BOĞAZİÇİMUN 2026

International Committee of the Red Cross (ICRC)
STUDY GUIDE

Agenda Items:
1) Protecting Civilians from Cyber Warfare in the Digitalization of Armed Conflicts in Accordance with International Humanitarian Law
2) Strengthening the Monitoring, Reporting, and Rracing of Missing Persons and Prisoners of War with an Emphasis on Enforced Disappearences

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II. Letter from the Secretary-General

Meritorious Participants,

I am Duru Yavuz, a senior Political Science and Sociology student at Boğaziçi University. As the Secretary-General, I would like to welcome you all to the 8th official session of BoğaziçiMUN, BoğaziçiMUN'26.

Our academic and organizational teams have been working endlessly to ensure the best BoğaziçiMUN experience for our participants. I would like to begin by thanking our Deputy Secretaries-General, Ömer Alp Şiringöz and İpek Şen for their efforts, support and friendship. And the biggest of thank you's goes to our Director-General and Club co-Coordinator Kaan Berker and our Deputy Director-General Ekin Asyalı, this conference would not be what it is without their ambition and hard work. I would also like to thank our Club co-Coordinator İrem Ayber for all her help in both academic and organizational capacities.

BoğaziçiMUN has always been a ground where we aim to achieve academic and organizational excellence, but it has also been a place where old friends get to gather and work towards a common goal, even if it is in the middle of a snowstorm. In our experience as a club and as a conference, we have broken and reshaped barriers, we have learned what it means to be in a close-knit team, we have looked to the past and embraced our legacy, and we have looked to the future to envision an improved BoğaziçiMUN.

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Throughout the years, we have gained new experience, knowledge, and strength; and found a sense of community in our members and participants. In each BoğaziçiMUN; we have seen you, our participants, learn and grow with us; expanding your knowledge of international relations, world politics, and history. It was this growth and the chance to witness your dedication and curiosity that have inspired us to continue improving BoğaziçiMUN every single year. And because we get to see your enthusiasm, because we get to engage our participants' minds with the pressing issues of our time, our efforts are made worthwhile. This year, we have prepared for you a wide range of unique committees and agenda items, all thanks to our wonderful Under Secretaries-General who have worked closely with our academic team to bring fresh perspectives and discussions to the conference.

After months of preparation on top of our years of foundational experience, BoğaziçiMUN is finally ready to open its doors to you and 'Bridge the Gap' once again this February. At the intersection of diplomacy, international relations and creative decision-making, BoğaziçiMUN stands as a chance to take matters into your own hands. Let us embark on this mission together and broaden our horizons as well as our community. It is my utmost honor to welcome you all to BoğaziçiMUN 2026, I hope to meet you soon.

Kind regards,

Duru Yavuz
Secretary-General of Boğaziçi MUN 2026

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III. Letter from the Under Secretaries-General

Distinguished Delegates,

It is our distinct pleasure to welcome you to the International Committee of the Red Cross (ICRC) at BogaziciMUN.

As the guardians of International Humanitarian Law (IHL), the ICRC occupies a unique and vital space in the international community. Our mandate is not defined by political borders or national interests, but by the universal necessity of human mercy and the preservation of dignity amidst the chaos of conflict. In this committee, you are tasked with upholding the core principles of neutrality, impartiality, and independence as you navigate the complexities of 21st-century warfare.

Our agenda for this session focuses on two critical and contrasting challenges:

Protecting Civilians from Cyber Warfare: As the battlefield extends into the digital realm, we face the risk of a lawless frontier. You must ensure that IHL evolves alongside technology, addressing threats to civilian infrastructure and sensitive data. Your goal is to ensure that the virtualization of conflict does not strip the most vulnerable of their fundamental protections.

Missing Persons and Enforced Disappearances: In parallel, we must address the enduring human tragedy of those who vanish in the shadows of war. Whether dealing with Prisoners of War or victims of enforced disappearance, your work will focus on strengthening tracing mechanisms and ensuring that no individual is ever truly outside the protection of the law.

The ICRC requires a specific brand of diplomacy—one that prioritizes practical humanitarian outcomes over political rhetoric. We challenge you to be rigorous in your legal analysis, empathetic in your approach to victims, and innovative in your search for solutions. We look forward to witnessing your dedication, your passion, and your commitment to the humanitarian cause.

Respectfully,

Salman Ravy Under-Secretary-General

Yuşa Karakaya Under-Secretary-General

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IV. Introduction to the Committee

The International Committee of the Red Cross (ICRC) is a neutral, independent organization that operates worldwide with the aim of ensuring humanitarian protection and assistance for people affected by armed conflict and other violence in conflict zones through neutral, impartial, and independent action. Established in 1863, the committee holds the position of being the oldest and most honoured organization in the International Red Cross and Red Crescent Movement, the largest humanitarian network in the world, with three Nobel Peace Prizes. Its mission is to alleviate human suffering, protect life and health, and uphold human dignity, especially during times of crisis. ICRC receives its funding mainly through voluntary donations from member governments and National Red Cross and Red Crescent Societies.

The mandate of the ICRC under the Geneva Conventions is to provide humanitarian assistance to people affected by armed conflict and other situations of violence and promote the laws that protect victims of war. The work of the committee is based on international humanitarian law, clearly stated as per the Geneva Conventions of 1949 and their Additional Protocols, the Statutes of the International Red Cross and Red Crescent Movement, and the resolutions of the International Conferences of the Red Cross and Red Crescent.

While the initial initiative of the committee was to have each state adopt the original Geneva Convention of 1864, this has since evolved to urging governments to adapt to our changing circumstances by altering international law to have it match to current world, especially on the issues concerning modern developments in warfare, in order to be better equipped to provide more effective protection to the affected individuals.

1.1. Introduction to Agenda Item A

Protecting Civilians from Cyber Warfare in the Digitalization of Armed Conflicts in Accordance with International Humanitarian Law

In the area of warfare, the use of digital technology has both positive and negative implications. Digital technology has both the potential to save lives and help people find where they can safely go to stay alive, to reunite separated family members, to help medical facilities work well, and to help humanitarian groups and governments provide aid to those who need it. However, the digitalization of warfare also presents grave risks to civilians. Although current events, like the situation within the Ukraine, highlight the challenge posed by this threat today, the reality is that these threats have been known to occur for quite some years in other situations around the world, and this prognostication of the future is probably just that – the foretelling of the future and the problems that will continue to arise for civilians around the world.

1.1.2. The Development and Background of Cyber Warfare

Over the past decade, state and non-state actors have been progressively using digital technology in order to gain the upper hand over their adversaries on the military level. These activities have ramifications that go beyond the "virtual" world, causing harm in the physical world to human beings.

