



**Scrutinizing The Position
Of The International
Committee Of The Red
Cross In The Development
And Consolidation Of
International Peace
And Security**

SCRUTINIZING THE POSITION OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS IN THE DEVELOPMENT AND CONSOLIDATION OF INTERNATIONAL PEACE AND SECURITY

ESCRUTINIO DE LA POSICIÓN DEL COMITÉ INTERNACIONAL DE LA CRUZ ROJA EN EL DESARROLLO Y CONSOLIDACIÓN DE LA PAZ Y LA SEGURIDAD INTERNACIONALES

ABSTRACT

The International Committee of the Red Cross is an unbiased and independent organization whose unique humanitarian task is to protect and assist the lives and dignity of the victims of war as well as domestic violence. The international committee is responsible for the conducting and coordinating the relief supplies of the movement in times of conflict. Besides, it tries to alleviate human problems by promoting and strengthening international humanitarian law and universal humanitarian principles. It seems that the International Committee of the Red Cross has contributed effectively to reduction of the risks of helping victims of natural disasters, ratifying the Fourth Geneva Convention and its two additional protocols, and monitoring the implementation of international law instruments, so promoting and consolidating peace and international security for human beings. The present study has been done using descriptive - analytical method.

KEYWORDS: Humanitarian, Red Cross, Victims, International Peace and Security.

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RESUMEN

El Comité Internacional de la Cruz Roja es una organización imparcial e independiente cuya única tarea humanitaria es proteger y ayudar a las vidas y la dignidad de las víctimas de la guerra, así como a la violencia doméstica. El Comité Internacional es responsable de la conducción y coordinación de los suministros de socorro del movimiento en tiempos de conflicto. Además, trata de aliviar los problemas humanos promoviendo y fortaleciendo el derecho internacional humanitario y los principios humanitarios universales. El Comité Internacional de la Cruz Roja ha contribuido eficazmente a reducir los riesgos de ayudar a las víctimas de desastres naturales, ratificando el Cuarto Convenio de Ginebra y sus dos protocolos adicionales, y supervisando la implementación de los instrumentos de derecho internacional, promoviendo y consolidando la paz y seguridad internacional para los seres humanos. El presente estudio se ha realizado utilizando el método descriptivo - analítico..

PALABRAS CLAVE: Humanitario, Cruz Roja, Víctimas, Paz Internacional y Seguridad.

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1. INTRODUCTION

In order to reduce and decrease such various threats, violence and atrocities aiming at reducing human suffering and protecting “intrinsic dignity of man”, since 1863, a committee which is called “the International Committee to Assist the Wounded in Geneva to help The injured and the war victims” began their efforts. Also, within few years later the “International Committee of the Red Cross” has replaced the committee. On the one hand, the committee developed its position as a role model for NGOs by expanding its diplomatic activities among countries. On the other hand, it spreads its support in favor of war victims. In the fundamental formation and gradual development of international humanitarian law which belongs to non-international armed conflicts, there have been various actors, both governmental and non-governmental, in which the ICRC has played a prominence role and a high position. This committee is one of the oldest and most active organization in the field of international law. From the time of the formation of the International Committee of the Red Cross (ICRC), the Committee’s assistance to victims of armed conflict has been considered as one of the committee’s major responsibilities. The committee has been participated in the formation and implementation of these rights as the guarantor of international human rights law and humanitarian law actively. The study of the formation of international humanitarian law principles demonstrates the core role of the International Committee of the Red Cross in the advancement of international law. Moreover, regarding the vital role of the institution in shaping international law, the International Committee of the Red Cross (ICRC) has been towards to the orderly implementation of these rights. The researcher wants to demonstrate a holistic image of the direct and indirect role of the International Committee of the Red Cross (ICRC) in the integration of international peace and durability and its

analysis of its actions and its evolution from the beginning up to now. In this case, there are some questions that are being asked in a chronological order which we are attempting to answer them. Does the ICRC play a role in reaching international peace and security? If the answer is yes, how does this role apply and how does this role work for? By what methods does the committee sketching its supportive role? What are the rules and regulations behind it in support of peace and security? What are the challenges and limitations of the Committee in contemporary times? And has its actions been effective so far? All of these questions are summarized as the role of the ICRC in supporting international peace and security.

2. THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND ITS IMPACT ON INTERNATIONAL NORMS

The Red Cross and Red Crescent Movement, established in 1863, is a coordinated collection of independent national and international institutions. These institutions are common in the goal, the basic principle and flag. Creating this movement is in fact a response to the plight of wars and an attempt to “humanize” them through legal rules. By such rules, the movement intends to prevent from brutality and oppression of the war and to provide support and assistance to the military and civilian war veterans.

2.1. TASKS, PRINCIPLES AND ORGANIZATION OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS

2.1.1. Objectives and tasks

When on February 17, 1863, the International Committee for the Assistance to the Wounded, which later became the name of the International Committee of the Red Cross, was formed, its main goals were as follows:

- Establish a National Committee to help the wounded.
- Adjusting of a global unit logo to clean and distinguish volunteer rescuers.
- Adoption of a publicly accepted agreement to protect all persons who are formally or informally involved in helping victims of war.

- Respect and support of relief workers.

In general, the primary goal of the committee was to help and provide relief to the wounded, injured and, in other words, the victims of armed conflict, gradually expanding its operations and its activities with assistance, care, relief measures and prevention of disasters during the armed conflicts, which involve under the global log. (Momtaz, 1994).

The statute of the International Committee of the Red Cross (ICRC), in its Article 4, specifies the goals and duties of the Committee:

- Maintaining the basic principles of the Red Cross announced by the Twentieth International Conference of the Red Cross.
- Identify any new Red Crescent population that has been created or re-established, and has met the conditions for valid identification, and declare this identification to other national populations.
- Commitment to the tasks entrusted to the Committee by the Geneva Conventions.
- Carrying out activities as an impartial body.
- Provision of central medical information agencies and provision of health services needed in armed conflict in cooperation with organizations and other proper authorities.
- Action for the completion of international humanitarian law and for the understanding and promotion of the Geneva Conventions and for providing the tools for their possible enlargement.
- Taking over some representatives from the International Red Cross Conference has been delegated to the committee.

2.1.2. Organizations

International Red Cross members are elected by the former members of the Committee from among Swiss nationals under Article 6 of the Statute. This selection is done through "admission to partnership" (Bugnion, 1995). In the course of expanding the outlook of its activities and the need to integrate and adapt

the committee to the labor pressures caused by the changing circumstances, the members increased from 5 to 7 during the French-Prussian War in 1870-71. Then it increased to 16 people at the end of World War I and 21 at the end of World War II. Since 1945, its members have been between 15 and 25 people (Yessem-bayeva, 2018 and Bossier, Pierre, 1985). The composition and membership of the International Committee of the Red Cross is a matter that has been discussed since the formation of the Committee. The committee is a privately held Swiss-Swiss private law firm with members of the Swiss community and, on the other hand, an international institution for its kind of activities and duties. Accordingly, this is an issue that has always been a source of ambiguity and controversy, even by great figures such as Fiodor Fiodovitchde Martens . a legal adviser to the Russian emperor, and the founder of Martensia's principle of armed oppression. At the Fourth International Conference of the Red Cross in Stamper, 1887, he stipulated that "I do not find any legal link with which an institution that calls itself the Geneva Committee could be linked.

The selection of committee members from Swiss citizens initially was just a coincidence; however, after many years now, this has been consolidated as a constitutional principle (Salavati-Niasari et al., 2015) Article 5 of the Statute of the International Red Cross and Red Crescent Movement, adopted at the 25th International Red Cross Conference in Geneva (October 1986), as well as in paragraph 1 of its own, stipulates that the International Committee of the Red Cross (ICRC) of its members Chooses from the members of the Swiss. (IbidI). The procedure for choosing its members among Swiss citizens has always been interpreted as guaranteeing neutrality, independence, and the reason for the continuation of its operation. But this has been viewed as unusual by many observers for making international contributions to committee activities and suggestions for reform (IbidI).

2.3.1. The territory of the International Committee of the Red Cross

As stated, the committee is a Swiss-based body governed by the law of the state and all its members are Swiss. Nonetheless, the scope of its activities is international, which has led some to protest this feature of the com-

mittee, and some opposing it Insist that this feature preserves the independence of the committee, making it easy to make decisions and guaranteeing the secrecy of its activities. However, the impartiality of Switzerland may conflict with the status of the committee and its activities.

