

# 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 2014:

- ▶ authorities in the region emphasized the need to protect civilians during military operations, through a draft military manual in the United States of America (hereafter US) and during a training course in Canada
- ▶ people held at the US internment facility at Guantanamo Bay Naval Station in Cuba received ICRC visits, with the authorities and policy-makers receiving confidential feedback and recommendations afterwards
- ▶ internees at the Guantanamo Bay facility and their relatives in various countries restored/maintained contact through RCMs and phone/video calls, and recorded video messages viewed by families at ICRC offices
- ▶ vulnerable migrants in the US contacted their relatives via American Red Cross phone stations and had the authorities apprised of their concerns through a report on the consequences of deportation
- ▶ students from 15 law schools and military service academies tested their knowledge of IHL at the first national IHL competition in the US, organized by the American Red Cross with ICRC support

EXPENDITURE (in KCHF)	
Protection	2,130
Assistance	252
Prevention	3,222
Cooperation with National Societies	607
General	44

**6,256**

of which: Overheads 382

IMPLEMENTATION RATE	
Expenditure/yearly budget	<b>93%</b>

PERSONNEL	
Mobile staff	10
Resident staff (daily workers not included)	25

## YEARLY RESULTS

Level of achievement of ICRC yearly objectives/plans of action

**HIGH**

PROTECTION	Total
<b>CIVILIANS (residents, IDPs, returnees, etc.)</b>	
<b>Red Cross messages (RCMs)</b>	
Phone calls facilitated between family members	587
<b>PEOPLE DEPRIVED OF THEIR FREEDOM (All categories/all statuses)</b>	
<b>ICRC visits</b>	
Detainees visited	155
Detainees visited and monitored individually	141
Number of visits carried out	7
Number of places of detention visited	1
<b>Restoring family links</b>	
RCMs collected	1,811
RCMs distributed	893
Phone calls made to families to inform them of the whereabouts of a detained relative	123

## CONTEXT

The United States of America (hereafter US) ended its combat operations in Afghanistan in October, and announced a reduction in its overall military presence in that country to some 9,800 troops by early 2015. Canada withdrew its last troops from Afghanistan in March.

Both States remained involved in other contexts, for instance, by participating in an international coalition carrying out air strikes on an armed group in Iraq and the Syrian Arab Republic (hereafter Syria). The US military was also engaged in Somalia, Yemen and elsewhere, mainly through the use of remotely piloted aircraft. Canada contributed to addressing the humanitarian consequences of conflict in key contexts such as South Sudan and Syria.

The transfer or repatriation of internees from the US internment facility at Guantanamo Bay Naval Station in Cuba continued throughout 2014. These included the transfer of five people to Qatar and another five to Kazakhstan. The Periodic Review Board – mandated to determine the status of the internees' cases and whether they were to be transferred or remain in custody – began to issue decisions, while continuing to examine the status of other cases.

There was a steep rise in the number of migrants, including thousands of unaccompanied minors, crossing the border into the US from Mexico.

## ICRC ACTION AND RESULTS

In its dialogue with US authorities, the ICRC continued to focus on: the protection of civilians during military operations; the humanitarian response in contexts of common interest; and US military detention policies/practices. Contact with Canadian authorities also focused on humanitarian, operational and legal concerns.

Both States took into account the ICRC's recommendations as they advanced the incorporation of measures to protect civilians in the planning/execution of military operations. US military authorities drafted a manual on this subject; Canadian foreign ministry officials organized, jointly with the ICRC, an interactive training course in IHL and the protection of civilians during armed conflict.

Dialogue was maintained with the US armed forces on their conduct of hostilities abroad, which included their involvement in a multilateral military operation in Iraq and Syria (see *Context*). The ICRC also offered input for consolidating the lessons learnt in Afghanistan, in light of US forces' withdrawal from combat operations in that country. Briefings and other events for Canadian/US commanders, operational units and students at military academies helped further their understanding of IHL and the ICRC's mandate and activities.

The ICRC visited people held at the Guantanamo Bay internment facility to monitor their treatment and living conditions; it shared its findings and recommendations confidentially with the authorities concerned. The ICRC particularly highlighted the importance of ensuring regular family contact, providing health-care services and respecting medical ethics. It sustained its dialogue with US policy-makers on the internees' humanitarian and legal concerns, particularly in relation to the ongoing review of their cases. It stressed the need to respect the principle of *non-refoulement* when transferring people from the Guantanamo Bay internment facility, as well as from the Parwan detention facility in Afghanistan.

