

# WASHINGTON (regional)

COVERING: Canada, United States of America, Organization of American States (OAS)



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 and priorities within the OAS. It 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 in Cuba. It works closely with the American Red Cross and the Canadian Red Cross Society.

## KEY RESULTS/CONSTRAINTS

### In 2013:

- ▶ civilian and military authorities from Canada and the United States of America (hereafter US), including US President Barack Obama, expressed interest in humanitarian issues and support for ICRC operations in key contexts
- ▶ despite constraints during a protest, people held at the US internment facility at Guantanamo Bay Naval Station in Cuba continued receiving ICRC visits to monitor their treatment and living conditions and contacting their families
- ▶ US policy-makers received recommendations on: improving family contact for the Guantanamo internees; *non-refoulement* considerations during transfers; the applicable legal framework; and issues related to medical ethics
- ▶ vulnerable migrants in the US re-established/maintained contact with their families through phone call stations set up by the American Red Cross at key transit points along the US border with Mexico
- ▶ at an international workshop co-organized with the Canadian Red Cross Society, experts examined ways to strengthen the protection of health facilities in armed conflict and other emergencies
- ▶ Canadian and US armed forces, including units deploying to Guantanamo Bay and participants in a major Canadian military training exercise, increased their awareness of IHL norms, humanitarian issues and the ICRC's mandate

## EXPENDITURE (in KCHF)

Protection	2,169
Assistance	266
Prevention	3,277
Cooperation with National Societies	637
General	29

**6,376**

of which: Overheads 389

## IMPLEMENTATION RATE

Expenditure/yearly budget	<b>93%</b>
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## PERSONNEL

Mobile staff	10
Resident staff (daily workers not included)	27

## YEARLY RESULT

Level of achievement of ICRC yearly objectives/plans of action

**HIGH**

PROTECTION	Total
<b>CIVILIANS (residents, IDPs, returnees, etc.)</b>	
Red Cross messages (RCMs)	
Phone calls facilitated between family members	603
<b>PEOPLE DEPRIVED OF THEIR FREEDOM (All categories/all statuses)</b>	
ICRC visits	
Detainees visited	166
Detainees visited and monitored individually	140
Number of visits carried out	8
Number of places of detention visited	1
Restoring family links	
RCMs collected	1,318
RCMs distributed	929
Phone calls made to families to inform them of the whereabouts of a detained relative	134

## CONTEXT

On 21 January, Barack Obama was inaugurated for his second term as president of the United States of America (hereafter US).

Over 100 internees at the US internment facility at Guantanamo Bay Naval Station in Cuba staged a hunger strike to protest the lack of clarity about the status of their cases and their fate. In response, President Obama called on Congress to ease restrictions on transfers of internees from Guantanamo Bay and lifted a moratorium on transfers to Yemen that had been in effect since 2010. Two special envoys were appointed to speed up the facility's closure and, after initial delays, the periodic review board created in 2011 started holding hearings to review the internees' cases.

The use of remotely piloted aircraft, particularly in Afghanistan, Pakistan, Somalia and Yemen, remained a significant feature of the continuing shift in the US's global defence posture. As part of the ongoing transformation of its armed forces' role in Afghanistan, the US further reduced its military presence in the country to approximately 34,000 troops by the end of 2013. The handover of the detention facility in Parwan to the Afghan Ministry of Defence was finalized in March.

Canada's contribution to the international military operations in Afghanistan entered its last full year in 2013. The Canadian government reaffirmed its interest in contributing to efforts to address the humanitarian consequences of crises in key contexts, such as South Sudan.

## ICRC ACTION AND RESULTS

Considering the country's prominent role in international affairs, the ICRC maintained its dialogue with the US authorities, which included meetings with President Barack Obama and other high-level officials. The protection of civilians during military operations and the humanitarian response in key contexts worldwide remained the main topics of discussion; policy-makers were encouraged to take into account humanitarian issues and to support ICRC activities. Similar contacts were developed with representatives of the Canadian government.

Discussions with senior military commanders underscored humanitarian concerns in their respective areas of responsibility, including issues related to the ongoing transformation of the US armed forces' role in Afghanistan (see *Context*). Through briefings conducted for Canadian and US troops, including military police units deploying to the Guantanamo Bay internment facility as guards, and IHL input provided for training exercises, the ICRC helped raise their awareness of IHL norms, humanitarian issues and the ICRC's role and mandate. Such efforts helped promote IHL compliance and contributed to acceptance of the ICRC's neutral, impartial and independent humanitarian action.

