

Forced Displacement from the Perspective of International Humanitarian Law

الترحيل القسري من منظور القانون الدولي الانساني

Mouna Ilhem Felfli *

Faculty of Law and Political Science, University of Badji Mokhtar — Annaba
Algeria

mounna-ilhem.felfli@univ-annaba.dz

Date of send:25/09/2025 Date of acceptance:21/10/ 2025 Date of publication:30/12/2025

Abstract:

This research paper aims to shed light on a highly important subject: forced displacement, which constitutes one of the most serious violations of international humanitarian law. It refers to the involuntary relocation of civilian populations from their homes, typically occurring within the context of armed conflict. The paper explores the legal framework governing forced displacement, highlighting its unequivocal prohibition under the Fourth Geneva Convention of 1949 and the Additional Protocols of 1977. It further identifies forced displacement as constituting a war crime, a crime against humanity, and an act of genocide. It also presents the mechanisms established to protect civilians through the application of the prohibition on forced displacement, concluding that, despite a stringent legal framework, these mechanisms suffer from weak implementation, lack of accountability, and double standards. Such violations necessitate the activation of international accountability mechanisms, the reinforcement of protective measures, and the assurance that perpetrators do not escape justice.

Keywords: Armed conflicts- International crimes- International humanitarian law- Forced displacement.

Introduction

Forced displacement represents one of the most severe and alarming violations of human rights, particularly during armed conflicts and instances of systematic persecution. It involves the collective or individual removal of persons from their homes or countries of origin against their will and without any legally recognized justification. International humanitarian law, whose foundation lies in the Geneva Conventions and their Additional Protocols defines such displacement as a grave breach when it occurs in the absence of military necessity.

Forced displacement transcends mere geographic relocation and produces profound humanitarian, social, and cultural consequences that affect the lives of targeted individuals and communities. Victims lose their ties to land, property, and livelihoods, and become vulnerable to homelessness, poverty, and the loss of national and cultural identity.

International humanitarian law has accorded considerable attention to forced displacement and has criminalized it in explicit terms. International tribunals, notably the International Criminal Court, have treated forced displacement as an international crime that is not subject to statute-of-limitations and requires punishment regardless of the perpetrator's status or position.

From this standpoint, the topic of forced displacement within international humanitarian law raises complex legal, political, and humanitarian questions, warranting an in-depth study. This study employs descriptive and analytical methods to examine the principal international treaties and decisions relevant to the issue, analyze their contents, and assess their practical effectiveness.

On that basis, the following research question can be posed: How has international humanitarian law addressed the issue of forced displacement? And to what extent are the international mechanisms dedicated to protecting civilians from forced displacement effective?

Firstly: The Legal Status of Forced Displacement under the Provisions of International Humanitarian Law

Forced displacement has received considerable attention within the framework of international humanitarian law because of its devastating consequences for individuals and communities. In the context of armed conflict, forced displacement is classified under the Rome Statute of the International Criminal Court as a war crime, a crime against humanity, and, in certain circumstances, an act of genocide.

This paper therefore examines the stance of international conventions and the International Criminal Court regarding forced displacement, as outlined below:

1. The Position of International Conventions on Forced Displacement

The principal conventions constituting the foundation of international humanitarian law—most notably the Fourth Geneva Convention of 1949 on the protection of civilians in wartime—explicitly prohibit both mass and individual forced transfers of civilian populations. Such acts are classified as grave breaches

equivalent to war crimes. The two Additional Protocols to the Geneva Conventions further strengthen this prohibition and broaden the scope of civilian protection.

This matter will be considered in greater detail below:

1.1 Forced Displacement in the Fourth Geneva Convention of 1949

The Fourth Geneva Convention of 1949, dedicated specifically to the protection of civilians during armed conflict, addresses the issue of forced displacement in Article 45, paragraph 1, which stipulates that protected persons may not be transferred to a State that is not a party to the Convention.

The prohibition in Article 45 is general in scope, applying to all protected persons under the authority of a party to the conflict, regardless of their status. This protection also extends to individuals not deprived of their liberty, such as displaced persons or refugees.

