

# WASHINGTON (REGIONAL)

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

The objectives and plans of action are valid for two years, while the budget presented applies to one year only.

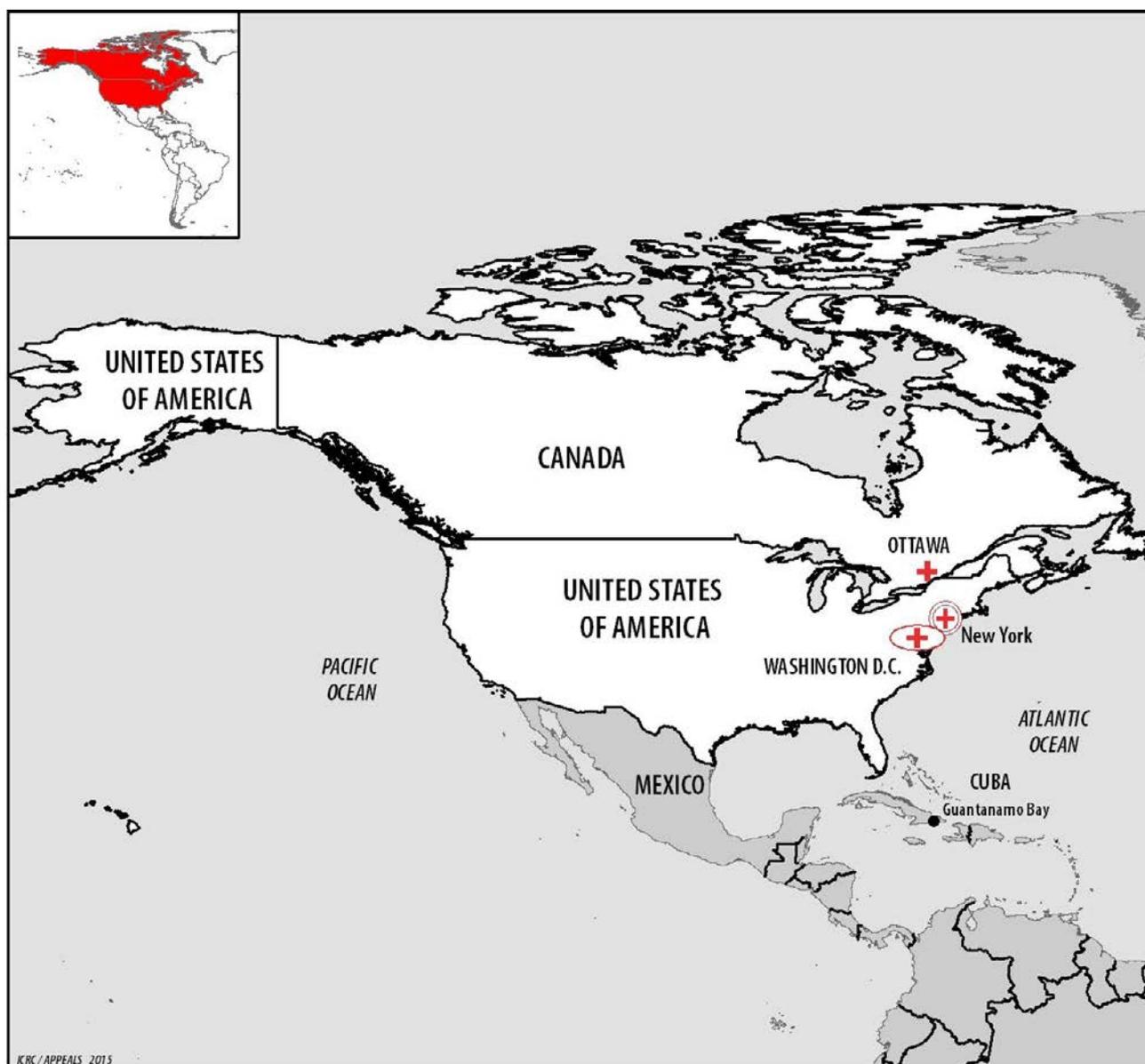
Established in 1995, the Washington regional delegation engages in a regular dialogue on IHL and issues of humanitarian concern with government officials and bodies, academic institutions and other interested groups in Canada and the United States of America. The delegation heightens awareness of the 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.

