

# THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND THE PROTECTION OF POLITICAL DETAINEES

by Jacques Moreillon

*Last February we devoted an article to a book by Jacques Moreillon, ICRC delegate-general, which had been published by the Henry Dunant Institute.<sup>1</sup> We give below an English version of one chapter (translated by us) of the book which, we would state, was submitted as a thesis to the Graduate Institute of International Studies, Geneva, under the sole responsibility of the author. (Ed.)*

## **First ICRC visits to political detainees : Russia (1918) and Hungary (1919)**

### **RUSSIA - 1918**

The February 1917 Revolution had hit the Russian Red Cross hard, since most of its leaders were persons very close to the imperial family.<sup>2</sup> One of the first decisions of the provisional government had been to remove members of the Red Cross Society's general directorate, in March 1917, about the time of Nicholas II's abdication, followed by that of his brother Michael. A troubled period ensued for the Society when "soviets" set up by its employees sought to infiltrate the directorate. Their action undoubtedly made the Society more democratic, but also very disorganized.

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<sup>1</sup> *Le Comité international de la Croix-Rouge et la protection des détenus politiques*, Henry Dunant Institute, Geneva — Editions l'Age d'Homme, Lausanne, 1973

<sup>2</sup> THORMEYER, F. *Les effets de la Révolution russe sur la CR*. Bulletin international des Sociétés de la Croix-Rouge, No 192, October 1917, pp. 458-468.

With the October Revolution, the confusion steadily worsened, and under a decree issued on 6 January 1918 by the Council of People's Commissars, all the property of the National Red Cross was confiscated by the State, its Committee dissolved, and a new Committee formed to re-organize the Society.<sup>1</sup>

At that time, there were no ICRC delegates in Moscow or Petrograd, but several representatives of Red Cross Societies of neutral countries had been very active in both places during the previous years. The Swedish Society had acted as intermediary between Russia and Germany for the despatch of parcels to prisoners of war and to civilian internees of both countries, and its representatives had distributed, to them and to the disabled, whole train loads of relief supplies from Sweden; the Norwegians had specialized in the forwarding of mail to prisoners of war; the Danish Red Cross was equally active, organizing the repatriation—through Denmark—of wounded prisoners of war to Russia and Germany, and its delegates were sent, often accompanied by nursing nuns, to visit civilian and prisoner-of-war camps.<sup>2</sup>

Indirectly, however, the ICRC was present in Russia in the person of its Vice-President, Mr. Edouard Odier, at that time the Swiss Minister at Petrograd. In his anxiety to prevent the collapse of the Russian Red Cross, Mr. Odier not only informed Geneva of the situation arising from the January 1918 decree,<sup>3</sup> but on his own initiative appointed Mr. Edouard Frick, a Swiss national living in Russia who had worked since 1914 with the Russian Red Cross, as an ICRC delegate on a provisional basis pending confirmation from the International Committee in Geneva.<sup>4</sup> Mr. Frick's mandate, confirmed in writing by the ICRC in May 1918<sup>5</sup> and deliberately couched in vague terms, authorized him to lend assistance to the National Red Cross Society and to keep in touch with other Red Cross Societies represented in Moscow and Petrograd.

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<sup>1</sup> Report by Mr. Ed. Frick on his work in Russia—1.11.1918 ICRC records—Mis. 1.5.

<sup>2</sup> Minutes of the first meeting of the International Conference of neutral Red Cross Societies at Petrograd on 4.6.1918. ICRC records — Mis. 1.5.

<sup>3</sup> *Rapport général du CICR sur son activité de 1912 à 1920*, p. 186, presented by the ICRC to the Xth International Conference of the Red Cross, Geneva, 1921, 257 pp. (Hereafter, *Rapport général CICR*, 1912-1920); ICRC library—362.191/7.

<sup>4</sup> Letter from the Swiss Legation in Russia (Mr. Edouard Odier) to the ICRC, dated 2.4.1918, ICRC records—Mis. 1.5.

<sup>5</sup> ICRC General Report, 1912-1920, p. 187; ICRC library—362.191/7).

