Review and analysis of two recent works

THE INTERNATIONAL COMMITTEE OF THE RED CROSS: NAZI PERSECUTIONS AND THE CONCENTRATION CAMPS

History and memory

The horror of the Nazi plan to annihilate all the Jews of Europe, and the extermination of millions of them, raises fundamental questions for the conscience of humanity. For over 40 years, historians, philosophers and theologians have endeavoured to pinpoint the causes and analyse the underlying facets of this phenomenon, which without doubt remains the greatest setback our civilization and mankind have ever known.

For, whether we like it or not, the genocide of the Jews is a fact of history; and history therefore requires us to explain the inconceivable, to make the unspeakable intelligible, to find a meaning to the irrational.

"Explaining evil serves to dispel scandal" wrote Karl Barth in 1939. The eminent theologian from Basel could hardly have imagined at the time the proportions which the genocide against the Jews was to assume. It is doubtful that in this particular case historical explanation will suffice to "dispel the scandal"; however, it must help us never to forget. For it is true that in time and in form memory and history are complementary. In the words of Alain Finkielkraut "Retracing an event entails a combination of two requirements: memory and knowledge. If these two approaches are separated, there is a danger that the mind will not be alert enough to comprehend".1

A few years ago, the ICRC realized the need to adopt this dual approach and decided to open up its archives to independent historians in order to enable others to evaluate—and also to evaluate for itself—its attitude to and action in favour of the victims of Nazi persecutions during the Second World War.

More precisely, it was the ICRC Assembly which decided at its meeting on 3 and 4 July 1979 that a work should be prepared and published on the ICRC's

1 Quoted in a remarkable study by Yves Ternon "L'unicité du génocide juif", Etudes, No. 369/4, October 1988, page 360.
action in favour of the victims of persecutions perpetrated under the Third Reich. This decision was taken for three basic reasons:

1. It was imperative that a study of this nature be undertaken, since the ICRC had been the subject of constant criticism in this connection for over 40 years and some people suspected that the ICRC had something to conceal.

2. The ICRC considered that it was its duty to gain a more precise knowledge and understanding than hitherto of its attitude and role vis-à-vis the civilian victims of Nazi persecutions and to endeavour to discover, through the eyes of others, not only what it had succeeded in doing, or at least had tried to do, but also what it had not managed or attempted to do when confronted with the failure of a civilization. The study, to be as exhaustive as possible, with an undeniable scientific foundation, was intended to constitute a comprehensive reference document compiling and analysing all available data on the subject, in order to provide answers to all sorts of challenges and questions.

3. Finally, the purpose was to complete the ICRC’s memory, learn the lessons of the past and prompt in-depth reflection within the Committee in the interests of the victims of future conflicts, even if this meant facing a “moment of truth”, and in fact positively wishing to have things out.

To this end, in October 1980, the ICRC entrusted the study to a Swiss historian, Jean-Claude Favez, former Dean of the Faculty of Arts and Rector of the University of Geneva. Favez was given unlimited access to all the relevant ICRC archives, and it was also agreed that in his research the author would have recourse to any other available archives on the problem.

Similarly, the ICRC also authorized Arieh Ben-Tov, an Israeli lawyer, himself a survivor of Auschwitz, to consult its archives in order to write a book

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on the ICRC and the Jews in Hungary. The two works have recently been published.\(^3\)

Our objective here is to analyse the two works in order to give non-expert readers, those who, for language reasons, have not been able to read the two books\(^4\) and all those whose only contact with the subject is through partial, sometimes erroneous and truncated comments, as objective an insight as possible into the history of this tragedy which affected the ICRC and mankind as a whole. This is all the more important since as soon as these works were published, and even before, the questions they dealt with were given extensive coverage in the written press and other media of a large number of countries. Editorials and television programmes focusing primarily on the ICRC’s apparent failure to speak out or act against Nazi persecutions and concentration camps have shown how difficult it is to avoid over-simplifying the facts and hence making simplistic judgements, not to mention the dangers of exaggeration or distortion.

**Legal, political and institutional context**

At the beginning of their books, the two authors specify and analyse the legal provisions serving as a basis for the ICRC’s work before and during the World War. J. C. Favez also examines the political environment in which the Geneva institution operates. Of course, these features are not very spectacular and are frequently ignored in press commentaries, yet they are essential for a proper understanding of the ICRC’s position.

*From the legal standpoint,* the situation was extremely complex, one might even say confused. At the beginning of the hostilities in September 1939, the Geneva Conventions in force protected only wounded, sick and shipwrecked members of the armed forces, as well as prisoners of war. The treatment of prisoners of war was governed by the *Convention on prisoners of war* which had been drawn up on the basis of proposals prepared by the ICRC in the light of experience in the First World War and had been adopted by governments in 1929. Virtually all the States involved in the Second World War were party to the 1929 Convention, with the exception of the USSR.

On the other hand, civilians in enemy hands were not protected by any international treaty. The ICRC had become convinced, however, that this category also required protection under a convention, since during the First World War the majority of States had closed their frontiers, prevented all

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\(^4\) For the moment, Mr. Favez’ book is only available in French and Mr. Ben-Tov’s in English.
foreigners from leaving their territories and interned civilians who were nationals of enemy countries.

The efforts deployed by the ICRC to protect civilians of enemy nationality are described by Favez (pages 25-29) and Ben-Tov (pages 36-38), right through from the Tenth International Conference of the Red Cross (Geneva, 1921) to the Fifteenth International Conference (Tokyo, 1934). The latter Conference finally adopted an ICRC draft conferring the status of "enemy civilian" on persons of enemy nationality not enlisted in the regular armed forces who found themselves on a belligerent's territory or in a territory occupied by a belligerent. In the case of enemy civilians on a belligerent's territory, the ICRC proposed that reprisals and the taking of hostages should be prohibited and that internment conditions should comply with the spirit of the 1929 Convention relative to the treatment of prisoners of war; in the case of enemy civilians in an occupied territory, the only provisions were for humane treatment of hostages, the prohibition of evacuation and deportation, except for military reasons, and the entitlement to receive relief under certain conditions.

Conversely, nationals in their own country and stateless persons did not have any protection and their fate depended exclusively on the goodwill and arbitrary decisions of their governments.

Unfortunately, the outbreak of war prevented this so-called "Tokyo draft", which was intended to become a convention on the protection of civilians of enemy nationality, from being ratified by a diplomatic Conference. Thus, the ICRC was singularly devoid of means with which to ensure the protection of civilians.

