

# WASHINGTON (regional)

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



ICRC regional delegation ICRC delegation ICRC office/presence

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 2015

- ▶ Authorities in Canada and the United States of America (hereafter US) engaged in discussions with the ICRC on the protection of civilians and other related topics, and expressed support for ICRC operations.
- ▶ People held at the US internment facility at Guantanamo Bay Naval Station in Cuba received ICRC visits. They kept in touch with their relatives via RCMs, phone calls and video messages.
- ▶ US authorities/policy-makers received recommendations for ensuring that conditions at the Guantanamo Bay internment facility were in line with internationally recognized standards.
- ▶ US government agencies and the ICRC discussed humanitarian issues linked to the deportation of vulnerable migrants.

## YEARLY RESULTS

Level of achievement of ICRC yearly objectives/plans of action **HIGH**

| PROTECTION  | Total |
|---|-------|
| <b>CIVILIANS (residents, IDPs, returnees, etc.)</b>                                   |       |
| <b>Restoring family links</b>   |       |
| RCMs collected  | 12    |
| RCMs distributed  | 3     |
| Phone calls facilitated between family members  | 556   |
| <b>PEOPLE DEPRIVED OF THEIR FREEDOM (All categories/all statuses)</b>                 |       |
| <b>ICRC visits</b>  |       |
| Detainees visited   | 122   |
| Detainees visited and monitored individually  | 105   |
| Number of visits carried out  | 5     |
| Number of places of detention visited   | 1     |
| <b>Restoring family links</b>   |       |
| RCMs collected  | 1,371 |
| RCMs distributed  | 946   |
| Phone calls made to families to inform them of the whereabouts of a detained relative | 29    |

## EXPENDITURE IN KCHF

|                                     |              |
|-------------------------------------|--------------|
| Protection                          | 2,795        |
| Assistance                          | 186          |
| Prevention                          | 3,055        |
| Cooperation with National Societies | 556          |
| General                             | 59           |
| <b>Total</b>                        | <b>6,650</b> |
| <i>Of which: Overheads</i>          | <b>406</b>   |

## IMPLEMENTATION RATE

|                           |     |
|---------------------------|-----|
| Expenditure/yearly budget | 99% |
|---------------------------|-----|

## PERSONNEL

|   |    |
|---|----|
| Mobile staff                                | 12 |
| Resident staff (daily workers not included) | 28 |

## CONTEXT

The United States of America (hereafter US) continued to play a major role in global affairs, and was involved in various military operations overseas. It led the international coalition carrying out air strikes and providing military support against the Islamic State group, which remained active in Iraq and the Syrian Arab Republic (hereafter Syria). The US military was also engaged in other contexts, including Somalia and Yemen. Together with NATO, it announced the extension of its technical support for Afghan troops (see *Afghanistan*).

The transfer or repatriation of people held at the US internment facility at Guantanamo Bay Naval Station in Cuba continued. Several of these transfers were in line with decisions of the periodic review board, which continued, per its mandate, to evaluate the status of internees' cases and determine whether the people concerned were to remain in custody or were eligible to be transferred.

In Canada, the Liberal Party won the federal elections in October. The new prime minister made a commitment to end the country's involvement in the US-led air strikes against the Islamic State group, and to increase Canada's humanitarian and development assistance to Iraq, Syria and neighbouring countries.

Migrants from Central America and Mexico continued to cross the Mexico-US border, risking deportation or arrest.

## ICRC ACTION AND RESULTS

The ICRC's dialogue with US civilian and military authorities focused on three subjects: the protection of civilians during military operations, the US military's detention policy/practices and the humanitarian situation in contexts of common interest. Operational, legal and humanitarian concerns were also the main themes of the ICRC's interaction with Canadian authorities.

The ICRC continued to lend its expertise to both States as they advanced the incorporation of measures to protect civilians in the planning and execution of military operations. It maintained its dialogue with the US armed forces on their conduct of hostilities and their involvement in multilateral military operations, as well as on the US's responsibilities in connection with its support for and training of other weapon bearers. Briefings and other events for Canadian/US commanders, operational units and students at military academies helped further their understanding of IHL and of the ICRC's mandate and activities.

