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MORAL SUFFERING AND PROTECTION OF PRISONERS OF WAR: THE CENTRAL TRACING AGENCY FROM THE FRANCO-PRUSSIAN WAR TO THE PRESENT

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ABSTRACT

This study emerges from the author's academic background combined with years of hands-on experience with the Red Cross. As a volunteer since the onset of the COVID-19 pandemic and currently overseeing missions for international cooperation, the author has long been particularly drawn to the Central Tracing Agency of the International Committee of the Red Cross. The Agency's mission to connect families, overcome physical barriers, and prioritize the alleviation of moral suffering (alongside physical suffering) has always captivated her. To gain a deeper understanding of this subject, the author recognized the necessity of historical and legal analysis.

Thus, this research examines the historical developments leading to the establishment of the contemporary Central Tracing Agency, spanning from 1870 to the present day. It begins with the Basle Agency during the Franco-Prussian War and the Belgrade Agency in the Balkan War, tracing the evolution of information and aid bureaux through World Wars, with a focus on the International Prisoners of War Agency and the Central Prisoners of War Agency. The thesis highlights the continuity of the CTA's functions from these earlier entities, showing that its core administrative responsibilities have endured, albeit in an evolved form, particularly in alleviating moral suffering and protecting prisoners of war. Central to the research is an analysis of the activities and structural adaptations, especially regarding correspondence methods, innovations in information exchange, and tracing services during conflicts. The study pays significant interest to the evolution of international humanitarian law, particularly the Geneva Conventions, assessing their impact on state roles and the distinctions between international and internal conflicts. While the 1949 Geneva Conventions require the establishment of information and aid bureaux during conflicts, the absence of a legal obligation for states to recognize the International Committee of the Red Cross' authority is addressed, illustrating how the organization has historically filled this crucial role.

Organized into six chapters, the thesis analyzes key dimensions of legal, historical, and structural evolution. Each chapter provides insights into specific periods and developments, culminating in an exploration of the CTA's current activities. This research, drawing extensively from ICRC archives and various legal sources, aims to

offer a comprehensive understanding of the CTA's evolution and the legal frameworks that underpin its operations, contributing valuable insights into the protection of war victims, both prisoners of war and civilians.

INTRODUCTION

The purpose of this thesis is to present the historical timeline that led the International Committee of the Red Cross to the establishment of the contemporary Central Tracing Agency. It examines events and transformations from 1870 to the present day. Therefore, the study aims to elucidate the various Agencies which have been set up, along with their continuities and variations throughout numerous conflicts.

The choice of topic reflects the author's strong interest in the Red Cross, particularly the functions of the modern Central Tracing Agency. Understanding its history is essential for a deeper comprehension of its activities.

As it has been suggested by the title, two principal objectives of these Agencies have continuously been the alleviation of moral suffering and the protection of prisoners of war. The central focus of the research will be, therefore, to analyze the activities and structures which enabled the International Committee of the Red Cross and its associated agencies to achieve these aims, particularly in relation to methods of correspondence, innovations in information exchange, and the provision of tracing services during wartime. The International Committee of the Red Cross' information agencies have delivered crucial services, particularly in the aftermath of the two World Wars, with significant legal ramifications, including the issuance of certificates documenting periods of captivity for former prisoners of war, the transmission of powers of attorney, marriage certificates, and other official documents. Additionally, the Agency's efforts to reunite families separated by armed conflict, an endeavor that gained particular prominence after the Second World War, extended well beyond mere alleviation of mental suffering.

Beginning with the formation of the Basle Agency during the Franco Prussian war (1870-1871) and the Belgrade Agency in the context of the Balkan war (1912-1913), the thesis analyzes the evolution of information and aid Agencies which will be established again during the First and Second World War, particularly through the institution of the International Prisoners of War Agency and the Central Prisoners of War Agency. The Tracing Service will be as well considered in the path leading to the present structure of the Central Tracing Agency, which today operates as a permanent department of the International Committee of the Red Cross. It will be demonstrated that the contemporary

Central Tracing Agency continues aspects of the Central Prisoners of War Agency's work, suggesting that the latter has persisted in a modified form. It could even be maintained that it never ceased to exist. Although its activities may have diminished and its nomenclature altered, it remains the same administrative body responsible for responding to requests for information pertaining to both World Wars[1].

Significant attention will be devoted to the evolution of international humanitarian law, particularly through the study of the Geneva Conventions. This analysis will encompass various aspects, including the normative evolution concerning prisoners of war and civilians, the roles of belligerent and neutral states, and the distinctions between international and internal conflicts. Customary law will also be recognized as a fundamental component of this developmental trajectory. Despite the provisions of the 1949 Geneva Conventions, which mandate the establishment of an information and aid bureau whenever a conflict arises (Articles 123 and 140), there exists no legal obligation compelling states to acknowledge the International Committee of the Red Cross as the authoritative entity for such agencies. Nevertheless, historical context illustrates how the International Committee has assumed this pivotal role, largely due to its extensive experience, its function as a protector of international humanitarian law, its humanitarian endeavors, and its universal recognition. The International Committee of the Red Cross is uniquely positioned as the sole international organization with a permanent department dedicated to assisting victims of war. The permanent status of the Central Tracing Agency is enshrined in Article 33 of Additional Protocol I of the 1949 Geneva Conventions, adopted in 1977. Furthermore, the agency's activities in internal conflicts, particularly during the Spanish Civil War, will be explored to illuminate the International Committee of the Red Cross' position in contemporary internal conflicts, given that the Geneva Conventions are not applicable in these scenarios. Lastly, this thesis will not only examine the International Committee's efforts to mitigate the mental suffering of war victims but will also scrutinize the functions and methodologies of its successive information agencies from both historical and legal perspectives. The work is organized into six

[1] *The Geneva Conventions of 12 August 1949. Commentary published* under the general editorship o Jean S. Pictet. III. *The Convention relative to the treatment of prisoners of war*, Geneva, ICRC, 1958

chapters that follow a chronological progression, analyzing three key dimensions: legal, historical, and structural evolution.

The first chapter will investigate the period from the Franco-Prussian War (1870) to just prior to the First World War (1912), focusing on the formation, evolution, and eventual dissolution of the Basle and Belgrade agencies. The second chapter will center on the First World War and the International Prisoners of War Agency, while the third chapter will examine the interwar period, including an analysis of the internal conflict in Spain (1936–1939). Chapter Four will explore the Central Prisoners of War Agency within the context of the Second World War. Chapter Five will provide a comprehensive investigation into the establishment of modern international humanitarian law, particularly in relation to the developments of 1949. Finally, the sixth chapter will detail the establishment of the Central Tracing Agency and its current activities and structures. A brief discussion will also be provided on a specialized division of the Agency, the Bureau for the International Armed Conflict between the Russian Federation and Ukraine, illustrating the modern tracing activities of the agency within the complex scenarios faced by global communities today.

While this work cannot claim to be exhaustive, given the extensive time period and multitude of events covered, it aims to offer valuable insights into key occurrences, striving to present a detailed picture of the Agency's structures and activities. Moreover, the list of international humanitarian law documents analyzed is not complete, but the texts have been selected based on their relevance to the protection of war victims, encompassing both prisoners of war and civilians.

To ensure the utmost accuracy and depth, this research has extensively utilized the Archives of the International Committee of the Red Cross in Geneva. Contributions from ICRC archivists, including key texts such as Gradimir Djurovic's *The Central Tracing Agency of the International Committee of the Red Cross: Activities of the ICRC for the Alleviation of Mental Suffering of War Victims* (Geneva, Henry Dunant Institute, 1986) and Frédéric Barbey's *L'Agence Internationale des Prisonniers de Guerre à Genève* (Geneva, 1915), along with various reports and studies produced by the ICRC, have been invaluable. Additionally, a range of official websites, documentaries, and podcasts have been consulted; however, primary legal sources, such as conventions, reports, and

conference documents, have constituted the principal foundation of this research. In conclusion, this thesis endeavors to provide a chronological analysis of the evolution and establishment of the Central Tracing Agency, with particular emphasis on the legal developments that have paralleled its historical trajectory from 1870 to the present day.

CHAPTER I - FROM THE FRANCO- PRUSSIAN WAR (1870-1871) TO RIGHT BEFORE THE FIRST WORLD WAR, 1912

The subject matter to be studied is immense; it crosses from 1870 to the present day, missing just the first few years from the foundation of the Red Cross. The purpose is to examine all the Information Agencies that have been shaped by the ICRC throughout history, creating a continuous thread that, starting in 1870, through various international conflicts, leads to the present structure of the Central Tracing Agency, a special department of the ICRC which has been operative under this designation since 1960. Despite the wide variation which separates the Agencies that have been formed over the years, for instance, their legal status, the organizational structure, and even the range of activities, a certain continuity is evident on the actions carried out. It becomes clear that each Agency would not have been created without the experience of the one prior.

This chapter will analyze the events and influences that have led the ICRC to create the first tracing agency of the Red Cross, namely the Basle Agency (1870-1871); furthermore, it will consider its development and its innovations. After that, the Belgrade Agency will be studied (1911-1912) together with its historical context.

This first part of the analysis covers a period in which no legal basis existed for the intervention of the Information Agencies of the ICRC. The absence of it did not inhibit either the Basel Agency and the Belgrade Agency from providing enormous assistance to war victims.

1.1 AGENCY AT BASLE FOR AID TO SICK AND WOUNDED MILITARY PERSONNEL

The Central Trancing Agency is today a crucial division of the International Committee of the Red Cross (ICRC), a resource for families who are searching for their beloved, who are missing due to conflicts, violence, natural disasters, or along the migration route. It is one of the oldest institutions, enshrined in the Geneva Conventions and at the heart of the Red Cross and Red Crescent humanitarian network; the Agency restores family links for those who are separated by violence or lost in natural disasters and addresses the needs of families.

The history of the Agency is as old as the ICRC itself.

The International Red Cross was made from the idea of a man torn by the sight of the bloody battle fought on 24 June 1859 between the Franco-Sardinian and Austrian armies, which went down in history as the Battle of Solferino. This man was Henry Dunant (1828-1910), a bourgeois Calvinist. It was precisely because of his affairs that in 1859 he requested an audience with Emperor Napoleon III, who was in Italy. On his way to meet Napoleon III, Dunant found himself in Lombardy at the time of the Battle of Solferino. There, he faced a miserable vision: wounded soldiers abandoned on the battlefield because of the scarcity of relief and medical facilities. He organized rescue teams with civilians, in particular women and the elderly[2]. He wrote a book, *'Un Souvenir de Solférino',* in which he made explicit considerations and proposals. Dunant did not witness the battle itself, but he arrived in time to observe the war massacre. Despite this, in the first part of *"Un Souvenir de Solférino"*, he describes the atrocities of the war, probably also using the testimonies of third parties. Only in the second part does he recount his direct experience, the traumatic view of the battlefields the evening after the fight: he speaks of 3492 dead, 23,319 wounded, French, and Austrian, united by suffering, in need of charity; he describes in detail the organization of civilians who, together with him, voluntarily provided aid[3]. Besides the assistance he was seeking to provide to the physical harm, in his book he addresses the moral suffering of the soldiers: he recalls a young man who, before dying, prayed him to write to his father and comfort his mother. He realized there that the only news this family received was from him and that other families were probably missing information and therefore suffering. The moment in which he handed the letter to the family is considered the very first moral commitment of the Agency.

From the beginning, the Agency's mandate was limited; it focused on Dunant's vision of connecting wounded soldiers and their families in wartime. When postal communication was interrupted during the Franco-Prussian war (1870), the ICRC acted as a neutral intermediary between France and the Prussian state, to exchange information and provide relief for sick and wounded soldiers on both sides. To do this, the ICRC created the Basel Agency, named after the city where it was located. This Agency, which in theory was

[2] *Elementi introduttivi alla Croce Rossa*, Croce Rossa Italiana Comitato Nazionale Area Formazione, le origini del movimento, 2018f

[3] J. Henry Dunant, *Un Souvenir de Solférino*, ed. italiana di Costantino Cipolla e Paolo Vanni, Laboratorio Sociologico FrancoAngeli, 2009, Prefazione di Costantino Cipolla

perfectly efficient, did not work well in practice, not considering the needs of able-bodied soldiers, who were not protected and assisted.

Most of the soldiers were in a state of distress because their families had no idea if they had been killed or taken prisoner; At that moment the ICRC realized that in addition to material needs, for example, the need to receive assistance or relief, there was also what it is called 'moral suffering' and consequently the Basle Agency started to function as a correspondence intermediary between families and prisoners of war; The mandate from that moment on was extended to prisoners of war instead of being limited to wounded soldiers. The Basle Agency became also involved in tracing prisoners of war and in publishing lists of sick and wounded prisoners, especially the French ones. The Agency took a step further, transmitting letters of prisoners: for the first time in history, the relatives of captured soldiers could be informed of the condition of the beloved ones and of their position.

The Basle Agency could be considered as the starting point of the history of the Central Tracing Agency; subsequently, the ICRC reopened a new Agency for each of the major conflicts of the first half of the XX century, established an index card system registering thousands of names and data, processed new methods to make the Agency efficient, reaching, at the end, the establishment of the structure of the Central Tracing Agency structure.

1.2 PRECEDENTS AND INFLUENCES OF THE CREATION OF THE BASLE AGENCY

It was the year 1870 when the International Committee for Aid to Wounded Military Personnel[4] created for the first time in the ICRC history an Agency, based in Basle, with the aim of gathering information and giving assistance for the sick and wounded on both sides during the Franco-Prussian war. Besides the resolution[5] on which the setting up of the Agency was based, it is fundamental to first mention some events which preceded the Basle Agency but that, in some ways, influenced its creation and structure.

[4] As from now "International Committee" to distinguish it from the ICRC which it took as its title only in 1875 and was officially recognized as such in 1882

[5] Resolution passed by the International Conference of National Aid Societies for the Nursing of the War Wounded, Berlin, 1869

During the first International Conference in Geneva (1863)[6], Henry Dunant decided to share with the delegates the experience of Prince Demidoff, who personally and individually created an agency for aid and information of prisoners of the Crimean war (1853-1856) of both sides of the conflict[7].

Prince Demidoff was a member of the Russian diplomatic mission in Vienna, and he had volunteers in multiple cities (Paris, London, Moscow, and Constantinople, where there existed an important correspondence bureau for prisoners of war). His associates and him had the capability to create a good bond with the military authorities and for this reason they were able to send money and letters to prisoners and to request news from them; furthermore, they were able to send to the families the death certificates and any objects found on the dead body of prisoners who had lost their life in prison. They have been successful in obtaining permission to visit prisons and distribute aid in camps. Prince Demidoff, during these visits, managed to write lists of prisoners which were then sent by him to the specific government; these lists were composed of essential information concerning the identity of each prisoner[8].

There is evidence that this was not the first case in which such lists were created; to cite one, a department of inquiries for missing military personnel of Napoleon's Grande Armee in Russia was established in 1817 by Lieut.[9] Nevertheless, Prince Demidoff represented a stronger influence for the International Committee; this can be witnessed by reading both his letters to Henry Dunant and the Committee circulars, which used a similar terminology and focused on the same perspective.

Another event certainly influenced in some way the creation of the first International Committee Agency. The first armed conflict after the creation of the Red Cross (1863) has been the Prussia-Denmark war of 1864, in which a private initiative, even if a failed one, can envisage strategies and goals of the future Agency.

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[6]Geneva International Conference, Geneva, 26-29 October 1863f

[7] *Les prisonniers de guerre despuissances belligérentes pendant la campagne de Crimée* (extracts from correspondence of Prince Anatole Demidoff), Paris: E. Dentu (Librairie-Editeur), 1870

[8] Gradimir Djurovic, *The Central Tracing Agency of the International Committee of the Red Cross, activities of the ICRC for the alleviation of mental suffering of war victims*, Geneva, Henry Dunant Institute, 1986

[9] Article published in the Revue international de la Croix Rouge, October 1968

In 1864, the International Committee sent observers to the two parties of the conflict, namely Dr. Appia and Captain Van de Velde. Captain Van de Velde[10] was particularly shocked to witness scenes of relatives trying to recognize their beloved among all the dead bodies of unnamed soldiers. His proposal was to go to an opponent's base camp, accompanied by a member of the Danish Parliament, to gather detailed data on each Danish prisoner of war. Sadly, this initiative was not considered as it was not admissible to have such contact with the enemy. In any event, Captain Van de Velde had clear in mind what a third neutral party could mean in a conflict, with the priority of alleviating the suffering, both physical and mental; this could be considered a milestone which persisted until now.

Thirdly, another precedent could be found in the proposal of an additional article to the Geneva Convention of 1864[11] (it would have been Article 8), based on the suggestion of the Austrian representative. The article contained the introduction of mandatory and mandatory identification insignia on the uniform of each soldier, indicating the name, the place of birth, the army, the regiment, and the company in which he served. The proposal also specified that lists of dead, wounded, sick, and prisoners would be communicated to enemy forces immediately after the end of hostility. Unfortunately, this initiative never had a follow-up, despite having been approved by the Conference and proposed to various Governments[12].

Following these and other precursor events, as mentioned before, in 1870 the International Committee created and organized an Agency in Basel for the rescue of wounded soldiers. The Agency officials, following the footsteps of the past, immediately contacted the Committees in Germany and France to offer them support; moreover, they turned to the Committees of neutral countries to ask for subsidies. Furthermore, the Agency collected and shared information with both parties. Countries responded favorably to the Agency's aid proposal; for example, Germany granted an exemption from customs duties, mail, and the transportation of shipments and free movement of people

[10] J. H. Rombach , *Two great figures in Red Cross history,* International Reviewf
[11] *Convention for the Amelioration of the Condition of the Wounded in Armies in the Field,* Geneva, 22 August 1864f
[12] Gradimir Djurovic, *The Central Tracing Agency of the International Committee of the Red Cross, activities of the ICRC for the alleviation of mental suffering of war victims*, Geneva, Henry Dunant Institute, 1986

recommended by the Agency. France granted a 75% discount on the transport costs of personnel and equipment. So did Switzerland, Holland, Belgium, and others.[13]

The creation of the Basel Agency has its foundation in a resolution passed by the International Conference of National Aid Societies for the Nursing of the War Wounded, which had met in Berlin in 1869. The main objective of the Basel Agency is written in the 20th Circular 'Actes *du Comité International de Secours aux militaires blessés*"[14]. There, the role of the Agency was explained as being of a liaison and information office, set up in case of war in a suitably chosen place, which had the responsibility to simplify relief action and the exchange of communication between the various societies.

In truth, the Agency did not limit itself to pursuing just this objective, but offered assistance to the relief committees of the warring parties, while the International Committee organized the exchange of correspondence between prisoners of war and their families. All these activities were not supported by any legal basis, neither by the Geneva Convention nor by other resolutions of International Conferences (Paris, 1867, Berlin, 1869). The commitment of the Agency was born from the idea that in addition to physical pain there exists moral pain, which must be treated equally to the first. It can be said that since the first day of the birth of the International Committee, alleviating suffering of any kind has always been a major objective.

Another source of inspiration for the work of the International Committee and the Basel Agency was the recommendations of the Paris Conference of 1867. The latter did not constitute an international obligation, but its recommendations have been proposed again at the Berlin Conference of 1869 although they were not accepted by all Governments. Although these recommendations were not legally binding or fully in place, they are considered *paralegal* for their contribution to the creation of the Agency and the actions of the International Committee.

1.3 THE BASLE AGENCY

The Basel Agency was the first Agency established by the International Committee, the first step towards the formation of the present Central Tracing Agency.

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[13] *Premier Rapport De L'agence Internationale De Secours Aux Militaires Blessés*, Bale, 31 Aout 1870
[14] 20th Circular to the Central Committees, *Actes du Comité International de secours aux Militaires blessés*, Geneva, Imprimerie Soulier & Wirth, 1871

Constituting the initial structure of the nowadays CTA, it is understandable to suppose that the Agency was not known and was not considered autonomous enough to be able to manage itself. Consequently, the Committee actively participated in the work entrusted to the Agency, monitoring activities daily, giving organizational and operational instructions to the Agency, and constantly communicating with the relief committees in Paris and Berlin, asking them, among other things, for specific information, letters, and money designed to prisoners of war[15]. In brief, the Committee took on a multitude of individual cases for various reasons, including the fact that Geneva was strategically more easily accessible at the time, particularly after the Prussian occupation of part of France.

The Committee, to be efficient, established an internal information bureau in Geneva, made up of five employees, which had the same tasks as the Basel Agency. On the other hand, the members of the Agency were personally chosen by President Gustave Moynier from among the best philanthropists in Basel, and they often found themselves solving requests of general nature, which naturally fell within the competence of the Committee. They were operational in the field, and because of that, they have been able to share information on events in real-time to the International Committee. They also studied innovative methods for the distribution of relief and tried to reorganize the work of the Agency to make it functional, always following the guidance of the International Committee.

At the beginning of the war, the role of the Basel Agency did not seem indispensable to the committees in Paris and Berlin; the main reason was that during the first days of the conflict, correspondence between the two committees was still active, and it was possible to send letters from prisoners of war to their families. In fact, the standard postal communications between France and Germany were not immediately interrupted; additionally, the British Ambassador offered himself as a mediator for the transmission of money to the French prisoners of war. As expected, the situation gradually worsened, and in August 1870 the Karlsruhe committee for relief to wounded military personnel asked the Basel Agency to send the first parcel of letters from French prisoners to France. This marked the beginning of the agency's activity as an intermediary for letters and money. On 3 and 6 August 1870, the battles of Wissenburg and Froeschwiller,

[15] Meeting of the Committee of 23 August 1870 (archives of the ICRC known as "*ancien fonds* ").

respectively, marked a turning point, as a multitude of French soldiers were taken prisoner by the Prussians[16]. Following this event, the Paris committee requested assistance from the International Committee; the latter responded with a letter from Gustave Moynier (the President of the International Committee) to Von Sydow (the President of the Berlin Committee), requesting access to information on prisoners of war, to be able to share them with the families of those concerned[17].

The first list of wounded French soldiers in German hospitals was sent by the Berlin Committee to the International Committee on 19 August 1870; from that moment on, the War Office shared with the Berlin committee lists, which were then forwarded to the International Committee. As mentioned before, some letters were also sent to the Agency and others to the Committee, causing a rivalry that was rapidly resolute by producing duplicates of the lists to be forwarded to the other bureau each time they arrived. However, the International Committee concluded that the most convenient option was to concentrate all correspondence and information services at the Basel Agency. This was the point of departure from which Gustave Moynier, who, in his search for an ever more comprehensive bureau able to relieve the suffering of as many people as possible, came to a conclusion: he felt that the Agency could no longer only take care of wounded soldiers, but needed to be available for able-bodied soldiers and those who have died as well, so as to give responses to as many families as possible. This proposal had no legal basis, but was nonetheless pursued[18].

Although this request was sent to the Berlin Committee, it could not be accepted, as the number of French prisoners in Germany exceeded 100,000 (beginning of September 1870), and for this reason the War Office refused to compile the lists. A second motive for the refusal of President von Sydow was that the deceased soldiers did not have any identification plates; in fact, France had not followed the recommendations of the two international conferences (Paris 1867 and Berlin 1869) of national aid societies for the nursing of the war wounded concerning the identification of its troops. For this reason,

[16] Wawro G. Froeschwiller, *The Franco-Prussian War: The German Conquest of France in 1870–1871*, Cambridge University Press, 2003 (121-137)
[17] Anciens fonds archives, correspondence between the International Committee and the Relief Committees in Germany; *Letter of Moynier of 13 August 1870*
[18] Anciens fonds archives, correspondence between the International Committee and the Relief Committees in Germany;, *Letter from Moynier of 27 August 1870*

the only list of deceased French soldiers that could be found was that of soldiers who died in war camps, and the information given by letters sent back with the "deceased" press. Finally, the Berlin Committee informed the Basel Agency that a few French soldiers had died in German hospitals.

On the other hand, German troops were obliged to wear a plate; moreover, the number of German prisoners in France was very low. Despite this, the agency did not obtain a list of their names.

Therefore, the work of the Agency remained extremely limited; in the first place, the work was incomplete, being concentrated mainly on French soldiers; moreover, the lists named only wounded soldiers; and finally, the centralization of information continued not to be finalized. Many resources were invested for individual needs in both France and Germany, whenever the name of the person sought was not on the list available.

Although it was not possible to extend the lists to all soldiers regardless of their state of health, when the Agency began sending money, the distinction between soldiers was lost. The fact that relatives were unsure of the soldier's condition and that the Agency was not prepared at all for such a large-scale task made it difficult to make any distinction.

As the conflict progressed, the Agency went from being composed of 2 or 3 employees to having 12 working in three departments by October 1870.

The three departments were the letter transmission department, money transfers, and the information department.

The work of the first department was facilitated by duty-free permission in Germany; the second department sent 18,411 money transfers to both sides during the war[19]. Lastly, the information department focused on finding information on missing military personnel. Each name received was listed alphabetically, and if the name of the soldier sought was not there, then the department proceeded to contact the War Office in Berlin or the German Committee.

[19] Rapports de l'Agence de Bâle, 1870-1871, *20th report,* Geneva: Imprimerie Soulier & Wirth, 1872

The committees with which the Agency interacted were mainly the Berlin and Paris Committees. The Berlin Committee was established on 19 August 1870 and gathered information of deceased German military personnel, held prisoner, wounded, and also of French wounded in German hospitals.

The list of wounded reached 75 volumes; an impediment for the compiling of these books was the registration of new names; for this reason, at the end of 1870, a system of individual index cards was established: 150000 cards were classified by the regiments and this system proved to be effective in facilitating investigations[20]. Gustave Mynier proposed this new methodology to the Berlin Committee, believing that the key step to be taken would have been to preempt requests of information from the families; he requested the use of correspondence cards in each prison camp, to be filled and forwarded to the Basle Agency. Once operational on a regular basis, following Moynier's thoughts, this service would also have had the role of determining the soldiers who died on the battlefield, simply due to their absence on the cards. The sponsor of the new initiative was the International Committee. German authorities did not undertake the new task of distributing these cards because of the small number of employees and the large number of French prisoners, which made it impossible to pursue. The International Committee could not invoke reciprocity because the German prisoners were, on the other hand, only 4000. The German refusal was not a breach of any international law, since this proposal was not present in any Convention.

On the other hand, the Paris Committee similarly had alphabetical registers, and the card index system was introduced, in which 59500 individual cards were compiled. After Paris had been surrounded by the Prussian army, the work of this Committee froze, being unable to communicate with the rest of France.

Besides these two central committees, another Committee worthy of note is that organized by the Belgian Aid Society for the Nursing of the War Wounded in Brussels, since this office was able to forward more than 20,000 letters to French prisoners in Germany and to send 1,500 replies to families in France to inform them of the place where their family member was being held.

[20] Archives of the ICRC (Ancient fonds), *Letter of 31 October 1870 from Moynier to Von Sydow*

The exact collective number of enquiries received, or replies given to families, is impossible to estimate; no statistics on this, but registers and thousands of letters can be found today in the ICRC Archive as evidence of the activity of the Basel Agency.

A member of the Basle Agency, Dr. Christ-Socin, saw in the work of the Agency the ability to assist able-bodied soldiers as well, and for this reason he founded for the first time the 'International *Committee for Aid to Prisoners of War*"; it was meant to be a department of the Agency, protected by the Red Cross. First, the Agency went beyond its role, functioning as an intermediary for correspondence between able-bodied prisoners and their families, and now he was proposing to extend the commitment of the Agency to every soldier, regardless of his state of health.[21]

However, Gustave Moynier did not share his ideas, being aware of the amount of added work it would cause and of the complexity of it. [22] Therefore, he suggested that another Committee outside the Red Cross could be the one in charge of able-bodied soldiers[23].

The allocation of assistance to able-bodied prisoners became a single prerogative of an external Committee, while individual currency transmissions, letters' transmissions and inquiries about prisoners whose destiny was indefinite to their families endured in the hands of the information bureau of the Basle Agency.