In discussions with key decision-makers, the ICRC reiterated specific concerns related to the current situation of people held at the Guantanamo Bay facility. It emphasized the following: its recommendation to improve family contact for the internees; the need to respect the principle of *non-refoulement* when transferring internees from the facility; issues related to the legal framework applicable to the internees' cases and to the implementation of the process for reviewing cases; and the need to observe internationally recognized standards of medical ethics in the provision of health care,

including to those on hunger strike. Delegates continued to visit internees to monitor their treatment and living conditions even though some refused to interact with the ICRC as part of their protest (see *Context*). Most of the internees were monitored individually and private interviews were conducted with many of them, including those about to be transferred.

The ICRC also continued to engage a broad range of civil society stakeholders in substantive dialogue on a wide range of IHL-related/humanitarian issues, reinforcing its position as a reference organization on IHL and raising public awareness of such issues. It organized an international seminar with the Canadian Red Cross Society on safeguarding health facilities in armed conflict and other emergencies, in line with the aims of the Health Care in Danger project. The Organization of American States (OAS), with ICRC input, adopted several resolutions to strengthen IHL integration in its member States and, for the first time, its Committee on Juridical and Political Affairs engaged in dialogue on various humanitarian issues with national IHL committees in the Americas.

The American Red Cross, in tandem with the ICRC's regional delegations in Mexico City and Washington, conducted field assessments along the US border with Mexico to better document humanitarian needs, thereby strengthening the Movement's response to the plight of vulnerable migrants in the region. It stepped up its response to such migrants' family-links needs by setting up phone stations at key points along the border.

The ICRC sustained its cooperation with the American Red Cross and the Canadian Red Cross, with a view to mutually boosting capacities and developing a consistent approach to common concerns.

## CIVILIANS

Respect for IHL with regard to the conduct of hostilities remained the major theme of the dialogue between US civilian and military authorities and the ICRC: for example, the U.S. Army Peacekeeping and Stability Operations Institute developed its tactical procedures with ICRC input. Decision-makers considered implementing measures to minimize harm to civilians in contexts where US armed forces were deployed. Greater familiarity with humanitarian issues among both senior officers and combat troops helped ensure that protection for civilians and respect for IHL were incorporated in the planning and execution of military operations (see *Authorities, armed forces and other bearers of weapons, and civil society*).

### **Migrants restore contact with their families and report their concerns to the ICRC**

Vulnerable migrants in the US, including unaccompanied minors, re-established/maintained contact with their families worldwide with assistance from the American Red Cross, which set up phone stations at key transit points along the US border with Mexico.

The American Red Cross and the ICRC jointly carried out field assessments in border areas, complementing efforts by the Mexico City regional delegation and the National Societies in Mexico and Central America to develop a more coherent and effective response to migrants' humanitarian needs (see *Mexico City*). The assessments allowed them to document the concerns of vulnerable migrants, particularly in relation to re-establishing family links, come to a better understanding of the existing needs, and

expand their response accordingly. Such concerns, especially with regard to family contact, access to medical care and safety during deportation or repatriation procedures, were shared in confidence with the US Department of Homeland Security and pertinent non-governmental stakeholders. This paved the way for the ICRC to follow up on the steps taken by the authorities to address these issues.

Draft guidelines formulated by the Scientific Working Group for Forensic Anthropology and the Scientific Working Group on Disaster Victim Identification, with ICRC input, established standards and best practices for searching for, recovering, managing and identifying human remains, thus facilitating the search for information on missing migrants.

## PEOPLE DEPRIVED OF THEIR FREEDOM

As of 31 December 2013, 155 persons remained in US custody at the Guantanamo Bay internment facility. The internees received visits from ICRC delegates, who monitored their treatment and living conditions. Although some of the internees refused to interact with the ICRC as part of a protest against the lack of clarity about their fate (see *Context*), 140 of them were met individually by ICRC delegates. About half of this group, including some held in the high-security area of Camp 7, were interviewed in private about their current state and specific concerns.