In fact, Mr. Frick had not waited for the ICRC confirmation to reach him before approaching the new and youthful leaders of the Russian Red Cross and inducing them to request the People's Commissars to promulgate a new decree to supplement and amend the decree of 6 January 1918. In their view, the Russian Red Cross should be "part of the international association of the Red Cross, whose activities are based on the Geneva Conventions of 1868 and 1907 (*sic*). Its prerogatives as such should be preserved and, because it must devote its efforts to the relief and repatriation of prisoners of war, all that belonged to it in the past should be returned to it pending the final settlement of the war."<sup>1</sup>

Encouraged by the initial success which the mere presentation of such a request by the Russian Red Cross represented, Mr. Frick strongly urged the ICRC to support it and to approach the government accordingly. He believed that the Bolsheviks were beginning to fear that to cut themselves off from the Red Cross movement would be to deprive their wounded soldiers and prisoners of the protection of the emblem, and that to nationalize the National Society's property would be to run the danger of making it lawful war booty for the enemy in occupied territories.<sup>2</sup>

The ICRC followed the advice of its new delegate and, in its letter of 6 May 1918 to the Commissar for War, in Petrograd, requested that the January decree be withdrawn and the Russian Red Cross allowed to continue its activities as in the past.<sup>3</sup>

In June 1918, Mr. Frick undertook to co-ordinate in an "International Conference of representatives in Russia of Red Cross Societies of neutral countries" the work those Societies were doing for prisoners of war of all nationalities and for the numerous victims of the civil war.<sup>4</sup>

From the beginning of June to the end of September 1918, the Conference—which in its early stages was attended by the ICRC delegates and representatives of the Russian, Swedish, Danish and Norwegian Red Cross Societies—applied itself to a number of tasks which included

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<sup>1</sup> Letter (undated) sent by the Collegial body for the administration of the Russian Red Cross to the ICRC, annexed to the letter dated 2.4.1918 from the Swiss Legation in Russia (Mr. Edouard Odier) to the ICRC. ICRC records— Mis. 1.5.

<sup>2</sup> Letter from Mr. Frick, delegate of the ICRC, to the Swiss Legation in Russia (Mr. Odier), dated 1 or 2.4.1918 (annexed to the letter dated 2.4.1918 from the Swiss Legation in Russia to the ICRC). ICRC records— Mis. 1.5.

<sup>3</sup> *Bulletin International de la Croix-Rouge*, No. 195, July 1918, pp. 447-449.

<sup>4</sup> Report by Mr. Frick (ICRC) on his work in Russia, 1.11.1918. Report by Dr. Piguet to the ICRC, 3.6.1919. ICRC records—Mis. 1.5.

assistance to foreign civilians imprisoned in Moscow and Petrograd and often totally deprived of any effective diplomatic protection.<sup>1</sup>

In the course of those visits, the prisoners sent to hospital were the object of special solicitude. In the wards, Russian political detainees were not kept separate from non-Russians, and Mr. Frick was thus the first ICRC delegate to bring direct aid to persons imprisoned in their own country for political reasons.

Of course, it would be misleading to lay too much stress on the significance of such a precedent. If we have given the history of this episode in some detail, it is because it was clearly a special situation created by the revolution in the aftermath of the war and not the deliberate initiation of a new policy. The ICRC delegate made the visits as part of a number of other relief activities. Moreover, he was not the only one to visit those detainees, for when Mr. Frick left Petrograd at the end of September 1918 in order to report to Geneva and, contrary to his plans, did not return to Russia (having been appointed by the ICRC to fulfil more important duties), the prison visits were continued by a Dutchman and a Dane, at least until the end of 1918.<sup>2</sup>

It is difficult to ascertain how many visits to political detainees were made and by whom, but it is likely that there were several dozen of them. In any case, the International Committee referred to them as if they were its own special concern, in so far as they were conducted under the aegis of the Conference of neutral Red Cross Societies, whatever may have been the nationality of the visiting delegates.<sup>3</sup>

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<sup>1</sup> The Conference of neutral Red Cross Societies decided also to undertake the following activities:

- general provision of relief to POWs;
- aid to the civilian population of Omsk in Siberia;
- supply of wheat to hospitals and other medical establishments;
- endeavours to carry out with the White Russians exchanges of hostages and the repatriation of children from those areas in Siberia which were in the hands of the White Army;
- combating epidemics, especially in the Caucasus.

