

The International Committee of the Red Cross's role during internal disturbances and tensions

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Abstract

Since its creation, the International Committee of the Red Cross (ICRC) has fought to extend the protection offered by international humanitarian law to victims of internal disturbances and tensions. These situations are characterized by armed violence and human suffering and they are associated with serious human rights violations. These situations remain the exclusive competence of the State. The International Committee does not have the right of humanitarian initiative under the provisions of international humanitarian law. The Committee found itself obliged to seek legal bases to apply this right according to its own traditions, in the decisions of the international conferences of the Red Cross and in its statutes. The right of humanitarian initiative, which remains suspended in condition of prior acceptance by the state, has offered the ICRC the ability to visit political detainees, protect civilians from violence, and provide food and medical care.

Keywords: the International Committee of the Red Cross -internal unrest -tensions -the right to humanitarian initiative.

Introduction

The International Committee of the Red Cross (ICRC) was established a century and a half ago. Since its establishment in 1863, it seeks to achieve a measure of humanity during armed conflicts and other situations of violence such as internal disturbances and tensions. It believe shattered are no just and unjust conflicts, but rather the existence of human suffering that deserves relief.

The International Committee of the Red Cross is a neutral, impartial and independent non-governmental organization. It has emerged as a result of the will of businessman "Henry Dunant" after his collision with the reality in the terrible Battle of sulfuring in Italy in 1859. This battle left more than 36,000 people dead, wounded and without any care, due to the lack of medical services for armies to provide relief ⁽¹⁾. 'On February 17, 1863, the International Committee for Relief was established forth -Wounded people, which became known as the International Committee of the Red Cross (ICRC).'⁽²⁾

In order to obtain international recognition of the Red Cross and its basic principles⁽³⁾ the International Committee of the Red Cross requested from the government of the Swiss Confederation to summon diplomatic conference in 1864. This resulted in "the First Geneva Convention for the Amelioration of the Condition of the Wounded Armies in the Field" ⁽⁴⁾. Its the first international humanitarian law agreement that allowed The International Committee of the Red Cross to provide first aid and care to wounded and sick fighters, regardless of which camp they belong to.

Since its establishment, the International Committee of the Red Cross has played a very important role in providing protection to victims of international armed conflicts, based on its right to intervene as stipulated in the provisions of international humanitarian law⁽⁵⁾. On the contrary, this protection did not include the victims of non-international armed conflicts and the victims of internal disturbances and tensions. This type of internal conflict is considered as the exclusive competence of the state, which deals with its internal legislation. Every humanitarian aid that the ICRC tried to grant to the victims of these cases was considered an illegal act.

In 1949, the third common article of the Geneva Conventions was approved, and in 1977 the Second Protocol Additional to the Geneva Conventions of 12 August 1949 included the protection of victims of Non-International Armed Conflicts within the protection recognized by international humanitarian law.

The victims of internal disturbances and tensions are kept till this day, and for internal considerations, outside the scope of the protection provided by this international humanitarian law. Despite the great efforts made by the International Committee of the Red Cross to include it within the expanded concept of non-international armed conflicts. Situations of internal disturbances and tensions represent today the greatest threat to international peace and security in view of the massive violations of human rights, and the severe suffering experienced by the individual within his country. Therefore, millions of people were killed and millions of others were displaced.

However, the exclusion of internal disturbances and tensions from the field of international humanitarian law did not constitute an obstacle to the humanitarian initiatives undertaken by the International Committee of the Red Cross to protect and assist people under such situations. This humanitarian intervention, although it does not find its legal bases in the Geneva Conventions of 1949, nor in the provisions of the Additional Protocols of 1977, but it is based on other grounds that have traditionally been called protection not derived from the provisions of international humanitarian law. It allowed the International Committee of the Red Cross to offer its services in most cases of internal turmoil and tensions across the world.

This role of the ICRC gave the agency some authority during situations of internal disturbances and tensions, as stipulated in the "Seville" Agreement on the organization of the international activities of the components of the International Red Cross and Red Crescent Movement - The Seville Agreement of 1997⁽⁶⁾.

Starting by the fact that cases of internal disturbances and tensions are subject to the exclusive jurisdiction of the state, it is necessary to search for the legal bases on which the International Committee of the Red Cross relied to build its mandate for humanitarian intervention, and the nature of the services it offers to provide protection and assistance to the victims of such cases.

The legal bases for the actions undertaken by the International Committee of the Red Cross during internal disturbances and tensions

The International Committee of the Red Cross, starting in 1912, the date of the convening of the Ninth International Conference of the Red Cross in Washington, took initiatives to extend the protection prescribed for victims of international wars to the benefit of victims of civil wars and other situations such as internal disturbances and tensions. Although the delegations participating

in this conference strongly refused to recognize any authorization for the benefit of the International Committee of the Red Cross to exercise its right to intervene on behalf of the victims of these internal conflicts, considering this as interference in its internal affairs and a violation of its sovereignty. The International Committee, however, found itself compelled in the name of humanity to exercise this right by intervening in many civil wars and internal disturbances⁽⁷⁾.