The committee usually conducts its work with confidentiality and without advertising, and believes that it can help the poor more without advertising, unless there is a gross violation of international humanitarian law, which in this case may open the issue. For example, the International Committee of the Red Cross (ICRC) called for the overt human rights violations in 1983 and 1984 during the Iran-Iraq war or in 1989 by Israel.) Bretton ,1977)

National Red Cross and Red Crescent Counts exist in more than 147 countries) Beigbeder, 2005(. In the Islamic countries, instead of the Red Cross, a red crescent is used in the white background. These populations are in fact nongovernmental organizations.

The activities of these populations vary according to the headquarters state (place of activity). These activities include immediate assistance, health services (Mafi et al. 2012), social assistance to individuals or groups, training nursing staff, transporting and delivering blood to patients, and programs for young people.

During the war, the populations act as backing to the armed services of the armed forces. They take care of sick and injured soldiers and come to the aid of prisoners and refugees.

In order to recognize themselves from the International Committee of the Red Cross and admittance to the Union of Red Cross and Red Crescent Societies, they must comply with the conditions, including respect for the fundamental principles of the movement, with the same impartiality and neutrality. They should also be known to their own government as volunteers to assist the government.

2.2 THE IMPACT OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS ON THE INTERNATIONAL NORMS

2.2.1. *Developing the international humanitarian rules*

The legal system applicable to the committee is of a wide variety. It includes, International human rights law conventions, general principles of law, human rights treaties, in particular the Geneva Conventions of 1949 and the 1977 protocols, the customary international law applicable to armed conflict, the rules of the Red Cross, certain agreements, headquarters agreements, regulations Swiss domestic law conferring powers on the committee, resolutions of the General Assembly of the United Nations or the Security Council on victims, resolutions and decisions of international bodies, transport, communications, taxation and postal documents and legal regime Ruling the committee. At the same time, in the past and today, one of the prominence challenges faced by the committee during each war or conflict is the lack of rules and the lack of rules for its activities(Bossier, 1985).

The fields and development of human rights regulations, centered on the Committee, after the Second World War, in addition to wounded soldiers in land and sea warfare and prisoners of war, can be found in the following cases: 1) Protecting civilians throughout the period Conflicts 2) Limitation and the use of certain weapons.

2.2.2. *Promotion of human rights*

The promotion of humanitarian law represents activities aimed at upgrading its culture and its consolidation "among nations, and it can be applied to all acts that the committee, in the pursuit of humanitarian action, and promoting the status of international humanitarian law carries out (Central tracing agency and protection protection extract from ICRC Annual Report 2008) .In this regard, the committee takes into account the level of audience and the rules of the subject and improves it by raising awareness of the rules, organizing educational and awareness-raising programs for different groups.

The target groups are the committee, armed forces and police, youth and academics. In 2005, for example, in Mexico and Haiti, the

Committee has been pursuing human rights education in military exercises and outlining police duties. The publication of books and guiding articles, such as the book "Service and Support", "Anti-Personnel Mines", "War Rights: Guide for Professional Soldiers," "Behavior in War: Rules of Behavior in War," "First Aid," "Police." And the security forces "is mentioned for this group(Promotion international humanitarian humanitarian law by ICRC: <http://www.Icrc.org/eng/ICRCactivities/promotionIHL/2005/Mexico>).

2.2.3. *Prevention of Conflict*

According to the Prevention Committee, "a set of tools and activities aimed at addressing harmful effects or limiting its unpleasant consequences. The committee's view in this regard is that, firstly, it should prevent harmful events; secondly, in the event of occurrence, it should limit its extent; thirdly, in order to minimize its harmful consequences. Before the dispute, the role of the committee focuses on holding workshops, training courses, arranging seminars and exhibitions, and issuing a report(Kosirrik, Rene 1977).

In the course of the conflict, the preventive measures of the committee are intended to change and correct the hostile behavior. In the committee's view, victims should know how to survive and receive help for their owner. In this regard, the committee has set up organized teams, such as nurses' teams, medical staff, logistics experts and medical equipment. The family union is based on the "help-and-donate" rehabilitation of the victims and the interaction with the National Red Cross and Red Crescent Societies, including the Committee's principles, for preventive measures, after the conflict. For example, in the wars of Somalia, Mozambique of Eastern Europe, the Committee paid special attention to this, and the Committee's priorities were addressing the vital and main (Grunewald, 1986)needs of the victim.(ICRC: prevention policy Adopted by the Assembly of ICRC on 18 sep. 2005).

