

CRITERIA FOR AWARDING THE HENRY DUNANT MEDAL

adopted by the Standing Commission at its meeting
of 20 and 21 April 1998

1. Intent of the Henry Dunant Medal and criteria for awarding it

“The Henry Dunant Medal is intended to recognize and reward outstanding services and acts of great devotion, mainly of international significance, to the cause of the Red Cross [and Red Crescent] by any of its members.” It may be awarded on the basis of “risks run and arduous conditions endangering life, health and personal freedom [or ...] for a long period of devoted service to the International Red Cross [and Red Crescent Movement]”. In addition to the above criteria, the Standing Commission announced publicly that it would not award the Medal to persons still working within the Movement.² Only a very small number of Medals are to be awarded at one time. The Medal may be awarded posthumously.³

The Standing Commission takes the view that the Henry Dunant Medal should be awarded to individuals who belong to the Movement and who have distinguished themselves either by their long and outstanding service to the ideals of the Movement, or because they acted with exceptional courage and dedication in a given situation or situations. Furthermore, the Standing Commission will evaluate candidates according to the following interpretation of the Regulations.

1.1 Member

A “member” of the Red Cross/Red Crescent may be an individual volunteering his or her time without thought of pecuniary gain, or a paid professional (delegate, staff member) earning a living from his or her work for the Movement. When putting forward or judging a candidate, the accent should be on the exceptional nature of the act rather than on the member’s status.

² See the Standing Commission’s circular letters concerning the award of the Henry Dunant Medal, addressed to National Societies on 27 November 1994 and 15 November 1996.

³ See Articles 1, 2, 5 and 6 of the Regulations.

When the Standing Commission decided that persons still active in the Movement should not receive the Medal, it was in order to judge candidates more even-handedly, to avoid using the award simply to recognize long careers, and to eliminate any actual or perceived exertion of personal influence by certain leaders. This rule is maintained, and applies to all candidates still occupying a senior position within one of the Movement's components or statutory bodies.

The Medal will not be awarded to a member of the Red Cross/Red Crescent who is also engaged in activities outside the Movement in a field that could be contrary to the Fundamental Principles of neutrality and independence.

1.2 International significance

The Regulations state that the Henry Dunant Medal should mainly recognize acts or services of "international significance". This is to distinguish the Henry Dunant Medal from other medals that individual National Societies have established or may establish to pay tribute to their members on the national level. Thus candidates should be put forward and judged in terms of their specific contribution to the international aspects of the Movement's work, be it in the field of general policy, governance or operations.

1.3 Risks run and arduous conditions endangering life, health, and personal freedom

When the Henry Dunant Medal was established, it was primarily meant to recognize acts of great courage during a field operation. Indeed, many of those who initially received the Medal distinguished themselves through their exceptional courage and devotion to the humanitarian ideal during major operations. Over time, and particularly in recent years when respect for humanitarian personnel has declined in many contexts, the Medal has been awarded to delegates or personnel who were killed or seriously wounded in the line of duty. While there is no doubt that it is important and necessary to recognize those who have given their lives or suffered serious physical or psychological harm in the course of their duties, it would be preferable that each component of the Movement establish its own award in order to preserve the unique character of the Henry Dunant Medal.

Naturally, if a member of the Red Cross/Red Crescent who has been killed or wounded in the line of duty also acted with great courage and devotion and took risks in order to help others, he or she could be awarded

the Medal. In judging a candidate, the accent must be placed on the exceptional merits of the individual rather than on the danger inherent in many operational activities.

2. Posthumous Henry Dunant Medals

A candidate for a posthumous award of the Medal should be judged according to the criteria outlined above. Posthumous Medals should not be automatically awarded to those who have died in the service of the Red Cross/Red Crescent, unless they personally distinguished themselves (see point 1.3). The Medal should be awarded to the living, rather than the dead, as it is important that the individuals receiving it know that their peers valued their contribution to the humanitarian cause and consider them as an example to others.

3. Tributes to members of the Movement killed in the line of duty

Considering the growing number of volunteers and delegates who have been seriously wounded or killed during an assignment, the Standing Commission encourages each of the Movement's components to establish its own medal or other award to pay tribute to those who have given their lives or sacrificed their health to the Red Cross/Red Crescent cause, according to the following main criteria.