The International Committee of the Red Cross (ICRC) raised the issue of its intervention on behalf of the victims of civil wars and internal disturbances before the Tenth International Conference of the Red Cross, held in Geneva in 1921. During this conference, the Committee obtained, thanks to Resolution Fourteen⁽⁸⁾, recognition of the right of humanitarian intervention, but not only for the benefit of those affected by civil wars, or those affected by internal turmoil as well. The decision did not distinguish in the field of first aid between the victims of the legitimate government and the victims of the rebels from the regime⁽⁹⁾.

Although the fourteenth solution issued by the Tenth International Conference of the Red Cross lacked binding force, it formed the basis for the activities of the International Committee of the Red Cross in many civil wars, turmoil and internal tensions, especially between 1921 and 1939.

According to the various interventions carried out by the International Committee of the Red Cross, during civil wars and internal turmoil, the Sixteenth International Conference of the Red Cross, held in London in 1938⁽¹⁰⁾ singled out the International Committee for a very important role in providing protection to the victims of civil wars and urging it to apply humanitarian principles to the victims of internal disturbances and tensions.

The International Committee of the Red Cross continued its struggle to extend the protection prescribed for victims of international wars, victims of civil wars, and situations of internal disturbances and tensions through various international conferences, especially before the Preliminary Conference of National Red Cross Societies in 1946, the Conference of Government Experts for the study of conventions protecting the victims of war in 1947, and the Seventeenth International Conference of the Red Cross held in Stockholm in 1948. These efforts culminate in the inclusion of civil wars under the designation of non-international armed conflicts within the protection covered by the third article common to the Geneva Conventions of 1949. It is a mini-treat that defined the minimum legal rules applicable during non-international armed conflicts and allowed the International Committee of the Red Cross to offer its service to parties of the conflict⁽¹¹⁾.

It tends to keep situations of internal disturbances and tensions for the considerations of sovereignty outside the scope of international humanitarian law. However, this consensual exclusion of internal disturbances and tensions from the scope of the Geneva Conventions of 1949, and their Additional Protocols of 1977, did not prevent the ICRC from searching other legal bases to build its mandate and take its actions. These legal bases are founding custom and tradition. (1.1), in the resolutions of the International Conferences of the Red Cross (1.2), and in the Statutes of the International Red Cross and Red Crescent Movement and the Statutes of the International Committee of the Red Cross (1.3).

1.1 The basis derived from custom and tradition.

The ICRC's first intervention during internal disturbances and tensions was on behalf of the civilian population affected by the violence in Montenegro in 1875 by sending relief missions to protect refugees fleeing from Herzegovina.

In the absence of all legalizations that would allow it to intervene, the International Committee of the Red Cross provided care for political detainees and prisoners with basic humanitarian principles. The first visits to political prisoners were in Russia in 1918 and Hungary in 1919.

Following this practice, ICRC delegates regularly visited persons detained for political reasons or crimes, known as “political detainees” in the context of internal disturbances or tensions in many countries, such as Ireland in 1923, Poland in 1924, Italy in 1931, Austria in 1934 and Germany between 1935 and 1938⁽¹²⁾.

These visits, which were occasional and sporadic until the First World War, marked the beginning of a tradition and custom in the work of the ICRC during internal disturbances and tensions. After the Second World War, the ICRC increased the frequency of its visits to detained persons, due to the liberation movements that took place in many Third World countries. These visits were initially carried out in the name of technical assistance to the interests of prisons in developing countries, and then became carried out for the benefit of political detainees in order to improve the conditions of detention⁽¹³⁾. Therefore, the visit of political detainees is considered the cornerstone in building the legal basis for the ICRC's interventions during internal disturbances and tensions.

Since the Second World War to the present-day, the International Committee of the Red Cross has visited millions of detainees and prisoners who do not receive the protection established in the Geneva Conventions of 1949 and their Additional Protocols of 1977. It occurred in countries such as Haiti, Colombia, the Philippines, Somalia, Sri Lanka, Senegal, Chad, Sudan, Yemen, Syria, Algeria, Tunisia, Libya and other countries that experienced internal disturbances or tensions.

1.2 Resolutions of the International Conferences of the Red Cross:

The International Conference is the highest deliberative body of the International Red Cross and Red Crescent Movement⁽¹⁴⁾. It convenes once every four years in the presence of all the elements of the movement, namely the International Committee of the Red Cross, the International Federation of the Red Cross, Red Crescent Societies, and National Red Cross. In addition to all the states parties to the Geneva Conventions of 1949 (198 states), as well as observers from the United Nations and humanitarian organizations, which constitutes the largest humanitarian gathering in the world.

The various International Conferences of the Red Cross and Red Crescent⁽¹⁵⁾ adopted a set of resolutions whose purpose was to confirm the competencies of the International Committee of the Red Cross in the field of internal disturbances and tensions. These resolutions were considered the legal basis for the interventions of the International Committee in these cases, after it had been exercising its functions on the basis of custom and tradition and among these decisions we find:

- 1 Resolution (XIV) of the Tenth International Conference of the Red Cross held in Geneva in 1921, which affirmed the right and duty of the Red Cross as an institution above any competition of a political, social, sectarian, ethnic or class in humanitarian intervention in the event of civil wars, social and revolutionary disturbances. This decision also affirmed the right of those affected by civil wars and internal disturbances to obtain, without exception, the protection established within the general principles of the Red Cross.

