

# The Crime of Displacement and Forced Eviction in Light of the Provisions of International Criminal Law "An Applied Study on the Israeli War on Gaza 2023-2024"

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## Abstract

The study discusses the crime of forced displacement and eviction in light of the provisions of international criminal law, applied to the Israeli war on the Gaza Strip 2023-2024, where we initially discussed the concept of the crime of forced displacement and eviction and the difference between them and distinguishing them from other terms, and then we talked about the crime of forced displacement and eviction in light of the provisions of international law, and we concluded that the crime of forced displacement and eviction constitute a war crime and a crime against humanity according to the provisions of the Permanent International Criminal Court, and then discussed the facts and truths of Israel's commission of the crime of forced displacement and eviction against civilians in the Gaza Strip during its war on Gaza 2023-2024, and that what Israel is doing constitutes a war crime and a crime against humanity, and finally we recommended that the Palestinian Authority and the Security Council must request the Prosecutor of the International Criminal Court to consider Israel's actions against civilians in the Gaza Strip on the grounds that they constitute a war crime and a crime against humanity.

**Keywords:** Forced Displacement, Forced Eviction, War Crime, Gaza Strip, Israel, Crime Against Humanity

Revised: October 7, 2024

Revised: November 10, 2024

Accepted: December 24, 2024

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## Introduction

Displacement and forced eviction are considered among the most severe crimes that humanity has suffered from in the past and present, and among the most painful crimes for the human soul because they include uprooting a person from his roots, his past, and the memories he lived. This crime is often committed during wars or is a result of them, as the occupier attempts to change the demographic or historical character of a certain area that he occupied during armed conflicts. This crime can also be due to or as a result of an internal civil war in which the ruling authority seeks to confront an internal rebellion or disobedience, so it erases the historical character of the residents of a certain area and eliminates the national, ethnic, ethnic, or religious ties that exist between them by dispersing them and demolishing their areas and homes and spreading panic among them to force them to leave through the bloody massacres it commits and the abuse of the population and endangering their lives.

Given the danger this crime poses to humanity, and the abuse it includes of human dignity and the effects it may result in, such as the displacement of a large number of people or their displacement to neighboring countries, the international community has worked to address it through international humanitarian law, which is based on the four Geneva Conventions of 1949 related to the protection of civilians in times of international armed conflicts and the two

additional protocols issued by the United Nations in 1977 related to the protection of civilians in times of internal and international armed conflicts. In addition to the above, the international community has addressed the crime of forced displacement and eviction through international criminal law, as this crime was considered through the temporary international criminal courts established by the Security Council to confront a specific international crime when it was committed, such as the Nuremberg or former Yugoslavia courts. The international community ended up establishing the permanent International Criminal Court to confront the most serious crimes against humanity, such as war crimes, crimes of genocide, and crimes against humanity.

Israel has been practicing a general and systematic policy to change the demographic reality of the occupied Palestinian territories since 1948. The Israeli government has resorted to the practice of forced displacement and eviction of thousands of Palestinians in the West Bank, Gaza Strip, and the city of Jerusalem. This became clear during the Israeli war on the Gaza Strip since October 7, 2023, when Israel exerted military pressure through destruction, bombing, intimidation, siege, and starvation in order to force the civilian population in the Gaza Strip to leave their homes where they normally live and move to other places that lack the basic necessities of human life. Therefore, this study aims to define the crime of forced eviction and displacement and distinguish it from other similar terms, clarify the role of international law in criminalizing the act of forced displacement and eviction, and apply it to the Palestinian case in Gaza, then clarify the role of international criminal law in criminalizing forced displacement and applying it to the Palestinian case in Gaza, and finally clarify and mention evidence of Israel's commission of the crime of forced displacement and eviction in the Gaza Strip since October 7, 2023.