1.4 CENTRAL AGENCY FOR AID TO MILITARY PERSONNEL INTERNED IN SWITZERLAND: WINDING UP OF THE BASLE AGENCY

In February 1870, the International Committee of Geneva set up a Central Agency for aid to military personnel interned in Switzerland; in fact, 85000 men of the French Easter army, guided by General Bourbaki, became refugee there, remaining interned until the end of the war. The Swiss Federal Government cooperated with the Basle Agency, publishing lists of internees reached by the central information bureau in Bern. The number of wounded and sick refugees in Switzerland reached 5000. The ad hoc Agency created had the purpose to centralize all the donations received from the internees and to allocate them among various camps; additionally, it forwarded letters and parcels; finally, it provided information on the detention places of the internees. As soon as the war ended,

[21] Archives of the Basle Agency, *letter of 12 November 1870 from Dr. Christ-Socin to Gustave Moynier*
[22] Archives of the Basle Agency, *letter of 11 November 1870 from G. Moynier to Dr. Christ-Socin*
[23] *Ibid,* letter of 17 November 1870, from G. Moynier to the Agency

the internees were repatriated and the Central Agency for aid to military personnel interned in Switzerland reached the conclusion of its mandate. The restoration of peace also restored post-post communications between France and Germany. The International Committee announced on 4 March 1871 that its and the Agency's work on the mailing of letters and money, as well as the information service, ceased to exist. In truth, the Agency did not stop its activity right away, due to money transfers which had remained in arrears; actually, the Agency received a large number of money transfers back because of the dead of the prisoner or because he could not be found. Even money transfers that did not depart from the Agency originally were sent back there without being named. As a result, the Agency published the list of money transfers with the names of the soldiers to whom they had been delivered, appointed a special delegate holding the mission of visiting camps in Germany, and dispensed the transfers entrusted to the Agency.

This job lasted a few months before the agency could close its doors.

The activity of the first Agency for relief and information established by the International Committee, namely the Basle Agency, was never independent. The Committee has been informed of each activity carried out there and was the guide of all Agency decisions and actions; it was particularly essential that the Committee collaborate with the information bureau, also establishing a parallel bureau in Geneva, suggesting to the Basel Agency to advance new and more efficient working methods and maintain consistent communication with the Berlin Committee.

The Basel Agency possessed a certain level of financial independence and undertook its own obligation with respect to third parties while remaining dependent on the Committee in every area of its actions. The existence and the actions held by the Basle Agency lacked an international law basis; the Agency was instituted with a resolution of the Berlin Conference (1869), but every single activity was an initiative of the International Committee, which was thought in high respect by the Paris and Berlin central Committees for aid to wounded military personnel.

The Committees of the combatants welcomed the initiatives of the International Committees even without a legal basis, making it possible for the Agency to institute its authority and to demonstrate how beneficial its services were. In fact, the belligerent committees recognized and applied actions started by the Agency or by the International

Committee, opening up a new chapter for the world of international law. From this moment on, the International Committee was finally able to initiate similar correspondence and data services in war time, without fear of being rejected by the militant Parties[24].

1.5 THE LEGAL FRAMEWORK AND PARA-LEGAL BASES BEFORE WWI

The Agency's action has almost systematically anticipated the advancement of the law. The duties of the International Committee have been established by the Geneva Conventions adopted in 1864 and 1906, in which no provisions of international law related to the creation of an information and relief agency were included. Therefore, the consecutive creation of the Basel Agency (1870-1871), the Belgrade Agency (1912-1913), and the International Prisoners of War Agency (1914-1923) did not have a specific international legal basis. However, these first agencies could depend on the resolutions of the International Conferences of the Red Cross and the Red Crescent and on the collaboration of the National Societies of the International Red Cross and Red Crescent Movement.

The first Geneva Convention of 22 August 1864 for *the Amelioration of the Condition of the Wounded in Armies in the Field* was the first expression of the new international humanitarian law since after the carnage of the wars of those years.[25]

The events that were conducted to the first Geneva Convention of 1864 represent an exceptional case of progressive acquisition of an international legal character from a private initiative. On 9 February 1863, the Genevan Public Utility Society set up a committee (the one from which the ICRC will be established) to provide assistance to soldiers wounded in war. The Committee decided to assemble an International Conference: on 1 September 1863 it sent a letter to all influential contacts sensitive to the subject matter, inviting them to attend the Geneva Conference (26 October) in order to decide on the appropriate measures to ensure the aid to the wounded during the war, given the inadequacy of existing legal sources. The Committee, having collected broad support for the initiative, formulated the program of the International Conference in the form of

[24] Gradimir Djurovic, *The Central Tracing Agency of the International Committee of the Red Cross, activities of the ICRC for the alleviation of mental suffering of war victims,* Geneva, Henry Dunant Institute, 1986

[25] The History of an idea- *The International Red Cross and Red Crescent Movement from 1859 to the present day*, 2007, Moebius

a ten-article compromise; the compromise contained six articles of general nature and four articles of Special Provisions in case of war. The objective of the Committee was to acquire, through the Conference, the unanimous consent of the European nations for the formation of *«Committees that had to be organized everywhere in Europe in order to be able to act simultaneously in case of war».* The Conference, which took place between 26 and 29 October 1863, was an International Conference but free and private, not a diplomatic Conference: the concepts that were consolidated in it had been concretized in a subsequent diplomatic Conference from which an International Treaty would be born, legal, and binding for the signatory powers. In October 1863 the summoned persons discussed the proposals of the compromise, which resulted in resolutions and supplementary motions, in the form of special votes, to be submitted to the European governments[26]. The recognition of an autonomous Committee dedicated to military health for each nation is recognized by Art.1; Art.3 recognizes the collaboration between the Committee and the State in case of need; moreover, Art.4 commits the Committees to instruct a corps of volunteer nurses in peacetime, while Art.5 and 6 commit them to provide all possible support during periods of war, even directly on the battlefield. Art. 8 recognizes the symbol of the Red Cross as a distinctive sign of neutrality, while Art. 9 invites the Committees to collaborate through International Congresses.

The Conference also recommends governments to grant aid and protection to the Relief Committees, proclaims the neutrality of ambulances and hospitals in times of war, and with them also the neutrality of voluntary and official health personnel, of the civilians of countries that will offer help and of the wounded themselves. Finally, it establishes an identical emblem in all countries for ambulances and hospitals.[27]

Consequently, the requirement to make resolutions and votes part of the national law of each country was understood, and for this reason the Committee of Five was appointed to implement the project. It was therefore in charge of promoting the establishment of an association of nurses and supporting states in giving national legal value to what had been

[26] Francesco Mastroberti, *la prima Convenzione di Ginevra del 22 agosto 1864: una nuova idea della guerra alla vigilia del "secolo breve*", Universidad Aldo Moro
[27] *Resolutions of the Geneva International Conference. Geneva, 26-29 October 1863*

agreed during the Conference. From that moment on, the so-called Committee of Five became the executive body of this international association.

The Swiss Federal Council organized an International Diplomatic Conference on issues arising from the 1863 Conference. At first, twenty governments were invited, then twenty-five; finally, the states that sent their representatives were sixteen. Another peculiarity of the path that led to the diplomatic conference and then to the treaty signed in Geneva on 22 August 1864 was that the draft Convention was arranged by the International Committee: a private body, foreign to States and their diplomacies, presented the draft of the Convention guiding States in the conclusion of the Treaty. A total of 16 countries (including Italy) signed the *Convention for the Amelioration of the Condition of the Wounded in Armies in the Field* in Geneva on 22 August of 1864; it ceased to be in force in 1966, when the last State Party, Korea, adhered to the 1949 Geneva Conventions. The text of 1864 recognizes in Art.6 the right to care for wounded or sick soldiers regardless of the country of origin; according to this article, Commanders have the power to immediately send enemy soldiers who are wounded back to the enemy outposts; those who, after healing, will be recognized as invalids will be sent back to their countries. Evacuations, together with the personnel that manage them, will be protected from absolute neutrality.[28] The content of the 1864 Convention was not seen as innovative, since at that time men were fully aware of problems and objectives listed in the Convention; moreover, at that time there was no proposal which included the full idea of an information bureau; the great innovation of the 1864 Convention was to have given to these provisions a legal value. The Convention, to which other 30 states adhered until the end of the century, gradually assumed relevance, until accession to it became a kind of acquisition of status of civil nation.

On 20 October 1868 a Diplomatic Conference was held in Geneva to refine some provisions of the Geneva Convention of 1864 and, particularly, to expand to naval forces the advantages of this Convention. The Additional Articles of 1868 were adopted, but they failed to secure any ratifications and never entered into force. Nevertheless, in the

[28] Treaties, States Parties and Commentaries, *Convention for the Amelioration of the Condition of the Wounded in Armies in the Field.* Geneva, 22 August 1864

Franco-Prussian War of 1870-71 and in the Spanish-American War of 1898 the parties agreed to observe these provisions.

After the experience of the Basel Agency, the topics of the communication of information on prisoners of war and the forwarding of aid started to be addressed during many International Congresses and Conferences, which have been reported between 1871 and 1912. During the same years, many conflicts occurred, but the International Committee was never able to create another bureau on the image of the Basle Agency.

In 1884 the Third International Conference of Red Cross Societies[29] occurred, in which the issue of identification of men killed in action had arisen. The above-mentioned Paris Conference (1867) and Berlin Conference (1869) created a precedent; starting from these, a number of delegates proposed the adoption of a form of identification by all armies. In any case, this proposal was not adopted because the principle of national sovereignty implicated the right to each country of free choice even in this field.

A few years later, on 1887, the role of the International Committee was finally defined in a resolution adopted during the Fourth International Conference of Red Cross Societies[30]; besides what had already been defined previously, the International Committee gained the duty of setting up international information agencies in times of war, in order to have the capability of sending aid in many forms (cash or others) to the wounded of the belligerent parties[31]. Again, this resolution did not mention the intervention of the Agency in the case of able-bodied prisoners of war, individuals not protected even by the Geneva Convention of 1864. The International Society for Aid to Prisoners of War in Brussels's delegate, Mr. Romberg, proposed a report during the 1889 Paris Congress on aid in times of war, in which he wished for information offices on national territories with the duty of sharing all information concerning prisoners of war whether they were sick, wounded, able-bodied in time of conflict. Although it was also discussed during the Peace Conference of 1889, the subject of this proposal finally became an object of a rule of law

[29] *Clara Barton Papers: Red Cross File, -1957; International Committee of the Red Cross, -1919; Conferences; Third International Red Cross Conference,* Geneva, Switzerland, Sept. 1884; Notes and programs

[30] Frangois Bugnion, *Composition of the International Committee of the Red Cross,* International Review of the Red Cross, IRRC. No 307, 1995

[31] *Fourth International Conference of Red Cross Societies held at Karlsruhe* from 22-27 September 1887, Summary record

only in the Annex to the Hague Convention of 1899 concerning the laws and customs of war on land.

It is significant to highlight Articles 14, 15, 16 of the Annex; Article 14 requested the creation of *'inquiry offices for prisoners of war'* in each state involved in the commencement of hostilities and in neutral countries which hosted belligerents on their territory, when necessary. These bureaux had the function of replying to inquiries about prisoners and to receive full information from many institutes, for instance hospitals and prisons. Among their duties was similarly that of collecting all items of personal use, valuables, letters, etc., found on the field of battle or left by prisoners.

Article 15 requested the creation of facilities for the activities of *'relief societies for prisoners of war',* according to the laws of the country. In the same article, the society requested the authorization of the societies' agents to be admitted to places of internment with the purpose of distributing relief. Finally, Article 16 declared the free postage privilege of the inquiry offices of the country of origin, destination, and those between[32].

The Hague Conventions of 1899 and 1907 are a series of international treaties concluded at two International Peace Conferences held in The Hague in 1899 and 1907. The conferences were convened by the Tsar of Russia to discuss the principles of the law of war, to make amendments to the Geneva Convention of 1864, to establish a permanent court, and to restrict the use of armaments through special international conventions. These conventions regulated different topics: laws of war in land, prohibition of firing of projectiles from balloons, rules on neutrality, and limits on naval war. These regulations were put into practice for the first time during the First World War.

The Hague Peace Conference of 1899 was meant to revise the declaration concerning the laws and customs of war of the Conference of Brussels of 1874 (not ratified)[33]; consequently, a Convention on land warfare and its annexed Regulations were adopted. Both the Convention and the Regulations were subsequently revised during the Second International Peace Conference of 1907. A number of states did not ratify the 1907 version of the Convention, remaining formally bound by the 1899 Convention; for the others, the

[32] *Convention (II) with Respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land,* The Hague, 29 July 1899
[33] Russian circular note of 30 December 1898

1907 Convention has replaced it[34]. The 1907 Convention is divided into 33 Articles and 8 Chapters, more detailed and precise; it includes new provisions concerning the burial of the dead and the transmission of information; the voluntary aid societies are for the first time expressly recognized. On the other hand, provisions that had proved to be impracticable were changed. The prerogatives of the inhabitants to provide help to wounded are reduced to more reasonable proportions, and the duty to repatriate wounded who are unfit for further service is transformed into a mere recommendation. The two versions do not differ excessively from each other. Being constituted by rules of customary international law, they are considered binding on States which are not formally parties to them as well. The rules expressed in the Regulations were partially restated and extended by the two Protocols Additional to the Geneva Conventions of 1949 adopted in 1977[35].

From a certain standpoint, the Hague Regulations lastly recognized a clear judicial outline regarding the transmission of information, the distribution of aid, and enquiries; however, the provision remained vague, in the sense that there was no reference on who was supposed to be in charge of establishing the enquiry offices and the relief societies for prisoners of war; moreover, there was no provision for interactions between the different national information bureaux. For these issues to be solved, during the VIIth Conference of Red Cross Societies,[36] the Red Cross Societies had been appointed as in charge of constituting the relief societies and the information bureau concerned with prisoners of war. The second gap of the Hague Regulations had not been solved in this Conference, even if the prospect of the formation of an international information unit, which would act as intermediary between the information agencies of the combatants, had arisen. This topic was taken into consideration only five years later during the next Conference of Red Cross Societies.

The Hague Regulations constituted an indisputable influence also on the drafting of the Geneva Convention of 1906 *for the Enhanced Condition of the Wounded and Sick in Armies in the Field,* for instance in the composition of Art.4; it provides that each

[34] Art. 4, Hague Convention, 1907
[35] D.Schindler and J.Toman*, The Laws of Armed Conflicts*, Martinus Nijhoff Publisher, 1988
[36] Clara Barton Papers, *Report: Seventh International Conference of the Red Cross Held At St. Petersburg, Russia*, May 16 - 29, June 4 - 22, 1902

belligerent is required to communicate all military identity marks or documents found upon the dead and a nominal roll of the wounded or sick collected, to their civil or military authorities. Combatants are also expected to keep each other informed of all imprisonments, transfers, admissions to hospital, and deaths of wounded and sick. Another requirement which appears in it is the collection of all articles of a private nature, valuables, letters, etc., found on the frontline or left by the wounded or sick who die in medical establishments or units[37].

Furthermore, the subject of the establishment of an international information agency occurred again at the VIIIth International Conference of the Red Cross of 1907, held in London. The world had just experienced the Russian Japanese war of 1905, in which the exchange of news concerning prisoners of war has been direct and for this reason the institution of an international intermediary was not considered essential. However, Hussenot de Senonges, the French delegate, was convinced that each war was different and that it could potentially be impossible to transmit information through the ordinary system; for this reason, he brought up again the topic for the need of a neutral body for the transmission of lists, news, and aid from one country to another. In his view, the bureau could possibly even be able to send delegates to prisoner-of-war camps, in order to monitor the conditions under which prisoners were being held. Hussenot de Senonges believed that these were duties belonging to the International Committee. As a response, Gustave Ador, President of the International Committee, declared that the Committee was entirely at the disposal of the central committees of all countries and governments to organize the forwarding of information and aid to prisoners of war[38].

As a result, a new resolution was voted, which constitutes the paralegal basis for information on the activities of communication and relief of the National Societies of the Red Cross and the International Committee. Therefore, in the VIIIth International Red Cross Conference, it was asked of the Red Cross Societies to recognize their obligation to provide aid to prisoners of war, in conformity with the stipulations of the Hague Conference and within the limits set by the laws and customs of the country of origin of

[37] *Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field, Geneva*, 6 July 1906
[38] *VIIIth International Conference of the Red* Cross held at London from 10-15 June 1907, Summary record

the National Society; moreover, the will of the International Committee of functioning as an intermediary in case of need was accepted and recognized.[39]

Extending the Red Cross' humanitarian action to POWs[40] was at the heart of the discussions of the 1902 and 1907 International Conferences. Finally, the 1912 Conference endorsed this development with a resolution[41]. There, it was determined that the International Committee would in wartime administer a bureau in charge of the transmission of information and relief for POWs, such as the one established in Basel in 1870. The 1912 resolution was first implemented during the Balkan War of 1912-1913 with the establishment of the Belgrade Agency. In October 1912, Bulgaria, Serbia, Greece, and Montenegro declared war with the Ottoman Empire; with the outbreak of the first Balkan War, the Internation Committee undertook its role as an intermediary for the transmission of assistance and information relating to prisoners, whether they were sick, wounded, or able-bodied. However, it was truly during WWI that it revolutionized the action of the Red Cross and brought it to promote a review of the international legal framework for the treatment of POWs.

1.6 THE BELGRADE AGENCY

Immediately after the outbreak of hostility, in 1912, the International Committee delegate Dr. de Marval was sent to the five belligerent states to plan the establishment of an international assistance and inquiry bureau.

The newborn Agency, located in Belgrade, began to be operative on 15 November 1912, being managed by the Swiss consul Mr. Charles Voegeli; following the example of the Basle Agency, the Belgrade Agency was appointed of the forwarding of correspondence between military personnel and their families, of letters, money, personal effects and food parcels to prisoners of war; moreover, it held the duty of allocate the donations in kind and in cash. The Agency did not limit its services to wounded soldiers; in fact, able-bodied prisoners could also enjoy the Agency's role as intermediary with their families. The Belgrade Agency printed proceeding sheets in which it was requiring number, name, rank place, regiment, department, weapon, room number, arrival, departure, observation to

[39] VIIIth International Conference of the Red Cross held at London from 10-15 June 1907, Summary record
[40] Prisoners of wars
[41] *Neuvième Conférence internationale de la Croix-Rouge* tenue à Washington du 7 au 17 mai 1912

each National Red Cross Societies, in order to receive as many information as possible. The National Red Cross Societies were expected to fill them and send them back for the Agency to be capable of cataloging the data, sorting them in alphabetical order, and classifying them by nationality.

The card index method proposed and partially introduced by the Basel Agency was implemented, so that for each inquiry, it was now possible to search for the name of the soldier on the lists. The Croatian Red Cross proved to be the most efficient one under this perspective: it collaborated with the Agency, sending to it a list of 10500 Turkish prisoners of war, sick, wounded, and able-bodied being held in Serbia; in the meantime, the Bulgaria Central Committee of the local Red Cross was able to send only incomplete lists, proceeding on sending a list of 70360 Turkish prisoners of war in Bulgaria only after the end of the war. The list from Greece consisted of 725 Turkish officers, Montenegro's one of 92 names and finally Turkey, sending the Agency a very short list of 11 names of Serbian prisoners. Furthermore, the Agency carried thousands of enquiries involving both soldiers and civilians, in particular families living in the occupied territories; only a minor part of them were answered. Additionally, the Agency sent money transfers to civilians and military personnel who had been dispossessed of their means of support. To facilitate the agency's work, the Serbian government allowed the fee for postage for letters and money transfers.

During the classification of these lists, the bureau has had to deal with linguistic differences, both of languages and alphabets of militant countries. The Agency had the necessity to distinguish between Serbian, Greek, Bulgarian, and Turkish characters; moreover, some names had similar origins, especially with Turkish prisoners, making it even more challenging to distinguish between them. The Agency tried to resolve the issue by requesting more information about the person's parents, and to do so it started an additional correspondence that would go back to the belligerent states.

The role of the Agency was well accepted and known by the Serbian population, which largely requested the assistance of the Agency, besieging it with appeals of the news of members of family, especially during the Second Balkan war (1913)[42].

[42] Report given by Mr. Charles Voegeli on the Belgrade Agency, *Bulletin international de la Croix Rouge,* No. 177, 45th year, January 1914

In the Report by Mr. Charles Voegeli on the Belgrade Agency, *Bulletin international de la Croix Rouge,* many anecdotes on the utility of the Agency are told; for example, the story of a father who had been told by his son's companions that his only son had been killed on the battlefield without a doubt. However, he went to the International Agency, giving him his son's name; unexpectedly, the Agency was able to place his son in a provincial garrison as a prisoner, and therefore demonstrate that he was alive.

The Belgrade Agency contribution went on until 30 November 1913; nevertheless, similar to what has happened to the Basle Agency, for a long time after demands for information persisted to reach the bureau; likewise, money transfers and reforwarding of undelivered transfers continued for another year.

The Belgrade Agency was instituted as a support during the two Balkan wars (1912-1913); following the footsteps of the past, the Agency set up a card-index system, which was compiled with 87778 names; controversially, 70360 of these names of Turkish prisoners in Bulgaria have been received only after the end of the war. Leaving aside the importance of sharing data even after the conflict, for the purpose of the Agency, it was central to collect the lists throughout the wartime. For this reason, the head of the Agency, Mr. Voegeli, highlighted the urge to sign international agreements between states, to require them to register all those who are sick, wounded, or prisoners of war, and to be bonded with an obligation to communicate these lists to the bureau of the International Red Cross; he believed that this was the only way for the Agency to fulfill its mandate[43]. During the year 1912-1913, the Belgrade Agency was only able to accomplish its role with respect to Turkish prisoners in Serbia, as the sole complete lists received during the conflict had been the one from the Serbian Red Cross. The total number of prisoners, able-bodied, sick or wounded had been estimated up to 250000; because of the high number and the consequent impossibility of dealing with it only in one place with limited resources, Mr. Voegeli proposed the establishing of branches of the Agency in proximity of the concentration of persons in need.

In conclusion, even if the performance of the Belgrade Agency was not completely positive, the structural issues and the lack of disposal of all lists of prisoners of war,

[43] Report given by Mr. Charles Voegeli on the Belgrade Agency, *Bulletin international de la CroixRouge,* No. 177, 45th year, January 1914

together with the work that has been done and the alleviation of moral suffering, constituted a significant precedent for future action by the International Committee. Its experience led to the foundation of the Prisoners of War Agency, the effect of which was much broader due to the comprehensive quality of the conflict[44].

[44] Gradimir Djurovic, *The Central Tracing Agency of the International Committee of the Red Cross, activities of the ICRC for the alleviation of mental suffering of war victims*, Geneva, Henry Dunant Institute, 1986

CAPTHER II - THE INTERNATIONAL PRISONERS OF WAR AGENCY OF THE FIRST WORLD WAR

2.1 LEGAL AND PARALEGAL BASIS OF THE INTERNATIONAL PRISONERS OF WAR AGENCY

The duties of the Agency which had been established during WWI developed from the previous Agencies.

Seven million information about prisoners of war have been collected during the First World War; the material collected was then sent to the families; if the relatives were in Europe, the correspondence could arrive in a couple months; if they were outside Europe, it took the correspondence up to eight months to arrive. The core of the mandate would always remain similar to the different Agencies, offering protection and relief to prisoners of war which included exchanging correspondence between them and their families.

As crucial as the transfer correspondence was, the Basle, the Belgrade, the International Prisoners of War Agencies, set up by the ICRC, had no legal legitimacy to carry out this work.

The activity of the Basle and Belgrade Agencies, even if partial, constituted a great milestone from which the development of a new Agency could be born: l' *Agence Internationale des prisonniers de guerre* (International Prisoners of War Agency). However, this experience did not lead to the production and ratification of any international convention. In 1914, at the outbreak of the First World War, the legal basis was the same as for the creation of the Belgrade Agency in 1912; the Hague Conventions of 1889[45] and 1907[46], together with the Geneva Convention of 1906 for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field[47], were the only binding documents from which a new Agency was created: the International Prisoners of War Agency (1914). As was in the past, the outcome of the VII and VIII International Conferences of Red Cross Societies composed the paralegal foundations of the Agency; their work has been successively extended by the IX International Conference of the Red

[45] Convention (II) with Respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 29 July 1899
[46] Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907
[47] Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field. Geneva, 6 July 1906

Cross, convened in Washington, D.C. in 1912[48]; its resolution has not been applied during the Balkan wars even if it had already been stated. Assistance to prisoners of war was one of the main topics of discussion during the so-called Washington Conference, in which a noticeable resolution was voted. There, it has been declared that the Red Cross Societies all over the world detained the duty of assistance to prisoners of war; for this reason, these Societies were requested to establish in peacetime special commissions with the obligation in wartime of gathering and forwarding to the International Committee relief for distribution to servicemen in detention. The role of intermediary was demanded to be reinforced by neutral delegates accredited with the governments; these representatives were asked to carry out the allocation of aid intended for individual prisoners and the delivery of other means to prison camps[49].

The resolution of the Washington Conference represented a step further in the development of the Agency: during the first Balkan war a delegate, to be precise, Dr. de Marval, had been appointed by the International Committee to go conferring with the Red Cross Societies of the warring States, to debate with them the establishment on an international agency for assistance and information (the Belgrade Agency); on the other hand, in 1914, the foundation of the International Prisoners of War Agency had been announced to the Red Cross Societies merely by sending two circulars. The first circular restated the content of the Washington Conference; the second one, besides confirming the first one, more precisely number 159 of 15 August 1914, expressly specified the role of the International Committee in coordinating international aid to prisoners of war. In fact, it emphasized the inauguration of an international agency for assistance and information for prisoners of war; additionally, this communication included Article 14 of the Hague Convention of 1907, recalling that the belligerent states must set up information offices to facilitate the exchange of information between prisoners and their families. It was also clarified that any request would be forwarded to the Red Cross of the country in which the prisoner was interned, asking for information on the place of detention; after this exchange of information, the bureau would share the news with relatives. The weight of obtaining all lists of prisoners from their respective governments

[48] Ninth International Red Cross Conference, Washington, 7th of May, 1912
[49] *Aid to prisoners of war, VIth resolution of the IXth International Conference of the Red Cross*, held in Washington D.C. from 7-17 May 1912, *Summary record*

with precise information on names, military status, place of detention and to exchange information promptly when necessary was also accentuated[50].

Despite the recommendations included in the two circulars, when the hostilities began in 1914, the ICRC had to overcome many difficulties; more accurately, the ICRC did not receive lists of prisoners from all belligerent parties as expected. On 7 September 1914, President of the Freiburg im Breisgau Red Cross in Germany sent to Geneva the first list of French detainees. The Central Committee of the German Red Cross sent the second register, but after that it threatened to suspend the forwarding of lists because the action had not been mutual. The ICRC attempted to resolve the issue by sending to the French authorities several correspondences requesting lists of German prisoners. However, the first list was sent to Geneva only when the ICRC's President, Gustave Ador, traveled to Bordeaux. The first list of German internees held in France was then transmitted to the German Red Cross on 26 September 1914.

At that time, the ICRC was still not recognized as the mandatory intermediary for the transmission of lists between the belligerent states, and for this reason diplomatic channels remained the principal instrument used to send information, particularly the embassies of the United States of America. The diplomatic channels were slower, but in many circumstances they were still considered the optimal choice for transmission; for instance, in October 1914 the London prisoners of war information bureau refused to send the lists to the ICRC since the same records were already being forwarded to the embassies; the ICRC insisted on being updated with all the registers in order to be able to respond to the many requests for information that it was receiving every day[51]. The context was so problematic that the ICRC declared that it would have to suspend its communication service for German prisoners if it did not receive the lists, which would automatically put an end to the same service concerning British prisoners, following the reciprocity criteria. The British belligerents lastly recognized their own interest in providing the lists to the International Prisoners of War Agency.

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[50] Organisation for aid to prisoners*, 160th circular to the Central Committees*, *Bulletin international de la Croix-Rouge,* No. 177,45th year, January 1914

[51] Archives of the International Prisoners of War Agency, *letter from the Agency to the British Prisoners of War Information Bureau*, 9 October 1914

During the First World War, the ICRC put the Danish Red Cross in charge of answering enquiries relating to the eastern front; it functioned as an intermediary for the exchange of lists between Germany and Russia as well; on the other side, the communication between Austria-Hungary and Italy have been direct.

When the International Prisoners of War Agency was established, it counted only eight members. However, after the battles of Lorraine and Belgium, the correspondence increased to 30000 letters daily, and the bureau progressively adjusted to the number of requests. There was no precedent for a mass of inquiries of this proportion and a number of lists of prisoners of war that elevated. For this reason, the staff of the International Agency had to apply a scientific method based on the division of work.

It is indispensable to highlight that, while the Agency's job focused on the activities for the information and assistance of families and prisoners of war, the International Committee of the Red Cross held a crucial diplomatic role which accompanied the activities of the Agency. Indeed, it advocated for the rights of the prisoners of war, negotiating and taking part to diplomatic discussions; from 1915 to 1918 its delegates have been allowed in 534 camps, mainly situated in Europe. The ICRC delegates were also engaged in writing reports of the visits and then in publishing them, as a method of information against false propaganda. Moreover, the International Committee requested the repatriation of long-term prisoners of war through diplomatic channels. If in the previous experiences the ICRC was seen just as the place from which the agencies were orchestrated, with the First World War a new collaboration was born, making the operate of both the Agency and the Committee more effective and efficient[52].