The impact of digital technologies is being felt in efforts that aim at sabotaging vital services for civilians, encouraging violence against civilians, and thwarting humanitarian activities. The malicious nature of digital technologies and the dissemination of harmful information are destabilizing societies and exacerbating vulnerabilities in the civilian populace. In our present online-offline world, the critical infrastructure of civilians is in the sights of malicious operations while at the same time being tapped for support in military activities.

1.1.3. Legal Frameworks Concerning the Digital World

A central assumption in this particular agenda item is that the right of belligerents in cyberspace to cause harm or damage to the enemy is limited. This is because

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International Humanitarian Law (IHL) plays an important role in establishing certain limitations that should be followed during hostilities between belligerents for the protection of civilians, infrastructure, and soldiers who have lost their involvement in hostilities. An overwhelming consensus is that the guiding principles and rules of IHL should be applied in all forms of warfare and in all forms of weapons that can be considered old or new, and physical or digital in nature.

1.1.4. Emerging Dilemmas in Digital Conflict

The growing threats are being made even more complicated by new and evolving dilemmas. These include:

- **Infrastructure Protection**: In what ways can societies protect themselves from the effects of cyber operations that disrupt the functionality of essential civilian services and infrastructures?
- **Data Security**: How is personal and humanitarian data protected against damage, destruction, misappropriation, and non-consensual publication?
- **Role of Private Actors:** What role do and should the private sector, particularly technology companies, play in the effort to protect non-combatant civilians?
- **Participation of Civilians:** What are the risks with the ever-increasing role of civilians, technology corporations, and the military in conflicts using digital technology, and the utilization of civilian digital infrastructure for military actions?
- **Humanitarian Trust:** How do we ensure that there is a continued defense of those who work to help victims of armed conflict being protected themselves?

1.2. Definition of Key Terms and Concepts

To make sure we all have a shared and precise legal understanding of the issues in this document, here are some detailed definitions. They come from International Humanitarian Law (IHL) and the ICRC Global Advisory Board's work on digital threats during armed conflict.

- <u>Disinformation (and Harmful Information)</u>: While disinformation is often used, this report and the humanitarian community will use harmful information. This covers all information risks during armed conflict.

- <u>Defining Harm:</u> Instead of just looking at whether information is true or false, harmful information is defined by its possible results, such as causing physical or psychological harm to protected people. This includes information that causes violence, unfair treatment, or hate; things that stop important services from working (like false warnings about polluted water); and hate speech that makes specific groups seem less human.

- <u>The Fog of War and Truth:</u> It's often impossible to know the complete truth in armed conflict. So, focusing on harm lets us respond realistically. For example, correct information like the location of a minority group can be harmful if shared to hurt them.

- <u>Vulnerability Boost</u>: Now, the danger of harmful information is much bigger because social media spreads it so fast and widely. Often, these platforms don't watch closely enough. This especially hurts vulnerable groups like women, children, and minorities, who are often targeted with hate speech. Also, disinformation campaigns can be used to hurt trust in humanitarian groups, which cuts civilians off from aid.

- <u>Operational Impact:</u> Harmful information doesn't just cause trouble or instability; it can be life-threatening. For example, false reports about where humanitarian corridors, safe zones, or aid spots are can lead civilians into danger or leave them without help.

- <u>International Humanitarian Law (IHL):</u> IHL, also called the Law of Armed Conflict (LOAC) or the Law of War, is a set of international rules that apply during armed conflict to limit the damage. Its main goal is to protect people who aren't involved in fighting, like civilians, medical staff, aid workers, and wounded or captured soldiers. It also limits the ways warring parties can fight. International Humanitarian Law is <u>Universal and for All Tech</u>: it applies to all technology. Its rules go for every kind of warfare and every kind of weapon, whether new or old, physical or digital. This means that cyberspace isn't a lawless place. Cyber actions, like physical attacks, must follow IHL principles like targeting only military targets, avoiding too much civilian harm, and being careful to protect civilians.

Despite cyber tools being so new, this does not make it impossible to have laws for them. Current rules must be used for digital threats, so the conflict going digital doesn't lower protection for civilians. For example, the rule of IHL against attacking hospitals applies to both a missile strike and a ransomware attack that shuts down life support.

- <u>Segmentation</u>: Segmentation is the work of separating military digital things from civilian digital things as much as possible. This idea is key to protecting civilians' data online. If military and civilian data are on the same cloud setup (like banking or hospital records), the whole setup could be seen as dual-use. Under IHL, dual-use things can be military targets, potentially making civilian data destruction lawful collateral damage.

  Segmentation can be done in different ways. Physical segmentation uses different hardware for military and civilian networks. Technical segmentation uses separate logical partitions, private clouds, encryption keys, and access protocols within shared hardware. Additionally, not segmenting can cause legal problems. If a country puts military assets in civilian digital places to stop attacks, it could be using human shields (or digital shields), which breaks IHL, so both countries and tech companies should segment by default. This makes sure that attacks on military networks don't hurt civilians.

- <u>Direct Participation in Hostilities (DPH)</u>: This is a term regarding the IHL that says when civilians lose their protection from attack.

- <u>Loss of Protection</u>: Civilians are protected from attack unless and for such a time as they get directly involved in fighting. Online, this happens if civilians do cyber actions that hurt the military actions or power of a warring party, or cause death, injury, or destruction to protected people or things.

- <u>The Hacker Problem</u>: The hacker problem is a scary trend where countries encourage civilians (patriotic hackers or IT armies) to do cyber actions against an enemy. This makes it hard to tell the difference between civilians and fighters. By encouraging this, countries weaken the protection for all civilians. Also, the civilians involved expose themselves to military targeting (like an attack on their location) and war crimes prosecution after the conflict.

It's also important to separate direct participation from regular support. Using digital tools for personal reasons, sharing political views, doing journalism, or documenting war crimes isn't direct participation and doesn't result in loss of protection.

- <u>Safety by Design</u>: This means creating technology with safety in mind from the start, so users don't have to worry as much.

- <u>Company Duty</u>: Tech companies should create software and services with safety by design in mind. This means thinking about the threats to users in conflict zones (like aid workers and human rights defenders), not just general safety.

- <u>Strong Design</u>: This involves adding security features like encryption, collecting only needed data, and using strong authentication from the start.

- <u>Prevention</u>: This also means designing platforms to avoid being manipulated. For example, algorithms can find and slow down harmful information before it spreads (pre-bunking). By building resilience into the product, companies stop their tools from being used to hurt civilians.

- <u>Kill-Switch</u>: A kill-switch is a way to stop a cyber action if it spreads uncontrollably or acts in unintended ways. It lets you immediately stop or isolate a cyber action (like malware or a botnet attack) if it goes out of control. The need for a kill-switch comes from the IHL duty to protect civilians and control the effects of attacks. Because the internet is so connected, malicious code can easily spread to civilian systems (like WannaCry or NotPetya). Having a way to stop an attack is important to prevent too much damage and follow the rules against harming civilians.