See, especially, Report by Dr. Piaget to the ICRC, 3.6.1919. ICRC records—Mis. 1.5.

<sup>2</sup> Report by Dr. Piaget to the ICRC, 3.6.1919. ICRC records—Mis. 1.5.

<sup>3</sup> *Rapport général ICRC 1912-1920*, p. 192. ICRC library—362. 191/7. This is borne out by the publication in this report (see footnote 9, p. 192) of a letter, dated 12.12.1918, sent to the Conference by the Government of the Federal Soviet Republic, stating that “in reply to your report of the 10th instant, we inform you that the shortcomings pointed out in the said report, in respect of the present condition of the prison sick-bay, will be given serious consideration and that we shall take all necessary measures to remedy them” (our translation).

Nor is there anything in the ICRC archives to show whether Mr. Eugène Nussbaum, who was appointed ICRC delegate in Petrograd by Mr. Odier in October 1918, also carried out visits of this kind. It is possible but not certain.<sup>1</sup>

On 2 June 1919, the premises of the International Conference were, like most of the Legations and Embassies in Petrograd, attacked, pillaged and sacked. Together with 80 other members of foreign diplomatic missions, the ICRC delegate was arrested. He was freed and expelled from Russia a few weeks later.<sup>1</sup>

However, the question was not entirely dropped and it will be seen in a later chapter what steps were subsequently taken by the International Committee in respect of the political detainees in the Soviet Union.<sup>2</sup>

### HUNGARY—1919

On 21 March 1919, Bela Kun set up the dictatorship of the proletariat in that part of Hungary which had not been occupied by the Rumanians, Serbs or Czechs, in other words, mainly in Budapest. Mr. Haccius, the ICRC delegate, had just arrived in Budapest to deal with the problem of providing aid to non-Hungarians and to the civilian population but, more important still, to repatriate Russian prisoners of war. His work, carried on in the midst of unforeseen revolutionary events, may be considered as the first action in which the ICRC was engaged for the sake of purely "political" detainees. (To speak of internal disturbances can hardly be justified, as the Communist coup d'état encountered only slight resistance and practically no blood was shed.)

Here it was not a matter, as in Russia, of the help intended for foreigners occasionally benefiting nationals detained with them, but of a deliberate decision to adopt new tactics in the interests of victims whose only chance of help lay with the ICRC.

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<sup>1</sup> Report by Mr. E. Nussbaum to the ICRC, 22.6.1920. Report by Mr. E. Frick on his work in Russia, 1.11.1918. ICRC records—Mis. 1.5.

<sup>2</sup> According to an article by a member of the pre-revolution Red Cross Society, Mr. Georges Lodyginsky, which appeared in the *Revue internationale* of June 1920 (No. 18, pp. 654-670) under the heading *La Croix-Rouge et la guerre civile en Russie de 1919 à 1920*, it would seem that in 1919 the ICRC delegate in Kiev, together with members of neutral Red Cross Societies, visited and gave aid to political detainees held in Kiev prisons on a number of occasions. This action was continued despite five changes of régime in a single year, with corresponding changes in those imprisoned. No first-hand reports, however, have been found to provide details.

Who took this decision? Haccius or the International Committee? And why? If taken by the Committee, was it with or without the realization that it was unprecedented? These are questions to which an answer should be found, yet the archives often compel conjecture.<sup>1</sup>

On 28 March 1919, because of the change in the situation, the ICRC extended the mandate it had originally granted to Haccius, telling him specifically: "You are authorized in your capacity as delegate of the ICRC to deal on its behalf with matters concerning the Red Cross and prisoners of all nationalities".<sup>2</sup> This was indeed *carte blanche*, but we do not think that the International Committee had Hungarians in mind when it spoke of "all" nationalities. However, since the records of the Committee and of the Missions Commission (*Commission des missions*) are silent on this point, we must admit that this is only supposition on our part. What induces us to think in this way is that in that period Haccius himself did not seem to think he should concern himself with prisoners of Hungarian nationality. In his letter of 29 March, referring to "a programme of work for the International Red Cross delegation in Budapest",<sup>3</sup> no mention was made of political detainees. In fact, his chief concern seemed to be to obtain the favour of the Hungarian Red Cross and of the Hungarian Government in the interests of his mission in general.<sup>3</sup>

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<sup>1</sup> ICRC records—Mis. 4.5.