Nevertheless, by promoting ad hoc agreements between the belligerents, the ICRC obtained undertakings in 1939 to the effect that, subject to reciprocity, nationals of a party to the conflict who were on the territory of the opponent party when the hostilities broke out and were interned by a belligerent solely on account of their enemy nationality should be treated, by analogy, in accordance with the spirit of the Convention on prisoners of war of 1929. The persons benefiting from this agreement were termed "civilian internees". However, this type of agreement which was finally accepted, inter alia, by the Germans, French and British, did not cover civilians in occupied or annexed territories and still less nationals or stateless persons.

The two authors also consider the ICRC's action in the event of internal disturbances and tension and the question of political prisoners. They underline the importance of the establishment in March 1935 of a commission specially responsible for monitoring the problem of political detainees. A working document drawn up by Edmond Boissier defines the ICRC's competences, based essentially on its right to take humanitarian initiatives, and the procedures governing its interventions in the event of civil war and internal disturbances. He considers, inter alia, that the ICRC may intervene directly to obtain information about political detainees and that, should it come up against a refusal on the part of the authorities of the country concerned, it must not hesitate to threaten to make public the reasons for its request to intervene and the refusal with which it was met: "The ICRC's prestige is not harmed if, having
done all it can to defend a humanitarian cause, it suffers a defeat; on the contrary, its authority is damaged by inaction and excessive caution".5

Ben-Tov concludes from this that the ICRC should have asserted its right of humanitarian initiative and invoked the Boissier report to intervene in favour of civilians, including interned and persecuted Jews (page 38).

The case of the Jews is especially complex from the legal point of view. It warrants particularly detailed attention, insofar as the status of Jews in the various national legislations and the consequences thereof for the provisions of international humanitarian law are not always clearly explained in the two works.

Since 1933, as Saul Friedländer writes, "The obsessive image of the Jew as a dangerous germ or carrier of infectious diseases comes back time and again as a leitmotif" in Hitler's Germany.6 The need for purification became imperious and in 1935, after promulgation of the Nuremberg laws and the "legal" definition of the Jew, German citizenship was purified: "The Jew cannot be a citizen of the Reich".7 This measure applied not only to Jews of German nationality, but also to the Jews in satellite territories or on the territories of Germany's allies, with respect to whom the governments concerned adopted laws as from the beginning of the war similar to those of the Third Reich. Accordingly, the Germans considered the treatment of national Jews as an internal matter, ruling out the possibility of any ICRC intervention. Jews in occupied and annexed territories fell outside the scope of the special agreements of 1939. They were not civilian internees, but "detained civilians".

This legal question is fundamental, as it was the cause of serious differences of interpretation which arose during the conflict.

For instance, in 1942, the World Jewish Congress (WJC), considering that the Jews were the category of civilians receiving the worst treatment during the conflict, called upon the ICRC on several occasions to request the German authorities that the Jews deported to the East or confined in ghettos be assimilated to civilian internees. Taking this line of reasoning even further, the WJC contended that, since the Third Reich was at war with the Jews,8 the status of civilians of enemy nationality should be conferred on Jews of all nationalities who, when interned, should thus be granted by analogy the status of civilian internee. In fact, the WJC was attempting to use the Germans' own argument so that they should be hoist by their own petard!

Both Favez and Ben-Tov describe the position which the ICRC adopted at the time (the former explaining it, the latter criticizing it), namely that with

7 Ibid., page 191.
8 For those then in power in Germany, the "Jew remains the Enemy who wishes to dominate and destroy Germany and the whole of the non-Jewish world; Jews remain above all the infectious germ which must at all costs be identified and eliminated in order to survive", S. Friedländer, op. cit., page 181.
recognized law as it was and faced with Germany's categorical refusal, it could not undertake any formal and open action in this regard.

The few protective moves which the ICRC succeeded in making related to Jews of American or British nationality, in other words not from countries with anti-Semitic legislation.

This makes it easier to understand how heavily "the refusal which the ICRC came up against, when suggesting to the belligerents that the Tokyo draft be applied de facto, was to weigh throughout the war on the Committee's attitude to the problem of persons deported for political and racial reasons" (Favez, page 29). In fact, to act on behalf of these categories of persons, and of political prisoners and hostages, the Geneva institution could claim no basis other than its right of humanitarian initiative. As we have seen, this was a fragile privilege which only dated back to 1929 and in any event was subject to the belligerents' agreement.

The difficulties of a legal nature restricting the ICRC's action were compounded by circumstantial and institutional obstacles within the International Red Cross. Although less obvious to the public at large, these obstacles nonetheless constituted decisive factors.

It must not be forgotten that in September 1939 the ICRC was a relatively small institution with a very limited budget, grappling with structural and operational problems. Difficulties were arising among the decision-makers, the members of the Committee, and the permanent Secretariat comprising about a dozen persons responsible for managing activities and keeping them going. Max Huber, the President, was already conscious of this in 1938, when he wrote: "As rational and efficient an organization as possible is therefore required. We do not yet appear to have developed a system of collective and individual work guaranteeing maximum efficiency and above all coordination and unity of action on the part of the members of the Committee and the Secretariat" (Favez, page 25).

Visibly, the ICRC was not sufficiently well equipped to tackle the vast humanitarian problems which were about to emerge in the course of the war. Furthermore, while rightly considering itself as the centre of the International Red Cross by virtue of its origin, its international mandate and its neutrality, it also had to rely heavily on the other members of the Movement, the National Societies which accounted for virtually all the moral support, personnel and material resources available to the institution. But the National Societies, as auxiliaries to the armed forces' medical health services, were also affected by the serious political and social upheavals of the 1930s and in particular by the advent of the totalitarian regimes. As Favez points out, "The Red Cross Movement was subjected to contradictory forces as the cultural unity which characterized the civilized nations in the nineteenth century disintegrated" (page 39).

For its part, the ICRC, under the influence of its mentor and President, Max Huber, was intent on adhering scrupulously to its policy of strict neutrality, which it saw as its most promising card. Yet how could the principles of neutrality and impartiality be reconciled with the ideological and philosophical
heterogeneity of the National Red Cross Societies, especially in view of the course taken by those whose countries had broken with liberal values, human rights or even the fundamental principle of humanity? Could one so much as contemplate dealing with the German Red Cross, rapidly called to heel and an active component of the National Socialist State? How could the credibility of the Red Cross be safeguarded when several National Societies were seriously violating its fundamental principles? Yet how could they be condemned for this without undermining both the universal nature of the Movement and the mission of its members?

**Humanitarian law and humanitarian policy**

In the light of all the above obstacles—legal, political and institutional—a question arose as early as 1933 which was to remain the crux of the debate throughout the war: Was the ICRC going to confine itself strictly to applying the law, despite all its shortcomings, or was it going to modify and open up its humanitarian policy under the pressure of circumstances? J. C. Favez endeavours to reply to this question as a scrupulously precise and logical historian. His method is based on analysis of documents. Some 350,000 official texts, reports, notes and letters were meticulously inventoried and subjected to the closest possible scrutiny, and the author makes no statement which has not been carefully verified.

