

Forced Displacement and Sovereignty: Legal Challenges and Accountability Under International Criminal Law

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Abstract: This article examines forced displacement and eviction as crimes under international criminal law. It explores how international legal frameworks, including the Rome Statute and the Geneva Conventions, define and criminalize these acts, while also analyzing the challenges in enforcement due to political and jurisdictional limitations. The study highlights the case of forced displacement in Gaza as a concrete example of how such acts violate international humanitarian law and expose the weaknesses of international legal mechanisms in ensuring accountability.

Purpose: The study aims to analyze the legal framework governing forced displacement under international law, assess the challenges in prosecuting perpetrators, and propose ways to strengthen enforcement mechanisms.

Design/Methodology/Approach: This research employs a descriptive-analytical approach by examining legal texts, international agreements, court rulings, and academic literature. It also analyzes case studies, particularly focusing on Israel's forced displacement of Palestinians in Gaza, to illustrate the legal, political, and humanitarian implications.

Findings: The study finds that while international law clearly defines forced displacement as a crime, enforcement remains selective and politically influenced. The research underscores the limitations of international legal bodies, such as the ICC, in holding powerful states accountable. It also highlights the need for strengthening

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universal jurisdiction mechanisms to prevent states from using sovereignty as a shield against accountability.

Originality/value: This study contributes to the discourse on state sovereignty and international criminal law by critically examining the legal gaps in addressing forced displacement. It provides new insights into how international legal frameworks can be reinforced to ensure greater accountability for human rights violations.

Keywords: forced displacement; international criminal law; gaza

Paper Type: Article-Research

Introduction

Sovereignty is a fundamental concept in international law, serving as a cornerstone of inter-state relations (Dinicu 2018; Jackson 1999). Traditionally, it has emphasized the supremacy of the state over its territory and population, free from external interference. However, in recent decades, globalization, human rights developments, and advancements in international criminal law have posed significant challenges to the traditional notion of sovereignty (Cryer 2005). One of the key issues complicating the understanding of sovereignty is the practice of forced displacement and expulsion, often carried out by states under the pretext of national security or national interest. In international law, forced displacement has been categorized as a crime against humanity and, in certain circumstances, as a war crime under the Rome Statute of the International Criminal Court (ICC) (Katselli Proukaki 2022). However, its enforcement often encounters political interests and jurisdictional limitations.

This study is rooted in the ongoing debate regarding the limits of state sovereignty in the face of international law, particularly in the context of human rights violations related to forced displacement. Cases such as the forced expulsion in Gaza serve as concrete examples of how these practices not only violate the principles of international humanitarian law but also expose

the ineffectiveness of international legal mechanisms in preventing or prosecuting such crimes. Forced displacement not only deprives individuals of their right to residence but also has long-term consequences, including social instability, economic rights violations, and political insecurity (Becker 2020). Therefore, reinterpreting the concept of state sovereignty in light of increasingly binding international norms is crucial to contemporary legal discourse.

The challenges posed by forced displacement cases extend beyond the legality of such actions to the responses of the international community. Major political powers often evade accountability by invoking sovereignty, while international law, despite categorizing forced displacement as a crime, remains limited in its effective enforcement. The ICC and other international legal mechanisms face significant obstacles in upholding justice, particularly when the perpetrating states do not recognize their jurisdiction.

This research aims to analyze the concept of sovereignty in international law, particularly in relation to forced displacement and human rights violations. By examining how international law regulates and criminalizes forced displacement, this study seeks to explore the challenges in legal implementation and the obstacles in prosecuting perpetrators at the international level. Additionally, it aims to identify legal loopholes that allow certain states to evade responsibility for their actions. Through this approach, the research aspires to make a significant academic contribution to the discourse on sovereignty and international criminal law. Furthermore, this study will highlight how international law can be strengthened to ensure that human rights violations such as forced displacement are addressed more effectively. One potential approach is the reinforcement of universal jurisdiction mechanisms to prevent states from using sovereignty as a shield against accountability for their crimes. By

considering various legal, political, and humanitarian perspectives, this research seeks to provide new insights into how international law can be more responsive to sovereignty-related challenges in the context of crimes against humanity. Ultimately, it offers a broader perspective on the relationship between sovereignty and international criminal law, incorporating case studies such as those in Gaza to explore more effective legal responses to human rights violations.