2.4.2. *Monitoring correct implementation of Human Rights*

In addition to the acts of the Committee's normalization process, as a regulatory element, it controls the implementation of humanitarian rules by the parties to the con-

flict, and has played a role in various ways so far. In principle, the committee can not judge the hostile behavior, as it is not the judicial authority. However, in general, it stated the guiding principles of impartial acts and violations in the International Red Cross in April 1981; in principle, the Disclosure Committee Has fulfilled the following conditions:

A) Violations are frequent; B) Confidentiality measures that result in the termination of violations are not fruitful; C) Disclosure is in favor of individuals and groups that are threatened or attacked; D) Representatives of the committee are witnesses Violations or claims of breach of regulations that have been reported from trusted sources. (Extract from IRRc, 1981)

2.2.5. *The role of the Red Cross Committee in supporting the military*

In this section, we analyze the role of the committee by analyzing the committee's support and examining its procedures and practices in relation to the types of offenders of war victims, both potentially and actual. In a general division, the victims of the war can be divided into two main groups: A) war victims; B) civilians who are always at risk of war.

2.2.5.1. *Creating safe areas and evacuating injured soldiers*

The Committee's repeated proposals to the military over the past several years, and then to the diplomatic conferences of the Geneva Conventions, were eventually covered in Article 15 of the Fourth World Trade Organization Convention.(Article 15 of the 1949 Geneva Act of 1949).Typically, the permanent areas of the flood were in the Spanish Civil War, between China and Japan, in the Palestinian-Arab War, Lebanon and most recently in Gaza. At the same time, such sites may be abused and the parties question its impartiality (Ibid, p.119-117).

Secure areas require a ceasefire in a small area of the battlefield. In these cases, the Committee may be requested or the Rasa Committee intervenes in the light of humanitarian initiatives; in the next step, the Committee will further develop its activities by educating its representatives on assisting and facilitating the organization of fire and super-

wise them. However, the lack of funding, credit allocation and transportation equipment undermines access to victims, which plays a crucial role in defeating the committee.

2.2.5.2. Tracing and identification of injured military personnel

The extent, and scope of such actions depends on the circumstances of each conflict and the terms of the committee. Basically, the Central Tracing Agency is trying to find out about the situation of the injured military personnel and finding the patient and monitoring their conditions. Sending detention cards, announcing the change of address of the transferees, exchanging family messages, records of military personnel who have died in detention and researching the prisoners' health are among other tasks by the agency of tracing (Grunewald, 1986).

The relief and rehabilitation acts in favor of the wounded, the sick and the medical personnel of the armed forces, in addition to the fact that the principle of the collection and care of human beings is impartial and fair, is rooted in the Geneva regulations, and it is also seen in the Committee's proceedings, Austria-Prussia in 1866 until now. The burden committee takes responsibility for the need for help, so that, so far, on a regular basis in each conflict, the national populations have informed the neutrality of the needs of the victims. First, the Committee transmitted only the list of needs that were received from the hostile national populations, but after World War II, it generally deployed a delegation to assess needs. This has enabled the committee to always provide first-hand information in full detail. The type of supplies depends entirely on the reported needs and resources available to the committee; these include drugs, blood, clothing, surgical equipment, stretcher, bedding, tents, blankets, ambulances and from multiple cartons to a complete field hospital (The scale of these acts has been steadily increasing, depending on the type of conflict and its dimensions. For instance, in the Lebanese Civil War in 1982).

2.2.5.3. Protection of prisoners of war

The common feature of this group of victims is the seizure and imprisonment; due to the similarities in their needs in this section, we also consider issues related to the arrest

of civilians. In these cases, extractive funds from the Committee's procedures include regular or intrusive visits to detention centers, estimates of needs, relief, attention to the interests of individuals, the provision of recommendations, the preparation and setting up of reports, the creation of a sense of responsibility between governments, in some General awareness-raising cases, the fight against torture and inhuman treatment, the restoration of family unity, the enforcement of judicial safeguards, confidential, effective and flexible dialogue (Ibid,p.124). Initially, the Committee evokes the fundamental obligations of governments to protect those who are in the hands of the hostile government. (Including the Committee's reminder of Article 3, the principles contained in Article 12 of the Third Treaty, Article 27 of the Fourth Protocol and Article 5 of Protocol II.)

