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Prohibitions on arbitrary displacement in international humanitarian law and human rights : a time and place for everything / Deborah Casalin

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Abstract:	This chapter analyses the relationship between specific IHL and IHRL norms by examining the rules which prohibit arbitrary displacement. It is submitted that a number of conditions placed by IHRL on acts of displacement cannot be cumulated with more precise and context-specific IHL rules, and that the latter apply as <i>lex specialis</i> . In the conduct of hostilities in international armed conflict, this follows a familiar dynamic of IHL standards diverging from stricter IHRL norms to address the specificities of conflict. However, under occupation and in non-international armed conflict, the prevailing of more absolute IHL prohibitions on displacement demonstrates a less common paradigm of IHL as <i>lex specialis</i> providing stricter protection for civilians. Finally, the relevance of this analysis in practice is illustrated through a case study of the planned transfer of Bedouin communities in the occupied Palestinian territory.
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