

WASHINGTON (regional)

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



ICRC regional delegation ICRC delegation ICRC office

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.

YEARLY RESULT

Level of achievement of ICRC yearly objectives/plans of action

HIGH

KEY RESULTS/CONSTRAINTS IN 2016

- ▶ Authorities in Canada and in the United States of America (hereafter US) engaged with the ICRC in dialogue on the protection of civilians and other IHL-related issues, and expressed support for its activities.
- ▶ People held at the US internment facility at Guantanamo Bay Naval Station in Cuba kept in touch with their relatives through RCMs, video calls, phone calls and pre-recorded video messages.
- ▶ US authorities and policy-makers were given recommendations for ensuring that conditions at the Guantanamo Bay internment facility – and transfers from there – conformed to internationally recognized standards.
- ▶ The ICRC contributed expert input, about IHL-related matters and on humanitarian considerations that merited attention, to the Canadian government's reviews of the country's policies on defence and international assistance.

PROTECTION	Total
CIVILIANS (residents, IDPs, returnees, etc.)	
Restoring family links	
RCMs collected	2
RCMs distributed	10
Phone calls facilitated between family members	423
PEOPLE DEPRIVED OF THEIR FREEDOM (All categories/all statuses)	
ICRC visits	
Detainees visited	107
Detainees visited and monitored individually	82
Number of visits carried out	8
Number of places of detention visited	1
Restoring family links	
RCMs collected	729
RCMs distributed	567

EXPENDITURE IN KCHF

Protection	2,403
Assistance	168
Prevention	3,115
Cooperation with National Societies	676
General	68
Total	6,430
<i>Of which: Overheads</i>	<i>392</i>

IMPLEMENTATION RATE

Expenditure/yearly budget	92%
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PERSONNEL

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

CONTEXT

The United States of America (hereafter US) continued to play a major role in international affairs. It remained engaged in various military operations overseas: in the Middle East, where it led an international military coalition carrying out air strikes against the Islamic State group and providing military advice, training and other support to security forces and armed groups; and in Afghanistan, Somalia and elsewhere.

A new US president was elected in November 2016.

The transfer or repatriation of people held at the US internment facility at Guantanamo Bay Naval Station in Cuba continued. Several of the transfers followed the decisions of the Periodic Review Board, which continued to evaluate the status of internees' cases and determine whether they were to remain in custody or were eligible for transfer.

Canada worked on strengthening its position within the international community, and reviewed its defence and international assistance policies. In February, it stopped conducting air strikes in Iraq and the Syrian Arab Republic; it focused on providing training and other support to armed forces in Iraq and Ukraine, and on reinforcing NATO's presence in the Baltic countries.

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

ICRC ACTION AND RESULTS

The main themes of the ICRC's dialogue with the US authorities remained unchanged: the protection of civilians during US military operations; US detention policy and practices; and the humanitarian situation, and the ICRC's activities, in contexts of common interest. Dialogue with Canadian authorities was concerned mainly with ensuring respect for IHL and other operational, legal and humanitarian concerns.

The ICRC continued to lend its expertise to both States for advancing the incorporation of measures to protect civilians in various aspects of their military operations; it also sought to influence their positions on key humanitarian issues. In July, the US president asked government agencies to maintain contact with the ICRC, as part of a broader executive order on minimizing civilian casualties during military operations. The ICRC contributed to the Canadian government's review of its policies on defence and international assistance (see *Context*), providing input on IHL-related matters and humanitarian considerations that merited attention.

Dialogue with the US armed forces concentrated on their operations in the Middle East. Senior US military officials and the ICRC discussed issues related to the conduct of hostilities, the humanitarian consequences of US military operations and the responsibilities that followed from US support for security forces and armed groups; recommendations were made to certain commands on specific issues. Briefings and events with or for Canadian and US operational commanders and staff 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, including their access to health care. It also helped internees maintain contact with their relatives through RCMs, phone calls and

video calls. It maintained its dialogue with US policy-makers and other pertinent authorities on the internees' humanitarian and legal concerns, drawing particular attention to the importance of regular family contact and the provision of health care in line with internationally recognized standards and medical ethics. The ICRC also emphasized the importance of respecting the principle of *non-refoulement* when transferring people out of US custody.