- <u>Digital Emblem (Cyber Emblem)</u>: The Digital Emblem is a technical solution being researched by the ICRC with academic and technical partners. Like the Red Cross symbol for medical places on the battlefield, the Digital Emblem would be a digital sign to show protected things in cyberspace. This could be a file on a server, a domain name extension, or a signature on data packets. A digital emblem would tell cyber operators and scanning tools that something is

legally protected. This makes it easier for warring parties to identify medical and humanitarian things in the digital world, so they can protect them as IHL requires.

- Civilian Data: While IHL usually focuses on protecting physical civilian objects (like houses and schools), reports authored by ICRC say that civilian data also needs protection now. To avoid legal gaps, important civilian data must be protected like physical civilian objects. It would be wrong if digital information (like medical records, social security data, and property deeds) weren't protected.

  Civilian data includes personal records, medical history, biometric data, and humanitarian lists. This data must be protected from damage, destruction, theft, and unauthorized release. Especially, data breaches in conflict zones regarding civilian data aren't just privacy problems. They can lead to civilians being tracked, targeted, displaced, and persecuted based on their ethnicity, religion, or political views.

1.3. Historical Background of Cyber Warfare

In today's world, there is a major change in military strategy, quite sizable from the last decade. Digital technology has not only been used by state and non-state actors as a means of victory in the military realm but also as a primus, bringing them closer to the future than to the past. The utilization of the technologies has become complementary to the kinetic (physical) operations, and even to a larger extent.

Cyber operations are carried out in support of both information and kinetic operations. For instance, they might help to bar the targets from using their communication channels and thus make it easier for the hostile operations or to intensify the damage done by the physical attacks.

Information operations have been an integral part of warfare for a long time already, to warn civilians or deceive enemies, but the digitalization of the process has made its scale, speed, and reach very large compared to the past.

There have been significant changes in the perception of cyber and information warfare as the operations are considered no longer abstract or merely on "the internet". All along, digital technologies have penetrated deeply into every aspect of life and society, and wars have started to be fought in the battleground of hearts and minds, thus inflicting real harm on people. The dark side of technology has been a major factor in the destabilization of societies and the aggravation of their vulnerabilities among non-combatant population groups.

In the past, these technologies would be used primarily for the disruption of critical civilian infrastructure and services, violence against the civilian population, and obstructions to humanitarian relief efforts.

1.3.2 Recent Conflicts and Specific Incidents

Although the ongoing war in Ukraine has recently captured global attention to the matter, the report nevertheless points out that the digital threats have been "long noticed".

These days, wars are increasingly fought online. Tech is crucial for keeping people safe by helping them find safe places and allowing aid groups to get help to them. But at the same time, it's opened up scary new dangers. The war in Ukraine has made everyone sit up and pay attention, but these digital threats have been around for a while in other conflicts and crises. Cyberattacks and online info campaigns aren't just abstract problems anymore. They're causing real harm, messing with societies, and hitting people where they're already weak. This report suggests that these digital dangers will probably only get worse for regular people around the globe.

1.4. Current Situation of the World

1.4.2. Key Issues

Digital conflict has created tough situations and some serious threats to world peace. Cyberattacks are being used more and more to knock out important stuff like factories, communications, and essential services like hospitals and water/power

supplies. Because everything's connected, these attacks can easily spread beyond the war zone, making things even worse and hurting civilians indirectly. A lot of countries and organizations still don't have basic cybersecurity in place, which leaves them open to attack.

Technology has also made it easier to spread fake news and hate speech. This stuff goes wild on different platforms, twisting the truth, destroying trust, and stirring up violence against vulnerable people like women, kids, and minorities. This makes it harder for civilians to get the reliable info they need to survive, like where to find safety or get help.

It's also getting increasingly harder to tell who's a civilian and who's a soldier. More and more civilians and private companies are getting involved in digital operations (either because they want to, they're hired to, or they're encouraged by the government). This means they could lose their protection under international law and become legitimate targets. Also, when the military uses civilian tech like commercial cloud services, it puts those systems – and the people who rely on them - in danger.

Aid organizations are being directly targeted by digital attacks. This includes cyberattacks that disrupt their systems and data breaches that steal sensitive information. Misinformation campaigns also hurt these organizations' reputations, which makes it harder for them to reach people who need help. This can lead to bad things happening to civilians whose data is stolen, or stopping essential aid from getting where it needs to go.

1.4.2. Major Actors

Lots of different players are involved in this digital battlefield, each contributing to the problem or trying to fix it.

The Fighters (Countries and Other Groups)

Over the last decade, both national militaries and armed groups have started using digital tech in their strategies to get an edge. They launch cyberattacks to help with physical warfare, and they run online info campaigns to sway people's opinions and

actions. They still have to follow international law, which means not attacking randomly and protecting hospitals and aid workers.

Tech Companies

These actors include social media platforms, cloud providers, cybersecurity companies, and internet providers. They control the systems on which modern conflict is fought. They should make sure their content rules and business practices line up with international law and human rights standards. There's a risk that what they're doing could be seen as directly participating in hostilities, which could make them military targets and put their employees in danger.

Regular People and Private Companies

These people include individual hackers, hacking groups, and companies hired for cybersecurity or other digital services. These guys often operate from other countries, launching attacks or defending against them, which can make conflicts worse without any regard for international law. Civilians are increasingly being encouraged to join in on digital attacks, which puts their legal protections at risk.

Aid Organizations

Organizations like the ICRC collect and use sensitive data to do their work, which makes them targets for digital attacks. They need to build up their defenses against these threats and make sure private companies and countries know about international law.

Governments (as Regulators)

Besides being involved in conflicts, governments carry another role as an actor, as being responsible for regulating the tech companies that sell tools designed to hurt civilians. They also need to make sure that sanctions include exceptions for humanitarian reasons, so that essential tech for hospitals and aid services can still be maintained.

1.5. Prior Actions and Legal Structures

The world's answer to the quick move to digital methods in war isn't starting from zero. It builds on a long history of legal thinking and some recent cooperative plans. Groups like the United Nations (UN) and the International Committee of the Red Cross (ICRC) have made it clear that online spaces are not free from rules. What follows is a detailed look at the current legal setup, specific UN actions, and joint projects that guide actions in this online area.

1.5.1 International Law

International Humanitarian Law

The main rules for how digital actions should work during war come from International Humanitarian Law (IHL), also called the law of armed conflict. The ICRC's Global Advisory Board has stated clearly that these long-standing rules apply to all types of war and all kinds of weapons, whether they are new or old, on computers or in the real world.

IHL applies everywhere in cyberspace. A key idea in international law is that those fighting a war cannot pick any methods they want. This idea also counts in the online world. The fact that digital tech is new can't be a reason to ignore protecting people who aren't involved in the fighting. The rules that protect people and things that aren't part of the military also apply to online actions, just like they do to physical attacks.