### Guantanamo Bay internees maintain contact with their families through video calls

Through 1,318 RCMs sent and 929 received and 603 phone or video calls, most internees kept in touch with their relatives; 92 of them received parcels of food from their families. In parallel with ICRC efforts to expand the reach of video calls to internees' relatives in more countries, administrators at the facility and other key decision-makers considered recommendations for improving the internees' contact with their families, such as increasing the frequency of calls. The US authorities also remained open to discussing at greater length the ICRC's recommendation that internees be allowed to receive family visits; the ICRC continued to explore ways to facilitate such visits should they take place.

The provision of medical care to internees, particularly to those on hunger strike, and the importance of applying internationally recognized standards of medical ethics were made matters of priority during discussions between the authorities at Guantanamo Bay and ICRC medical staff. The discussions also touched on previous ICRC recommendations about making certain health services available, including for internees with mental health or physical rehabilitation needs.

Discussions with the US Congress and with the Department of Defense and other executive agencies on the legal framework, judicial guarantees and procedural safeguards applicable to the internees continued. These talks created opportunities for raising concerns related to the initiation of the periodic review process to examine the status of the pending legal cases filed against/by the internees and the resumption of transfers for those already declared eligible.

Internees about to be transferred from Guantanamo Bay to their countries of origin or to third countries for resettlement were interviewed by delegates, and the ICRC's assessment of their concerns in relation to the principle of *non-refoulement* was relayed to

the authorities. A total of 11 internees were transferred from the facility in 2013; the ICRC continued to follow them up after their repatriation/release/resettlement (see, for example, *Algeria*). Predeployment briefings for military units assuming guard duties at Guantanamo Bay and the Parwan detention facility in Afghanistan bolstered the ICRC's efforts to visit people held in these facilities, thereby contributing to the overall response to the internees' humanitarian concerns.

A number of other matters were also broached with the authorities concerned (see *Afghanistan*): the situation of third-country nationals still held at the Parwan detention facility, the US's residual responsibility following their transfer to Afghan custody and US support for the Afghan prison system.

The US Department of Defense maintained its policy of notifying the ICRC of all detainees under its authority and granting the ICRC access to them.

## AUTHORITIES, ARMED FORCES AND OTHER BEARERS OF WEAPONS, AND CIVIL SOCIETY

### Military decision-makers enhance their understanding of humanitarian issues

Senior military commanders from Canada and the US, at high-level meetings with the ICRC, talked about humanitarian concerns related to their operations and exchanged views on the applicable international legal framework. These discussions covered lessons learnt from their combat engagement in Afghanistan and explored how the ICRC could help with the integration of IHL norms in the training conducted by US forces for other armed/security forces, and with the application of the Montreux document on private military and security companies.

Through ICRC participation and presentations in training events at leading military educational institutions in both countries, such as the US Army Judge Advocate General's Legal Center and School, future senior commanders and operational staff raised their awareness of the humanitarian issues that come into play in operational planning and execution and acquainted themselves with the ICRC's working procedures. Troops attending a major Canadian Armed Forces training exercise gained practical experience in the application of IHL rules, with the aid of training simulations that made use of battle scenarios developed with ICRC input.

US military police units deploying as guards to the Guantanamo Bay and Parwan internment/detention facilities (see *People deprived of their freedom*) familiarized themselves with pertinent IHL/human rights norms and the ICRC's mandate. Discussions with military legal staff from Canada and the US focused on issues related to detention and the conduct of hostilities.

Reinforcing the Brussels delegation's dialogue with the International Security Assistance Force, the commanders and operational staff of its regional commands preparing for deployment to Afghanistan received briefings on the ICRC's mandate and on humanitarian issues relevant to their areas of operation (see *Afghanistan* and *Brussels*).

### National and regional authorities support humanitarian action

Senior Canadian and US government officials and the ICRC discussed humanitarian issues, such as the crises in the Central

African Republic and the Syrian Arab Republic (hereafter Syria). President Obama and the ICRC's president, Peter Maurer, also discussed these matters at their meeting. This helped foster a deeper appreciation of such issues and support for the ICRC's neutral, impartial and independent humanitarian action.

The ratification of Additional Protocol II by the US remained pending. The Canadian parliament reviewed a draft law to ratify the Convention on Cluster Munitions; the Canadian Red Cross and the ICRC jointly submitted their comments on the draft.