3.1 Criteria to be met for honouring members of the Movement killed or injured on assignment

Many humanitarian operations take place in dangerous settings, whether conflict situations or the aftermath of a natural or technological disaster. Fortunately, many members of the Red Cross/Red Crescent who have had to work in life-threatening conditions have survived serious security incidents.

While it is difficult to establish absolute criteria for an award in the event of death or serious injury, a distinction should be nevertheless made between accidents and killings. Thus those who have died or have suffered serious bodily or psychological harm in the line of duty should receive some kind of recognition (e.g. murder or injury perpetrated by a combatant or act of banditry, hostage-taking, rape, accident during a natural or technological disaster relief operation). A death or injury that was not premeditated, but caused by a mine, a stray bullet, etc. might also be considered deserving of recognition.

3.2 Type of award

The distinction awarded to those killed or injured on assignment does not necessarily have to be in the form of a medal. Alternatively, there might be a document, such as a certificate of recognition, and a ceremony which would either be public or else publicized afterwards in the press. Indeed, the publicity given to the award is an important aspect of the recognition that the Red Cross/Red Crescent gives to its members, who often take risks for the sake of others.

4. Conclusion

The Standing Commission will award the Henry Dunant Medal to members of the Movement in accordance with the intent and criteria laid down in the Regulations, as interpreted in points 2 and 3 of the present document. In addition, it recommends that components of the Movement which have not already done so establish their own form of recognition for members who have died or suffered serious bodily or psychological harm in the course of their duties.

Geneva Conventions and Additional Protocols

Accession to the Additional Protocols by Grenada

Grenada acceded on 23 September 1998, without making any declaration or reservation, to the Protocols Additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of International Armed Conflicts (Protocol I) and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), adopted in Geneva on 8 June 1977.

The Protocols will come into force for Grenada on 23 March 1999.

This accession brings to 152 the number of States party to Protocol I and to 144 those party to Protocol II.

International Humanitarian Fact-Finding Commission (Article 90 of Protocol I)

The International Humanitarian Fact-Finding Commission (IHFFC) now has an Internet site at the following address:

www.ihffc.org

Cees de Rover, *To serve and to protect: Human rights and humanitarian law for police and security forces*, International Committee of the Red Cross, Geneva, 1998, 455 pages

The manual *To serve and to protect: Human rights and humanitarian law for police and security forces*, by Cees de Rover, Coordinator for Police and Security Forces at the ICRC, represents a significant and welcome departure from the ICRC's traditional view of its role in disseminating the law of war and of the target groups it addresses. The manual also reflects the ICRC's pragmatism in acknowledging the changing nature of conflicts and the increasingly significant part police and security forces play in maintaining peace and order in society. This is especially true in the current environment marked by the emergence of a wide variety of situations of internal violence which cause misery and suffering even greater than that generated by international or non-international armed conflicts. In the preface to the manual ICRC President Cornelio Sommaruga rightly states: "The ICRC has recognized that in order to ensure adequate protection and assistance to victims of situations of armed violence, it is important — indeed essential — to focus attention on members of police and security forces". The book seeks to further this objective. Cees de Rover, with his background in training and as a field police officer, brings his vast international experience and legal knowledge to this comprehensive and well-structured document. In sponsoring and publishing it, the ICRC has rendered a great service to police and security forces.

The manual comprises six main sections divided into a total of 16 chapters. Each section deals with separate but closely related subjects centred around the core issues of international law in general, human rights law and international humanitarian law, such as law enforcement powers and responsibilities, identification of specific duties and obligations, and patterns of liability.

The section entitled "Legal framework" contains background information which is especially valuable for police trainers and senior officers.

Issues pertaining to custom and treaties, national and international criminal jurisdiction, matters of State and diplomatic immunity, etc., are put in proper perspective. The chapters on human rights law and international humanitarian law and their interrelationship are well presented. The part devoted to "Enforcement mechanisms and machinery" is especially informative and offers answers to the probing and at times irreverent questions that users of the manual are likely to encounter.

