



Published on *How does law protect in war? - Online casebook* (<https://casebook.icrc.org>)

Home > Civilian internees

In an international armed conflict, protected civilians may be interned ^[1], i.e., subjected to non-criminal detention ^[2] based on the serious threat that their activity poses to the security of the detaining authority ^[3]. Therefore, internment is a security measure, and cannot be used as a form of punishment. This means that each interned person must be released as soon as the reasons which necessitated his/her internment no longer exist. Furthermore, the decision to intern is to be made on an individual basis, and entire groups of civilians may not be collectively interned.

The Fourth 1949 Geneva Convention provides extensive protection for civilian internees during international armed conflicts.

See Internment ^[1]; Assigned Residence ^[4]; Detainees ^[5]; Detention ^[2]; Protected Persons ^[6];

OUTLINE

Chapter 8, general introductory text ^[7]

Chapter 8, II. 3. gg) if interned: civil internees ^[8]

LEGAL SOURCE

GCIV, 41 ^[9]

GCIV, 42 ^[10]

GCIV, 43 ^[11]

GCIV, ^[12] 78 ^[13]-135 ^[14]

decision of internment: individual administration decision

GCIV, 78 ^[15]

reasons for internment: imperative security reasons; not punishment

GCIV, 41 ^[9]

GCIV, 42 ^[10]

GCIV, 78 ^[15]

treatment of civil internees

GCIV ^[12], 83 ^[16]-131 ^[17]

GCIV, Annex III ^[18]

CIHL, 118 ^[19]

CIHL, 119 ^[20]

CIHL, 120 ^[21]

CIHL, 121 ^[22]

CIHL, 122 ^[23]

CIHL, 123 ^[24]

CIHL, 125 ^[25]

CIHL, 126 ^[26]

CIHL, 127 ^[27]

Women internees

PI, 76 ^[28]

Children internees

PI, 77/4 ^[29]

release of civil internees

GCIV, 132 ^[30]

GCIV, 133 ^[31]

GCIV, 134 ^[32]

GCIV, 135 ^[33]

CIHL, 128(B) ^[34]

CASES

Israel, Cheikh Obeid et al. v. Ministry of Security ^[35]

ICRC, Iran/Iraq, Memoranda ^[36]

US, The Schlesinger Report ^[37]

IACmHR, Coard v. US (Paras. 52-59) ^[38]

Case Study, Armed Conflicts in the Former Yugoslavia (Para. 12) ^[39]

ICRC/South Lebanon, Closure of Insar Camp ^[40]

US, The Taguba Report ^[41]

US, The Schlesinger Report ^[37]

Bangladesh/India/Pakistan, 1974 Agreement ^[42] (Arts 3-11 ^[43] and 13-15 ^[44])

Case Study, Armed Conflicts in the Former Yugoslavia ^[45] (18 ^[45] and 21 ^[46])

United Kingdom, The Case of Serdar Mohammed (High Court Judgment) ^[47]

ECHR, Al-Jedda v. UK ^[48]

ECHR, Hassan v. UK ^[49]

ECHR, Al-Skeini et al. v. UK ^[50]

United Kingdom, The Case of Serdar Mohammed (Court of Appeal and Supreme Court Judgments) ^[51]

USA, Al-Shimari v. CACI Premier Technology, Inc. ^[52]

USA, Jawad v. Gates ^[53]

Syria, Syrian rebels treat captured Filipino soldiers as 'guests' ^[54]

ECCC, Detention Sites in Cambodia ^[55]

BIBLIOGRAPHIC RESOURCES

Suggested readings:

Case Western Reserve Journal of International Law, "Security Detention", Vol. 40, No. 3, 2009, pp. 315-650.

DROEGE Cordula, "Transfer of Detainees: Legal Framework, Non-Refoulement and Contemporary Challenges", in *IRRC*, Vol. 90, No. 871, September 2008, pp. 669-701

GOODMAN Ryan, "The Detention of Civilians in Armed Conflicts", in *AJIL*, Vol. 103, No. 1, January 2009, pp. 48-74.

Ministry of Foreign Affairs of Denmark, "The Copenhagen Process on the Handling of Detainees in International Military Operations", in *Revue de droit militaire et de droit de la guerre*, Vol. 3-4, No. 46, 2007, pp. 363-392.

NAERT Frederik, "Detention in Peace Operations: the Legal Framework and Main Categories of Detainees", in *Revue de droit militaire et de droit de la guerre*, Vol 1-2, No. 45, 2006, pp. 51-78.

OLSON Laura, "Guantanamo Habeas Review: Are the D.C. District Court's Decisions Consistent with IHL Internment Standards?", in *Case Western Reserve Journal of International Law*, Vol. 42, No. 1 & 2, 2009, pp. 197-243.

OSWALD Bruce, "The Detention of Civilians in Military Operations: Reasons for and Challenges to Developing a Special Law of Detention", in *Melbourne University Law Review*, Vol. 32, 2008, pp. 524-553.

PEJIC Jelena, "Procedural Principles and Safeguards for Internment/Administrative Detention in Armed Conflict and Other Situations of Violence", in *IRRC*, Vol. 87, No. 858, June 2005, pp. 375-391.