- 2 Resolution (XIV) issued by the Sixteenth International Conference of the Red Cross, held in London in 1938, which defined the role of the International Committee of the Red Cross in the field of civil wars and singled out it as providing protection to detainees and political prisoners to grant them medical and humanitarian care.
- 3 Resolution (XX) issued by the Seventeenth International Conference of the Red Cross, held in Stockholm in 1948, regarding the application of the principles of human treatment to political detainees.
- 4 Resolution (XIX) of the Eighteenth International Conference of the Red Cross, held in New Delhi (India) in 1957, concerning the provision of humanitarian protection to victims of internal disturbances and tensions.
- 5 Resolution (XXXI) of the Twentieth International Conference of the Red Cross held in Vienna in 1965 regarding strengthening the protection of victims of internal violence.
- 6 Resolution (VI) of the Twenty-fourth International Conference of the Red Cross held in Manila in 1981. It authorizes the International Committee of the Red Cross to apply the rules and principles of international humanitarian law to all kinds of conflicts. It includes situations of internal disturbances and tensions. This resolution made a solemn appeal to the international community to maintain, at all times and under all circumstances, the rules of international humanitarian law and the universally recognized principles of humanity. In addition, it provides the necessary facilities for the International Committee of the Red Cross to fulfill its humanitarian mandate during situations of internal violence, after it became difficult for it to do so.

If the resolutions issued by the various International Conferences of the Red Cross do not have the legally binding force to compel countries to accept the interventions of the International Committee of the Red Cross during internal disturbances and tensions, then they, in turn, involve moral and ethical obligations⁽¹⁶⁾.

The delegations participating in the international conferences of the Red Cross and Red Crescent, which are part of the Geneva Conventions of 1949, as mentioned above. In addition to all the elements of the International Red Cross and Red Crescent movement, when they agree to the decisions of the conferences, and they are morally committed to studying them “in good will”⁽¹⁷⁾. Thus, even if these decisions do not result in international legal obligations, they generate obligations of a moral nature. It is difficult for these countries to object to the services provided by the International Committee of the Red Cross during internal disturbances and tensions. This has made the Commission's interventions during these cases enjoy a wide international consensus, which allowed it to offer its services to governments outside the scope of international humanitarian law. This constitutes an interference in their internal affairs or a prejudice to their national sovereignty.

In addition to the decisions of the aforementioned International Conferences of the Red Cross, the International Committee of the Red Cross finds its mandate to exercise its missions in humanitarian intervention for the benefit of victims of internal disturbances and tensions in the Seville Agreement⁽¹⁸⁾, which was adopted by the Council of Delegates of the International Conference of the Red Cross and Red Crescent in Seville in 1997 regarding the organization of the activities of International Components of the International Red Cross and Red Crescent Movement. This agreement defined, in general, the role of each component of the international movement in order to encourage cooperation among them and to avoid disputes regarding the exercise of its international activities.

This agreement assigned the role of the lead agency of the International Committee of the Red Cross in situations of internal disturbances and tensions, as its article 5.3.1 stipulates that : « The ICRC will act as lead agency, as provided for in Article 4 of the present Agreement, in situations of international and non-international armed conflicts, internal strife and their direct results as referred to in Article 5.1, Section A and in paragraphs a) and b), and in Section C (armed conflict concomitant with natural or technological disasters).

The term internal disturbances (strife) according to the Article 5.2. (b) of the Agreement means “internal strife does not necessarily imply armed action but serious acts of violence over a prolonged period or a latent situation of violence, whether of political, religious, racial, social, economic or other origin, accompanied by one or more features such as: mass arrests, forced disappearances, detention for security reasons, suspension of judicial guarantees, declaration of state of emergency, declaration of martial law.’

According to this clarification, the term internal disturbance does not only include armed actions in which clashes are declared between governmental authorities and non-state actors or between groups among themselves, but also includes situations in which the violence is latent whatever its source, political, religious or ethnic. Therefore, the public authorities resort to various measures, such as mass arrests, suspension of judicial guarantees, and the spread of arrests or detentions for political or security reasons.

This definition provided by the Seville Agreement of internal disturbances is consistent with the definition provided by the jurisprudence of the International Committee of the Red Cross with regard to cases of internal disturbances and tensions together. So, this agreement has alternated between the two concepts under the term internal disturbances. As for the term direct results, it means, according to the jurisprudence of the ICRC, situations of internal tension that result either from the effects of an international or non-international armed conflict or an extension of internal disturbances, or from human suffering that requires the intervention of the International Committee of the Red Cross.

1.3 The statutes of the International Red Cross, Red Crescent Movement, and the statutes of the International Committee of the Red Cross.

The mission of the International Red Cross and Red Crescent Movement is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance.

The International Red Cross and Red Crescent Movement, the largest humanitarian network in the world consist of the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, and the National Red Cross and Red Crescent Societies.