The importance of our study is evident in the novelty of the topic on the international scene, and the importance of clarifying the facts of what Israel is practicing against the Palestinian people in the Gaza Strip, and thus the possibility of holding Israel accountable before the International Criminal Court for committing the crime of forced eviction and displacement and its consequences, and working to spread the Palestinian cause and the suffering of Gazans before international forums and organizations.

Based on the above, our study focuses primarily on the legal adaptation of the forced eviction and displacement operations practiced by Israel against the residents of the Gaza Strip since October 7, 2023?

In this study, we will clarify the definition of the crime of forced displacement and eviction in international law, and then the role of international humanitarian law in combating the crime of forced displacement first, and then we will clarify the role of international criminal law in combating the crime of forced displacement, with the application of these provisions to the Palestinian case in Gaza.

In this study, we 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.

### **The Concept of Forced Displacement and Eviction and Distinguishing it From Other Similar Terms:**

The crime of forced displacement is considered a serious crime in the international arena, as many international agreements, resolutions and charters have indicated this, due to the seriousness of this crime as it represents a flagrant violation of human rights and basic freedoms. In this section, we will explain the concept of the crime of forced displacement in international charters and resolutions and distinguish it from other similar terms.

The Charter of the Nuremberg Military Tribunal defined war crimes in Article (6/b), where the definition of war crimes included acts of deportation to carry out forced labor and coercion to work or for any other justification during military operations, while the term crimes against humanity was mentioned in paragraph (c) of the same article, and among the acts that fall within these crimes are deportation or any other inhumane acts committed against the civilian population. Jurists believe that the term crimes against humanity acquired legal meaning after the Nuremberg trials, as before World War II it was a rarely used term, despite the wars that claimed the lives of millions of people, but after the St. Petersburg Declaration in 1868<sup>1</sup> the term "violation of the laws of humanity" appeared, and then came the second and fourth Hague Conventions which referred to violations of the laws of humanity. As for the Tokyo Tribunal Charter, Article (5/c) defined crimes against humanity, and this definition was no different from what was stated in the Nuremberg Military Tribunal Charter, as it included deportation among crimes against humanity (Safwan Maqsoud Khalil, 2010).

The International Criminal Tribunal for the former Yugoslavia referred in its charter in Article (4) to its authority to prosecute persons who commit the crime of genocide, which is any of the acts committed with the intent to completely or partially eliminate a national, ethnic, racial or religious group, as a group with this status. Among these acts was what was mentioned in paragraph (c), which is "the forcible transfer or deportation of children from the group to which they belong to another group." Article (5) of the court's statute included crimes against humanity, and deportation or exile was mentioned in paragraph (d) thereof, which stipulated that the court has the right to prosecute persons responsible for these crimes if committed during an armed conflict, whether international or internal, and targeted the civilian population. As for the charter of the Rwanda court, it went with what the Yugoslav court went with (Linda Muammar Yashwi, 2010).

As for the definition of the crime of forced displacement according to the Statute (1998) of the Permanent International Criminal Court, it stipulated the crimes of deportation and unlawful transfer of children and considered them crimes of genocide according to paragraph (e) of Article (6), and also considered them crimes against humanity according to Article (7), where the article defined the deportation or forced transfer of population as "the forced transfer of persons concerned from the area in which they are lawfully present by expulsion or other coercive action without justification permitted by international law." The Statute (1998) also considered the crime of forced displacement and population evacuation a war crime according to Article (8) of the Statute (Statute of the Permanent International Criminal Court Statute (1998)).