Even though new questions come up about data and online access, the Advisory Board says we don't need brand-new rules every time war tech changes. Instead, we need to read the current laws in ways that keep people, important civilian buildings, and data safe in our more and more digital world. If countries do decide to create new rules, those rules should build on the protections that already exist—not weaken them. New rules must make the current legal system stronger, not cause confusion.

When doing online actions, those at war have to follow the main rules of IHL to avoid hurting people who aren't part of the fighting. Those at war have to clearly distinguish military targets from things that are used by regular people. They can't aim online

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attacks at people who aren't involved, or things like hospitals. This also means not attacking important infrastructure that people need, such as medical facilities and groups that give help.

Because online systems are all linked together, there's a big chance that online attacks will affect computer systems that are used by many people far from the war. Those at war must avoid online actions that could hurt or even kill people who aren't fighting.

Those at war need to always try to avoid hurting people and things that aren't part of the military. This means having careful plans to be sure that what they're attacking is really a military target and figuring out if regular people might get hurt before they attack.

To put these safety measures into action, those at war should use special tech ways. This includes limiting attacks to certain places or times and having kill switches to stop an attack right away if something goes wrong or if the attack is no longer following IHL rules. They also need to test their methods before using them to lower risks.

Protection of Data

A big question right now is how to legally see data from regular people during war. The Board wants countries to see data from regular people as something that needs protection, just like buildings and things used by regular people. It wouldn't be right if putting civilian info online meant it wasn't protected by the law.

Data used by hospitals and groups giving help needs special protection. Destroying, stealing, or sharing this data without permission could cause serious harm, including putting people who are getting help in danger.

Accountability

The move to digital war has made it harder to know who's at fault, especially when regular people are involved.

Countries are mainly responsible for making sure IHL is followed, mostly by those working for them. This counts for hackers or companies doing things for a country.

Countries also need to protect the rights of people under their watch from online dangers caused by other people. Also, countries should control what they sell to stop companies from selling things to people who might break international laws.

Regular people doing online actions related to war could be charged with international crimes if they break IHL rules. Countries need to hold responsible anyone who breaks these rules.

More and more regular people are getting involved in online actions, which makes it hard to tell the difference between who's a fighter and who isn't.

Regular people don't lose protection from attacks if they're using online tools for personal reasons, as reporters, or to report crimes. But if they take a direct part in hostilities through online actions, they could lose their legal protection and become military targets.

Those at war shouldn't push regular people to join in the fighting online. This makes it harder to tell who's a fighter and puts regular people at risk of being attacked. If regular people do these actions, those at war need to make sure they know about IHL rules and what happens if they join in.

Human Rights Law

Besides IHL, online actions also have to follow Human Rights Law, especially when it comes to sharing information.

According to the Human Rights Law, countries need to protect the right of people to say what they think. During war, any limits on this right need to be very clear and follow the rules of law, need, and balance to protect what needs protecting.

Just saying that information is wrong isn't enough to stop people from sharing it, since it's hard to agree on what's true during war. But those at war, especially their governments, should stop sharing hateful ideas that cause discrimination or violence against people who aren't fighting.

1.5.2 Actions by the United Nations

The UN has helped a lot in dealing with the bad effects of online dangers and setting rules for how countries should act responsibly in cyberspace.

UN Security Council Resolution 2664 (2022)

This action is a big step in making sure that sanctions don't stop help from getting to people who need it.

The resolution clearly says that goods and services needed to make sure help gets there on time or to support other actions that help with basic human needs are not covered by UN sanctions.

The Advisory Board says this is important for Information and Communication Technology (ICT). ICT stuff is often needed to give medical and help services to people hurt by war. Putting limits on ICT stuff could put medical services in danger. For example, if hospitals can't update their computer systems, their security gets weak. So, special help exceptions are needed to keep these systems running. Those in charge need to guide tech companies to make sure these exceptions are being used well.

Group of Governmental Experts (GGE) and the Open-Ended Working Group (OEWG)

The UN has helped create voluntary rules through the Group of Governmental Experts (GGE) and the Open-Ended Working Group (OEWG) about cyberspace. These voluntary rules sit alongside current international laws.

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These rules don't try to limit actions that follow international law, and don't weaken the current legal system. They help guide how countries use ICT in terms of international safety.

UN Guiding Principles for Business and Human Rights

Since the private sector owns and runs much of the online systems used in war, the UN Guiding Principles are the standard for what companies should do.

These principles state that tech companies working in war situations should have clear plans to be extra careful and manage risks better. The plans of tech companies should follow IHL and human rights standards. Companies need to make sure their actions don't help spread harmful information or cause violence against people or international crimes.

1.5.3 Other Actions and Joint Projects

Besides laws and UN actions, the world and the ICRC have started joint projects to create practical ways to deal with online dangers.

ICRC Global Advisory Board on Digital Threats (2021–2023)

Seeing how important this is, the ICRC made a Board made up of experts in law, military, policy, tech, and security. The Board was in charge of advising the ICRC on online dangers and making real suggestions to protect people.

The Board made a big report with four main ideas and 25 specific suggestions for those at war, countries, tech companies, and groups giving help to stop or lower online dangers.

Now, the ICRC is studying new tech ways to protect people.

Digital Emblem

Like the red cross, which gives visible protection to medical personnel, the digital emblem is a tech sign to show protected groups in cyberspace. The goal of this is to make it possible for cyber operators to know medical and help places, helping them follow their duty to protect these places under IHL.

Data Protection by Design

The ICRC is working on data protection by design, which puts safety measures right into the computer systems. This makes sure data is handled openly, lowering the effects of possible breaches.

Another key tech idea from the ICRC is to split up military and regular systems. When military people use regular systems (like commercial clouds) during war, those regular systems could become military targets. To protect regular systems from attack, countries and tech companies should try to separate online systems used for military reasons from those used by regular people. Using shared clouds could be seen as hiding military things with regular stuff.

Private People and Hackers

Knowing that there are different people in the online field, projects are happening to teach those who aren't part of the government. Help groups may and should work with hacker groups to respect IHL rules.

Several teaching tools include making IHL-following codes and creating videos to teach people about the rules and dangers of joining in. There's also a big push to work with engineering schools to make sure that operators know the rules for online actions during war.

Working between tech companies and groups giving help has moved to being ready for action. Tech companies and help groups are working to make strong crisis plans to address online dangers against people. Tech companies should help groups give help by sharing info on online dangers and giving support in security. This helping must respect the rules of being fair and not taking sides.

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2.1. Introduction to Agenda Item B

Strengthening the Monitoring, Reporting, and Tracing of Missing Persons and Prisoners of War, with an Emphasis on Enforced Disappearances

2.2. Definition of Key Terms

Listed below are the definitions of the terminology regarding our second agenda item, as per the "Exploring Humanitarian Law" glossary authored by the International Committee of the Red Cross in line with the committee's Education Modules for Young People programme, the ICRC Casebook Glossary, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Rome Statute of the International Criminal Court.