Interaction with the authorities and members of civil society in Canada and the US helped to foster support for the ICRC's neutral, impartial and independent approach to humanitarian action and to strengthen its position as a key source of reference on IHL. Briefings, meetings, seminars and other events – which the ICRC usually organized or attended with leading universities, National Societies and other local institutions – facilitated substantive discussions on such topics as the violence affecting patients and health-care services, the rules applicable to the conduct of hostilities, and the humanitarian response to conflict in urban areas. Public awareness of these matters was also broadened by media coverage of the ICRC's work and by the ICRC's efforts to strengthen its public communication. The ICRC continued to engage US-based technology companies in discussions on the use of technology to address humanitarian needs.

Regular contact with the Organization of American States (OAS) helped promote IHL among member countries and raise awareness of the ICRC's activities for migrants and other vulnerable people.

The ICRC also sought to develop dialogue with US authorities on the humanitarian consequences of migration. The American Red Cross continued to offer phone services to vulnerable migrants at transit points along the Mexico-US border.

The Canadian Red Cross Society and the ICRC worked on strengthening their partnership, particularly in addressing health needs in conflict-affected contexts and in helping other National Societies build their capacities. The ICRC maintained its relations with the American Red Cross.

CIVILIANS

Authorities and the ICRC discuss the humanitarian consequences of overseas military operations

The protection of civilians in countries where US armed forces operate remained a major theme of the ICRC's dialogue with US defence authorities and pertinent federal executive departments and legislative bodies. Meetings with decision-makers and briefings for military commanders and troops emphasized the necessity of complying with IHL (see *Actors of influence*), particularly the rules on the conduct of hostilities. Such interaction focused on matters related to US military operations in the Middle East, including their detention policies and practices and the responsibilities that followed from their training and support for security forces and armed groups in the region. The ICRC also raised – during training exercises and confidential dialogue – the humanitarian consequences of US military operations and those of their partners; it made recommendations, as necessary, to certain US commands on specific issues.

Dialogue with the strategic and operational leadership of the Canadian armed forces focused on IHL and its incorporation in their initiatives to train, advise and assist other armed forces. At an ICRC seminar, officials from the ministries of foreign affairs and international development learnt more about the protection due to civilians during armed conflicts.

The ICRC continued to draw attention to the violence endangering patients and health-care services during armed conflict and other situations of violence – in its public communication and during dialogue with policy-makers and members of civil society – with a view to raising support for measures ensuring the safe provision of health care.

The pertinent authorities are apprised of the plight of vulnerable migrants

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

The ICRC pursued dialogue, on the humanitarian consequences of migration, with the pertinent US authorities and contributed to discussions on the subject at regional events (see *Actors of influence*). It continued to monitor the situation of vulnerable migrants: for example, it assessed needs among Haitian migrants who had gathered at the US-Mexico border. It kept up its efforts to engage the pertinent US authorities' attention in matters related to humanitarian forensics.

PEOPLE DEPRIVED OF THEIR FREEDOM

People held at the Guantanamo Bay internment facility were visited, in accordance with standard ICRC procedures, by delegates who monitored their treatment and living conditions; 105 internees were met individually. During private interviews with the delegates, some internees discussed their physical and psychological state and other matters related to their situation.

The ICRC shared its findings and recommendations to the pertinent authorities through confidential reports and during periodic meetings, in order, when necessary, to help them bring internment conditions in line with internationally recognized standards.

Guantanamo Bay internees maintain family contact

Most of the internees were able to communicate with their relatives in various countries through RCMs (567 distributed; 729 collected) and phone or video calls (423 made). Several among them recorded video messages, which their relatives viewed at ICRC or National Society offices near them. Twenty-nine people received food parcels sent by their families through the ICRC. Administrators at the internment facility and other key policy-makers considered the ICRC's recommendations for improving internees' contact with their families.

