



THE MISSING

ICRC PROGRESS REPORT



ICRC

International Committee of the Red Cross
19 Avenue de la Paix
1202 Geneva, Switzerland
T + 41 22 734 60 01 **F** + 41 22 733 20 57
E-mail: shop.gva@icrc.org
www.[icrc.org](http://www.icrc.org)
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In 2002, the International Committee of the Red Cross (ICRC) began looking at ways of better assisting people missing as a result of armed conflict or internal violence, and their relatives. The aim was first to review all methods of preventing disappearances, of processing cases of missing persons and of assisting their families, and then to agree on common practices in this area and move the issue further up the international agenda. Following an *International Conference of Governmental and Non-Governmental Experts* (held in 2003), the 28th International Conference of the Red Cross and Red Crescent adopted the Agenda for Humanitarian Action, which sets out clear objectives for the States and the International Red Cross and Red Crescent Movement (the Movement) to achieve between 2004 and 2007. The ICRC made a pledge on missing persons at that Conference.

Since then, the ICRC has continued to expand its activities related to missing persons and their families.

Uncertainty about the fate of a relative is a harsh reality for countless families in situations of armed conflict or internal violence around the world. Parents, siblings, spouses and children are desperately seeking lost relatives. Families and communities, not knowing whether their loved ones are alive or dead, are unable to put behind them the violent events that disrupted their lives. Their anxiety continues for years after the fighting ends and peace returns. They cannot move on to rehabilitation and reconciliation, either as individuals or as a community. Such festering wounds can harm the fabric of society and undermine relations between groups and nations, sometimes decades after the original events.



missing

WHAT DO WE MEAN BY A “MISSING PERSON”?

A “missing person” is anyone unaccounted for as a result of an armed conflict or a situation of internal violence. People can become missing persons in many situations:

- People may be killed when they are captured, arrested or abducted. They may die in custody, disappear or be held *incommunicado* or in a secret location. In many cases, their families either do not know where they are or are not allowed to visit them – or even to correspond with them. Data on people deprived of their freedom – such as date and place of arrest, transfer, death or burial – is frequently not recorded. When it is, the records are often withheld or destroyed.
- Mass killings lead to many becoming unaccounted for. The bodies of the victims are often abandoned, buried in haste or even destroyed.
- Often, families do not know the whereabouts of relatives in armed forces or armed groups because they are given no means of staying in touch.
- Members of armed forces or armed groups may go missing in action because they have not been issued with any means of identifying themselves, such as identity discs.
- Displaced persons and refugees, isolated populations and people living under occupation may not be able to send news to their next-of-kin. This can lead to the long-term separation of families.
- It is not unusual to find children on their own, having been separated from their families either while fleeing fighting, or because they were forcibly recruited, incarcerated or even hastily adopted.
- Evidence confirming death is not always preserved and handled appropriately during exhumations and post mortem procedures.

THE RESPONSIBILITIES OF THE AUTHORITIES

The principal responsibility for preventing disappearances and ascertaining the fate of missing persons lies with government authorities. Armed groups also have a responsibility in this regard. Compliance with international humanitarian and human rights law is fundamental to preventing people from becoming unaccounted for. It is therefore important that States implement these laws in full and that their provisions be made widely known.

The absence of political will among those directly concerned, and the lack of cooperation on the part of those who might persuade them to act, often make preventing and clarifying disappearances an extremely arduous task. Data can be withheld as a

weapon against enemies or opponents. Leaders whose power is based on hate for another community may obstruct any attempt to resolve the issue of missing persons, in order to perpetuate their power. And in many instances – in particular when disappearances result from massacres or deliberate attacks on civilians – authorities and leaders may be unable and/or unwilling to provide answers, both because they took no measures to stop the attacks and because they fear they will be held accountable.

Government authorities and leaders, backed by national and international humanitarian and human rights organizations, must prevent people from going missing and must deal with the consequences when

they do. They can choose from a broad spectrum of measures involving persuasion, pressure or judicial action. Whenever possible, there should be constructive dialogue between all parties, including the families of missing persons and their communities.

This is the only way to reduce the number of missing persons and to identify ways of helping them and their relatives. The families of missing persons generally say that knowing what has happened to their relatives is their most pressing need. Furthermore, experience shows that the missing person was often the breadwinner and was responsible for

administering the family's public affairs. Hence, while every effort must be made to establish the fate of missing persons, their relatives must also be enabled to live in dignity. Furthermore, it is essential for families and communities that perpetrators be held accountable for their acts.

When all else fails, and it proves impossible to account for people who have disappeared, then for the sake of the families and communities the loss of human life must be acknowledged, and the next-of-kin must be allowed to honour the memory of their missing persons in a dignified manner.

THE ICRC'S MANDATE

In accordance with the mandate conferred on it by the Geneva Conventions and their Additional Protocols, and with its right of initiative in all theatres of operations, the ICRC has a permanent mandate under international law to take impartial action to assist prisoners, the wounded and sick, and civilians affected by conflict. Objectives include ensuring that people are protected against threats to their lives, their physical well-being and their dignity; preventing disappearances; restoring contact between members of families and ascertaining the fate of people whose families are without news of them. In many places, however, the ICRC is prevented from fulfilling these objectives by a lack of political will on the part of the authorities or parties concerned.

The aim of this publication is to report on the activities the ICRC undertakes to address the problems of missing persons and their families. The document is divided into seven sections:

Section 1: Respect and protection for civilians and for sick, wounded or captured members of armed forces/armed groups.

Section 2: Respect and protection for people deprived of their freedom.

Section 3: Making sure people can exchange family news.

Section 4: Accounting for people reported missing as a result of armed conflict or internal violence.

Section 5: Respect for the dead and their families.

Section 6: Respect for and assistance to the families of missing persons.

Section 7: Cooperation within the Red Cross/Red Crescent Movement.

RESPECT AND PROTECTION FOR CIVILIANS AND FOR SICK, WOUNDED OR CAPTURED MEMBERS OF ARMED FORCES/ARMED GROUPS

MISSING

Boris Hegre/ICRC

STANDARDS IN INTERNATIONAL LAW¹

1. In armed conflict, the life of every civilian and of every sick, wounded or captured member of the armed forces/armed groups must be respected and protected.
2. Arbitrary deprivation of life is prohibited.
3. Minors affected by armed conflict are entitled to special protection.
4. Parties to an armed conflict must allow humanitarian and impartial relief operations for civilians and people deprived of their freedom in connection with the armed conflict who are in need.
5. Parties to an international armed conflict must issue identity cards to those persons under their jurisdiction who are liable to become prisoners of war.
6. Parties to an international armed conflict must provide information on the wounded, sick, shipwrecked, prisoners of war, other protected persons deprived of their freedom and the dead, as quickly as possible and without adverse distinction, to the Power concerned via the Protecting Power and the ICRC Central Tracing Agency.