- Missing person: A person whose whereabouts are unknown to their family who has been reported missing in connection with an armed conflict, a situation of violence, or any other situation that may require the intervention of a neutral and independent intermediary such as the ICRC.

- Prisoner of war: A term in international humanitarian law to describe a combatant, or a person of equivalent legal status, in an international armed conflict, who has fallen into the hands of an adverse party. Among the persons whose statuses are considered equivalent to that of combatants are: *war correspondents*, *supply contractors*, *merchant marines,* and the *crews of civil aircraft*. In case of doubt, any captured person who has taken part in hostilities is presumed to be a prisoner of war. A prisoner of war is entitled to special protection under the Third Geneva Convention.

- Enforced disappearance: A term used to refer to the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.

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- <u>Hors de combat:</u> A term that is literally translated as "out of the fight"; it describes combatants who have been captured, wounded, sick, or shipwrecked, or those who have laid down their arms or surrendered, and thus are no longer in a position to fight.

- <u>International humanitarian law (IHL):</u> A body of international law that consists of treaty and customary rules that seek, in times of armed conflict, to limit the suffering caused by war by protecting persons who are not, or who are no longer, taking part in hostilities and by restricting the methods and the means of warfare that may be employed (also known as the 'law of war,' the 'law of armed conflict,' or jus in bello).

- <u>Customary international humanitarian law:</u> General practice accepted as law; such practice can be found in formal statements by States and in official accounts of military operations, but is also reflected in military manuals, national legislation, and case law.

- <u>Universal jurisdiction:</u> A principle of international criminal law that serves as a basis for States to bring criminal proceedings for war crimes irrespective of where they took place and of the nationalities of the perpetrators or the victims.

- <u>Crimes against humanity:</u> A term used to refer to certain acts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. The criminalized acts include *murder, enslavement, deportation, imprisonment, torture, various acts of grave sexual violence, persecution of any identifiable group or collection of individuals,* **enforced disappearance***, and apartheid.* Crimes against humanity are considered to be crimes under international law, whether they take place in times of peace or during war.

- <u>War crimes:</u> This term encompasses grave breaches of IHL and other serious violations of IHL committed in both international and non-international armed conflicts. War crimes include deliberate attacks against civilians, pillage, rape, sexual slavery, enforced prostitution, forced pregnancy, and the use of children under the age of 15 for active participation in hostilities.

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- ○ Grave breaches of IHL: The most flagrant violations of the four Geneva Conventions and of Additional Protocol I, committed in relation to an international armed conflict against certain categories of person (wounded, sick or shipwrecked combatants, prisoners of war, civilians who find themselves in the hands of a foreign State). Grave breaches are regarded as war crimes. The four Geneva Conventions and Additional Protocol I list the acts that are considered to be grave breaches: *wilful killing, torture or inhuman treatment, wilfully causing great injury, causing serious injury to body or health, unlawful deportation or transfer,* and *taking hostages.*

- ○ Serious violations of IHL: In addition to grave breaches of IHL, those violations of treaty law or customary IHL that have grave consequences for victims; they breach rules protecting important values. Serious violations of IHL in both international and non-international armed conflicts are considered to be war crimes.

- Enforcement: A variety of means to ensure that international legal norms are properly implemented at the national level. They commonly take the form of monitoring mechanisms and coercive measures such as penal or disciplinary sanctions. Regarding our agenda, this term will mainly be used to refer to tracing, monitoring, and reporting mechanisms on missing persons and prisoners of war.

- Tracing: the process of locating and identifying persons who may have become separated from their military units ('missing in action') or their families as a result of an armed conflict or other situations of violence.

- Command responsibility: The principle of hierarchical *accountability* for cases involving the commission of war crimes whereby a person in a superior position can be held responsible not only for the crimes they have ordered, but also for failing to prevent or punish the actions, or the inaction, of their subordinates.

- International armed conflict: A situation said to exist when armed force is used by at least two States against each other, even if one of the States does not

recognize that it is at war. A state of occupation or a war of national liberation also constitutes an international armed conflict.

- Non-international armed conflict: The use of armed force between governmental authorities and organized armed groups or between such groups within a State.

- Situations of internal violence: Serious disruptions of internal order, characterized by riots or isolated and sporadic acts of violence through which individuals or groups of individuals openly express their opposition, discontent, or demands (internal disturbances). This term also covers situations of internal tension in which, even in the absence of any acts of violence, the State resorts to practices such as mass arrests of opponents and the suspension of certain human rights, often with the intention of preventing the situation from deteriorating into one that would qualify as internal disturbances. Situations of internal violence *do not* constitute armed conflict.

- Impartiality: In regard to our committee, this term means not discriminating among people on the grounds of their nationality, race, gender, religious beliefs, social class, or political opinions. The work of the ICRC is guided solely by the needs of the individual, with priority given only to the most urgent cases.

- Martens clause: A fundamental principle of IHL dating back to 1899 that states that even in cases not covered by the written rules of international law, civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity, and from the dictates of public conscience.

- Non-state actors: Organized groups, whether armed or not, operating without State control. This category includes dissident armed forces, rebel opposition groups, non-state militias, private military or security companies, non-governmental organizations, and multinational companies.

- Perfidy: Misleading an adversary by falsely claiming protection under IHL, and doing so with the intention of betraying the protection so acquired. Pretending to negotiate under a flag of truce, feigning incapacitation through

injury or sickness, laying claim falsely to civilian or combatant status, or to protection by using the signs, emblems, or uniforms of the United Nations, of neutral organizations like the ICRC, or of neutral or other States not party to the conflict are considered to be instances of perfidy. Under IHL, resorting to such acts in order to kill, injure, or capture an adversary is prohibited.

2.3. Historical Background

2.4.1. Key Incidents

Detenidos Desaparecidos

Detenidos Desaparecidos, Los Desaparecidos, or "disappeared detainees" or simply "the disappeared," was the name given to the missing persons during the 1970s in several Latin American countries. These countries were ruled by military dictatorships that used enforced disappearances as a tool to abduct and eliminate their political opposition.

The members of said political opposition were taken into custody without any legal warrants, and then later on were sent to clandestine detention and torture centers, where they were tortured for information. Most of these victims were then killed, and their bodies were either hidden or disposed of. They were most often dumped into rivers and oceans or buried in mass graves.

With no way for their families and loved ones knowing where they were, these incidents create what is defined as "ambiguous loss", a psychological phenomenon where not knowing whether a person is dead or alive makes it greatly difficult to move on, as families cannot mourn or gain closure, still clinging to possibilities.

The children of some of these enforced disappearances of Los Desaparecidos were also abducted by families linked to the military and raised illegally as their adopted children. Most of these children were stripped of their previous identities, and their pursuit of the recovery of their identities still goes on even today.