## BUDGET IN KCHF

Protection	2,415
Assistance	274
Prevention	3,321
Cooperation with National Societies	618
General	90
<b>Total</b>	<b>6,719</b>
<i>Of which: Overheads</i>	410

## PERSONNEL

Mobile staff	11
Resident staff (daily workers not included)	27



ICRC / APPEALS 2015

 ICRC regional delegation
  ICRC delegation
  ICRC office/presence

## MAIN TARGETS FOR 2015–16

- ▶ people held at the US internment facility at Guantanamo Bay Naval Station in Cuba benefit from treatment, material conditions and procedural safeguards – including information on their cases – in line with applicable legal norms
- ▶ all Guantanamo Bay internees have regular contact with their families, including face-to-face visits, and access to health services that are provided in compliance with internationally recognized standards of medical ethics
- ▶ the US military takes steps to ensure respect for civilians, the wounded, the sick, and medical personnel/facilities in the planning and conduct of their operations and in the training they provide to weapon bearers in other contexts
- ▶ Canadian and US authorities, civil society and the Organization of American States initiate policies and activities highlighting humanitarian/IHL-related concerns and showing support for the ICRC's mandate and activities
- ▶ migrants from Mexico and Central America, including those held in transit/detention centres, are able to restore contact with their families and preserve their safety and dignity, including during deportation/repatriation

## CONTEXT

Amid a shift in its global defence strategy, national security remains high on the agenda of the United States of America (hereafter US). Canada continues to focus on security and trade, while keeping track of the humanitarian situation in key contexts, such as Iraq, the Syrian Arab Republic (hereafter Syria) and Ukraine.

The humanitarian situation of people held at the US internment facility at Guantanamo Bay Naval Station in Cuba, and transfers/repatriations from this facility, continue to be objects of public scrutiny and trigger policy debates. The periodic review board that examines the status of the internees' legal cases is holding hearings and issuing its first decisions.

As part of an international coalition, US armed forces started to launch air strikes in Iraq and Syria against the Islamic State group, which expanded its presence in 2014 and is part of a network of armed groups in the region (see *Iraq*). Canada has also authorized its forces to join these air strikes.

The US also remains involved in other contexts, including through the use of remotely piloted aircraft in Somalia, Yemen and elsewhere. Further troop withdrawals from Afghanistan pave the way for a complete transition of the US military's role from combat engagement to providing support/advice for training Afghan security forces.

The first half of 2014 saw a steep rise in the number of migrants crossing the US-Mexico border, including thousands of unaccompanied minors from Central America.

## HUMANITARIAN RESPONSE

Detention practice and policy will continue to be the focus of the ICRC's dialogue with the US administration, particularly in relation to the conditions of internment at Guantanamo Bay. The ICRC will, during discussions with the authorities concerned and other key policy-makers/stakeholders, reiterate the need to identify a legal framework that provides relevant procedural safeguards, including for internees subject to transfer, repatriation or resettlement, as well as the need to inform internees of their legal status and rights, particularly in light of the ongoing evaluation of their cases by the periodic review board.

ICRC personnel, including medical specialists, will undertake regular visits to people held at the Guantanamo Bay facility. Based on their findings, the ICRC will provide confidential feedback and recommendations to the authorities – for instance, on the provision of health care to internees,

including management of hunger strikes, in relation to internationally recognized standards of medical ethics, and on the availability of suitable services for those with specific health needs. In coordination with delegations in the countries concerned, the ICRC will continue to facilitate phone and video calls and deliver RCMs between internees and their families. It will also, together with the authorities concerned, explore ways to enable internees to receive visits from relatives, and stand ready to facilitate such visits upon conclusion of the necessary agreements.

The ICRC will encourage US and Canadian defence authorities to incorporate in their revised doctrines key “lessons learnt” from their experiences in Afghanistan. It will also sustain its dialogue with key US military decision-makers on the protection of civilians, particularly the need to ensure that this concern is taken into account in US training for weapon bearers in third States. Such dialogue will also cover the US's residual responsibility for third-country nationals held at the Parwan detention facility in Afghanistan.

IHL-related concerns such as the conduct of hostilities, the protection of vulnerable populations, respect for the wounded and the sick and for medical services during armed conflict and other emergencies, and the use of new technologies in armed conflict will continue to form the substance of the ICRC's discussions with the Canadian and US governments, with legal and policy circles in both countries, and with representatives of the Organization of American States (OAS). It will aim, through these discussions, to cultivate broad support for its mandate and its neutral, impartial and independent humanitarian action.

