internees. It is only due to this constant pressure that it was possible to obtain the mentioned results.

After the war the ICRC was reproached for not having "protested" against the existence of concentration camps and not having denounced the atrocities which had been committed there. Protest? The ICRC had never ceased to do so to the responsible authorities. A great part of its efforts is a long succession of protests. Many ameliorations are owed to these protests.

But to protest publicly? The ICRC voluntarily did not do so. A protest of this kind would have been in vain and would have, without doubt irremediably endangered the work which the ICRC accomplished in favour of 2 million prisoners of war and some civilian internees. In fact, the authorities of the Reich had even threatened, faced with the insistent pleas of the ICRC, to suspend the application of the Geneva Convention of 1929, relative to the treatment of prisoners of war, which was, in general, respected.

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