

Books and reviews

CRIMES WITHOUT PUNISHMENT

Humanitarian operations in the former Yugoslavia (1991-1993)

After shaking off the Eurocentric attitude deprecated by countries in other parts of the world, the ICRC, over the years, had to some extent become specialized in conflicts occurring in the Third World. The crisis in the former Yugoslavia presented the Committee with an extremely bloody war in the very heart of Europe, a conflict, moreover, characterized by unbelievably vicious and dishonourable conduct by the belligerents. How can respect be won for humanitarian law when it is almost impossible to keep count of the agreements broken, the truces violated, the signatures repudiated, the solemn undertakings never honoured, the resolutions signed only to be flouted, the relief convoys attacked, the overt disregard of the Red Cross emblem?

In an impressive book, *Crimes without Punishment*,¹ Michèle Mercier, former head of the ICRC Information Department, skilfully relates and explains the immeasurable difficulties that the organization has encountered and continues to encounter throughout this particularly cruel war. All that the ICRC has had to face and overcome is described in a remarkably lively style, the precision of which is hardly tinged by emotion.

Yet this book, which is devoid of excessive sensibility and any kind of bias, nonetheless conveys the full scale and all the horror of the war. At the same time the reader emerges better equipped to answer the criticism, too often levelled at the ICRC, of having been overly discreet when the media gave Bosnia front-page coverage. Mercier, incidentally, examines the role of journalists, some of them malignant, members of a gang sowing and fostering hatred, others heroic, completely independent, risking their lives in search of the truth.

Against a highly detailed background, Michèle Mercier recounts numerous episodes, some scarcely known even at ICRC headquarters, and reports extensively on the day-to-day experiences of delegates in the former Yugoslavia,

¹ Michèle Mercier, *Crimes sans châtime*nt — *L'action humanitaire en ex-Yougoslavie, 1991-1993*, Emile Bruylant S.A., Brussels, 1994, 324 pp. The English translation is in preparation.

including, naturally, the killing of Frédéric Maurice. We thus learn how the ICRC, faced with a barbarity for which it was apparently unprepared, effects “a radical change in its approach to the parties to the conflict”. Nevertheless, though frequently feeling that it is alone, the ICRC has been able, in the former Yugoslavia, to rely on the support of extremely well-qualified individuals who have sought to retain their dignity as men and women, a dignity endangered by the savage belligerence of their compatriots. The war, which is not a civil war but a war against civilians, and which, as President Sommaruga stated on 29 July 1992, “already shows grim signs of being the greatest human disaster in Europe since the Second World War”,² has not left the ICRC delegates unscathed as they attempt, amid the chaos, to bring protection and assistance to the victims.

What can they do, when confronted with “ethnic cleansing”, with forced transfers of the population, with summary executions and with the “war crime” that is rape of women, and even of children? How can they bear the sight of the camps for arbitrary detention, described by those who have seen them as “death camps”, especially knowing that the whole population is under threat? What can they do when hospitals are made targets for shelling? And how can they draw a demarcation line between activities that are humanitarian and those that are political and military, particularly when the protection of UN forces, if only as an escort, is necessary to accomplish their mission, yet is not available?

Such inevitable problems arise almost daily for the delegates. For example, in order to save persecuted sections of the population in danger of death, they must transfer them to a place of safety; yet they know that in doing so they are taking part despite themselves in the detestable policy of ethnic cleansing, and thus acting as accomplices. Material pitfalls also abound. How can the convoys go through, when they are often attacked and looted, when roads are damaged by the fighting and — even worse — mined? How can delegates fail to be discouraged when they witness the impotence and selfishness of the international community, which not only fails to provide the help on the spot that the ICRC is entitled to expect, but shows no eagerness to receive released prisoners, and when zones designated as “protected” have not been capable of protection and have themselves become target areas? The testimony of delegates disillusioned by distress, as related in *Crimes without punishment*, is very telling. These men and women proclaim that humanitarian aid alone is not able to deal with the situation, that it is like treating a cancer with aspirin. Other comments are that humanitarian action is born out of the confusion of politicians incapable of giving birth to any political action, and that a harmful effect of humanitarian action is that it helps to diminish feelings of guilt and, in so doing, to defer the search for solutions. The delegates, they say, are not able to protect the people, who are sometimes exposed to additional dangers because of their presence. What, they ask, can the delegates undertake, faced with the inexorable plan of destruc-

² “porte déjà la marque funeste du plus grand désastre humain de l'après-guerre en Europe” (p. 81).

tion unchecked by any political or military force, when they are themselves ambushed and directly attacked both by military units and by irregulars?

In such a context, how can knowledge of the essential principles of humanitarian law be spread? Daniel Masse, in charge of dissemination, says "The only sense of values that I have been able to identify up to now is that of violence, of survival at any price, in other words, of destroying others in order to stay alive, and to ensure the survival of the nation by the total elimination or expulsion of others". Dr. Barthold Bierens de Haan, the physician responsible for the file on the former Yugoslavia, states that lives are being destroyed in secret, hidden places where thousands of people are being eliminated mentally and physically by massacre, torture and rape. It is in such conditions that the ICRC's Directorate of Operations must find ways to guarantee the safety of delegates while doing everything possible to carry out its mission in aid of the victims.

The President of the ICRC, in implacably clear terms, has vigorously denounced the crimes committed, while the leaders of the parties to the conflict systematically lie and repudiate their commitments. In the period between 21 July 1991 and 3 August 1992 alone, the ICRC appealed 34 times to the international community and public opinion, drawing attention to the worst excesses. It has approached various official representatives, for example, the diplomats accredited to the international organizations in Geneva. Yet despite all the peace plans that have been put forward, the war goes on.

A very striking conclusion is drawn at the end of the book. It is followed by a detailed chronology of 27 pages and by 14 pages of references, tables and numerous appended documents, enabling the reader to gauge the extent of the obstacles that the ICRC is obliged to overcome.

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