As from 1933, the ICRC turned its attention to the plight of political detainees in Germany and concluded that the problem of concentration camps came within its competence. However, opinions were divided as to whether or not it should act on its own initiative in response to the numerous complaints being received. There were to be two conflicting schools of thought within the Committee until 1938. Max Huber, first of all, believed that it was up to the German Red Cross to take action in this field, on the understanding that the ICRC would forward to it the tracing requests it received. This approach was moreover in line with the principles proclaimed by the Tenth International Conference of the Red Cross (Geneva, 1921), which had stipulated that in the event of civil war or other unrest, it was the duty of the National Societies to take care of the victims of exceptional events, including therefore political detainees.9 The German Red Cross was in fact subsequently authorized by the authorities to visit the camps ... only to observe that detention conditions were satisfactory!

9 "Basing ourselves on the principles adopted by the 1921 Conference for a civil war, which are thus also valid for other situations, we have concluded that it is first and foremost the task of the National Society to take care of victims of exceptional political events, including therefore political detainees. Unless national authorities request or suggest that they do so, sister Societies or an international body could intervene only if the National Society is not taking action." Letter from Max Huber to Prince Charles of Sweden, President of the Swedish Red Cross, dated 26 September 1933, quoted by Favez, pages 52-53. See also J. Moreillon, op. cit., page 62.
In 1934, however, the increasing unrest in several countries of Europe and the deficiencies of certain National Societies prompted several members of the ICRC to recommend that delegates be despatched to political detainee camps, particularly in Germany. This view eventually carried the day and, through the German Red Cross, the ICRC was authorized to carry out a number of missions enabling Carl Burckhardt, its Vice-President, to visit four concentration camps in 1935 and, inter alia, to protest to the authorities against the Nazis' practice of keeping political detainees and common law prisoners in the same place. Carl Burckhardt in 1936 and Colonel Favre in 1938 were to carry out further missions, observing that detention conditions had improved. However, the visits then stopped, and there were no more until 1945.

Naturally, the ICRC continued to receive requests, particularly from the European National Societies, urging it to assist the victims of persecutions and the thousands of Jewish refugees deported from Germany, to send them relief or even to visit the refugee camps. However, the ICRC adopted a cautious wait-and-see attitude in this regard, emphasizing that it was the National Societies' responsibility to provide the necessary assistance to victims of persecution.

Study of this period is particularly interesting in that various tendencies made themselves felt within the ICRC, whose homogeneity is nevertheless stressed by Favez on the basis of a detailed typological analysis; these tendencies were reflected in the pendulum policy observed between 1933 and 1938. In actual fact, the ICRC had extremely little room to manoeuvre between a humanitarian policy obliging it to seek some form of working arrangement with the German Red Cross Society in the name of humanitarian principles and the desire not to interfere in internal German affairs so as not to exacerbate still further the totalitarian threat hanging over the Red Cross.

After these few initiatives which, according to Favez, were prompted mainly by requests and suggestions from the National Societies, on the eve of the world conflict the ICRC reverted to its primary concerns: ensuring special treatment for the victims of armed conflict, the wounded, sick and prisoners of war.

Knowledge and understanding

In a chapter entitled "Secrecy, rumours and information", Favez attempts to establish what the ICRC knew about the concentration camp environment and the extermination of the Jews and how it obtained its information.

At that time, Geneva was already a crossroads of international life, the seat of numerous international, governmental and non-governmental organizations. The ICRC had forged close contacts with the representatives of those organizations, including Jewish organizations such as the World Jewish Congress. News was rife in the town—but so were rumours. Whom should one believe? Was the ICRC being kept informed by Swiss diplomatic sources? Reference was made to the plight of the Jews from time to time from 1942 onwards in contacts between Berne and the ICRC, "but it is impossible to conclude what the various parties knew or surmised about the persecution" (Favez, page 81).
The author endeavours above all to demonstrate that the ICRC was gradually informed of the situation of Jews in Germany and in the occupied territories, chiefly by its delegates, by the National Societies and by Jewish and charitable organizations. On the basis of significant texts from delegates and representatives, Favez shows that the ICRC was aware at the end of 1939 of the plan to evacuate Jews outside the Greater Reich and knew in October 1939 about the deportations of Jews to Poland. The National Societies of the Allied or neutral countries were also conveying information to Geneva about the Warsaw ghetto. According to Favez, the ICRC had enough data by the spring of 1942 to deduce the existence of a comprehensive deportation plan.

On the other hand, it is difficult to ascertain whether and, if so, when the ICRC was informed of the "final solution" project. According to Favez (page 96) and Ben-Tov (page 76), the World Jewish Congress informed Burckhardt and other members of the ICRC, and Burckhardt himself said that he had learned from reliable German sources that Hitler had indeed issued the order in 1941 that Germany should be made "judenfrei" (free of Jews). Can it be concluded from this that he knew about the "final solution"? It has not proved possible to elucidate this point.

In any event, the ICRC does not wish to take the matter up, considering that the information available to it is too fragmentary and inaccurate, and hence hardly reliable.

As the weeks and months passed, right up to 1944, the ICRC received countless reports from its delegates, National Societies and Jewish organizations.

Referring to written documents, letters, reports and records of discussions, J. C. Favez shows that the ICRC was indeed aware of the persecutions and deportations, but lacked the appropriate organization to manage the incoming information and piece it all together. Furthermore, a collection of varied information from diverse sources did not necessarily form a coherent whole sufficiently decisive to convince the ICRC to change its priorities.

The general attitude at that time virtually precluded a rational assessment of events. For the ICRC, as for the Allied governments and even the Jewish organizations, knowing was not the same as understanding, actually realizing, especially when it was a question of "understanding the incomprehensible".

From protection to assistance

The main part of Favez' work focuses on the ICRC's interventions on behalf of political prisoners and people subjected to racial persecution in Germany, in the annexed and occupied territories, the Axis countries and the satellite

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10 The "final solution" (Endlösung) was the large-scale mass extermination of European Jews by confinement in ghettos, individual brutality, mass shootings and drownings, deportation to camps and suffocation in gas chambers. It would appear that the comprehensive extermination order was issued verbally by Hitler in the spring of 1941 and the practical arrangements set at the Wannsee Conference in January 1942.
States. Between 1939 and 1941, in humanitarian matters as in all other areas, the Third Reich made its overbearing presence painfully felt.

The ICRC confined itself to transmitting enquiries about missing persons to the German Red Cross, until the latter informed it in August 1941 that it was no longer in a position to forward such messages. The door closed and it was no longer possible to obtain information on "non-Aryans" in the territories occupied by the Wehrmacht.