REICHEL Daniel, “L’internement et le rapatriement des militaires soviétiques réfugiés en Suisse pendant le Seconde Guerre Mondiale”, in *Actes du symposium 1982*, Lausanne, Éditions du Centre d’Histoire, 1982, pp. 77-90

RODLEY Nigel S., *The Treatment of Prisoners under International Law*, Oxford, OUP, 3rd ed., 2009, 697 pp.

SASSÒLI Marco & OLSON Laura, “The Relationship Between International Humanitarian and Human Rights Law Where it Matters: Admissible Killing and Internment of Fighters in Non-International Armed Conflicts”, in *IRRC*, Vol. 90, no. 871, September 2008, pp. 599-627.

Source URL: <https://casebook.icrc.org/glossary/civilian-internees>

Links

[1] <https://casebook.icrc.org/glossary/internment>

[2] <https://casebook.icrc.org/glossary/detention>

[3] <https://casebook.icrc.org/glossary/detaining-power>

[4] <https://casebook.icrc.org/glossary/assigned-residence>

[5] <https://casebook.icrc.org/glossary/detainees>

[6] <https://casebook.icrc.org/glossary/protected-persons>

[7] <https://casebook.icrc.org/law/civilian-population>

[8] https://casebook.icrc.org/law/civilian-population#ii_3_b_gg

[9]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=EF845FF1EDF0BE33C12563CD>

[10]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=CD09FF06E39FC75AC12563CD>

[11]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=A0FD86E2FBA558E0C12563CD>

[12] <https://ihl->

[databases.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?action=openDocument&documentId=AE2D398352C5B028C12563CD002](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?action=openDocument&documentId=AE2D398352C5B028C12563CD002)

[13] <https://ihl->

databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=0DFFF94F559B0D17C12563CD005

[14] <https://ihl->

databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=81C9ADE197396B8AC12563CD005

[15]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=0DFFF94F559B0D17C12563CD005>

[16] <https://ihl->

databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=D400C40F626F6D95C12563CD005

[17] <https://ihl->

databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=608F302D3CA40960C12563CD005

[18]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=5799DB9FE30D6E4DC12563CD005>

[19] https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule118

[20] https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule119

[21] https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule120

[22] https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule121

[23] https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule122

[24] https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule123

[25] https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule125

[26] https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule126

[27] https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule127

[28]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=5FB5CC7AD1C3AAF7C12563CD005>

[29]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=8F7D6B2DEE119FBAC12563CD005>

[30]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=E38B4DDC5409DC9FC12563CD005>

[31]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=D2D905E66F5E083EC12563CD005>

[32]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=9763E9D07BC6B876C12563CD005>

[33]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=81C9ADE197396B8AC12563CD005>

[34] https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule128

[35] <https://casebook.icrc.org/case-study/israel-cheikh-obeid-et-al-v-ministry-security>

[36] <https://casebook.icrc.org/case-study/icrc-iraniraq-memoranda>

[37] <https://casebook.icrc.org/case-study/us-schlesinger-report>

- [38] https://casebook.icrc.org/case-study/inter-american-commission-human-rights-coard-v-united-states#part_v_para52
- [39] https://casebook.icrc.org/case-study/case-study-armed-conflicts-former-yugoslavia#para_12
- [40] <https://casebook.icrc.org/case-study/icrcsouth-lebanon-closure-insar-camp>
- [41] <https://casebook.icrc.org/case-study/united-states-taguba-report>
- [42] <https://casebook.icrc.org/case-study/bangladeshindiapakistan-1974-agreement>
- [43] https://casebook.icrc.org/case-study/bangladeshindiapakistan-1974-agreement#art_3
- [44] https://casebook.icrc.org/case-study/bangladeshindiapakistan-1974-agreement#art_13
- [45] https://casebook.icrc.org/case-study/case-study-armed-conflicts-former-yugoslavia#para_18
- [46] https://casebook.icrc.org/case-study/case-study-armed-conflicts-former-yugoslavia#para_21
- [47] <https://casebook.icrc.org/case-study/united-kingdom-case-serdar-mohammed-high-court-judgment>
- [48] <https://casebook.icrc.org/case-study/echr-al-jedda-v-uk>
- [49] <https://casebook.icrc.org/case-study/echr-hassan-v-uk>
- [50] <https://casebook.icrc.org/case-study/echr-al-skeini-et-al-v-uk>
- [51] <https://casebook.icrc.org/case-study/united-kingdom-case-serdar-mohammed-court-appeal-and-supreme-court-judgments>
- [52] <https://casebook.icrc.org/case-study/usa-al-shimari-v-caci-premier-technology-inc>
- [53] <https://casebook.icrc.org/case-study/usa-jawad-v-gates>
- [54] <https://casebook.icrc.org/case-study/syria-syrian-rebels-treat-captured-filipino-soldiers-guests>
- [55] <https://casebook.icrc.org/case-study/eccc-detention-sites-cambodia>