It was not until 1928 that the International Movement of the Red Cross felt the need to establish a statute, as the decisions of the founding International Conference of 1863, as well as subsequent conferences, partially compensated for this statute. However, with the establishment of the International Association of the Red Cross in 1919, it became necessary to define the functions of the organs of the Movement. Therefore, starting in 1928, the date of the convening of the Thirteenth International Conference of the Red Cross in The Hague, it adopted its first statutes, dividing the tasks between the League of Red Cross Societies⁽¹⁹⁾ and the International Committee of the Red Cross. It entrusted the task of developing National Societies and coordinating peacetime relief operations to the League, while given the mission of safeguarding the principles of the Movement, and providing protection and assistance to the

victims of wars, civil wars and internal disturbances of the International Committee of the Red Cross, recognizing to itthe role of the impartial mediator in this field.

The Statute of 1928 defined its first amendment in 1952 during the work of the Eighteenth International Conference of the Red Cross “Toronto.” The new Statute retained in its entirety the 1928 Statute. The responsibility to preserve and protect the fundamental principles of the movement, to provide protection to the victims of armed conflicts, and internal disturbances.

In order to complete its legislative structure, the International Movement of the Red Cross and Red Crescent amend edits statute of 1952 with a new statute approved by the Twenty-fifth International Conference of the Red Cross in 1986. The new statute of the International Movement, in turn, defined two amendments in 1995⁽²⁰⁾ and 2006⁽²¹⁾.

Referring to the various texts of the Statutes of the International Red Cross and Red Crescent Movementfrom 1928 to 1986, we find that its provisions explicitly stipulated the right of humanitarian initiative exercised by the International Committee of the Red Cross duringinternal disturbances, the Article 07 of the 1928statutestipulatesthat: "The International Committee of the Red Cross (...) shall continue to be a neutral intermediary whose intervention is recognized as necessary, especially in time of war, civil war or civil strife. (...) all questions calling for examination by a specifically neutral body, shallremain the exclusive province of the International Committee of the Red Cross".

And the Article 6. 5 and 6 of the 1952 Statutes of the International Red Cross and Red Crescent Movement provided:

Article 6 (...) – 5. As a neutral institution whose human it arianworkiskarried out particularly in time of war, civil war or internal strife, [the ICRC] endeavors at all times to ensure the protection of and assistance to military and civilianvictims of such conflicts and their direct results. (...) 6. It takes any humanitarian initiative which comes with initsrole as a specifically neutral and independent institution and intermediary and considers any question requiring examination by such an institution.’

This recognized competence of the International Committee of the Red Cross in the field of internal disturbances is confirmed by the current Statutes of the International Red Cross and Red Crescent Movement, whichwereadopted by the Twenty-fifth International Conference of the Red Cross held in Geneva in October 1986 and amendedin 1995 and 2006, where Article 5. 2 (d) of this Statute provided that the role of the International Committee of the Red Cross is, in particular: “to endeavor at all times – as a neutral institution whose humanitarian work is carried out particularly in time of international and other armed conflicts or internal strife – to ensure the protection of and assistance to military and civilian victims of such events and of their direct results; ”(...) 3. The International Committeemaytakeany humanitarian initiative which comes with initsrole as a specifically neutral and independent institution and intermediary, and may consider any question requiring examination by such an institution.

On the other hand, the Statute of the International Committee of the Red Cross, adoptedin21 December2017, and came into force in1January2018, stipulates the role of the ICRC during internal disturbances and shallbe in particular according to itsArticle 4.1(d) ; - (...):to endeavour at all times – as a neutral institution whose human it aria work is carried out particularly in time of international and other armed conflicts or internal strife – to ensure the protection of and assistance to military and civilian victims of such events and of their direct results; (...)

This article came in the same wording as Article 5. 2 (d) of the Statutes of the International Red Cross and Red Crescent Movement mentioned above.

This is the role of the International Committee of the Red Cross during internal disturbances, which was initially exercised by custom and tradition and was subsequently endorsed by various resolutions of the International Conferences of the Red Cross and was confirmed by the Statutes of the International Red Cross and Red Crescent Movement and the Statutes of the International Committee of the Red Cross, laying the legal foundations for the ICRC's interventions during internal disturbances.

If situations of internal disturbances, in contrast to cases of internal tensions, are subject to explicit texts within the successive statutes of the International Red Cross, and Red Crescent Movement and the statutes of the International Committee of the Red Cross, The silence of these regimes regarding the inclusion of internal tensions does not mean excluding them from the field of humanitarian assistance they have received. In these cases, the International Committee of the Red Cross also reserves the right of humanitarian initiative. This taskfallswith in the tasks of the International Committeeoutside the scope of armedconflicts and internal disturbances, in offeringits services in these cases, the Committee relies on the provisions of Article 5, paragraph 3, of the Statutes of the International Red Cross and Red Crescent Movement, whichstipulates : “The International Committee may takeany humanitarian initiative which comes within its role as a specifically neutral and independent institution and intermediary, and may considerany question requiring examination by such an institution.”.

The International Committee of the Red Cross, in offering its services to governments that know internal tensions, according to its Article 4.2.ofitsstatutewhichstipulates:“The International Committee of the Red Cross may take any humanitarian initiative which comes within its role as a specifically neutral and independent institution and intermediary, and may consider any question requiring examination by such an institution”.