2.2 STRUCTURE OF THE INTERNATIONAL PRISONERS OF THE WAR AGENCY

The International Prisoners of War Agency experienced a progressive development and reached the full evolution when it divided its work into departments. The operative sections of the Agency were: the department for incoming and sorting of mail; department for typing and copying; department for enquiries; Civilian Department (subdivision of the enquiries department- tracing services); department for transmission of

[52] François Bugnion, *Confronting the hell of the trenches : the International Committee of the Red Cross and the First World War,* 2018

correspondence, parcels, and money to prisoners of war; department for the repatriation and hospitalization to neutral countries; department for funds and administration.

The department's task for incoming and sorting mail was to forward letters received from different countries to the appropriate sectors; it also treated verbal inquiries through the reception service. This service has been extremely helpful; in fact, from 1914 to 1918 around 120000 people produced verbal enquiries, which were then registered on a card and sent to the central card index. When possible, the enquirer received an answer on the spot; on the other hand, if the enquiry needed a special investigation, the card was sent to the appropriate department and the enquiry followed the same procedure as the written one. In both cases, the reception service was obliged to keep a copy of the card to have access to it at any time. The written letters, on the other hand, were never opened, they were sorted only by studying their exterior appearance. After the first sorting, the post was analyzed by specialized staff who was obliged to follow strict rules and was never allowed to take initiative. Their work was to send acknowledgments and to organize the work for the typists in charge of writing the inquiry documents and to categorize the letters under one of the main categories. These classifications were: first inquiry for information concerning a missing serviceman; enquiry concerning a civilian; repatriation and internment; transmission of correspondence; finance; miscellaneous.

The department for typing and copying had multiple tasks; first, it was in charge of writing enquiry cards and information cards; secondly, it had to reproduce all forms, circulars, and reports, as well as copying lists and sending them to the official bureau and to the Red Cross Societies. All copies of any document, list, or card had to be checked by this sector and, in conclusion, it had to organize the final classification of the cards in the diverse indexes by a preliminary sorting procedure. One of the duties of the department was to replicate as impeccably as possible the method in which the lists were set out and the data they comprised, even if this information seemed wrong, abbreviated, or misspelled. The original lists remained in Geneva, while the copies would be transmitted; only after having informed governments and Red Cross Societies, the Agency would inform the families of prisoners of war or men killed in action. The simplest way, which did not require waiting for an enquiry, was to immediately transmit the information to the address written on the lists; however, the address of the family only appeared on American and British lists, forcing the Agency to wait and delay the transmission of information in

all the other cases that needed the opening of an enquiry. Furthermore, the work of the Agency was structured in a way in which the search would have to refer to the original lists even after having consulted the card index; in fact, the cards were an alphabetical index of all registers completed with the page numbers of the list on which the full data of the person would appear. The sequence utilized by the sorters to fill the enquiry cards, once established, was used in all departments concerned with enquiries, for instance, in the Entente, Central Powers, Civilians, and Finance. The precision of the transcription was not altered by the promptness with which the work was completed, as this was safeguarded by the checking formula applied to all replicas of both lists and cards.

Weather it is due to a harm conflict or a natural catastrophe, people suffer greatly and especially when they have no news of their families. This is why one of the most important jobs of the Agency turned out to be tracing missing people and reconnect them with their family. The Department of International Prisoners of War Research was divided into three tracking departments: Central Powers, Entente, Civilian. Analyzing the Entente and Central Powers department first, namely, the ones concerning soldiers, in each section the subdivision followed the nationality of prisoners and missing personnel, and the methods used for the inquiries. The main tool used by these departments was the centralized cards, where they could find both data and query cards; for this reason, the success of the tracing inquiry was subject to the correct filling of the cards in the index. Generally, the Agency created an index for each belligerent state, but certain ones, for instance French and Belgian or German and Austrian indexes, were combined. Moreover, errors in spelling, difficulties in understanding the writing of a foreign language, and mistakes in transcription were also present. There have been cases of misspelling on the enquiry cards that led to the composition of multiple inquiries for the same missing person. In order to minimize the error, the Agency started to group names that were loosely linked either phonetically or visually; this newborn method turned out to be effective and for this reason several official information bureaux implemented the same process. However, not all the difficulties had been rectified simply by using a new phonetic amalgamation, and apart from it, the International Prisoners of War Agency developed other systems of indexes. Therefore, a topographical index was created: it permitted to see the number of deaths in camps, giving an immense contribution to enquiries on missing personnel, by filing the information under the name of the place in

which the person had been seen the last time instead of an alphabetical order of the first name[53]. Additionally, regimental index and chronological cards were also introduced. With the contribution of these four indexes, alphabetical-phonetical, topographic, regimental, and chronological, the International Prisoners of War Agency was able to correct mistakes, fill gaps, and facilitate the solution of inquiries. The inquiries were multiple: investigations for missing military personnel, prisoners whose release had been without news for a long time, people deceased whose place of burial or circumstances of death were unknown or uncertain or without an official death certificate, and others. Ideally, governments were asked to inform each other of the names of prisoners or death soldiers not belonging to their army; in reality, several families remained without news of them for months, especially when the eastern front was involved: in some places postal services were scarce, a number of soldiers have been held in imprisonment in isolated places in Russia or Siberia, and some others were locked in battle zones where correspondence and reception of parcels and money was very hardly granted. For this reason, in addition to officially receiving data, the Agency requested information via the Tracing Department; in particular, the staff would try to communicate with members of the same regiment of the missing person. Unfortunately, this method did not offer satisfactory results, and the Agency arranged regimental inquiries within each military unit in order to create a basis on which lists of missing personnel were created on site, in the most accurate manner possible. This approach produced much more data: for instance, 90,000 extra items of information were acquired involving missing French military personnel. All testimonies were copied three times, to share the information with the family and the war office and to keep it also within the bureau archive. The Agency went further, entering more and more into correspondence with the families, with the camp authorities, and with prisoners themselves. To avoid any manipulation of the Agency's effort, the bureau established that a case could only be reopened if relatives had been without the update of a prisoner for two months; on the other hand, the investigations on dead soldiers did not wait for the family to request them to start.

In addition, the International Prisoners of War Agency detained the duty of collecting all general documentation concerning prisoners of war; by doing so, it would share

[53] Frick-Cramer, Renée-Marguerite, *Organisation d'un bureau central de renseignements,* Geneva, ICRC, 1932

information to bureau for aid, Red Cross Societies, governments, private individuals, especially on the conditions and the treatment reserved in camps. It would also provide the ICRC with the necessary data to take action in order to ensure compliance with the Geneva Convention. The Agency would access general information files; in addition to it, it would write or receive confidential reports to and from the State Powers, which remained confidential, but some extracts from them were transcribed into cards filed in topographical order and accessible to the families. In addition, it published a weekly brochure, titled 'News from the International Prisoners of War Agency', *Nouvelles*[54], in which general data on prisoners of war were shared. On the other hand, false or exaggerated reports were published in newspapers of the belligerent states, distributed for the sake of propaganda; the pamphlet was rectifying these publications. This tool was also used by the Agency to share the modalities of how to use its services and was central to the ICRC public communication strategy[55].

The Civilian Sector of the International Prisoners of War Agency agreed on giving assistance to all civilian war victims, in particular: civilians, mobilizable and no mobilizable, imprisoned in enemy countries or areas overseas not directly at war; civilians detached from their compatriots in territories occupied by enemies; civilian refugees in allied or neutral countries; stateless civilians.

On a legal basis, neither the Washington DC Conference of 1912, nor the Hague Conference of 1907 had brought the attention on the protection of civilians. The Hague Convention mentioned that the protection of civilians limited the discourse on persons living in enemy occupied territories. The First World War saw a great number of civilians interned in different countries; for this reason, the sector of the Agency dedicated to them was created, under the commanding of Dr. Ferrière. Even without a clear legal basis, the ICRC proposed in 1914 to the Red Cross Societies of the belligerent countries to list civilians as prisoners of war; only Austria, Great Britain, and Russia agreed with the request. Toward the end of 1914, the German Red Cross started to send lists of civilians. The low frequency of the lists sent and the few numbers of states which responded to the

[54] Comité international de la Croix-Rouge, *Nouvelles de l'Agence internationale des prisonniers de guerre*, Genève, 1916-1918, Library
[55] Sonia Crenn, Charlotte Mohr, Ismaël Raboud , *The ICRC and the protection of prisoners of war: highlights from the ICRC Library's collections,* 14 September 2020

request caused the work of this section to be extremely difficult. However, a general outline of the duties of the department was finally agreed; the section would focus on many responsibilities, for instance, the transmission of post from and to mobilizable and non-mobilizable interned civilians as well as those of common law prisoners held in enemy territory, steps for obtaining official papers necessary for regularizing civilian status, evacuation of civilians held in occupied territories, hospitalization of the sick in neutral territories, civilian correspondence, and others. The arrangement of this division was lengthy and uncertain, due to the increasing inflow of evert genre of enquiry and to the lack of legal basis; it was fully instituted in 1917, but only three years later (1920) the civilian section was finally capable of closing most of its activities.

One of the special activities of the Civilian sector was to deal with communications and documents concerning civilians with various authorities; this section of the department has never been entirely successful. Given the fact that the number of inquiries for the missing and the deceased was even higher than others, and that civilians did not have registration numbers, the Agency needed for each person to have a lot of information to comply with the request (family and given names, profession, place of origin, address, etc.). In addition to this, the Agency was asked to confront several authorities in each state which dealt with requests with diverse methods; for instance, in France a special service was appointed to this task, causing additional delays in answering inquiries. Agency activities in French territories had little impact because civilians were not classified with military personnel and they were often subjected to arbitrary measures. On the other hand, in Germany civilians would benefit from the measures of the Hague Convention, being treated as military prisoners; moreover, the response to enquiries in Germany had been relatively immediate and precise. In general, the Agency had to rely on outside charitable institutions to obtain information involving civilian internees. Another task of the Agency was to try to obtain reduced prison sentences or remission, or even suspension of death sentences: on this side it could be said that the department was effective when negotiating with judicial authorities.

Activities concerning repatriation were part of the duties of the department of Civilians, as well as correspondence of citizens. The management of correspondence had been problematic both during the conflict and after the armistice, due to the suspension of postal communication in many territories. For instance, the German authority had

deprived the Belgian population of any news, and only in 1916 the Agency was able to start forwarding some correspondence from Switzerland to Belgium. Additionally, the German authority forbade its own soldiers to be in contact with their families on the Alsace territory, in France. On the contrary, the French authority never stopped the correspondence. France would rely on the work of the Agency, while in Germany it was forbidden even to open an enquiry or ask for news from those territories. Despite the numerous efforts of the Agency to respond to several requests, by the end of 1915 only 15% of them had received an answer. Again, the German Ministry of War in 1916 forbade the correspondence. Consequently, a new service for the transmission of indirect news was born, with a huge contribution of the Frankfurt Red Cross; thanks to this new office and to a long negotiation, the Agency finally managed to obtain a direct exchange of correspondence between the Frankfurt Red Cross and the French Ministry of Home Affairs.

Between Italy and Austria, the work of the International Agency was not necessary because they had established a direct contact; on the other hand, the services of the department had been fruitful in Serbia. After the 1917 Geneva Conference presided over by the ICRC, an agreement was signed establishing through Bulgaria the correspondence between free and occupied Serbia. The civilian territorial desk of the Agency's job there was facilitated by the presence of a delegation of the Serbian Red Cross on site. Despite the effort and signing of the agreement, most of the population had access to correspondence only after the end of the war.

By virtue of another agreement with the ICRC, the Danish Red Cross was entitled of the correspondence and inquiries involving Russia, Germany and Austria-Hungary. Indeed, correspondence on territories, especially the occupied ones, was often suspended and never reestablished, despite the work of the Agency. The British Government on October 1918 stopped the delivery of any information concerning German civilians as a threat for the German Government to revise its prohibitive regulations on correspondence.

When the United States joined the war, the communication with the Central Powers and zones occupied by them had been prohibited. ICRC undertook a long negotiation at the end of which the Agency was able to collect and share brief and summarized news. After the armistice, the Agency engaged itself in the project of reestablishing regular

correspondence between countries, remaining in charge of the transmission of mail long after the end of hostilities (Agency) and functioning as an intermediary on negotiations between parties (ICRC).

At the beginning of the war, letters between families and prisoners of war were mainly handled by the department for transmission of correspondence, parcels, and money to prisoners of war; afterward, the same sector became an intermediary for not easily reachable regions. For the Western front, correspondence of prisoners was managed by the Main Post Office in Berne, while for the eastern front Denmark and Sweden oversaw it; both belligerent and neutral states referred to these special departments. However, the Agency had never the role of a mere postal office; in fact, it was its duty to remove offending words from the correspondence for them to pass the censor; moreover, it made sure that letters and postcards were conforming to the rules set out in circular in each place of detention; together with this section, also the Civilian Department guaranteed the transmission of letters from prisoners to their families living in enemy occupied territories. In addition, a special sector for 'express messages' had been organized, to facilitate communication in the case in which prisoners remained without the news of their relatives for a long time. For the parcels involved, Natural Le Coultre & Cie, a firm based in Geneva, acted as the forwarding agent offering its services to the ICRC free of charge. In fact, the Committee was exempted of customs costs for parcels to prisoners of war under the Hague Convention of 1907; moreover, it obtained a waiver on customs declarations. On the official ICRC report on its activity from 1912 to 1920, it is counted that from 1914 to 1918, 1884914 individual parcels and 1813 wagons containing goods in bulk were forwarded to destination[56]. Finally, the same department was also in charge of money transfers; in order for it to be the most efficient possible, it was essential to be able to trace the funds received and forwarded: for this reason, a system of cards was also implemented in this sector. The subdivision for the transmission of funds was divided into five categories, namely registered letters, current correspondence, postal orders, telegraphic money orders and exchange. In the same official report mentioned above, it

[56] *Rapport général du CICR sur son activité de 1912 à 1920*

has been declared that the Main Post Office in Bern forwarded 18131498,45 Swiss francs from 1914 to 1918[57].

The Department of Repatriation and Hospitalization in neutral territory of sick or wounded military personnel was divided into two subsections. The first, based on Articles 9 and 12 of the Geneva Convention of 1906, focused on the repatriation of medical personnel. The necessity of creating this division arose from the lack of adherence to the provision of the just-mentioned Geneva Convention; the justification of governments for the several doctors, nurses, and other medical personnel interned in camps was that their presence was a necessity to assure cures to prisoners in cases of illness or epidemics; furthermore, they claimed that local military or civilian doctors could hardly be found because of the state of war. In 1916, for instance, Russia and Germany signed a bilateral agreement concerning the exchange of medical personnel: the proportion would have been one doctor and ten members of the medical stuff held in captivity every 2500 prisoners[58]; clearly, this agreement was contrary to Article 12 of the Geneva Convention of 1906. The first effort of the ICRC to agree with belligerent parties on the compliance of the Convention was held in 1914, where it informed the countries of the content of Articles 9 and 12: belligerent parties were requested to return all medical personnel to their country of origin as soon as possible. Theoretically, by 1915 all countries accepted the conditions, but practically many of them remained held in captivity. The Department of Repatriation and Hospitalization on neutral territory of sick and wounded military personnel insisted on the Red Cross Societies and military authorities to make repatriations possible. The unsuccessful cases depended on agreements between the belligerent countries, and some of them were never solved until the end of hostilities. Unfortunately, military personnel did not benefit from any form of special treatment, as opposed to article 9 of the Geneva Convention. The treatment for prisoners of war concerning their correspondence was applied to medical personnel with the same restrictions; moreover, identity papers, which were the only mode to prove their status, were frequently sequestered on arrest, therefore denying them of the opportunity to be protected by the Convention. Consequently, the department not only dealt with inquiries about repatriation and complaints about treatment in captivity, but also with requests for

[57] *Rapport général du CICR sur son activité de 1912 à 1920*
[58] *Rapport général du CICR sur son activité de 1912 à 1920*

attestations of the status of medical personnel; here again, the Agency adopted a system of cards and files for each case.

The second subsection was intended to create the lists of sick and wounded for their request of repatriation. The steps necessary to return home of seriously sick and wounded prisoners were within the competence of the Committee, which nevertheless requested the opinion of the physicians treating each case. After many consultations, the ICRC proposed a scheme to the belligerent parties: the states would have to engage in the mutual exchange of prisoners of men with three children at first, subsequently of as many prisoners as possible taking into consideration the duration of their imprisonment and starting with the ones who had been held in captivity the longest. 100000 French prisoners and the same number of German detainees benefited from the agreement signed by both parties on 26 April 1918 thanks to the mediation of the ICRC. All these proceedings in conjunction with governments were duties of the Committee, while the department of the Agency administered the recording of individual inquiries for repatriation of prisoners and the transmission of them to the appropriate authorities.

Finally, the department for funds and administration oversaw all monetary questions, in particular budget, accounting, and transmission to prisoners of funds and registered letters[59].

2.3 END OF MANDATE OF THE INTERNATIONAL PRISONERS OF WAR AGENCY

With the establishment of the International Prisoners of War Agency, the staff of the ICRC who took charge of it at the outbreak of hostilities, had no idea how widespread the war was going to become. With the help of Red Cross Red Crescent Societies, it would collect lists of names and forward information on to their hometowns. All the work would have been done handwritten and typed by a typing machine; this has been a logistical challenge in view of the technological knowledge of that time. During this time the Agency also began its field work, visiting detained prisoners of war which allowed them to be closer to their needs and in direct contact with their suffering. The purpose was to assess the

[59] Gradimir Djurovic, *The Central Tracing Agency of the International Committee of the Red Cross, activities of the ICRC for the alleviation of mental suffering of war victims*, Geneva, Henry Dunant Institute, 1986

humanitarian condition of these detainees and to register them. Sometimes the only person from the outside that prisoners had the occasion to meet and talk with were ICRC delegate, and this is why many of them would make presents to be donated to the ICRC delegates. By the end of the war several million files had been opened by the Agency; furthermore, it had sent packages to families of prisoners of war and civilians in occupied territories and organized the repatriation of victims. A gigantic humanitarian endeavor has been accomplished and the ICRC has found a lasting model in the International Prisoners of War Agency in the First World War. The Geneva Convention of 1929 marked a major shift in international law when for the first time prisoners of war were protected in international harmed conflicts and finally the central Agency of information was mentioned by name which augmented ICRC's legitimacy in providing this humanitarian work.

The International Prisoners of War Agency officially ended its mandate in 1923; after that, the tracing service of the ICRC continued to work on inquiries during the inter-war period. The result of the armistice for the Agency was a reduction in the work of certain departments (Entente) and an increase in the operation of others (Central Powers and Civilian Section). Indeed, several German and Austrian troops had been taken prisoner because of the allied offensive in July 1918; by the time of the conclusion of the armistice, the Agency was still lacking information of about 100000 of them.

In April 1919 the Agency ceased its work concerning American, English, Belgian, French, Greek, Italian, Japanese, Portuguese, Romanian and Serbian prisoners of war; on the other hand, services for the Central Powers and the Russian section of the bureau continued the activities until the repatriation of every prisoner. The civil section had to increase its activities after the armistice. Moreover, a new category of enquiries appeared: the requests were related to the citizens of territories of Alsace-Lorraine; the wishes for news, different inquiries, search of missing persons and other information were numerous and dated back years. They were also containing souvenirs, last thought of killed soldiers, and so on. The same service was given to Belgium and Romania. Even if the impossibility of communication has resulted on several occasions in the delivery of these letters and items after the end of the war, it has been a significant job which for sure contributed to the alleviation of the moral suffering of the families, giving them a last memory to hold.

At the end of its term of office, it was calculated that the index contained more than 7 million cards; the dimension of the conflict and the number of demands grew proportionally, leading the Agency to expand and reorganize the work. It soon became the information bureau for both military and civilian victims. Remarkably, its role has not been founded on any international convention; the Basle and Belgrade Agency contributed significantly to build a reputation which allowed the ICRC to establish an Agency with the position of a neutral central information intermediary, which, with no precedent, for the first time was dealing with civilian victims of the war as well. On this ground, the ICRC, with its diplomatic work, accomplished the imposition of its moral authority on the belligerents. The staff of the International Prisoners of War Agency developed a new method of work, dividing the tasks in different divisions and providing specialized effort in each sector; the error in listing was, therefore, drastically halved, and this working method functioned as a prototype for the structuring of the Central Prisoner of War Agency of 1939. The working conditions during the First World War were difficult and very complicated; on the other hand, the staff was composed of individuals with different nationalities, thus reflecting the ideal of peaceful collaboration so much desired especially at such a complicated era of world conflict[60]. The activities of the International Prisoner of War Agency during the First World War revealed that in the occurrence of a conflict, a central information bureau on neutral ground was essential and that the ICRC was the most proficient international organization to set up such an agency. The function of the Agency was finally acknowledged in Article 79 of the Geneva Convention of 1929 relative to the treatment of prisoners of war. The changes brought about by the events of the WWI and the consequent development of a new structure of the Agency contributed to the creation of the 1929 Convention itself; even if the completion of the process will be seen only with the adoption of the four Geneva Conventions in 1949, many aspects of the modern law concerning prisoners of war were born during the first world's conflict. Most importantly, it was during those years, with the contribution of the activities of the

[60] ZWEIG, Stefan : *Le coeur de l'Europe, une visite à la Croix-Rouge internationale de Genève,* Paris, Editions du " Carmel ", 1918

Agency, that the way in which prisoners of war were perceived have changed to "humanitarian subjects"[61].

[61] Neville Wylie, Lindsey Cameron, *the impact of World War I on the law governing the treatment of prisoners of war and the making of a humanitarian subject*, European journal of international law, Vol. 29, no. 4, November 2018

CHAPTER III - THE AGENCY BETWEEN THE TWO WORLD WARS, 1918-1938

3.1 LEGAL PROGRESSES OF THE POST WAR PERIOD

After the end of the First World War, it became clear that the legal structure sustaining the work of the Agency necessitated to take a step further; even the bilateral agreements undertook by some states during those years, concerning the protection of prisoners of war and civilians, were inadequate, mostly because they would cease to be valid immediately after the ending of hostilities. The Geneva Convention of 1906 and the Hague Convention of 1907 were outdated and did not answer all the uncertainties of the time. Therefore, the modification and advancement of international conventions involving the topic of prisoners of war grew to be necessary, together with the adoption of a new international legal document which would deal with the protection of civilians. Moreover, the Russian revolution of 1917 and the Hungarian revolution of 1919 solicited the matter of a possible involvement of ICRC in non-international conflicts. Subsequently, the creation of a conventional legal framework to govern the activity of the central information Agency of the ICRC was mandatory[62].

3.2 INTERNATIONAL LANDSCAPE

As it has been in the past, the International Conferences constituted a milestone for the discussion on the issues of the time. In 1921, the topic of the protection of prisoners of war has been discussed during the Xth International Conference of the Red Cross; there, the proposal of a revision of the Geneva Convention of 1906 was brought up, together with the suggestion of the creation of a new convention on the same topic. Several general principles were suggested by the ICRC to representatives of governments and to the Red Cross Societies in a report presented during the Conference in Geneva, containing a proposition for the establishment of a new code for prisoners of war. Later, the ICRC proposals would all be adopted; moreover, during the same conference, the issue of the formation of a new code concerning prisoners of war have been discussed to be extended to civilians, deportees, refugees and evacuees. Resolution 15 of the Xth Conference contained this comprehensive code. In the same document the setting up of a central

[62] Gradimir Djurovic, *The Central Tracing Agency of the International Committee of the Red Cross, activities of the ICRC for the alleviation of mental suffering of war victims*, Geneva, Henry Dunant Institute, 1986

agency of information and relief, connected with the national bureau established by the belligerents in their own countries was requested; moreover, the centralization of the information in this bureau was agreed. The Resolution stated that the ICRC held the duty of the creation of a central agency in a non-belligerent country; the agency would have to transmit information to States and Red Cross Societies, share correspondence and coordinate relief distribution[63]. This same code declared three general principles applicable to civilian war victims: firstly, the deportation of civilians would be permissible only with a judicial verdict of illegal activity; secondly, taking civilian hostages would be prohibited; thirdly, citizens would be permitted to return home after evacuation as soon as the circumstances allowed it. Moreover, treating them in an inferior way compared to prisoners of war would be forbidden. Finally, medical personnel coming under the Geneva Convention of 1906, along with the relief societies provided for in the Regulations annexed to Article 15 of the IVth Hague Convention of 1907 would offer aid to refugees and evacuees among the civilians. The instruction given to the ICRC in the Xth Conference about these argumentations was to delegate a commission for the purpose of projecting the code based on these proposals, and then to submit it to governments, finally suggesting the Swiss Federal Government to convoke another international conference, in order to conclude a new convention containing this innovative code[64].

The final work of the just mentioned diplomatic commission has been presented during the XIth Conference of 1923[65]; there, the commission suggested to treat the topic of the protection of prisoners of war separated to the issue of the protection of civilians. Therefore, the project focused on prisoners of war, and it was named "Preliminary project for a convention concerning the treatment of prisoners of war"[66]; furthermore, the diplomatic working group advised for another international convention which would have been devoted to the subject of civilians.

The Report "Situation of non-military personnel in enemy hands"[67] contained the basis for the development of an international convention for the protection of civilian detainees and was presented in 1925 during the XIIth International Conference of the Red Cross.

[63] Resolution 15, Xth International Conference of Red Cross
[64] 15 th Resolution of the Xth International Red Cross Conference: *Compte rendu de la conférence*
[65] Document 15 of the Xlth International Red Cross Conference
[66] Document 25 of the Xlth International Red Cross Conference
[67] Document 15 of the Xllth International Red Cross Conference

In this document, the list of detainees was requested to be sent to the ICRC and to the Protecting Power in the shortest time possible; the ICRC was entrusted with the implementation of the XIIth Conference's provisions. However, between 1925 and 1929 these ideas and propositions were never fully concretized, they were too optimistic for the socio-political context and for the role of the ICRC of that time[68]. For this reason, the 1929 Diplomatic Conference adopted a convention concerning exclusively the treatment of prisoners of war; additionally, in the same Conference the 1906 Convention has been revised. The Diplomatic Conference of 1929's document would be then applicated during the Second War World; the newborn Convention aimed at integrating the provisions of the Hague regulations. The most important innovations consisted in the prohibition of reprisals and collective penalties, the organization of prisoners' work, the designation, by the prisoners, of representatives and the control exercised by protecting Powers[69].

A single reference on the conditions of civilians could be found in its conclusions, in which the need for the creation of a new convention concerning the protection of civilians was supported. As it has been stated before, the Convention of 1906 was replaced by the Geneva Convention of 1929, but remained in force until 1970, when Costa Rica which had not yet adhered to one of the later Conventions, acceded to the Conventions of 1949[70].The third version of the Geneva Convention on the wounded and sick was signed in 1929, based on the horrible experience of the First World War; 47 Governments joined, drafting a Convention of 39 Articles. Some adjustments were adopted, but of less importance than those of 1906; new provisions were included about the protection of medical aircraft and the use of the distinctive emblem in time of peace. Furthermore, the emblems of the red crescent and of the red lion and sun were recognized by countries which already used those signs in place of the red cross. The provisions concerning repatriation of the seriously wounded and sick prisoners were moved to the Convention on Prisoners of War. The 1929 Convention for the Amelioration of the Condition of the

[68] Frick-Cramer, Renée-Marguerite, *" Le Comité international de la Croix-Rougeet les Conventions internationales pour les prisonniers de guerre et les civils ", RICR,* July 1943
[69] Treaties, States Parties and Commentaries, *Convention relative to the Treatment of Prisoners of War. Geneva, 27 July 1929*
[70] Treaties, State Parties and Commentaries, *Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field. Geneva, 6 July 1906*

Wounded and Sick in Armies in the Field is no longer in force, it was replaced by the first Geneva Convention of 12 August 1949.

As has been stated, the 1929 Diplomatic Conference had approved a new Convention focused on the treatment of prisoners of war, which came from the effort of the numerous International Red Cross Conferences, and which had amended the 1906 Convention for the improvement of the number of sick and wounded military personnel. The Convention of 27 July 1929 for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field comprised two articles which implicitly were of relevance to the Central Agency: Article 3 and Article 4. Article 3 provided for the arrangement of a local armistice or a suspension of fire, in order to permit to the Army to remove the wounded and dead still on the field; it also requested the protection of wounded and dead from maltreatment and pillage; Article 4 asked for a reciprocal communication between parties of the names of wounded, sick, dead, together with all information known about them; moreover, it requested the correspondence of certificates of deaths, articles of personal nature. In the same Article a respectful burial or cremation was demanded, as well as the creation of a graves registration service, with the duty of exchanging the lists.

The correspondence of information and personal effects was managed by the Agency; its role, together with the role of national bureaux, had been better defined in Article 77 and 79 of the 1929 Geneva Convention relative to the prisoners of war. Article 77 described in dept the duties of each national bureau of belligerent powers, highlighting its responsibility as well to transmit all information immediately to the Central Agency; this Article reaffirmed the provisions of Article 14 of the Annexes to the Hague Convention of 1907 relating to the laws governing war on land, adding new provisions specifically concerning means of identification which information bureau were commanded to share to one another. The noticeable innovation contained in Article 77 was the recognition of an intermediary, more specifically the central information agency of the ICRC.