It appears to us from the above that the statute of the International Criminal Court of Nuremberg and Tokyo did not provide an accurate definition of the crime of forced displacement. There is a great similarity between the concept of war crimes and the concept of crimes against

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<sup>1</sup> The Declaration was signed in St. Petersburg in 1868 at the suggestion of the Tsar of Russia, to consider the advisability of prohibiting the use of certain projectiles in time of war between civilized nations, with a view to mitigating as far as possible the disasters of war.

humanity, as they are all committed against civilians. However, both courts criminalized forced displacement, even if the domestic law of the state on whose territory this act was committed does not constitute a crime. However, it shows international interest in human rights and freedoms. As for the court of the former Yugoslavia, it was competent in cases of forced displacement as one of the crimes of genocide according to Article (4/e), and this is what the statute of the International Criminal Court for Rwanda went for. Finally, we see that the statute of the permanent International Criminal Court (Statute, 1998) was more detailed in defining the concept of the crime of deportation or forced eviction and displacement than the previous definitions. This indicates the extent of the development of the principles of international criminal law and international humanitarian law, and shows the extent of the international community's keenness to combat this crime and its interest in implementing human rights and freedoms guaranteed by international charters and resolutions.

### ***Distinguishing the Crime of Forced Displacement from other Similar Concepts:***

The crime of forced displacement is considered an international crime that violates international laws and norms, and means forcing a group of civilians who reside legally on their lands and properties to move to another place that may be within the borders of the state itself or may be outside it.

#### *Exile*

Means uprooting a person from his environment, distancing him from it and preventing him from returning to it. The policy of exile is one of the most severe punishments that may be imposed on a person, and this punishment is often linked to the ruling systems. The more democratic the state is, the less severe the infringement on individual and party freedoms, and thus the margin of the punishment of exile decreases. Among the historical events in this regard was the exile of Napoleon Bonaparte. After his arrest, he was forced to abdicate the throne, and it was agreed to keep him imprisoned. Britain took over the matter of protecting him, as he was exiled to the island of Saint Helena in the South Atlantic Ocean until his death in 1821 (Ali Abdul Qader Al-Qahouji, 2001).

#### *Exclusion*

It differs from the concept of forced displacement, although it leads to the same result, which is removing the person from the place where he is located. However, forced displacement is done by forcibly displacing individuals from the area in which they reside despite the legitimacy of their presence and residence on their lands and properties. As for expulsion, it is a measure taken by the state to force a person to leave the country (Qudrat Al-Shahawi, 1969). As for the distinction between the crime of eviction and forced eviction, both lead to forcing the individual to leave the place where he is, but there are exceptional circumstances in which evictions are justified and permitted under international human rights law and international humanitarian law. The Fourth Geneva Convention, in Article (49), permits eviction if the security of the population or for compelling military reasons requires it, provided that this is temporary, as the population who were transferred in this manner are returned to their home as soon as military operations cease, while forced eviction means the permanent or temporary expulsion of individuals, families or groups against their will from the homes and lands they occupy, without providing or providing any form of legal protection, or other types of protection and facilitating the means of obtaining them (Rashad Al Sayed, 1995). Forced eviction is considered a violation of the provisions of international law and conventions, such as what Israel is currently practicing against the Palestinian people in the Gaza Strip.

From the above, it appears to us that there is a difference between forced eviction and evacuation as long as the evacuation is for the sake of preserving the security and safety of the population, or for justified military reasons and motives, while there is no difference between forced displacement and illegal forced eviction, which aims to punish the civilian population and create a new demographic character, such as what Israel is currently practicing in the West Bank by building settlements, and what it has been practicing in the Gaza Strip as collective punishment since October 7, 2023.

As for the difference between the crime of forced displacement and forced eviction (internal displacement), according to the guiding principles issued by the United Nations, displaced persons are defined as “persons or groups of persons who have been forced or compelled to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights, natural or man-made disasters, and who have not crossed an internationally recognized state border.” The analytical report of the Secretary-General of the United Nations stated in paragraph (17) that they are “persons who have been forced to flee in large numbers from Their homes, unexpectedly, as a result of armed conflict, internal disturbances, ongoing violations of human rights, natural or man-made disasters, and they are still present in the territory of their state(Sabah Hasan Aziz,2015).

