

## **The ICRC and the conflict in the former Yugoslavia**

Since June 1991 the ICRC has, in accordance with its mandate, been running large-scale and diverse programmes for the victims of the conflict in the former Yugoslavia. Its activities focus on providing protection for prisoners and for civilians affected by the fighting, tracing missing persons and arranging for the exchange of news between the members of separated families, distributing food and other aid to displaced people and vulnerable groups, providing medical and surgical assistance to the warwounded; and of course spreading knowledge of international humanitarian law, especially among armed forces of all parties to the conflict.

In addition to its daily work, the ICRC has acted as a neutral intermediary in the midst of the conflict. On no fewer than six occasions it brought together in Geneva, around the same table, plenipotentiary representatives of the parties involved in the conflict in Croatia, and more recently in the conflict in Bosnia-Herzegovina, to work out practical solutions to questions of humanitarian concern. These meetings, and the work of *ad hoc* commissions set up to deal with the tracing of missing persons and the release of prisoners, have led to tangible results in favour of the victims.

However, in recent months the situation in Bosnia-Herzegovina has steadily deteriorated. Mounting insecurity has prevented humanitarian organizations from reaching all the victims of the conflict. The ICRC has also been forced to recognize that breaches of international humanitarian law and of human rights have become almost commonplace, especially as regards the civilian population, despite numerous public appeals and confidential approaches at all levels and to all the parties. As the President of the ICRC pointed out in his statement at the opening of the International Meeting on Humanitarian Aid for Victims of the Conflict in the former Yugoslavia, convened on 29 July 1992 by the United Nations High Commissioner for Refugees: "There is no doubt that the vicious circle of hatred and reprisals erodes basic humanitarian values more and more each day, although these values are universally recognized. The humanitarian message must be

heard and understood in its entirety, it must ring out loud and clear to reach all those concerned and suppress rumour, propaganda and disinformation. As we all know, it is first and foremost up to the States and their governments to respect and ensure respect for the basic rules of humanitarian law.

It is at this point that humanitarian action reaches its limits. Despite the immense efforts made by UNHCR, the ICRC and other humanitarian agencies, and despite the dedicated work of local Red Cross organizations, it has become increasingly clear that humanitarian activities, which have gained sudden prominence in the past year, will not be able to resolve the problems generated by a crisis that continues to spread and gather momentum.”

In view of the gravity of the situation, the ICRC spoke out with force and conviction: in a solemn appeal issued on 13 August 1992 it called upon the parties to the conflict to put into immediate effect their commitment to comply with the rules of international humanitarian law and to disseminate knowledge of them among their combatants, to refrain from taking illegal measures against the civilian population, to improve the conditions of detention, to notify the ICRC of all places of detention in Bosnia-Herzegovina and of all persons held there, and to take the action necessary to ensure that delegates can work effectively and rapidly in acceptable security conditions.

The appeal ended by emphasizing the collective responsibility of the States party to the Geneva Conventions, which have undertaken not only to respect those Conventions but also to ensure respect for them.

The complete text of the appeal is given below.

The ICRC has also supported the various initiatives taken by the international community and has expressed its views during conferences and meetings convened to examine the problems of humanitarian concern caused by the war, to facilitate the work of humanitarian organizations and to try to find a political solution to the conflict.

On 10 August, a special joint meeting in Brussels of various committees of the European Parliament (Committee on Foreign Affairs and Security, Committee on Social Affairs, Employment and the Working Environment, Committee on Civil Liberties and Internal Affairs, and the Delegation for Relations with the Republics of Yugoslavia) was addressed by the ICRC representative, Mr. Paul Grossrieder, Deputy Director of Operations, who stressed the need for the institution to have access to all places of detention and to receive the necessary security guarantees allowing its delegates to travel in the field.

During the special session of the Commission on Human Rights held on 13 and 14 August in Geneva to discuss the situation in the former Yugoslavia, the ICRC, represented by Mr. Claudio Caratsch, Vice-President, called on the parties to the conflict to give practical effect to the rules of international humanitarian law and instruct their combatants accordingly, to refrain from abuses against the civilian population and detainees, to improve conditions of detention, grant humanitarian organizations free access to all places of detention and find a political solution to the conflict.

Following the special session, the Commission adopted a resolution by consensus. The resolution's main points are:

- a call for the release of all persons detained arbitrarily,
- a demand for immediate and unimpeded access for the ICRC to the various places of detention,
- the need for the free passage of humanitarian aid,
- a reminder to the parties to the conflict that they are bound to comply with the provisions of international humanitarian law,
- the nomination of Mr. Tadeusz Mazowiecki, former Polish Prime Minister, as Special Rapporteur.

This resolution takes up the terms of those adopted by the UN Security Council on 13 August.

The first of these (770) focuses on delivering humanitarian aid to Bosnia-Herzegovina. The Security Council "calls upon States to take nationally or through regional agencies or arrangements all measures necessary to facilitate in coordination with the United Nations the delivery [...] of humanitarian assistance.

The second (771) is concerned more specifically with respect for international humanitarian law by all the parties to the conflict, especially as regards detained persons.

In both resolutions, the Security Council demands that the ICRC be granted immediate, unimpeded and continuous access to all places of detention.

In addition, the UN General Assembly, at a special session held on 24 and 25 August in New York to discuss the situation in Bosnia-Herzegovina, adopted a resolution which *inter alia* takes up the terms of the above-mentioned Security Council resolutions 770 and 771. During the session, the new head of the ICRC delegation in New York, Mr. Peter Küng, strongly reaffirmed the ICRC's position by calling on the States party to the Geneva Conventions to respect and

ensure respect for humanitarian law. He also stressed that humanitarian assistance could in no way replace a political settlement.

Lastly, as an invited observer with the right to speak at the Special Conference on the Former Yugoslavia (London, 26-28 August 1992), the ICRC, through its President, emphasized its inability to assume such a momentous responsibility alone in the face of such a challenging situation, and the need for the international community to assume its responsibilities fully. He furthermore called on the leaders of the various parties concerned to urge their combatants to respect international humanitarian law.

At the end of the conference, several decisions were adopted. They were designed to promote a negotiated solution to the conflict and related in particular to a cessation of hostilities, assistance to victims, the return of refugees to their homes, the release of detained persons and the role of the international community. A Steering Committee composed of 22 members will be responsible for following up these decisions.

The chairman of the conference also negotiated a plan of action centred on humanitarian issues with the leaders of Bosnia's Croat, Serb and Moslem communities (see also "Missions by the President", p. 495).

At all these meetings and in the course of the numerous contacts with permanent missions in Geneva and in New York, the ICRC has made a point of expressing its deep appreciation for the many initiatives taken to support its efforts. It has also reiterated the fact that although a moral threshold exists beyond which the ICRC's silence would become reprehensible, the confidentiality and independence necessary for its effective action can on no account be called into question.

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