Internees and their relatives abroad exchanged news through RCMs, phone/video calls and other ICRC family-links services. Within the framework of a memorandum of understanding between the US authorities and the ICRC, some families viewed, at ICRC offices near them, video messages recorded by their interned relatives.

The ICRC, in its role as a key source of reference on IHL, engaged the authorities and members of civil society in Canada and the US in substantive discussions on a wide range of IHL-related issues and humanitarian concerns – for instance, protection for the wounded and sick and medical services during armed conflict. It did so through briefings, seminars and other events and via its digital communication platforms, at times in partnership with the National Society concerned. It supported the American Red Cross in organizing its first national IHL competition. Such efforts fostered support for humanitarian action and raised public awareness of IHL.

The ICRC maintained regular contact with officials of the Organization of American States (OAS) and urged them to adopt resolutions on assisting vulnerable migrants and on other humanitarian issues.

The American Red Cross continued to offer phone services to vulnerable migrants at key transit points along the Mexico-US border. With ICRC support, it sought to identify ways to expand its family-links services, so as to address the surge in needs that accompanied a rise in the flow of migrants. The ICRC submitted a report on the humanitarian consequences of deporting migrants, which supplemented its dialogue with the authorities.

The ICRC sustained its cooperation with the American Red Cross and the Canadian Red Cross Society, with a view to boosting each other's operational/institutional capacities and developing a coherent approach to common concerns.

## CIVILIANS

### US military institute considers measures for the protection of civilians

Respect for IHL in connection with the conduct of hostilities, including the country's involvement in a multilateral operation against an armed group in Iraq and Syria, remained a major theme of dialogue with US civilian and military authorities. Through meetings, briefings and training exercises emphasizing compliance with IHL, senior officers/combat troops of the US armed forces furthered their understanding of humanitarian concerns. This enabled them to incorporate measures to protect civilians in the planning and execution of their operations. The US Army Peacekeeping and Stability Operations Institute, for example, took into account the ICRC's recommendations/suggestions in drafting a military manual on methods of protecting civilians.

Dialogue with key military decision-makers on lessons learnt from operations in Afghanistan (see *Actors of influence*) and other contexts reinforced such efforts. Discussions with US government and military officials raised their awareness of the violence endangering medical services during armed conflict; the ICRC also urged them to promote and support measures to ensure the safe provision of health care.

Canadian officials learnt more about the protection due to civilians during armed conflict through an interactive training

course organized jointly by the Department of Foreign Affairs, Trade and Development and the ICRC, with the support of the Canadian Red Cross.

### **Migrants restore contact with their families and have their concerns relayed to US authorities**

Vulnerable migrants in the US, including unaccompanied minors, restored/maintained contact with their families through phone stations set up by the American Red Cross at key transit points along the Mexico-US border. In response to an influx of migrants (see *Context*), the American Red Cross, in coordination with US border authorities and the ICRC, sought to expand migrants' access to these facilities and to identify other means of facilitating family contact.

Based on joint field missions carried out since 2013 by the American Red Cross with the ICRC's Mexico City and Washington regional delegations, a written report on humanitarian concerns linked to the deportation of migrants from the US to Mexico was submitted confidentially to the US Department of Homeland Security. Follow-up meetings with the pertinent authorities, including border guards, provided opportunities to discuss the report in depth.

With a view to facilitating the search for information on missing migrants, the Scientific Working Group for Forensic Anthropology and the Scientific Working Group on Disaster Victim Identification finalized guidelines – drafted with ICRC input – on standards and best practices in relation to the search, recovery, management and identification of human remains.

### **PEOPLE DEPRIVED OF THEIR FREEDOM**

People in US custody at the Guantanamo Bay internment facility received visits from the ICRC to monitor their treatment and living conditions; 141 of them were met individually. More than half of those monitored individually, which included some people held in the high-security area of Camp 7, discussed, in private, their current physical/psychological state and specific concerns.