On the other hand, Article 79 declared the necessity of the establishment of a Central Agency of Information for prisoners of war, to be constituted in a neutral country. It recognized the role of the ICRC in the organization of the Agency; it recognized the duty of the bureau of collecting and transmitting information. Finally, it stated that the content of the Article would not restrict in any way the humanitarian work of the ICRC, giving it

much more space to work on. This Article was recognizing the massive work of the ICRC during the First World War, and it attempted to safeguard it by prescribing its location in a neutral territory. Moreover, with previous experience it was then clear that direct correspondence between national bureaux would be impossible. Furthermore, the stipulation of Article 79 had been influenced by paragraph 12 of the "Code for prisoners of war, deportees and refugees" of 1921[71], in which the ICRC was entrusted with the duty of establishing a central information agency; on the specific case of Article 79, however, they agreed on providing for a less "strict" text, declaring that the ICRC would propose to the Powers the organization of the Agency if it deemed it needed. As a consequence, it left to the ICRC the power of deciding if it was necessary; it was also free to entrust another Association with the task or a National Society, as it has happened during the First World War with the Danish Red Cross (eastern front of the information agency). Moreover, the parties in conflict had the right to refuse the services of the Agency, but they still detained the obligation to create an agency by other means[72]; in reality, there has been no case of a refusal to the services of the Agency of the ICRC on the part of a belligerent bound by the Convention of 1929. The humanitarian activities of ICRC have been roughly mentioned in Article 88, but they have never been described or listed in any article of the 1929 Convention. Even if Articles 77 and 79 were the only ones in which the Central Agency has been explicitly mentioned, many other articles related indirectly to the Agency. For instance, Article 8 contained an imposition on the belligerents to notify the capture of prisoners through the intermediary bureau provided by art. 77; Article 36 mentioned information cards. Free postage for information bureaux has been declared in Article 80. These are just some of the Articles in which the role of the Agency has been implicitly recognized and protected; the Agency will then be specifically mentioned in the text of all these articles when they will be reproduced and modified in the IIIrd Geneva Convention of 1949. Nevertheless, the Geneva Convention of 1929, relative to the treatment of prisoners of war, constituted a legal basis for the intermediation of the Agency; the constrain of these provisions is found in the limited application on prisoners of war and only in cases of international conflicts.

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[71] Resolution 15 of the Xth International Conference of the Red Cross

[72] Article 79 of the Convention of 1929, interpretation of it as Article 123 of the Convention of 1949- *Commentary on the lllrd Geneva Convention,* general editorship of Mr. J. Pictet, Geneva, 1958

The first draft project concerning the convention on the protection of civilians was created by the ICRC in 1934, during the XVth International Conference of the Red Cross convened in Tokyo[73]. This draft convention containing 33 articles prepared by the International Committee of the Red Cross was approved by the International Conference of the Red Cross in Tokyo and is generally referred to as the "Tokyo Draft". It was to be submitted to a diplomatic conference planned for 1940, but this was postponed on account of the war. The events of World War II proved the catastrophic consequences of the absence of a convention for the protection of civilians in wartime. The so called "Tokyo Draft" did not explicitly appointed the information Agency of the ICRC with the duty of extending its activities of protections to civilians, but it contained two provisions in which it was indirectly suggested. It mentioned the Geneva Convention of 1929, suggesting that the treatment of prisoners of war included in that document should have been applied to civilian internees (Article 17); Article 25 promoted the humanitarian activity of the ICRC, and Articles 7 and 19c granted the right for civilians to give and receive news of personal nature and relief. Finally, the XVth Conference entrusted the ICRC with the mandate to contact Swiss government to convene another diplomatic conference in Geneva, to work on an international convention for the protection of civilians in wartime. This Conference, which had been scheduled for the beginning of 1940 as mentioned above, did not take place because of the outbreak of the Second World War in September 1939. In the same year the ICRC established two options for the protection of civilians by States in wartime: first, it compelled them to adopt under conditions of reciprocity and for the duration of the conflict, the Tokyo document; secondly, it requested to declare that civilian internees would benefit from the 1929 prisoners of war convention[74]. Many of the states adopted the second option, but the conditions of an absolute and global conflict meant that the humanitarian provisions with respect to civilians in enemy occupied territories were virtually disregarded. Beside the fact that some legal agreements have been made between 1921 and 1939, which helped the Agency with its activities relating to civilian war victims, a clear legal background on the protection of civilians remained uncomplete. The

[73] *Projet de Convention concernant la condition et la protection des civils de nationalité ennemie qui se trouvent sur le territoire d'un belligérant ou sur un territoire occupé par lui.* ", Document 16 of the XVth International Red Cross Conference

[74] Frick-Cramer, Renée-Marguerite, *" Le Comité international de la Croix-Rouge et les Conventions internationales pour les prisonniers de guerre et les civils", RICR,* July 1943

work of the Agency concerning civilians was for the first time ruled under an international convention in 1949.

When the Geneva Conventions of 1949 were signed, the Central Information Agency of the ICRC based its work for the protection of victims of international conflicts on international conventions (limited to prisoners of war), customary law and paralegal texts adopted by multiple International Conferences of the Red Cross (concerning civilians as well).

It has been stated that during the First World War, despite the lack of legal basis for the activities of the Agency, the Agency itself has been able to develop its work, creating vital new sections, for instance the civilian's one; similarly, during the Second World War, even if the Agency was not specifically mentioned in the Tokyo Draft and no legal agreement had been enough to compose an international basis for the matter, the actions of the Agency has been crucial, as they have been developing during the years of the second global conflict. On the other hand, the activities of the Agency concerning the protection of victims of non-international conflicts, for instance during the Spanish civil war, were based on the recognized right of the ICRC of initiative, together with the resolutions of 1921 and 1938 International Conferences of the Red Cross for the protection of prisoners of war, political detainees and non-combatant civilians.

3.3 TRACING AND INDIVIDUAL CASES SERVICE BETWEEN THE TWO WARS

After the end of the First World War, as analyzed in the previous paragraph, the ICRC did not receive any formal legal mandate to establish a permanent Agency; nevertheless, the conditions of that time were requesting it, and for this reason a tracing service for individual cases never stopped working, even after the end of the activities of the International Prisoners of War Agency. The Tracing and Individual Cases Service concentrated its activities on WWI victims, both civilians and military, and on victims of numerous other conflicts that have occurred between the two global wars. For instance, it worked on many inquiries concerning prisoners of war or civilian prisoners in various countries, together with inquiries involving Russian refugees; it collaborated for the repatriation of persons stranded in Russia and Ukraine and supported with the unifying of dispersed families. Furthermore, the same Service remained in charge of the collection and transmission of documents (such as certificates concerning illness, captivity or

death), and of the correspondence for Russia, Ukraine and Turkey particularly. Again, in Russia and Ukraine the office collected information on aid provisions that were needed; it played a role during the Ethiopian hostilities of 1935, undertaking inquiries for legionnaires, especially in France and Spain.

The National Sections of the Central Prisoners of War Agency took over its mandate in 1953, ending its role of intermediate agency between the two-official bureau, namely the International Prisoners of War Agency (1914-1918) and the Central Prisoner of War Agency (1936-1960). It constituted the continuity of the humanitarian effort of the ICRC even when a permanent official bureau was still not on the international agenda.

3.4 INSIGHT: INTERNAL CONFLICTS

The issue of the possibility of intervention in case of internal conflicts by the Red Cross was first discussed at the IXth International Conference of the Red Cross held in Washington D.C. in 1912; there, Mr. Joshua Clark, who was the representative of the American Red Cross, presented a document made for the American Red Cross which was studying the question with the help of an ad hoc commission. The draft discussed an international agreement which would manage the rescue of foreign Red Cross Societies in cases of civil disorder. General Yermolov, delegate of the Russian Government, immediately opposed to the proposal, sustaining that internal conflicts were supposed to be a purely political issue, not a matter of Red Cross[75]. Most of the members of the Conference's general assembly, after having discussed it, agreed with the Russian delegate, stating that the issue was out of the competence of the Conference. On the other hand, the chairman of the Conference Gustave Ador wrote down the issue as a topic of discussion on the agenda for next meetings[76]. The debate about this subject became consistent and continued, especially after the episode of the Russian Revolution[77]; hence, in 1921, during the Xth International Conference of the Red Cross, many Red Cross Societies presented reports on the topic, sustaining that both ICRC and Red Cross Societies should have been playing a role in civil war cases. Finally, resolution 14 of the Xth Conference delegated assistance activities in the event of internal war to the ICRC[78].

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[75] IXth International Red Cross Conference, Washington D.C., 1912, *Compte rendu*
[76] IXth International Red Cross Conference, Washington D.C., 1912, *Compte rendu*
[77] Moreillon Jacques, *Le Comité international de la Croix-Rouge et les détenus politiques,* Lausanne, Editions l'Age d'Homme, 1973
[78] Xth International Red Cross Conference, Geneva, 1921, *Compte rendu*

The interpretation of what "relief work" meant has been left to the ICRC which decided to include all humanitarian activities possible, comprising the arrangement of a central information bureau. Nevertheless, the prerequisites for the intervention of the ICRC on a national territory were declared to be the consent of the government of the country and the invitation from the National Red Cross Society. Moreover, in the same Resolution civil wars were proclaimed to be under the same humanitarian law of international conflicts, additionally trying to establish a general principle for the treatment of political detainees as well, in which the Hague Convention of 1907 has been mentioned. This Resolution 14 of the Xth International Conference of the Red Cross will be invoked by the ICRC in proposing its assistance to the Franco Government and the Republican Government when the Spanish Civil war broke out in 1936.

Thanks to the role played by the ICRC during the Spanish civil war, the Committee submitted a document to the XVIth International Conference of the Red Cross held in London in 1938, concerning the function of the Red Cross in case of civil war. This text was divided into four sections; the first part referred to the sick and wounded, the second one to prisoners of war and political detainees, the third one to the non-combatant population and the fourth and last one to the activities of the Red Cross and particularly the ICRC's role. The adoption of this document encountered some obstacles, in particular because of the presence of both Spanish Red Cross Societies at the XVIth Conference, but the proposal of postpone the examination of the text was firmly rejected[79]. Finally, the proposal of the ICRC was substituted by the French Red Cross' one (Resolution 14), which was broader and therefore more easily agreeable by all parties. Within the Resolution, it was asked to the ICRC to achieve: the full application of the provisions contained in the Geneva Convention of 1929 and the Xth Hague Convention of 1907; the protection of political prisoners; the respect of the rights of non-combatants; the establishment of facilities for the correspondence of information; the full conformity of measures for the protection of children.

The 1938 Resolution considered the actions of the ICRC on behalf of victims of the Spanish Civil war, which was still ongoing; most of the objectives pursued during the

[79] Moreillon Jacques, *Le Comité international de la Croix-Rouge et les détenus politiques,* Lausanne, Editions l'Age d'Homme, 1973

Spanish civil war were listed, among which there was the establishment of the before mentioned facilities for the transmission of information.

The adoption of Resolutions of 1921 and 1938 permitted to take a step further in the improvement of legal rules managing the operations of the Agency, even if they did not establish a formal legal basis per se. Moreover, their adoption facilitated the growth of customary law on the matter[80].

3.5 THE SPANISH DIVISION

The Spanish civil war lasted three years, from 1936 to 1939; during those years, Spain had been divided in two, and half of it was under the control of General Franco, while the other half remained under the Republican Government; in the same years, the Tracing and Individual Cases Services of the ICRC was working, but its aid would not be sufficient, calculating the amount of requests from all over the world. For this reason, the ICRC soon decided to create an ad hoc section for the victims of the Spanish civil war.

The telegram of the ICRC sent to the republican Red Cross in Madrid of the 25 July 1936 symbolizes the moment in which the Committee started the communication to understand if they needed some external help, for instance from other national Red Cross Societies; in the various communication posterior to this first one, the ICRC highlighted the resolution of the Xth International Red Cross Conference relating to the role of Red Cross in internal conflicts. A number of Red Cross Societies did not know what their role should have been in the face of the Spanish civil war; the response of the ICRC arrived with the circular number 329, sent to all National Societies belonging to States signatories of the Geneva Conventions, in which the Committee made known that some of its delegates were going to Spain to offer their assistance; the circular was completed with the annex of the full text of resolution 14 of the Xth International Conference, which was intended to justify the intervention of the ICRC in a civil conflict, given the fact that the ICRC sent the delegate without the formal invitation of the country prior to that. On 26 August 1936 the first session of the "Commission of Spain" took place in Geneva, counting from five to seven members. During the course of the conflict, the same commission held meetings every day. The Committee delegate's name was Dr. Marcel Junod, who travelled in both

[80] Frick-Cramer, Renée-Marguerite, *" Le Comité international de la Croix-Rouge et les Conventions internationales pour les prisonniers de guerre et les civils ", RICR,* July 1943

sections of Spain, obtained a declaration from both parties on adhesion to the principles of the Geneva Conventions of 1929 relatively to the treatment of prisoners of war, with no distinction if they were wounded, sick or in good health. This responsibility had been taken explicitly by the Nationalists and implicitly by the Republican authority. Both the governments gave permission to ICRC for the establishing of an information services involving prisoners of war and civilian prisoners.

The Spanish section, completely divided from the Tracing and Individual Cases Service, began to function entirely on 1 October. At first, two delegations for each territory (Republican and Nationalist) were installed; soon the number raised to ten, nine in the Spanish territory and one in France, at Saint-Jean-de-Luz. Postal communication between the two zones in conflict was interrupted, letters were subjected to censorship, correspondence abroad by telephone was forbidden by the Nationalist and permitted by the Republicans. Many families had been divided by the beginning of the hostilities within the Spanish territory, as well as some Spaniards in France who had no news from relatives in Spain. The Spanish section carried out the work of the International Prisoners of War Agency; the "family news service", namely the coordination of the exchange of news between civilians, had not been taken into consideration in the Madrid and Burgos agreements but it was supported in an exceptional way. Soon the correspondence via letters became impossible and for this reason the agency adopted a message procedure instead: the Spanish Committee in war zones would collect the messages filled by families and they would send them to one of the ICRC delegation; from there, they would be forwarded to Geneva, which would act as an intermediary and would make sure that the messages arrived where intended. The replies to the messages would follow the same path in reverse. Soon the ICRC was granted free postal service as well. The same use of messages had been implemented during the First War World by the International Prisoners of War Agency, but in a limited manner compared to the size of the activity during the Spanish civil war. For instance, if a message was delivered to an address with no people, and the subsequent inquiry had resulted in the discovery of the imprisonment of the person, the ICRC delegate would fill the reply side of the message indicating that the person had been arrested with the place of detention if known. Therefore, it was possible to get messages to and from prisoners; moreover, ICRC delegated from 1936 to 1939 had been able to visit 89000 prisoners in 82 camps; during these visits, they would also

distribute blank message forms to political detainees and prisoners of war. The same message procedure has been used by civilians to request an inquiry to the ICRC, to search for missing persons, to request evacuation, repatriation, liberation, and others. All these special inquiries were collected in a separate file in Geneva.

If in the Republican side a serviceman would disappear and he was a worker in the private firm's sector, as soon as the inquiry was sent to the ICRC delegation, the firm would often provide for a pension to the family even before the result of the inquiry; on the other hand, if the serviceman was a State employee, the Republican authorities would require the Red Cross reply form or a copy of the message received in order to contribute with a pension. Many workers had been employed in the delegations to fulfill the job, and thirty persons worked in the Spanish Section in Geneva ICRC headquarters. The reason why the section was initially born was the protection of prisoners of war, and this is the reason why this task was the only one mentioned in the agreements of Madrid and Burgos; nevertheless, it became soon clear that the primary activity of the Service concerned family news.

The hostilities were extremely violent, the first major battles of the civil war, from 22 to 25 July at Alto de Leon and at Somosierra, were fought with the result of almost all soldiers killed; political adversaries or suspects were imprisoned, summary executions were ordinary[81]. Defections were taking place every day by both sides, more frequently on the Republican side; summary executions, many prisoners of war started to ask or were asked to be enrolled in the opponent army, many political prisoners were detained for long periods arbitrarily; all of these factors and others contributed to the list of reasons why the belligerent parties would not provide regularly to the ICRC lists of prisoners of war. The situation in general was presented to be chaotic: the political section lacked cohesion in both sides, hindering the centralization of information regarding prisoners; camps and prisons were mixed, for example they were not under the same authority, and some of them also hosted common law prisoners together with political detainees and prisoners of war. ICRC delegates did not have access to Communists or anarchists (S.I.M., Servicio de Investigacion Militar) prisons, which were supposed to be secret. Neither of the two sides of the conflict created a central index to be provided to the ICRC, detaining also single records of detainees and prisoners of war. The legal cavil that

[81] Thomas Hugh, *The Spanish Civil War,* London, Eyre & Spottis woode, 1961

prevented the ICRC from insisting on an index was that both parties to the conflict argued that the Geneva Convention of 1929 was not applicable in a civil war situation and for this reason neither side felt the obligation to send the prisoner list to Geneva.

On 27 March 1937 the ICRC presented a proposal concerning the exchange of prisoners of war; in the document, the Committee requested lists of prisoners from both parties of the conflict; moreover, it asked for each list to arrive doubled and requested the permission to forward each list to the other side of the belligerent territory.[82] Unfortunately, this last attempt was again not accepted and for this reason the Spanish section was not able to fulfil the most traditional task of the Agency. Nevertheless, the index of prisoners (military and civilian) created by the Spanish section counted more than 120000 names. Mostly, the just mentioned card index had been set up thanks to family messages and unofficial lists. The latter were often filled up with name and last name, leaving aside every other information. Obtain information about combatants killed on the battlefield, or of those who had been executed was complex; the only occasion in which it was easier to find clear information it was when the victim was an important political detainee, a prisoner of war of high rank, an airman or a prisoner of war of foreign nationality. The number of persons of diverse nationality was high; for instance, the Nationalist side counted ten thousand Germans, fifty thousand Italians, twenty thousand Portugues and a thousand volunteers of other nationalities; on the opposite side, a total of forty thousand persons from different nationalities have been counted. Italian and Russian airmen were frequently present as well[83]. Airmen of both sides detained a different status of protection; hence, the Nationalist and Republican factions had concluded an agreement: they undertook the duty of immediately share with the other party information about a crash, a fight of an accident of an airplane, together with any information about the airmen involved. Frequently, airmen were condemned to death, but the execution was rare, because they were usually exchanged for another airman of the adversary. The first actor to be aware of the capture of an airman was the ICRC, which was then in charge of conducting the mediation and proceeding with the exchange instead of the execution. The data concerning airmen was relatively easier to be collected by the Spanish Section,

[82] *General ICRC report on its activity (August 1934 March 1938),* Activities in Spain from 18 July 1936 to 28 February 1938
[83] Thomas Hugh, *The Spanish Civil War,* London, Eyre & Spottis woode, 1961

thanks to the existence of lists for the proposal of exchanges of prisoners from both sides. Prisoners of foreign nationality were more easily traced than Spanish prisoners. A central role was played also by the propaganda of the massive foreign intervention that was taking place; Russian, German and Italian prisoners were an example. At the same time, the pressure for an exchange of foreign prisoners by other states was gradually increasing every day. Generally, the arrangement for the exchange of prisoners was laying withing the competence of the ICRC, but in this specific case the Spanish Section took part in the activity. For each case of exchange, a separate file was opened in the Spanish Section, and when the fate of the person to exchange was unknown an inquiry was started; each case was numbered and added into a specific card-index, in which the request or offer of an exchange from the Republicans were divided by the ones from the Nationalists. The exchanges also had the duty of postponing the executions of other prisoners, shifting the attention of authorities. After an exchange which had been proposed by one of the parties, the ICRC would put forward new proposals for exchanges of other prisoners. The activity of the Spanish Section together with the ICRC itself of proposing and managing exchanges lasted until the very last day of the civil war, doing their best taking into consideration that an agreement on the matter was never reached, making the process more difficult. As a result of their effort, around a thousand exchanges had been made in total; a higher number of prisoners benefitted from these exchanges, namely the condemned to death who would be held in captivity without execution for the possibility of future exchanges[84]. Even if they did not benefit from a combined exchange, their sentence would be commuted to life imprisonment; some of them were liberated by the Nationalist entering Madrid, and a vast majority of them was Italian. The fact that each case had been treated separately contributed to delineate the core of the scope of the Agency: a prisoner who had been registered could no longer be anonymous, could no longer be ill-treated, tortured, made disappear; his rights would, from that moment on, be protected even more.

Moreover, the Section undertook the task of financially assisting some prisoners; most of the money was coming from abroad, but also the two zones were sending it. A big amount of money had been sent to prisoners of foreign nationality being held in captivity in the

[84] *General ICRC report on its activity (August 1934 -March 1938),* Document 12, presented by the ICRC to the XVIth International Red Cross Conference, Geneva, 1938

Nationalist zone or to members of the International Brigades, still in the Nationalist territory. The financial support was coming mostly from relatives living in other countries, for instance in the United States. There were zones in which the financial aid was particularly crucial, for instance in the Republican territory, because the foodstuffs were insufficient. 82000 Swiss francs have been sent, for a total of 953 transfers of money carried out by the ICRC during the Spanish civil war[85]. Another activity carried out by the ICRC delegates in Madrid involved about 2500 civilians and a hundred military personnel who had requested asylum in embassies in Spain throughout the hostilities. Diplomatic representatives would send lists with their data to the ICRC. The ICRC took these asylum seekers under its protection, organizing an ad hoc program. This because the Agency's work in relation to the Spanish Section dealt with individual in need of assistance and news; they were out of range for the Section but not for the ICRC. Despite the efforts and the trial of evacuation or exchange plans, most of them remained confined in Madrid until the end of hostilities. Some countries successfully concluded agreements with the Republican authorities, obtaining the evacuation of their asylum seekers; on the opposite side, the persons who had tried to escape in the Lycée francais in Valencia were arrested and interned in different camps. Inquiries about them have been opened in the Spanish Section.

One of the most valuable tasks of the Spanish Division has been the work conducted with children. In point of fact, many children during the civil war have been separated from their families, others were lacking essential supplies and for this reason were searching for refuge abroad, in Switzerland, France, Belgium, Great Britain, Mexico and the USSR, for instance. The foundation of the activity was to obtain news about them and their conditions. They were allowed to send messages to relatives with photographs attached to them, by means of the Red Cross. Other children were in holiday camps in Spain, while their relatives were living in the enemy zone. The ICRC undertook the responsibility of reconnecting parents and children via correspondence. The repatriation and exchanges of children were partly successful, but the process had been held and managed by other humanitarian organizations such as the Service Social d'Aide Aux Emigrants of the Save

[85] A*dditional report on the activity of the ICRC relating to the Spanish Civil War (from 1.6.1938 to 31.8.1939) and its consequences;* XVII International Red Cross Conference, Stockholm, 1948

the Children Fund International Union; the role of the ICRC was mainly that of providing the information and making suggestions on methodology.

Most of these evacuations of children took place between 1936 and 1937 and could be divided into three categories; firstly, there were children in the conflict zones who needed to be reunited with their parents. In these cases, repatriation normally occurred in a relatively short time. Secondly, there were the evacuations to take away children from the pathway of the warfare or occupation; this type of rescue needed more time to be completed. Both groups which have been just described usually requested the involvement of a third foreign state as a transit or a host country. Finally, the evacuations to Mexico or the USSR, induced by the expanding Nationalist troops and the radicalization of national and international ideologies. The ICRC played a non-influential role in these cases, revealing its limitations concerning repatriations[86].

Many stories have been reported and are preserved nowadays in the Central Tracing Agency Archive in Geneva. For instance, the testimony on how the ICRC took action to repatriate a Scout unit at the beginning of the Spanish civil war. 66 Scouts from Saragossa were camping in Ordesa Valley on 18 July 1936, when the civil war broke out. They immediately remained stuck there, as Saragossa was occupied by the Nationalists and the Ordesa Region was belonging to the Republicans. On 5th October 1936 they have been transferred to Barcelona. Thanks to the work of ICRC, 45 of them, aging less than 18 years old, have been transferred to France on 22 October 1936. Subsequently, while being in Lourdes, France, they have never been left alone. In fact, ICRC delegates would visit them, making sure of their well-being and communicating with their families. In April 1937, after a long negotiation between France and Spain, the group of 45 scouts was sent back to Saragozza.

On the other hand, the 22 scouts aged over 18 years old were deemed fit for military service and were then left behind in Barcelona; they worked at the International Save the Children Union canteen, only one joined the Republican Armies. After a deep negotiation, the ICRC managed to obtain an exchange of the 21 scouts with an opera company from Barcelona, namely “the Naranjas de la China”. The deal was to exchange 21 scouts for 75 members of the opera company, but only 40 of the members showed up. In any case

[86] Damian Gonzalez, *The ICRC and the evacuation of children during the Spanish Civil War,* 2021

the group of scouts left Barcelona in June 1937, crossing path with the music company on the international bridge of Irun on 7th June of the same year. This result is descriptive of the nature of actions conducted by the ICRC during the Spanish Civil War and the hard work put into exchange prisoners and victims from both sides of the dispute[87].

Another category of persons who have been helped by the Spanish Section and the ICRC were Spanish refugees. The ICRC records counted 200000 cards of refugees, many of which had left the Nationalist's area to become refugee in the Republican part of the territory. After the fall of the Republic, more than half a million Spaniards, both soldiers and civilians, asked for a refugee status in France and the ICRC work increased notably. ICRC conducted constant communication with the French Red Cross and the French Authorities, monitoring as much as possible the situation of refugees in France. Red Cross messages were distributed in France, while blank registration cards circulated among refugees and a card index was made for France as well. The card index initially was comprising only servicemen, due to lack of funds; slowly, an index of civilians was also instituted. French authorities have been collaborative with the ICRC and thanks to their help in collecting names and information, 35000 civilians were included in the lists (16% of the total), together with a card index of 2750 names of children held in holiday camps. On the other hand, the index of military personnel listed 120000 names.

The activities of the Spanish Section had been carried out not without many difficulties; first to mention, the finance of the Agency, which would be forced to reduce its actions because of lack of funds. It was because of this reason that the Spanish Red Cross undertook large part of the work belonging to the ICRC, principally the transmission of messages between the two zones in conflict.

The work of the ICRC concerning the assistance of victims of the Spanish conflict could not come to an end even at the beginning of the Second World War in September 1939. The Spanish Section itself ended its mandate in January 1940, but its tasks have been taken over by other departments of the ICRC, and later the mandate of the Spanish Section was included in the work of the Central Prisoners of War Agency, the newborn information and assistance bureau of the International Committee of the Red Cross. The Central Prisoners of War Agency carried out the responsibilities concerning requests for

[87] Marie Allemann, *A Scout Camp Journey During the Spanish Civil War, Agency* Archives, 2016

news of civilians or military personnel detained in Spain and coming from the Republican side of the territory, and Spanish refugees and foreigner ones in France. Unfortunately, many tragic stories have been collected on the French side, with many republican refugees joining the French army (for instance in "Compagnies de travailleurs") near to the front of the rear. Many of them have been captured by Germans and they have been interned in Stalags and afterward in concentration camps. The majority of those people did not have the opportunity to enjoy of any type of correspondence, and the Agency was unable to receive information of any kind, except, in most cases, after their death. A list of Spanish persons interned in Mauthausen concentration camp was delivered to the Agency in December 1945, after the end of the global conflict; this list did not contain only deceased detainees, but persons transferred and liberated were also present. The Agency was then able to communicate to 1500 families the fate of their beloved.

In 1940 a delegate from the ICRC was allowed to visit camps in France; there, he witnessed 4641 Spaniards, and 4102 foreign combatants still interned. In November 1943 the German troops occupied the "free" territory of France and all these refugees were deported to Germany in that occasion. The requests of inquiries about refugees in France did not terminate even at the end of the Second World War, continuing to arrive to the ICRC; its employees transmitted them to the French Red Cross, as well as to the Service Social d'Aide aux Emigrants and other external entities. On the other side, the Spanish refugees who had not lost their lives during the second global conflict and their deportation, also asked for inquiries to search for their families, and these requests would be sent to the Spanish Red Cross.

The Head of the ICRC Department for prisoners, internees and civilians visited Spain in January 1946; consequently, the Spanish Authorities gave permission to the ICRC delegates in Spain to visit some prisons where Republican detainees were still interned.

While there, they handed them individual parcels and message forms. The Agency did not stop to receive requests for intervention in cases of political prisoners still interned; the ICRC delegate in Spain worked for obtaining news about them and in most of the cases they were reassuring news. Moreover, the detainees had been granted the right to maintain some correspondence with their families through letters.