¹These include both treaty and non-treaty provisions. This list is not exhaustive. See the ICRC report entitled *The missing and their families. Summary of the conclusions arising from the events held prior to the International Conference of Governmental and Non-Governmental Experts (19-21 February 2003)*. (www.icrc.org)

ICRC teams assess the needs resulting from violence and collect information concerning events that have led to people going missing – or may yet do so. On the basis of its findings, it makes representations to the authorities concerned and discusses measures to be taken by the authorities, by the ICRC, or by others. Such measures can prevent disappearances and loss of contact between family members. They can also help elucidate the fate of missing persons and facilitate the re-establishment of family links. It may be necessary to register groups specifically at risk, such as unaccompanied minors, displaced persons or evacuated civilians, and to take follow-up action. Protection activities are heavily dependent on security conditions and on whether the ICRC has access to a given region.

The ICRC operates throughout the world, through its 80 delegations and missions in over 60 countries.

1. PROMOTING INTERNATIONAL HUMANITARIAN LAW AND SUPPORTING ITS APPLICATION

The ICRC promotes respect for international humanitarian law (IHL) and supports its application by helping States to ratify/accede to humanitarian treaties and to implement them in domestic law. The ICRC supports the development of laws on missing persons, both to prevent disappearances and to deal with the consequences of disappearances when they occur. The ICRC works with States to establish legal systems and frameworks aimed at preventing people from going missing and at helping missing persons and their families.

The ICRC raises the issue of missing persons and their families in international and regional organizations, with the aim of getting these organizations to encourage their member States to adopt appropriate legislation.

GLOBAL EFFORT/UN CONVENTION

The ICRC supports the development of the new **International Convention for the Protection of All Persons from Enforced Disappearances**. In particular, the ICRC has participated since 2003 in all sessions of the working group responsible for drafting the new treaty. Many of the ICRC proposals concerning the prevention of enforced disappearances have been included in the draft text. The Convention was adopted by the United Nations Human Rights Council on 29 June 2006 and the ICRC hopes that the Convention will soon be adopted by the General Assembly of the United Nations and ratified by States.

DEVELOPING NATIONAL LAWS

LAW ON MISSING PERSONS, BOSNIA AND HERZEGOVINA

As a result of a process initiated by the Bosnia and Herzegovina Ministry of Human Rights and Refugees (MHRR), an expert group (with ICRC participation) drafted a *Law on Missing Persons in Bosnia and Herzegovina*. The State Parliament passed the law, and it came into force on 17 November 2004. The *Law on Missing Persons* regulates the following issues: general provisions and definitions, the right to know, the status of “missing person,” the rights of missing persons’ families, central records, supervision and penalties for non-compliance with the Law. In August 2005, the MHRR established a working group to draft sub-acts and rules related to the Law on Missing Persons, in which the ICRC was invited to provide its legal expertise. In addition, a leaflet was produced in conjunction with the Ministry of Human Rights and Refugees to promote public awareness of the new legislation.

LEGAL STUDY AND CAMPAIGN IN SERBIA

The legal and administrative problems faced by the families of missing persons were described in the ICRC’s legal study *The Families of the Missing in Serbia and Montenegro, Their Needs and Rights in Relation to the Law* (2004). The ICRC shared the results of the study – which included a set of specific recommendations – with the authorities at the highest levels, in an effort to promote the required changes in legislation, either through amendments to existing laws or by the adoption of a new and comprehensive law on missing persons. Simultaneously, the ICRC launched a public campaign. This involved holding events throughout the country at which local authorities were confronted by families of missing persons, who raised the issues of most pressing concern.

For example, the ICRC is currently raising awareness of IHL issues among the representatives of the Interparliamentary Assembly of the **Commonwealth of Independent States** (CIS), and is encouraging them to adopt recommendations and draft model laws on the promotion and implementation of IHL. The ICRC has produced a draft law on missing persons and an explanatory note to go with it, and presented these to the Commission on Human Rights and Social Policy of the Interparliamentary Assembly of the CIS in March 2006.

In 2005, the ICRC co-drafted and promoted a resolution on missing persons at the 35th session of the General Assembly of the **Organization of American States** (OAS). On 7 June 2005, the OAS General Assembly adopted resolution AG/RES. 2134

“Persons who have disappeared and assistance to members of their families.” In 2006, Peru, Argentina and Colombia placed the issue of missing persons on the agenda of the 36th session of the General Assembly of the OAS, which adopted a second resolution, also supported by the ICRC, on 6 June 2006 (AG/RES. 2231).

The ICRC requested the **Inter-Parliamentary Union** (IPU) to consider the Swiss delegation’s proposal that the question of missing persons be the main theme of its third permanent commission during the 115th Assembly in October 2006. The proposal was accepted by the 113th Assembly in October 2005, and the ICRC provided the Rapporteurs with technical support.

The ICRC also conducts and supports **studies on the compatibility of domestic law with international humanitarian law** as it affects the issue of missing persons, comparing domestic law with international law and establishing plans of action. Such studies were carried out in **Armenia, Azerbaijan, Georgia, Guatemala, Indonesia** and **Sri Lanka**, and are under consideration in **Argentina, Brazil, Chile** and **Peru**.

Information on existing domestic law related to missing persons and disappearance is continually being added to the **ICRC database on national measures to implement international humanitarian law** (www.icrc.org/ihl-nat). In addition, the ICRC intends to produce **guidance documents** and **support material** for national authorities and others interested in national legislation on matters affecting missing persons and their families. Documents under preparation cover such areas as the special needs of families of missing persons, data protection, the handling of human remains, measures concerning personal identification and preventing people from becoming “missing persons” while in detention.

The second global meeting of national committees for the implementation of IHL² will take place in Geneva on 6-8 December 2006 and will focus on the role of the committees in promoting and supporting the adoption of legislation to prevent disappearances.