<sup>2</sup> Letter from the ICRC to Mr. A. Haccius in Budapest, 28.3.1919. ICRC records—Mis. 4.2., box 4, doc. 58, folio 89.

<sup>3</sup> Letter No. 1 from Mr. Haccius to the ICRC, 25.3.1919.

"I obtained yesterday an interview with "citizen" Dr. Krcysik, secretary to Bela Kun, People's Commissar for Foreign Affairs. I explained to him the humanitarian aim of the relief mission, the studies that had been made and what had been done; I also reminded him of the services rendered to Hungarian prisoners of war by the International Red Cross.

He replied that he fully recognized the great services rendered by the International Red Cross and that it was the government's desire to remain on good terms with it. I explained to him that if he would guarantee that I would not be in any way hindered in the accomplishment of my task, I would report his views to the ICRC in Geneva. My conditions were as follows:

1. a safe-conduct,
2. freedom of communication with the ICRC,
3. supervision of the Russian prisoners of war not willing to volunteer for the Hungarian army,
4. surveillance and protection of foreign missions and detachments retained in Budapest,
5. contact with Mr. Frick at Stanislaw...

I believe it is desirable not to underestimate the influence of the International Red Cross with the new Government and the extent of the humanitarian work it could do for Russian prisoners of war and allied missions" (our translation). ICRC records—Mis. 4.5, vol. 1., folios 95-96.

Faced with a government whose policies had the rigid doctrinaire character of theories being put into practice for the first time, the main concern of the ICRC delegate was to convince the men with whom he had to deal that the Red Cross ideal—whether at national or international level—was not incompatible with international Communism. It seems that Haccius succeeded in doing so, for on 10 April 1919, through the Hungarian Red Cross, he was informed by Agoston, Minister of Foreign Affairs, that an ordinance guaranteeing the neutrality of the Red Cross had just been issued by the government. The ordinance contained the following official comment: “The Government of the Republic of Councils of Hungary, in ensuring, by this ordinance, a privileged position for the International Red Cross on the territory of the Republic, is fully aware that the Red Cross of Geneva is not an alliance of governments but of peoples”.<sup>1</sup>

This favourable attitude probably encouraged Haccius to go further. At all events, in a letter sent in May 1919 to the ICRC,<sup>2</sup> he wrote that, in agreement with Major Freeman, the British Commissioner for the Danube, and despite the reluctance of the “lower orders”, he had decided to concern himself “at all costs... with political hostages and detainees”. He added that “it was intolerable that demands be constantly made on

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<sup>1</sup> The full text of the “Ordinance of the People’s Commissariat for Foreign Affairs, No. 2086, concerning the legal position of the International Red Cross in Geneva in the Republic of Councils of Hungary” is as follows (our translation): “The International Committee of the Red Cross in Geneva and all its institutions and representatives shall enjoy the protection afforded to neutrals: it shall be placed, where its operations on the territory of the Republic of Councils of Hungary are concerned, under the protection of the Republic’s authorities. In the accomplishment of their humanitarian tasks, the Red Cross of Geneva and the Hungarian Red Cross must not be subject to any improper influence, whether political or otherwise. All possible measures should be taken to enable the International Red Cross to carry out freely, on the territory of the Republic of Councils of Hungary, its humanitarian tasks, for only in this way can it bring help to the wounded, the sick and prisoners of war.

I command all civil and military authorities to treat the International Red Cross bodies with all possible consideration and to take steps to protect its institutions and emblems against any violence or misuse whatsoever. The Hungarian Red Cross is represented at the International Red Cross, with the latter’s consent, by permanent delegates.