After these visits, findings – and recommendations for improving the conditions of internment – were submitted confidentially to the authorities, to help ensure compliance with internationally recognized standards.

### **Families view video messages recorded by their relatives**

Internees and their relatives in various countries kept in touch through RCMs (1,811 sent and 893 received) and phone/video calls (587 made); 65 internees received food parcels sent by their relatives via the ICRC. Within the framework of a memorandum of understanding between the US authorities and the ICRC, some internees recorded video messages, which their relatives viewed at ICRC offices near them.

Administrators at the Guantanamo Bay internment facility and other key policy-makers considered the ICRC's suggestions for improving the internees' contact with their families. The US authorities remained open to further discussions on the ICRC's recommendation that internees be allowed visits from their relatives; the ICRC continued to explore ways to facilitate such visits should they take place.

The provision of health care, especially in light of the aging internee population, and the application of internationally recognized standards for medical ethics – in managing hunger strikes,

for instance – remained matters of priority in discussions with the US authorities. An ICRC doctor assessed the internees' health-care needs through meetings with medical/psychiatric staff and by reviewing medical records. Findings drawn from the doctor's assessment – on the availability of health-care services, including for internees with mental health or physical rehabilitation needs – were submitted confidentially to the authorities.

### **Authorities apprised of humanitarian concerns related to the transfer of internees/detainees**

Dialogue was maintained with the Department of Defense and other executive branches of the federal government on the legal framework, judicial guarantees and procedural safeguards applicable to Guantanamo Bay internees, particularly in connection with the ongoing examination of the status of pending cases (see *Context*). Discussions also covered the need to respect the principle of *non-refoulement* while transferring detainees out of US custody, and to minimize the humanitarian consequences of such transfers. As at 31 December, 127 persons remained at the Guantanamo Bay internment facility, 28 internees having been transferred during the year.

Predeployment briefings for military units assuming guard duties at the facility and, for the first time, briefings for the internees' legal counsel, helped clarify their understanding of the ICRC's mandate and its working procedures for detention visits.

The situation of third-country nationals still held at the Parwan detention facility in Afghanistan, and the US's residual responsibility after their transfer to Afghan custody (see *Afghanistan*), were also broached with the authorities concerned.

Confidential dialogue with the Canadian and US authorities – on access to detainees within the ICRC's purview, particularly people previously held by the US Department of Defense and transferred to Canadian or US territory – continued. The US Department of Defense confirmed its commitment to notify the ICRC of all detainees under its authority and facilitate access to them.

### **ACTORS OF INFLUENCE**

#### **Policy-makers affirm their support for humanitarian action**

Discussions with US civilian and military authorities helped foster respect for IHL and support for the ICRC. Such dialogue, which included high-level meetings with the ICRC's president, drew attention to the situation of internees at the Guantanamo Bay internment facility (see *People deprived of their freedom*) and to humanitarian issues in Afghanistan, Colombia, Iraq, Syria and other countries. The importance of confidentiality in the ICRC's working procedures was also emphasized.

The US Department of State promoted the Arms Trade Treaty within the international community; the US signed the treaty in 2013.

High-ranking Canadian officials had in-depth discussions with ICRC representatives on humanitarian, legal and policy issues of common interest.

The OAS's General Assembly approved resolutions, drafted with ICRC input, on humanitarian issues – for instance, on assisting vulnerable migrants. Briefings and meetings on IHL-related subjects served as venues for OAS and ICRC representatives to discuss: the progress of IHL implementation in the region; the issue of missing persons and the plight of their families; the protec-

tion of cultural property during conflict; and the ratification/implementation of weapons treaties. Participants in courses/events organized by bodies in the inter-American system furthered their understanding of IHL through ICRC briefings on these occasions.

### **Military decision-makers further their understanding of IHL and humanitarian issues**

Senior US military staff discussed, during high-level meetings with the ICRC, humanitarian concerns related to their operations and the applicable international legal framework. Dialogue on the conduct of hostilities in Afghanistan waned with the withdrawal of combat troops from that country, but the US army division tasked with consolidating lessons learnt in that context welcomed the ICRC's contributions to this process. Discussions continued on how the ICRC could help to incorporate such lessons, and IHL in general, in the training conducted by US forces for other armed/security forces, and on ensuring respect for the principles contained in the Montreux document on private military/security companies. Dialogue on the US military's conduct of hostilities in other contexts broadened (see *Context*).