It is clear from the above that forced eviction is beyond the control of individuals or groups in order to avoid the danger of wars caused by humans or natural disasters, and that forced eviction does not exceed the borders of the territory of the state to which the displaced belong. Forced eviction is considered a violation of the provisions of international law and international conventions, while the crime of forced displacement can be within the territory of the state or outside it and is only caused by humans as a crime of international law.

### **The Legal Basis for the Crime of Forced Displacement in International Law:**

The legal basis for criminalizing the act of forced displacement and eviction has gone through several stages through different legal legislations during the past eras, reaching the current legal legislations. The crime of forced displacement in the twentieth century ranged from an acceptable means of resolving national and ethnic conflicts to complete rejection of it as an international crime. Despite the criminalization of forced deportation or eviction in principle due to its conflict with human rights, to the approval of some countries of the voluntary deportation or transfer of the population at the Paris Peace Conference in 1919, to the complete rejection of it after World War II in the United Nations Charter and the London Agreement of 1945, as well as the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, as the four Geneva Conventions of 1949 and the two Additional Protocols of 1977, the Charter of the Permanent International Criminal Court (Statute, 1998) and other international charters and agreements prohibited the crime of forced displacement and eviction. In our study, we will limit ourselves to stating the legal basis The crime of forced displacement in the four Geneva Conventions for the Protection of Civilians in Armed Conflicts and the two Additional Protocols of 1977 first, and then the legal basis for the crime of forced displacement in the Charter of the Permanent International Criminal Court.

### ***The Legal Basis for the Crime of Forced Displacement and Eviction in the Four Geneva Conventions of 1949 and the Two Additional Protocols Of 1977:***

The Fourth Geneva Convention is dedicated to the protection of civilians in times of war, while the two Additional Protocols, one of them relates to improving and strengthening the protection

and assistance of wounded and sick military and civilian personnel during war, and the second relates to victims of internal wars. The Fourth Geneva Convention of 1949 prohibited the transfer or deportation of the civilian population from the occupied territory by the occupying state, and this is considered a serious violation that requires accountability and punishment, as Article (49) of the Convention stipulates the prohibition of the collective and individual deportation or forced eviction of the population in the occupied state, whether to the occupying state or to any other state, whether occupied or not, except for reasons related to the security of the population itself or for urgent military necessity. In both cases, the deportation must be temporary, and this must be in accordance with the following controls (The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of Armed Conflict, 1949): (1) The displacement of protected persons resulting from evacuations must be within the occupied territory unless this is materially impossible; (2) The transferred population shall be returned to its original place of origin as soon as hostilities in the area cease; (3) Suitable accommodation shall be available to receive the transferred persons; (4) The transfer of persons shall be carried out under satisfactory conditions of health, safety and nutrition; (5) The transfer shall not result in the separation of members of the same family; (6) The Protecting Power shall be notified of the transfer and evacuation operations as soon as they occur.

As for the deportation or forced eviction in the First Additional Protocol of 1977, it came to fill the gap in the four agreements, as it considered the transfer of the population of the occupied territories a serious violation of the provisions of the Protocol. The Protocol also expanded to include the prohibition of the occupier transferring a portion of its population to the occupied territories, and it considered that the deportation falls within the framework of crimes against humanity, if the elements of this crime are present. As for the Second Additional Protocol, it addressed the prohibition of deportation and transfer of population during non-international armed conflicts, as the second paragraph of Article (17) prohibited forcing civilians to leave their homes for any reason related to the conflict, and considered this a serious violation of the provisions of international law (Additional Protocols to the Four Geneva Conventions, 1977).

By applying the provisions of the four Geneva Conventions and their protocols to the Palestinian Gaza situation, we find that Israel, during its war on the Gaza Strip since October 7, 2023, practiced the crime of forced eviction, ignoring all the controls and conditions necessary for evacuation, as civilians in the Gaza Strip were forced to leave their homes without providing a safe and suitable place to live, as well as under poor living, health and food conditions. The evictions continue to this day, which makes the eviction as if it is a permanent reality, and this contradicts the provisions of international humanitarian law and international human rights law.