This right to humanitarian initiative during internal tensions as customary action was also confirmed by the previous texts of the Statutes of the International Red Cross and Red Crescent Movement ⁽²²⁾, and the Statutes of the International Committee of the Red Cross (ICRC)⁽²³⁾.

Thanks to the principles of independence and neutrality, recognized by the International Committee of the Red Cross, it was able to offer its services to countries that knew such cases. Considering internal tensions as the lowest degree of internal confrontations that often involve clashes with police or the army. It entails that the public author itiestakemeasures such as mass arrests, suspending judicialguarantees, inhumane treatment of people and other human rights violations that cause severe human suffering and require the intervention of an organization such as the International Committee of the Red Cross (ICRC)⁽²⁴⁾.

The ICRC has exercisedits right to humanitarian intervention in the majority of situations of internal disturbances and tensions throughout the world, such as Haiti, Argentina, the Philippines, Chile, Malawi, Ethiopia, Yemen, Syria and Libya. It has saved countless lives and prevented serious human rights violations without beingprejudicial in the internal affairs of countries. The countries participating in the adoption of the Statutes of the International Red Cross and Red Crescent Movement, which are the same as the parties of the Geneva Conventions of 1949, that is, the majority of the countries of the world, pledged, by expressing opinion and voting on these regulations. they are about respect at all times the commitment of

the International Committee of the Red Cross to act in accordance with the principles of The Humanity of the Movement ⁽²⁵⁾.

The Nature of the Services provided by the International Committee of the Red Cross during internal disturbances and Tensions.

The International Committee of the Red Cross, through its delegates and in cooperation with the National Red Cross and Red Crescent Societies, carries out many humanitarian tasks during armed conflicts. It is primarily defined by the provisions of the Geneva Conventions of 1949 and the Additional Protocols of 1977⁽²⁶⁾.

Although situations of internal disturbances and tensions are explicitly excluded by the texts of international human Italian law, this exclusion did not prevent the International Committee of the Red Cross from carrying out tasks that are not fundamentally different from those provided during internal armed conflicts in order to protect and assist the victims of such situations. It is within the scope of what is called today the protection not derived from the provisions of the Geneva Conventions and their Additional Protocols.

The International Committee of the Red Cross, in the event of internal disturbances or tensions or another situation requires carrying out humanitarian action. It has the right to consider taking humanitarian initiatives based on the texts of its statute, and the statute of the International Red Cross and Red Crescent Movement, as well as the resolutions of international conferences of the Red Cross. Its services for government's achieved without interference in their internal affairs or violating their sovereignty.

These humanitarian initiatives were manifested through carrying out many activities, mainly visiting political detainees (2.1), protecting civilians from acts of internal violence (2.2), and providing food and medical assistance (2.3)

2.1 The visits to political prisoners.

Outside the functions provided for by the international humanitarian law, the ICRC may take initiatives before governments to visit persons deprived of their liberty, as a result of internal disturbances or tensions, in order to improve conditions of arrest or detention.

Visiting places of detentions the traditional activity of the International Committee of the Red Cross during situations of internal disturbances and tensions, and this activity was approved by many countries. It is practiced through their delegates starting in 1919 on the occasion of visiting political prisoners in Russia and Hungary.

The ICRC uses the term "political detainees" to distinguish between its interventions deriving from and those outside the international humanitarian law. The 1981 Annual Report of the International Committee made it clear that the uses of the term "political detainees" is only for simplification, and does not claim to prejudge the situation of detainees in the context of internal disturbances or tensions ⁽²⁷⁾.

These arrested persons are either political detainees, they are subject to disciplinary or preventive arrest, or detained because of their relationship to cases of internal violence, or they are a mixture of people who were arbitrarily arrested during campaigns that they usually resort to countries during situations of internal disturbances and tensions.

In this context, the ICRC provides its services by concluding agreements with the arresting or detaining authority to visit persons deprived of their liberty for security reasons, thanks to the wide international recognition of the ICRC's right to visit persons detained due to acts of internal violence, as a humanitarian organization independent, neutral and impartial⁽²⁸⁾.

By visiting these detainees, the ICRC seeks to ensure that they receive human treatment in all cases and respect for their basic rights. It is, thus, particularly concerned with the conditions of detention in terms of health and psychological conditions of these detainees. Thus, avoiding the occurrence of cases of torture and other forms of ill-treatment, enforced disappearance or execution without trial or ignoring judicial guarantees⁽²⁹⁾.

The International Committee of the Red Cross, after being authorized to do so, shall visit different categories of detainees, without any differentiation between those persons involved in acts of internal violence. The Committee shall:

- Meet detainees and visit places of detention,
- Prepare lists of the names of detainees and persons whom the committee deems to fall within its mandate, after the authorities of the country have given it permission.
- Possibility of re-visiting detainees after being authorized by the state authorities.
- Tracking cases of some detainees and detainees individually,
- Informing it, by the state authorities, of new arrests, cases of transferring detainees to other places, and cases that require special attention in hospitals.

