

order to offer observations and make recommendations where appropriate. While the ICRC monitors the conditions of internment,

the responsibility for ensuring that persons held there are indeed treated humanely and the occupying power should review their policies and practices, take corrective action and improve the treatment of prisoners of war and other protected persons under their authority. The bilateral and confidential dialogue must be undertaken by the ICRC with the occupying power, in accordance with provisions of International Humanitarian Law, on the basis of its monitoring of the conditions of arrest, interrogation and internment of persons deprived of their liberty held by occupation forces.

War Crime Trials--for war crimes accountability in the former Yugoslavia, Rwanda, Sierra Leone, Cambodia, where crimes have been committed against civilian populations on a massive scale. Under the doctrine of "command responsibility," applied by the Nuremberg Tribunal in the post-World War II war crimes trials, high officials and senior officers must assume responsibility for grave violations of international law

I divided my thesis (Legal status of internees on international humanitarian law.) to three sections. In the first section, I explain, identify internees and conditions of deprivation of liberty. In the second section, I explained the Regulations for the Treatment of Internees. Numerous relevant provisions are to be found in the Geneva Conventions. In the third section, I explained state and individual criminal responsibility, ad hoc courts prior to ICC

Civilians may only be detained in anticipation of a trial or for imperative security reasons, which must be individually determined, allowing for a right of appeal (see Article 78 of the Fourth Geneva Convention). Such civil internees benefit from a very detailed protective regime under the Fourth Geneva Convention- If civilians commit hostile acts, they may be punished under legislation introduced by the occupying power, but do not lose their civilian status. and do not lose their communication rights. Unless they directly participate in hostilities, they benefit from the protection of civilians against effects of hostilities. Civilians shall be treated as protected persons (IVGC. art, 4 and IVGC. Art, 47). They are entitled to respect for their person, their honour, their family rights, religious convictions, and traditions. They shall be treated humanely and never be discriminated against (IVGC. Art, 27).

. Detainees must at all times be humanely treated (IVGC, art . 27). Detainees may be questioned, but any form of “physical or mental coercion” is prohibited (IVGC, art. 31). Women shall be protected from rape and any form of indecent assault (IVGC, art. 27). .

The implementation of internationally agreed human rights standards, including; the Fourth Geneva Convention (1949) and its additional protocols(1977), the International Covenant on Civil and Political Rights (particularly Article 9), the International Covenant on Economic, Social and Cultural Rights (particularly Article 11 and 12), the Convention Against Torture and the UN Standard Minimum Rules for the Treatment of Prisoners.

Even persons who are not entitled to the protections of the 1949 Geneva Conventions (such as some detainees from third countries) are protected by the “fundamental guarantees” of article 75 of Protocol I of 1977 to the Geneva Conventions. Article 75 prohibits murder, “torture of all kinds, whether physical or mental and “outrages upon personal dignity, in particular humiliating and degrading treatment, and any form of indecent assault.” The work of the International Committee of the Red Cross (ICRC) and the various United Nations human rights protection mechanisms, along with that of non-governmental organizations including Amnesty and Human Rights Watch,

This study also approaches the role of the International Committee of the Red Cross (ICRC),as an independent, non-judgemental humanitarian organization, is to regularly assess the facilities, speak with the internees, and to maintain an ongoing dialogue with the occupying authorities in

Summary

the military occupation had a legal obligation under international humanitarian law to take all measures in its power to restore and ensure, public order and safety attaches as soon as the occupying force is in contact with the civilians of that territory, that is, at the soonest possible moment ,

The Fourth Geneva Convention (IVGC) and the Hague Regulations regulate the situation of belligerent occupation, Their purpose is to ensure minimal protection of the civilian population and favor the stabilization of the security and living conditions in the control of invading forces . The Fourth Geneva Convention Safeguards so-called "protected persons," most simply described as detained civilians . Civilians may be detained only if the security of the detaining power makes this absolutely necessary. (IVGC art.42). , But this detention must be reviewed as soon as possible by an appropriate court or administrative board designated by the Detaining Power for that purpose and, if detention is maintained, at least twice yearly, with a view to favourable amendment of the initial decision, if circumstances permit. , The Detaining Power has the right to legally prosecute any internee suspected of having committed war crimes or any other criminal offence punishable under international humanitarian law .

That treaty determines the fate of the occupied territory, most likely returning it to the ousted de jure sovereign. Thus, an occupier exercises mere de facto power. For that reason it enjoys no general legislative authority to make permanent changes to legal and political structures in the territory. . Under international law. Penal laws must remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the Fourth Geneva Convention.

. Internees shall retain their full civil capacity and shall exercise such attendant rights as may be compatible with their status(IVGC, art.80). People held as a result of conflict or armed violence are protected by international humanitarian law, and should be treated humanely. International humanitarian law stipulates that any proceedings against detainees should respect fundamental judicial guarantees, such as the presumption of innocence, the right to be tried by an impartial and independent tribunal, the right to competent legal counsel and the exclusion of any evidence obtained as a result of torture or other cruel, inhuman or degrading treatment