Methods

In this study, will follow the descriptive analytical approach, in order to describe the international legal texts in the field of criminalizing forced displacement and eviction, describe the Israeli actions and practices against the residents of the Gaza Strip, and also to analyze the texts and agreements of international humanitarian law and the provisions of criminal law regarding the crime of forced displacement and transfer. Multiple methods were used to collect data, as the study relied on desk research by referring to written and electronic sources, including laws, judicial rulings, academic articles, and legal books related to the subject.

Discussion and Findings

Forced Displacement in International Law: A Critical Analysis

The crime of forced displacement constitutes a grave violation of international law, reflecting deep-seated concerns over human rights and fundamental freedoms (Buck 2017). Despite the widespread condemnation of this crime in various international charters and resolutions, legal definitions and interpretations have evolved in a fragmented and sometimes inconsistent manner. This paper critically examines the conceptual foundations of forced displacement in international law, scrutinizing its legal definitions and distinctions from other related terms, while analyzing the enforcement challenges that arise due to political and jurisdictional limitations.

The Nuremberg Military Tribunal, in Article 6(b) of its Charter, categorized forced displacement within the broader framework of war crimes, specifically concerning deportation for forced labor. Meanwhile, crimes against humanity under Article 6(c) encompassed deportation or other inhumane acts targeting civilian populations. The jurisprudential shift in recognizing forced displacement as an independent and systematic crime only gained traction after the Nuremberg Trials, despite prior historical instances where such acts had been committed with impunity (Leaning 2011). The legal evolution from the vague term "violations of the laws of humanity," first referenced in the 1868 St. Petersburg Declaration, to the more structured provisions in the Hague Conventions and subsequent war tribunals illustrates the struggle in codifying forced displacement as a standalone offense with precise legal parameters.

Similarly, the Tokyo Tribunal's Article 5(c) mirrored the Nuremberg Charter's approach, failing to provide a distinct legal framework for forced displacement. This ambiguity persisted in early international legal instruments, leaving a gap that states and actors could exploit to justify mass expulsions under the guise of military necessity or security concerns. The International Criminal Tribunal for the former Yugoslavia (ICTY) (Fenrick 1998) and the International Criminal Tribunal for Rwanda (ICTR) (Fink 2005) further expanded the legal framework by explicitly linking forced displacement to genocide, a significant step in reinforcing its criminalization beyond mere wartime exigencies (Peskin 2005). However, the reliance on contextual elements—such as armed conflict or systematic targeting of a specific group—created interpretive challenges that continue to influence contemporary legal proceedings.

The Rome Statute of the ICC represents a more detailed codification of forced displacement, classifying it under multiple categories of crimes, including genocide (Article 6(e)), crimes

against humanity (Article 7), and war crimes (Article 8) (Haenen 2013). Notably, the Rome Statute's definition of deportation or forced transfer as the "coerced removal of persons from areas where they are lawfully present without legal justification" offers greater legal clarity. However, this raises critical questions regarding state sovereignty and the extent to which international law can override domestic legal frameworks that may seek to legitimize such actions (Chetail 2016). The statute's emphasis on "without justification permitted by international law" remains a contentious phrase, as states often invoke national security or counterterrorism justifications to circumvent accountability.

A comparative analysis of these legal instruments reveals persistent tensions in distinguishing forced displacement from other coercive population movements. Exile, for instance, historically served as a punitive measure, often tied to political repression rather than mass displacement (Hasballah 2024). The case of Napoleon Bonaparte's exile to Saint Helena exemplifies the use of forced removal as a tool of political control rather than a systematic demographic restructuring. Expulsion, in contrast, involves the forced removal of individuals by the state, but does not necessarily entail the same scale or systematic nature as forced displacement (Hasballah 2024). The distinction between eviction and forced eviction further complicates legal categorizations, as the Fourth Geneva Convention permits temporary evacuations for security reasons, while forced eviction, particularly in the context of Israeli settlement expansion in the West Bank and Gaza, constitutes a blatant breach of international humanitarian law.