After the International Committee of the Red Cross examines, through its delegates, the conditions of arrest or detention, they transfer the observed humanitarian problem related mainly to the conditions of detention and incidents of torture and inhuman or degrading treatment to the official of the detention institution or prison to study the means to solve them.

In the event that the authority of the state responsible for the detention institutions is unable to urgently improve the humanitarian conditions of the detainees, The International Committee of the Red Cross intervenes to offer its services, which are mainly to improve the deteriorating conditions of detention, often caused by the limited prison budget and the provision of food and medical care. These services are also manifested by improving the psychological conditions of detainees by enabling the exchange of messages between them and their families. They may reach the point of transferring family members to visit their relatives deprived of their freedom⁽³⁰⁾.

Within the framework of the visits carried out by the International Committee of the Red Cross to political detainees, it managed during 2015 to visit 540,669 detainees in 1,744 places of detention, including 26,609 detainees. The ICRC monitored individually the conditions in countries such as Myanmar, Nigeria, Somalia, Ethiopia and Bahrain⁽³¹⁾. These visits helped to hold secret meetings with detainees, ensure that they receive human treatment and improve conditions of detention.

In Libya, which has been wracked by internal violence so far, the International Committee of the Red Cross conducted 81 visits in 2013 to 41 different places of detention, where about 13,622 people, including 5686 migrants, are detained in 14 centers. The ICRC registered and monitored 280 detainees individually. During its visit, the Committee enabled detainees to communicate by phone with their family members, and also enabled foreign detainees to inform representatives of their embassies. The ICRC provided assistance to 4

prisons with improvements to the water and sewage networks, which benefited more than 2,100 detainees⁽³²⁾.

In Yemen, in 2018, the International Committee of the Red Cross visited about 1,346 detainees in 15 places of detention, improving their living conditions and enabling them to obtain clean water.

The visits of the International Committee of the Red Cross end with the preparation of reports in which the delegates of the ICRC reflect the humanitarian problems that have been monitored inside prisons or institutions of detention. They ask for measures to be taken to solve problems that they are submitted to the authorities of the country. The rule is that these reports are confidential and not subject to publication, unless the authorities themselves publish part of them, in which case the International Committee of the Red Cross reserves the right to publish the report in its entirety⁽³³⁾.

2.2 The protection of civilians from acts of internal violence.

During situations of internal disturbances and tensions, civilians are exposed to terrible human problems, whether they are individually children, women and the elderly, or as a group of minorities or indigenous people. These civilians are no longer just victims of internal violence, but have become the preferred political targets and means of the various conflicting forces, whether they are public authorities (police forces or army), or non-governmental groups (militias, armed groups, and death squads). The killing, kidnapping, looting, rape, displacement of the population and endangering their lives, denying them access to food and water are some of the serious violations that harm civilians during internal disturbances and tensions.

Acts of internal violence may take an intangible character, such as intimidation, harassment, which regardless of their direct impact on civilian victims, it creates a state of panic and fear in the community⁽³⁴⁾. If the provisions of international humanitarian law recognize the principle of the immunity of the civilian population during armed conflicts, people who do not take part in hostilities may in no case be attacked. The International Committee of the Red Cross, through its practice, sought to confer the same protection on victims of disturbances and internal tensions, by reminding the state authorities of their responsibility and duties towards the civilian population. As well as reminding all parties concerned with acts of violence, whether they are government forces, armed rebel groups, paramilitary forces of the provisions of international humanitarian law and the basic humanitarian principles. The weakness of the protection of the civilian population, according to the opinion of the International Committee of the Red Cross, whether during armed conflicts or during acts of internal violence, is not due to the lack of legal rules regulating this protection contained in the provisions of international humanitarian law, and international human rights law, but rather to the lack of respect for these rules by the conflicting parties, whether governmental or non-governmental.

The International Committee of the Red Cross intervenes to provide various humanitarian assistance to people affected by acts of internal violence without any discrimination based on gender, color, race or religion.

The ICRC also draws the attention of the conflicting forces to the mined areas, and reunites the separated families who have been separated as a result of the violence, by knowing their whereabouts and providing the opportunity to communicate with their relatives. The ICRC works hard to encourage the conflicting parties to conclude agreements in order to guarantee essential rights for the civilian population.

In the face of the exacerbation of the phenomenon of internal disturbances and tensions at the beginning of the twenty-first century, the suffering of the civilian population of men, women, children and displaced persons continues in countries such as the Central African Republic, Colombia, Somalia, Syria, Libya and Yemen. Regardless of the loss of their property and livelihood, they are constantly exposed to physical and sexual attacks. So, thousands of civilians remain mainly dependent on humanitarian aid provided by the International Committee of the Red Cross.

The biggest challenge faced by the ICRC was the crises in Libya, Syria and Yemen, especially after the situation of violence escalated into an internal armed conflict. The ensuing impact on civilians, hundreds of thousands of people were killed or injured, tens of thousands more were detained, and millions of people were displaced and separated from their family. Despite the many field constraints faced by the International Committee of the Red Cross, with the help of the Red Crescent of those countries, it was able to reach hundreds of thousands of affected people, especially the internally displaced. It provides them with various humanitarian supplies, mainly food, drink, and services to restore family links to the displaced population.