The ICRC visited people held at the Guantanamo Bay internment facility, to monitor their treatment and living conditions. Afterwards, it shared its findings and recommendations confidentially to the authorities, emphasizing the importance of ensuring regular family contact, respecting medical ethics and providing health-care services in line with internationally recognized standards. The ICRC maintained its dialogue with US policy-makers on the internees' humanitarian and legal concerns, especially with regard to the ongoing review of their cases. It stressed the need to respect the principle of *non-refoulement* when transferring people out of US custody.

Internees and their relatives in various countries kept in touch through RCMs and phone/video calls. Some internees recorded video messages, which their families viewed at ICRC offices near them.

The ICRC, 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. Briefings, meetings, seminars and other events – some held in cooperation with the National Societies – tackled topics such as humanitarian access during armed conflict, and the protection due to wounded/sick people and health-care services. The ICRC helped the American Red Cross organize its second national IHL competition. The ICRC's digital communication platforms kept the general public abreast of various issues of humanitarian concern. All these initiatives helped promote IHL and foster support for ICRC operations.

Interaction with representatives of the Organization of American States (OAS) helped enhance their awareness of the ICRC's mandate and its activities for violence-affected people, including vulnerable migrants in the region.

The ICRC maintained its dialogue with the US Department of Homeland Security and other pertinent government agencies on the humanitarian consequences of deporting migrants. The American Red Cross continued to offer phone services to vulnerable migrants at key transit points along the Mexico-US border.

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. The ICRC and the Canadian Red Cross strengthened their partnership in assisting conflict-affected people in Iraq, South Sudan, Syria and elsewhere; the American Red Cross supported the ICRC's response to the Ebola crisis in Liberia.

## CIVILIANS

Respect for IHL in connection with the conduct of hostilities of US armed forces, including their participation in or support for multilateral military operations, remained a major theme of the ICRC's dialogue with US civilian and military authorities. Meetings with decision-makers and briefings/training sessions for military officers and troops emphasized compliance with IHL (see *Actors of influence*); these sought to help them further their understanding of humanitarian concerns and to persuade them to take these into account while planning and executing their operations.

The scope of dialogue on the US military's activities in the Middle East broadened; it covered conduct of hostilities, detention policies/practices and the US's responsibilities with regard to its training and support for other weapon bearers.

During its discussions with US government and military officials, the ICRC also drew their attention to the violence endangering patients and health-care services during armed conflict, and urged them to support measures to ensure the safe provision of health care.

Canadian officials learnt more about the protection due to civilians during armed conflicts at an interactive training course organized jointly by the Department of Foreign Affairs, Trade and Development and the ICRC with support from the Canadian Red Cross.

### Migrants have their concerns relayed to US authorities

Vulnerable migrants in the US, including unaccompanied minors, contacted their relatives through phone stations set up by the American Red Cross at key transit points along the Mexico-US border.

Humanitarian concerns arising from the deportation of migrants from the US to Mexico were communicated to the US Department of Homeland Security and other pertinent agencies through a report based on field missions by the Mexican Red Cross and the ICRC's Mexico City and Washington regional delegations (see *Mexico City*); this built on a 2014 report on the same subject. Follow-up discussions with the authorities focused on the safety of migrants after their return to Mexico, their medical needs before deportation, and the provision of family-links services. US congressional staff members learnt more about humanitarian issues related to migration through an ICRC-facilitated visit to Mexico.

Discussions with the US authorities also covered forensic activities in connection with missing persons, i.e. searching for them and recovering/identifying their remains; the potential for ICRC support in this regard was also discussed.

## PEOPLE DEPRIVED OF THEIR FREEDOM

People in US custody at the Guantanamo Bay internment facility received visits from ICRC delegates, conducted according to the organization's standard working procedures, to monitor their treatment and living conditions; 105 were met individually. During private interviews with ICRC delegates, internees discussed their physical and psychological condition and other specific concerns.

The ICRC's findings and recommendations were confidentially shared with the pertinent authorities, to help them improve, where necessary, conditions of internment and ensure compliance with internationally recognized standards.

### Some internees have their first direct contact with relatives

Internees and their relatives in various countries kept in touch through RCMs (1,371 collected; 946 distributed) and phone/video calls (556 made). Twelve people held at a high-security area made video calls to their relatives, the first interactive contact they had had with their families since being transferred to the facility. In line with a 2014 memorandum of understanding between the US authorities and the ICRC, some internees were able to record video messages, which their relatives viewed at ICRC offices near them. A total of 58 internees received parcels sent by their families via the ICRC.