² Implementation of international humanitarian law requires the States to adopt a number of domestic laws and regulations. To facilitate this process, some States have created interministerial working groups, often called national committees for the implementation of IHL. The purpose of these committees is to advise and assist the government in implementing and spreading knowledge of international humanitarian law. There are currently more than 75 such committees.

The ICRC and the Belgian Inter-departmental Commission for International Humanitarian Law are holding a European workshop on national mechanisms and legal measures to clarify the fate of missing persons and resolve related issues. The event is scheduled for 25-26 September 2006 in Brussels. The aim is to enhance the capacity, actions and commitment of European governments regarding the adoption of legal measures and the establishment of national mechanisms to prevent and resolve the problem of missing persons.

2. IDENTIFICATION OF ARMED AND SECURITY FORCES

Identifying members of armed forces/organized armed groups is a key means of preventing them from going missing as a result of conflict. Identity tags help to establish the fate of people captured, wounded or killed in action and are recognized as the only means of identification that is simple, secure and durable.

All too often, however, people in this category carry no means of identification. The ICRC is committed to promoting and supporting the proper use of identification by members of the armed forces and security forces, organized armed groups, and troops deployed in UN peace-keeping and peace-enforcement operations.

Some African countries, such as **Ethiopia** and **Rwanda**, have expressed great interest in ID tags, and the ICRC has offered to provide technical expertise.

In 2005, the ICRC carried out a survey in more than 40 countries on how armed forces and security forces handle issues such as personal identification for troops on the battlefield. The survey has made it

LIMA: REGIONAL CONFERENCE ON MISSING PERSONS

From 28 to 30 May 2006, representatives of 19 Latin American and Caribbean countries met in Lima at the regional conference on persons missing in connection with armed conflict or internal violence. Observers from various organizations active in this field also attended. The event was organized by the Peruvian ministry of foreign affairs and the International Committee of the Red Cross. Its objectives were to promote practical measures for preventing people going missing during armed conflict or internal violence, together with action to improve the situation of families who have lost contact with relatives in such circumstances. There were four workshops, on preventing disappearances, mechanisms for determining the fate of missing persons, managing human remains/information about the dead and support mechanisms for the families of missing persons.

It became clear during the conference that despite Latin America's many laws to protect the individual, implementation and compliance are still some way off in certain cases. Participants emphasized the importance of promoting an active role on the part of the State in the protection of human rights and compliance with constitutions, domestic law and international law.

On the other hand, participants also mentioned that over the past 15 years Latin American armed forces had become more interested in training their personnel in international humanitarian law, and that police forces were taking a greater interest in the teaching of human rights to their personnel.

The conclusions underlined the need for countries to set up bodies for registering detainees and missing persons and to promote mechanisms to facilitate historical research, recognition, reconciliation and compensation.

There was consensus among all participants – States, NGOs and associations representing the families of missing persons – on the importance of working together on the missing persons issue and regarding the need for measures to prevent a recurrence of the tragedy that had affected some hundred thousand lives in Latin America and the Caribbean over the last 30 years.

possible to identify a number of priority countries for future work in this area.

The ICRC has assembled an information kit for its staff to use when promoting IHL among armed forces. The organization has also produced a leaflet for members of the armed forces, aimed at raising their awareness of the importance of identification and its proper use.

RESPECT AND PROTECTION FOR PEOPLE DEPRIVED OF THEIR FREEDOM

MISSING

Boris Heger/ICRC

STANDARDS IN INTERNATIONAL LAW

1. Capture, arrest, detention, imprisonment and release must all be carried out in strict accordance with internationally recognized standards and with procedures established by law.
2. No-one may be held *incommunicado* or at a secret location.
3. The next-of-kin must be informed about the detention of their relative without delay.
4. Enforced disappearance is prohibited.
5. In international armed conflicts, the ICRC must be granted access to all persons deprived of their freedom for reasons related to the conflict.

As part of its efforts to help detainees, the ICRC strives to prevent or put an end to enforced disappearance, arbitrary deprivation of life, torture/other forms of ill treatment and inhuman and degrading conditions of detention. It also endeavours to ensure that detainees can maintain contact with their families and benefit from the procedural and judicial guarantees to which they are entitled under IHL and other bodies of law. At the same time, the organization refrains from forming an opinion on the reasons for a person's incarceration.

In order to be effective, ICRC visits are subject to specific rules, namely that the organization be allowed to:

- see all detainees that come within its purview and have access to all places where such detainees are held;
- talk to detainees of its choice, without witnesses;
- draw up lists of the detainees whom it considers to be within its mandate, or receive such lists from the authorities, and verify and add to them as necessary;

- repeat its visits to all detainees to whom it has had access and see any other detainees of the same type whom it may choose to see, wherever they may be detained, the frequency of such visits being determined by the ICRC.

With the agreement of the authorities, the ICRC may arrange for the exchange of family messages between the detainees and their relatives.

During its visits, the ICRC records the identity of people deprived of their freedom, with the aim of preventing disappearances and extrajudicial executions and of informing the families of the whereabouts of their relatives.

Unfortunately, the authorities do not always grant the ICRC access to detainees. In some cases they refuse to allow the ICRC to visit detainees at all. In other instances they prevent the organization from seeing certain categories of detainee or certain individuals. People are sometimes detained in undisclosed locations or held *incommunicado*. These practices are illegal, since irrespective of the grounds for detention, international law stipulates that any person subjected to any form of arrest or

detention must be afforded fundamental judicial guarantees. These guarantees include being subject to the effective control of a judicial authority, being granted a fair trial, and receiving legal assistance. Furthermore, authorities are required to centralize information on people deprived of their freedom and to provide this information to the families directly or via a neutral intermediary such as the ICRC.

In 2005, the ICRC had access to some 530,000 people deprived of their freedom in over 80 countries, of whom some 47,000 were individually monitored and registered.

Persons whose cases were monitored (individually or otherwise) in places of detention visited by the ICRC during 2005	528,611
Detainees visited (monitored individually) in 2005	46,288
Visits conducted in 2005	5,956
Places of detention visited in 2005	2,594

Thanks to the Red Cross/Red Crescent Family Links Network, people deprived of their freedom can exchange personal news with their families anywhere in the world, usually through Red Cross messages (RCMs). In 2005, 48,790 RCMs were distributed to internees/detainees throughout the world and 60,238 were collected from them.

