

International Humanitarian and Human Rights Law Issues

Factual Circumstances	Applicable Law	Commentary
	<p>Art. 4 AC</p> <p>"Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one shall be arbitrarily deprived of this right."</p> <p>Art. 6 CRC states that:</p> <ol style="list-style-type: none"> (1) States Parties recognize that every child has the inherent right to life. (2) States Parties shall ensure to the maximum extent possible the survival and development of the child. 	<p>the CRC.</p> <p>⇒ These attacks which are leveled against all civilians including women and children are also in violation of Sudan's obligation under the CRC to ensure the protection of children.</p>
<p>Bombing, burning of shelters, pillage, destruction of objects necessary for survival</p> <p>Attacks by the GOS and its allies have included bombing villages and burning tukuls, destroying and/or looting food, personal possessions, seeds for cultivation, livestock, crops, hospitals, clinics and NGO compounds.</p> <p>The GOS uses militia to perform some of these attacks but does not pay them. The militia take "bounty" such as personal possessions and livestock.</p>	<p>Customary International Law and Art. 4(2)(g) Protocol II prohibit "pillage" of personal property of civilians who have fled from their homes. Non-combatants and their property must be spared from the incidental effects of military operations. Stealing is an offence of war.</p> <p>Customary International Law and Art. 14 Protocol II provide that:</p> <p>"Starvation of civilians as a method of warfare is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water ..."</p> <p>Art. 17 ICCPR states:</p> <ol style="list-style-type: none"> (1) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home ... (2) Everyone has the right to the protection of the law 	<p>⇒ The fact that the GOS employ or use militias to perform some of these acts implicates them in the violation of the prohibition against pillage of personal property left by the civilians who have fled.</p> <p>⇒ Starvation of civilians is also prohibited by customary international law. Although the objective of these acts by the GOS and their allies may be to forcibly displace the population rather than starve the population <i>per se</i>, the effect is the same. The IDPs who are forced to flee their villages have their personal possessions taken or destroyed, their livestock stolen and have had to abandon their crops in mid-cultivation. They arrive in other villages or areas (such as the swamps) where there are limited or no means of subsistence and no access to food. A lack of health care and drugs and protection from malaria-carrying mosquitoes also exists. Persons are thus forced to depend on food aid and humanitarian assistance for survival where and when it is available.</p> <p>⇒ This right of non-interference relates to all types of residential property. While this right is not absolute³, interference is "unlawful</p>