

ICRC/South Lebanon, Closure of Insar Camp

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SOUTH LEBANON – CLOSURE OF INSAR CAMP

Geneva (ICRC) – On April 2, 1985, the Israeli Occupation authorities notified the International Committee of the Red Cross (ICRC) of their intention to close Insar camp, in South Lebanon, which contained at the end of March more than 1,800 prisoners regularly visited by ICRC delegates.

A thousand detainees have been transferred to Israel, violating articles 49 and 76 of the Fourth Geneva Convention. The Israeli authorities have told the ICRC that these prisoners will be eventually taken back to Lebanese territory, to a new camp now being built.

The other Insar prisoners, more than 700 people, were handed over to the ICRC on 3 April. ICRC delegates are helping them to rejoin their families.

Discussion

1. Under which conditions would those persons detained in Insar who were members of the “Palestine Liberation Army” (the military branch of the PLO) resisting Israeli occupation of Lebanon, with the agreement of the Lebanese government, have had prisoner-of-war status? If so, would it be lawful to deport and detain such prisoners of

war in Israel? Would Israel have invoked such a justification for deporting the inmates of Insar to Israel? (GC III, Arts 4 ^[1], 21 ^[2] and 22 ^[3])

2. a. Are all inmates of Insar (arrested in Lebanon) who are not prisoners of war civilians? Regardless of their nationality? Even if they were stateless Palestinian refugees? Even those who fought for the “Palestine Liberation Army” but did not qualify for prisoner-of-war status? (GC IV, Arts 4 ^[4] and 5 ^[5])
- b. May an occupying power transfer protected civilians from an occupied territory to its own territory? Does it matter that the transfer is temporary? When is evacuation permissible? What if evacuation to Israel were unavoidable in order to maintain the detainees’ living conditions or security? (GC IV, Arts 49 ^[6] and 76 ^[7]; CIHL, Rule 129 ^[8])
- c. Was the deportation at least admissible for those who had been convicted of a crime and had not yet served their sentence? (GC IV, Arts 76 ^[7] and 77 ^[9])
- d. Was the deportation at least admissible for those who were detained without trial for imperative security reasons, taking into account that Arts 79-135 of Convention IV do not contain any prohibition of deportations? Why do Arts 79-135 contain no such prohibition, unlike the provisions of Art. 76 for other detainees? (GC IV, Arts 49 ^[6] and 79 ^[10])

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Links

[1]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=2F681B08868538C2C12563CD00>

[2]

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[3]

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[4] <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/ART/380-600007?OpenDocument>

[5] <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/ART/380-600008?OpenDocument>

[6] <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/ART/380-600056?OpenDocument>

[7] <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/ART/380-600083?OpenDocument>

[8] https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule129

[9] <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/ART/380-600084?OpenDocument>

[10] <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/ART/380-600088?OpenDocument>