Administrators at the facility and other key policy-makers considered the ICRC's suggestions for improving the internees' contact with their families.

Provision of health care – especially in light of the aging internee population and the prevalence of mental-health problems – remained central to dialogue with the authorities, which also emphasized the importance of applying internationally recognized standards for medical ethics, including those applicable to the management of hunger strikes. An ICRC doctor assessed the internees' health-care needs through meetings with medical/psychiatric staff and by reviewing medical records. Findings and, where necessary, recommendations on the provision of health care, including services for those with mental-health or physical rehabilitation needs, were shared with the authorities.

### Authorities are apprised of humanitarian concerns related to detainee transfers

Dialogue continued, with the Department of Defense and other units of the executive branch of the federal government, on the legal framework, judicial guarantees and procedural safeguards applicable

to people held at the Guantanamo Bay internment facility, particularly in connection with the review of the status of pending cases (see *Context*). Discussions between these agencies and the ICRC also covered the need to respect the principle of *non-refoulement* when transferring detainees out of US custody and to minimize the consequences of such transfers. Twenty-two internees were transferred/repatriated from the Guantanamo Bay internment facility in 2015; as at 31 December, 107 were still being held there.

The situation of third-country nationals being held at the Parwan detention facility, which was entirely under Afghan control since December 2014, and the US's responsibilities following the detainees' transfer to Afghan custody or repatriation/release elsewhere was also broached with the authorities concerned. In these discussions, the ICRC emphasized the US's residual obligations to monitor the treatment of detainees and to work with Afghan authorities to ensure respect for the principle of *non-refoulement*.

The US Department of Defense confirmed its commitment to notify the ICRC of all detainees under its authority and to facilitate the ICRC's access to them. Confidential dialogue with US and Canadian authorities – on access to other detainees of ICRC concern, in particular people formerly held under the custody of the US Department of Defense and transferred to facilities on Canadian or US soil – continued.

## ACTORS OF INFLUENCE

### Policy-makers affirm their support for humanitarian action and the ICRC

Discussions with officials from various sections of the US federal government helped foster respect for IHL and support for the ICRC. These interactions – which included meetings with the ICRC's president and US legislators' visits to the ICRC's headquarters in Switzerland – drew attention to the situation of people held at the Guantanamo Bay internment facility (see *People deprived of their freedom*) and to issues of humanitarian concern in Afghanistan, Iraq, Nigeria, Syria, South Sudan, Ukraine and other countries. The importance of confidentiality to the ICRC's working methods was also emphasized.

Dialogue was established with high-ranking officials of Canada's newly elected government (see *Context*). In his meetings with them, the ICRC's president sought to gain the government's support for ICRC operations and raise awareness of the humanitarian situation in various contexts. At briefings and at a seminar, government officials learnt more about the issues faced by civilians during armed conflict, including sexual violence, and about ICRC activities throughout the world.

OAS officials learnt more about implementing IHL and about the ICRC's activities for violence-affected people, including vulnerable migrants, through briefings and events organized or attended by the ICRC, which included a meeting of national IHL committees that was attended by Canadian and US representatives (see *Colombia*). Interaction with police/security forces in the region provided opportunities to promote internationally recognized standards applicable to the use of force in law enforcement operations.

### Military officers, troops and future soldiers further their understanding of IHL-related concerns

Dialogue was maintained, at different levels, with various branches of the Canadian and US militaries to promote respect for IHL and

its incorporation in their policies, training and operations. Senior US military officials discussed, during meetings with the ICRC, the humanitarian issues in their areas of operation and the applicable international legal framework. The US military's conduct of hostilities in Afghanistan continued to be an important theme during discussions; dialogue about its operations in the Middle East broadened in scope (see *Civilians*). Interaction with Canadian defence officials focused on the country's military engagements overseas and on the ICRC's activities in contexts of common interest.

During briefings/training exercises attended by the ICRC, or organized/supported by it with technical advice, Canadian and US command staff and troops, including US civil-military operations teams, refreshed their knowledge of IHL and its application at various stages of military operations. Troops bound for missions abroad – for example, US forces leaving for Afghanistan – received briefings on IHL that also described the humanitarian issues and the ICRC's activities in their place of deployment.