MAINTAINING LINKS BETWEEN PEOPLE HELD IN GUANTANAMO AND THEIR FAMILIES

People held in Guantanamo can use RCMs to maintain or restore regular contact with their families. The number of messages forwarded through the Red Cross and Red Crescent Family Links Network doubled in 2005 compared with 2004. More than 20 ICRC delegations and Red Cross/Red Crescent National Societies worldwide were involved in the exchange. In 2005, 3,021 RCMs were delivered to people held in Guantanamo and 4,968 were collected from them.

MAKING SURE PEOPLE CAN EXCHANGE FAMILY NEWS

STANDARDS IN
INTERNATIONAL
LAW

Everyone has the right to correspond and communicate with members of their family.

In armed conflicts and other situations of violence, when the usual means of communication are disrupted, the ICRC helps to maintain and restore contact between family members through the worldwide Red Cross and Red Crescent Family Links Network.

This network facilitates the exchange of personal news between family members everywhere in the world, using all available means, subject to agreement with the authorities: Red Cross messages are collected and distributed, satellite/mobile phones are provided to those who have the telephone number of their relative and Internet is used to trace people via the ICRC's Family Links website. With the consent of those concerned, lists of people either providing news or looking for news from relatives are published on paper (in newspapers or ad hoc) and on the ICRC website, and broadcast on radio or TV.

The beneficiaries are people who have lost direct contact with their relatives because of the situation, in particular refugees, internally displaced persons, people living in besieged or occupied territories and people deprived of their freedom.

The family links service also comes into action during natural disasters and other situations in which humanitarian needs arise.

However, the effectiveness of the network is sometimes reduced by difficulties in reaching the individuals and groups concerned – on account of logistical reasons or security risks, or because the population has to keep fleeing danger zones, becoming so unstable as to render the restoration of family links impossible. In other situations, the authorities do not allow the exchange of family news. As a result, thousands of families may be left without news of their relatives for a long period, which increases the risk of their becoming “missing persons” once the crisis is over.

RCMs COLLECTED AND DISTRIBUTED

RCMs collected in 2005	505,748
RCMs distributed in 2005	453,727
Telephone calls made (by satellite or mobile phone) in 2005	6,780
Names publicized on the ICRC website in 2005	337,862
Names publicized in the media (other than on the ICRC website)	54,122

In 2005, Africa remained the continent with the greatest need for assistance in restoring family links. This was particularly true of **Sudan**, the **Great Lakes** region and **West Africa**. Here, resolving the issue of unaccompanied children and those who were separated from their families remained a priority for the ICRC. There is a great need to restore family links not only during a conflict but also in its aftermath.

The year 2005 saw an unprecedented level of ICRC and Red Cross/Red Crescent activity geared towards restoring family links following natural disasters. The Asian tsunami and the earthquake in South Asia constituted the main focus, but the ICRC also supported the American Red Cross in its efforts to help families and friends get back in touch after Hurricane Katrina.

TRACING DURING NATURAL DISASTERS

- Following the Asian tsunami on 26 December 2004, the ICRC's tracing service helped people who had been displaced and were without news of their families. Bodies had been buried without identification, and communications (both telephone and travel) were disrupted in Indonesia, Sri Lanka and other countries, adding to the families' distress. All this made it very difficult for survivors and their families to restore contact and to find out what had happened to their relatives. With the help of the Sri Lanka Red Cross Society, the Indonesian Red Cross Society, the International Federation of Red Cross and Red Crescent Societies and a number of internationally active Red Cross/Red Crescent National Societies, the ICRC set up mobile teams to provide individual support to people in hundreds of camps. Satellite phones, mobile phones and other means of communication enabled family links to be restored in some 4,300 cases. The ICRC created a special page on its Family Links website (www.familylinks.icrc.org) for people caught up in the tsunami to let others know they were alive or to post names of people they were looking for. Over 48,000 people registered their names on the site. Printed lists of people sought were displayed in key public places and in the media.
- The earthquake that struck Pakistan on the morning of 8 October 2005 killed and injured thousands of people and left thousands more homeless. Many lost contact with their relatives or remained unaccounted for. The ICRC, the Pakistan Red Crescent Society and the tracing services of several other National Societies immediately offered services to enable family members to restore contact with one another and to shed light on the fate of those still missing. During the first weeks, more than 2,000 families in remote villages, camps and hospitals used satellite phones, mobile phones and RCMs to get in touch with their relatives in Pakistan and abroad. The ICRC helped to clarify the fate of many people through hundreds of visits to hospitals, camps and shelters, and with the help of authorities and relief organizations all over the country. Special emphasis was placed on identifying unaccompanied children. The ICRC also supported the authorities and other organizations involved in handling human remains by providing technical advice, equipment (such as digital cameras, body-bags, boots, gloves and a cold-storage unit) and training workshops for people involved in the identification and burial process after the earthquake.

TRACING IN ARMED CONFLICTS: SUDAN (ESPECIALLY DARFUR)

In 2005, Sudan was the ICRC's largest operation for the second consecutive year. In Darfur, the ICRC adapts its activities to the urgency and scale of needs, constantly monitoring the situation from its four sub-delegations and four offices. Despite an increasingly difficult security environment, it was able to work throughout the region for most of the year.

Tracing and RCM services were expanded in Darfur in 2005 and evaluated countrywide, to meet the needs of families uprooted by the conflict. The ICRC, together with the Sudanese Red Crescent, collects and delivers RCMs exchanged between separated Sudanese family members. The priority is to put children and parents back in contact (through RCMs) and, if possible, reunite the families. In 2005, the ICRC ran a three-month poster campaign in Darfur, Khartoum and Sudanese refugee camps in Chad and Kenya, displaying photos of 220 child refugees who were separated from their parents. The campaign boosted awareness of the network and brought in information about parents sought by their children, as well as new tracing enquiries.

In 2005, in Sudan,

- 31,254 RCMs were distributed and 30,134 RCMs collected;
- 425 people were located at their families' request;
- six people, including five children, were reunited with their families;
- 1,805 requests to trace relatives were pending;
- at 31 December 2005, 338 cases of children separated from their parents were being handled.

TRACING IN POST-CONFLICT ANGOLA

The protracted civil war in Angola (1975-2002) caused huge displacements of population and the separation of families both within the country and across international borders. This has resulted in a large number of cases where the loss of family contact dates back to the first years of the war.