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This operation was mainly prominent in Latin American countries, most notably Argentina, Chile, Brazil, Uruguay, and Guatemala, as a result of a series of situations dating back to the Cold War. During the Cold War, one of the battlefronts the forces of the United States of America and the Soviet Union used was Latin America. Due to their involvement, there were many instances of left-wing movements and revolts, such as unions and political parties that defended socialist ideals and demanded land reform and wealth distribution, which challenged the authorities of Latin American governments. Fearing the possibility of communist revolutions, several conservative governments had to take drastic measures to sustain their power over their people, and since this threat was not a foreign army but rather their own people, these measures, of course, included the aforementioned enforced disappearances. This method was prioritized before any other due to its low cost and difficulty to prove. Since there were no records keeping track of these enforced disappearances, their loved ones couldn't file a legal case.

Operation Condor

Operation Condor was a secret alliance between the governments of Argentina, Bolivia, Brazil, Chile, Paraguay, and Uruguay, all of which were military dictatorships that had to resort to suppressing the public to maintain their authority. In addition to these countries, while not being an original party to this operation, Peru also sporadically took part in its events, and as this operation was one against socialist forces, the United States of America acted as a collaborator, as well as the main financier of the operation. Later on, France was also accused of collaborating with these states to help their operation. The government of France has denied these allegations, and there is no proof supporting them.

This operation aimed to track, kidnap, torture, get information, and, evidently, kill the members of each country's political opposition, making it an operation that transcended borders. As a result of this cross-border operation, it was nearly impossible for a person to flee to one country from another without being spotted and abducted through the cooperation of multinational security forces. The national intelligence agencies of these countries were also in collaboration to track down further possible threats, including providing false documentation as covers for their special agents, as well as endorsing forgery and criminality to better locate, identify, hunt, and assassinate the victims of Operation Condor.

The Chechen Wars

The conflicts in Chechnya, a republic in the North Caucasus, represent a critical case study for the ICRC regarding the protection of civilians, the treatment of detainees, and the issue of enforced disappearances.

Historical Context and the First War (1994–1996) Chechnya's history is defined by resistance to Russian rule, notably the 1944 mass deportation of its population to Central Asia under Joseph Stalin. Following the 1991 collapse of the Soviet Union, Chechnya declared independence. This led to the First Chechen War, which resulted in a humiliating defeat for Russia and a 1996 peace treaty that deferred the republic's legal status. However, the region remained unstable, plagued by a crippled economy and the rise of extremist factions.

The Second Chechen War (1999–2009). The second conflict was triggered in 1999 by a militant invasion of neighboring Dagestan and a series of apartment bombings in Russia that killed 300 people. Then-Prime Minister Vladimir Putin launched a "counter-terrorism operation," which saw a massive escalation in military force. Unlike the first war, this campaign had broad Russian public support but led to a devastating humanitarian crisis.

Key Humanitarian Issues for the ICRC:

Total Warfare and Urban Destruction: The capital, Grozny, was almost entirely leveled by heavy artillery and aerial bombardment. The siege tactics used highlighted the failure to distinguish between military targets and civilian infrastructure.

Enforced Disappearances and "Filtration Camps": This conflict is notorious for the use of "filtration points"—detention centers where thousands of Chechens were held to "verify" their identities. These sites became hotspots for torture and enforced disappearances, many of which remain unresolved today (e.g., the landmark Baysayeva v. Russia case).

Casualties and Displacement: Estimates suggest upwards of 100,000 civilian deaths over the decade-long conflict, with hundreds of thousands more becoming refugees.

Terror and Retaliation: The war spilled into the Russian heartland through high-profile atrocities, including the 2002 Moscow theater siege and the 2004 Beslan school massacre, where hundreds of children were killed.

The Chechen Wars exemplify the "lawless wasteland" that emerges when IHL is ignored, leaving a legacy of "ambiguous loss" for thousands of families still searching for their disappeared loved ones.

2.4 Current Status of the World

As of January 2026, the International Committee of the Red Cross (ICRC) characterizes the world as being in a state of profound humanitarian crisis, marked by the highest number of active armed conflicts since World War II. Approximately 130 armed conflicts are ongoing globally, affecting more than 204 million people who live in areas controlled or contested by armed groups. This surge in violence is compounded by a stark disparity in global priorities; while international defense spending has reached a record $2.7 trillion, humanitarian appeals remain chronically underfunded, signaling a global shift toward militarization rather than civilian protection.

The ICRC is currently navigating these challenges by maintaining a presence in over 90 countries, with its largest operations centered in Gaza, Ukraine, Sudan, and the Democratic Republic of the Congo. In Gaza and the wider Middle East, the organization continues to act as a neutral intermediary for hostage and prisoner transfers while addressing the "unimaginable horror" of destroyed civilian infrastructure. In Ukraine, the focus remains on sustaining life-saving services like water and heating amid the ongoing destruction of the energy grid. Meanwhile, in Africa, the ICRC is managing the spillover effects of the Sudanese conflict, which has forced millions into displacement and created a secondary crisis of food insecurity and medical shortages.

The nature of warfare itself is evolving, presenting the ICRC with new "digital front lines." The organization has raised urgent concerns regarding the use of artificial intelligence, autonomous weapons, and cyberattacks on civilian infrastructure, which often fall into legal grey areas. These technological shifts are occurring alongside a rise in "weapon contamination"—the presence of unexploded ordnance that renders land unusable for generations. Furthermore, the safety of humanitarian workers has reached a critical low, with 25 Red Cross and Red Crescent staff killed in 2025 alone, prompting a global call for renewed respect for the Geneva Conventions.

To address this erosion of international norms, the ICRC has launched a major diplomatic initiative alongside nations like Brazil, China, and France to revitalize International Humanitarian Law (IHL). This effort will culminate in a 2026 High-Level Meeting to Uphold Humanity in War, aimed at securing concrete commitments from states to protect civilians and aid workers. Despite these efforts, the ICRC faces its own institutional hurdles, including a "fragile" budgetary environment that has forced the organization to consolidate its operations and focus strictly on front-line life-saving activities to ensure sustainability in an increasingly volatile global environment.

2.4.2. Major Actors

In 2026, the ICRC operates through a complex network of internal leaders, state partners, and humanitarian organizations. These actors collaborate to uphold International Humanitarian Law (IHL) and deliver aid across 130 active conflicts.

Core Institutional Leadership

The ICRC is governed by an Assembly and a Directorate based in Geneva.

Mirjana Spoljaric Egger: The President of the ICRC, who has focused 2026 on revitalizing the Geneva Conventions and securing front-line access.

Pierre Krähenbühl: The Director-General (since April 2024), responsible for steering global operations and the organization's 18,000 staff.

Jürg Lauber: The newly elected Vice-President, set to succeed Gilles Carbonnier in March 2026.