Future commanders and operational staff learnt more about IHL, the obstacles to humanitarian action and the ICRC's mandate and activities through ICRC presentations/events at US military educational institutions, including the Joint Forces Staff College, the School of Advanced Military Studies and various service academies. Contacts were developed at the US Special Forces' educational centres, in view of the Special Forces' increasing role in the country's defence strategy. An ICRC-chaired debate at a Canadian military/international law school tackled contemporary IHL-related issues; with ICRC support, the Canadian Red Cross ran a series of IHL briefings for the country's armed forces.

The Washington regional delegation facilitated contact with US-based NATO bodies and the UN Department of Peacekeeping Operations, in support of the ICRC's work with NATO and the UN.

#### **Authorities and civil society members enrich the debate on IHL and humanitarian issues**

Canadian and US academics, researchers and other members of civil society contributed actively to IHL debates; the ICRC lent its expertise in legal matters and policy-making and provided input based on its field experience. Discussions covered topics such as: the conduct of hostilities; the rules applicable to the end of hostilities; the situation of people detained in connection with armed conflict; the use of force in non-international armed conflicts; cyber warfare; and new means/methods of warfare, including autonomous weapons. At meetings facilitated by the American Red Cross, the ICRC's director-general and US technology companies/experts discussed how technology could be used to address humanitarian needs more effectively.

Partnerships with leading US universities – for instance, joint events with the law school at American University in Washington DC – helped the ICRC maintain its position as a key source of reference on IHL. Students from 16 law schools and service academies strengthened their grasp of IHL at a competition organized by the American Red Cross with ICRC technical support. Canadian law professors and students benefited from IHL-themed events organized by the Canadian Red Cross/ICRC. Students from different countries participated in the Jean-Pictet competition on IHL held in the US.

Humanitarian workers, UN staff members and US policy-makers discussed humanitarian access during armed conflict and practical

considerations in assisting vulnerable people, at a workshop organized by an umbrella group of US-based humanitarian groups and the ICRC. Cooperation with think-tanks helped relay matters of humanitarian concern to US government officials and civil society.

Media coverage of ICRC activities, interviews of ICRC officials and the organization's digital communication efforts helped broaden awareness of humanitarian issues and the ICRC's work.

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

In line with their strategic partnership, the Canadian Red Cross and the ICRC strengthened cooperation in field activities and other areas, such as the organization of IHL dissemination sessions (see *Actors of influence*). The Canadian Red Cross provided support for key policies presented by the ICRC at the 32nd International Conference, on addressing sexual/gender-based violence during emergencies, for instance. The two organizations bolstered cooperation in responding to humanitarian needs in Iraq, Lebanon, Mali, Pakistan, South Sudan, Syria and elsewhere; they focused on tackling health-related needs, and on building the capacities of National Societies.

In cooperation with the ICRC, the American Red Cross continued to provide family-links services to vulnerable migrants (see *Civilians*), and kept up its IHL-promotion programmes (see *Actors of influence*). It assigned a staff member to Liberia, to support the ICRC's response to the Ebola crisis there. Dialogue on cooperation in future fundraising efforts continued.

| MAIN FIGURES AND INDICATORS: PROTECTION   |  | Total |          |        |      |
|---|--|-------|----------|--------|------|
| <b>CIVILIANS (residents, IDPs, returnees, etc.)</b>                                   |  |       |          |        |      |
| <b>Red Cross messages (RCMs)</b>  |  |       | UAMs/SC* |        |      |
| RCMs collected  |  | 12    |          |        |      |
| RCMs distributed  |  | 3     |          |        |      |
| Phone calls facilitated between family members <sup>1</sup>                           |  | 556   |          |        |      |
| <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>  |  |       | Women    | Minors |      |
| Detainees visited   |  | 122   |          |        |      |
|   |  |       | Women    | Girls  | Boys |
| Detainees visited and monitored individually  |  | 105   |          |        |      |
| Number of visits carried out  |  | 5     |          |        |      |
| Number of places of detention visited   |  | 1     |          |        |      |
| <b>Restoring family links</b>   |  |       |          |        |      |
| RCMs collected  |  | 1,371 |          |        |      |
| RCMs distributed  |  | 946   |          |        |      |
| Phone calls made to families to inform them of the whereabouts of a detained relative |  | 29    |          |        |      |
| People to whom a detention attestation was issued                                     |  | 4     |          |        |      |

\*Unaccompanied minors/separated children

1. Phone or video calls facilitated between people held at the Guantanamo 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     |       |          |