

| Factual Circumstances | Applicable Law | Commentary |
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| <p>Forced displacement</p> <p>The GOS attacks on the civilian population in and around the oil fields are for the purpose of forcibly removing the population from the area</p> | <p>protection against unemployment"</p> <p>Common Article 3 obliges states in all circumstances to treat civilians humanely without adverse distinction and prohibits violence to life and person and cruel treatment.</p> <p>Art. 17 Protocol II</p> <p>(1) The displacement of the civilian population shall not be ordered or forced for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.</p> <p>(2) Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.</p> <p>The Statute of the ICC lists as a war crime the forcible displacement of the civilian population for reasons related to the conflict. Widespread and systematic forced displacement of the civilian population by expulsion or other coercive acts from their area, in furtherance of a state or organizational policy, is a crime against humanity.</p> <p>ICCPR 12 states <i>inter alia</i>:</p> <p>(1) Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.</p> <p>(2) ...</p> <p>(3) The above-mentioned rights shall not be subject to any</p> | <p>⇒ Forcible displacement of civilians by the GOS constitutes inhumane treatment, violence to life and person, and cruel treatment. Such practices by the GOS are arguably war crimes and if systematic, widespread and the product of persecution against an identifiable group, crimes against humanity.</p> <p>⇒ The GOS uses direct, indiscriminate attacks on civilians as a means of inducing displacement. Such attacks not only kill individual civilians but terrorize the population and cause a climate of insecurity. The indiscriminate attacks targeted at the civilian population violate Common Art. 3, and they cannot be justified under the exceptions in Art. 17(1) Protocol II. Indeed the purpose of these attacks expressly violates the prohibition in Art. 17.</p> <p>⇒ The ICRC Commentary to article 17 states that the intent of the prohibition against forced displacement is to minimize civilian displacement that is politically motivated. Forcible displacement by the GOS appears to be an objective of military action and persecution. It is also displacement designed to gain political and economic advantage.</p> <p>⇒ Freedom of movement and residence may be suspended in times of genuine emergencies. However, derogation from these rights must not be in violation of <i>inter alia</i>, the right to life, the right not to be subjected to torture or cruel, inhuman or degrading treatment, the right not to be held in slavery or servitude, the right to freedom of thought, conscience and religion. In addition, the rights articulated in Art. 12 ICCPR may only be restricted for the particular "emergency" situations set out in subsection 3 (law, national security, public order</p> |