The ICRC will seek to raise awareness of humanitarian concerns among Canadian and US civil society actors through cooperation with the pertinent National Society, and to garner public support for IHL, including through communication platforms such as the *Intercross* blog. Briefings and presentations on IHL and other topics of concern to the ICRC will remain important for maintaining contacts with academia, including military educational/training institutions, in both countries, and will enable the ICRC to contribute to debates on current IHL issues.

To help address humanitarian issues arising from migration across the Mexico-US border, the ICRC will pursue the dialogue it has initiated with US authorities on the consequences of specific practices in the detention/deportation of migrants. By increasing cooperation and coordination with the American Red Cross and with National Societies in the migrants' countries of origin (see *Mexico City*), it will promote an effective Movement response to migrants'

humanitarian needs, particularly with regard to restoring family links.

Focusing on issues of common interest, the ICRC will seek to strengthen its cooperation with the American Red Cross and the Canadian Red Cross Society through institutional and strategic partnerships, provision of support for mutual capacity building, and other means.

## HUMANITARIAN ISSUES AND ICRC OBJECTIVES

### CIVILIANS

Despite the transformation of the US armed forces' role in Afghanistan, the protection of civilians in military operations conducted by US-trained Afghan forces remains a concern (see *Afghanistan*). The US's military involvement in other contexts – such as Iraq, Somalia, Syria and Yemen (see *Context*) – continues to pose humanitarian challenges.

Irregular migrants, including unaccompanied minors, apprehended at the Mexico-US border are usually held in transit or detention centres before deportation, and require access to health and/or legal services and means to contact their families. Documented cases show that certain deportation practices, such as transporting migrants at night or to locations far from their point of entry/arrest, put them at risk and lead to separation from family members. Incidents of excessive use of force in arresting migrants have also been reported. There are no regional-level mechanisms to ensure that the remains of migrants who died while attempting to cross the US border are systematically identified and their families notified.

#### Objective

Civilians' safety in countries where US forces conduct military operations and training is protected and medical services are able to function as necessary, in compliance with IHL and international human rights norms. Migrants due to be deported from the US are treated according to international norms and humanitarian principles and their basic needs are met. They are able to restore contact with their families, and deceased migrants are accounted for.

#### Plan of action and indicators

##### Protection

- ▶ pursue dialogue with US authorities on the consequences for civilians of military operations, and discuss ways of strengthening compliance by US forces and US-trained armed actors in Afghanistan, Iraq and other contexts with IHL and other applicable international norms, including respect for health-care workers and patients
- ▶ through briefings and meetings with key decision-makers (see *Actors of influence*):
  - following the conclusion of the Defense Department's "lessons learnt" process regarding the US's combat engagement in Afghanistan, discuss ICRC recommendations on specific humanitarian concerns and encourage the Department to integrate these in its policies
  - promote the integration of IHL/human rights norms and internationally recognized standards in the training and support provided by US forces for weapon bearers in various contexts

- contribute to the broader legal debate on the use of force by the US outside current theatres of military operations

- ▶ encourage Canadian and US policy-makers and civil society actors to promote respect for health services and to initiate/support policies to ensure the safe delivery of health care in line with the goals of the Health Care in Danger project
- ▶ encourage US authorities – including immigration and border patrol services – through discussions on the humanitarian consequences of specific practices in the arrest and deportation of migrants, to: ensure that internationally recognized standards on the use of force are applied while apprehending irregular migrants; establish measures to ensure that migrants are safe and accorded due dignity before and during deportation/repatriation; and improve migrants' access to health-care and family-links services while in custody

With the American Red Cross:

- ▶ help unaccompanied children and other vulnerable migrants restore family contact, and step up efforts to enhance the availability of such services along/near the Mexico-US border, in detention facilities, and other locations where migrants are held in custody
- ▶ identify needs associated with the search for/identification of deceased or missing migrants; provide recommendations on related forensic procedures
- ▶ foster, among humanitarian actors and other key stakeholders, an enhanced understanding of migrants' humanitarian needs and support for American Red Cross/ICRC responses to these needs

### PEOPLE DEPRIVED OF THEIR FREEDOM

People continue to be held by the US in connection with armed conflict and other situations of violence, including on charges of "terrorism." At the end of August 2014, 149 people remained in custody at the US internment facility at Guantanamo Bay. A number of humanitarian concerns persist, especially in connection with: treatment and material conditions, particularly of internees being held under a high-security regime; family contact; use of force in implementing disciplinary measures; provision of health care, including management of hunger strikes, in relation to internationally recognized standards of medical ethics; and respect for the principle of *non-refoulement* in transferring internees out of US custody.

