

Section B – Humanitarian and Human Rights Law Issues Arising as a Result of Forced Displacement

Factual Circumstance	Applicable Law	Commentary
<p>Detention in Open Camps</p> <p>Civilians, including women and children forcibly displaced by the GOS have been unlawfully detained and confined by the GOS to garrison towns in so-called "Peace Camps". The civilians are treated inhumanely, given no services and are required to find their own means of subsistence.</p> <p>Women who go out to gather woods and grass to build shelters, food and water are often followed by members of GOS-armed militias, and may be raped and robbed of their wood, grass and food.</p>	<p>Common Art. 3 obliges states in all circumstances to treat civilians humanely without adverse distinction and prohibits violence to life and person, cruel treatment and outrages upon personal dignity, in particular humiliating and degrading treatment.</p> <p>Art. 4 Protocol II requires that states in all circumstances treat all persons taking no active part in hostilities humanely.</p> <p>Art. 9(1) ICCPR</p> <p>"Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."</p> <p>Art. 6 AC</p> <p>"Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained."</p> <p>Art 10(1) ICCPR</p> <p>"All persons deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human person."</p> <p>Art. 37(b) CRC</p>	<p>⇒ According to Deng, the guarantees in Art. 5(1)(b) include food, drinking water, and protection against the weather and the dangers of the armed conflict, "to the same extent as the local civilian population". Although housing and clothing are not expressly mentioned, they may be inferred from the "protection against the rigours of the climate and the dangers of the armed conflict".</p> <p>⇒ Neither Common Article 3 nor Protocol II codifies the rules as to when civilians may be interned in an internal armed conflict. However, the deprivation of basic necessities to persons confined to the "Peace Camps" is a violation of the requirement of Common Art. 3 and Art. 4 Protocol II to treat persons taking no active part in the conflict humanely in all circumstances.</p> <p>⇒ For the law relating to rape of women see above.</p> <p>⇒ The Human Rights Committee has emphasized that this guarantee "applies to anyone deprived of liberty under the laws and authority of the State who is held in prisons, hospitals, ... detention camps or correctional institutions or elsewhere".</p> <p>⇒ The lack of provision of shelter, food and water by the GOS as well as the theft of provisions gathered from, and rape of, the civilian women are violations of the requirement to treat persons deprived of their liberty with humanity and respect.</p> <p>⇒ Detention of children in these camps is unlikely to meet the requirements of a measure of last resort and is therefore a violation of Art. 37(b) of the CRC.</p> <p>⇒ Detention of civilians in these camps is also an infringement of the</p>