Faced with this situation, the ICRC began to consider specifically what it could do to help the victims of persecution in particular the Jews. Invoking its fundamental principle according to which it makes no distinction as to religious beliefs, political opinions or race, it declared itself competent to act in favour of Jews belonging to a nation adverse to the detaining power. To this end, it despatched a note to the German authorities on 24 September 1942, through its delegation in Berlin, requesting details concerning persons arrested, imprisoned or deported abroad to enable it to keep their families informed. It also suggested that such persons be allowed to send news to their families, and requested that ICRC delegates be authorized to visit them. Finally, an allusion is made to the argument of reciprocity of treatment with German civilian internees imprisoned in Brazil, the United Kingdom (including Palestine) and the United States.

Favez makes a critical study of this important note (pages 131-138), minimizing its effective scope. It is true that the request could in any event only relate to the Jews of Western Europe, "since Polish, Czech, etc., Jews whose States no longer existed in the eyes of the Nazis could not be considered as enemy citizens any more than Germans or stateless persons" (page 138). And, as the ICRC delegate in Berlin, Roland Marti, had suggested, would it not have been preferable, rather than the Ministry of Foreign Affairs, to approach the justice or police authorities who were directly responsible for the concentration camps?

In any case, the note was to elicit no reply whatsoever. The door was indeed well and truly closed at the end of 1942.

These were the darkest days of the war for the ICRC, which saw itself obliged to decide not to raise officially the problem of deportees, hostages and other civilian victims of inhuman treatment.

In reply to the reproaches levelled at it by the World Jewish Congress, the ICRC declared that it was confining its action to strict respect of the 1929 Conventions and the concessions obtained in 1939 for "civilian internees", first of all for legal reasons—it was not the ICRC's prerogative to decide who constituted a civilian internee and who did not—and secondly for strategic reasons—it feared that its activity under the Conventions might be contested if it deviated from them itself or gave the signatories a pretext by itself taking certain liberties with respect to the commitments in force (Favez, pages 210-211).

The ICRC did not give up, however, and at the end of 1942 decided to shift the emphasis from protection to assistance, and to give priority to sending relief supplies to deportees; these activities would also help the Jews. Although this change of approach was not unanimously approved within the ICRC, in 1942
the institution requested authorization from the German authorities to send relief to “civilians arrested and detained for various reasons in the occupied territories, and sometimes transported to prisons or concentration camps in Germany”, whom the ICRC referred to as “administrative prisoners” as distinct from civilian internees.

The reply from the Ministry of Foreign Affairs included an ostensible concession. While the Reich refused any relief for NN deportees,\(^\text{11}\) it agreed to allow the ICRC to send parcels to prisoners not subject to the regime of absolute secrecy provided that the contents came from relatives and that no messages were included. Foreign detainees in “protective” custody (Schutzhaftlinge) would also be able to receive relief.

The success of the parcel operation for concentration camps was to exceed all expectations. On the basis of the very little information in its possession, and fully aware that it would have no real means of checking that its consignments were duly distributed, the ICRC despatched personal parcels to internees whose names and addresses were known to it. To each parcel was attached an acknowledgement of receipt to be returned by the addressee. A first trial run involving around 50 parcels was carried out in July 1943. Thirty receipts came back, signed not only by the addressee, but also by those with whom he had been able to share the contents, so that each acknowledgement of receipt bore about ten names on average. Thereafter, every relief consignment provided the ICRC with new names of internees, enabling it to extend its relief activities to other recipients. Ultimately, the ICRC was able to locate and register tens of thousands of deportees.

Admittedly, as Favez stresses, this assistance was not very extensive, reaching too few beneficiaries. Nevertheless it should not be minimized. By 1 March 1945, the ICRC had sent parcels to 56,000 deportees; by the end of the hostilities the figure had risen to 105,300. During the war, the ICRC sent a total of 1,631,000 parcels to concentration camps, representing 6,836 tonnes of supplies. Having said that, it is not known which internees receives them and, in particular, how many Jews benefited.

### The ICRC and persecutions in Hitler’s Europe

Generally speaking, few people are aware of the work accomplished by the ICRC in the territories occupied by Nazi Germany, in its satellite States and in the countries of Germany’s allies, and there is an unfortunate tendency to confuse this work with the problem of the ICRC’s relations with Germany itself. Many commentators have simply chosen to ignore this aspect, and issue a verdict of total failure!

\(^{11}\) This refers to the decree of 7 December 1941 known under the name *Nacht und Nebel*, laying down most severe penalties for anyone committing offences against the Reich and prohibiting the provision of any information on the fate of arrested prisoners.
The real situation was much more complex, because it was fluid. The ICRC's action depended on several factors which could vary from one country to another according to how firm a hold the Third Reich had there, the size of the material obstacles and the type of mentality.

In his book, Favez describes the efforts deployed by ICRC delegates to cope with the desperate situation of the interned Jews, bearing in mind in particular that they had no mandate to protect such persons. The most painful case was probably Poland. The country was no longer a state, and as from 1939 Germans and Russians were able to deal with prisoners of war as they wished. The occupying authorities had selected Poland as the main location for the extermination of Jews by means of gas. The ICRC very soon became aware of the prevailing large-scale persecutions, but its efforts to obtain authorization to visit camps in Poland met with the German authorities' categorical refusal. All it could do was send a few relief consignments, and even then it was impossible to verify that the relief was actually distributed.

The Committee came up against the same veto on the part of the occupying authorities as soon as it raised the question of the deportation of Jews in France, Belgium, Holland, Greece and Norway. The only remaining avenue was to mount ad hoc relief operations together with the National Red Cross Societies, for instance in the satellite States of Croatia and Slovakia.

In response to the deteriorating situation of internees in these countries and the pressures exerted by many organizations, the ICRC delegates showed a wealth of ingenuity in coming to their rescue, for example by devising a special status enabling detainees to be extricated from their sad plight, hiding Jews to save them from certain death or issuing "certificates" so that they could emigrate to Palestine—so many instances of extremely hazardous personal initiative to which due credit has perhaps not been given.

In several instances, delegates did not confine themselves to providing information and relief supplies, but went so far as to protest to the German authorities, as did Dr. René Burckhardt, Assistant Delegate in Salonica, on witnessing the deportation of 45,000 Jews to Germany. However, more often than not, as Favez writes, "the verdict of powerlessness falls from Geneva like a guillotine" (page 255) and the delegate was quite likely to be requested to return to Switzerland!