Lack of clarity about their fate remains a significant concern among internees, notwithstanding the fact that the periodic review board process is under way (see *Context*). Other internees face trial before military commissions.

In Afghanistan, third-country nationals remain in US custody at the Parwan detention facility. The US provides support and advice for training Afghan detention authorities and for constructing new detention facilities.

Some people previously detained under the authority of the US Department of Defense are now held under Department of Justice custody in US federal prisons, and on Canadian territory.

#### Objective

People held by the US authorities or US-trained/supported detention authorities at Guantanamo Bay, on US territory,

at sea, in US-built/supported third-country facilities, and in countries where US forces operate in relation to armed conflict and other situations of violence benefit from treatment and detention conditions that comply with IHL, other relevant bodies of international law and internationally recognized standards, including in terms of their access to appropriate health care and the ability to maintain contact with their families. They fall within a clear legal framework.

### Plan of action and indicators

#### Protection

- ▶ in accordance with standard ICRC procedures, regularly visit people held at Guantanamo Bay, to monitor their treatment and living conditions; submit confidential recommendations to the authorities concerned for improving conditions of internment in line with applicable norms and/or internationally recognized standards
- ▶ pursue substantive discussions with US authorities on legal and policy issues related to internment at Guantanamo Bay, including: compliance with judicial guarantees/procedural safeguards; the need to inform internees of the status of the legal proceedings against them, as well as of their rights under applicable law; and the legal framework governing the transfer/repatriation or resettlement of internees
- ▶ remind US authorities through confidential dialogue of their obligations, under the principle of *non-refoulement*, regarding transfers from US custody of Guantanamo Bay internees and of third-country nationals at the Parwan facility in Afghanistan
- ▶ maintain regular dialogue with US authorities regarding their revised policies on detention/internment in all locations, including on:
  - integrating internationally recognized standards, particularly into policies drafted within the framework of the “lessons learnt” exercise pertaining to the handover of the Parwan facility to Afghan authorities
  - their commitment to promptly notify the ICRC of people detained by US forces in other theatres of operation, and to authorize visits in accordance with standard ICRC procedures
- ▶ develop a dialogue with the relevant authorities on access to other detainees of concern to the ICRC, including people formerly held under US Department of Defense custody and transferred to facilities on Canadian or US territory

#### Restoring family links

- ▶ advocate for the families of all Guantanamo internees to have more contact with their relatives; facilitate such contact by means of RCMs, phone/video calls or recorded video messages, and the delivery of family parcels
- ▶ identify and assess options for facilitating family visits for internees; subsequently, organize such visits in coordination with the pertinent authorities

#### Assistance

- ▶ in coordination with the authorities, facilitate access to educational opportunities/vocational training for Guantanamo Bay internees; provide reading materials in the appropriate language for selected internees

#### Health

- ▶ through dialogue with the authorities and by contributing expertise, help ensure that the health needs of internees – including those requiring physical rehabilita-

tion, those with mental-health conditions, and hunger strikers – are met

- ▶ contribute, through discussions on medical ethics with government and civil society stakeholders, to the provision of medical care for internees in line with internationally recognized standards, and the revision of pertinent guidelines/protocols, including those for managing hunger strikes, to better reflect these standards
- ▶ in view of the aging internee population, support the health authorities at Guantanamo Bay in identifying and implementing means to provide appropriate medical treatment, including by facilitating referrals to specialized care

## ACTORS OF INFLUENCE

Canada and the US play prominent roles internationally; they continue to take an interest in humanitarian issues and to support aid efforts worldwide. IHL-related matters such as the extraterritorial use of force, the use of certain types of weapons and the application of new technologies in armed conflict figure significantly in policy discussions within the US government.

US troops maintain an active operational presence in various contexts globally.

Washington hosts a substantial diplomatic community and is the seat of major international/regional organizations, including the OAS.

Throughout North America, the media, academia, NGOs and think-tanks have significant influence in shaping public opinion and government policy on humanitarian issues.

