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Detention is the custodial deprivation of liberty. Detention refers to the deprivation of liberty caused by the act of confining a person in a narrowly bounded place, under the control or with the consent of a State, or, in non-international armed conflicts ^[1], a non-State actor. Detainees cannot exercise many of their freedoms, including that of leaving the place of detention at will. People can be considered as having been detained from the time they are apprehended/held without permission or authority to leave, until their release. Under IHL and human rights law, arbitrary detention – i.e., detention which is not foreseen by law - is prohibited.

Persons detained for reasons related to an international armed conflict ^[2] benefit from detailed rules, which can be found in Geneva Convention III (devoted to prisoners of war ^[3]), Geneva Convention IV (which extensively regulates the treatment of civilians interned for security reasons ^[4] and, more summarily regulates that of protected persons ^[5] who are awaiting trial or have been sentenced), and Additional Protocol I (in particular for detainees ^[6] who do not benefit from protected person status).

In comparison to IACs, the treaty law regarding detention in relation to non-international armed conflicts is very limited. For example, the four Geneva Conventions, which are applicable to international armed conflicts, contain more than 175 provisions regulating detention. However, there is no comparable regime for NIACs. In particular, IHL treaty law for NIACs does not stipulate grounds and procedures for detention.

See Civil internees ^[4]; Detainees ^[6]; Detaining Power ^[7]; Indicted or convicted persons ^[8]; Internment ^[9]; Prisoners of war ^[3];

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