Since the cease-fire in 2002 the ICRC, working in cooperation with the Angola Red Cross (Cruz Vermelha de Angola), has set up a major tracing programme and opened tracing offices that allow Angolan people to:

- restore and maintain family links interrupted during the war;
- open tracing requests, to find family members whose fate or location is unknown;
- find families of separated children;
- trace children based on parents' requests.

To supplement traditional tracing methods, the ICRC has launched the *Red Cross Gazette*, listing the names of people sought by their relatives. In 2005, the ICRC issued the fourth edition of the *Red Cross Gazette*, listing 18,393 people searching for or being sought by relatives, including 323 unaccompanied children looking for their parents and 1,288 being sought by their families. The *Red Cross Gazette* is distributed throughout Angola's 18 provinces, in refugee camps outside the country (e.g. in Zambia) and to relevant National Societies abroad, and meets with interest from the public, political bodies and traditional leaders.

This comprehensive programme aims to help rebuild the social fabric of Angola. By enabling people to contact loved ones, through the exchange of thousands of Red Cross messages, and by helping to locate missing family members, the ICRC hopes to contribute to stability in the country.

ACCOUNTING FOR PEOPLE REPORTED MISSING AS A RESULT OF ARMED CONFLICT OR INTERNAL VIOLENCE

STANDARDS IN INTERNATIONAL LAW

1. In an armed conflict, families have the right to know the fate of their relatives.
2. Parties to a conflict must take all feasible measures to account for people reported missing as a result of the conflict.
3. To facilitate searches, parties to an international armed conflict must transmit all relevant information concerning people reported missing by an adverse party. Information concerning people reported missing and requests for information on them must be transmitted directly, via the Protecting Power, via the ICRC Central Tracing Agency or via the National Red Cross/Red Crescent Societies. Where the information is not transmitted through the ICRC Central Tracing Agency, the Agency must be supplied with the information.
4. States have a duty to investigate suspected cases of extra-legal, arbitrary or summary execution, and cases of enforced disappearance.

In international armed conflicts, each party to the conflict must establish a National Information Bureau.

This Bureau has the following tasks:

- to centralize, without adverse distinction, all information on the dead, wounded, sick and shipwrecked, on protected persons deprived of their freedom and on children whose identity is in doubt, and to provide this information to the appropriate authorities via the Protecting Power and the ICRC Central Tracing Agency;
- to centralize all requests for information on the fate of civilians and of sick, wounded or captured members of armed forces and to respond accordingly to the appropriate authorities or to the family via the Protecting Power and the ICRC Central Tracing Agency.

Boris Heger/ICRC

Missing

11

1. TRACING ACTIVITIES AND DIALOGUE WITH THE AUTHORITIES

During an armed conflict or other situation of violence, the ICRC and the National Societies collect information on people unaccounted for and the circumstances under which they disappeared, from their families, direct witnesses, the authorities and any other reliable source.

The aim of acquiring this information is to generate the maximum number of leads that could help to trace a person and clarify their fate. The information is stored centrally and is managed in accordance with the legal provisions applying to the protection of personal data.

Using this information, the ICRC tries to locate the person in places of detention, hospitals, IDP and

refugee camps, morgues, remote villages, etc. The organization also makes confidential representations to the authorities and to leaders to obtain information and clarify the fate of the missing person. This includes supplying the authorities with lists of people unaccounted for, together with relevant information on the circumstances under which they disappeared.

In many places around the world, the ICRC maintains a constant dialogue with the authorities, aimed at ascertaining the fate of missing persons. These include **Angola, Armenia, Azerbaijan, the Balkans, Chechnya, Ethiopia, Eritrea, Georgia, Iraq, Nepal, Sri Lanka and Western Sahara.**

Confidential dialogue between the ICRC and the authorities concerning the protection of specific individuals and groups is an essential component of the organization's endeavours to prevent and alleviate

suffering. In exchange for maintaining confidential dialogue with them, it expects its contacts to show that they are willing to take the political steps required to improve the situation.

PEOPLE SOUGHT BY THEIR FAMILIES ("TRACING REQUESTS")	
New tracing requests in 2005	12,490
People located in 2005	6,381
People still unaccounted for at the end of 2005	69,301

SPECIAL NEEDS OF CHILDREN

In the aggressive environment of an armed conflict, children do not have the same capacity for self-defence and survival as adults. All too often they are first-hand witnesses of atrocities against their parents or other family members. They are killed, mutilated, imprisoned or otherwise separated from their families. Young boys and girls are captured by armed forces to serve as child soldiers, porters, cooks, sex slaves, etc. Cut off from the environment familiar to them, they have no idea what will happen to them or their families. The ICRC therefore strives to ensure the protection of unaccompanied/separated minors, trace their relatives, demobilize child soldiers and reunite them with their families where possible. This is sometimes difficult, as the children are often too young to remember their names or addresses.

SEPARATED CHILDREN	
Separated children registered by the ICRC and National Societies in 2005	2,695
Separated children reunited with their families by the ICRC and National Societies in 2005	1,095
Separated children whose cases were still being processed in 2005	5,636

2. MECHANISMS FOR CLARIFYING THE FATE OF MISSING PERSONS

State authorities and armed groups bear the primary responsibility for providing information on missing persons. They are required to investigate cases and should be held accountable if they impede access to information or give inaccurate information. Unfortunately, the authorities often do not make the necessary enquiries and do not provide information on missing persons. Instead of being treated as a humanitarian problem requiring urgent solutions, the issue of missing persons may become part of the struggle for control and power, a matter for

A BOOK OF MISSING PERSONS AS A TRACING TOOL IN BOSNIA AND HERZEGOVINA

As part of the tracing process, the ICRC may publish a Book of Missing Persons, listing the names of people unaccounted for in a given context who have been reported to the ICRC. This is the case in Bosnia and Herzegovina, for example, where the ICRC has published such a book and regularly updates the list of people unaccounted for who have been reported to the organization. In the absence of one central list of missing persons, the *Book of Missing Persons on the Territory of Bosnia and Herzegovina* is the reference list for those engaged in the process of tracing them. This Book is widely distributed among the authorities and the public, in the hope that further information might be gathered that will help clarify the fate of those unaccounted for. It can also be consulted on the ICRC website. The seventh edition of the Book of Missing Persons, containing the names of 15,275 people still missing, was published in February 2006.