2-2-5-4. Supporting the restrictions on the methods of war

The role of the committee in these cases is mostly in the area of issues that highlight the obligations of governments to respect humanitarian principles. In addition to drafting documents, preparatory acts for diplomatic conferences, training and awareness-raising, assistance in the cleaning and demolition of mines, are central issues for the Committee, regarding practical action. Apparently, the Committee's achievements are limited to certain cases, and, like the Geneva regulations, it has not pioneered. For example, in 1956, the Committee sent draft rules on the limitation of the perils of civilian populations during the war to the 19th and 21st international conferences of the Red Cross, but its actions failed. At the Diplomatic Conference of 7th, 1974, there were no clear results. By holding the Lebanon and lokano Conference, along with the UN's efforts, it facilitated the conclusion of the 1980 Treaty on the Limitation and Prohibition of Certain Conventional Weapons.

2.2.6.The Red Cross Committee supports the civilian population

Today, civilians, both as offenders and victims, play a more pre-determinant role in the result of the conflict. The unlawfulness of the attack on civilians depends on their behavior in the conflict and is correlated to the principle of direct participation in the hostilities, which means a behavior that, if carried out

by civilians, will halt their support against the dangers of military action. "Direct Participation" is an exception to the principle of separation, which is based on article 51, paragraph 3, of the Additional Protocol and Article 13, paragraph 2, of the Additional Protocol II, and constitutes a long-standing concept of the rights of armed conflicts. But the recent decade was the scene of complex international humanitarian rules on war, since, on the other hand, existing documents do not provide a precise definition of the concept of direct participation. On the other hand, international law has witnessed major developments regarding the presence of civilians in armed conflicts. The International Committee of the Red Cross (ICRC) is committed to supporting and HELPING civilians in four main categories:

2-2.6.1. Protecting Civilians against Armed Conflict

The committee's efforts to support civilians against the impacts of the conflict can be divided into various areas:

(A) Efforts to restore respect for the principle of immunity of the civilian population: the Committee, by any tools, to objectify and satisfy the civilian immunity, such as notification, recalling of the Geneva and humanitarian principles, frequent requests, suggestion of humanitarian services and initiatives, use has done. (The number of requests is numerous. For example, in Beirut on July 7, 1978).

(B) Support for civilian defense personnel and their facilities: the reflection of this entity, in the second protocol and its approval by governments, created a milestone in the series of committee support measures.

(C) Ceasefire and civilian evacuation.

(D) Secure areas for civilians

2-2.6.2. Paying attention to women and children and uniting displaced families

The committee is more sensitive to some individuals who are more affected by war like women and children. The focus of the Committee's activities on the battlefield for children can be summarized as follows: paying particular attention to unaccompanied children, reuniting children with their families,

sending Red Cross messages, (For instance, in 1999, the committee collected and distributed more than 300,000 family messages among children. (Ibid)). supporting acts in favor of detained and rehabilitated children (For instance, in 1999), tools concerning about recruiting children, and promoting children's humanitarian rights (Children in war http://www.TCRC.org/home/focus/children_in_war.htm).

To help families unite and restore vital communications from the war, the Central Committee for Tracing the Committee has so far sent hundreds of letters among separated members of the family, which has estimated around 24 million family messages only during the Second World War. Today, with the provisions of Article 25 of the Fourth Convention, this has become more organized and the right to receive or transmit news of a family is considered as an absolute one. In this context, the committee faces less challenges (Report of ICRC on its activities during the Second World War 1939).

2.2.6.3. Relief supplies

One can consider the prominent challenging issues of the committee as a siege, because it has painful impacts on the people of the country, and in turn, the committee has little freedom of action. For example, during the Lebanon Civil War of 1996-1997, representatives of the Committee organized about 30 relief convoys for a non-Pakistani population under siege between April and June 1981; they either negotiated for a ceasefire or evacuated 361 wounded, sick, child and elderly, and their operations were successful. On the other hand, in order to reach the Palestinian camps in Gaza, in particular over the past two years, the Committee has rejected some of its demands. In numerous cases, such as the Suez War of 1956, civilians in the Golan Heights, the occupation of Gaza, Sinai and Northern Cyprus, the Committee intervened to relieve the civilian population in the occupied territories, referring to Articles 47 below, the Fourth Charter, with paying attention to the breadth of the area and the number of victims that has won many successes. It should be noted that in the field of relief efforts to help civilians on one side of the conflict, the presence of nutrition experts, medical personnel, paramedical staff, logistics experts, pilots, drivers, transportation staff to assist and dis-

tribute items, is efficient in helping Which the committee uses for them. (Ibid, p, 834).