The evolving definitions of forced displacement underscore a broader struggle between state sovereignty and international accountability. The selective enforcement of legal provisions—exemplified by the international community's inconsistent responses to forced displacement crises in Palestine, Syria, and Myanmar—raises concerns over the politicization of

humanitarian law. While the ICC and other tribunals have made strides in codifying forced displacement as a serious international crime, the enforcement mechanisms remain weak, often hindered by geopolitical interests and the reluctance of powerful states to submit to international jurisdiction (Katselli Proukaki 2022)

The principle of non-refoulement, embedded in the 1951 Refugee Convention, further complicates the enforcement landscape. While this principle prohibits the return of individuals to territories where they face persecution or harm, it does not provide adequate safeguards against forced displacement itself (Tobing 2021). The lack of a binding international treaty exclusively addressing forced displacement allows states to exploit legal loopholes, as seen in Myanmar's treatment of the Rohingya population (Islam, Muhibbullah, and Ahmed 2024), where mass displacements occurred with little consequence for the perpetrators. Another significant challenge lies in proving intent, particularly in cases where displacement is justified on security grounds. The legal distinction between legitimate security evacuations and unlawful population transfers remains a gray area, leading to inconsistent judicial interpretations. For example, Russia's forced relocations of Ukrainian civilians during the ongoing conflict have been framed both as humanitarian evacuations and as war crimes (Colvin and Orchard 2022), depending on the perspective of the adjudicating authority. The difficulty in establishing whether displacement results from voluntary evacuation or coercion complicates efforts to hold perpetrators accountable.

The effectiveness of international legal mechanisms in prosecuting forced displacement remains constrained by political considerations. Many powerful states have not ratified the Rome Statute or have actively sought to undermine the ICC's jurisdiction. The reluctance of the United States, China, and Russia to recognize the ICC's authority weakens its ability to enforce

rulings against state actors engaged in mass displacement practices. Additionally, the United Nations Security Council's ability to refer cases to the ICC is often obstructed by the veto power of permanent members, limiting the scope of accountability.

Beyond jurisdictional barriers, the politicization of humanitarian aid further complicates responses to forced displacement. In some cases, states manipulate humanitarian aid distribution to favor displaced groups that align with their geopolitical interests while neglecting others. For instance, the differential treatment of Syrian refugees across European states reflects broader political calculations rather than a uniform application of international humanitarian principles.

While international law has made progress in defining and prosecuting forced displacement, inconsistencies in legal interpretation and enforcement mechanisms continue to undermine its effectiveness. The Rome Statute's more comprehensive approach offers a stronger foundation for legal accountability, but gaps remain in distinguishing between legitimate security measures and unlawful population transfers. Moving forward, the challenge lies not only in refining legal definitions but also in ensuring robust enforcement to prevent states from exploiting legal loopholes to justify mass displacements under the pretext of national security or territorial integrity.

A more effective approach would involve strengthening regional legal frameworks that complement international treaties. The African Union's Kampala Convention on Internal Displacement represents a promising model, as it provides specific obligations for states to prevent and address forced displacement within their territories (Adeola 2021). Expanding similar regional frameworks in Asia and Latin America could enhance legal protections in regions where forced displacement

remains prevalent. Moreover, enhancing the role of non-state actors in monitoring and reporting forced displacement crimes could increase pressure on perpetrators. Human rights organizations, independent legal bodies, and investigative journalism have played crucial roles in documenting and exposing mass displacements, often filling gaps left by state-driven legal mechanisms.

From a natural law standpoint, forced displacement is inherently unjust, as it violates fundamental human rights and moral imperatives that transcend state sovereignty. Rooted in the philosophy of thinkers like Hugo Grotius (Straumann 2009; Ittersum 2009) and John Locke (Marshall and Sreedhar 2019; Snyder 1986; Jacovides 2003), natural law asserts that individuals possess inalienable rights, including the right to security, property, and freedom of movement. Under this framework, any act of forced displacement is viewed as a direct violation of the moral law that governs humanity, regardless of legal statutes that may seek to justify it. This perspective aligns with modern human rights instruments, such as the Universal Declaration of Human Rights (UDHR), which emphasize all individuals' inherent dignity and rights. Accordingly, the forced removal of populations—whether due to armed conflict, ethnic cleansing, or political persecution—is seen as an affront to human dignity and is thus categorically condemned (Simeon 2022). In contrast, legal positivism takes a more state-centered approach, emphasizing the role of sovereign authority in defining and implementing laws. As articulated by jurists such as John Austin (Lobban 2021; Luna 2021) and H.L.A. Hart (Kramer 2021; Orts 1993), positivism holds that laws derive their legitimacy from the authority that enacts them rather than from any higher moral order. Under this framework, forced displacement may be legally justified if sanctioned by the state through formal legal mechanisms. For instance, states often invoke national security, territorial integrity,

or counterterrorism measures to rationalize forced population transfers. Legal positivism does not necessarily concern itself with the morality of these actions but rather with whether they comply with existing legal frameworks (Tamanaha 2001). This approach can be observed in historical cases where states enacted domestic laws to justify mass deportations or ethnic relocations, despite the clear humanitarian consequences.