MISSING PERSONS IN RELATION WITH THE NAGORNY KARABAKH CONFLICT

The fate of people missing as a result of the Nagorny Karabakh conflict continued to be the major focus of the ICRC's work in Armenia and Azerbaijan. More than ten years after the ceasefire, thousands of families remain without news of their relatives. To help resolve this issue, the ICRC is continuing its efforts to foster dialogue between all parties, reminding them of their obligations under IHL. In 2005, the ICRC addressed a memorandum to the parties, outlining concrete proposals for addressing the issue:

- widen the mandates and the resources of the State Commissions and allow the establishment of a multilateral mechanism;
- standardize the collection and management of information on missing persons;
- cooperate on the recovery and identification of the remains of missing persons;
- step up support for the families of missing persons.

Both the Armenian and the Azerbaijani authorities welcomed this initiative, and the ICRC is pursuing its dialogue with them on implementation of the proposals.

TRACING UNACCOMPANIED CHILDREN IN THE DEMOCRATIC REPUBLIC OF THE CONGO

A significant proportion of the population continues to rely on the Family Links network.

The ICRC delegation in the Democratic Republic of the Congo continues to trace families, reunite unaccompanied children with their families and provide material and financial assistance to centres caring for children. This service remains very useful, as a significant number of children – mainly of Congolese and Rwandan origin – are still looking for their families after many years of separation.

The ICRC works with the National Demobilization and Reintegration Commission and international child-protection agencies to put children formerly associated with armed groups back in contact with their families and reunite them where appropriate.

political bargaining. Moreover, when people disappear following violations of international humanitarian law, human rights law or domestic law, the perpetrators may conceal information to avoid prosecution. A further problem is that data on missing persons is often absent or incomplete.

WORKING GROUP ON MISSING PERSONS IN KOSOVO

In 2003, the UN sponsored the “Vienna dialogue,” aimed at getting the former belligerents to normalize their relations. Under this dialogue, the Working Group on missing persons in Kosovo was set up to clarify the fate and whereabouts of people “unaccounted for in connection with events in Kosovo” and to inform their families accordingly by the exchange of information between the authorities in Serbia and Kosovo. The group is chaired by the ICRC, with the full agreement of the parties. When it accepted this position, the ICRC stressed the purely humanitarian character of the Group’s mandate and insisted on obtaining a commitment from the authorities that they would deal with the issue of missing persons in earnest.

Thanks to the work of the Group, the fate of a number of missing persons has been established and their remains returned to their families. A common list of missing persons was drawn up, containing over 2,000 names (2,919 when the list was drawn up in March 2005 and 2,287 in May 2006). The Working Group also set up a sub working group on forensic issues, with the aim of improving and accelerating the exhumation, identification and repatriation processes.

There are growing concerns, however, that unless new information is actively sought, the process of the Working Group may stall once the last of the remains already exhumed and identified are handed over. A lot still needs to be done in terms of obtaining information on the fate of missing persons and locating additional grave sites. The respective delegations to the Working Group – and the Group as a whole – need to do more work on this between sessions. It is also of the utmost importance that the authorities on both sides – and the international community – fully support the activities of the two delegations and the process initiated in the Working Group.

The question of missing persons must become a more prominent feature on the international agenda. All peace agreements should include specific mechanisms for clarifying the fate of missing persons. The ICRC tries to promote the inclusion of measures concerning missing persons and their families in settlements such as cease-fire and peace agreements, and in new government policies.

Most situations require multiple, linked mechanisms (humanitarian, governmental, judicial and non-judicial), to cover the disparate needs of families and communities. These mechanisms should be complementary. Furthermore, they should coordinate their activities and should exchange information on missing persons, in compliance with the rules governing the protection of personal data and with their respective mandates.

Where appropriate, the ICRC promotes the establishment of national and multilateral mechanisms involving all the former parties to the conflict – and potentially other bodies – working together, in accordance with agreed procedures, towards a common objective concerning missing persons and their families. In particular, the ICRC

provides as much support as possible to mechanisms whose objectives include clarifying the fate of missing persons and support for their families, for example in East Timor, Bosnia and Herzegovina and Iraq. It participates in – or even chairs – special mechanisms such as working groups or commissions that involve all parties, to enhance the exchange and follow-up of information on missing persons.

The ICRC also encourages and supports the establishment by the States of **National Information Bureaus** (NIBs) and Grave Registration Services. These should be established in peacetime or, at the latest, when conflict breaks out, to ensure the collection and centralization of information on victims of armed conflicts and its transmission to the families concerned. An assessment of the mechanisms in selected countries is currently under way. Workshops involving international experts will take place, with the aim of producing a handbook on how to set up an NIB.

MISSING PERSONS IN IRAQ

Tens of thousands of families in Iraq remain without news of relatives missing as a result both of the current conflict and of those that have plagued the country in recent decades. In addition, large numbers of families have relatives who disappeared under the rule of Saddam Hussein.

Despite persistent security constraints, which prevent access to victims and consistent dialogue with all parties, the ICRC was able to achieve some progress:

- Since the 1980–1988 Iran-Iraq war, the ICRC has been striving to clarify the fate of prisoners of war and others missing in connection with that conflict. The ICRC’s action now focuses on facilitating dialogue between the Iraqi and the Iranian authorities and providing expertise in setting up a mechanism to resolve the cases of combatants unaccounted for.
- Since their creation in 1991 and 1994, the ICRC has been chairing the Tripartite Commission and its Technical Sub-committee, which address cases of people missing from the 1990–1991 Gulf War. The Commission’s Member States are Iraq, Kuwait, and the Allies represented by France, Saudi Arabia, the United Kingdom and the USA. Between 2003 and 2005, this process helped shed light on the cases of 269 people unaccounted for, 227 of which were submitted by Kuwait and Saudi Arabia and 42 by Iraq. Although the level of trust and cooperation between Kuwait and Iraq is increasing through this process, the involvement of the ICRC remains essential.
- The ICRC is also encouraging and supporting the Iraqi authorities in the setting up of a structure to secure and centralize information on missing persons who disappeared under the rule of Saddam Hussein, contained in archives compiled by the former authorities. In February 2005, the Iraqi authorities launched a process to create a **National Centre for Missing and Disappeared Persons**. The purpose of the Centre is to support the relatives of all who disappeared, and its core activities will consist of collecting information on these missing persons and assisting their families. The ICRC is advocating that the families remain at the centre of the process and is pushing for the work of this National Centre to remain compatible with mechanisms for tracing people missing as a result of international armed conflicts.