The Spanish Section processed in total about 30000 files. Some files concerned the request for repatriation; the role of the Spanish Section in these cases were to transmit the request to the ICRC delegates present in Spain and manage the correspondence between the enquirer and the person subjected to the request of repatriation. To make an example of the case, in December 1936 a woman asked for the repatriation from Madrid of her two young daughters, requesting the ICRC to send them to her, in Paris. There, the ICRC had to work cautiously and following a slow diplomatic and political path, since the family was belonging to the Spanish aristocracy connected with personalities from the Nationalist faction. During the bureaucratic process, the ICRC delegate in Madrid undertook the task of visiting the two young girls, giving them news and money on their mother's behalf; on the other hand, the Spanish Section constantly informed the mother on the steps achieved for their repatriation. When the delegate obtained passports, he took a plane with them in order to reach their mother, who had been informed by telegram from Geneva of their arrival. Unfortunately, the plane was attacked by two military places, and it was forced to land in the Republican territory; moreover, the delegate and one of the two little girls were injured and were transported to the hospital. Additionally, one of the passports went lost during the forced landing. Luckily the injuries were not serious and the mission ended up not being compromised. Finally, the two young girls were reunited with their mother in Paris.

Some other files submitted to the Spanish Section contained requests for news concerning prisoners of war and political detainees; commonly, they were followed by an offer of exchange. Nevertheless, in some cases the proposition of an exchange would be formulated before the fate of the person was declared. The task belonging to the Spanish Section in these cases was to trace the enquire as fast as possible because prisoners whom one side wished to exchange were in danger and might have been already condemned to death. For instance, a pregnant aristocratic woman was arrested at the end of 1936; the authorities were not able to lay hands on her husband who was hiding in the embassy in Madrid but was thought to be in the Nationalist territory instead. The Spanish Section was asked by the enquirer not to reveal his name when making the enquiry; in February 1937 the woman was found in a prison in Valencia. Some weeks later the prisoner was registered as released; unfortunately, another woman with the same name had been released instead. After deeper inquiries, the fate of the woman was discovered: she had

never been released and she had lost her baby in prison from malnutrition. Consequently, she had been sentenced to 25 years imprisonment and an exchange was proposed with a republican prisoner. The ICRC delegate was notified that the woman had disappeared from the prison; she was finally found in a prison near to Alicante. Finally, the exchange was possible and took place. The importance of the action of the Spanish Section is visible and clear; from the moment in which the exchange has been proposed, the two women in prison were linked in some ways and their fates as well.

The case of a Turkish combatant detained in Burgos, which has been notified to the Spanish Section in 1938, represented symbolically that even if the work of the Red Cross was already globally spread and its usefulness was out of doubt, a series of variable independent from the Red Cross itself could always determine the fate of victims. The Turkish soldier has been proposed in exchange of a prisoner held by the Republicans; however, the proposal was denied by the Nationalists. Consequently, by the end of the conflict he was still held in a concentration camp; there, he enjoyed a special position thanks to his knowledge of languages. He was appointed with the role of interpreter-secretary, and he was the representative of his fellow internees. He spent his detention managing the communication with the Spanish Section on behalf of illiterate prisoners, missing personnel and deceased detainees. He worked closely with the ICRC delegate as well. The Spanish Section, as a sign of gratitude, paid specific attention to this case, requesting a passport for him to be reunited with his family. As a consequence, he had been released in 1940 and the Spanish Section requested a Mexican visa for him. Sadly, a report from the delegate in Madrid informed of his arrest consequent to his effort in organizing a communist cell in Spain. In this case, the ideals of the detainee, despite the effort of the ICRC and the Spanish Section, defined his fate; indeed, his file stopped in 1942 and was never opened to add any further inquiries; his destiny is unknown[88].

Throughout the Spanish civil war both sides of the front did not treat dead soldiers with any reverence, not even rendering accessible the death certificates or information about the death of wounded prisoners in general; however, the Spanish Section undertook its responsibility at the best of its capability, creating, even if partial, a network of information and aid for both sides and reaching every corner of the world needed, which

[88] Thomas Hugh, *The Spanish Civil War,* London, Eyre & Spottis woode, 1961

lasted longer after the end of the internal conflict and which succeeded in alleviating the moral suffering on many families all around the world[89].

The requests of information to the Agency did not end until 1947. At the present time, the Agency (nowadays called Central Tracing Agency) still receives inquiries involving victims of the Spanish civil war, but unfortunately, the replies most of the time do not contain any testimony or document about the missing person.

3.6 THE SPANISH SECTION AS A STARTING POINT FOR THE FUTURE AGENCY

At it has been with the Basle Agency, the Belgrade Agency and the International Prisoners of War Agency, the Spanish Section provided vital practice and understanding for future activities of the Agency in the case of conflict of an international nature. Simultaneously, it created for the first time a precedent of intervention by the Red Cross' bureau in case of an internal conflict. However, the Spanish civil war cannot be considered a pure experience of internal conflict, due to the high intensity of foreign participation. The content of the Geneva Convention of 1929, despite not being applicable in non-international conflicts, played some kind of role in the events, and can be considered influential in some ways. For instance, the numerous foreign National Red Cross Societies of persons implicated in the civil war immediately requested to the ICRC for information on their missing nationals in Spain. Moreover, from the beginning of hostilities, both the Governments of Madrid and Burgos had agreed on the establishment of official information and assistance bureaux, organized and managed by the ICRC, detaining the aim of protection of prisoners of war and civilians. However, they have never been instituted and complete lists of prisoners were never sent to the ICRC to be able to fulfil its mandate of intermediary. Consequently, the activities of the Spanish Section have been based mainly on semi-official data, except for the lists of prisoners intended for exchanges; the effectiveness of its effort depended largely on its work in the field. The big campaign of persuasion driven by delegates in convincing authoritative personalities that sharing information with the ICRC could make them obtain reciprocity was one of primary significance for the Agency. Only from the Spanish civil war onwards, the ICRC delegations started to be influential in the functioning of the Agency during all conflicts whether internal or international; however, the major role played by the

[89] " Le Service de nouvelles aux familles en Espagne ", *RICR,* January 1939

delegations has been experienced over time to be during internal conflicts for the obtention of information.

The semi-official character of the Agency's work and the importance of the activities accomplished by the delegates on the spot go together with other two noteworthy aspects of the effort of the Spanish Section during the civil war.

Notwithstanding the lack of any international convention's legislature, neither the governments involved, nor any other foreign governments questioned the responsibility of the Agency on prisoners of war and civilians; truthfully, the Agency intervened in both categories without contestation of any type. This favorable global reception could partially be understood to be coming from the precedent established by the activities of the Civilian Section of the International Prisoners of War Agency of the First World War, and in part by the impact of the work of the XVth International Red Cross Conference in Tokyo of 1934 (Tokyo Draft) as well.

Last aspect to be noted of the activities of the Spanish Section is the enormous development in the use of the Red Cross message form, invented during the First World War and applied fully only during the Spanish conflict. These message forms not only connected families and civilians, but they were admitted in prisons and, consequently, permitted to establish communication with prisoners. The message scheme has been one of the strongest activities of the Spanish Section during the civil war and it was implemented again during the Second World War, which arose after 1939[90].

[90] Gradimir Djurovic, *The Central Tracing Agency of the International Committee of the Red Cross, activities of the ICRC for the alleviation of mental suffering of war victims*, Geneva, Henry Dunant Institute, 1986

CHAPTER IV - THE CENTRAL PRISONERS OF WAR AGENCY OF THE SECOND WORLD WAR

4.1 INTRODUCTION OF THE CENTRAL PRISONERS OF WAR AGENCY

The Second World War took place from 1939 to 1945; it was during the same years that the Central Prisoner of War Agency, Agence centrale des prisonniers de guerre in French, developed. Its organization and activities resembled that of the International Prisoners of War Agency, differencing from it due to the nature of the conflict, the progression of international humanitarian law and, mostly, technological advancement. On the other hand, the aims remained the same. For what concerns the technological progress of that time, it is true to say that some mechanical aids, which did not exist during the First World War, permitted the Agency during the Second World War to accomplish its goal more quickly and utilizing different and more efficient methods than the outdated ones. For instance, while during the first global conflict copies of the lists of prisoners needed to be typed and sent to the interested Powers, during the second global conflict photocopies could be made to be sent.

The International Committee of the Red Cross published in 1948, after the end of the Second World War, a detailed report on the activity of the Agency[91], which allows a further analysis of differences with the International Prisoners of War Agency.

The precedents of the Basle and Belgrade Agencies' activities, together with the para legal basis of resolutions and recommendations of International Red Cross Conferences created the bases for the establishment of the International Prisoners of War Agency; subsequently, procedures of customary law developed, strengthening the mandate entrusted to the ICRC to create an information Agency, found in Article 79 of the 1929 Geneva Convention concerning the treatment of prisoners of war.

The Central Prisoners of War Agency organizers took inspiration from the past, studying the working methods, the structure, and most importantly the experience of activities during the Spanish civil war. The brochure "Organization of a Central Information Bureau"[92] of 1939 functioned as a manual for the establishment of the Agency. The

[91] *Report of the International Committee of the Red Cross on its activities during the Second World War,* Vol. I, II, III, The Central Agency for Prisoners of War, Geneva, 1948
[92] Renée-Marguerite Frick Cramer, *Organization of a Central Information Bureau*, 1939

organization of the Central Prisoners of War Agency has been requested to a Commission, namely the" Commission for Work in Wartime", which has been formed by the ICRC on 15 September 1938, in preparation for the escalation of the conflict. On the other hand, the arrangement of the International Prisoners of War Agency came from a very limited experience with no manuals at disposal, and an ad hoc structure which developed with the conflict, following the course of events; moreover, in 1914 the ICRC was not suspecting the increase of violence into a World War, and for this reason did not form the Agency to be able to handle the magnitude of the subsequent events.

When the "Commission for Work in Wartime" was conceived, no war had started yet; its members held twenty-five meetings before the outbreak of the Second World War, projecting the plan of work, the organization of the Agency, the draft notification for the opening of the bureau to be sent to Governments if needed; staff and accommodation have been decided in these occasions as well. Thirty-one employees of the International Prisoners of War Agency out of fifty agreed to work for the new agency; the headquarter of the bureau had been established in the Palais du Conseil Général in Geneva, where the Agency will remain even after the end of hostilities. During the conflict the total surface area of buildings in which the Agency's activities were held amounted to 11000 square meters, as mentioned in the 1948 Report, information which can testify the expansion of the Agency during the conflict. The highest number of people providing their service for the Agency was 2585, which has been reached in 1945; 1676 of them were volunteers, 1400 of which were working in Swiss towns outside Geneva, providing support to the headquarter[93].

The Central Prisoners of War Agency was formally established on 14 September 1939, with notifications sent to the belligerent parties, as well as circular letters to the other States parties to the Geneva Convention and to all National Red Cross Societies. The new name of the agency was influenced by the term "central information agency" which had been used in the 1929 Geneva Convention relative to the treatment of prisoners of war. Its work was divided into five sections, previously determined by the Commission for Work in Wartime as follow: Management, Sorting of Correspondence, Offices and

[93] *Report of the International Committee of the Red Cross on its activities during the Second World War, Vol. II. The Central Agency for Prisoners of War,* Geneva, 1948

Accommodation, Reception of Visitors, Finance. The main objectives of the Agency were defined as to be the centralization of information regarding prisoners of war and interned civilians; the intermediation between the belligerent powers for their communication; the management of enquiries and card indexes for both public and private spheres. The Agency continued to develop progressively, reaching its peak when its structure was composed of a Commission, a Management Board, General or Technical Sections, National Sections and Specialized Sections. The Commission was acting as a liaison between the Agency and the ICRC. Article 79, paragraph 3 of the 1929 Geneva Convention stipulated that the provision on the activities of the Agency could not in any way interfere with the humanitarian work of the ICRC. Even if the activities of the Agency were indeed more extended than what had been stated, however, the distinction between the duties of the ICRC and the Agency remained, as highlighted in the 1948 report: the bureau was in charge of looking after individual cases of combatants or civilians in enemy hands, while the ICRC's competency concerned general questions relating to the status and treatment of these persons, as well as their relief.

One of the tasks of the Management Board was to deal with the method of work; for this specific topic, a technical group was attached directly to it; this subunit oversaw examining ways for the improvement and standardization of methods of working. Another collaboration within the structure of the Agency developed between the same technical group and the German Section, concerning the organization of work given to Germans interned in Switzerland and to the German prisoners of war in France; when the Second World War came to an end, the technical group coordinated the mailing of correspondence from German prisoners of war to their families.

The General Sections detained mainly technical tasks and were divided into nine divisions: list section; photostat section; typing section; preliminary filing and a night service section; auxiliary section; outside work section; reception of visitors' section; Watson machines section; statistics section.

The National Sections oversaw assistance to prisoners of war, interned civilians and citizens of the various countries entering war. After their full development, these sections started to deal with all cases relating to the same nationality and comprehended: sorting of correspondence, dispatch and filing of correspondence, card index, checking,

transmission of messages, handling of information, enquiries, tallies, opening and follow up of enquiries, communication with enquiries, deaths, regimental enquiries, civilians.

Lastly, the Specialized Sections were five, namely: Medical Personnel Section; section handling Sundry Civilian Internees; IMPA Section (Immigration to Palestine); Internment in Switzerland Section; Dispersed Families Section. Moreover, other two Sections of the Agency must be added to the list: the Civilian Messages Section and the Section dealing with Personal Effects.

4.2 MAIN RESPONSIBILITIES OF THE CENTRAL PRISONERS OF WAR AGENCY

The Central Agency detained many responsibilities and, as it has been done in the past by the previous Agencies, it tried its best to apply efficient methods and use effective means to help as many people as it could.

One of the duties of the Central Prisoners of War Agency concerned the sorting and distribution of incoming mail as well as the dispatch of correspondence and telegrams. Considering numbers, between 1 September 1939 and 30 June 1947, according to the 1948 report, the ICRC received 59,511,000 items of mail and dispatched 61,158,000 items, 347,982 telegrams were received and 219,169 sent. The Mail Sorting Service and the Telegraph Service oversaw the receiving of all the mail and telegrams and was in charge of their distribution to the correct Section. For what concerns the sorting of mail, the Central Agency took advantage of the experience of the International Agency, adopting two main methods: the first one was categorization according to the external appearance, and the second one was according to subjects contained.

The Mail Despatch Service was accountable for the transmission of mail from all the Sections; there were only two exceptions: mail which had been sent to ICRC Delegations all over the world: in this case, it was handled by the Collective Despatch Service; mail sent by special bag, which, therefore, was handled by the Special Mail Service. As it has been in the past, free postage for incoming and outgoing mail had been guaranteed to the Agency; here again, an exception was made, indeed, correspondence of civilians at liberty was not covered.

The Telegraph Service was divided into three sections: Arrival, Despatch and Accounts. Contrary to the treatment reserved for mail, telegrams' dispatch was not free of charge;

consequently, the ICRC negotiated an agreement with each authority concerned. Most of the cases have been solved by giving responsibility to the person or the organization most directly involved in communication by telegram of the information or message; for this reason, the ICRC had paid all the telegrams initiated by it, as well as telegrams dealing with general questions; moreover, it paid when the addresses were unable to pay.

Another mission undertook by the Central Agency was connected to the receiving, registration and transmission of information. This task, which turned out to be a lot more complicated than in the First World War, was carried out either by the Lists Section or by the National Sections. As it has been analyzed before, the International Prisoners of War Agency have dealt with this task with the establishment of a copying service. The method and structure utilized there was then impossible to apply, as the situation grew to be more complex; for instance, the information received by the Central Prisoners of War Agency was in many diverse forms, lists, registration cards, letters, radiograms and others. Subsequently, the data was separated into official and unofficial classifications. All the information coming from the official bureaux and from Government authorities were included in the so called "official categories". Moreover, another distinction was made: telegrams and ordinary letters were part of the National Sections' duties, while lists, identity cards and death certificates were a responsibility of the List Section. It happened often that registration cards were filled in by prisoners themselves; this made information clearer, completer and more detailed[94].

In June 1944 the American Official Bureau sent to the Agency the first microfilm list. The Photostat service printed and enlarged it; interestingly, towards the end of the war the Central Agency commenced to use microfilm for the transmission of information to Great Britain and United States' Official Bureaux.

For what concerned death certificates, they had been gathered into three classifications: firstly, the official copies of death certificates, which were a low number and were equivalent to the original document; secondly, documents made by the Official Information Bureaux of the States which had been detaining the person, signed by

[94] Gradimir Djurovic, *The Central Tracing Agency of the International Committee of the Red Cross, activities of the ICRC for the alleviation of mental suffering of war victims,* Geneva, Henry Dunant Institute, 1986- *Annex 3*

officers, doctors or witnesses; thirdly, forms created by the ICRC which had been used during the First World War as well. During the Second World War, the use of this third option increased notably. Moreover, death certificates did not arrive only from Official Information Bureaux: National Red Cross Societies and camp commandants were sending them too. The registration of each of these documents was made on index cards and, as it has been in the past, original documents were kept by the Agency, while photocopies were sent to the Power involved. The classification of these documents was based on their origin and content, and it followed a chronological order; additionally, when it seemed necessary to, each page was given a coding composed by a reference and a serial number; for instance, a reference could be "RF", namely information relating to French nationals. Clearly, this method has been applied to make the search for documents easier after being filed in the archives of the Central Agency.

Another valuable advancement in the work of the Agency during the Second World War implicated the transmission of urgent information (for instance, capture or death) by telegram or radiogram, task carried out by the National Sections. However, it did not replace the transmission of the photocopies of official documents by the Lists Section. Furthermore, telegrams have been used by distant countries or the ones disconnected from Switzerland by the interruption of communications; in these cases, the List Section of the Agency would send photocopies to the Powers involved, or the National Sections would be asked to retransmit the information by telegraph.

The so called "unofficial information" were sent by public bodies, national Red Cross Societies, ICRC delegates, camp commandants, private persons, prisoners of war. They could either be sent by post or by telegraph. One of the most crucial unofficial documents was called the "capture card". The system of this type of card entered into general use in 1940; at first, it has been proposed by the ICRC delegate in Berlin, who was convinced of the importance of cards filled up by the first hand of the prisoners as soon as they arrived in the first prison camp, and these unofficial cards to be sent to the Central Agency in Geneva. The delegate proposed it to the German authorities, in accordance with Article 36, para. 2 of the 1929 Geneva Convention relative to the treatment of the prisoners of war. This system has been performed since 1940, rendering great service and permitting the Agency to be reached more quickly than before, because unofficial cards were naturally faster to circulate than official documents. Moreover, while the capture cards

which the prisoners sent to their next of kin would take a while to arrive, the ones directed to the Agency were forwarded with less delay, because the ICRC was authorized to use exceptional facilities for the forwarding and censorship of mail. In addition to it, these capture cards constituted a direct testimony and for this reason more accurate, starting from the spelling of the name and the details of information. Lastly, the importance of this system could be seen in the notification sent to the Agency of transfers of each prisoner without any delay, as the person would fill up a form each time he entered a new camp. French families were informed by means of capture cards, as well as the official Information Bureaux of Great Britain and the United States, which received the same information but via telegraphs.

Moving forward towards another activity of the Central Prisoners of War Agency, the bureau oversaw enquiries of diverse nature, which would arrive to the Agency by different means: verbal enquiries made in person; letter, postcard or enquiry form; telegram. When the Agency could find the information needed on the card index, it would immediately reply to the enquirer; on the other hand, an investigation would be opened when a lack of data was present in the system. The Red Cross Societies of Germany, United States and Great Britain acted as intermediaries, transmitting replies to enquiries from the Agency to the families. Nevertheless, it happened frequently that the Agency detained direct contact with the relatives; in any case, most of the time the information received by the bureau was incorrect or incomplete. For what concerned verbal enquiries made in person, the procedure followed was similar to the one of the International Prisoners of War Agency; this specific classification of enquiries was a duty of the Reception Services.

The enquiries were managed with two approaches: the first one was composed of a preliminary checking and a search in the card index; the data of the enquiry would then be transcribed into a white card, namely the request card. A second approach consisted of an instant inclusion in the card index without a prior search. The first methodology was more frequently used for urgent cases; on the other hand, civilian cases, telegraphic enquiries, complicated cases of National Sections were normally dealt with using the method of immediate insertion into the card index. In general, these methodologies often resulted in inaccurate responses.

As it has been for the International Prisoners of War Agency, the Central Agency sometimes proceeded with enquiries without any external request, taking the initiative to elucidate the destiny of missing persons or to attain additional information regarding prisoners. Every actor involved was asked by the Agency to share useful information, for instance Information Bureaux, organizations, authorities, ICRC delegates, National Red Cross Societies, prisoners, doctors, refugees, camp commandants and others.

The correspondence service of the International Central Prisoners of War Agency worked within the National Sections according to three classifications: the geographical zone, the set of the individual enquiry or of the case being treated, and the origin of the enquiry. The first group comprehended the same geographical details, the same language or the same theatre of war; it was for this reason that it was possible to have North Africa and Indochina within the French Section, for instance. In the second group people were divided based on their fate, for instance the French Section services were dealing with civilians and deaths, or the British Section services dealing with airmen and seamen. In the third and last category the classification was made based on where the sources were coming from; for instance, the German Section services dealt with enquiries originated from the German High Command (OKW) and those of the German Red Cross. Another vital part of the job of National Sections concerned the deaths; each National Section had a "service for deaths" office within its structure; the easiest cases were the ones of prisoners of war, but also difficult enquiries involving soldiers in the battlefield or in hospitals were taken into account.

After the first French campaign in 1940, the Agency undertook an extensive action; enquiries "by evidence", namely the ones containing statements of witnesses did not stop being used even after the end of hostilities, regarding missing members of the British Army and the German Army. When the name of the witness and his location was known, a standard form with a space for him to reply was sent to him; on the contrary, if no witnesses were known, the list of missing personnel would be sent from one war camp to another through the mediation of the camp leaders. This method has been called "snowballing" and it has been used for the search of missing persons of the Italian, French and other armies. A card index was established for sea-events, and enquiries "by evidence" have been used as well by survivors of ships lost at sea, in particular Greek, British and German seamen. This card index contained more than three thousand cards.

For what concerns political detainees, enemy civilians at liberty, civilian population in general, civilians persecuted for racial reasons, the Agency limited its work to the transmission of messages and the opening of enquiries, as the belligerent parties would not communicate further information on these cases. On the other hand, information about civilian internees and civilians who were in much the same plight, for instance those in forced residence or under surveillance, were sent to the official Bureaux; in these cases, the Agency was able to conduct tracing and compiling enquiries, forwarding mail and messages and transmitting documents and various items[95]. Furthermore, the Central Agency aimed at obtaining data regarding inhabitants of a country occupied by the Axis forces who had been arrested by the occupying Power; in doing so, it addressed the German Red Cross. At first, the camp commandants would receive the enquiry if the relatives were aware of the place of detention, and these requests would often turn out to be unsuccessful. Subsequently, the Agency worked on new cards and forms (card 542 bis and form 61), to be sent to the camps, seeking direct correspondence with detainees, and leaving a blank space for the reply in each form or card; this method proved to be effective and permitted the Agency to collect much detailed information.

Difficult cases to be solved concerning political detainees interned in their own country and civilians persecuted for racial reasons were on the attention of the Central Agency; the complications were coming from the refusal of authorities to provide any information regarding them. Some receipts returned to the ICRC to acknowledge relief parcels sent to the concentration camps were the only tool the Agency could have to collect information. Indeed, besides the signature of the recipient, the fellow detainees often wrote down their name and number as well, with the aim of testifying to the ICRC their existence there. 105300 names have been known using this method from November 1943 towards the end of the Second World War. German authorities consistently refused the intercession of ICRC on behalf of detainees in concentration camps, but both ICRC and the Central Prisoners of War Agency never ceased working on this issue and most importantly they never abandoned those persons, trying to assist them in any way possible despite circumstances. In fact, this category of victims was part of the work of National Sections, Immigration into Palestine Section, Sundry Civilian Internees Section and the

[95] *Report of the International Committee of the Red Cross on its activities during the Second World War, Vol. II. The Central Agency for Prisoners of War,* Geneva, 1948

Section for Dispersed Families[96]. Moreover, other categories of victims which the Agency tried to deal with were composed of civilians living at liberty in an enemy or occupied country and civilians living in their own country but who were disconnected from their relatives by a battlefront and therefore unable to correspond. Therefore, a new service was instituted within the Agency: the civilian message service.

Another classification on whose behalf the bureau accepted several enquiries was that of civilian workers who had been employed voluntarily or by force in the states occupied by Germany, and prisoners of war who had been converted into civilian workers. Usually, correspondence for them was allowed, but the Agency intervened whenever ordinary postal communication was interrupted.

The transmission of mail, messages, letters, cards, documents, sundry items, official documents, legal documents and personal effects was, again, a duty of the Central Prisoners of War Agency. As violence escalated during the Second World War, the parties in conflict agreed on the forwarding of prisoners or war's mail through the channel of protecting Powers. Germany, German-occupied areas and Italy utilized the Swiss postal services as intermediary. Nevertheless, postal authorities and private persons accepted the aid of the Central Agency as it was known that the bureau could find more updated address. Twenty million letters and cards had been sent and forwarded up to the end of 1946 with the intermediary of the Agency. The information of addresses present in the card indexes was regularly checked; exceptionally, when the influx of mail was too extensive, for instance in 1943 in the Italian Section, as a consequence of the defeat of Italy, has been paused because it was impossible to handle the checking of each information with those vast numbers. Furthermore, it would be incorrect to declare that normal transmission of mail was ensured in any case, even if with the intervention of the Agency; in fact, destruction of means of transportation and the quantity of mail to be censored were just two of the reasons for its constant delay. Additionally, many civilians, even if at liberty, were not allowed to follow some correspondence because of the absence of an international agreement for communication toward an opponent state. In order to assure interned civilians and prisoners of war a means of communicating with relatives, the Agency established the Telegraphic Message, the Express Message and, for civilians

[96] *Rapport du CICR sur son activité en faveur des détenus des camps de concentration,* Geneva, 1947

at liberty, as mentioned before, the Civilian Message Service. The telegraphic messages mentioned in the 1929 Convention relative to the treatment of prisoners of war were not the most common means used for correspondence; however, a great number of them have been received and forwarded during the duration of the conflict, with the intermediary of National Red Cross Bureaux. Furthermore, the Express Message system has been designed for assistance to prisoners of war and interned civilians who were lacking news from their families for more than three months. In the territories which had approved this service the censor granted these messages priority over ordinary mail. Up to 30 June 1947 the Central Agency had sent around 1,355,000 express messages; a large number of them were coming from German prisoners of war in America sending them to their relatives in Germany. For what concerns the Civilian Message Service, the first transmission of civilian message dated back to 1917, by the International Prisoners of War Agency; this specific correspondence increased notably during the Spanish Civil War, and then, during the Second World War, the Central Agency set up this division as well, in which letters were converted in twenty-five words form messages; the form was called “Form 61”. By the year 1947, 425500 form 61 had been transcribed; nevertheless, delays on transmission were a burden due to the quantity of letters.

It was during the Spanish civil war that ICRC delegates started collecting and listing messages when visiting camps; during the Second World War it was again the case and, in addition to it, camp leaders would give to the delegates lists of messages from the sick and wounded. The solution proposed by the ICRC, and which was then applied implicated that the National Red Cross Societies would print out form 61 in quantity and distribute them among the population so that civilians could fill their own message form and then take them back to be collected by the various National Red Cross Societies. They would have been forwarded to the Agency which, finally, would have to send them to the proper destination. A noticeable difference in this form of correspondence was that it had to be paid by the sender, as it was not exempt from postal charges. The Civilian Message Section remained one of the most important divisions of the Agency, having forwarded nearly 24 million civilian messages by June 1947.

The transmission of official or legal documents was generally a duty requested to the Protecting Powers; however, when none of them was available, the Agency undertook the responsibility. On some occasions, even if Protecting Powers were available, some

countries would decide to ask for the Agency's service. In doing so, the Agency was transmitting any type of document, from bank statements to paternity certificates, from divorce papers to marriage contracts and others. Commonly, the Central Agency did not keep records of the documents transmitted, apart from documents of special importance; in these cases, the National Sections filled their information on index cards. Moving forward to the transmission of personal effects, many countries recognized the Agency as the most appropriate intermediary in this field. The obligation of belligerents to collect and transmit personal articles to each other could be legally found in Article 4 of the 1929 Geneva Convention relating to the wounded and sick of armies in the field as well as in Article 8 of the Convention relative to the treatment of prisoners of war. As a consequence, a "Personal Effects Section" was formed. The cases dealt by this division represented a small portion of all the belongings which were transmitted during the Second World War; this was because the first instrument of transmission remained the direct connection of belligerent parties, ruled by agreements or with the mediation of the Protecting Powers. In the case of the Personal Effects Section, an alphabetical index was created together with reference cards, which could then be useful for the National Section concerned by each case. Up to 30 June 1947, the Personal Effects Section had dealt with 90,500 collections of personal effects, and had been able to re-transmit 89,400 of these[97].

