



United Nations High Commissioner for Refugees
Definition of International Humanitarian Law

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- The Armed Conflict Law which is also known as the International Humanitarian Law is considered part of the international law that clearly codifies the binding standards to prevent displacement. International Humanitarian Law is unconcerned with the legitimacy of armed conflicts but it rules the approached behavior during conflict and puts humanitarian considerations versus military necessity.
- The Violations of the International Humanitarian Law include Violations on civilians, assaulting them, damaging their properties, sexual violence and limiting their access to health care and/or other basic services. International Humanitarian Law that is codified in Geneva Convention for 1949 and its additional protocols of 1977, include important provisions to prevent displacement and to protect persons who were forced to flee.

- Many of these provisions have been recently considered an International customary law. Geneva's fourth convention specifically deals with protecting civilians during war time including occupation. Internally displaced are considered part of the civilian population and thus they are entitled to receive the same protection from consequences of war like other civilians, the first additional Protocol completes these protections during armed international conflicts, the second additional Protocol completes these protections during non-international armed conflicts. All countries have shared responsibility to execute these protections within the legal work frame of each.

- Despite that every displacement, that is related to struggle, doesn't necessarily represent violation in International Humanitarian Law, the International Customary Humanitarian Law beside the two Protocols prevents displacement of civilians, whether inside the borders of a country or through International borders, or forced displacement, or moving them from occupied territory unless it was for keeping their safety or for military necessities as describes in Geneva fourth convention especially articles (4) and (27), among other important provisions comes the first additional Protocol, articles (51) and (75), the second additional Protocol, articles (4) and (5), Regulations of the International Customary Humanitarian Law number (1) and (7).
- According to International Humanitarian Law "displaced persons have the right of safe voluntary return to their houses or places of habitual residences as soon as their reason of displacement ends" Geneva fourth Convention, articles (49) and (147), and the additional first Protocol, articles (51)(7), (78)(1), (85)(4)(A), the second additional Protocol, articles (4)(3)(H) and (17), International Customary Humanitarian Law number (129) and (132).

- During armed conflict situations, real estates and properties shouldn't be subject to looting or plundering (Geneva fourth Convention, article (33), International Customary Humanitarian Law (52)), or direct /random attacks (first additional Protocol (85), International Customary Humanitarian Law (11)), which are used as a cover for operation or military targets (first additional Protocol(51)) or destroy it or Occupy it for revenge (first additional Protocol (52)), or as a mass punishment (first additional Protocol (75)(2)(D)).

- There is no explicit text about providing shelter to protect persons under Geneva Conventions and its extended Protocols and thus prevents mass destruction and confiscation of houses.
- The commitment to transfer persons who were displaced in or from the occupied lands to their homes as soon as the aggressive acts stops, involves their rights to re-gain their properties, more particularly, private property rights for the displaced must be respected (International Customary Humanitarian Law (133)).