2.3 Providing food and medical aid.

During situations of internal disturbances and tensions, the International Committee of the Red Cross provides food and medicines to preserve the lives of the population, to alleviate their suffering and to avoid the consequences of diseases, epidemics and food alarms.

The ICRC, through its health unit, provides basic, preventive and curative health care. So, it provides assistance to local health services. In the absence of them, it can replace them temporarily, in order to reduce the death rate, suffering and disabilities that result from non-health services.

Relevance health needs during situations of internal disturbances and tensions range from medicines, medical equipment, assistance to medical and surgical teams, training of local medical personnel, to construction and support of medical facilities. The relief provided by the International Committee of the Red Cross continues even after the fire of internal violence has been extinguished, through the process of rehabilitating and reforming health systems, which is a necessary matter that requires certain field experience. For example, in 2018, more than 10 million people around the world in countries such as Mali, Nigeria, Libya, Yemen and Iraq. The ICRC sent surgical teams to help treat thousands of people in internal disturbances. The ICRC has also organized training courses on weapon trauma surgery, trained doctors in trauma treatment in emergency departments, and first aid training. Through the health-care service, the ICRC provides medical supplies, healing materials and vaccines to hospitals and campaigns to combat infectious diseases, especially in refugee camps⁽³⁵⁾.

The ICRC distributes food, especially to the civilian population and the displaced, basic household and personal hygiene items, and works to provide safe drinking water and sanitation facilities.

There is no doubt that this food and medical aid are essential in countries torn by situations of internal disturbances or tensions. People are in urgent need to meet their humanitarian requirements resulting from malnutrition, epidemics and poor health care. However, the provision of these supplies and aid remains suspended, provided that the state authorities agree to their entry. Therefore, the main challenge for the work of the Committee of the Red Cross lies in persuading the authorities of the country to allow them to deliver these supplies and aid.

Conclusion

The phenomenon of internal disturbances and tensions was and still is a matter of concern of the International Committee of the Red Cross. Although it has made efforts to include these cases within the international protection established for internal armed conflicts on discussions of the majority of the international conferences it organized without succeeding in achieving this goal. May the main reason for this be due to the refusal of the majority of countries to extend the rules of international humanitarian law to cases of internal violence, so that the scope of its application does not include all acts committed by force such as uprisings, rebellions, chaos and isolated and sporadic acts of violence, considering them to be at the heart of internal affairs that dealt with national legislation.

As a result, the Common (3) third Article of the Geneva Conventions, and later the Second Additional Protocol of 1977, have excluded situations of internal disturbances and tensions from the field of international regulation, to be dealt with through internal laws and the provisions of international human rights law.

This consensual exclusion of situations of internal disturbances and tensions from the field of international humanitarian law did not constitute an obstacle to the ICRC's exercise of its right to humanitarian initiative for the benefit of the people in these situations. The ICRC began to provide its services in the period between the two World Wars, in an occasional way and clearly after the Second World War, especially after the emergence of the liberation movements. It is the changing nature of conflicts and their growing scale that has made it imperative for the International Committee of the Red Cross to be present in places of violence and to intervene to alleviate human pain and suffering.

The ICRC offered its services whenever it has considered that its legal status as a neutral and independent mediator could contribute to solving humanitarian problems. These services, which were at first occasional and sporadic, have become a custom in the actions undertaken by the ICRC.

Affirming the ICRC's competence during situations of internal disturbances and tensions, the International Conferences of the Red Cross have adopted a number of important resolutions to support these customary interventions. These activities were later embodied in the various texts of the Statutes of the International Movement of the Red Cross and Red Crescent, as well as the Statutes of the International Committee of the Red Cross, together, these pillars constitute the legal foundations for the ICRC's initiatives in cases of internal disturbances and tensions, that allowed it to offer its services to countries without any interference in their internal affairs or a violation of their sovereignty.

Through its humanitarian initiatives during situations of internal disturbances and tensions, The ICRC has been keen to provide a range of services that do not differ in essence from those it provides during armed conflicts, the ICRC paid special attention to political detainees, provided protection to the civilian population, cared for the fate of the missing people, and worked on providing health care, food and water.

The ICRC deserves, without a doubt, the role of the lead agency during internal disturbances and tensions, as it is a unique institution that seeks to achieve a measure of humanity on purely humanitarian grounds.