Health care remained a major theme of discussions between the authorities and the ICRC, particularly in view of: an aging internee population; mental illnesses among the internees; and the necessity of complying with internationally recognized standards and respecting medical ethics, including those concerning the management of hunger strikes. An ICRC doctor visited the facility to assess internees' health-care needs, meet with medical and psychiatric staff, and review available medical records. Findings and, where necessary, recommendations for the provision of health care, including mental-health care and/or physical rehabilitation services, were shared with the authorities.

US authorities are apprised of humanitarian concerns related to transfers of people out of US custody

In 2016, 48 people were transferred or repatriated from Guantanamo Bay; 59 were still there as at 31 December. The ICRC

maintained its dialogue, with the Department of Defense and other federal executive departments, on the legal framework and procedural guarantees applicable to Guantanamo Bay internees; this was particularly consequential because the status of pending cases was being reviewed (see *Context*). Discussions between these agencies and the ICRC also covered the necessity of respecting the principle of *non-refoulement* in transferring detainees out of US custody, whether to their home countries or to third countries, and the importance of mitigating the humanitarian consequences of such transfers.

The US Department of Defense's commitment to notify the ICRC of all detainees under its authority, and facilitate access to them, was made law through the 2016 National Defense Authorization Act, which the US president had signed in 2015. The ICRC sustained its confidential dialogue with the pertinent authorities about access to other detainees of ICRC concern, in particular people who had been held under the custody of the US Department of Defense and transferred to facilities on Canadian or US soil.

ACTORS OF INFLUENCE

Policy-makers reaffirm their support for humanitarian action and the ICRC

Dialogue with decision-makers in the region enabled the ICRC to foster support for its neutral, impartial and independent humanitarian action and, where necessary, to mobilize them on issues of pressing humanitarian concern.

Dialogue with officials from various sections of the US federal government focused on the situation, and the ICRC's activities, in contexts of common concern, and on the situation of people held at the Guantanamo Bay internment facility (see *People deprived of their freedom*). Contact with US authorities – the ICRC president's meetings with them, briefings by ICRC officials, and other interaction – also sought to influence their views on such matters as humanitarian financing and the humanitarian response to conflict in urban areas. The importance of confidentiality in the ICRC's work was emphasized. In July, the US president called on government agencies to maintain contact with the ICRC, as part of a broader executive order on minimizing civilian casualties in US military operations.

Efforts to strengthen the ICRC's relationship with the Canadian government continued. Discussions between the ICRC's president and Canada's prime minister, and other meetings between Canadian and ICRC officials, encompassed humanitarian policy and operations and respect for IHL. The ICRC made expert contributions – about IHL-related matters and humanitarian considerations – to the government's review of its policies on defence and international assistance.

The ICRC maintained its engagement with the OAS, particularly on the plight of migrants in Central and North America and efforts to assist them. During OAS debates and at briefings for OAS diplomats, the ICRC gave prominence to these topics and to issues affecting missing persons' families. OAS officials learnt more about implementing IHL through ICRC presentations at OAS events.

Dialogue with the World Bank was developed, particularly on humanitarian and development financing, and on humanitarian issues and the ICRC's operations in fragile contexts.

US and Canadian military personnel further their understanding of IHL

During meetings with ICRC representatives, senior US officials from the military and the intelligence community discussed humanitarian concerns of pertinence to them and the applicable international legal framework. These meetings focused on the US military's operations in the Middle East (see *Civilians*); dialogue about the military engagement in Afghanistan, Somalia and other contexts continued.

Meetings with Canadian military personnel, at strategic and operational levels, covered Canada's military engagement overseas and other policy, operational and legal issues.