The Government of the Republic of Councils of Hungary, in ensuring, by this ordinance, a privileged position to the International Red Cross on the territory of the Republic, is fully aware that the Red Cross of Geneva is not an alliance of governments but of peoples.” ICRC records—Mis. 4.5/67, vol. 2, folio 187.

<sup>2</sup> Letter No. 31, from Mr. Haccius to the ICRC, 3.5.1919. Report on his visit to the Gyűjtőfogház prison on 28.4.1919. ICRC records—Mis. 4.5/68 and 4.5/70, vol. 2, folios 188/192.

the ICRC to intervene on behalf of the 750,000 Hungarians held prisoner outside Hungary while Hungarians in prison in their own capital were being ill-treated". He asked the ICRC to forgive him for having taken the decision on his own authority: "It was risky and outside my terms of reference... but... I could no longer defer taking action until authorization arrived from Geneva".

These lines show plainly that the delegate acted on his own initiative without instructions from the ICRC. Moreover, when the letter was written, authorization to visit the prisons had already been requested by Haccius, since he had written on 26 April to the ICRC: "I tried to make clear to the Ministry, through an intermediary, that it would be much better if I were granted the authorization to visit the prisons before applying for it on the orders of the International Committee".<sup>1</sup>

The authorization must have been received shortly afterwards, because, on 28 April 1919, in Gyüjtőfogház prison, the ICRC, for the first time in its history, visited political detainees exclusively (48 political detainees and 131 hostages), with the express authorization of the government of the State to which they belonged.<sup>2</sup>

The delegate's efforts did not cease there; he went much further. After visiting other political prisoners, he asked for the release of all hostages over sixty years of age, and obtained the release of about 280 of them "after a careful re-examination of the reasons for their arrest".<sup>3</sup>

The rather curious way in which Haccius defended his theoretical position under Bela Kun's régime may be related here. It would seem that the reasoning which finally convinced the Hungarian Communists, and which was originally propounded by Haccius, was as follows: since Marxism abolished the concept of fatherland, substituting the struggle between classes for the struggle between nations, the new enemy (the bourgeois) had to be put under the protection of the international Conventions which until then had protected the former enemy (the foreigner). In other words, in a world now split horizontally, international law had to abandon its antiquated vertical position and adapt to the new conditions.

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<sup>1</sup> Note No. 26 from Mr. Haccius to the ICRC, 26.4.1919. ICRC records—Mis. 4.5/79, vol. 3, folio 209.

<sup>2</sup> Letter No. 31, from Mr. Haccius to the ICRC, 3.5.1919. Report on his visit to the Gyüjtőfogház prison on 28.4.1919. ICRC records—Mis. 4.5/68 and 4.5/70, vol. 2, folios 188/192.

<sup>3</sup> "Summary of the action by the ICRC Mission at Budapest", undated, received in Geneva on 19.8.1919. ICRC records— Mis. 4.5/216, vol. 6, p. 556.

“Those who were considered as enemies of the proletariat should enjoy the rights and guarantees extended to belligerents by the Geneva and Hague Conventions.”<sup>1</sup>

The allusion to the Red Cross of Geneva as “an alliance of peoples and not of governments”, made by the Foreign Minister, Agoston, seems to indicate that this argument had had its effect on the men in power. The Republic of Councils’ express recognition of the neutrality not only of the ICRC but also of the Hungarian Red Cross is all the more interesting in those circumstances. Was it because the National Society was considered as the “Hungarian branch of the International Committee of Geneva”?<sup>2</sup> Possibly.

But, whatever the motives, the Government’s attitude implied a profound understanding of the fundamental characteristics of the Red Cross, even though the reasoning behind that appraisal was not quite the same as that of the men in Geneva in 1919.

On 1 August 1919, Bela Kun’s régime was overthrown: the Rumanians occupied the country for a few weeks until Horthy’s government came into power, when the “white terror”, as it was called by some, was unleashed. That its excesses soon diminished was no doubt partly due to the numerous and vigorous representations made by the delegates of the ICRC (Mr. Haccius at first and then Mr. Burnier) who continued to carry out, under the reactionary government, the activities they had begun under the Communist régime, but not, of course, for the same victims !

