

WASHINGTON (regional)

COVERING: Canada, United States of America, Organization of American States



ICRC / AR, 2011
 ⊕ ICRC regional delegation ⊕ ICRC delegation

Established in 1995, the Washington regional delegation engages in a regular dialogue on IHL and issues of humanitarian concern with government officials and bodies, academic institutions and other interested groups in Canada and the United States of America. The delegation heightens awareness of the ICRC's mandate, mobilizes political and financial support for ICRC activities and secures support for IHL implementation. It visits people held at the US internment facility at Guantanamo Bay Naval Station, Cuba. It works closely with the American and Canadian Red Cross Societies, focusing on their international activities and the promotion of IHL.

CONTEXT

The year 2011 was marked by the withdrawal of US forces from Iraq, ongoing operations in Afghanistan and involvement in the NATO military intervention in Libya. Increased US reliance on drones was observed in various contexts, such as Pakistan, Somalia and Yemen. By the end of the year, the announced US troop withdrawal from Afghanistan had gained pace.

In March, President Barack Obama issued an Executive Order to address the situation of people detained in the US internment facility at Guantanamo Bay Naval Station in Cuba. It provided a framework for periodic review of their status, including access to a review board for some of the internees. At the end of the year, the president signed the National Defense Authorization Act, reconfirming the right to place members of the armed opposition and "associated forces" in military detention.

In Canada, May elections resulted in a majority for the incumbent government. By autumn 2011, all remaining Canadian combat troops had left Afghanistan.

EXPENDITURE (IN KCHF)

Protection	2,218
Assistance	361
Prevention	3,174
Cooperation with National Societies	751
General	-

► **6,504**

of which: Overheads 397

IMPLEMENTATION RATE

Expenditure/yearly budget	84%
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PERSONNEL

Expatriates	13
National staff (daily workers not included)	21

KEY POINTS

In 2011, the ICRC:

- during visits to check their treatment and living conditions, enabled people held in US custody at Guantanamo Bay Naval Station in Cuba and on a US Navy vessel to contact their families, including through video calls
- engaged in dialogue with top-level US military and government circles, including with US Special Operations Command, which also involved discussions with US and Canadian armed forces on the conduct of hostilities
- strengthened contacts with political and civil society networks to familiarize North American audiences with ICRC operations and legal and policy positions
- established a social media presence, including through the launch of the ICRC blog Intercross, opening new avenues for the ICRC to inform and engage with law and policy audiences
- raised awareness of the concerns encompassed by its forthcoming Health Care in Danger campaign by partnering with US authorities and initiating dialogue with the Canadian authorities, and Canadian and US civil society
- provided input relating to IHL, rules governing the use of force and humanitarian issues to declarations and resolutions adopted by the Organization of American States

ICRC ACTION AND RESULTS

The Washington regional delegation maintained its focus on activities for people held in the Guantanamo Bay internment facility. These included services to help the internees maintain family contact via RCMs and telephone and video calls. The ICRC encouraged US authorities to consider allowing the internees to receive family visits. In its dialogue with the US authorities on detention policy, it emphasized the need to determine the status and rights of individual internees/detainees and to ensure that they fitted within a proper legal framework. In so doing, the ICRC provided input to the US government review of the situation of people held at Guantanamo Bay and for the ongoing transfer of detainees from US custody to national authorities in Afghanistan and Iraq.

The protection of civilians in military operations remained a central theme of the ICRC's dialogue with the authorities, especially the Department of Defense, and more recently with the Central Intelligence Agency and the National Security Council. Discussions were broadened with Central Command to include the risks posed to civilians by ongoing military operations in Pakistan and Yemen and were extended to Special Operations Command Central. To ensure military planners and decision-makers took account of its role and humanitarian concerns, the ICRC remained involved in mission military rehearsal exercises

Main figures and indicators	PROTECTION	Total		
CIVILIANS (residents, IDPs, returnees, etc.)				
Red Cross messages (RCMs)				
Phone calls facilitated between family members ¹		712	UAMs/SCs*	
Tracing requests, including cases of missing persons				
People located (tracing cases closed positively)		3	UAMs/SCs*	
	<i>including people for whom tracing requests were registered by another delegation</i>	3		
Documents				
People to whom travel documents were issued		1		
PEOPLE DEPRIVED OF THEIR FREEDOM (All categories/all statuses)				
ICRC visits				
			Women	Minors
Detainees visited		174		
Detainees visited and monitored individually		169		
Detainees newly registered		2		
Number of visits carried out		7		
Number of places of detention visited		2		
Restoring family links				
RCMs collected		3,741		
RCMs distributed		2,058		
Phone calls made to families to inform them of the whereabouts of a detained relative		422		
People to whom a detention attestation was issued		1		

* Unaccompanied minors/separated children

1. Phone or video calls between people held in the Guantanamo Bay internment facility and their families abroad

and gave briefings to Canadian and US staff, for example from the Army Judge Advocate General's (JAG) School, prior to their deployment to Afghanistan.