### ***The Legal Basis for the Crime of Forced Displacement and Eviction in the Rome Statute of the Permanent International Criminal Court:***

In 1998, the Statute for the establishment of a permanent international court was adopted and entered into force in 2002, fifty years after the decision of the United Nations General Assembly to approve the Convention on the Prevention and Punishment of the Crime of Genocide in 1948, as Article 1 of the Charter stipulated that this court was established for the purpose of investigating and prosecuting persons who commit the most serious crimes, and these crimes are represented by the crime of genocide according to Article (6), crimes against humanity according to Article (7), and war crimes according to Article (8) of the Statute (1998), and these crimes are well known in international law, and forced displacement is among these crimes or among the acts constituting those crimes, and thus forced displacement according to

the court system is one of the most serious crimes that threaten the international community, which are:

- Transfer as a crime of genocide according to Article (6) paragraph (e) of the Statute, which states "Forcibly transferring children of the group to another group", and in application to the Palestinian Gazan case, no case was recorded of the Israeli occupation forces transferring any Palestinian children from their families to any other group during the Israeli war on the Gaza Strip 2023-2024(Statute of the Permanent International Criminal Court, 1998).
- Deportation or forced transfer as a crime against humanity according to Article (7/1/d), which stipulates "forced deportation or forced transfer of population", and the previous phrase means according to the text of the article "forced transfer of the persons concerned from the area in which they are lawfully present, by expulsion or any other coercive act, without justifications permitted by international law". Therefore, it appears from the previous text that deportation and forced transfer is not considered a crime against humanity unless the act of forced transfer and deportation was carried out using coercion and intimidation, as the material element of this crime involves forcing one or more persons to move away from the area in which they are lawfully present, whether this transfer is outside the borders of the state (deportation) or within it (forced transfer). The act of coercion may be physical, such as the use of military force, or it may be moral coercion, such as the threat of killing or starvation, etc. ( Statute of the Permanent International Criminal Court, Ibid). By applying this text to the Palestinian Gazan case, we find that the Israeli occupation forces practiced various types of coercion and intimidation against Palestinian civilians during their war on Gaza 2023-2024 with the intention of forcing them to leave their homes. And moving to other places, whether the coercion was through killing and committing massacres, or through moral coercion of starvation, bombing and threats, some Gazan Palestinians were forced to leave the Gaza Strip to other countries as a result of the moral coercion practiced by the Israeli occupation forces, as more than 100 thousand Gazan citizens moved outside the Gaza Strip during the Israeli war on the Gaza Strip, and more than a million Palestinians were forced to forcibly evacuate from their original places of residence to other places in poor living, health and security conditions against their will, and from here we find that Israel, by practicing during its war on the Gaza Strip 2023-2024, has committed a crime against humanity against Palestinian civilians(Aljazira,2024).
- Article (8/2/A/7) of the Statute considered the crime of forced displacement as a war crime that constitutes a serious violation of the four Geneva Conventions of 1949, as it stipulated "unlawful deportation, transfer or unlawful confinement." The article prohibited the act of forced displacement here, whether it occurred individually or collectively. It appears to us from the previous text that it did not distinguish between cases of forced deportation and displacement of persons, whether it occurred individually or collectively. This is an advantage added to the Geneva Conventions in the field of protecting civilians during armed conflicts. The text also did not distinguish between deportation and forced displacement, regardless of its destination, whether to the territory of the occupying state or the territory of another state. The application of the previous text does not depend on the allegations of the occupying authority, but

rather begins its application as soon as the population is forcibly displaced from their normal places of residence.