7.2.2. The role of the Red Cross Committee in the develop of international humanitarian law

The custom is one of the most important sources of humanitarian law, which gradually began to formulate in the second half of the nineteenth century. These rules play core role in the development and strengthening of international humanitarian law, and, if necessary, can fill the gaps and defects of the treaty. Accordingly, the Norwegian court declared that the Code of Conduct under the Fourth Hague Convention of 1907 on the laws and treaties of land warfare must be regarded as part of the customary law that all hostile state is committed to (proce s drs grands criminels de guerre devan le tribunal militaire international, 1947.)

The formation of the material element is the first stage in the process of creating customary rules. Indeed, the material element of the custom derives from the function of the main factors of international law, that is, governments. Given the fact that the International Committee of the Red Cross (ICRC) is associative, which has been formed in the realm of Swiss law, must now see whether the specific actions of this committee can, like the actions of the primary and secondary subsidiary bodies of international law, be effective in the formation of an element of material law? Professor Doms Tismott believes in his analysis of the formation of the spiritual element of the custom that the ICRC has played an important role in the adoption of the resolution of the 1921 conference. This resolution is important in that it introduces main ideas that appear to indicate the emergence and expression of legal conviction. "The Red Cross is committed to helping all people involved in the civil war, and the International Committee of the Red Cross, as a representative of the population, is in charge of international assistance (Ibid, p, 214.). In his view, "the ICRC did not pause to criticize its method to the basic principles of humanitarian law, while certain rules that might be applicable in this case were not yet shaped. As was the case with the bombing of cities during the Spanish war.

2-2-8. Actions of the International Committee of the Red Cross to initiate the International Criminal Court

The chairman of the committee expressed appreciation in several announcements from the preliminary committee to produce the opportunity to participate and attend the preparatory committee and give its views. During the course of its activities, the organization has evidenced extensive international crimes including war crimes, most of which unpunished and believed to change the situation, so that the international community is not fully responsible for these rights. Therefore, the committee was very important to follow up on the actions of the preliminary committee and of what was discussed in the committee due to its close relationship with its duty to improve respect for international humanitarian law (Perparatore Committee for the Establishment of an Interantional Criminal Court statement of the ICRC before the United Nations, 1997).

2.2.8.1. How the Committee participated in the establishment of the International Criminal Court (Tribunal)

The committee participated in establishing the court in various ways and has proven its active presence at all stages of the Supreme Court's collection, including the presentation of the work documents submitted to the preparatory committee and the preparatory commission. Also, at all steps of the construction of the Court, the announcements Issued a number of articles in which they supported the establishment and jurisdiction of the Tribunal. In this note, in order to ascertain how the committee cooperates with the introductory committee, we briefly review these documents and the Court's declarations. A detailed survey of these documents is made in the second part of this essay.

A. Working Document February 13, 1997

On the occasion of the February 1997 summit, the Preliminary Committee prepared the Sandy Committee's non-members for war crimes, according to which the Court had jurisdiction over these crimes. According to this document, the Committee set up an effective modification to finalize the irresponsible actions and put forward three conditions for its establishment:

1. The Court shall have jurisdiction over all war crimes
2. The Tribunal will have inherent jurisdiction over crimes against humanity, war crimes and genocide.
3. The Court, as an independent and impartial body, has the power to initiate investigations (Beigbeder, 2005).

In this document, the committee has taken into account the war crimes during international and non-international armed conflicts. The first part of this document counts violations of international humanitarian law in international armed conflicts, and in the latter part. The serious international humanitarian law applicable to international armed conflicts is stated, and in the third part it is a serious violation of the humanitarian law applicable to non-international armed conflicts. The discussion of this document is part of the second part.

B) Working Documents 1999

Following the ratification of the Statute of the Court, the Committee presented three preliminary documents to the Commission on May 28, 18 and 29, 1999, in order to help determine the elements of war crimes. In these documents, after examining a crime element in Article 8 of the Statute of the Tribunal, the Committee has stated in detail in each of these offenses individually the elements of the offenses setting forth in the work of May 28, the elements of the war crimes in Section (c), paragraph 2, of Article 8, and in the documents on June 18 and 29, 1999, the elements of the war crimes in sections (b) and (e) of article 8 of the Statute of the Court are reviewed.

In these documents, the Committee has conducted a deep analysis of judicial procedures, international humanitarian law documents and other international human rights instruments. In generating these documents, the Committee has used different sources, including the International Criminal Tribunal for the Former Yugoslavia and Rwanda, and the decisions of international and constitutional referrals specializing in human rights.

