



ICRC

International Committee of the Red Cross

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## From the battle of Solferino to the eve of the First World War

The first half-century of the ICRC's existence saw the development of concerted and coordinated humanitarian action for war victims, on the basis of international law.



Serbian-Turkish War, 1878. Serbian ambulance.

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On 24 June 1859, during the War of Italian Unification, Franco-Sardinian forces clashed with Austrian troops near the small town of Solferino in northern Italy. On that day, a citizen of Geneva, Switzerland, Henry Dunant, was travelling to the area to meet Napoleon III on personal matters. On the evening of the battle, Dunant arrived in the village of Castiglione, where more than 9,000 wounded had taken refuge. In the main church, the *Chiesa Maggiore*, where thousands were lying unattended, Dunant and the local women strove for several days and nights to give them water, wash and dress their wounds and hand out tobacco, tea and fruit.

Dunant remained in Castiglione until 27 June and then set out again, returning to Geneva on 11 July. He was beset by financial difficulties, but could not forget what he had seen, and in 1862 he published a work entitled A Memory of Solferino. In it he described the battle and the wounded of the *Chiesa Maggiore*, concluding with a question:

"Would it not be possible, in time of peace and quiet, to form relief societies for the purpose of having care given to the wounded in wartime by zealous, devoted and thoroughly qualified volunteers?" It was this question that led to the founding of the Red Cross. He also asked the military authorities of various countries whether they could formulate "(...) some international principle, sanctioned by a convention and inviolate in character, which, once agreed upon and ratified, might constitute the basis for societies for the relief of the wounded in the different European countries?". This second question was the basis for the The Geneva Conventions.

### Committee is formed

Henry Dunant's book was a huge success; it was translated into virtually all the European languages and read by the most influential people of his time. Among them was Gustave Moynier, citizen of Geneva, lawyer and chairman of a local charity (the Geneva Public Welfare Society). On 9 February 1863, he presented the conclusions of Dunant's work to his society, which established a five-member committee to study the author's proposals.

This committee, which comprised Moynier, Dunant, General Guillaume-Henri Dufour, Dr Louis Appia and Dr Théodore Maunoir, was initially called the International Committee for Relief to the Wounded. However, it soon became known as the



Members of the Committee of Five, which later became the ICRC.

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International Committee of the Red Cross (ICRC). It met for the first time on 17 February 1863. From the outset it saw that the volunteers envisaged by Henry Dunant could act effectively, without risking rejection by officers and soldiers, only if they could be told apart from ordinary civilians by a distinctive emblem and were protected from the fighting. Hence the concept of giving neutral status to medical services and volunteer nurses.

On 25 August 1863, the International Committee decided to convene an international conference in Geneva, under its own responsibility, to study ways of overcoming the inadequacy of army medical services. It sent out invitations to all European governments and numerous leading personalities. The conference was opened by General Dufour on 26 October 1863. There were 36 participants, including 14 government delegates, six delegates of various organizations and seven private individuals. This dual approach, both public and private, continues in International Conferences of the Red Cross/Red

Crescent, whose participants today comprise delegations of National Red Cross and Red Crescent Societies, those of States party to the Conventions and observers (mainly from non-governmental organizations).

The 1863 conference took as a basis for discussion a draft convention prepared by the International Committee. It ended with the adoption of ten resolutions, which provided for the establishment of societies for relief to wounded soldiers ("committees") -- the future Red Cross, and later, Red Crescent, Societies.

Resolution 10 entrusted the exchange of information among the relief societies of the various countries to the International Committee.

### **The growth of national societies**

The first relief societies - those in Württemberg, the Grand Duchy of Oldenburg, Belgium and Prussia - were set up during the next few months. Societies followed in Denmark, France, Italy, Mecklenburg-Schwerin, Spain, Hamburg and Hesse.

Meanwhile, the International Committee was preparing for the next stage, a diplomatic conference. The purpose was to transform the resolutions adopted in 1863 into treaty rules, which would have the force of law for the contracting parties (i.e. States).

On 1 February 1864, however, the Austrian and Prussian armies invaded Denmark, starting what became known as the The German-Danish war. The International Committee decided to send two delegates to the field to care for the wounded and to study the possibilities of implementing some of the conclusions of the October 1863 conference.

On 6 June 1864, the Swiss government (which had agreed to organize the diplomatic conference) sent a letter of invitation to all the European governments and to the United States of America, Brazil and Mexico.

### **Adoption of the Geneva Convention**

The conference, attended by delegates from 16 States, met from 8 to 28 August 1864. Taking as a basis for discussion a draft convention prepared by the International Committee, on 22 August 1864 it signed the Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in

the Field. Modern international humanitarian law was born.

By the end of the year, the Convention had been ratified by France, Switzerland, Belgium, the Netherlands, Italy, Spain, Sweden, Norway, Denmark and the Grand Duchy of Baden.

A new war, however, was soon to put the recently adopted Convention through a baptism of fire. This was the Austro-Prussian war of 1866.