- The forced deportation or transfer of the population of the occupied territories, which is considered among the other serious violations of the laws and customs applicable to international armed conflicts within the established framework of international law and as a war crime, as Article (8/2/b/8) stipulates that "the occupying power transfers, directly or indirectly, parts of its own civilian population into the territory it occupies, or deports all or parts of the population of the occupied territory within or outside this territory."
- Article (8/2/e/8) stipulates that issuing orders for forced displacement and eviction is considered a war crime, as it states: "Issuing orders to displace the civilian population for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand."
- Article (8/2/b/25) stipulates that "intentionally starving civilians as a method of warfare by depriving them of objects indispensable to their survival, including intentionally impeding relief supplies as provided for in the Geneva Conventions," is considered a war crime according to the Statute (1998). Applying the previous paragraph to the Palestinian Gaza situation, we find that Israel has used starvation and obstructing the delivery of humanitarian aid to civilians in the Gaza Strip as a weapon in order to force them to forcibly evacuate from their places of residence (Statute of the Permanent International Criminal Court, Ibid).

Applying the previous text to the Israeli war on the Gaza Strip since October 7, 2023, we find that Israel has committed a full-fledged war crime in terms of forcing the civilian population in the Gaza Strip to forcibly evacuate to other areas that lack the basic necessities of life, such as food, medicine, security and peace, as well as Israel's deliberate targeting of the places to which these civilians were forcibly displaced.

It is clear from the above that the Statute of the Permanent International Criminal Court considers the forcible transfer of children from one group to another as one of the acts that constitute the crime of genocide, and that deportation or forcible transfer constitutes a crime against humanity. As for war crimes, illegal deportation or transfer constitutes a serious violation of the four Geneva Conventions, as the occupying state's transfer of the population of the occupied territories to any part of the occupied territories or outside them is considered a war crime punishable by the Statute (1998).

#### **Forced displacement of civilians in the Gaza Strip during the Israeli war 2023-2024:**

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. 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. 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, and then it changes them, and sometimes it bombs some of the places that it classifies as safe (Aljazeera, Ibid).

According to the Euro-Mediterranean Human Rights Monitor, the Israeli army deliberately destroys shelters in the Gaza Strip, including schools and public facilities, with the aim of creating a coercive environment that forces civilians to forcibly evacuate their residential areas. The Israeli occupation also uses starvation as a weapon to force Palestinian civilians to leave their usual places of residence, as it has banned the entry of food and food aid to force civilians in northern Gaza to leave their homes. For example, on December 31, 2023, Israeli occupation aircraft bombed the Sakina Bint Al-Hussein School in the city of Deir al-Balah in the central Gaza Strip, which was classified as a safe area at the time. This resulted in the killing and wounding of dozens of displaced Palestinians (Euro-Med Human Rights Monitor, 2023).

Human Rights Watch said that Israel's use of forced displacement and starvation as a weapon of war in the Gaza Strip amounts to war crimes. The organization stated that forced evacuation orders covered 85% of the Gaza Strip, as the Israeli army ordered the remaining 400,000 residents of northern Gaza to forcibly evacuate their homes since the beginning of October 2024. The organization's report also confirmed that the Israeli army prevents food aid from reaching anyone who remains in their place of residence as a weapon to force civilians to forcibly evacuate, which has exacerbated the humanitarian crisis. What the Israeli army has done is illegally forcing Palestinian civilians to leave northern Gaza without providing a safe place or guaranteeing their return in the future (sari bashi, 2024).

Israel also used starvation as a weapon to force civilians to evacuate their homes. Since the beginning of the war, the Israeli authorities have been quick to impose a comprehensive blockade on the Gaza Strip, preventing the entry of humanitarian and medical aid, and destroying vital local food sources. Periodic reports by the Office for the Coordination of Humanitarian Affairs (OCHA) indicate that about (1.4) million residents of the Gaza Strip did not receive their food rations provided as part of humanitarian aid during September 2024. The United Nations Children's Fund (UNICEF) announced in February 2024 that one in six children under the age of two in the Strip suffers from acute malnutrition, 3% of whom suffer from severe emaciation, which is the most life-threatening form of malnutrition (Aljazeera, Ibid).