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<sup>1</sup> *Rapport général CICR 1912-1920*, pp. 201-206. ICRC library—362.191/7.

<sup>2</sup> Ordinance No. 62 of 9.7.1919 issued by the People’s Commissariat for Public Welfare and Health stated: “The Commissariat for Public Welfare and Health orders the following in order to safeguard the neutrality of the Hungarian Red Cross Society, recognized in conformity with rescript No. 20.086/pol. 1919 of the People’s Commissariat for Foreign Affairs.

1. On the territory of the Republic of Councils, the Hungarian Red Cross Society, as the Hungarian branch of the International Committee of the Red Cross at Geneva, is placed under the special international protection of the Republic of Councils.
2. All persons, and especially the military and political authorities, shall treat the Hungarian Red Cross Society and all its institutions, bodies and personnel in accordance with its neutral character, shall ensure the efficient protection proper to its neutrality, and shall support its work.
3. Those authorities which have seized or requisitioned any property whatsoever, whether movable or fixed, belonging to the Hungarian Red Cross... must... restore all such property...» (our translation).

In the letter in which the President of the Hungarian Red Cross informed Mr. Haccius of the text of the ordinance, he stated that this decree confirmed “with entire certainty the neutrality of our Society on a plane above all politics”. ICRC records—Mis. 4.5/134, vol. 4, folios 359/360.

The delegates, who protested strongly, denounced the brutality of which they saw signs, demanded explanations from the government and, an exceedingly rare occurrence in the history of the ICRC, even the punishment of the guilty parties. They conducted themselves as men quite sure of their rights, and the authorities treated them as such. These efforts bore fruit, for Mr. Burnier, on 1 April 1920, in a summarized account of his work in the prisons, declared that he had not found anyone in the prisons who complained of having been brutalized or beaten after 28 August.<sup>1</sup>

The success of this first action in support of political detainees led its authors to draw from it, for the first time, general conclusions as to the future of the Red Cross; Mr. Haccius, in a letter dated 22 October 1919, referring to an article dealing with ICRC activities under Bela Kun, wrote: "The idea I had in mind was to bring out clearly that the work of the Red Cross must now be extended to a wider field of action than in the past".<sup>2</sup>

As for Mr. Burnier, he had imagined "setting up, under the patronage of the ICRC, a Commission, a sort of impartial International Committee of people who were not Hungarians and who had no personal interests in Hungary, to enquire into all acts contrary to humanitarian principles".<sup>3</sup> It is not known what made him give up this idea.

The ICRC was alive to the fact that a further step forward had been taken. In its publications—and particularly in its *Rapport général d'activité, 1912-1920*—a prominent part was given to the account of its delegates' activities for political detainees, and it took full responsibility for the way in which they had tackled both the problem and the authorities. The ICRC was all the more appreciative of the results which its delegates' activities had produced as it fully realized their very special nature and, above all, their lack of a legal foundation. "The application of the Geneva and of the Hague Conventions—concluded for the case of conflicts between peoples—to a conflict between nationals of a single country was a moot point... And by what right did a foreigner, whose func-

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<sup>1</sup> Letter No. 1713 from Mr. Burnier, ICRC delegate in Budapest, to the ICRC, 1.4.1920. ICRC records—Mis. 4.5./624, vol. 11, folio 1217.

<sup>2</sup> Letter No. 932 from Mr. Haccius, ICRC delegate in Budapest, 22.10.1919. ICRC records—Mis. 4.5/358, vol. 8, folio 752.

<sup>3</sup> Report No. IV from Mr. Burnier, ICRC delegate in Budapest, to the ICRC, 21.4.1920. ICRC records—Mis. 4.5/645, vol. 12, folio 1261.

tion as an instrument of international relations rested precisely on his extraterritorial status, interfere in what was legally a purely internal political matter?"<sup>1</sup>

So, as after Solferino, a spontaneous action gave birth to a general principle, and developed from the desire to ensure that such action could be repeated in the future with even greater effect.

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<sup>1</sup> *Rapport général CICR, 1912-1920*, p. 201, ICRC library—362.191/7.