In the section entitled "Basic premises of law enforcement" the author states: "Law enforcement officials must not only know the powers and authorities given to them by law — they must also understand their potentially harmful (and potentially corrupting) effects", and "Law enforcement is not a profession that consists of applying standard solutions for standard problems (...). It is rather the art of understanding both the letter and the spirit of the law, as well as the unique circumstances of a particular problem in hand". He advises all law enforcement officials to ask themselves three questions before exercising their authority or power: (1) Is the action they propose to take legal? (2) Is it strictly necessary? and (3) Is it in proportion to the seriousness of the situation? The police should hone their professional skills, temper them with moral and ethical codes of conduct based on the rule of law, and serve society with tools acceptable to the community. The author repeatedly emphasizes that in pursuing an objective one ought not to forget to apply "means and methods" conforming to professional ethics.

Maintaining public order, the author insists, is not merely a matter of regulating assemblies, processions and demonstrations. Correct handling of such situations may be of critical importance when they rapidly change from peaceful to violent. History is full of examples where the mishandling of a single incident resulted in the eruption of a violent movement. The risks of abuse of power by law enforcement officials and/or armed forces tempted to use "disappearances" or extrajudicial killings to prove their effectiveness are appropriately highlighted. The author also points out that the enactment of repressive laws or the proclamation of a state of emergency in order to cope with a developing situation is no justification or excuse for the waiving or wanton violation of human rights. This chapter is relevant not only for law enforcement officials but also for lawmakers and national security strategists.

Chapters 8, 9 and 10 — entitled "Arrest", "Detention" and "Use of force and firearms" respectively — deal expertly with the relevant concepts, principles and safeguards. Very well documented, these guidelines, supplemented by national laws and regulations, could become standard

operating procedure for police officers of any country. The material on detention is well presented and most useful for all law enforcement officials engaged in the administration of criminal justice.

Juvenile delinquency is a serious social problem and as such should be handled by police in a sensitive and compassionate manner. Issues relating to other vulnerable groups, like victims of crime or abuse of power, particularly women, are also treated with sensitivity. Current political upheavals and ethnic, social and economic crises have aggravated the plight of internally displaced persons, refugees and economic migrants, and this in turn has implications for police forces. The author advises law enforcement officials to develop “an empathic capacity to understand the particular situation and circumstances of individual refugees” so as to ensure that protection, care and appropriate treatment do not remain empty words. He also highlights the very special role and mandate of the ICRC in helping refugees and internally displaced persons.

At the beginning of each chapter a list of key questions establish a framework for the issues to be discussed and explain their relevance to the subject. These questions enable the instructor to gauge the capacity of his audience and to set the level of instruction. Chapter highlights and study questions aimed at testing knowledge and understanding further enhance the quality of the manual. The study questions at the end of each chapter comprise a short section entitled “Application”, which in fact distils the essence of the topic covered. These small but useful tips, coupled with selected references and a detailed bibliography, make the manual an indispensable guide for instructors and a handy reference work for anyone wishing to learn more about how police and security forces function.

This book is more than a mere compilation of the rules of international humanitarian law and human rights law. As an instructor’s manual it is readable, comprehensive and immensely usable, and sets international standards for police work.

D. K. Arya
Former Director General
Border Security Force
India

Telford Taylor

1908 — 1998

Law professor, author and former Nuremberg war-crimes prosecutor Telford Taylor died in New York on 23 May 1998, at the age of 90.

A graduate of Williams College and Harvard Law School, Telford Taylor worked as an attorney in the Roosevelt Administration and as a staff member in the United States Senate prior to the Second World War. During that conflict he served in the European theatre as an Army intelligence officer, playing an important diplomatic role in the Allied effort to break the German communications codes. When the war ended he joined the U.S. prosecution team at Nuremberg. Initially he served as one of the senior deputies to U.S. Supreme Court Justice Robert Jackson, the American Chief of Counsel (chief prosecutor) for the principal proceedings against the German leadership before the International Military Tribunal. Taylor simultaneously held the post of head of the Subsequent Proceedings Division in the U.S. Office of Chief Counsel.