The case of Hungary

Hungary was a special case. First of all because Hungarian Jews did not appear to be under as serious a threat as Jews in the other countries, at least until the arrival of the Germans in March 1944, and secondly because thanks to first-rate delegates the ICRC scored spectacular successes in its protection and assistance work. J. C. Favez devotes a whole chapter of his book to this topic, and the ICRC's role in Hungary is the central theme of Arieh Ben-Tov's book.
After reviewing developments in Hungary since 1918 and the rise of anti-Semitism in the country, Ben-Tov analyses the ICRC's work in Hungary since 1919. He describes in detail (as does Favez) the daily struggle undertaken by the ICRC delegates, first Jean de Bavier who was appointed in October 1943 and then Friedrich Born who succeeded him in May 1944, in the face of the tragic plight of the Jews. Already critical in 1943, the situation worsened when German troops occupied the territory in March 1944. Within the space of a few weeks, 400,000 Hungarian Jews were deported to Auschwitz.

The instructions issued to the first delegate, de Bavier, were to perform the tasks normally entrusted to the ICRC under the Conventions and the arrangements concluded in favour of civilian internees. "However, on the Jewish issue, verbal instructions referred above all to maintaining observation, which nevertheless did not rule out contact or vigilance" (Favez, page 316). According to Ben-Tov, the ICRC delegate was even able to act as messenger with the Jewish assistance organizations, without actually participating in the operations themselves. In fact "there was nothing to prevent de Bavier from voicing the ICRC's interest in operations to aid the Jews in Hungary" (Ben-Tov, page 94).

From the time of his arrival, de Bavier concerned himself with the plight of all Jews in Hungary, irrespective of their origin, and expressed fears about what would happen to 800,000 Hungarian Jews if the country were occupied. But the ICRC did not budge from its position: "...it is necessary to make certain distinctions: The Jews of Hungarian nationality are, by that fact, placed under the protection of their government. Jews of other nationalities and other foreign nationals come into another category. In the case of Jews of other nationalities, race is subordinate to nationality, and they must be considered as civilian internees" (Favez, page 318; Ben-Tov, page 106). When the Germans entered Hungary, a drastically anti-Semitic legislation was imposed. De Bavier's successor Friedrich Born quickly realized the magnitude of the Hungarian drama, and emphasized how inadequate the instructions received were in the light of the new situation: "The idea of looking on powerless and disarmed at these grievous events is almost unbearable" (Favez, page 320). By force of events and above all under the pressure of protests from many governments, churches and Jewish organizations, according to Ben-Tov the ICRC altered its stance and requested authorization from the Hungarian Government to send relief to the Jewish, foreign and Hungarian camps and to visit premises where Jews were grouped together. From the summer of 1944 onwards, it also began supporting projects for the emigration of Jews to Palestine, associating itself with the work of the Swiss and Swedish missions in the distribution of immigration certificates, and above all accepted the idea of placing Jews in Hungary under its protection.

Favez and particularly Ben-Tov bring to life Friedrich Born's representations to the various Hungarian ministries and German authorities, his protests and above all his numerous initiatives which enabled him against all odds to launch an assistance operation for the sick, the needy and children. Born set up a committee of doctors which took charge of hospitals and clinics; he ran thirty "homes" accommodating 2,000 children and erected plaques bearing the Red
Cross emblem at the entrances to camps and houses where Jews were interned, thereby conferring on them ICRC protection.

Summit meeting?

As from August 1944, the successive defeats of the Wehrmacht, the intensification of aerial bombings, in short the threat of all-out war were a source of keen concern for the ICRC, which feared that the Nazis, in desperate straits, might no longer respect the Geneva Conventions. The danger was particularly acute for internees in camps under the authority of the SS.

On 2 October 1944, President Huber again approached von Ribbentrop, in particular with regard to Belgian and French deportees, including Jews. The response was inadequate—whereas the sending of relief supplies was authorized, the ban on visits to camps and labour squads remained in force.

Voices then began to make themselves heard within the ICRC urging that an attempt be made to organize a summit meeting between ICRC officials and those responsible in the Third Reich. The ICRC delegate in Berlin, Roland Marti, had already been thinking along those lines since 1942, and had gathered the impression that the only feasible solution led to the Gestapo and its supreme chief Himmler. The delegate in Hungary, Jean de Bavier, had vainly called for talks between Max Huber and Hitler; Ben-Tov qualifies this as one of the ICRC’s greatest failures! In 1944, Mrs Frick-Cramer, member of the ICRC, again took up the idea of a summit meeting.

The meeting was held on 12 March 1945 at Feldkirch in Austria, between Carl Burckhardt who had succeeded Max Huber as President of the ICRC and SS General Kaltenbrunner who had been designated by Himmler. Favez points out that the only real achievement obtained at the meeting related to exchanges of Belgian and French prisoners of war, with Jews being transferred to Switzerland. The principle of visits to camps by ICRC delegates was agreed upon, on the condition that once there the delegates should remain in the camps until the end of the war.

The delegates’ mission was considerably hampered by confusion as regards responsibilities and the disastrous state of communications. Delegates knocked on the doors of the camps at Oranienburg, Dachau, Ravensbrück, Mauthausen and Turckheim, but were only allowed to deposit parcels. It was not until 5 April 1945 that the delegate Meyer was able to enter Ravensbrück and attend to 299 French women, or until 6 May that Paul Dunand finally gained access to Theresienstadt and subsequently handed over 5,000 survivors to the new Czech authorities. From then on, the ICRC delegates were able to work overtly, freeing detainees, supplying food relief on the spot or to columns of deportees as they moved along, preventing the SS from executing orders to destroy installations and halting simultaneous massacres of groups of detainees, making arrangements for certain camps to be surrendered. Thus, 10,750 detainees were to be repatriated by ICRC delegates by the end of the war.

12 “One of its greatest failures in the whole story”, Ben-Tov, op. cit., page 387.
An appeal to universal conscience?

Aware of the crimes committed by the Third Reich, and prevented from undertaking any protection activities for the categories of persons persecuted and deported, could the ICRC not have broken the vicious circle by appealing to universal conscience and denouncing the serious violations of the law of nations? The risks were considerable—as a reprisal the Reich might denounce the Convention on prisoners of war. The “handcuffs crisis” provides a striking example of what might have happened.13

More generally, ICRC officials began to come under criticism from the United States and Sweden on account of the increasingly reprehensible methods of warfare being used. According to Favez, “a more significant feature was the doubt which their silence was creating in Switzerland and which was noted by the army authorities” (page 158). The time thus seemed to have come to speak out against the deterioration of warfare methods.