The Israeli occupation has also intensified its starvation policy, especially in the northern Gaza Strip, since October 2024, with the aim of forcing the remaining civilians in their homes there to evacuate them by force. Israel also bombed the only wheat warehouse in that area, and several days later the Israeli army raided a UN food distribution center in the city of Jabalia.

A UN human rights expert condemned the systematic attacks on homes and civilian residential neighborhoods in the Gaza Strip, explaining that the loss of homes by Palestinians in the Gaza Strip is a form of memory loss about where they belong. UN reports also indicated a steady increase in the number of displaced persons with the continuation of military operations in residential areas and the shrinking of safe spaces in the Gaza Strip, where (1.9) million residents of the Gaza Strip, or (9) out of every (10) people, have become displaced, and they face harsh conditions in terms of food, water, shelter, security, treatment, and the minimum requirements for personal hygiene and privacy. The number of displaced persons until September 2024, according to a UNRWA report, reached nearly 2 million people.

The forced evictions carried out by the Israeli army led to a significant increase in the number of displaced persons. In the first stage, the residents of the North Gaza Governorate and Gaza City were asked to evacuate immediately and forcibly to the area south of Wadi Gaza, i.e. the central and southern governorates. After that, the Israeli army asked the rest of the governorates to forcibly evacuate their homes and head to Rafah Governorate as a safe humanitarian area. However, a short time later, the Israeli army forcibly and intimidatingly evacuated Rafah Governorate. Despite this, the Al Mezan Center for Human Rights monitored (41) Israeli attacks on the tents of the displaced and areas classified as humanitarian and safe, which resulted in the killing of (355) Palestinians and the wounding of (743) of them, in addition to (25) Israeli targeting of schools that have become shelters, especially those affiliated with UNRWA, until September 2024 (Center for Conflict and Humanitarian Studies, 2024).

By the end of August 2024, according to UN data, only about 11% of the Gaza Strip had not been subject to evacuation orders. By mid-September, there were more than 55 valid forced evacuation orders, covering 85% of the Gaza Strip. These measures have placed two million Gazans in a state of continuous forced displacement from one place to another without the provision of security, food, medicine, and adequate housing (United Nations Office, 2024).

From the above, it becomes clear to us that the aforementioned actions practiced by Israel against Palestinian civilians in the Gaza Strip constitute a violation of international humanitarian law and international criminal law, which prohibit the forced displacement of civilians without urgent military necessity, and allow temporary evacuation in cases of extreme necessity to protect civilians, with a commitment to provide protection and assistance to civilians, provide a safe place and basic necessities of life, and ensure their return to their homes after the end of military operations, as the Israeli army did not abide by the previous conditions, which makes these operations exceed the scope of military necessity and turn into a means of causing long-term forced displacement, and accordingly, the leaders of the Israeli army and the Israeli government are perpetrators of crimes against humanity and war crimes according to the Charter of the International Criminal Court.

## **Conclusion**

The study addressed the crime of forced displacement and eviction in light of the provisions of international criminal law, with application to the Palestinian Gazan case during the Israeli invasion of the Gaza Strip 2023-2024. At first, the concept of the crime of forced displacement and eviction was analyzed in international agreements and temporary and permanent international criminal court systems and its differences from other similar terms. After that, we explained, analyzed and described the crime of forced displacement and eviction in light of the four Geneva Conventions of 1949 regarding the protection of civilians during armed conflicts and the two additional protocols to those conventions of 1977. Then, the crime of forced displacement and eviction was explained in light of the provisions of the permanent International Criminal Court Statute of 1998. Finally, the facts and events regarding the crime of forced displacement and eviction against Palestinian civilians in the Gaza Strip during the Israeli war of 2023-2024 were mentioned. Based on these facts, we find that Israel committed a crime against humanity and a war crime against civilians in the Gaza Strip. Based on the above, we recommend that the Palestinian Authority approach the International Criminal Court to file a criminal case against the leaders and soldiers of the Israeli army for committing the crime of forced displacement and eviction, which falls within the category of war crimes and crimes against humanity against civilians in the Gaza Strip during the Israeli war on the Strip in 2023-2024. The UN Security Council must also exercise its powers by requesting the