The cardinal tool of the Central Prisoners of War Agency remained, nevertheless, the system of card index, as it has been for the International Prisoners of War Agency. As it was during the First World War, again in 1939 the card indexes were a source of reference, containing very poor information, forcing the employee to check the original document every single time. In 1940, when the influx of enquiries and lists was too expanded to be managed with the "old" method, a change has been made: from that moment on, all details were copied on the index card, which ceased to be a reference and became a card of information, duplicating the records of each Section.

There existed two methodologies for the transcription of data concerning the same person when received at different times. The first method comprised the production of a new card each time; the second method consisted of the addition of information on the same

[97] *Report of the International Committee of the Red Cross on its activities during the Second World War, Vol. II. The Central Agency for Prisoners of War,* Geneva, 1948

one card which was then called the “key card”. This second methodology was used by some National Sections but in general the Central Prisoners of War Agency still used the first methodology most of the time. In truth, both systems had advantages and drawbacks.

As it has been already stated, the filing and searching in the indexes was extremely difficult and complex; the Central Agency had as many difficulties as the International Prisoners of War Agency in the proper spelling of names and in dealing with very similar names. One example could be made from the German index, which today contains 10 million cards, and it has nearly 50,000 in the name of Müller, of which 10 % are Hans Müller[98]. On one side the Central Prisoners of War Agency followed the same rules of the International Prisoners of War Agency in filling in the cards; on the other hand, some advancements have been made. For instance, the Agency instituted special indexes meant specifically for racial groups constituting part of the armies of the British and French Empires; the British Section formed indexes for the Cypriots, the Arabs, the Indians, while the French Section created indexes for Arabic-speaking countries, for French West Africa and Indochina. This division was beneficial because experts in the languages and cultures of the targeted population were then entrusted with the duty of organizing the indexes. This method simplified the problem of recognition of soldiers, nevertheless the army number remained the only means of identification. Therefore, another advance introduced by the Central Agency was the creation of numerical indexes within national indexes, based on army and prisoner of war numbers. Understandably, this method of identification was limited to the cases in which the number of the serviceman was available.

4.3 SECTIONS OF THE CENTRAL PRISONERS OF WAR AGENCY

Right after the outbreak of the Second World War, the Central Prisoner of War Agency created a technical section based on the Hollerith data processing equipment, namely the Watson Section. This specific department was opened thanks to the funds coming from the International Business Machines Corporation; his president Thomas J. Watson permitted to the ICRC the use of the Hollerith equipment free of charge. The Hollerith

[98] Gradimir Djurovic, *The Central Tracing Agency of the International Committee of the Red Cross, activities of the ICRC for the alleviation of mental suffering of war victims*, Geneva, Henry Dunant Institute, 1986

equipment worked by an electro-magnetic process and was composed by cards perforated according to a code. The idea behind the creation of this equipment was of statistical research's purpose, but during the Second World War it has been used by the Agency for the creation of list of prisoners in alphabetical or numerical order. Three machines were normally used: perforators, sorters and tabulators. The perforated cards which were made with them were made for all the prisoners and they contained all the detailed information needed for identification. These three machines, working together, were able to produce the text of the perforated cards at the rate of 80 cards a minute. In addition to the use of this equipment, the Agency was using a duplicating machine and an interpreting machine as well. The Watson Section would produce lists of prisoners in alphabetical order or in numerical sequence, depending on the requirements of the different Sections of the Central Agency. The Watson Section had a big impact on the work of the Agency: talking in numbers, the sorters dealt with 24000 cards an hour, the tabulators transcribed 4800 names an hour on average.

Another great support for the work of the Agency came from the establishment of General Auxiliary Sections, which included the Typing Section, the Preliminary Sorting Section, the Night Work Section and the Auxiliary and Outside Work Sections, formed in 1940. A noticeable example of a contribution to the work of the Agency comes from the Auxiliary Sections; in that case, many towns in Switzerland declared to be available to help the Agency as soon as the war began. The bureau accepted the help because of the number of requests it was receiving everyday: Auxiliary Sections were formed in Zurich, Lucerne, Vevey, Aarau, Neuchatel, Berne, Basle, Nyon, Trelex, Morges, Saint-Gall, Lausanne, Winterthur, Yverdon, Montreux, Fribourg, Coire, Troinex (Geneva), Zug and on the premises of the Swiss Bank Corporation in Geneva. By 1945 there were twenty-four auxiliary Sections which comprehended 1060 volunteer workers. Furthermore, as these Sections were overloaded with work, the Agency, after having agreed it with the proper authority, established new teams of military or civilian internees in Switzerland and of German prisoners of war in neighboring parts of France. The main task of these teams was to give support to the German Section by sorting German prisoners of war mail, making out information and enquiry cards, doing the preliminary sorting of cards,

transmitting messages, communicating news to the relatives and traducing a variety of documents[99].

The Central Prisoners of War Agency created twenty-six National Sections: German, American, Latin-American, Austrian, Baltic, Belgian, British, Bulgarian, Spanish, Finnish, French, Greek, Dutch, Hungarian, Italian, Japanese, Luxemburg, Polish, Portuguese, Romanian, Scandanavian, Russian, Czech, Yougoslav, French Colonial and Sundry nationalities. Even if all of them have been conceived with the same scope and principles, the context and characteristics of each territory brought them to differ considerably.

The Sections of Great Britain and America, two of the four principal actors of the war, did not encounter noteworthy difficulties neither delay, except for data concerning prisoners in the hands of the Japanese Army. The Japanese Section was limited in dimension and its main responsibility had been the transmission of information on prisoners of war from the Official Bureaux of the Allies to the Japanese Authorities; the requests from relatives were rare, as it was considered a disgrace reflecting on the whole family to be a prisoner of war. The majority of requests of news concerning Japanese civilian detainees concerned people interned in New Zealand, Australia and United States[100]. For what concerns the Soviet Union, it was not a signatory of the 1929 Geneva Convention; nevertheless, it was prepared to provide to the ICRC with data involving enemy prisoners of war (Germans), based on reciprocity. The mediation of ICRC delegates drove German authorities to share with the ICRC a list of 299 Soviet prisoners interned in Germany, information which had been forwarded to the URRS; consequently, Radio Moscow made available a list of 300 names of German prisoners of war. However, none of these actions implicated an exchange of lists of prisoners of war which in fact never took place: they were reciprocally accusing the counterpart of violation of the laws and customs of war and claiming reciprocity. Most other belligerent states ceased as well to send lists of Soviet prisoners of war to the Agency because the principle of reciprocity was never followed. For this reason, the work of the URRS Section remained limited for

[99]Gradimir Djurovic, *The Central Tracing Agency of the International Committee of the Red Cross, activities of the ICRC for the alleviation of mental suffering of war victims*, Geneva, Henry Dunant Institute, 1986

[100] Durand André: *From Sarajevo to Hiroshima: History of the International Committee of the Red Cross,* Geneva, Henry Dunant Institute, 1984

the full duration of its mandate. Nevertheless, as studied in the Report, the Russian Section collected lists of 75,000 Russian detainees in Romania, 3,000 in Finland, 914 in Italy, 348 in Germany and 250 in Hungary. In addition, there were about 8,000 Russian prisoners who had run away from Germany and Italy and who were imprisoned in Switzerland. On the contrary, the Polish, French, German and Italian sections have been the most multifaceted and unique ones. The Polish Section and the German Section will be analyzed below.

The Polish Section was created in September 1939; on the same month, German and Soviet troops invaded Poland, determining the end of the sovereignty of the State. Along with it, the Official Polish Information Bureau was dismissed and from that moment on the Agency did not have an office in loco to which forward information of Polish prisoners of war and civilian internees. Consequently, the Agency itself acted as the central information bureau of Poland within this unit. The quantity of polish soldiers and civilians captured was immense: about 400000 prisoners of war in Germany, more than 200000 in the USSR; luckily, many of them were interned in neighboring countries while seeking refuge. The lists of Polish prisoners of war coming from the German Information Bureau ceased to be sent in February 1940; from that moment on, only lists of prisoners in need reached the Polish section of the Central Agency. Later, in 1943, the German Official Bureau re-started sending lists to the Agency, this time containing only the names of officers. The reason for this to happen was that most common soldiers had already been converted into "civilian workers". This change on their status was made in disobedience of the 1929 Geneva Convention relative to the treatment of prisoners of war; those who refused to gain the status of "civilian workers" were immediately transferred to concentration camps: if at the beginning of the war there had been counted 400000 polish prisoners of war, only 70000 of them remained in German camps because the others had been converted into "civilian workers" (this matter was touched during the meeting of the ICRC on 26 June 1942 by the delegate from Berlin)[101]. One of the main disadvantages of holding the status of "civil workers" was that, depending on the civilian authorities, they could suddenly disappear, being transferred to concentration camps. The treatment reserved for polish prisoners bearing names of German origin was to enroll themselves

[101] *Report of the International Committee of the Red Cross on its activities during the Second World War,* Vol. I.

into the German Army; if they refused to do so, they were sent to disciplinary detachments or to concentration camps. Both the Agency and ICRC delegates have never stopped working on these cases; nevertheless, no results have been achieved. On the other hand, Polish prisoners of Jewish origin were directly transferred to concentration camps, mainly to the Lublin extermination camp. The information recorded by the Agency are of prisoners who have suddenly disappeared, because the German authorities did not provide further information in any case, not even in the rare cases in which some of them was able to escape. The treatment reserved to Polish prisoners of war has been for some extent graver than that suffered by French, English or Americans. For the combatants who had disappeared on the frontline in September and October 1939, Polish officers, who were prisoners in Oflag VII-A, created a "Polish Commission for the Missing", which documented and communicated to the Agency the testimonies of all Polish officers who were prisoners of war in Germany. The Official Bureau and the German Red Cross frequently responded to enquiries; the Polish Section was able, occasionally, to share information because of official lists they had obtained. On the contrary, as mentioned before, the Soviet Union was not an adherent of the 1929 Convention and did not provide any data regarding Polish prisoners deported to the USSR. However, these prisoners were sometimes able to send messages to their families with the intermediation of the Agency until Spring 1940, permitting to the Polish Section to collect information and names. The Red Cross Societies of Hungary, Latvia, Estonia, Lithuania, Rumania, Slovakia, Sweden, and Yugoslavia informed the Agency of Polish soldiers who found a refuge in their territories; the same combatants could also remain in touch with their families through letters and messages from which the Polish Section would register their names. Some of them managed to leave for France, where some have been captured by Germans during the French campaign of 1940. In the data collected by the Agency, those people have been registered as French prisoners. All the names of polish internees in Switzerland, about 30000, were denounced to the Agency by the Swiss Federal Commissariat for Internment and Accommodation and remained within Switzerland's borders until the end of the war.

Following the USSR's entry into the war, in July and December of 1941, two agreements were decided between the Soviet authority and the Commander-in-Chief of the Polish forces abroad. Thus, approximately 100,000 people, Polish military personnel and their families, departed the Soviet Union for Tehran. These servicemen, under General Anders,

later fought alongside British forces in Africa, participating in key battles such as Tobruk and El Alamein, and afterwards they took part in the landings in Italy. Furthermore, a Polish army was established from former Polish prisoners of war still in the USSR, while other ex-prisoners fought on the Eastern Front in Soviet units. The Germans treated these fighters as Soviet prisoners of war, and the Central Agency never learned about their imprisonment. A certain number of enquiries were not about prisoners of war but about the civilian population; in fact, the German occupation affected women, old people, children as well, determining their imprisonment, their deportation to labor or concentration camps, in some case their execution. The Agency requested information about civilians to the Polish Red Cross in Warsaw, which was surveilled by the German authorities closely.

In August 1944 the URRS Army was almost in Warsaw: around twenty thousand clandestine polish soldiers tried to resist and were captured by the German authorities. The ICRC mediation granted to them the prisoners of war status, but their names have never been shared with the Agency by German authorities. However, the Polish Section managed to set up an incomplete card index concerning these soldiers. In 1945 Polish units fighting with British troops liberated a camp in Germany containing prisoners captured in Warsaw in 1944 (mostly women). Lists of their names were sent to the Agency. Anyhow, a high percentage of the population have been killed those days; able bodied men who survived, were transported to forced labor camp in Germany; children, the elderly and women were evacuated in different territories of Poland. The Agency was receiving on one side requests for news from their relatives, on the other hand the displaced persons themselves were asking for help to the ICRC. In other sections, inquiries primarily focused on prisoners of war or civilian internees sought by individuals still residing at their original home addresses. In contrast, the Polish Section received inquiries from civilians in Poland, from prisoners, servicemen fighting abroad, and civilians who had sought refuge in various other countries. These inquiries encompassed not only prisoners of war and civilian internees but also numerous cases involving military personnel and civilians who had found freedom in many parts of the world. Due to the lack of a single source of information, the Polish Section became an essential hub for all inquiries and information regarding Polish victims of the war. The Agency

effectively stood as the only organization capable of alleviating the profound anxiety experienced by Polish families who had been so cruelly separated by the conflict.

The Central Committee of the Polish Red Cross was re-established in 1945 in Warsaw; however, it was not in the place to reply to the plentiful individual enquiries received. Moreover, the record of the former Red Cross of Warsaw was destroyed and for this reason the Agency sent them photocopies of all information sent to the Red Cross in Warsaw during the German Occupation recorded before 1944. Despite the constant effort put during and after the World War II by the Agency, in the case by the Polish Section, many Polish prisoners and civilians have never been founded, neither any information about their fate. Poland has been one of the most affected countries during the Second global conflict, with 6028000 deaths in Poland[102] and hundreds of thousands of soldiers and civilians scattered all over the world[103]. Nowadays, the Central Tracing Agency of the ICRC manages a service for Polish victims of the Second World War.

The German Section has been created in September 1939 and its activities changed following the course of military events; if at the beginning of the Second World War, when Germany was successful, it did not have much work to complete, towards the end of the war it became the largest section of the Agency, even if limited: the Agency was never able to gain information concerning the campaign on the Eastern Front. Many efforts of mediation have been made by the ICRC but an agreement between Germany and URRS for the exchange of lists of prisoners of war was never reached. For what concerns the relationship between the German Section of the Agency and the German authorities, the German Information Bureau and the German Red Cross shared precise instruction to the population to direct all enquiries regarding prisoners of war or service casualties through them; they would then select the most complex ones to be sent to the Agency. This method was efficient, and time saving and ceased to work only towards the end of the war, when the German Red Cross and the administrative services were lacking organization. After the cessation of hostilities, the Agency, specifically the German Section, ruled as the only bureau for information. In 1939 and 1940, the German prisoners of the operations in Norway, Poland and the first campaign in France were liberated

[102] data of "The Polish Central Commission for the Study of Hitlerian Crimes"
[103] Hillel Marc, *Les Archives de I'Espoir,* Paris, Fayard, 1977

almost immediately; the German Section at that time would transmit information about servicemen killed in action and the missing persons; moreover, it would manage telegraphic communication on German airmen and sailors who had been imprisoned or killed in the shape of collective enquiries for crews. In 1940-1941, several German volunteers took part in the Ethiopian campaign: if they were captured during the fighting, they have been recognized as prisoners of war, after that they would be recognized and interned as civilians by the British. During the same year, 1941, a high number of enquiries reached the German Section after the campaign in Yugoslavia and Greece; indeed, the British army imprisoned some hundreds of Germans after the evacuation of Crete where the German Army was fighting against the New Zealand militants. Subsequently, they sent to the Agency a list of the names of the prisoners by telegram. During the campaign in Libya of 1942, the German Section was not successful in replying to enquiries concerning members of the "Africa Korps", because the men killed in action were often covered in send as the battlefield was the desert. The Germans went on to the defensive successively to the arrive of the Allied in North Africa (1942); nevertheless, the German Section continued being successfully efficient in replying to the increasing number of enquiries. However, after the defeat of the German Army in Tunisia in 1943, information started to flow in from the United States and Free France. The Directorate of Prisoners of War in North Africa was sending individual cards to the Agency, while the official English Information Bureau and the American Information Bureau were forwarding telegrams. The longest telegram obtained from the official American Bureau included 21,590 words and handed the names of 2,341 German prisoners, often wrongly spelled. Moreover, distances and the fact that prisoners were transferred continuously made the task of the Section particularly challenging; even if at the end the information would eventually reach the families, the space of time needed for the data to arrive rendered them outdated. In trying to find a solution, the German Section increased the use of "express messages" for communication which were interrupted for more than three months between a prisoner and his family. This method became useful and time saving only with the introduction of microfilms in 1944.

As a consequence of the Allied landings in Normandy and in the South of France, the number of requests for the German Section became hardly manageable; for this reason, from that moment on, the Agency would take only the most urgent enquiries into

consideration. For instance, one of the tasks that the Agency considered “urgent” and therefore continued on doing was the forwarding on to the German authorities the information about militants reported dead and prisoners. The French Forces of the Interior, after having liberated a part of France, was not able to institute an official information office, and subsequently the German Section commenced receiving a huge quantity of data from France; however, the Agency used that information carefully, taking into consideration that not every data was coming from an official or verified source. Towards the end of the war, an official Central Bureau of Information, connected to the General Directorate of Prisoners of War, arose in Paris.

German civilians were interned all over the world; as a consequence, the German Section made enquiries to United States, to Great Britain, to Australia and to South Africa. Some of the German civilians were often interned and released and then interned again; for this reason, the German Section would have prolonged enquiries to follow the cases. Another difficulty came from the difficult distinction between civilian internees and common law prisoners. Some civilian internees tried to hide their existence because they had been against the Hitler regime and they were fearing reprisals against their families, rendering the work of the Agency even more complex. The most challenging enquiries were, however, the ones of German Jews, which have been dealt at first by the Sundry Civilian Internees and then by the German Section; the proportions of enquiries were that massive to be hard to handle even with the support of the Auxiliary Sections. Moreover, the Bureaux whose task was to be the intermediary between the Agency and families in Germany was partially destructed during the last phase of the war. The situation aggravated as well by the displacement of one sixth of the German population, bombardments would destroy several mails. The impossibility of knowing which information effectively reached destination led the Agency to declare that, from 30 April 1945, all mail directed to Germany would be carried in Geneva. During the post-war period, the number of German soldiers taken prisoners, the displacement of the population, the breakdown of the military high command, of any national organization and of the government rendered the communication very hard to pursue. The majority of information from the Allied Powers to the Agency eventually reached the German Section with a delay of more than a year from the date of capture or of death of the person.

Moreover, the postal service with Germany was interrupted, as well as the transmission of prisoners of war's mail.

At first, a network of delegations with the presence of specialists form the Agency was created by the ICRC in the Wester occupied territories; secondly, the ICRC supported the creation of a German organization controlled by the Occupying Powers which would replace the official Information Bureau. Towards the end of the war and, most of all, at the end of hostilities, all enquiries started to reach Geneva eventually. The Agency decided to adopt the 275 cards already adopted by the French Section for the transcription of all the enquiries. The ICRC delegations distributed about 82400 "275" cards within the German territory; up to June 1947, the German Section had received 535400 of these cards. The transcription took time and the cards in need to be checked accumulated; moreover, the German Section was not able to help the families asking for news from the Easter Front, because no information had been given to the Agency. On the other hand, the prisoners did not have any means to be informed of the status or location of their relatives.

The number of displaced civilians was greater than the number of German prisoners of war; soon, the Agency was expected to detain the role of re-connector of contacts between displaced families and prisoners. For the purpose of finding the displaced families, the German Section created the "Red Cross Message" or "card P 10079", offering to displaced German civilians: to communicate their new address to the prisoners of war through the intermediary of the Agency; to acquire the address of prisoners whose whereabouts were not known; to transmit messages to prisoners. The Agency distributed about one and a half million "Red Cross Message" in the three western occupied zones in Germany; by 1947, 1644036 of them had been received back by the Agency, of which 806,793 were furthered to addressees. The "275" and the "P 10079" cards were the only means of communication of the Agency while the ordinal postal communications were interrupted. Furthermore, German internees in Switzerland and German prisoners of war in France were selected to form a working group undertaking the task of categorizing and communicating to addresses in Germany post from the German prisoners of war in France, Great Britain, and the United States which had been collected in the Swiss Post Office for several months. The reopening of the postal services in Germany from one point of view was helpful, from the other hand caused a massive influx of enquiries and

of the “275” and “P 10,079” cards; other difficulties for the German Section came from the massive relocation of prisoners from the United States to France and Great Britain. After the end of hostilities, a number of tracing services have been set up in Germany; the Agency collaborated tightly with those offices.

In 1945, a representative from the Agency was assigned to Germany to evaluate the various regional organizations that had emerged following the cessation of hostilities. The objective was to identify a reliable organization capable of receiving the information held by the Agency until a central office could be established to succeed the defunct official Information Bureau. It was found that the old card index of the German army still existed and that some employees from the official German Bureau had return to operations within the American occupation zone in 1945. By 1946, this workforce was rearranged to Berlin, where they formed “The Office for Liquidation of the former German Bureau,” which was in charge of informing the next-of-kin regarding the deaths of German servicemen. Towards the end of 1946, the Agency made the decision to direct all death notifications to this organization, referred to as WAST. The German Section transferred approximately 75,000 personal effects belonging to German servicemen to WAST, which established a dedicated section for transmitting these effects, as well as handling inheritances received from various regions back to the respective relatives.

The German Section faces many obstacles in helping two specific categories; the first one was composed by servicemen known as SEP, Surrendered Enemy Personnel, who would never be recognized as prisoners of war. The lists of these prisoners never reached the Agency; the difficulties were partially solved when some of them were liberated or transformed into civilian workers. The second category comprehended civilians evacuated from East European Countries. Every method which has been undertaken seemed to be ineffective, except for some information coming from the Polish Red Cross from 1947. The first technique which proved to be effective was the ICRC’s choice of lists broadcasted on the radio giving names of displaced persons. The German Section finally started to reduce its amount of work only two years after the end of hostilities, even if enquiries never stop reaching their offices. Nowadays the German Section is mostly reached by requests for certificates of captivity. The German card index relating the Second World War contains more than ten million cards and, despite being incomplete

(URRS never collaborated for it), it constitutes the largest one held by the present Central Tracing Agency.

4.4 SPECIALIZED SECTIONS OF THE CENTRAL PRISONERS OF WAR AGENCY

The Central Prisoners of War Agency structured five specialized Sections, each aimed at a specific category of persons regardless of their nationality. These five divisions were: Medical Personnel, Sundry Civilian Internees (CID), Palestine Immigration (IMPA), Internment in Switzerland and Dispersed Families.

The Sundry Civilian Internees CID, the Palestine Immigration IMPA and the Dispersed Families Section will be analyzed below.

The Sundry Civilian Internees was instituted in 1940 as the Section responsible for information concerning persons whose nationality could not be verified. No Convention was protecting these people, and the impossibility to categorize them within the National Sections of the Agency was another obstacle for the resolution of these inquiries. The identities considered in this Section were mainly refugees of varying origins; moreover, from 1942, the CID undersaw cases regarding individuals of Jewish origin from Germany and territories under German control and who had been deported Eastwards. In the same year, the Section started working on enquiries of stateless persons in general, apart from those possessing a Nansen passport. The files of persons whose nationality had been verified would be relocated to the appropriate National Section; in 1943 the Sundry Civilian Internees worked only with cases of stateless persons and German and Austrian Jews. The work of the CID Section was extremely complicated and limited, and the results achieved very scarce: most of the work done involved Jewish persons about whom neither Germany nor the territories under its control were able to give any information.

The Palestine Immigration Section was formed towards the end of 1943, with the duty of dealing with cases of Jewish families in Germany and in states under German occupation; the nationality of these persons was no longer recognized by the German Authority. The Section worked on the prevention of deportation through the provision of “Immigration Certificates for Palestine”; in order to do so, the Palestine Immigration Section was supported by various Jewish organizations which would share information concerning

registration on the immigration lists, the confirmation of application and registration already recorded. Despite the high number of "Immigration Certificates for Palestine" transmitted, only 285 persons accomplished the emigration because of it. In 1945 the Section communicated lists of concentration camp survivors through the broadcasting services of the ICRC; the same method was used in 1947, for an attempt of gaining data about missing persons from survivors who might have been interned in the same concentration camps.

The formation of the Dispersed Families Section by the ICRC was based on one of the primary objectives of the Agency: the re-establishment of contact between family members who have been separated by war circumstances. The size of the phenomenon of family members dispersed experienced during the Second World War did not have any precedent. For this reason, the International Committee of the Red Cross appointed the Agency in 1943 with the task of instituting an index card standard specifically designed for displaced persons, to allow them to report their location and to provide specifics of any members of their family whom they wanted to trace, namely card P 10027. Subsequently, the Agency sent a circular to National Red Cross Societies and to other National Organizations, asking for their assistance; ICRC delegations tried to obtain support from Governments for the distribution of P10027 cards. The ICRC was granted free postage for the forwarding of the cards; even if full use of the cards was not possible until the end of the war, the Dispersed Families Section was engaged in the creation of a central card index of these cards. The only enquiries taken into consideration, in principle, involved two persons living outside their place of residence, unable to return home or separated by a frontier and unaware of each other's location; however, the definition was not always strictly applied. The nationalities of the people involved represented an obstacle, in the sense that not everyone would declare his real origins; the National Sections were in charge of sharing with the Dispersed Families Section every useful information they received. Additionally, the Section created a special international card index to render it as much inclusive as possible. The classification of these cards with different nationalities turned out to be complex, and a group of specialists was hired to compose a phonetic system of classification. In order to overcome a number of other difficulties for the classification, the card index of the Dispersed Families Section contained both the P 10027 cards and other cards made on the Watson system.

The United National Relief and Rehabilitation Administration (UNRRA) was established in 1943 and immediately requested the ICRC to operate as a central tracing bureau. In 1945 an agreement was signed between UNRRA and ICRC in Paris, concerning the distribution of P 10027. However, despite constant appeals from the ICRC, authorization from the Allied military authorities for a mass dissemination of the cards was postponed, and ultimately UNRRA formed a Central Tracing Bureau in Frankfurt at the beginning of 1946. With the establishment of this Bureau, which has been formally recognized by the Allied authorities, the work of the ICRC and of the Dispersed Families Section of the Agency was no longer necessary. Nevertheless, the existence of the Central Tracing Bureau was not adequately known to the public, consequently enquiries on the topic continued to reach the Central Agency. The distribution of P10027 cards was interrupted and the ICRC requested National Red Cross Societies to inform publicly on the work of the new bureau. The cooperation between the Central Tracing Bureau and the Dispersed Families Section continued even after 1947; all documents of the Section of the Agency were made available to the Bureau, as well as all the enquiries which kept reaching Geneva. To this day, the Agency continues to receive several inquiries concerning families divided during the Second World War. These inquiries are addressed, whenever feasible, based on the data available from the various National Sections of the Central Tracing Agency. However, when the Sections do not possess the necessary information, the Agency seeks assistance from National Red Cross Societies or other organizations that may be able to aid the inquirers. Inquiries pertaining to displaced persons in Germany or in territories occupied by the Third Reich are consistently referred to the Central Tracing Bureau in Arolsen, now known as the International Tracing Service (ITS).

4.5 THE INTERNATIONAL TRACING SERVICE

The Supreme Headquarters of the Allied Expeditionary Forces (SHAEF), together with the UNRRA (United Nations Relief and Rehabilitation Administration), initiated in 1945 the gathering of information about interned persons of German concentration camps.

Among the duties of UNRRA, there were the tracing of nationals, soldiers and civilians, of member states of the United Nations, the aid in reuniting separated families and the preservation of documents of refugees and displaced persons. As it has been stated before, in 1946 UNRRA established the Central Tracing Bureau, which has then been re-named “International Tracing Service” in January 1948. The management of the Service was

given to the Allied High Commission for Germany until the termination of occupation in the German Federal Republic. The ICRC was entrusted with the responsibility of the International Tracing Service in June 1955, by the Bonn Agreement. In the same document, an International Commission for the International Tracing Service was instituted, which held meetings every three months; it was constituted by nine governments (parties of the Bonn Agreements), the Secretary of the Western European Union, the representatives of ICRC and the United Nations High Commissioner for Refugees (UNHCR). The Government of the German Federal Republic was entrusted with the financing of the International Tracing Service.