ICRC activities and working methods formed the substance of briefings provided to US political and military authorities by members of the Washington delegation, visiting ICRC delegates from the field and staff from the organization's headquarters in Geneva, Switzerland. These personalized briefings contributed to maintaining US support and funding for ICRC operations worldwide. By organizing field visits for congressional staff, the ICRC aimed to give them first-hand insights into the humanitarian issues at stake and the ICRC's response.

In parallel, the Washington delegation continued to widen its network of contacts in the Canadian and US law and policy systems connecting government, NGOs, media, think-tanks and universities and to engage them in a substantive dialogue on a broad spectrum of IHL-related and humanitarian topics. In September, it launched an ICRC blog to create a forum for discussion on IHL-related and humanitarian issues.

Efforts to confirm the ICRC as a reference organization on IHL resulted in numerous invitations for the delegation to take part in government and civil society discussion panels on a range of issues, such as direct participation in hostilities and humanitarian action. This led to lively interaction with a widening network of political, military and civil society circles, including partnerships with key think-tanks and universities, and, at the regional level, with the Washington-based Organization of American States (OAS), which reflected the ICRC's viewpoints in its declarations.

Cooperation continued with the American and Canadian Red Cross Societies, focusing mainly on a consistent approach to the media and broad IHL promotion as well as developing the strategic partnership with the Canadian Red Cross.

CIVILIANS

The importance of conducting hostilities according to IHL rules to minimize any harm caused to civilians remained at the core of in-depth dialogue between the ICRC and US authorities and senior military personnel at the Pentagon and Central Command

levels, both in the United States of America and in the field. Contact between Central Command and the ICRC increased beyond formal bi-annual meetings, focusing on the risks faced by civilians during military operations, including in Pakistan and Yemen, and the increasing activity of local militias in Afghanistan. These discussions were backed by predeployment briefings for the US military on IHL and the ICRC's concerns and mandate (see *Armed forces and other bearers of weapons*).

After the launch of the Health Care in Danger project in August 2011, US-based civil society and academia worked with the ICRC to establish partnerships to raise broad awareness of the concerns encompassed by the project. In addition, following consultations with both the Department of Defense and the Department of State, the US government agreed to co-host an expert workshop the following year on "Military Training and Operational Orders", which is a project component.

Discussions were pursued with other US governmental agencies on the conduct of hostilities.

PEOPLE DEPRIVED OF THEIR FREEDOM

By the end of the year, 171 people remained in US custody at the Guantanamo Bay internment facility. They included internees who had been cleared for release and transfer by an Inter-Agency Task Force, but for whom no suitable host country had yet been found or whom the US authorities found it difficult to transfer to their home countries because of the stringent requirements of the National Defense Authorization Act. The Executive Order of March 2011 created a framework for certain internees to have their cases periodically reviewed, including through access to a review board. The authorities received ICRC recommendations regarding the drafting of implementing guidelines for the review board, which, however, did not commence its work in 2011.

The internees continued to receive visits from ICRC delegates, according to the organization's standard procedures, in order to check that their treatment and living conditions complied with internationally recognized standards. The delegates provided the detaining authorities with confidential feedback. The authorities regularly drew on ICRC medical expertise to ensure the provision of appropriate health care to internees.

Many of the internees significantly improved family contacts. The frequency of ICRC-facilitated phone calls or video calls between most of the internees and their relatives in 22 countries increased from four calls per detainee in 2010 to six calls per detainee in 2011. Delegates continued to relay written and oral messages between the internees and their families abroad. After an encouraging start, the dialogue with the authorities on the possibility of introducing family visits for internees stalled, and at the end of the year prospects for such visits remained uncertain.

In compliance with their procedures, the US authorities notified the ICRC of the detention of and granted delegates access to two people held on board a US Navy vessel in the Gulf of Aden. Additionally, the ICRC sought access to three people formerly detained by the Department of Defense and transferred to the Department of Justice for prosecution.

The transfer of detainees from US custody to detention by national authorities was completed in Iraq and continued at a slow pace in Afghanistan. In their regular dialogue with the ICRC, the US authorities were encouraged to ensure proper follow-up of the rights of people who had been transferred, including their judicial guarantees. As part of these discussions, representatives of all key government agencies, including the Ministry of Justice, attended an ICRC-convened round-table at which they shared views on the transition process, the respective responsibilities of the US and the national authorities, and post-transfer monitoring of detainees.

The US authorities shared with the ICRC information regarding people for whom the ICRC had allegations of detention dating from the beginning of the wars in Afghanistan and Iraq.

AUTHORITIES

Dialogue with a broad network of political decision-makers helped promote respect for IHL, highlight humanitarian concerns and garner support for the ICRC's neutral, impartial and independent humanitarian action. In several hundred meetings, representatives of the Departments of State, Defense, Homeland Security and Justice, the National Security Council, intelligence services and Congress discussed with the ICRC detention matters, the conduct of hostilities and attendant risks faced by civilians, as in Afghanistan, and the geographical scope of IHL applicability. Government and security agencies and the broader law and policy system used the ICRC's input to review US policies on detention, anti-personnel landmines and weapon treaties. The Canadian and US authorities and ICRC representatives broadened their dialogue on direct participation in hostilities and IHL ahead of the 31st International Conference of the Red Cross and Red Crescent.