The tension between natural law and positivism becomes increasingly evident in international legal discourse concerning forced displacement, where state sovereignty often clashes with the protection of human rights. Based on the tradition of legal positivism, state sovereignty is regarded as the supreme authority that cannot be infringed upon, as inherited from the Westphalian system (Caporaso 2000; Cutler 2001). On the other hand, natural law asserts that human rights possess a universal character and cannot be diminished by positive law enacted by the state. The intersection of these two paradigms creates complexities in the enforcement of legal norms against forced displacement, particularly when states seek to justify their actions on the grounds of national security or political stability. International legal instruments such as the 1951 Refugee Convention and the Rome Statute of the ICC explicitly criminalize forced displacement under certain conditions, classifying it as a crime against humanity and, in some cases, as an act of genocide. However, the implementation of these provisions often encounters obstacles due to resistance from sovereign states unwilling to accept judicial intervention from international bodies. For instance, major powers with geopolitical interests in conflict regions frequently exercise their veto power in the UN Security Council to obstruct investigations or prosecutions concerning cases of forced displacement involving their allies. The inconsistency in the application of these legal norms indicates a deficit in compliance with international legal principles. On the one hand, international

law seeks to protect individuals from arbitrary state actions, yet on the other hand, the realities of global politics allow certain states to evade accountability (Menkes and Kociólek-Pęksa 2019). Therefore, the principal dilemma in the regulation of forced displacement lies not only in its normative aspects but also in the imbalance of power in the enforcement of international law, which remains significantly influenced by political dynamics and the interests of dominant states.

The Legal Framework of Forced Displacement: A Critical Analysis of Israel's Actions in Gaza

Forced displacement and eviction have long been employed as mechanisms of state control, demographic engineering, and conflict resolution. However, the development of international legal instruments in the aftermath of World War II marked a shift toward the categorical prohibition of such practices (Tetelepta, Anwar, and Waas 2022). Central to this legal framework are the Geneva Conventions (1949), their Additional Protocols (1977), and the Rome Statute (1998), all of which criminalize the forcible transfer of civilians. Despite this, enforcement remains selective, with certain states and actors benefiting from legal impunity. The ongoing forced evictions and mass displacements of Palestinians in Gaza by Israel raise urgent legal and ethical concerns regarding compliance with international law and the effectiveness of legal mechanisms in preventing such atrocities. This paper critically examines Israel's actions through the lens of international humanitarian law (IHL) and international criminal law (ICL), arguing that these acts constitute war crimes and crimes against humanity.

The legal framework governing forced displacement has evolved considerably over time (Tetelepta, Anwar, and Waas 2022). Before the mid-20th century, population transfers were often viewed as acceptable state practices, particularly in the context of war and colonization. The Nuremberg Trials (1945-

1946) marked a turning point, holding Nazi officials accountable for the mass deportations of civilians. Subsequently, the Fourth Geneva Convention (1949) explicitly prohibited the forcible transfer of civilians in occupied territories, setting the foundation for later legal developments.

The Additional Protocols to the Geneva Conventions (1977) reinforced these protections, particularly Protocol I, which extended the prohibition to include the transfer of the occupying power's civilian population into occupied territory. This provision aimed to prevent demographic manipulation and settler colonialism, both of which have become central concerns in the Israeli-Palestinian conflict. The Rome Statute of the ICC further codified forced displacement as both a crime against humanity (Article 7) and a war crime (Article 8), criminalizing acts of mass eviction executed through coercion, violence, or systematic policies of oppression. Despite the establishment of these legal norms, enforcement remains inconsistent, particularly in politically sensitive cases such as the Israeli-Palestinian conflict. While international courts have prosecuted leaders for forced displacement in contexts such as the Balkans and Rwanda, accountability for Israeli actions in Gaza remains elusive due to geopolitical considerations and the selective application of international law.