The question of the appeal—or rather the decision not to appeal—in October 1942 is explained in detail in J. C. Favez’ book. Recalling that at the time the ICRC was traditionally extremely circumspect when it came to appealing to public opinion, the author describes the laborious process—punctuated by various displays of reluctance and hesitancy—which culminated in the summer of 1942 in a written consultation of the members of the Committee on the advisability of preparing a draft circular on the fundamental principles of international law. The author takes the reader through the plenary meeting of 14 October 1942 in which the members of the Committee were required to take a decision on a draft text which, contrary to what is all too frequently stated, chiefly concerned the conduct of hostilities and was intended to secure the protection of civilian populations against the practices of all-out-war. The text was not a direct appeal to save the Jews, but requested the belligerent powers, inter alia, to grant “certain categories of civilians of various nationalities, ... deprived of their liberty, deported or taken as hostages ... conditions at least as liberal as those accorded to prisoners of war and civilian internees...” (page 160).

The draft, which appeared to have the support of the majority of members of the Assembly, was finally abandoned because the leading ICRC officials, in particular Carl Burckhardt, as well as the Federal Councillor Philippe Etter, were opposed to it on the grounds that such an appeal was too likely to have an adverse effect on the ICRC’s work already under way.

In the end, the ICRC decided to pursue its interventions in specific individual cases with the powers directly concerned.

13 During their unsuccessful landing at Dieppe in August 1942, Canadian commandos handcuffed German soldiers on the beach. The Reich, apparently at the highest level, ordered that over 4,000 British prisoners of war should receive the same treatment every day for 12 hours. The British retaliated by doing the same with German and Italian prisoners of war. The Reich then threatened all the prisoners it was holding. These reprisals, which prompted one of the war's most serious crises as regards application of the Geneva Conventions, carried on until November 1943 (Favez, ibid., page 139).
To serve history

Should the ICRC have spoken out? Both Favez and Ben-Tov believe that the ICRC should have launched the appeal, on the grounds that as soon as the ICRC considered that detainees in concentration camps, deportees and victims of racial persecution needed attention, it was duty-bound to exert its full moral authority on their behalf.

Although the ICRC cannot be blamed for having been unable to imagine the unimaginable, Favez contends that it did not adequately explore all the new forms which its humanitarian policy could have taken; in the case of concentration camps in particular, it remained to some extent a prisoner of the only weapon available to it, namely its own credibility, which was itself based on neutrality and discretion, and failed to grasp the nature of the upheavals brought about by the Third Reich in international relations and the humanitarian situation.

According to Favez, it is clear that the ICRC could not do much against Nazi fanaticism in the Reich and the occupied territories, but it could have relied more on local factors in Hitler's satellites and the Axis countries in order to act earlier and more widely, as indeed it did in Hungary. Nevertheless, Favez stresses how isolated the institution was throughout the conflict. The pusillanimous attitude of the Allies on the Jewish question did not facilitate its task. And many "grey areas" remain as regards the actual influence on the ICRC's action of the Swiss Confederation's policy of neutrality.14

Within his less extensive account, Arieh Ben-Tov reaches the same conclusions, although he tends to be more incisive. He regrets the ICRC's excessively legalistic approach15 and its lack of decisiveness and action at crucial moments, which he contrasts with the pragmatism and enterprising spirit of delegates such as de Baviera and Born; it is such individuals who succeeded in "saving its conscience", although very late in the day!

On the whole, J. C. Favez' and A. Ben-Tov's judgements, although with nuances, are generally severe. The ICRC has reacted to these judgements, and our study of this question would not be complete without quoting President Sommaruga's letter to J. C. Favez, dated 19 March 1988, which is published as a postscript to his book.16

In concluding this review, we come back to the problem of memory referred to in the introduction, and the problem of time, a stumbling block for many a historian. How can one detach oneself from the present in order to reconstitute

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14 Indeed, Favez recognizes that the history of relations between Switzerland and the ICRC is still to be written.

15 "I think that this resulted in the dominance of the political stance adopted by headquarters, with the principle of neutrality in first place and the human being, no matter how great his suffering, in second place", Ben-Tov, op. cit., page 135.

16 "The ICRC's point of view", in Favez, op. cit., pages 376-379 (see below, page 394).
a past period, atmosphere or attitude? Is it sufficient merely to investigate plain facts and available documents? Can history be written by stringing together a series of items of evidence, reports and analyses? J. C. Favez’ monumental work is a model of intellectual rigour and honesty, and on that score is irrefutable. However, what it perhaps lacks is living memory and the zest of subjectivity so necessary for research in social sciences, which requires the historian “to find psychological affinities in his own culture and in the very structure of his own mind which will enable him to imagine and understand the feelings, ideas and behaviour of the men of the past he reads about in documents”.17 Favez was aware of this aspect, but elected “to avoid any emotional effect in order to remain faithful to our effort to understand” (page 14). Nevertheless, it would have been good to hear the ICRC’s heartbeat in its daily life, with its disappointments, its anxieties and its rumours, but also the certitudes and doubts of its members and workers, which are ultimately highly revealing.

Ben-Tov’s approach is completely different. Adopting for his book a structure akin to a cinematographic scenario, the author has frequent recourse to flashbacks and there are discontinuities in the thread of the story, which can sometimes be confusing to the reader. However, one ends up being captivated by this expansive book swarming with thousands of striking details and written in vibrant and passionate style. And although the author is sometimes oversubjective, who could blame him, for this is the book of a victim, seen through the eyes of a survivor whose personal perception is among the most precious for memory.

In deciding to open up its archives and in its desire to experience and enable others to experience the “moment of truth”, the ICRC knew the risks it was taking. Yet it decided to run these risks. It has expressed its opinion on J. C. Favez’ book and, more generally, has drafted a note on its position with regard to the problem of the victims of Nazi persecution.

This note, prepared in August 1988, endeavours to provide answers to the main questions which remain in the public’s mind with regard to this period of history. It has been widely distributed,18 but it is worth quoting the most significant passages here:

“Faced with a tragedy the horror of which is beyond imagination, and despite its situation in Switzerland, a country encircled by the Axis forces, the ICRC made a great many efforts to reach victims who, being civilians, were devoid of any protection under international law. It came up against the systematic refusal by Hitler’s regime to allow any action whatever to help Jewish people, whom the


18 *The ICRC and Nazi concentration camps — The ICRC and the victims of Nazi persecutions*, ICRC, Geneva, August 1988. The note was sent on 15 September 1988 to the Secretaries-General and Heads of Information Departments of National Red Cross and Red Crescent Societies.
Nazis qualified as "non-Aryans" even in their answers to the ICRC. Thus, in spite of these attempts, the ICRC was unable to accomplish more than a small part of the humanitarian mission that would have been justified by what the Nazis called "the final solution". It was able to save only a few tens of thousands of lives, while millions perished. Was this failure inevitable? One can say, with hindsight, that in some countries where the domination of the Third Reich was not total, the ICRC could probably have saved more Jewish people than it did: in those countries, the ICRC today feels that it did not seek out, at that time, all the possible ways and means of protecting more of the victims. (Obviously, it is difficult, without having experienced it, to judge the actions of men and women working at the heart of a gigantic problem, of which they had no overall view, in extremely difficult circumstances and with limited resources)...