Bismarck believed he had to crush France in order to achieve the unification of Germany. This led to the Franco-Prussian war, which broke out four years later, in July 1870. It was during this conflict that the International Committee established the first Information Agency for families of wounded or captured soldiers. A series of conflicts, known as the Eastern crisis (1875-1878), took the delegates of the International Committee as far as the Balkans. They returned there during the Serbo-Bulgarian war (1885-1886) and again during the Balkan wars (1912-1913).

Throughout this period, the ICRC remained the chief driving force behind the development of international humanitarian law. It was able to do this mainly through the experiences of its delegates.



## INTRO TO GENEVA CONVENTIONS

The Geneva Conventions and their Additional Protocols are part of **international humanitarian law** – a whole system of legal safeguards that cover the way wars may be fought and the protection of individuals.

They specifically protect people who do not take part in the fighting (civilians, medics, chaplains, aid workers) and those who can no longer fight (wounded, sick and shipwrecked troops, prisoners of war).

The Conventions and their Protocols call for measures to be taken to prevent (or put an end to) what are known as "**grave breaches**"; those responsible for breaches must be punished.

The Geneva Conventions have been acceded to by **194 States** and enjoy universal acceptance.

**The first Geneva Convention of 1864 dealt exclusively with care for wounded soldiers; the law was later adapted to cover warfare at sea and prisoners of war.**

**In 1949 the Conventions were revised and expanded:**

**1st Convention** - wounded soldiers on the battlefield

**2nd Convention** - wounded and shipwrecked at sea

**3rd Convention** - prisoners of war

**4th Convention** - civilians under enemy control

**In 1977 two Additional Protocols were added:**

**1st Protocol** - international conflicts

**2nd Protocol** - non-international conflicts

**In 2005 Additional Protocol III was adopted:**

**3rd Protocol** - additional distinctive emblem



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## How "grave breaches" are defined in the Geneva Conventions and Additional Protocols

The four Geneva Conventions of 1949 and Protocol 1 of 1977 each have a definition of what constitutes grave breaches.

### GC 1 Art. 50.

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

▶ [full text of the Convention](#)

### GC 2 Art 51.

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

▶ [full text of the Convention](#)

### GC 3 Art 130.

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention.

▶ [full text of the Convention](#)

### GC 4 Art. 147.

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present

Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

▶ [full text of the Convention](#)

## **AP 1 Article 11 - Protection of persons**

[...]

4. Any wilful act or omission which seriously endangers the physical or mental health or integrity of any person who is in the power of a Party other than the one on which he depends and which either violates any of the prohibitions in paragraphs 1 and 2 or fails to comply with the requirements of paragraph 3 shall be a grave breach of this Protocol.

[...]

▶ [full text of the Protocol](#)

## **AP 1 Article 85 - Repression of breaches of this Protocol**

[...]

2. Acts described as grave breaches in the Conventions are grave breaches of this Protocol if committed against persons in the power of an adverse Party protected by Articles 44, 45 and 73 of this Protocol, or against the wounded, sick and shipwrecked of the adverse Party who are protected by this Protocol, or against those medical or religious personnel, medical units or medical transports which are under the control of the adverse Party and are protected by this Protocol.

3. In addition to the grave breaches defined in Article 11, the following acts shall be regarded as grave breaches of this Protocol, when committed wilfully, in violation of the relevant provisions of this Protocol, and causing death or serious injury to body or health:

(a) making the civilian population or individual civilians the object of attack;

(b) launching an indiscriminate attack affecting the civilian population or civilian objects in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects, as defined in Article 57, paragraph 2 (a)(iii);

(c) launching an attack against works or installations containing dangerous forces in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects, as defined in Article 57, paragraph 2 (a)(iii);

(d) making non-defended localities and demilitarized zones the object of attack;

(e) making a person the object of attack in the knowledge that he is hors de combat;

(f) the perfidious use, in violation of Article 37, of the distinctive emblem of the red cross, red crescent or red lion and sun or of other protective signs recognized by the Conventions or this Protocol.

4. In addition to the grave breaches defined in the preceding paragraphs and in the Conventions, the

following shall be regarded as grave breaches of this Protocol, when committed wilfully and in violation of the Conventions or the Protocol:

(a) the transfer by the occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory, in violation of Article 49 of the Fourth Convention;


(b) unjustifiable delay in the repatriation of prisoners of war or civilians;

(c) practices of apartheid and other inhuman and degrading practices involving outrages upon personal dignity, based on racial discrimination;

(d) making the clearly-recognized historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples and to which special protection has been given by special arrangement, for example, within the framework of a competent international organization, the object of attack, causing as a result extensive destruction thereof, where there is no evidence of the violation by the adverse Party of Article 53, subparagraph (b), and when such historic monuments, works of art and places of worship are not located in the immediate proximity of military objectives;

(e) depriving a person protected by the Conventions or referred to in paragraph 2 of this Article of the rights of fair and regular trial.

[...]

 [full text of the Protocol](#)