RESPECT FOR THE DEAD AND THEIR FAMILIES

Mercedes Doretti/EMAF

STANDARDS IN
INTERNATIONAL
LAW

1. Parties to an armed conflict must take all possible measures to search for and collect the dead, without delay and without distinction.
2. Parties to an armed conflict must treat the dead with respect and dignity and must prevent their remains from being pillaged, mutilated or despoiled.
3. Parties to an armed conflict must take measures to identify the dead before disposing of their remains.
4. In armed conflicts, the dead must be disposed of in a respectful manner and their graves respected.
5. In armed conflicts, persons whose remains cannot be handed over to their families should be buried individually; collective graves must be the exception, and all graves must be marked.
6. Parties to an armed conflict must take all possible measures to provide information to the appropriate authorities or to the family on the identities, locations and causes of death of those who have died.
7. Parties to an international armed conflict must endeavour to facilitate the return of remains and personal effects to the home country of the deceased at the request of the authorities or the next-of-kin.

14

When a missing person is believed to be dead, locating, recovering and identifying their remains is an indispensable component of the healing process, both for the families directly affected and for their communities. International humanitarian law therefore requires that States and other parties to an armed conflict or other form of armed violence ensure the proper and dignified management of the dead, to help clarify the fate of missing persons.

To help States and others fulfil their obligations, and in line with the recommendations of the 2003 International Conference on The Missing, the ICRC has acquired in-house forensic expertise. Currently, this consists of a forensic coordinator and a forensic adviser in the ICRC's Assistance Division, based at headquarters, who provide global coverage, plus a regional forensic adviser for the Balkans and the Caucasus.

The core activities of the ICRC forensic experts include: needs assessments and operational support for ICRC field activities related to human remains and forensic science; development and dissemination of ICRC guidelines; training and networking with forensic experts and institutions worldwide.

1. DEVELOPMENT AND DISSEMINATION OF ICRC GUIDELINES

The objective is to meet needs identified in the field, by providing tools for practitioners. Examples include the following:

Operational Best Practices on the Management of Human Remains in Armed Conflicts and Other Situations of Armed Violence

This is an ICRC manual aimed at armed forces and humanitarian organizations. It was published at the

end of 2004, with a second edition in 2005, and is available on the ICRC website.

Guide Relating to the Use of DNA

The ICRC published a *Legal, Ethical and Practical Guide Relating to the Use of DNA and the Identification of Human Remains in Contexts of Armed Conflict or Internal Violence* at the end of 2005. This publication is available on the ICRC website.

Management of Dead Bodies after Disasters: A Field Manual for First Responders

The lessons learnt from the 2004 tsunami and other major natural disasters in 2005 prompted the ICRC to join forces with the World Health Organisation, the Pan-American Health Organization and the International Federation of Red Cross and Red Crescent Societies to produce a manual for first responders from communities and regions affected by disaster. *Management of Dead Bodies after Disasters: A Field Manual for First Responders* was published in 2006 and widely distributed by the organizations involved. This publication is available on the ICRC website.

Chapter on "Management of the dead" in the ICRC's First Aid Manual

The chapter provides practical advice and guidance for first aid practitioners on collecting and burying the dead. The Manual was published in 2006.

Recording ante mortem data (AMD) and post mortem findings (PMD)

Forensic identification is based on matching information on the missing person (AMD) with findings from human remains (PMD). To achieve this, it is essential to collect and manage such information in a standardized fashion. The ICRC is helping develop such standards for forensic investigations in humanitarian contexts.

A standard ICRC reporting format for AMD and PMD is being finalized. This will improve the collection and processing of information on missing persons who may have died, as well as the process of

forensic identification based on matching AMD with PMD. The ICRC is also developing software to help manage this information.

Guidelines for mine-clearance personnel on managing human remains

The ICRC's *Operational best practices regarding the management of human remains and information on the dead by non specialists* has been used to help develop a set of unique international guidelines for mine-clearance operators on the management of human remains discovered during de-mining operations. These standards have been developed jointly with experts and international organizations active in the field of de-mining, including the UN Mine-Action Service, the UN Office for Project Services and the Geneva International Centre for Humanitarian Demining.

Practical guide for forensic practitioners

The ICRC *Guide for Forensic Professionals Working in Contexts of Armed Conflict or Internal Violence* will be a handbook for forensic practitioners, based on recommendations from the 2003 international experts' conference on missing persons. Publication is scheduled for 2007 or 2008.

2. NEEDS ASSESSMENTS AND OPERATIONAL SUPPORT FOR ICRC FIELD ACTIVITIES RELATED TO HUMAN REMAINS AND FORENSIC SCIENCES

These core activities include appraisals, strategic guidance, technical guidance and support, for the ICRC, the Movement and others, on all matters related to the operational implementation of ICRC guidelines on forensics and human remains as they relate to the question of missing persons.

While the ICRC and its forensic experts do not normally get directly involved in forensic investigations, they do carry out an average of two missions every month worldwide, providing assistance inside and outside the organization.

The results of these assessments and technical support missions include:

- the establishment of a Sub-Working Group on Forensics, under ICRC coordination, to help step up the identification of missing persons in Kosovo;
- the design and implementation of a long-term strategy for investigations into cases of missing persons in the Southern Caucasus, including training and support for local forensic organizations and practitioners and a campaign to collect ante-mortem data (presently under way);
- support and training, at the request of the Pakistani authorities, leading to improved disaster victim identification on the part of authorities and organizations involved in disaster response;
- preparation of ICRC representations to the Sri Lankan Government and the LTTE, which included detailed recommendations on the recovery and identification of missing persons and on training Sri Lankan forensic practitioners;
- support and training for Iraqi forensic organizations and practitioners, to help them improve the management and identification of bodies;
- advice and support for Peruvian forensic practitioners on data management, to enable them to improve the identification of missing persons.

The ICRC has helped respond to local needs related to forensics and human remains in dozens of countries, in all regions, including:

Asia and the Pacific: Armenia, Azerbaijan, East Timor, Georgia, Indonesia, Iran, Iraq, Jordan, Pakistan, Philippines and Sri Lanka.

The Americas: Argentina, Chile, Colombia, Guatemala, Haiti and Peru.

Europe: Bosnia & Herzegovina, Cyprus, the Russian Federation and Serbia & Montenegro (Kosovo).