Margins

- 1-Pictet, Jean, "A Unique institution of its genre: The International Committee of the Red Cross", Editions of the Institute of Henry Dunant in. pédone, 1985, p.7.
- 2- It became bearing this designation starting in 1876, see Pictet Jean, op.cit., pp. 8.9.
- 3-See the preamble to the 1986 Statutes of the International Red Cross and Red Crescent Movement.
- 4- Saad Allah, Omar. "The Evolution of the Codification of International Humanitarian Law", Dar Al-Arab Al-Islami, first edition, 1997, pp. 13-14.
- 5-See Common Article 9 of the First, Second and Third Geneva Conventions, Article 10 of the Fourth Geneva Convention of 1949, and Article 81 of Additional Protocol I of 1977.
- 6-See the text of Article 5 (2) and (3) of the Seville Agreement Regulating the International Activities of the Elements of the International Red Cross Movement, adopted by the Council of Delegates between 25/27 November 1997 in the International Review of the Red Cross No. 322, November 1997.
- 7-Moreillon, Jacques, " The International Committee of the Red Cross and the protection of political detainees. The activities of ICRC in favour of people des personnes affected in their countries during situations of internal disturbances and tensions", Lausanne, l'Age 'Homme, 1973, p.34.'
- 8-Dixième conférence internationale de la Croix-Rouge (Genève 1921), Guerre Civile: "Principes généraux: I, la Croix-Rouge qui est au dessus de toutes compétitions politiques, sociales, de confessions, de races, de affirmer et classes de nations, son droit et son devoir d'action secourable en cas de guerre civile, de troubles sociaux et revolutionaries", (Texte reproduit dans CICR, ligue des société de la Croix-Rouge, Genève 13ème editions, 1994, p. 804).
- 9-Provided that the International Committee of the Red Cross obtains the prior consent of the legitimate government to exercise its right to intervene.
- 10-Sixth international conference of the Red Cross, London, June 20-24th, 1938.
- 11-Common Article 3 of the Geneva Conventions of 1949 states, "An impartial humanitarian body such as the International Committee of the Red Cross may render its services to the parties to the conflict."
- 12-Moreillon, Jacques, "The International Committee of the Red Cross and the protection of political detainees", op.cit., p. 39.
- 13- Marion, Harroff Tafel. "Actions by the International Committee of the Red Cross regarding the commission of acts of violence within the country", International Review of the Red Cross, No. 31 May / June, 1993, p. 162.
- 14- See section III, "Regular organs" (Articles 8-11) of the Statutes of the International Red Cross and Red Crescent Movement adopted by the Twenty-fifth International Conference of the Red Cross in Geneva in 1986. In the Handbook of the International Red Cross and Red Crescent Movement, Geneva, ICRC For the Red Cross and the International Federation of Red Cross and Red Crescent Societies, 13th ed., 1994, pp. 436-437.
- 15-The International Conference took on the designation of the International Conference of the Red Cross and Red Crescent beginning on November 8, 1986.
- 16-Perruchoud Richard, " The international conferences resolution of the red cross", Geneve, Institute of Henry Dunant. 1979, p. 469.
- 17-Bugnion François, " The International Committee of the Red Cross and the Red Crescent: Challenges, roles, and realizqtions", International journal of the Red Cross, n° 876, 2009.

- 18-Seville Agreement on the Regulation of the International Activities of the Components of the International Red Cross and Red Crescent Movement, op.cit.
- 19-The League of Red Cross and Red Crescent Societies took the name in 1983, then the name of the International Federation of Red Cross and Red Crescent Societies since 1991.
- 20-The Statutes of the International Red Cross and Red Crescent Movement for the year 1986 were amended during the twenty-sixth International Conference of the Red Cross and Red Crescent held in Geneva in 1995.
- 21-The Statutes of the International Red Cross and Red Crescent Movement defined a second amendment during the convening of the Twenty-ninth International Conference of the Red Cross and Red Crescent in Geneva in 2006.
- 22-See the Article 7(2) of the 1928 Statutes of the International Red Cross and Red Crescent Movement and Article 6(d) of the 1952 Statutes of the Movement.
- 23-See the Article 4(2) of the Statute of the International Committee of the Red Cross 1973, as amended in 1998, 2003 and 2013.
- 24-"Activities of protection and assistance ICRC in non-covered situations by international humanitarian law, ICRC. International Journal of The Red Cross, n° 769, January–february 1988, p. 14.
- 25-See the Article 2(4) of the 1986 Statutes of the International Red Cross and Red Crescent Movement.
- 26-See Articles 123 and 126 of the Third Geneva Convention, Articles 59, 61, 76, 140 and 143 of the Fourth Geneva Convention, and Article 3 common to the Geneva Conventions of 1949.
- 27-See the annual report of the International Committee of the Red Cross for the year 1981 p.6
- 28- Marion, Harroff-Tafel. "Actions of the International Committee of the Red Cross regarding the commission of acts of violence within the country", International Review of the Red Cross, May - June 1993, n° 801, p.215.
- 29-Bejic, Jelena. "Procedural Principles and Safe guards Relating to Internment and Administrative Internment in Armed Conflict and Other Situations of Internal Violence," Selections from the International Review of the Red Cross, 2005, pp. 176-179.
- 30-"Activities of protection and assistance of ICRC in non-covered situations non by international humanitarian law", op.cit., pp. 19-20.
- 31-See the 2015 Annual Report of the International Committee of the Red Cross, pp. 32-33.
- 32-See the 2013 annual report of the International Committee of the Red Cross, pp. 65-66.
- 33-Marion Harroff-Tafel, "Actions Taken by the International Committee of the Red Cross in Concerning the Perpetration of Acts of Violence within the Country," op. cit., p. 175.
- 34- "Activities of protection and assistance of ICRC", op.cit., pp. 22-23.
- 35-The annual report of the International Committee of the Red Cross for 2018.