The first task which the ITS oversaw was the tracing of disappeared or deported persons to territories occupied by the Third Reich; in doing so, it cooperated with the National tracing bureaux established by UNRRA. However, it is crucial to highlight that the ITS was in charge of the tracing of non-Germans missing persons, while the German Red Cross held the responsibility of German nationals.[104] The International Tracing Service in 1947 was able to obtain documents submitted to the Nuremberg war crimes tribunal, which made it possible for the office to reply to many enquiries. The first certificate of imprisonment was issued in 1948[105]. However, the work carried by the Service was intricate, as most records of persons in concentration camps had been destroyed; the few documents saved, even if testified the decease of an imprisoned, did not constitute a legal proof of it. The deaths in concentration camps have been estimated to be several millions; the Registrar-General's office, which was instituted in 1949, was able to supply only 324278 death certificates[106]. In 1946, the Allied authorities directed local German officials to submit records of foreigners residing in Germany during the war; between 1946 and 1950, the International Tracing Service received a substantial number of records related to forced labor and subsequently acquired post-war documents for displaced individuals. In 1953, the German Federal Republic enacted a law to compensate victims of persecution during the war, which applied to former concentration camp prisoners and specific categories of displaced persons. To be eligible for compensation, individuals were required to demonstrate both their internment and residency in Germany; the

[104] International Tracing Service*, Annual Report*,1977
[105] International Tracing Service*, The International Tracing Service: Thirty years in the service of humanity*, 1975
[106] Hillel Marc, *Les Archives de I'espoir,* Paris, Fayard, 1977

International Tracing Service supported this effort by providing essential certificates and reports based on its documentation. Additionally, the International Tracing Service provided authorities and organizations with clinical documentation, medical reports, and employment records necessary for pension applications. Despite the substantial destruction of records by the S.S., the Service has successfully amassed extensive information regarding concentration camps, with ongoing efforts to gather records continuing decades after the war. Currently, a considerable proportion of inquiries pertain to information for the commemoration of deportation victims and requests from institutions for archival purposes.

The International Tracing Service adopted an international card index, labelling names in alphabetical phonetic system; the card index of the ITS developed over time and it is now considered a model even for the Central Tracing Agency. International Tracing Service records are now divided into five sections: the Concentration Camp Documents Section[107], the Wartime Documents Section, the Postwar Documents Section, The Section for Documents concerning the Children of Displaced Persons, the Historical Section. Analyzing one of them to make it clear what they are composed of, the Section for Documents concerning the Children of Displaced Persons contains documents of children of diverse nationalities, who were not 18 by the end of hostilities, and who have been parted from their relatives during the conflict. An example are the children separated from their imprisoned mothers as soon as they came into life. Another significant branch of the Archive of this Section is devoted to documents relating to the Lebensborn organization[108], which was the Institute in charge of the "Germanization" of children during the war, with the aim of bringing up the so called "pure German race". Due to the unknown identities of many of the children, the Section created three separate files: the first organized alphabetically by family names, the second also arranged alphabetically but by first names, and the third ordered chronologically by date of birth.

Back in the post war period, the work of the Agency and of the ITS partially overlapped; consequently, the tasks have been divided between the two institutions: the UNRRA Bureau was responsible of certain categories of victims of the Second World War, while

[107] *The International Tracing Service: Concentration camps records of service to survivors,* ICRC, Geneva, 1977
[108] Marc Hillel, *Au nom de la race,* Paris, Fayard, 1974

the Agency was particularly responsible for prisoners of war. The respective duties did not constitute an official written document as the cooperation and communication between them have always been effective. Nowadays, the ITS and the CTA are functioning in constant cooperation, assisting each other and sharing useful data. The International Tracing Service and the Agency routinely exchange documents and lists of war victims that may be of mutual interest; however, this exchange is not conducted systematically. There is no comprehensive inventory of all documents held by either organization that could be relevant to the other, resulting in a somewhat arbitrary flow of information. In conclusion, both organizations are engaged in a continuous exchange of information and frequently collaborate on individual cases, leveraging each other's records to facilitate resolutions.

4.6 CONCLUDING CONSIDERATIONS ON THE CENTRAL PRISONERS OF WAR AGENCY

The volume of the work carried out by the Central Prisoners of War Agency during the Second World War has no precedent. The International Prisoners of War Agency constituted the foundation of the methods, structure and organization of the new Agency; however, for the first time in history the Bureau of the ICRC could be supported by a legal base: the 1929 Convention relative to the treatment of prisoners of war. Nevertheless, the Central Prisoners of War Agency did not limit its activities on the content of the Convention. For instance, taking into consideration the protection of military personnel, it introduced the Capture Card system, accelerating substantially the process of the forwarding of information. Another massive work of the Agency concerned civilians, which did not stand upon any legal basis. Yet, the results could be defined as a historical win: by 1947, the index of about thirty-six million cards comprehended between six and seven million cards on civilians. The “Civilian Message”, method invented by the International Prisoners of War Agency, and which has developed during the Spanish Civil War, only during the Second World War counted twenty-three million transmitted messages. The Hollerith equipment, photocopies, microfilm, telegraphic and radio communications were just few innovations which enabled the Central Prisoners of War Agency to work more rapidly and more efficiently. Another crucial improvement has been the transcription of all details into index cards.

On 6 August 1945, the first atomic bomb was dropped in history over Hiroshima. Aside from the countless efforts of the ICRC and of the Agency for the assistance of the victims, that day marked the beginning of a new fight for the Red Cross, for the limitation of the use of weapons of mass destruction. Marcel Junod was an ICRC delegate at that time, and he was the first foreign doctor to help the wounded of the explosion; he wrote his testimony, in which the horrors of the tragedy are vivid, but where constructive considerations for the future are explicated as well.

« Les ideaux politiques, les interets materiels semblent aujourd'hui incompatibles, et personne n'a le droit d'exiger des uns ou des autres de renoncer a ces ideaux ou a ces interets. Les forces mystiques et materielles du monde sont en marche pour le meilleur ou pour le pire. Nul ne peut en prevoir la fin. Derriere ces forces sont les hommes qui les animent. C'est a eux que nous avons le devoir de crier notre angoisse, a eux que nous jetons ce cri d'alarme: Faites pour l'energie atomique ce que vous avez fait pour les gaz toxiques, proscrivez-en l'usage comme arme de guerre si, par malheur, la guerre elle-meme ne pouvait etre evitee. Seule une politique unifiee du monde peut le sauver de la destruction. De meme que les medecins et les hommes de science se reunissent en congres pour faire partager a leurs collegues le bienfait de leurs decouvertes et de leurs idees nouvelles, les dirigeants des Etats doivent a leur tour prendre exemple sur ces hommes et donner au monde la serenite qu'il attend. »[109]

In conclusion, the endeavors of the ICRC, and notably those of the Central Prisoners of War Agency, have profoundly shaped international humanitarian law; during the Diplomatic Conference convened in Geneva in 1949 to draft new Conventions, the authority of the Agency was explicitly recognized in numerous articles of these Conventions. The work of the Agency never stopped; at the end of the war, the repatriation of prisoners of war and the restoration of family links were at the center of the work of the bureau of the ICRC. The provision of certificates of captivity or of hospital admission was a duty of the post-war Agency as well. The Conventions signed in 1949, which will be analyzed in the next chapter, provided for the establishment of ad hoc agencies in the course of each conflict; nevertheless, the Central Prisoners of War Agency converted into a permanent department of the International Committee of the Red Cross; furthermore, in

[109] Marcel Junod, *Le désastre d'Hiroshima*, 1982

1960, it will be renamed ‘Central Tracing Agency’ (CTA) to echo the development of its mandate.

CHAPTER V - INTERNATIONAL HUMANITARIAN LAW AND THE AGENCY AFTER WWII

5.1 INTERNATIONAL HUMANITARIAN LAW OF 1949

After the experience of the Central Prisoners of War Agency during the Second World War, the ICRC participated in the work of the 1949 Diplomatic Conference which reviewed and widened the Geneva and Hague Conventions.

The Conventions ratified on 12 August 1949 are four: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; Convention (III) relative to the Treatment of Prisoners of War; Convention (IV) relative to the Protection of Civilian Persons in Time of War[110]. The ICRC organized a number of meetings prior to the adoption of these Conventions; for instance, the Preliminary Conference of National Red Cross Societies (1946) and the Conference of Government Experts (1947), in which the French Delegation presented a draft code of rules concerning the protection of civilians which was taken as the foundation for debate. The result of these two Conferences was presented to the XVIIth International Red Cross Conference in 1948 (Stockholm). The adoptions of this Conference led to the Diplomatic Conference which has been held in Geneva in 1949, assembled by the Swiss Federal Council. At the end of the Conference a Coordination Committee and a Drafting Committee undertook to accomplish a certain consistency in the texts.

Some dispositions of the four Geneva Conventions are of direct concern for the Central Tracing Agency; for instance, Article 3, common to all four Conventions, deals with the topic of non-international conflicts, stating in the second paragraph that the ICRC is entitled to offer its services to the parties in conflict as an impartial humanitarian body; these services include the Agency's work[111].

The Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field corresponds to the updated version of the Convention of 1929;

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[110] *The Geneva Conventions of 12 August 1949. Commentary published under the general editorship of Jean S. Pictet. IV. Geneva Convention Relative to the Protection of Civilian Persons in Time of War,* Geneva, ICRC, 1958

[111] International Committee of the Red Cros, *Commentary,* Vol. I, II, III, IV, Jean S. Pictet

it collects 64 articles. These require protection for the wounded and sick, but also for medical and religious personnel, medical units and medical transport. The Convention also acknowledges the distinctive emblems[112]. Article 16 and Article 17 of the Convention I are particularly significant for the activities of the Agency; Article 16 provides for the forwarding of information and documents to the National Bureau of each State in conflict from the State itself, concerning all foreign individuals. Moreover, it requests the National Bureau to forward the information to the bureau of the Power on which this person depend, recognizing the Protecting Power and the Central Tracing Agency as intermediary. Therefore, here, the role of the Central Agency as the link between imprisoned and families is recognized. Additionally, Article 17 requires each party involved in a conflict to establish a Graves Registration Service. This service should, as soon as possible, exchange lists with the opposing side that detail the locations and markings of graves, along with information about those buried there. This exchange can happen even during hostilities, with the Central Agency facilitating communication between the two sides.

The Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea for the first time structures the protection at sea, while before that the safety of wounded, sick and shipwrecked during naval warfare was protected only by the Hague Conventions of 1889 and 1907. This Convention collects 63 Articles which offers both the regulation for the protection of sick, wounded and shipwrecked at sea, the specific protection for hospital ships, coastal rescue craft, medical aircraft and other medical transports at sea, as well as religious, medical and hospital personnel performing their duties in a naval context. The Convention also credits the distinctive emblems. It has one annex, consisting of a model identity card for medical and religious personnel attached to the armed forces at sea[113]. Article 19 and Article 20 of the Geneva Convention II are of interest to the Central Tracing Agency. Article 19 permits the recording and transmission of information regarding shipwrecked, wounded, sick, or deceased enemy individuals who have come into custody of a party to the conflict. The Agency's role is analogous to that outlined in Article 16 of the First Convention,

[112] Treaties, States Parties and Commentaries, *Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.* Geneva, 12 August 1949
[113] Treaties, States Parties and Commentaries, *Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.* Geneva, 12 August 1949

which involves the control and dissemination of such information. Similarly, Article 20, which addresses the treatment of the deceased, assigns the Agency tasks comparable to those specified in Article 17 of the First Convention, particularly concerning the handling and reporting of deceased persons. The Agency is entrusted with the responsibility of collecting and forwarding information regarding these individuals.

The Convention (III) relative to the Treatment of Prisoners of War, with its 143 Articles, substituted the Prisoners of War Convention of 1929. In this Convention, certain regulations were given a more explicit form, in order to be precisely interpreted when applied. Since the text of the Convention was requested to be posted in all prisoners of war camps (Art. 41), it had to be comprehensible not only to the authorities but also to the ordinary reader at any time. The classes of persons entitled to prisoner of war status were extended in accordance with Conventions I and II; the conditions and places of captivity were more precisely defined, in particular with regard to the labor of prisoners of war, their financial resources, the relief they receive, and the judicial proceedings instituted against them. The Convention establishes the principle that prisoners of war must be released and repatriated without delay after the cessation of active hostilities (Art. 118)[114]. Even though Article 17 of the Third Convention of 1949, pertaining to the questioning of prisoners of war, does not explicitly mention the Agency, it nonetheless underscores the importance of the Agency's role in centralizing and transmitting the information that each prisoner of war is obligated to furnish to the detaining Power in accordance with this article. Moreover, the experience of the Second World War suggested that the obligation of declaring only the regimental number when being interrogated was not enough; for this reason, Article 17 paragraph 1 of Convention III requested in those occasion the declaration of first name, rank, date of birth, army, regimental, personal or serial number, equivalent information. Furthermore, Article 30 of the Geneva Convention III, paragraph 4, requested a duplication of the medical certificate of prisoners of war to be forwarded by the detaining Power to the Central Prisoners of War Agency, in order for these documents not to be lost or taken away leaving no record as it happened during the Second World War. Article 68, paragraph 2, again recognized the Agency as the intermediary for the forwarding of information between the Detaining

[114] Treaties, *S*tates Parties and Commentaries, *Convention (III) relative to the Treatment of Prisoners of War*. Geneva, 12 August 1949

Power and the State on which prisoners depended. Again, in the 1949 Convention III, the importance of capture cards has been expressed through Article 70. Moreover, Article 71 of the same Convention talks about war correspondence, which is a duty of the Agency; Article 74 deals with exemption from postal and transport charges. Article 75 must be mentioned as well, providing the use of special means of transport to convey correspondence, lists and reports. Additionally, Article 77 provides a guide for the preparation, execution and transmission of legal documents, including the role of the Central Agency as intermediary in paragraph 1. Another Article which concerns the Agency is Article 119, about the procedures of repatriation of prisoners of war: it states that the states in conflict must communicate the names of prisoners of war detained to each other; it does not mention the Agency as the intermediary explicitly in this Article. The Central Agency is again mentioned when talking about wills, death certificates, burial and cremation in Article 120. According to Article 121, communication about prisoners killed or injured in special circumstances need as well to reach the Protecting Power, with the possibility for the Central Agency of being addressed for such communication. The provision of the establishment of an official Information Bureau for prisoners of war for the Parties in conflict and for non-belligerent Powers which receive persons within their territory is declared in article 122 of Geneva Convention III; the Article goes on declaring that the designated authority is intended to guarantee that the Prisoners of War Information Bureau is adequately equipped with the necessary facilities, resources, and personnel to function effectively. Each party to the conflict is required to provide the Bureau with information regarding captured enemy personnel and to promptly relay this information to the relevant parties. Moreover, the Bureau is recognized to be responsible for collecting and disseminating information about prisoner transfers, health updates, and for responding to inquiries concerning prisoners of war, including those who have died in captivity. Furthermore, the Bureau is appointed with the collection and returning of personal belongings and valuables left by prisoners, transmitting these items in sealed packets that include comprehensive identification details and a complete inventory. The handling of other personal effects is requested to be conducted in accordance with agreements established between the parties involved. The importance of this Article lies on the specific duties recognized to be of the Agency; however, after the end of the Second World War, in a number of conflicts the belligerent parties failed in establishing the

official Information Bureau. Article 123 requires the institution of a Central Prisoners of War Information Agency in a neutral country, listing again some of its duties and requiring the High Contracting Parties to provide financial aid to the Central Agency. By virtue of Article 124, the Agency benefits from free postage and partial or total exclusion from telegraphic payments. It is pertinent to note that the international high-frequency broadcasting conference convened in Mexico in 1947 allocated a specific number of broadcasting hours to the ICRC, which may be made available, either wholly or in part, to the Agency. For the states party to the Convention, this provision imposes not only an obligation to refrain from interfering with such transmissions but also to grant representatives of the International Committee abroad unrestricted access to their broadcasting facilities.

Provisions concerning the protection of civilians were contained in the Regulations concerning the laws and customs of war on land, annexed to the Hague Conventions of 1899 and 1907, but not in the Geneva Convention adopted before 1949; however, the Hague provisions proved to be insufficient during the First World War, consequently supplementary rules for the protection of civilians in time of war were written down during the International Conferences of the Red Cross of the 1920. As analyzed before, the Tokyo Draft was approved by the International Conference of the Red Cross in 1934. It was to be submitted to a diplomatic conference planned for 1940, but this was postponed on account of the war. The events of World War II proved the catastrophic consequences of the absence of a convention for the protection of civilians in wartime. The Convention (IV) relative to the Protection of Civilian Persons in Time of War, adopted in 1949, takes account of the experiences of World War II. It contains a rather short part regarding the general protection of populations against certain consequences of war (Part II). Part III - Articles 27-141 proposes regulations governing the status and treatment of protected persons; these provisions distinguish between the situation of foreigners on the territory of one of the parties to the conflict and that of civilians in an occupied territory. Article 24 relates to child welfare: children have been protected by the ICRC during the Second World War, in cooperation with the International Union for Child Welfare. Article 24 states the role of the Agency of being involved in the search, identification and regrouping of children who have been divided from their families. Family correspondence is recognized to be a responsibility of the Parties together with

the Central Agency in Article 25 of the Geneva Convention IV; moreover, it is described to be "one of the inalienable rights of man"[115]. Experience on this field could be found in the First World War with the civilian message service, as well as at the time of the Spanish civil war, again through the application of a civilian message service. As it has been analyzed before, during the Second World War, a Civilian Message Section has been adopted within the Agency; the Civilian Message Form N. 61 was implemented by the Red Cross Societies of all the states in conflict. Moving forward, Article 26 represents the legal basis for the activities of locating family members and reuniting them undertaken by the Agency. Medical attention is contained in Article 91, requesting the forwarding of duplicates of health certificate to the Central Information Agency by the Detaining Power. Furthermore, internment cards for civilians are recognized by Article 106, while Article 107 concerns correspondence for civilians. Article 110 contains provisions for the exemption from postal and transport charges of civilians. However, the Universal Postal Convention of 1952 allowed exemption from postal charges only if the two addresses were not in the same country. Article 111 of Convention IV is similar to Article 75 of Convention III, dealing with special means of transport. In addition, Article 113 provides for communication through the Protecting Power or the Central Information Agency, of will, powers of attorney, letters of authority, or any other documents directed to internees or dispatched by them. Article 129 requires the transmission to the Protecting Power as well as the Central Information Agency of certified copies of official records of death of civilian internees; moreover, the burial and cremation of internees is the focus of article 130. Provisions regarding the operations of the national Information Bureaux for individuals protected under the Fourth Convention are articulated in Articles 136 to 139.

Article 136 mandates the establishment of a national Information Bureau at the onset of a conflict and during occupations. This agency may also serve the functions of a Bureau for prisoners of war and is responsible for collecting and transmitting information about protected persons who are detained for more than two weeks. Additionally, it must gather data concerning transfers, releases, repatriations, escapes, hospital admissions, births, and

[115] *The Geneva Conventions of 12 August 1949. Commentary published under the general editorship of Jean S. Pictet. IV. Geneva Convention Relative to the Protection of Civilian Persons in Time of War,* Geneva, ICRC, 1958

deaths. Article 137 delineates the protocol for the national Bureaux to convey information through the Protecting Powers and the Central Agency to the relevant national authorities. Information shall not be transmitted if such action could jeopardize the well-being of the individuals concerned or their relatives; however, it must still be reported to the Central Agency. Article 138 specifies that all transmitted information must enable the precise identification of protected persons. Furthermore, regular updates regarding the health status of seriously ill or injured internees are to be provided, ideally on a weekly basis. Article 139 addresses the management of personal belongings left by protected persons during repatriation, release, escape, or death. Such items shall be forwarded either directly or via the Central Agency, accompanied by detailed identification information and a comprehensive inventory of the contents. A comparative analysis of the two Conventions reveals that Article 140 of the Fourth Convention closely reflects Article 123 of the Third Convention concerning the Central Prisoners of War Agency, with the additional provision that a single Agency may serve both civilians and prisoners of war. The principal distinction pertains to the transmission of information, which may be withheld if deemed harmful to the individuals concerned. Lastly, Article 141 corresponds to Article 124 of the Third Convention, providing exemptions from postal charges for national Information Bureaux and the Central Information Agency, along with potential exemptions from telegraphic charges.

The Geneva Conventions of 1949 outline the organization and functions of two central information agencies, one for civilians and another for military personnel, in considerable detail. Nevertheless, the function of the ICRC in establishing these agencies is explained more flexibly. Specifically, the ICRC is not required to organize the Central Agency but may propose its establishment to the relevant powers if deemed necessary. The ICRC is under no obligation to offer its services for forming the agency, and the concerned powers may reject such an proposal. If they do so, they would then need to decide on the institution of a central agency through another neutral entity, as the formation of such an agency is mandatory during conflicts. Moreover, the agencies established by the Conventions are of an ad hoc nature, necessitating specific organization for each new war.

The Geneva Convention IV of 1949 does not invalidate the provisions of the Hague Regulations of 1907 on the same subjects, but it is additional to them (Art. 154)[116].

5.2 THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949

As a result of the 1949 Conventions, from 1974 to 1977 the Swiss Federal Council convened four sessions of a diplomatic conference in Geneva on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflict[117]. The purpose of this conference was to debate about two additional protocols formulated by the ICRC to complete the 1949 Geneva Conventions[118]. On 1977 and on 2005, three Additional Protocols to the Geneva Conventions of 12 August 1949 on the Protection of the Victims of International Armed Conflict have been ratified: Protocol I, relating to the protection of victims of international armed conflicts; Protocol II, relating to the protection of victims of non-international armed conflicts; Protocol III, relating to the adoption of an additional distinctive emblem. The only mention found of the Central Tracing Agency is within the text of Additional Protocol I.

Additional Protocol I (1977) stipulates that armed conflicts in which peoples fight against colonial domination, alien occupation or racist regimes are to be considered international conflicts (Article 1), states a progress of the policies of the First and Second Geneva Conventions on the Injured, Sick and Shipwrecked, extends the protection of Conventions to civilian medical personnel, equipment and supplies as well as civil and transport units and contains detailed provisions on medical transport (Part II), dealing with the conduct of hostilities (Part III and IV); among the most significant articles there are those of the defense of the civilian population against the consequences of wars[119]. No mention of the role of the Central Agency or disappearance or deaths in the course of international conflicts was present in the ICRC draft document. However, in the final text, a special section entitled “Missing and Dead Persons” was accepted, as a consequence of a high number of amendments by Government to the ICRC draft about the topic. Article 32 of

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[116] Treaties, States Parties and Commentaries, *Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949*

[117] 20 February - 29 March 1974, 3 February -18 April 1975, 21 April - 11 June 1976 and 17 March -10 June 1977

[118] Fi*nal Act of the Diplomatic Conference of Geneva of 1974-1977*

[119]*Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I),* 8 June 1977

this section concerned the Central Tracing Agency indirectly; the general principle stated in this Article with respect to persons missing or dead as a result of an international armed conflict was already part of customary international law; finally, being annexed on Protocol I, it has been explicitly recognized. Another significant Article of Additional Protocol I was Article 33; in the process of composing it, an ICRC representative highlighted that the Geneva Conventions did not impose an obligation on the parties to a conflict to consistently seek out soldiers from the opposing side whose names were not recorded on the lists of captured or deceased individuals. Furthermore, there was no requirement to conduct such searches with regard to civilians[120]. Consequently, Article 33 para.1 of Protocol I bounded Parties to an obligation to search for all persons (combatants and civilians) who have been stated to be missing either during the conflict or after it. The importance of highlighting the validity of the obligation even after the end of hostilities comes from the fact that such provision was not contained within the Geneva Conventions. Moreover, Article 33 mentioned specifically the Central Tracing Agency as a mean of communication for information concerning missing persons. Therefore, the provisions of the Conventions concerning the establishment of ad hoc agencies for each conflict and the differentiation between agencies for civilians and combatants have been superseded by Protocol I, which thereby reaffirmed established practices. Notably, the Central Tracing Agency of the ICRC has maintained continuous operation since the conclusion of World War II, effectively addressing the needs of both civilians and combatants. In addition to the enduring role of the Central Tracing Agency, Protocol I underscored its mandatory nature. Under the Geneva Conventions, parties to a conflict could, in theory, decline the ICRC's offer to organize a central information agency. In such instances, they were still obligated to establish an agency through alternative means, for instance a collaboration with another humanitarian organization. However, this approach ceased to be valid, as Article 33 of Protocol I explicitly referenced the Central Tracing Agency of the ICRC. While national Red Cross Societies from neutral countries could participate in the transmission of information regarding missing and deceased persons, paragraph 3 of the aforementioned article stipulated that if information is not conveyed through the ICRC and its Central Tracing Agency, each party to the conflict

[120] O*fficial Records of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts,* Geneva (1974-1977), Volume XI

must ensure that such information is also supplied to the Central Tracing Agency. Article 78 of Protocol I also pertained to the Agency; Article 24 of the Fourth Geneva Convention introduced measures aimed at ensuring child welfare, which are further complemented by Articles 77 (Protection of Children) and 78 (Evacuation of Children) of Protocol I. According to paragraph 3 of Article 78, the authorities responsible for organizing the evacuation, as well as those of the receiving country, were required to create identification cards for each evacuated child, which must include photographs. These cards, along with the necessary identification information, had an obligation to be sent to the Central Tracing Agency of the ICRC. The Agency has then been tasked with centralizing, registering, and safeguarding these identity cards, thereby facilitating the reunion of evacuated children with their families and their repatriation to their home country once the conflict concludes or as soon as feasible.

Prior to the drafting of this Additional Protocol II (1977), the only provision concerning non-international armed conflict was Art. 3 common to all four Geneva Conventions of 1949, which has been mentioned before. It has been noted, however, that non-international conflicts could often be bloodier; hence, Additional Protocol II was composed to extend the rules of international war law to incorporate internal armed conflicts. Initially, the ICRC proposed 47 articles, but only 28 of these have been approved. While the section on combat methods and means has been removed, the fundamental rights and protections that must be upheld during non-international armed conflicts have been retained in Article 4 (basic guarantees) and six articles remain dedicated to the protection of the civilian population (Part IV, Articles 13 to 18). The restrictive definition of the material scope referred to in Article 1 would result in Protocol II applying to a smaller range of internal conflicts than Article 3 common to the 1949 Conventions[121]. The Article of Protocol II proposed by the ICRC, in which the Central Tracing Agency was mentioned, was rejected and therefore is not present. More specifically, it would have been Article 34, on “recording and information”; this article, along with several others from the draft of Protocol II, was removed by consensus during the plenary session of the Conference. Although there was no specific discussion regarding the rationale for the elimination of Article 34, a general dialogue occurred

[121] *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II*), 8 June 1977

concerning the provisions included in the ICRC draft: numerous delegates expressed the view that the draft text of the protocol was excessively lengthy and complex, and they raised concerns that it encroached upon the sovereignty of the States Parties to the Conventions. As a result, the Conference ultimately adopted a revised and streamlined version of Protocol II, which excluded several articles. Consequently, the Agency is still obligated to carry out its activities concerning victims of non-international armed conflicts in accordance with the principles outlined in Article 3 of the Geneva Conventions; this article permits the ICRC to offer its services to the parties involved, who are expected to strive to implement the pertinent provisions of the Conventions through special agreements. Furthermore, Article 5, paragraph 2(b) of this protocol, which grants individuals whose liberty has been restricted the right to send or receive correspondence, is relevant to the Agency. This is because the Agency may be called upon to act as an intermediary in facilitating the forwarding of such correspondence.

Since the 19th century, the red cross and red crescent emblems have been applied as universal symbols of support to victims of armed conflict. The commentary on Article 38 of the First Geneva Convention of 1949 conveys that the emblems are meant to represent a vital principle: the obligation to show respect for those who are suffering and defenseless. This principle requires that aid be extended to all individuals, regardless of whether they are allies or adversaries, and without consideration of their nationality, race, religion, class, or personal beliefs. Nonetheless, the three symbols have frequently been associated with political or religious contexts, which has caused some unease within the International Red Cross. This situation challenged the foundational principles of neutrality and impartiality of the Movement. Additionally, it has prompted certain states and relief societies to decline the adoption of any of the existing emblems, arguing that none of them seemed appropriate; such refusals hinder the Movement's ability to attain true universality. To rectify these two concerns, the States parties to the Geneva Conventions adopted a third protocol additional to the Conventions at a diplomatic conference held in Geneva from 5 to 8 December 2005. This instrument recognized an additional emblem - composed of a red frame in the shape of a square on edge on a white ground - commonly referred to as the red crystal. This new emblem was not a substitute, but an addition, devoid of any political or religious meaning. Additional Protocol III established the red crystal as a protective emblem in its unaltered form. However, when

used as an indicative emblem, the red crystal may incorporate one of the symbols recognized by the Geneva Conventions, a combination of these symbols, or another emblem that has been effectively utilized by a State party to Additional Protocol III, provided that this was communicated to other States Parties and the ICRC before the Protocol's adoption. It is noteworthy that Additional Protocol III not only allowed for the permanent replacement of the red cross or red crescent with the red crystal but also permitted its temporary use in exceptional circumstances to enhance the protection of medical services in armed forces or to support the activities of National Societies. Furthermore, the Protocol is designed to prevent any future proliferation of additional emblems.[122].