Prosecutor of the International Criminal Court to consider Israel's actions that constitute crimes within the jurisdiction of the Court and to initiate criminal proceedings against the leaders and soldiers of the Israeli army for committing these crimes.

## References

- Additional Protocols to the Four Geneva Conventions*. (1977). Retrieved October 10, 2024, from <https://guide-humanitarian-law.org/content/article/3/geneva-conventions-of-1949-and-additional-protocols-i-and-ii-of-1977/>
- Al Jazeera, A Year of Aggression on Gaza - Destruction, Starvation and Displacement, (accessed on 10/15/2024, <https://www.aljazeera.net/encyclopedia>).
- Al Jazeera, 100,000 Palestinians left Gaza, (accessed on 7/2/2024, <https://www.aljazeera.net/news>) .
- Al-Qahouji, A. A. Q. (2001). *International Criminal Law (The Most Important International Crimes and International Criminal Courts)* (1st ed.). Lebanon: Al-Halabi Legal Publications.
- Aziz, S. H. (2015). *The Crime of Forced Displacement (Comparative Study)* (Master's thesis, University of Nahrain). Iraq.
- Center for Conflict and Humanitarian Studies. (2024). *One Year of Israeli Aggression on the Gaza Strip: The Humanitarian Landscape and the Humanitarian Response Environment*.
- Euro-Med Human Rights Monitor. (2024). Retrieved November 1, 2024, from <https://euromedmonitor.org/ar>.
- Human Rights Watch. (2024, October 18). *North Gaza: Between Death and Displacement*. Retrieved October 20, 2024, from <https://www.hrw.org/ar/news/2024/10/18/north-gaza-between-death-and-displacement>.
- Khalil, S. M. (2010). *Human Crimes and Genocide and Ways to Combat Them* (1st ed.). Lebanon: Arab Encyclopedia House.
- Muammar Yashwi, L. (2010). *The Permanent International Criminal Court and Its Jurisdiction* (2nd ed.). Jordan: Dar Al Thaqafa for Publishing and Distribution.
- Qudrat Al-Shahawi. (1969). *Police Work and Responsibilities Administratively and Criminally*. Baghdad: Al-Maarif Press.
- Rashad Al Sayed. (1995). Deportation and Forced Transfer in Light of International Humanitarian Law. *Egyptian Journal of International Law*, 51.
- Statute of the Permanent International Criminal Court*. (1998). Retrieved October 10, 2024, from <https://www.icc-cpi.int/news/icc-marks-rome-statutes-25th-anniversary#:~:text=Background:%20Adopted%20on%2017%20July,Tumblr%2C%20YouTube%2C%20Instagram%20and%20Flickr>
- The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of Armed Conflict*. (1949). Retrieved October 10, 2024, from [https://www.redcross.org/content/dam/redcross/atg/PDF\\_s/International\\_Services/International\\_Humanitarian\\_Law/IHL\\_SummaryGenevaConv.pdf](https://www.redcross.org/content/dam/redcross/atg/PDF_s/International_Services/International_Humanitarian_Law/IHL_SummaryGenevaConv.pdf)
- United Nations Office. (2024, August). New Israeli evacuation order reduces humanitarian

space in Gaza to 11%. Retrieved October 10, 2024, from <https://www.ungeneva.org/ar/news-media/news/2024/08/96497/amr-akhla-asrayly-jdyd-yqls-almsaht-alansanyt-fy-ghzt-aly-11>.