Key State Partners & Donors

The ICRC is 82% funded by voluntary government contributions. In 2026, state actors are categorized by their financial support and diplomatic leadership.

Major Financial Backers: Historically, the United States, Switzerland, Germany, and the European Commission have been the largest donors.

Emerging Donors: To stabilize its budget, the ICRC has increasingly partnered with Saudi Arabia, the United Arab Emirates, Qatar, and Kuwait.

Diplomatic Champions: A core group of six states—Brazil, China, France, Jordan, Kazakhstan, and South Africa—launched a global initiative to host the 2026 High-Level Meeting to Uphold Humanity in War.

Operational Partners on the Ground

The ICRC rarely works alone, relying on local networks to access remote and hazardous areas.

The Movement: The ICRC works alongside the International Federation of Red Cross and Red Crescent Societies (IFRC) and 191 National Societies (such as the Palestinian Red Crescent).

International Organizations: Coordination often occurs between UN agencies (such as UNHCR and WFP) and NGOs like Médecins Sans Frontières (MSF) to ensure that aid reaches civilians in areas like Gaza, Ukraine, and Sudan.

Non-State Actors

The ICRC maintains a unique mandate to engage with armed groups and non-state actors who control territory where over 204 million people live. This dialogue is essential for securing humanitarian corridors and visiting detainees.

2.5 Previous Actions Taken

2.5.1. International Law

Geneva Conventions & Additional Protocols

The Geneva Conventions of 1949 and their Additional Protocols constitute the bedrock of International Humanitarian Law (IHL), specifically codifying the mandate and protective role of the International Committee of the Red Cross (ICRC). As of January 2026, these treaties remain universally ratified by 196 states, though the

ICRC continues to advocate for wider adherence to the Additional Protocols to address modern warfare.

The Four Geneva Conventions (1949)

The 1949 Conventions provide the primary legal basis for the ICRC's operations, granting it a unique right of initiative to offer humanitarian services.

First & Second Conventions: Focus on the protection of the wounded and sick on land and at sea. They mandate the protection of medical personnel and facilities, as well as the use of the Red Cross and Red Crescent emblems.

Third Convention: Governs the treatment of Prisoners of War (POWs). Crucially, states are legally obligated to grant the ICRC access to visit and monitor the conditions of all registered POWs.

Fourth Convention: The first treaty dedicated entirely to the protection of civilians, including those in occupied territories. It prohibits violence, pillage, and collective punishment against non-combatants.

The Three Additional Protocols

These protocols were added to expand protections and address the changing nature of conflict:

Additional Protocol I (1977): Strengthens rules for International Armed Conflicts, introducing further restrictions on the methods of warfare to minimize civilian harm.

Additional Protocol II (1977): The first international treaty specifically for Non-International Armed Conflicts (civil wars), developing the fundamental guarantees established in "Common Article 3" of the original 1949 Conventions.

Additional Protocol III (2005): Formally recognized the Red Crystal as a third neutral emblem, alongside the Red Cross and Red Crescent, for use in environments where religious or political neutrality is required.

International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)

The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), adopted in 2006 and in force since 2010, significantly complements the historical mandate of the International Committee of the Red Cross (ICRC). The organization played a foundational role in the convention's development, having participated in the drafting committee since 2003. During these negotiations, the ICRC secured the inclusion of critical preventive measures—such as the mandatory registration of all detainees and the right of families to be informed of their loved ones' whereabouts—directly into the treaty's text.

Historically, the ICRC has addressed enforced disappearances through its role as the guardian of International Humanitarian Law (IHL), specifically using the 1949 Geneva Conventions to visit prisoners of war and civilians in conflict zones to prevent them from "vanishing". While the ICPPED is a human rights treaty, it reinforces these IHL obligations by universally criminalizing the practice and establishing an absolute, non-derogable right not to be subjected to enforced disappearance, even in times of war.

As of January 2026, the ICRC continues to operate as a vital operational partner to the convention's monitoring body, the Committee on Enforced Disappearances (CED). The two organizations regularly exchange information and coordinate efforts, with the ICRC providing technical expertise in forensics and the handling of human remains, while its Central Tracing Agency (CTA) remains the primary international mechanism for locating missing persons and restoring family links.

2.5.2. Initiatives under the ICRC

The International Committee of the Red Cross (ICRC) has launched several transformative initiatives that have redefined the boundaries of humanitarian law and practice. One of its most significant past efforts was the global campaign in the 1990s to ban anti-personnel landmines. By documenting the horrific, long-term impact these weapons had on civilian populations after conflicts ended, the ICRC provided the moral and legal momentum necessary for the adoption of the 1997 Ottawa Treaty. Similarly, the organization was a driving force in the movement to end the recruitment

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of child soldiers, advocating for the 2000 Optional Protocol to the Convention on the Rights of the Child, which raised the minimum age for participation in hostilities to 18. These initiatives demonstrated the ICRC's ability to turn battlefield observations into binding international norms that protect the most vulnerable.

In addition to treaty-making, the ICRC has historically spearheaded massive research and awareness projects, such as the 1999 People on War project. This initiative involved a worldwide consultation with over 20,000 people to gauge global perspectives on the rules of war, proving that even in the most war-torn regions, there is a universal demand for limits on violence. Another cornerstone of its past work is the 2005 Customary IHL Study, a decade-long academic undertaking that identified rules of war binding on all parties—including non-state armed groups—regardless of whether they had formally signed specific treaties. This study remains a primary reference for international courts and humanitarian actors today, ensuring that legal protections are not limited by diplomatic formalities.

In more recent decades, the ICRC has shifted focus toward systemic protection through the Health Care in Danger (HCiD) initiative, launched in 2011. This program was created to address the alarming rise in attacks on medical facilities and personnel, working directly with military forces and governments to implement practical safety protocols. Historically, the ICRC has also acted as a vital "neutral intermediary" in major geopolitical crises, such as the repatriation of thousands of prisoners during the Iran-Iraq War and the coordination of aid during the Cold War. These past initiatives collectively illustrate the ICRC's evolution from a purely reactive relief organization to a proactive architect of international policy and human rights.

2.5.3. Initiatives under the United Nations

The relationship between the UN and ICRC has been characterized by deep legal and operational synergy, particularly in the evolution of International Humanitarian Law (IHL). A major historical milestone was reached in October 1990, when the UN General Assembly granted the ICRC Permanent Observer status. This was a unique decision, as the ICRC was the first non-governmental and non-intergovernmental

organization to receive such status, recognizing the special mandate conferred upon it by the 1949 Geneva Conventions. This status allowed the ICRC to participate directly in General Assembly sessions and work more closely with UN bodies to promote IHL and humanitarian principles.