During briefings and military training exercises attended by the ICRC or organized with its technical assistance, Canadian and US operational command staff and troops added to their knowledge of IHL and its application at various stages of military operations. Personnel bound for missions abroad or supporting other armed forces – for example, Canadian advisers to Ukrainian troops – were briefed on IHL and on the humanitarian issues and ICRC activities in their places of deployment. Contact with US special operations forces' training centres was sustained: the Special Operations Command attended an ICRC-organized experts' round-table in Switzerland. The Canadian Red Cross organized IHL briefings for the armed forces, with ICRC financial support and technical guidance.

Future commanders and operational staff learnt more about IHL, humanitarian issues and the ICRC's mandate and activities through ICRC presentations and events at US military educational institutions, including the Joint Forces Staff College and the service academies.

The Washington delegation facilitated contact between ICRC officials and US-based NATO bodies and the UN Department of Peacekeeping Operations.

Authorities and civil society discuss IHL and obstacles to humanitarian action

The authorities and civil society in both countries contributed actively to discussions about IHL and humanitarian issues during events that the ICRC organized or attended, often in cooperation with the National Societies or local institutions. These discussions covered such topics as: the conduct of hostilities; detention in non-international armed conflict; humanitarian access during armed conflict; protection of people during conflict in urban areas; violence affecting patients and health-care personnel; and cyber warfare.

Partnerships with Canadian and US universities – for example, an IHL workshop at Yale Law School and presentations on IHL at the Columbia University Graduate School of Journalism – continued to help the ICRC maintain its position as a source of reference on IHL. Students from US law schools and service academies tested their grasp of IHL at a national competition organized by the American Red Cross with ICRC technical support. In Canada, law professors and students learnt more about contemporary challenges to IHL at conferences hosted by the National Society and the ICRC.

Media coverage of the ICRC's work and the ICRC's own efforts to boost its online presence, particularly through the *Intercross* blog and social media platforms, helped broaden awareness of IHL, humanitarian issues and the ICRC's work. Events organized around the launch of the updated commentary on the First Geneva Convention and of a report on the "People on War" survey, through which people in 16 countries shared their views about some rules of war, drew further attention to these topics.

The ICRC's director-general, together with American Red Cross staff, met with US-based technology companies and experts to discuss how technology could be used to address humanitarian needs more effectively.

RED CROSS AND RED CRESCENT MOVEMENT

The Canadian Red Cross and the ICRC strove to strengthen their strategic partnership, particularly in such areas as: responding to health needs; helping other National Societies – such as the Lebanese Red Cross and the Syrian Arab Red Crescent – develop their capacities; and identifying innovative approaches to humanitarian action. The Canadian Red Cross and the ICRC also continued to cooperate in promoting IHL and their joint activities among Canadian policy-makers, and in the recruitment of ICRC staff. The ICRC provided training for Canadian Red Cross emergency response personnel.

The American Red Cross continued to offer family-links services, particularly to vulnerable migrants (see *Civilians*) and to promote IHL (see *Actors of influence*). Dialogue between the American Red Cross and the ICRC, on cooperation in fundraising, continued.

MAIN FIGURES AND INDICATORS: PROTECTION		Total			
CIVILIANS (residents, IDPs, returnees, etc.)					
RCMs and other means of family contact			UAMs/SC		
RCMs collected		2			
RCMs distributed		10			
Phone calls facilitated between family members		423			
PEOPLE DEPRIVED OF THEIR FREEDOM (All categories/all statuses)					
ICRC visits			Women	Minors	
Detainees visited		107			
			Women	Girls	Boys
Detainees visited and monitored individually		82			
Number of visits carried out		8			
Number of places of detention visited		1			
RCMs and other means of family contact					
RCMs collected		729			
RCMs distributed		567			
People to whom a detention attestation was issued		1			

MAIN FIGURES AND INDICATORS: ASSISTANCE		Total	Women	Children
PEOPLE DEPRIVED OF THEIR FREEDOM (All categories/all statuses)				
Health				
Visits carried out by health staff		3		
Places of detention visited by health staff	Structures	1		