US Congress members and staff witnessed ICRC action during ICRC-organized field trips to Colombia and the Democratic Republic of the Congo and discussed IHL- and detention-related matters in some 130 meetings. In addition, displacement, the vulnerability of women in conflict, and humanitarian concerns in Mexico and Pakistan were highlighted.

In Canada, official investigations into the treatment of Afghan detainees by Canadian forces were followed closely by the ICRC.

IHL promoted throughout the Americas

The OAS and its various bodies and related entities drew on ICRC input year-round, including in drafting resolutions adopted by

the OAS General Assembly regarding the responsibility of States to provide humanitarian assistance, to address the issue of missing persons, and to assist IDPs. An IHL-related resolution created new mechanisms to involve member States' national IHL committees in OAS work, and to strengthen synergy among such committees. The Committee on Juridical and Political Affairs organized a Special Session and its annual IHL course for OAS officials, while the Inter-American Juridical Committee prepared model legislation to implement the Rome Statute and to protect cultural property in armed conflict. OAS public security ministers held their biannual conference in Trinidad and Tobago (see *Caracas*).

Members of the Inter-American Commission on Human Rights expanded their forensic knowledge during a workshop co-sponsored by the ICRC in Washington DC, enabling them to better respond to petitions regarding cases of human rights violations.

ARMED FORCES AND OTHER BEARERS OF WEAPONS

The US military and the ICRC developed their relationship, with increased high-level dialogue with the Department of Defense and selected combatant commands. The Office of the Secretary of Defense for Policy facilitated dialogue between ICRC field staff and relevant geographic departments. Their interaction increased with a second meeting with the Chairman of the Joint Chiefs of Staff in December. A designated Joint Staff contact enabled the ICRC to communicate rapidly on humanitarian issues, as tested during the operation in Libya.

Predeployment briefings on the ICRC's role and mandate were held, *inter alia*: for the Army JAG School and the Pentagon; for US personnel deploying to Afghanistan, during joint mission rehearsal exercises; for the last contingent of the Canadian Joint Task Force Afghanistan; and, for the first time, for a Marine Expeditionary Unit preparing for joint global deployments at sea.

Interaction with US Special Operations Forces was further substantiated through briefings on Afghanistan and Yemen for Special Operations Command and a first contact with Headquarters Special Operations Command Central. Relations developed with combatant commands, notably through a high-level exchange with US Central Command on future trends in conflict, and three official visits to US Southern Command.

Military education institutions, such as the National Defense University's War College and the Joint Forces Staff College, and specialized bodies, such as the World Detention Conference, drew on ICRC input, as did regular events of the Army and Air War Colleges and Marine Corps University. Contacts with US land forces at Fort Leavenworth were renewed through the new Mission Command Center. The US Army Military Police School captains' career courses requested regular ICRC participation, and the Canadian Forces interrogators' course included a second ICRC briefing.

The Army War College's Peacekeeping & Stability Operations Institute and the Combined Arms Doctrine Directorate used ICRC input for a doctrine handbook on the mitigation of civilian casualties and for a revised publication on stability operations.

The largest US military daily published an editorial on humanitarian action co-drafted by the ICRC.

CIVIL SOCIETY

North American law and policy audiences kept abreast of ICRC and humanitarian matters via the Intercross blog, launched in September, and an electronic newsletter.

Partnerships with top universities, in addition to the US Army JAG Legal Center and School, resulted in courses on IHL and humanitarian topics being held for law lecturers, national security scholars, law students and government personnel. IHL-related issues were debated with US authorities and civil society at roundtables hosted by the American Society of International Law.

Similarly, the civil-military and integrated education and training working groups hosted by the US Institute of Peace explored humanitarian issues with the ICRC, as did the Brookings project on IDPs in Azerbaijan and Colombia.

ICRC participation in high-profile events held by Harvard University and Tufts University helped strengthen relations with academics and humanitarian practitioners. Academics and experts from NGOs, think-tanks and government discussed humanitarian trends at monthly meetings convened by George Washington University, the Brookings Institution and the ICRC.

More than 8,000 people visited the “Our World at War” photo exhibition and associated events, organized with the American Red Cross in Houston and Miami.

Over 2,000 ICRC publications were distributed, as were IHL study materials, mostly in electronic form.

RED CROSS AND RED CRESCENT MOVEMENT

The American and Canadian Red Cross Societies worked with the ICRC to promote IHL and highlight humanitarian concerns and contributed significantly to the Movement’s 2011 International Conference.

With ICRC funding, based on the Exploring Humanitarian Law programme, the two National Societies developed materials on Canadian and US conflicts to highlight IHL principles. The American Red Cross surveyed public opinion on IHL in its campaign to mark the 150th anniversary of the US civil war and through dissemination activities, using ICRC-provided publications.

In Canada, government officials, civil society experts and students participated in an IHL seminar co-hosted by the National Society and the University of Ottawa.