International humanitarian law linked to the ICRC and therefore to the Agency also includes a series of other treaties treating the use of specific weapons, tactics or protected persons and objects such as the 1954 Convention on the Protection of Cultural Property during armed conflict[123], the 1972 Biological Weapons Convention[124], the 1980 Convention on Conventional Weapons[125], the 1993 Convention on Chemical Weapons[126] and the 1997 Ottawa Convention on anti-personnel mines[127] and others. Moreover, after the Second World War to the present day, a number of Treaties and Resolutions (UN) have been signed regarding victims of armed conflicts; for instance, Resolution 2444 of the United Nations General Assembly[128], the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict[129], the Convention (V) respecting the Rights and Duties of Neutral Powers and Persons in Case of War on

[122] *Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III),* 8 December 2005
[123] *Convention for The Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention,* The Hague, 14 May 1954
[124] *Convention on The Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their destruction,* 1972
[125] *1980 Convention on Certain Conventional Weapons (Ccw),* 1980
[126] *Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction,* Paris 13 January 1993
[127] *Convention on the Prohibition of the use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction*, 1997
[128] *Respect for Human Rights in Armed Conflicts. Resolution 2444 (XXIII) of the United Nations General Assembly*, 19 December 1968
[129] *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*, 25 May 2000

Land[130], and so on. All these documents testify that international humanitarian law is still in an ongoing process which recognizes the ICRC as having a fundamental role.

In addition to treaty law, a considerable body of customary international humanitarian law is present. To conclude this chronological overview, it is important to note that the Statute of the International Committee of the Red Cross (ICRC) was adopted in December 2017 and came into force on 1 January 2018. This Statute designates the ICRC as having an equivalent status to that of an international organization, thereby conferring upon it its own international legal personality (Article 2). Article 4 delineates the responsibilities of the Committee, which includes promoting the fundamental principles of the Movement—namely humanity, impartiality, neutrality, independence, voluntary service, unity, and universality. The ICRC is tasked with executing its obligations under the aforementioned Geneva Conventions by advocating for the implementation of applicable international humanitarian law in various conflicts. It is also responsible for ensuring the protection and assistance of both civilian and military victims of armed conflict, whether international or domestic, and for overseeing the operations of the Central Tracing Agency. In preparation for armed conflicts, the ICRC is expected to collaborate with National Societies and relevant authorities to train medical personnel and equip them adequately. Furthermore, it is tasked with enhancing the understanding and dissemination of knowledge regarding international humanitarian law applicable in armed conflicts. Additionally, Article 4 emphasizes that the ICRC possesses the authority to undertake any humanitarian initiative that falls within its mandate as a neutral and independent institution and intermediary. Articles 5 and 6 are also significant; Article 5 addresses the ICRC's relations with other components of the Movement, highlighting the necessity for the ICRC to maintain close communication with National Societies and to cooperate with them in situations of mutual interest, such as armed conflicts. Article 6 underscores the ICRC's obligation to maintain direct relations with government authorities and with any national and international institutions that may provide assistance.[131].

[130] *Convention (V) respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land*. The Hague, 18 October 1907

[131] *Statutes of The International Committee of The Red Cross* Adopted on 21 December 2017 And Came into Force on 1 January 2018

The roles of the ICRC and the Agency are distinct, yet they are inherently interconnected and founded upon continuous collaboration between the two entities. Just as the Agency would not exist without the ICRC, the Committee would be considered somewhat incomplete in the absence of a Central Agency.

CHAPTER VI - THE CENTRAL TRACING AGENCY

6.1 THE ESTABLISHMENT OF THE CENTRAL TRACING AGENCY

The Tracing and Individual Cases Service succeeded the International Prisoners of War Agency's efforts during the First World War. Concurrently, the Spanish Section was distinct from the Tracing and Individual Cases Service and operated as a fully-fledged Information Agency throughout the Spanish Civil War; therefore, the continuity in the work of the Agency during the interwar period is clear. As it has been explained before, the Central Prisoners of War Agency has been established under Article 79 of the 1929 Geneva Convention; this specific Agency, at the end of the hostilities of the Second World War, was not able to crease its operations. Hence, the Agency functioned as an intermediary even after the end of the conflict, due to the high number of displaced and missing persons. On the one hand, it dealt with tracing requests; on the other hand, it started to gather appeals for attestations relating to captivity or hospitalization. As it has been analyzed, in 1939 the Central Prisoners of War Agency undersaw activities for the protection of civilians in addition to its efforts towards the protection of prisoners of war.

Following the Geneva Conventions, the establishment of ad hoc agencies for each new conflict was expected; nevertheless, after the end of the Second World War, the conflicts occurred very promptly and for this reason the ICRC was not in the position of guaranteeing a new agency each time. Consequently, the Central Agency undertook the duties of these ad hoc agencies, losing the ad hoc status and becoming a permanent department of the ICRC. However, the name “Central Prisoners of War Agency” was no longer accurate, as it was lacking inclusivity, for instance towards civilians. By 1960 the mandate was complex and varied; as a consequence, on 1 July 1960 the ICRC adopted a new name for the bureau: the Central Tracing Agency, which is still in use today. Customary law played a crucial role as well, as no legally mandatory norm was requesting States to attribute the organization of the Central Information Agency to the ICRC; indeed, Article 123 of the 1949 Convention III, together with Article 140 of the Convention IV, required the establishment of the Agency in a neutral country, giving to the ICRC the duty of proposing its organization. Even if States have always been free to cooperate with some other institutions for the formation of such agencies, in practice no neutral body other than the ICRC has never been entrusted with the organization of the Central Information Agency. In the absence of a legal obligation, the experience acquired

by the ICRC in establishing Ad Hoc agencies, such as the Basle, Belgrade, and International Prisoners of War Agencies, contributed to the development of customary law that favored the ICRC in assuming the role of creating such agencies. On June 21, 1973, the International Committee adopted its Statutes, which formally acknowledged its responsibility for overseeing the operation of the Central Information Agencies outlined in the Geneva Conventions. Consequently, the Central Tracing Agency, which has succeeded the Central Prisoners of War Agency, now constitutes a significant and permanent division of the ICRC. The presence of such an experienced, well-equipped, and organized department enables the ICRC, more effectively than any other humanitarian organization, to offer the services of its Central Tracing Agency in the event of future conflicts. This capacity allows the Agency to fulfill the mandates assigned to the two Central Information Agencies as delineated in the 1949 Conventions. The conventional responsibilities undertaken by the Agency underscore the distinction between its role and that of the International Committee. Furthermore, beyond the clearly defined conventional duties established by the Third and Fourth Geneva Conventions, the Central Tracing Agency also engages in supplementary humanitarian activities concerning individuals whose whereabouts are unknown, those who are displaced, separated from their families, or interned as a result of internal disturbances[132].

6.2 MODERN POLICIES OF THE CENTRAL TRACING AGENCY: MISSING PERSONS AND RESTORING FAMILY LINKS

In 2009 a document has been published by the ICRC, namely: “Guiding Principles / Model Law on The Missing Principles for Legislating the Situation of Persons Missing as a Result of Armed Conflict or Internal Violence: Measures to prevent persons from going missing and to protect the rights and interests of the missing and their families”. Within its text, the fundamental rights, the rights of detained persons, internees, their relatives, missing persons and their relatives have been addressed; furthermore, the legal status of missing persons has been declared; the document serves as well as a guiding model for the tracing of missing persons, the search, recovery and treatment of the dead. Moreover, Part VI (Article 24; Article 25) referred to criminal responsibility. The document itself implies within its articles the aim of the Agency. The International

[132] Gradimir Djurovic, *The Central Tracing Agency of the International Committee of the Red Cross, activities of the ICRC for the alleviation of mental suffering of war victims*, Geneva, Henry Dunant Institute, 1986

Committee of the Red Cross plays a pivotal role in addressing the complex challenges associated with individuals who go missing as a consequence of armed conflict and internal violence. The core mission of the text which has been mentioned above is to assist States in formulating comprehensive legislation that not only resolves cases of missing persons but also implements preventive measures against future disappearances. The CTA emphasizes the obligations of States under international humanitarian law and international human rights law to uphold the rights of missing individuals and their families. Grounded in the principles established by the Geneva Conventions, the ICRC advocates for proactive measures aimed at locating missing persons and ensuring that families receive timely information regarding their status. The robust legal framework of the ICRC and the expert guidance of the CTA support national authorities in the effective implementation of solutions, with the ultimate goal of achieving closure for affected families while upholding the fundamental tenets of humanitarian law[133].

Ten years later, on 8 December 2019, the Council of Delegates of the International Red Cross and Red Crescent Movement published the 2020-2025 Strategy on Restoring Family Links[134]. The members of the RFL Leadership Platform and the RFL Strategy Implementation Group, which is composed of 28 National Societies and the International Federation of Red Cross and Red Crescent Societies, in cooperation with the International Committee of the Red Cross, worked together for the formulation of the document. The Strategy is based on the Geneva Conventions of 1949 and their Additional Protocols of 1977, the Statutes of the Movement and resolutions of the International Conference of the Red Cross and Red Crescent. The prior Strategy covered the years 2008-2018 and was adopted with Resolution 4 of the 2007 Council of Delegates. Furthermore, the 2020-2025 Strategy recalled the Global Strategy on Migration adopted by the 2017 General Assembly of the International Federation of Red Cross and Red Crescent Societies (IFRC) and the RFL Code of Conduct on Data Protection. The Family Links Network comprises the Central Tracing Agency, the Restoring Family Links units

[133] International Committee of the Red Cross, *Guiding Principles / Model Law on The Missing Principles for Legislating the Situation of Persons Missing as a Result of Armed Conflict or Internal Violence: Measures to prevent persons from going missing and to protect the rights and interests of the missing and their families*, Advisory Service on international humanitarian law, 2009

[134] Council of Delegates of the International Red Cross and Red Crescent Movement, *Restoring Family Links: Strategy for the International Red Cros and Red Crescent Movement 2020-2025*, Geneva, 8 December 2019

at ICRC delegations, and the RFL/tracing services of National Red Cross and Red Crescent Societies. The success of the RFL initiative is contingent upon the active collaboration of all its components. The ICRC, National Societies, and the International Federation of Red Cross and Red Crescent Societies share a collective responsibility to uphold and enhance this Network and its services. To this end, the Movement adopted the inaugural Restoring Family Links Strategy for the period 2008–2018[135] during the 2007 Council of Delegates; the current RFL Strategy for 2020–2025 builds upon the foundation of the initial Strategy, addressing contemporary challenges and anticipating future complexities to ensure that RFL services remain effective and relevant.

Firstly, it is significant to recall the definition of "missing person" which has been given within the document: "While there is no legal definition of a missing person under international law, the ICRC understands missing persons as individuals of whom their families have no news and/or who, on the basis of reliable information, have been reported missing as a result of an armed conflict – international or non-international – or of other situations of violence or any other situation that might require action by a neutral and independent body".[136]

This being said, the vision of the Strategy is anchored in four central ideas. It emphasizes that all individuals should be able to preserve connections with their loved ones and be secure from separation and disappearance. Furthermore, it asserts that everyone should have access to Restoring Family Links services and be able to engage with the Red Cross and Red Crescent Family Links Network, no matter their location. Additionally, it highlights the importance of providing timely updates to those without news of their family members regarding the fate and whereabouts of their loved ones. Lastly, the Strategy underscores the need for the Movement to support families of missing persons and those who are separated, ensuring their dignity and well-being while striving to restore family unity whenever possible.

Furthermore, the Strategy highlights the scope of RFL Services. Restoring Family Links services encompass a wide array of activities aimed at addressing family separation and disappearances: they include initiatives to prevent these issues, facilitate ongoing

[135] Then extended to 2019
[136] ICRC, *Missing Persons: A Handbook for Parliamentarians*, Geneva, 2009

communication between family members, and search for missing individuals while providing families with vital information. Additionally, the services aim to restore family ties and support families during the search process, ultimately assisting in reunification. RFL services are offered in contexts such as armed conflicts, disasters, emergencies, migration, and other humanitarian crises that require intervention. The main challenges emphasized within the text are related to missing persons and their families, internal displacement, migration, climate and the environment, the digital revolution, data protection; moreover, the role of each actor mentioned before is clearly explicated. The implementation of the former Strategy is taken into account as an analysis of what has been done and what needs to be changed. The 2020-2025 Strategy is founded on four primary pillars: prevention, accessibility, answers, and support. Its goals are to prevent family division and the disappearance of individuals, while also ensuring that family ties are preserved. Additionally, the Strategy seeks to enhance access to RFL services, increase the availability of information for families, and offer customized support to the families of missing persons and those who are separated. After four years of the publication of the RFL Strategy, a Public Report has been made available in September 2024[137]. One of the goals achieved and witnessed by the report is the introduction of a comprehensive M&E framework, which aims at tracking improvement, assessing outcomes and evaluating the effectiveness of implementation of the Strategy. The most recent monitoring and evaluation survey results indicate that 78% of National Societies and ICRC delegations surveyed are involved in providing Restoring Family Links services. Among these, only 3% offer RFL services exclusively during emergencies, and 4% focus solely on strengthening RFL capacity. In 2023, 144 NSs included RFL services in their range of activities, with 7 of them activating these services only in emergency situations. These figures have remained consistent in recent years. This high percentage of NSs participating in RFL activities positions RFL as the most prevalent protection activity undertaken by NSs, following protection mainstreaming, as revealed by surveys conducted with a Movement initiative. Moreover, the Report highlights how the effort showed in sustaining RFL does not automatically translate into a full operational capacity, which remains a challenge. Furthermore, there is no evidence of progress in budget

[137] Council of Delegates of the International Red Cross and Red Crescent Movement, *Restoring Family Links: Strategy for the International Red Cross and Red Crescent Movement (2020-2025), Progress Report,* September 2024, Geneva

allocation for RFL services; on the other hand, a significant achievement has been the development of the Family Links Network Guidance on Strengthening National Societies' RFL Capacities[138]. This guidance, developed through collaborative efforts among the various components of the Movement, draws upon extensive experience and integrates best practices. It is designed to assist National Societies, the International Committee of the Red Cross, and personnel involved in partnerships with other NSs in effectively developing their Restoring Family Links capacities. Furthermore, this guidance is informed by and aligned with the International Federation of Red Cross and Red Crescent Societies guidance on the development of National Societies. The Report goes on stating that individuals affected by crises in need of Restoring Family Links services must be aware of the available offerings, necessitating continuous investment by the Movement in RFL promotion: in 2023, 34% of the Family Links Network took significant steps to enhance RFL promotion and communication efforts. It is crucial for affected individuals to maintain trust in the Movement, understand how to access RFL services, and, where possible, establish personal contact with Family Link Network staff and volunteers. In this context, 19% of the FLN has provided personalized support to families of missing persons and those separated by establishing a user satisfaction system for RFL services, reflecting an increase from baseline data. However, a need to strengthen the meaningful participation of affected individuals in the development of RFL services is underlined. Progress remains limited regarding Enabler 1 of the RFL Strategy, with only 11% of the FLN reporting that they actively seek input from affected individuals in 2023. Nonetheless, the Movement's commitment to including affected individuals in RFL-related decision-making is exemplified in the text with examples such as the International Conference for Families of Missing Persons and the Movement Family Links Medal selection process.

Lastly, 29% of National Societies and ICRC delegations consistently provide a variety of RFL services to migrants, a figure that has remained stable over the past four years. Efforts to address the RFL needs of migrants continue, including initiatives like the online tool Trace the Face. Towards the end of the document, three priorities for the next phase of implementation have been mentioned: the first is to continue developing the

[138]International Committee of the Red Cross, Central Tracing Agency, *Family Links Network Guidance on Strengthening National Societies' RFL Capacities*, Geneva, October 2023

capabilities of Restoring Family Links and to enhance the resources of the Family Links Network: this will include targeted training and support for National Societies to improve both service delivery and operational effectiveness. The second priority focuses on strengthening emergency preparedness by formulating and executing preparedness plans, conducting regular drills and simulations, and providing training for RFL activities during emergencies to ensure a rapid and efficient response in emergencies. Lastly, the third priority is the enhancement of compliance with data protection standards by reinforcing adherence through user-friendly tools, comprehensive training, and rigorous enforcement of the RFL Code of Conduct, all designed to protect personal data and foster trust among RFL service users.

6.3 THE CENTRAL TRACING AGENCY TODAY

Entrusted by the Geneva Conventions as a neutral intermediary, the Central Tracing Agency plays a vital role in addressing family separation and disappearance in armed conflicts. Established with the primary aim of alleviating moral suffering, this objective remains central to the Agency's mission today.

The CTA assists individuals who have been separated from their loved ones during times of war and oversees the coordination of global efforts by the International Red Cross and Red Crescent Movement to restore family connections, search for missing persons, uphold the dignity of the deceased, and address the needs of families with missing members. In 2021 alone, the International Red Cross and Red Crescent Movement reported over 55,000 individuals missing, a figure that continues to rise annually due to the complexities of the current international landscape, characterized by prolonged tensions, conflicts, and violence. Migration routes are also increasing, reflecting the highest number of migrants recorded to date. To maximize its effectiveness, the CTA collaborates with experts worldwide, located within the National Red Cross and Red Crescent Societies that form the Restoring Family Links network. These professionals are specifically tasked with searching for missing individuals and reconnecting separated families across borders and conflict lines. Furthermore, the CTA is undergoing a process of enhancement and fortification through the implementation of the Strategy 2020-2025. This includes the adoption of new digital techniques and improved data management and analysis, aimed at assisting a greater number of families. Recent developments also involve expanding digital access to family links services, such as the Trace the Face

initiative. The CTA is exploring the automation of tracing processes, including name-matching and the analysis of complex transregional migration patterns. In parallel, the CTA collaborates with States to register vulnerable populations and establish national information bureaux. The Agency is also dedicated to disseminating knowledge and promoting its work through both digital tools, such as podcasts, and physical archives, while encouraging the exchange of ideas and expertise. Despite the emphasis on technological advancements, traditional activities remain integral to the Agency's operations. Activities such as collecting and delivering Red Cross Messages and visiting detainees continue to be vital components of the CTA's mission.

From the moment an individual loses contact with a loved one due to war, natural disaster, or migration, the Central Tracing Agency of the International Committee of the Red Cross stands ready to provide assistance. For over 150 years, the CTA has consistently adapted to evolving circumstances; as the number of individuals seeking to locate their relatives continues to rise, the CTA must again transform its approach to better meet these needs. In complex situations, individuals require support to maintain communication, locate one another, determine the fate of their loved ones, or, in the most tragic cases, ensure that the deceased are treated with dignity and properly identified. The CTA spearheads the efforts of the Red Cross and Red Crescent Movement Family Links Network to guide families through these challenging processes. Individuals may encounter obstacles in maintaining contact due to imprisonment, displacement, illness, financial hardship, or fear of establishing an online presence. In such circumstances, an independent and neutral intermediary is often essential to connect people with information. The extensive global network of National Red Cross and Red Crescent Societies enables a range of services, including complimentary phone calls, phone charging stations, prison messages, and Red Cross messages, facilitating communication across conflict lines and in remote areas.

When letters go unanswered or calls do not connect, CTA staff members or Red Cross volunteers can visit the last known location of the missing individual to gather information. The Red Cross is actively investing in its personnel to enhance their skills and ensure a physical presence on the ground, closer to those in need. It is crucial to support families in their search for missing loved ones, assisting them in navigating bureaucratic processes related to widow’s pensions, land rights, death or missing certificates, and providing micro-loans to help restore their livelihoods as life continues.

The CTA, alongside other ICRC services, can offer vital assistance. Moreover, there are various methods to amplify search efforts, including leveraging new technologies such as artificial intelligence to explore unconnected databases. The Central Tracing Agency can function as a central repository, securely consolidating information to help families in finding answers about their loved ones. In critical situations, the Agency utilizes its specialized expertise in humanitarian forensics to assist authorities in identifying deceased individuals and providing updates to families. Additionally, the CTA is working to establish surge capacity in forensics to ensure that the deceased are treated with dignity, even during emergencies. The Agency is also enhancing its advisory role to States and practitioners to help prevent and resolve cases of disappearance by promoting the best practices and prioritizing families in global discussions. The fundamental principle is that families deserve answers, and the CTA is dedicated to supporting them at every stage of their quest for information.

6.4 INSIGHT: THE BUREAU FOR THE INTERNATIONAL ARMED CONFLICT BETWEEN THE RUSSIAN FEDERATION AND UKRAINE

Since the escalation of armed conflict between the Russian Federation and Ukraine, thousands of families have experienced profound disruption and distress as they have been torn apart by the ongoing violence. In response to the overwhelming volume of inquiries received daily from concerned families, the Central Tracing Agency established the Central Tracing Agency Bureau for the International Armed Conflict between the Russian Federation and Ukraine in March 2022; this bureau is dedicated to preventing disappearances and alleviating the suffering of families who are without information about their loved ones. Given the international classification of this conflict, both Russia and Ukraine are legally obligated to provide the CTA with information regarding all enemy soldiers and civilians who have come into their custody. This obligation is rooted in international humanitarian law, which mandates that all parties to a conflict must ensure respect for the rights of individuals affected by hostilities. Acting as a neutral intermediary between the conflicting parties, the bureau plays a critical role in collecting, centralizing, and transmitting information regarding the fate and whereabouts of military personnel and civilians who have gone missing or have been separated from their families. Its primary objective is to ensure that these individuals are accounted for, thereby safeguarding their rights and preserving family links that are essential for the emotional

well-being of those affected. Located in Geneva, the CTA Bureau collaborates closely with Red Cross and Red Crescent partners around the globe to provide comprehensive support to families actively seeking information about their missing or separated relatives. This collaboration encompasses a wide range of initiatives, including the sharing of vital information, resources, and expertise necessary to assist families in their search efforts. The bureau is committed to remaining operational for as long as necessary to fulfill its mandate and to provide families with timely and accurate information regarding the status of their loved ones. The CTA acknowledges the profound psychological impact that uncertainty and separation inflict on families, and it is committed to providing them with the support and information they urgently require during this challenging period. Through its continued initiatives, the CTA strives to foster a sense of hope and reestablish connections for those impacted by this conflict.

By the end of June 2024, 177000 calls, mails and visits have been counted to the CTA Bureau, coming from families which were asking about missing or separated relatives; in the two years of operative service of the Bureau, 9100 families have been reached with information on the fate or location of their missing next of kin. At the time being, around 30000 inquiries are open, both civilians and military. Forty-eight Red Cross and Red Crescent Societies and twenty-four ICRC Delegations are cooperating to bring news to families; lastly, 7200 personal messages have been exchanged directly between prisoners of war and relatives in the past two years[139].

The importance of such a Bureau is related to the experience and fate of the people affected by the ongoing international conflict; however, the Agency's Bureau holds symbolic importance as well, reflecting the extensive work carried out by the CTA within a defined and specific context.

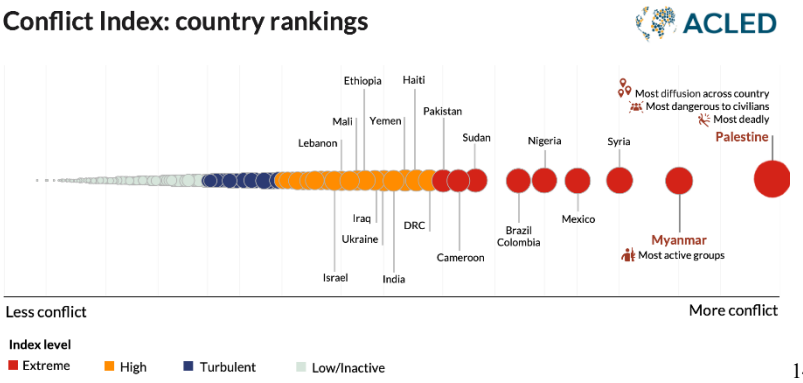
The network created by the Central Tracing Agency knows no boundaries, as it lacks physical walls, and is instead built on communication and information. Its primary goal remains at the forefront at any time, in any case and within every single conflict: the alleviation of moral suffering.

[139] International Committee of the Red Cross, Central Tracing Agency, *ICRC's Central Tracing Agency Bureau for the International Armed Conflict between the Russian Federation and Ukraine*, Geneva, June 2024

CONCLUSION

This thesis has explored the evolution of the Central Tracing Agency of the International Committee of the Red Cross from its historical roots to its contemporary role; in the light of this analysis, some concluding reflections can be made.

According to the Armed conflict location & event data project (ACLED)[140], an organization that collects aggregate data to monitor conflicts, at the present day, 1 in 7 people are estimated to have been exposed to conflict; currently, 50 countries are categorized in the index categories for extreme, high, or turbulent levels of conflict; Palestine, Myanmar, Syria and Mexico hold the highest positions in the index; 15% increase has been recorded in the political violence incidents in the past 12 month period[141].



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As a result of ongoing violence and conflicts, thousands of individuals everyday are forced to flee their homes, to separate from their loved ones, seeking assistance without a safe haven. Given the magnitude of the humanitarian crises that have persisted from the last century to the present day, there has been a pressing need for an International Bureau capable of managing these crises by providing resources for communication, information dissemination, and alleviating moral suffering for both military personnel and civilians.

[140] ACLED Conflit Index website, Ranking violent conflicts levels across the world, July 2024
[141] The ACLED Conflict Index assesses every country and territory in the world according to four indicators – deadliness, danger to civilians, geographic diffusion, and armed group fragmentation – based on analysis of political violence event data collected for the past year. The top 50 ranked countries and territories are experiencing extreme, high, or turbulent levels of conflict.
[142] https://acleddata.com/conflict-index/index-july-2024/

The International Committee of the Red Cross has been founded on the idea of a brave man, Henry Dunant, who was convinced that people must not, on any occasion, be deprived of their fundamental rights; his vision was instrumental in the development of international humanitarian law. Notably, Dunant was among the first to recognize the moral suffering experienced not only by those on the battlefield but also by their families and the civilians affected by conflict. Alleviating moral suffering quickly became a priority for the agencies established over time.

The Basle Agency marks the beginning of the Central Tracing Agency's history. Following this, the ICRC established new agencies for each major conflict in the first half of the 20th century, developing an index card system to register thousands of names and data and implementing new methods to enhance agency efficiency. This evolution culminated in the establishment of the Central Tracing Agency itself. The Basle Agency, established during the Franco-Prussian War (1870-1871); the Belgrade Agency during the Balkan Wars (1912-1913); the International Prisoners of War Agency during World War I (1914-1918); the Spanish Division during the Spanish Civil War (1936-1939); the Central Prisoners of War Agency during World War II (1939-1945); and ultimately, the Central Tracing Agency (1960-present) all reflect the ICRC's ongoing commitment to facilitating connections between people in conflict situations. Together, they form a historical continuum leading to the present structure of the Agency.

Over time, the methodologies, structures, activities, and strategies of these agencies have evolved in response to technological advancements, all aimed at making their work as efficient as possible. Significant progress has also been made in the realm of international humanitarian law, particularly with the Geneva Conventions. The pivotal roles of the ICRC and the Central Tracing Agency have largely been built on customary law, with formal recognition in international law only achieved in recent decades. Notably, states have historically recognized the ICRC’s authority, even in the absence of binding legal obligations. Additionally, the evolution of the Agency's role within national contexts has been highlighted, particularly through the case study of the Spanish Civil War, which demonstrated the Agency's significant contribution to managing communication, inquiries, and archiving essential documents.

Key findings from this study include the ongoing adaptation of the Agency's functions, its crucial role in alleviating moral suffering, and the legal frameworks that underpin its operations. The implications of these findings underscore the importance of the ICRC's authority, the necessity of the Central Tracing Agency, and the evolving landscape of international humanitarian law. However, while this study offers valuable insights, it is limited by its historical focus and the origins of the sources analyzed[143]; a comparative investigation with other humanitarian organizations could have enriched the findings. Furthermore, it is evident that the evolution of international humanitarian law is ongoing, and several questions remain unanswered, particularly concerning the legal norms governing internal conflicts, which are still vague and insufficiently defined. Consequently, this analysis requires continual updates to reflect developments in both legal frameworks and historical events. Future research could also explore the impact of digital communication technologies on the CTA's tracing efforts in greater depth. In conclusion, understanding the evolution of the Central Tracing Agency is essential for enhancing the protection of war victims and ensuring the continuity of humanitarian efforts in an increasingly conflict-ridden world. As violence continues to rise globally, institutions like the Central Tracing Agency must be recognized, supported, and utilized effectively. States must collaborate to facilitate cooperation, uphold established international humanitarian law, and work towards its further development.

[143] Most of the texts consulted are primary sources from the International Committee of the Red Cross, which means they may lack the critical analysis often found in secondary sources outside of the Movement's documents.

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