On the Eastern Front and in Germany: In view of the determination—as is known today—with which the Nazis pursued their policy of systematic annihilation of the Jews and considering the constant rejection by the Nazis of any gesture in favour of Jewish individuals, the ICRC, even now, doubts that it would have been able to exert any decisive influence on the fate of these people in Poland, in the occupied territories of the USSR or in the territory of the Third Reich.

In other countries: However, if the ICRC had carried out a more rapid and efficient assessment of its activities in the other territories under Axis influence (occupied, satellite and allied), and if it had given greater encouragement to its delegates in this field, it might well have been more effective. This is true in particular for Romania and Hungary, where its delegates still managed to save more Jews than elsewhere during the war.

The ICRC, the Allies and the neutral powers: The question of the ICRC's relations with the Allies on one hand, and with the neutral nations on the other, is often raised. The ICRC could no doubt have shown more imagination and greater firmness in order to persuade the Allies (especially the United States and Great Britain) and the neutral countries to combat the policy of genocide and—with regard to Switzerland—to relax their policies towards refugees, the Jews in particular, for whom admittance by neutral countries and the Allies represented the only chance of survival.

It should also be recalled that the ICRC encountered the greatest difficulties with the Allied Powers, first of all, when they refused, in 1939, to agree to the ICRC's proposal to include civilians under the protection of the draft Tokyo Convention (1934), and later when they made difficulties about lifting their blockade and allowing the passage of relief supplies for civilian victims.

A public appeal? — The question of the appeal which was not launched in October 1942 is not new: it has already been studied since the '70s, on the basis of the relevant ICRC documents, by several authors such as Walter Laqueur, Gerald Fleming and Drago Arsenijevic. What Professor Favez does is to set it in a broader context, especially the Swiss one.

The draft appeal focused on "the conduct of hostilities" and was designed to protect civilian victims of total warfare, such as aerial bombing. One of its paragraphs did mention "deportees" and "hostages". As to the fate of the Jews, at that date the ICRC had only indirect and incomplete information; it was not
aware of Hitler's systematic plan to kill all the Jews. Contrary to what is sometimes believed, the appeal was not a call for saving Jewish people and its draft did not mention them expressly.

This appeal was not launched—among other reasons—because of a dilemma: the ICRC felt that it might jeopardize its ability to assist the prisoners of war in the hands of the Reich, POWs, whom it was authorized to help and whom in fact it was helping.

Would the ICRC have kept silence if it had realized at the time the enormity of the genocide taking place? We trust that its attitude would have been different if it had been fully aware of the scale and of the systematic and specific nature of the Holocaust.

The ICRC delegates — While accepting criticism of the institution, due credit should be given for every attempt made, in conditions of the greatest difficulty, whether from Geneva or in the field, to aid the Jewish victims. In particular, the ICRC of today reiterates its gratitude to all those delegates who, under the banner of the Red Cross, found ways of taking effective action and saved tens of thousands of lives, often at the peril of their own, not only during the war but also when some of the concentration camps were liberated.

Lessons drawn from the past — The considerations presented above constitute only some of the preliminary conclusions which the ICRC has already drawn from reading Arieh Ben-Tov's book and the draft of Professor Jean-Claude Favez's work. When the latter has been published, the ICRC will pursue its study, for many lessons remain to be drawn from the ICRC's attitude in the face of the Holocaust.

It may therefore be said the Fourth Geneva Convention of 1949 relative to the protection of civilian persons was born of all that could not be done for them during the Second World War... even though, as from 1921, and then in 1934, the ICRC had already tried by means of the "Tokyo draft" to ensure such protection. Similarly, since the 1950s the ICRC has been offering its services and working on behalf of persons detained by the authorities of their own countries ("political detainees"), even though they are not protected under the Geneva Conventions. Furthermore, possibly obsessed by the global concept of "civilian", the ICRC failed to take due account of the plight of Jews as such. There is no doubt that it is aware of this today.

Other fundamental questions for the ICRC's future action arise in view of the experience gained during the period 1939-1945, such as the "faithful respect of neutrality" when the protagonist(s) perpetrate outrageous violations of the basic humanitarian principles.

It is to be hoped that the two works will soon be available in other languages in order to enrich and complete the debate and provide food for thought; it is essential that everyone, and not only the ICRC, should reflect on the lessons to be learned from the ICRC's confrontation with genocide. The subject is still open, since, in the words of Albert Schweitzer: "Truth is above time, it spans the ages".

Jacques Meurant
ANNEX

THE ICRC'S POINT OF VIEW

The following letter, in which the ICRC expresses its views, was published at Professor Favez' request and with the consent of the ICRC as a postscript to his book (Mission impossible? Le CICR et les camps de concentration nazis).

Geneva, 19 March 1988

Dear Professor Favez,

The International Committee of the Red Cross (ICRC) has studied your work Le CICR et les camps de concentration nazis with the greatest attention.

Before I go further, allow me to thank you and to congratulate you on all the research that went into the manuscript you have sent us and your skill in organizing the material collected.

As agreed, you were given unlimited access to all the relevant archives; you have been entirely responsible for your work and free to draw your own conclusions. We confine ourselves here to setting out the comments of the Committee. It is up to you to decide whether you take them into account in the final, published version of your book.

The ICRC's purpose in proposing the detailed study which you have undertaken was to throw light on a particularly painful chapter of history and of the Committee's past.

This purpose was twofold:

(a) to find out once and for all exactly what the ICRC knew about the "Final Solution", what it wanted to do and what it was able to do for the victims of Nazi persecution, and

(b) to have available a reference work on the subject.

Generally speaking, the ICRC feels that you have done a great deal of outstanding research and that you have striven conscientiously to be objective. Your study is as exhaustive as it could be, given that you wished to keep the book relatively short.

Nevertheless, your study has elicited the following remarks from the Committee:

1. With regard to the arrangement of your material, the ICRC finds that you have devoted too much space to the attitude of the Committee at headquarters in Geneva at the expense of initiatives taken by its delegates in the field. We should have preferred a more balanced approach, with greater attention paid to the work in the field.

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Similarly, we feel that the sum total of the ICRC's efforts (which, in our view, came about through constant interaction between headquarters and the men in the field) to come to the aid of the civilian victims of Nazi persecution, and in particular the Jews, is not assessed in its proper perspective vis-à-vis all the other tasks that the ICRC was under an obligation to carry out, especially its work in behalf of prisoners of war and civilian internees.