With the conclusion of the International Military Tribunal on 1 October 1946, and Justice Jackson's resignation on 17 October, Taylor was promoted to the rank of Brigadier General and designated the Chief Counsel for War Crimes under Military Government for the subsequent proceedings against other senior, but lower-ranking, members of the German military and civilian leadership. His work continued through the remaining German trials, which concluded on 14 April 1949, and he submitted his final report to the Secretary of the Army on 15 August 1949 — ironically only three days after completion of the diplomatic conference that produced the four 1949 Geneva Conventions for the protection of war victims, now regarded as a major part of the foundation of the law of war.

The International Military Tribunal (and the limited number of military trials that preceded it or ran concurrently) established the precedent of

individual criminal responsibility for war crimes, crimes against humanity and crimes against peace. But it was through the efforts of General Taylor and his staff, and the civilian judges in the U.S. military tribunals, that discussion and elaboration of many law-of-war principles — such as military necessity, superior orders, command responsibility, and reprisal — gave substance to the principles laid down by those earlier trials.¹ The twelve subsequent proceedings under Control Council No. 10 against German lawyers, doctors, SS personnel, police, industrialists, financiers, field marshals, generals and government ministers resulted not only in 161 convictions (out of 199 accused) but well-reasoned judgements that have proved invaluable through the years in their discussion of above-mentioned principles.²

Taylor left the Army and returned to the practice of law and teaching law at Columbia University School of Law and the Benjamin Cardozo School of Law. He parlayed his military experience into a well-regarded trilogy of books: *Sword and Swastika: Generals and Nazis in the Third Reich* (1952) covering the story of the Nazis and the generals up to the fall of 1939; *The March of Conquest: the German victories in Western Europe, 1940* (1958) which analysed the German victories in Western Europe in the spring of 1940; and *The Breaking Wave: World War II in the summer of 1940* (1967), still regarded as one of the best analyses of the Battle of Britain. Subsequently he authored *Munich: The Price of Peace* (1979), which won the National Book Critics Circle Award for best non-fiction work of 1979, and *The Anatomy of the Nuremberg Trials* (1992), an historical analysis and partly autobiographical effort that is undoubtedly the best volume on the process that led to Nuremberg and the trial of the principal accused.

The highly controversial and divisive U.S. war in Viet Nam prompted Professor Taylor to write his small but strongly-worded *Nuremberg and Vietnam: an American tragedy* (1971) in which he was critical of many, but not all, aspects of U.S. military operations in that conflict. He also was — correctly — critical of the erroneous instructions relating to command responsibility by the military judge in the prosecution of the U.S.

¹ Reported in "Trials of war criminals before the Nuremberg Military Tribunals under Control Council Law No. 10", 15 vols., 1946-1951.

² In addition to his official report and the official cases, see T. Taylor, "Nuremberg Trials — War Crimes and International Law", *International Conciliation*, No. 450, April 1949, pp. 241-371.

Army company commander during the 16 March 1968 massacre of hundreds of civilians at My Lai, instructions that resulted in his acquittal.

It was my pleasure to share the stage with Professor Taylor on more than a dozen occasions as we addressed U.S. military officers at the senior staff and war colleges. We agreed far more than we disagreed, and in the very few cases of the latter our disagreements were not major. Taylor was a man whom I held in great respect, a gentleman possessed of considerable experience and knowledge.

He was not always right. He argued unsuccessfully in the subsequent Nuremberg proceedings that the December 1945 conviction of General Tomoyuki Yamashita by a U.S. military tribunal in the Philippines stood for the proposition of strict liability on the part of commanders for crimes committed by their subordinates; the courts did not accept this argument.³ In our last presentation together, in 1992, he suggested that military necessity might permit the execution of prisoners of war captured by an enemy patrol operating deep behind enemy lines, an act that would constitute a violation of Article 13 and a grave breach under Article 130 of the Third Geneva Convention. Given the considerable length of his distinguished service to his nation and to respect for the law of war, two missteps (which did not result in suffering by anyone) can be overlooked when compared with his invaluable contributions.

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³ See, for example, *United States v. von Leeb (The "High Command" Case)*, *op. cit.* (note 1), vol. XI, 1948, pp. 510-511, 544.