Historically, the UN and ICRC have also collaborated to tackle specific humanitarian threats, most notably during the 1990s campaign to ban anti-personnel landmines. The ICRC, alongside the UN and the International Campaign to Ban Landmines (ICBL), provided the essential medical data and legal arguments that led to the 1997 Ottawa Treaty. In more recent history, the two organizations joined forces for UN Security Council Resolution 2286 (2016), the first-ever resolution dedicated specifically to the protection of healthcare in armed conflict. The ICRC's "Health Care in Danger" project provided the technical expertise and field evidence needed to draft the resolution, which was adopted following a high-level briefing to the Council by the ICRC President.

Furthermore, the ICRC has historically played a critical role in supporting the UN's standard-setting work. While the UN International Law Commission famously opted out of codifying the laws of war in 1949, believing war would soon be outlawed, the ICRC took on the primary responsibility for the preparatory work of the 1949 Geneva Conventions. Over the decades, the ICRC has consistently provided the UN with legal advice and technical assistance to ensure that IHL treaties—such as those protecting children in conflict or prohibiting certain conventional weapons—are implemented into domestic laws worldwide. This historical partnership has ensured that even as the UN focuses on political peace-building, the ICRC remains the "guardian" of the rules that protect human dignity when peace fails.

2.5.4. Other Notable Events and Projects

Operations Big and Little Switch

Operation Little Switch was the mutual exchange of sick and wounded people who were taken as prisoners of war in the Korean War. This exchange lasted from April 20 to May 3, 1953, but the initial proposal was on April 11, when North Korean Premier

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Kim Il-sung and Chinese General Peng Dehuai were persuaded effectively by United Nations Commander in Chief General Mark W. Clark.

Baysayeva v. Russia

Baysayeva v. Russia was a case and is also the name used to refer to this case's court ruling, which marked an important milestone regarding enforced disappearances. Tried under the European Court of Human Rights on April 5, 2007, the case was against the Russian Federation about Shakhid Baysayev, a Chechen man forcibly abducted during the war in Chechnya. The court ruling went rather swiftly, with a unanimous vote on holding Russia accountable for violating the European Convention on Human Rights, despite one of the seven main judges on the panel being Russian.

In its unanimous judgement, the Court declared the detention of Baysayev an unlawful one as domestic legal procedures were overridden, and that Baysayev, as his body was never found, should be presumed dead, considering the circumstances of his detention and that the Russian Federation would be held responsible for his death. In addition to these, the findings of the Court also pointed out the deliberate insufficiency of Baysayev's investigation, and they also found the Russian Federation guilty of inflicting unjust psychological torture on two counts, one being Baysayev's degrading and inhumane treatment, and the second count referring to the suffering of his wife as a result of his disappearance. Another finding was the refusal of the Russian authorities to submit the documents of the criminal investigation file being considered a failure to assist the Court in its investigation, all of which violated Articles 5, 2, 2 again, 3, and 38 of the European Convention on Human Rights, respectively.

2.5.4. Previous Actions and Notable Entities

The following organizations and legal cases represent significant milestones in the global effort to address enforced disappearances and the tracing of missing persons. For the ICRC, these cases serve as legal precedents and operational blueprints for fulfilling the right to know under International Humanitarian Law.

Gelman v. Uruguay

The case of *Gelman v. Uruguay* is a landmark ruling by the Inter-American Court of Human Rights (2011) regarding the forced disappearance of María Claudia García de Gelman during **Operation Condor**. María Claudia was abducted in Argentina and transferred to Uruguay, where she gave birth in captivity before being "disappeared." The Court ruled that Uruguay's amnesty laws (the *Ley de Caducidad*) were incompatible with the American Convention on Human Rights because they prevented the investigation of crimes against humanity. For the ICRC, this case reinforces the principle that states cannot use domestic amnesties to bypass their obligation to provide answers to families about the fate of their loved ones.

Croatian and Bosnian War Victim Identification Efforts

Following the Balkan conflicts in the 1990s, over **30,000 people** were reported missing to the ICRC. The Committee played a central role in organizing the "Central Tracing Agency" and publishing the "Book of Belongings"—a catalog of personal items found in mass graves used to help families identify remains. The ICRC also acted as a neutral intermediary between former warring parties (Croatia, Serbia, and Bosnia) to facilitate the exchange of information on burial sites. These efforts transitioned the focus of tracing from purely "searching for the living" to the forensic identification of the deceased.

International Commission on Missing Persons (ICMP)

Established in 1996 at the initiative of the G7, the ICMP is the primary technical partner of the ICRC in forensic identification. While the ICRC focuses on the legal and psychosocial support for families, the ICMP pioneered the use of **large-scale DNA testing** to identify victims from mass graves. Their partnership has been vital in the Western Balkans, Iraq, and Colombia. The ICMP's work provides the scientific "proof" that allows the ICRC to officially close tracing files and helps families gain the legal closure necessary for inheritance and death certificates.

Pro-Búsqueda (El Salvador)

The *Asociación Pro-Búsqueda* is a Salvadoran NGO dedicated to finding children who were forcibly disappeared or illegally adopted during the Salvadoran Civil War (1979–1992). During the conflict, the ICRC recorded many of these cases; in the post-war era, Pro-Búsqueda has utilized those historical records alongside DNA technology to reunite over 400 children with their biological families. This highlights the importance of the ICRC's **long-term record-keeping**, as data collected during a conflict often becomes the only evidence available decades later.

Yakay-Der (Turkey)

Yakay-Der (Association for Solidarity with Families of the Disappeared) focuses on individuals who went missing in Turkey, particularly during the conflict in the southeast during the 1990s. The organization works closely with the families of the "Saturday Mothers" (Cumartesi Anneleri) to demand state accountability. The ICRC's role in this context involves promoting the **"Guiding Principles/Model Law on the Missing,"** urging the Turkish government to adopt legal frameworks that recognize the status of "missing person" and provide administrative support to their families.

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Madres de Plaza de Mayo (Argentina)

The *Madres de Plaza de Mayo* are perhaps the most famous association of families of the disappeared globally. Formed during Argentina's "Dirty War" (1976–1983), they utilized public protest—marching with white headscarves—to demand the "reappearance" of their children. Their movement was instrumental in the creation of the **International Convention for the Protection of All Persons from Enforced Disappearance**. The ICRC supported these efforts by visiting detention centers during the dictatorship and maintaining confidential lists of prisoners, which later assisted in the transition to justice.

Saturday Mothers

Cumartesi Anneleri, or the Saturday Mothers, are a Turkish group consisting mainly of women who have lost their children, spouses, siblings, or other loved ones and relatives in the 1990s following serhildan, a series of Kurdish protests and uprisings. This period was a part of the Kurdish-Turkish conflict, where the government declared the zone the OHAL super-region, essentially giving the governor the authority over anything, including workers' unions, publications, and the power to exile anyone they deemed "harmful" with no prior notice given in advance. As a part of Serildan, many Kurdish activists fell victim to these unjust relocations and exiles, and most of them were never heard from again. Journalists were also not permitted to enter this OHAL region.

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