2. With regard to the substance of your study, we should like to make the following comments.

(a) It seems to us that you do not produce sufficient evidence for your conclusions about what the ICRC, at the decision-making level, knew or did not know about the "Final Solution" or at exactly what stage it learned various facts. Your reference in this regard to Walter Laqueur's book *The Terrible Secret*, the reliability of which you yourself call into question, seems to us inadequate, both from the purely academic point of view and in terms of the information the ICRC had hoped to find in your study.

We therefore feel that it would have been preferable to make a systematic study of the internal circulation of the reports, eye-witness accounts and other information arriving at the ICRC at the time (we realize, however, that such a procedure would have required considerable extra research as the relevant documents are widely dispersed throughout the huge mass of files you had to consult). Likewise, it is regrettable that you did not indicate the dates on which the documents you quote actually arrived at the ICRC. This would have made it possible to compare the dates on which certain information became available with the dates on which discussions were held and decisions taken.

Equally regrettable for those concerned with establishing what the ICRC knew and attempted to do is the total absence of written and other accounts of conversations and informal contacts between the institution's leading officials, especially between Max Huber and Carl Burckhardt.

Basing your findings almost exclusively on written material has produced an image of the Committee which is all but unrecognizable to us. This image does not correspond to the way in which the members and staff of the ICRC who spent the Second World War in the institution's service perceived their experience and commitment during that period. The same can be said of the people whose portraits you draw, particularly Max Huber and Carl Burckhardt.

We find it unfortunate that you did not fill out the inevitably lifeless and fragmentary image which emerges from information based entirely on written material by affording greater importance to the personal accounts of contemporary staff members who are still alive.

Thus, the ICRC is unable to draw from your study any real conclusions about what the Committee knew. On the other hand, you have shown that the institution did not make a systematic effort at the time to collate all the information arriving about the persecution of civilians, in particular the Jews, a process that might have led to a reassessment of its objectives and priorities. Your work makes it clear that the ICRC did not sufficiently grasp the unprecedented nature of the tragedy taking place and thus failed to readjust its priorities accordingly. That
failure can doubtless be explained by the ICRC’s overwhelming responsibilities towards other groups of victims, especially the prisoners of war, and by the prodigious number of tasks which are the daily lot of a humanitarian institution faced with the consequences of total war.

Indeed, bearing in mind those tasks and the context in which they had to be carried out, how could the members and staff of the ICRC have conceived of the real nature and magnitude of what the Nazis called the Endlösung—the Final Solution—when even now, over 40 years after the Allies entered the camps and despite the profusion of pictures, documents, eye-witness accounts and other evidence, it is still almost impossible to imagine what was without any doubt the greatest setback ever, not only for our “civilization” but for humanity itself?

(b) Turning to what the ICRC wanted to do, your study is very well documented and thorough, as regards both the ICRC’s acts and its omissions. However, the explanation of the ICRC’s motives is not always convincing to those who have first-hand experience of the way the Committee operated.

In particular, the draft appeal of October 1942, to which you have given a pivotal position in your study, raises a basic question: Did the ICRC have a duty to make its voice heard and, if so, how was this to be done? Do you think—in the light of what we know today, but also taking into account the ICRC’s growing awareness of the Nazis’ ultimate aim—that that appeal, in the wording envisaged, would have had any restraining effect whatsoever on the “Final Solution”? Did the declaration made by the United Nations1 on 17 December 1942 in any way alter the victims’ fate? We have doubts about the impact that such an appeal would have had, to say nothing of the risk—which the ICRC could not ignore—that such a move would have jeopardized the institution’s work to bring relief to the millions of prisoners of war towards whom it bore a direct responsibility. Indeed, your book clearly shows that all the oral and written representations made specifically on behalf of the Jews were doomed to failure, as they were rejected out of hand by the Nazis. Only certain discreet approaches met with some success, although this was negligible as compared with the efforts initiated and the tragic dimensions of the extermination process.

Be that as it may, even without the appeal drafted by the ICRC, one must wonder, with all the caution befitting hindsight, whether the Committee should not have been more insistent in urging the Allied and neutral governments to grant higher priority among their concerns and objectives to saving the Jews.

(c) We now come to the question as to what the ICRC was and was not able to do and, in particular, whether it could have done more.

Your study leads us to think that where the satellite States of the Third Reich are concerned (Hungary, Romania, Croatia, Slovakia, Vichy France, Italy, etc.) the ICRC probably could and should have made a more systematic exploration of possible political openings permitting more rapid, pressing and resolute action.

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1 The group of countries either formally allied with Great Britain against the Axis Powers or officially neutral but lending the Allies moral support referred to themselves in official documents as the “United Nations”.

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As regards the territory of occupied Poland and the Reich itself, however, the ICRC persists in its belief that the situation of the Jews was hopeless; in your book all the evidence points to this but you do not go far enough in actually saying so.

In this connection, we should like to stress that the lack of proportion between the steps taken by the ICRC, modest as they were, and the results achieved is not brought out sufficiently clearly, although a careful reading of your study reveals that many more initiatives were taken by the ICRC than successes scored. We feel that figures should have been given for the number of lives saved on a case-by-case basis where such an assessment was feasible. We believe, for example, that a systematic study of the reports drawn up after visits to camps for civilian internees would perhaps have made it possible to make a quantitative assessment of the effects of agreements concluded at the initiative of the ICRC with a view to protecting civilian internees, both Jewish and non-Jewish, who were citizens of States at war with Germany. That would have shown that in such cases some groups of Jews were able to survive because the criterion applied to them was that of nationality and not that of “race”, the grounds on which the Nazis rejected all approaches.

In particular, we feel that more space should have been devoted to an account and analysis of the negotiations undertaken by the ICRC with the belligerents in 1939 and 1940 with a view to the provisional adoption of the Tokyo Draft. You mention this activity only in passing, yet the draft agreement was designed to protect not only civilian internees but all civilians of enemy nationality. You make too little of this attempt by the ICRC to bring about an agreement which, if it had succeeded, would have afforded a minimum degree of legal protection for all civilians, Jewish and non-Jewish, of enemy nationality and would have provided the ICRC with the legal basis for intervention that in the event it lacked throughout the war.

The above comments notwithstanding, the ICRC readily acknowledges that it is never possible to exhaust an historical subject of this magnitude and freely recognizes that your study constitutes the most complete reference work yet written on the ICRC and the Nazi concentration camps. As such, it not only makes a major and original contribution to the body of research that seeks to elucidate the history of that genocide but also opens up new avenues of reflection for our institution.

Please accept my heartfelt congratulations.

Yours sincerely,

Cornelio Sommaruga