Africa: Eritrea, Ethiopia, Ivory Coast, Namibia and Sudan.

In addition, external organizations and institutions regularly seek the ICRC's advice on forensics and human remains. These include the UN, the OAS, Interpol, and a variety of national and international non-governmental organizations, together with academic institutions.

3. TRAINING AND NETWORKING WITH FORENSIC EXPERTS AND INSTITUTIONS WORLDWIDE

The ICRC is actively involved in enhancing the ability of local forensic staff to investigate missing persons questions. This includes both training and the provision of direct support to forensic practitioners and institutions.

TRAINING

ICRC experts contribute to the development of knowledge, skills and expertise in the field of human remains management and forensic identification, both within the ICRC and the Movement and outside. External trainees have included governmental, intergovernmental and non-governmental agencies, as well as academics and non-specialists from a range of backgrounds.

NETWORK OF FORENSIC PRACTITIONERS

ICRC experts are helping to develop a network of local, regional and international forensic and academic institutions, associations and practitioners. The aim of the network is to meet the growing demand for forensic expertise in the field of missing persons. Activities include exchanging expertise and setting up partnerships with forensic practitioners and institutions around the world.

RESPECT FOR AND ASSISTANCE TO THE FAMILIES OF MISSING PERSONS

STANDARDS

STANDARDS IN INTERNATIONAL LAW

1. Everyone must be treated humanely, respected and protected by virtue of their inherent dignity as a human being.
2. Everyone has a right to adequate food, clothing and housing and to the enjoyment of the highest attainable standard of physical and mental health.

Ute Hofmeister

While the families of missing persons undergo the same experiences as the rest of the population affected by a situation of armed conflict or internal violence, they may face additional problems associated with the disappearance of a family member.

The kinds of problem they encounter vary with the context and the cultural environment.

For example:

- In most contexts, there is no official acknowledgement of the status of “missing person,” so the families are not entitled to the support from which widows and orphans might benefit. The undefined legal status of a missing person’s spouse or descendants may affect property rights, the guardianship of children, inheritance and the possibility of remarriage.
- The close relatives of a missing person live in constant anxiety. The fear that death will be confirmed is matched only by a desperate longing for any news that will put an end to the uncertainty. This may come on top of the trauma experienced by anyone affected by armed conflict or internal violence, displacement, detention, threats, etc.

- Families may not know how to go about looking for a missing relative, how to apply for financial or material support or how to obtain legal advice. They may be reluctant to trust their leaders and government authorities, or to believe in the accountability of their national legal system.
- Fear and mistrust may prevent people from openly discussing their situation; families may risk political reprisals or ostracism by their communities and therefore do not apply for such support as may be available. In particular they may be isolated because of their uncertain status (women whose husbands are missing, for example, are neither wives nor widows), because of fear or frail psychological health, because they live in remote areas or because they are poor.

The ICRC, along with other humanitarian organizations, aims to address the needs of the most vulnerable people or groups. This means that the relatives of missing persons are often beneficiaries of its assistance. Moreover, protection activities (for example, visits to detainees, restoring contact between family members, etc.) have a direct impact on well-being, including the mental health of the family.

In addition, the ICRC strives to understand the specific needs of the families of missing persons and how they might be covered by local or other structures. It will then sensitize and advise the authorities, as well as other bodies, possibly supporting them. An integrated approach is necessary, as all these needs are interconnected.

The ICRC sees associations of families and local support networks as essential partners in setting up and implementing programmes, and supports them in many places (such as **Kosovo** and **Peru**).

The ICRC always promotes respect for the families of missing persons. It is very important to take into consideration their traditional attitudes, practices and beliefs as well as the political and socio-cultural context, including religion. For example, the cultural representation of death and the funeral rituals of the community have to be considered. Families and family associations must be involved and consulted

to the greatest extent possible in the design, planning and implementation of programmes aiming at helping them.

More particularly, ICRC health activities may include support for psychological programmes to help some families of missing persons cope with the consequences of the particularly distressing experience they have suffered (“complicated mourning”).

ICRC psychosocial activities also include evaluating needs and programmes, and providing advice to the authorities and others.

PSYCHOLOGICAL ACTIVITIES IN KOSOVO AND SERBIA

In **Kosovo**, the ICRC held training seminars to help family associations support their members. The ICRC financed projects run by these associations, such as public burial ceremonies, communication initiatives and, latterly, psychological activities.

In **Serbia**, the ICRC organized support group sessions for families of missing persons, led by external specialists with the participation of the Bosnia and Herzegovina Red Cross, family associations and local NGOs. This support ran from 2002 until the end of 2004. Since January 2005, psychological support activities for the families of missing persons have been run by family associations, through ICRC-funded projects. These programmes are currently under assessment.

COOPERATION WITHIN THE RED CROSS/RED CRESCENT MOVEMENT



Jessica Barry/ICRC

The Red Cross and Red Crescent Family News Network, whose activities are underpinned by the Geneva Conventions, the Statutes of the Movement and various resolutions of the International Conference of the Red Cross and Red Crescent, has a unique role to play in providing an impartial, non partisan, independent and globally coherent response to those who are trying to find out what has become of their lost relatives.

Building on the *Agenda for humanitarian action* adopted by the 28th International Conference of the Red Cross and Red Crescent in 2003, the ICRC has launched a major project to improve the Movement's capacity to restore contact between separated relatives through a 10-year action plan to strengthen the global Red Cross and Red Crescent Family News Network. Its purpose is to develop a dynamic network of tracing services that can respond quickly and efficiently to the needs of families of people unaccounted for or

separated as a consequence of armed conflict, other situations of violence, disasters and other situations in which there is a need for humanitarian assistance.

As a first measure, the ICRC and the National Societies are assessing their existing tracing capacity and resources. They are also evaluating the strengths and weaknesses of the Family Links Network, and undertaking a survey of existing and potential beneficiaries. Based on this, they will devise a joint 10-year strategy designed to ensure that people separated from their families have access to efficient and effective Red Cross and Red Crescent tracing services and that potential beneficiaries are aware of the existence of such services. The strategy will be submitted for adoption to the Movement in 2007 and will be presented to States on the occasion of the 30th International Conference of the Red Cross and Red Crescent.

MISSION

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance. It directs and coordinates the international relief activities conducted by the Movement in situations of conflict. It also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the International Red Cross and Red Crescent Movement.



ICRC

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