The Geneva Conventions and Additional Protocols. The Fourth Geneva Convention (1949) serves as the principal legal instrument governing Israel's conduct in Gaza. Article 49 prohibits the forcible transfer or deportation of civilians from occupied territories, except under exceptional circumstances such as imperative military necessity. Even in such cases, the Convention mandates that displacement must be temporary, and that civilians must be allowed to return to their homes as soon as possible.

Since October 7, 2023, Israel has engaged in mass forced evictions of Palestinian civilians, violating the strict legal safeguards imposed by the Geneva Conventions. Reports indicate that over a million Palestinians have been displaced under conditions that fail to meet the requirements of temporary evacuation for security purposes (Hasballah 2024). Instead, these forced displacements appear to be part of a broader strategy aimed at permanently altering Gaza's demographic composition and territorial control.

Additional Protocol I (1977) further reinforces the prohibition of forced displacement. Article 85(4)(a) classifies the unlawful deportation or transfer of civilians as a grave breach of international law, making it subject to prosecution under the principle of universal jurisdiction. Given that Israel is not a party to the Additional Protocols, its obligations stem from customary international law, which binds all states regardless of treaty ratification.

The Rome Statute and the Crime of Forced Displacement. The Rome Statute (1998), which established the ICC, provides a robust legal framework for prosecuting forced displacement as an international crime. Article 7(1)(d) classifies forced transfer or deportation of civilians as a crime against humanity when carried out systematically or on a widespread scale. Given the magnitude of displacement in Gaza and the use of military force to compel civilians to flee, Israel's actions meet the threshold for crimes against humanity. Additionally, Article 8(2)(a)(7) defines the unlawful deportation or transfer of civilians as a war crime. This provision criminalizes both individual and collective forced displacements, reinforcing the protections established in the Geneva Conventions. Furthermore, Article 8(2)(b)(8) prohibits the transfer of an occupying power's civilian population into occupied territories – a charge frequently leveled against Israel in the context of settlement expansion in the West Bank.

Reports from international organizations, including the United Nations and Human Rights Watch, indicate that Israel has also engaged in tactics that amount to collective punishment, such as the deliberate destruction of homes, infrastructure, and basic services (Indriani and Desiandri 2024). These actions are explicitly prohibited under Article 33 of the Fourth Geneva Convention, which forbids reprisals against civilian populations. The mass displacement of Palestinians in Gaza has been accompanied by severe humanitarian consequences. The Israeli military's actions have included indiscriminate bombings, the destruction of residential areas, and the blocking of humanitarian aid – tactics that exacerbate civilian suffering and violate fundamental principles of international law (Advitama, Widyaningrum, and Christiawan 2024).

One of the most egregious aspects of Israel's forced evictions is the absence of any viable resettlement options for displaced Palestinians. International law mandates that displaced persons must be provided with adequate shelter, food, medical care, and other necessities. However, Israel's blockade of Gaza and its restrictions on aid delivery have left many Palestinians without access to basic resources, effectively using starvation as a weapon of war. This practice is explicitly criminalized under Article 8(2)(b)(25) of the Rome Statute, which prohibits the intentional starvation of civilians as a method of warfare. Furthermore, reports suggest that Israel has engaged in targeted attacks on evacuation routes and humanitarian corridors, violating the principle of distinction under international humanitarian law. This principle requires that military operations distinguish between combatants and civilians, ensuring that civilian populations are not subjected to unnecessary harm. The targeting of civilian convoys and medical facilities undermines the credibility of Israel's claims that its actions are solely driven by security concerns.

Despite the clear legal prohibitions against forced displacement, the enforcement of international humanitarian law and international criminal law remains fraught with challenges. The ICC has jurisdiction over crimes committed in Palestinian territories following Palestine's accession to the Rome Statute in 2015. However, geopolitical dynamics, including the strong support Israel receives from powerful states such as the United States, hinder the effective prosecution of these crimes.

The Responsibility to Protect (R2P) doctrine emphasizes the obligation of the international community to intervene in cases of mass atrocities, including ethnic cleansing and forced displacement (Evans 2009). Given the scale of displacement in Gaza, it could be argued that R2P mandates stronger international intervention. However, geopolitical dynamics have impeded meaningful action (Evans 2009). States with strategic interests in the Israel-Palestine conflict frequently use their veto power in the UN Security Council, leading to diplomatic deadlock. This situation highlights how international legal principles are often subordinated to global political realities.