These documents, with stress on the violation of the Geneva Conventions, contain a

deep, theoretical and practical analysis of crimes committed in international and non-international armed conflicts. Also, while determining the material and spiritual elements of each crime separately, they also have elucidated each of these crimes (A. International Committee of The Red Cross (ICRC), working Paper, 1999).

2-2.8.2 Committee participation in the preliminary work of the Statute of the International Criminal Court (tribunal)

As armed conflict proceeds, unfortunately, the atrocities continue to be extensive due to the ratification of the Rome Statute of the rules on warfare and the protection of victims of such conflicts. Governments were committed to prosecuting such crimes. Unfortunately, most of them never did such a follow-up. The necessity of ending the irresponsible cycle required the establishment of the Tribunal (Establishment of an Interantional Criminal Court Towards the end of impunity, 2013) The United Nations, in accordance with UN Security Council Resolution 33/47 of 25 November 1992, appealed the United Nations Commission on International Law to draft the Statute of the Court. The Commission presented to the General Assembly its report on the Statute of the Court in September 1994. The General Assembly convened in 1995 with the establishment of a preliminary committee to consider the draft commission fee for the introductory committee from March 25 to April 12 and from August 12 to 30, 1996. The discussions of the PrepCom on six main lines was namely, the establishment of the Tribunal, the definition of crimes under the cover, jurisdiction of the court, the mechanism for initiating prosecution, (Rapport de position N2 de la F.I.D.H. ,pour la paix, par la justice, jiuin 198, p.2 cited in) and on April 3, 1998 it is ended, and eventually the plan was examined in July 1988 in the form of a Diplomatic Conference on the Establishment of the Court of Rome. (Establishment of an Interantional Criminal Court Towards the end of impunity, 1998).

3.CONCLUSION

The International Committee of the Red Cross is an impartial, and independent organization whose merely humanitarian task is to protect the lives and dignity of victims

of war as well as domestic violence. The international committee conducts and coordinates the relief efforts of the movement in times of conflict. By getting its actual information from the battlefields and from the Red Cross hospitals, the Committee displays its concerns and attitudes in the form of its legal rules and elucidations, but since the rules of the convention are compulsory to the States Parties of the Convention, the committees therefore to oblige non-member States to human rights conventions, as well as to oblige non-governmental groups, and even individuals, develop customary rules of international humanitarian law and. In doing so, in addition to relating conflicts Non-International to International Humanitarian Assistance, a ruling overment will be shaped.

The International Committee of the Red Cross (ICRC) is at the heart of the International Red Cross and Red Crescent Movement, and is the driving and centerpiece of humanitarian activities, contributing positively to the appointing the international humanitarian law and the creation of a legal literature, the formulation and development of supportive provisions. And has been groundbreaking. Clearly, we can evident the broad definition of the context of support and assistance for war victims and the idea of their immunity from war disasters in the work of the committee. Generally, from the Committee's point of view, Victims are divided into two classes: the potential victims that are considered diplomatic and the actual victims who are supported on the battlefield. They are an individual or a group of human beings who are in danger of violence from war and humanitarian violations, and should be protected from the destructive effects of war.

On the diplomatic level, the Committee, using its experiences, has motivated and facilitated the organization of diplomatic conferences with representatives of countries, preliminary work, drafting of documents, expert work, participation in the negotiation process, and presentation of proposals and real reports. The humanitarian assistance of the committee is a progressive tool or in order to achieve its missions, especially in non-international conflicts; this active diplomacy, besides its diplomatic use, includes negotiation, corresponding with the authorities, between the committee and the victims under their authority, has introduced the position of the

committee as a neutral mediator to the global public opinion.

4.SUGGESTIONS

1. In general, conventional and customary rules play an important and decisive role in the formulation and regulation of non-international armed conflicts. What more than anything else is important in identifying the customary rules is in fact filling the defects of treaty law and providing more effective support to victims of non-international armed conflicts.

2. In the post-war period, the issue of human rights has been expanded internationally, which has, in turn, linked human rights violations with international security. Other peace is not equated with non-military action, but poverty, hunger, discrimination, lack of democracy, inefficient government, human rights violations, the basis for the threat to international peace and security. In such circumstances, it seems necessary to pay attention to the new dimensions of the threat to international peace and security, together with consideration of the rights of war. 🇵🇰

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