During training exercises organized with technical guidance from the ICRC, Canadian and US command staff and troops gained practical experience in applying IHL. At briefings/dissemination sessions, US military police officers (see *People deprived of their freedom*), troops preparing for deployment to Afghanistan and civil-military operations teams – as well as Canadian military legal officers and peacekeepers – refreshed their knowledge of IHL/international human rights law and the ICRC's mandate/activities.

Future commanders and operational staff learnt more about humanitarian issues and the ICRC's mandate and activities through ICRC presentations/events at US military educational institutions, such as the National War College, the Joint Forces Staff College and the Defense Institute for International Legal Studies. Two service academies participated in the first edition of a national IHL competition (see below).

The Washington delegation facilitated contact with US-based NATO bodies and the UN Department of Peacekeeping Operations, with a view to supporting the ICRC's work with NATO and the UN.

### **Academics enrich the debate on contemporary challenges in IHL implementation**

Canadian and US academics and researchers contributed to debates on IHL issues, particularly on such topics as: the conduct of hostilities; the rules applicable to the end of hostilities; detention during armed conflict; the use of force in non-international armed conflicts; and the application of IHL to new technologies and cyber warfare. These discussions also covered humanitarian aid and access in conflict/violence-affected contexts.

Partnerships with leading universities – for instance, with Columbia University in organizing a seminar on legal challenges specific to non-international armed conflicts – cemented the ICRC's position as a key source of reference on IHL.

Students from 15 law schools and service academies tested their grasp of IHL at the first edition of a national IHL competition in the US, organized by the American Red Cross with ICRC technical support. Canadian students and law professors learnt more about IHL at conferences organized by the Canadian Red Cross/ICRC.

Engagement with the media, NGOs and other members of civil society drew attention to humanitarian issues, particularly the need to protect civilians and safeguard health care during armed conflict. Staff of US-based humanitarian NGOs shared their experiences and views at events organized jointly with their umbrella organization. Joint initiatives with think-tanks in Canada and the US promoted the goals of the Health Care in Danger project, and other matters of humanitarian concern, among government officials and members of civil society. An oral history project on the work of the Movement – co-organized with the American Red Cross – reached a wide audience.

Media coverage of the ICRC's activities and the organization's online presence, particularly through the *Intercross* blog and social media channels, helped broaden awareness of humanitarian issues and the ICRC's work among various audiences.

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

In line with their strategic partnership, the Canadian Red Cross and the ICRC expanded their cooperation in responding to humanitarian needs – in Iraq and South Sudan, for instance – and in other activities. They exchanged updates on humanitarian issues, jointly briefed government officials and facilitated discussions on IHL (see *Actors of influence*). The Canadian Red Cross supported the ICRC's public communication efforts in Canada, on issues linked to the Health Care in Danger project and other subjects. Planned cooperation in identifying and mobilizing private sources of financial support was delayed, pending further dialogue to clarify the organizations' roles.

The American Red Cross maintained its response to the humanitarian concerns of vulnerable migrants (see *Civilians*) and kept up the implementation of its IHL-promotion programmes (see *Actors of influence*). It also supported the ICRC in facilitating contact between families and their relatives held in conflict zones. Dialogue on cooperation in future fundraising efforts continued.

Both National Societies incorporated technical advice from the ICRC in the training sessions/briefings for their personnel, including Canadian Red Cross staff on standby for rapid deployment and American Red Cross volunteers bound for US military bases abroad. This also helped reinforce their emergency response capacities.

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>		587	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>				
Detainees visited		155	Women	Minors
			Women	Girls
				Boys
Detainees visited and monitored individually		141		
Number of visits carried out		7		
Number of places of detention visited		1		
<b>Restoring family links</b>				
RCMs collected		1,811		
RCMs distributed		893		
Phone calls made to families to inform them of the whereabouts of a detained relative		123		
People to whom a detention attestation was issued		11		

\* Unaccompanied minors/separated children

1. Phone or video calls facilitated between people held at the Guantanamo Bay internment facility and their families abroad
2. 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</b>				
Number of visits carried out by health staff		4		
Number of places of detention visited by health staff		1		