The Israel-Palestine conflict also reflects the dynamics of asymmetric warfare, where a state actor (Israel) faces a non-state actor (Hamas) (Angwaomaodoko 2024). Israel often justifies its actions with the doctrine of self-defense, but IHL imposes limits on military action, including the principle of proportionality, which prohibits attacks that cause excessive harm to civilians. In this context, the central question is to what extent the state's right to self-defense can be justified when the consequences are significant suffering for the civilian population.

Some scholars argue that IHL needs to evolve to address prolonged conflicts, where occupation can shift into de facto annexation. In the case of Gaza, the ongoing blockade, control over borders, and repeated military attacks by Israel raise the question of whether the area can still be considered merely occupied or if

there is a gradual process of annexation taking place. This concept challenges the conventional understanding of occupation law and encourages a reevaluation of the norms that govern international law. On the other hand, one of the main justifications frequently put forward is Israel's right to self-defense and military necessity. Israel claims that its operations, including forced displacement, are necessary to neutralize security threats from Hamas. However, the principle of proportionality remains the key standard for assessing whether Israel's actions exceed the limits allowed by law. Furthermore, the claim that Palestinians in Gaza are merely "encouraged" to evacuate for their safety is part of Israel's narrative. Under international law, displacement that occurs under duress, without guarantees of the right to return, is still categorized as forced displacement. In other words, while Israel argues that evacuation is a humanitarian step, the reality on the ground is that many Gaza residents have no choice but to leave their homes. Israel also rejects the jurisdiction of the ICC over its actions in Gaza, arguing that it is not a party to the Rome Statute. This contributes to the lack of legal accountability for Israel's actions in international forums. As a result, despite documentation of violations of international humanitarian law, legal proceedings against Israel are often hindered by juridical and political challenges.

The selective application of legal norms is evident in the reluctance of international institutions to hold Israel accountable. Unlike cases in Rwanda, the Balkans, or Sudan, where international tribunals have successfully prosecuted individuals for forced displacement, legal action against Israeli officials has been obstructed by diplomatic and political considerations. The failure to apply international law consistently undermines the credibility of global legal institutions and perpetuates a culture of impunity.

The legal framework governing forced displacement is clear and comprehensive, yet its enforcement remains inconsistent. The case of Gaza highlights the limitations of international law in addressing state-perpetrated forced evictions when powerful geopolitical interests are at play. Israel's actions in Gaza, including mass forced displacement, the destruction of civilian infrastructure, and the obstruction of humanitarian aid, constitute grave violations of international law. These acts meet the criteria for war crimes and crimes against humanity as defined by the Rome Statute and the Geneva Conventions. While legal principles provide a strong basis for accountability, their effectiveness depends on the willingness of the international community to enforce them impartially. Addressing these legal gaps is crucial for ensuring that forced displacement is not only condemned in legal texts but also effectively prosecuted and prevented in practice. Without robust enforcement mechanisms, the prohibition of forced displacement risks becoming a symbolic gesture rather than a meaningful deterrent against state-sponsored crimes.

Violations of International Humanitarian and Human Rights Law

On October 13, 2023, the Israeli army issued evacuation orders for more than one million people from the northern Gaza Strip to the southern Gaza Strip within 24 hours (Hasballah 2024). Since then, evacuation orders and forced evacuations have become a daily occurrence for Palestinians in the Gaza Strip, as the Israeli army evacuates civilian residential areas and neighborhoods under the threat of killing and destruction, and then destroys these areas, and then changes the evacuation orders to areas other than the previous ones, thus leaving no safe area for civilians illegally displaced from their usual areas of residence.

During the first three months of the Israeli war, more than 75% of the population of the Gaza Strip, equivalent to about 1.7

million people, were forcibly displaced (Internal Displacement Monitoring Center 2024). They were forced to live in overcrowded tents and shelters, and sometimes in the streets, without the minimum basic necessities guaranteed by international humanitarian law for civilians during war, in light of the lack of security, the spread of famine, and infectious diseases. The residents of the Strip were forced to flee repeatedly, some of them about 10 times, with the aim of moving to areas that the Israeli occupation defines as safe, only for those areas to later be bombed or reclassified as unsafe. The systematic nature of these forced displacements raises significant concerns regarding their legality under international law and their broader implications for the ongoing humanitarian crisis in Gaza.

