

INTERNATIONAL COMMITTEE OF THE RED CROSS

APPLICATION IN THE MIDDLE EAST OF THE 1949 GENEVA CONVENTIONS

On 21 January 1974, the International Committee of the Red Cross issued the following appeal to the 135 States parties to the Geneva Conventions of 12 August 1949:

On the resumption of hostilities in the Middle East, the ICRC renewed its offer of services to the States concerned, with a view to the discharge of all the duties assigned it under the four Geneva Conventions of 12 August 1949. In so far as permitted by the competent authorities, it has been able to acquit itself of part of its mandate: several thousand prisoners of war have been visited and repatriated; casualties have been cared for; and civilian victims have been given assistance.

Yet the ICRC has received from each of the belligerent States numerous allegations of violations of those Conventions. Consequently, on 12 December 1973, it proposed the setting up of joint commissions of enquiry with a view, as far as possible, to establishing the facts and determining how the law should apply.

However, the ICRC has now unfortunately to point out that it is not only the past but also the present and the future which are at stake. Indeed, in many cases the ICRC is prevented from fully carrying out its activities for the assistance and protection of civilian and military victims as demanded by the full implementation of the Geneva Conventions. The competent authorities all too often make reciprocity a condition for the application, totally or in part, of the Geneva Conventions. This is equivalent, in prevailing circumstances, to the exercise of reprisals. They also make the accomplishment of their humanitarian obligations subject to political and military demands which are alien to

the Geneva Conventions. As a result, casualties who should be evacuated are not; families are left without news of their missing kin; prisoners of war whose particulars are not notified by the Detaining Power are neither visited by the delegates of the ICRC nor repatriated; and inhabitants of occupied territories continue to be kept outside the purview of the ICRC's humanitarian action.

The ICRC had already occasion to draw the attention of the parties to the conflict to a dangerous compounding of politics and of humanitarian action which is thereby fundamentally perverted. The ICRC emphasizes that commitments under the Geneva Conventions are absolute, and that States, each one to all others, bind themselves, solemnly and unilaterally, to observe in all circumstances, even without any reciprocal action by other States, the rules and principles which they have recognized as vital.

Hence the first article of all four Geneva Conventions, which states: "The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances".

On the basis of this provision, and mindful of the forthcoming Diplomatic Conference in Geneva on humanitarian law, the ICRC wishes to leave no doubt in the minds of all States Parties to the Geneva Conventions, whether involved or not in the Middle East conflict, regarding the common responsibility which they have assumed. Nothing less than the full discharge of that obligation will permit war victims to receive again the protection of which they are at present deprived.