The OAS, with ICRC input, adopted several resolutions to strengthen the integration and implementation of IHL in its member States. In activities organized with the OAS and related entities in the inter-American system, diplomats, policy-makers and other participants discussed current humanitarian concerns, such as the situation of vulnerable migrants in the region (see *Civilians*), and reaffirmed their commitment to supporting IHL promotion and implementation. The Second Continental Conference of National Committees for the Implementation of International Humanitarian Law of the Americas (see *Mexico City*) opened up dialogue between the OAS Committee on Juridical and Political Affairs and national IHL committees from North, Central and South America on humanitarian/IHL-related issues.

Supporting the ICRC's work with NATO and the UN (see *Brussels* and *New York*), the Washington delegation facilitated contact with US-based NATO bodies and the UN Department of Peacekeeping Operations.

### **Civil society actors draw attention to the protection of health care services**

During an international workshop in Ottawa, Canada, organized with the Canadian Red Cross, experts examined issues related to and formulated recommendations for protecting health care facilities in armed conflict and other emergencies. Medical professionals' associations, particularly the Safeguarding Health in Conflict Coalition in which the ICRC has an observer role, helped to raise awareness of issues related to the Health Care in Danger project.

Canadian and US academics and policy scholars participated in debates on key IHL topics, such as the legal norms applicable to detention and the use of force, and the role of new technologies in armed conflict. Many of these discussions focused on the humanitarian response in key contexts, such as Syria.

Partnerships with leading universities – for instance, with the Duke University School of Law in organizing an IHL workshop attended by Canadian and US academics and military officials – and participation in high-level events organized by prominent think-tanks further cemented the ICRC's position as a reference organization on IHL. Dialogue with the media, NGOs and other civil society actors drew attention to humanitarian issues, particularly the need to protect vulnerable populations.

The *Intercross* blog offered multimedia content on the ICRC's work in conflict zones, while continuing to serve as a platform for debate among academics, policy-makers and journalists on contemporary challenges in IHL. The Washington delegation's Twitter account, whose following increased by more than 50%, contributed to promoting *Intercross*.

## **RED CROSS AND RED CRESCENT MOVEMENT**

Following joint field assessments with the ICRC along the US-Mexico border, the American Red Cross worked to expand and improve its family-links services for vulnerable migrants (see *Civilians*). It also broadened its efforts to promote awareness of and compliance with key IHL norms and related treaties, including the UN Convention on the Rights of Persons with Disabilities, and expressed interest in promoting the creation of a national IHL committee.

The Canadian Red Cross bolstered its capacity to contribute to the humanitarian response in crisis situations; it also co-hosted an international experts' workshop in line with the objectives of the Health Care in Danger project (see *Authorities, Armed forces and other bearers of weapons, and civil society*). For the first time, one of its mobile surgical units was deployed as part of the ICRC's response in South Sudan (see *South Sudan*).

Both National Societies, with ICRC input, took steps to improve their approach towards some of their objectives and activities, such as the implementation of the Exploring Humanitarian Law programme by the American Red Cross and the Canadian Red Cross's review of its application of the Safer Access Framework. Dialogue with them on identifying and tapping potential sources of private funding was maintained.

MAIN FIGURES AND INDICATORS: PROTECTION		Total		
<b>CIVILIANS (residents, IDPs, returnees, etc.)</b>				
<b>Red Cross messages (RCMs)</b>				
Phone calls facilitated between family members <sup>1</sup>		603	UAMs/SCs*	
<b>Documents</b>				
People to whom travel documents were issued		1		
<b>PEOPLE DEPRIVED OF THEIR FREEDOM (All categories/all statuses)<sup>2</sup></b>				
<b>ICRC visits</b>				
			Women	Minors
Detainees visited		166		
Detainees visited and monitored individually		140		
Number of visits carried out		8		
Number of places of detention visited		1		
<b>Restoring family links</b>				
RCMs collected		1,318		
RCMs distributed		929		
Phone calls made to families to inform them of the whereabouts of a detained relative		134		
People to whom a detention attestation was issued		6		

\* Unaccompanied minors/separated children

<sup>1</sup> Phone or video calls facilitated between people held at the Guantanamo Bay internment facility and their families abroad

<sup>2</sup> Guantanamo Bay internment facility, Cuba

MAIN FIGURES AND INDICATORS: ASSISTANCE		Total	Women	Children
<b>PEOPLE DEPRIVED OF THEIR FREEDOM (All categories/all statuses)</b>				
<b>Health<sup>1</sup></b>				
Number of visits carried out by health staff		6		
Number of places of detention visited by health staff		1		

<sup>1</sup> Guantanamo Bay internment facility, Cuba