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The Paul Reuter Fund

The Paul Reuter Fund was set up in 1983 through a donation made to the ICRC by the late Paul Reuter, Professor Emeritus at the University of Paris and member of the Institute of International Law. The Fund's purpose is twofold: to encourage the publication of works on international humanitarian law or other initiatives in that field; and to finance the Paul Reuter Prize.

1. Financial assistance for projects relating to dissemination of international humanitarian law

The Fund may provide financial assistance:

- for the implementation of a project
- for the publication of a work
- to reward a particular activity or endeavour aimed at spreading knowledge of international humanitarian law.

2. Paul Reuter Prize

The prize (2,000 Swiss francs) is awarded in recognition of an outstanding work in the sphere of international humanitarian law. It has so far gone to the following authors: Mohammed El Kouhène, Heather A. Wilson, Edward K. Kwakwa, Alejandro Valencia Villa, Eric David, Geoffrey Best and A.P.V. Rogers.

The Prize is to be awarded for the sixth time in February 2000.

Under the Regulations of the Paul Reuter Prize, any work submitted must meet the following conditions:

- its aim must be to enhance knowledge or understanding of international humanitarian law;
- it must be written in English, French or Spanish;
- it must either be unpublished or have been published in the two years preceding the award, i.e. in 1998 or 1999.

Applications must include:

- a brief curriculum vitae;
- a list of the candidate's published works;
- three unabridged copies of the work submitted.

Authors meeting the above requirements should submit their applications no later than 15 September 1999.

Requests for financial assistance and applications for the Paul Reuter Prize should be sent to:

Chairman of the Paul Reuter Fund Committee
International Committee of the Red Cross
19, Avenue de la Paix
CH-1202 Geneva.

Paul Reuter Fund Committee

International Committee of the Red Cross

HANDBOOK ON WAR AND PUBLIC HEALTH

Geneva 1996

This handbook is intended for staff members and medical personnel responsible for humanitarian activities in situations of armed conflict. It deals with the serious health problems affecting displaced people and shows, step by step, how a health-care system meeting the essential needs of war victims can be set up. The public health tools most frequently used in situations of armed conflict for evaluation, establishment of priorities, analysis of possible activities and their follow-up are assessed in the light of the constraints encountered in the field.

The problem of protection for war victims is also discussed in connection with certain aspects of international humanitarian law, particularly those directly relating to health. Finally, the handbook offers professional health workers a guide to the ethical problems that arise at each stage of humanitarian action.

The handbook was prepared by *Dr Pierre Perrin* (ICRC) and is available in English and French.

Price per copy: Sfr 35.–

To order, please contact:

International Committee of the Red Cross
Public Information Division
19, Avenue de la Paix, 1202 Geneva, Switzerland
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E-mail: com_dip.gva@gwn.icrc.org

FOCUS ON HUMANITY

A Century of Photography

*Archives of the International
Committee of the Red Cross*

**by Nicolas Bouvier,
Michèle Mercier, François Bugnion**

The photographs contained in the archives of the International Committee of the Red Cross tell the story of people caught up in conflict, both victims and relief workers. They are the record of a century marked by deeds of extreme heroism as well as utmost infamy, bringing hope as well as despair.

This book reflects the evolution of international humanitarian law and role of visual images in humanitarian action.

Based on photo reports from the time of the Crimean War up to the Second World War, the first part of the book traces the history of the Geneva Conventions. The second part draws on mostly unpublished photographs to illustrate wars since 1950 — in Korea, Vietnam, Biafra, the Middle East, Rwanda, Bosnia-Herzegovina, and many other theatres of conflict.

Whatever the changes in ways of making war, human suffering and the age-old gesture of compassion towards one's fellows remain the same.

24 × 30 cm, 150 pages, 130 illustrations, hardbound with illustrated jacket
— Skira, 1995 (in *English* and in *French*)

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Articles submitted for publication in the International Review of the Red Cross

The *International Review of the Red Cross* invites readers to submit articles relating to the various activities of the International Red Cross and Red Crescent Movement or to international humanitarian law. These will be considered for publication on the basis of merit and relevance to the topics covered by the *Review*.

Manuscripts may be submitted in *English, French, Spanish, Arabic* or *Russian*.

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