### Objective

Civilian and military policy-makers and members of the Canadian and US armed forces know and respect IHL and other fundamental rules protecting people in armed conflict and other situations of violence, and incorporate them into their decision-making processes. Civil society stakeholders help foster awareness of humanitarian issues among all those involved in these situations and the wider public, thus achieving greater respect for human dignity. All actors, including representatives of OAS member States, understand the ICRC’s mandate and support the work of the Movement.

### Plan of action and indicators

#### Prevention

- ▶ encourage Canadian and US civilian and military authorities, and the OAS, to continue reflecting their support for IHL and related legal norms or internationally recognized standards in their decisions, policies and activities, by:
  - pursuing dialogue and providing expertise on legal/policy issues, such as: the legal framework applicable to military operations; the conduct of hostilities; the effects of conflict on vulnerable populations; civil-military relations and the importance of maintaining humanitarian space; detention; cyber warfare; and weapon-related issues
  - engaging OAS bodies and related entities, such as the Inter-American Defense Board and the Inter-American Defense College, in giving prominence to humanitarian issues, such as: the protection of medical services; the humanitarian needs of migrants; the ap-

- plication of internationally recognized standards on the use of force; the humanitarian consequences of certain types of weapons; and sexual violence
  - maintaining dialogue on: policies on the use of specific types of weapons and on explosive remnants of war (US); implementation of the Convention on Cluster Munitions (Canada); and ratification of the Arms Trade Treaty (both States)
  - supporting government agencies and the security industry in implementing the principles contained in the Montreux document on private military and security companies
- ▶ deepen public understanding of humanitarian issues, the ICRC's mandate and its neutral, impartial and independent humanitarian action, and gain the support of influential actors for its activities in key contexts, by:
  - sustaining dialogue with Canadian and US decision-makers on operational issues, including the importance of confidentiality and of the ICRC's legal immunities for maintaining its capacity to deliver humanitarian aid
  - involving authorities, professional organizations, NGOs, think-tanks and academics in awareness-raising efforts aimed at increasing protection for vulnerable populations and – in line with the Health Care in Danger project – for medical services during armed conflict and other emergencies
  - conducting media briefings/interviews to encourage accurate coverage of IHL-related/humanitarian issues; disseminating timely information and contributing to the debate on such issues, including through the *Intercross* blog and social media platforms
  - helping enhance IHL expertise/instruction by conducting consultations, seminars and presentations in law/ humanitarian policy faculties at US academic establishments
  - cooperating with key US educational/scientific/technical institutions and think-tanks on research projects on subjects of common concern
- ▶ to better integrate IHL-related and humanitarian considerations into military doctrine, education, training and planning, and to further understanding of the ICRC's mandate among the Canadian and US armed forces:
  - maintain substantive operational dialogue with the US defence establishment, including combatant, operational and pertinent non-operational commands, and with US-based NATO institutions (see *Brussels*)
  - develop contacts with key military training institutions in both countries, by contributing to courses/discussions/conferences, and other means

- ensure humanitarian concerns are taken into account while developing/drafting military doctrine and procedures, by advancing dialogue with institutions involved in this process; support the integration into revised doctrines of key “lessons learnt”, including in relation to Canadian and US deployments in Afghanistan
- brief commanders of US military units deploying on operations or undergoing combat-readiness training on humanitarian issues in their respective areas of responsibility

## RED CROSS AND RED CRESCENT MOVEMENT

The American and Canadian Red Cross Societies are key partners for the ICRC in promoting IHL and in operational and funding matters.

### Objective

The American and Canadian Red Cross Societies implement relevant responses to humanitarian needs. They promote understanding of IHL and the Movement among their governments, civil society, relevant organizations and the military.

### Plan of action and indicators

#### Cooperation

- ▶ maintain cooperation with the National Societies and develop partnerships based on mutual interests, including through staff secondment
- ▶ to reinforce each other's capacities in key areas, share expertise/technical input on:
  - providing family-links services to vulnerable migrants (US) and emergency response training (Canada)
  - IHL promotion/instruction, particularly through academic events and social media initiatives
- ▶ to improve communication on IHL-related/Movement issues, convey a consistent Movement image and garner support among key stakeholders:
  - encourage National Society participation in ICRC courses, and information sharing on operational and other issues, including new technologies
  - work together to promote Movement activities, particularly those related to the Health Care in Danger project, and raise awareness of IHL and humanitarian concerns among the government, military, media and general public
  - within agreed frameworks, identify and mobilize segments of the Canadian and US private sectors to enlist their financial support for Movement initiatives