The Israeli army's forced displacement of Palestinian civilians in Gaza raises legal concerns under both international humanitarian law (IHL) and international human rights law (IHRL). According to the Fourth Geneva Convention, the forced transfer of civilians without imperative military necessity is strictly prohibited and constitutes a grave breach of international law. Article 49 of the Convention explicitly states that "individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying power or to that of any other country, occupied or not, are prohibited, regardless of their motive." Israel's continuous displacement of Palestinian civilians without ensuring their safety, providing adequate humanitarian assistance, or guaranteeing their right to return violates this provision and could amount to war crimes under the Rome Statute of the ICC (Advitama, Widyaningrum, and Christiawan 2024; Wijaya, Irawan, and Respati 2024). Furthermore, the Israeli military's systematic destruction of civilian infrastructure, including homes, schools, and hospitals, violates the principles of distinction, proportionality, and necessity under international humanitarian

law. The principle of distinction mandates that warring parties must differentiate between military targets and civilian objects (Murad 2024). However, Israeli attacks on designated safe zones and displacement shelters suggest a deliberate targeting of civilians. These actions further contravene Article 8 of the Rome Statute, which classifies "intentionally directing attacks against civilian populations" as a war crime.

The use of starvation as a weapon of war, as reported by Human Rights Watch and UN agencies, also constitutes a serious breach of international law. Article 54 of Additional Protocol I to the Geneva Conventions prohibits the destruction or removal of objects indispensable to the survival of the civilian population, including foodstuffs and water supplies. The Israeli blockade, which has prevented humanitarian aid from reaching displaced populations and exacerbated famine conditions in Gaza, directly violates this provision (Vanda 2022). The Office of the High Commissioner for Human Rights (OHCHR) has reiterated that deliberate deprivation of essential resources to force population displacement could be prosecuted as a crime against humanity under the ICC framework.

The forced displacement of Palestinians in Gaza necessitates urgent legal scrutiny and accountability through international judicial bodies. The ICC has jurisdiction over war crimes, crimes against humanity, and genocide, and its ongoing investigation into the situation in Palestine provides a legal avenue for prosecuting those responsible for these violations. Under Article 7 of the Rome Statute, widespread or systematic forced displacement of civilians constitutes a crime against humanity. Israel's military and political leadership could therefore face prosecution for orchestrating these mass expulsions. Additionally, the International Court of Justice (ICJ) has the authority to address state responsibility for breaches of international law. The recent case brought by South Africa against Israel, alleging genocide in

Gaza, underscores the relevance of ICJ proceedings in assessing the legality of Israeli actions. While individual criminal liability falls under the ICC, the ICJ can determine state responsibility and impose legal consequences, including reparations and sanctions.

The role of the United Nations Security Council (UNSC) is also critical in addressing these violations. However, political dynamics, including the use of veto power by certain member states, have historically hindered decisive action against Israel. Nevertheless, resolutions condemning forced displacement and affirming the rights of displaced Palestinians under international law remain important tools for legal and diplomatic pressure.

The Israeli army's systematic forced displacement of Palestinians in Gaza represents a flagrant violation of international humanitarian law and international human rights law. By failing to adhere to the principles of necessity, proportionality, and distinction, Israel has engaged in actions that could amount to war crimes and crimes against humanity. The international legal framework provides mechanisms for accountability, including the ICC, ICJ, and UN bodies, yet political barriers often impede enforcement. The international community must take decisive steps to ensure that those responsible are held accountable and that legal remedies are pursued to protect Palestinian civilians. Failure to do so will not only perpetuate impunity but also undermine the foundational principles of international law designed to safeguard human rights and prevent mass atrocities.

Conclusion

Forced displacement is classified as a crime against humanity and, in certain cases, as a war crime under the Rome Statute of the ICC. However, its enforcement often encounters political and jurisdictional obstacles. State sovereignty is frequently used as a shield to evade legal accountability for acts of forced displacement. The forced displacement in Gaza exemplifies

how such actions not only violate international humanitarian law but also highlight the weaknesses of international legal mechanisms in ensuring justice. The impact of forced displacement extends beyond the loss of residence; it also generates social instability, economic rights violations, and long-term political insecurity. Although international law has evolved to criminalize forced displacement, its implementation remains weak due to geopolitical interests. Many states have not ratified the Rome Statute or actively undermine the jurisdiction of the ICC, thereby hindering legal enforcement efforts. Consequently, strengthening universal jurisdiction mechanisms and fostering closer international cooperation are essential to ensuring that forced displacement is no longer carried out with impunity.

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