However, the Diplomatic Conference refrained from imposing an unconditional ban on all forms of transfer. This was due to the recognition that, in some cases, protected persons, particularly those facing persecution or discrimination on the basis of ethnicity or political affiliation, might have a legitimate desire to leave the country. To reflect this reality, the Diplomatic Conference opted to implicitly permit voluntary movements while prohibiting only forced transfers.

The prohibition of forced displacement was formally adopted, after some hesitation, at the 17th International Conference of the Red Cross held in Stockholm in 1948. The intention was to put an end to practices widely employed during the Second World War by certain States, which had transferred segments of their populations into occupied territories for political or racial reasons, or to reinforce territorial claims by colonizing those areas with transferred populations.¹

Article 49 of the Fourth Geneva Convention also explicitly prohibits forced displacement, establishing two distinct rules. The first principle establishes a clear prohibition against the forced displacement of protected persons, whether carried out individually or collectively, to the territory of the occupying power or to that of a third State. Security or military considerations cannot justify such transfers unless they are strictly required to shield the civilian population from an immediate and temporary threat. The second principle forbids the occupying power from relocating its own civilian population into occupied territories.

The expression “forcible transfer” in the final paragraph of Article 49 of the Fourth Geneva Convention carries a different meaning from that used in its earlier provisions. Here, it refers not to the relocation of protected persons from occupied territory, but rather to the movement of the occupying power’s own nationals into such areas. For this reason, it would have been more coherent had the Diplomatic Conference separated this provision from the rest of Article 49.

One of the most notable historical examples of forced displacement occurred during the French occupation of Algeria, when France forcibly deported many Algerians to New Caledonia. Historical accounts further indicate that between 1954 and 1960, approximately 300,000 Algerians were expelled to Tunisia and Morocco,

while nearly three million people were forcibly concentrated in camps following the destruction of their villages. The objective was to isolate them from the national liberation revolution and thereby undermine it.²

1.2 Forced Displacement in the Additional Protocols of 1977

The First Additional Protocol to the four Geneva Conventions of 1949, adopted on 8 June 1977, was designed to strengthen safeguards for victims of international armed conflicts. It expressly prohibited forced displacement and categorized it as a war crime. Within this framework, the Protocol obliged parties to a conflict to prevent all violations of the Geneva Conventions and made clear that superiors cannot escape criminal liability for breaches committed by their subordinates.³

This responsibility specifically applies when commanders fail to take all feasible measures to prevent: (a) the transfer of the occupying power's nationals into occupied territories, or (b) the deportation or displacement of inhabitants of occupied territories, whether within those territories or beyond their borders.⁴

In this regard, it is important to highlight Article 78, paragraph 1, of the First Additional Protocol, which stipulates that, when necessary, children may be temporarily evacuated from areas of armed conflict to a foreign country.⁵

During the drafting of Article 78, the representative of the International Committee of the Red Cross addressed the Drafting Committee, stressing that evacuation must remain an exceptional measure and should comply with two key conditions. First, the child's health status must justify the evacuation; and second, it must be carried out with the consent of the parents or legal guardian. If the parents or guardian are absent, this requirement lapses; however, evacuation may still proceed when the child's health condition demands it.

Following the adoption of the four Geneva Conventions of 1949, designed to safeguard victims of international armed conflicts, the international community witnessed a significant rise in non-international armed conflicts. To address this shift and to adapt international humanitarian law to evolving realities, the Second Additional Protocol to the four Geneva Conventions was adopted on 8 June 1977. This Protocol became the first autonomous international instrument to set out specific rules aimed at protecting victims of non-international armed conflicts.

The Protocol prohibited forced displacement in Article 17, which laid down a general rule banning the forced displacement of civilians for reasons linked to internal armed conflict. At the same time, the article introduced a narrow exception, permitting displacement when carried out in the interest of the civilians themselves. This exception applies to situations involving security concerns, such as when civilians face life-threatening risks in areas affected by hostilities, for instance the threat of missile bombardments and the resulting dangers, which may necessitate evacuation to safer areas .

Displacement may also be justified for imperative military reasons, such as when the presence of civilians in a given location obstructs military operations and military necessity requires their relocation elsewhere. However, imperative military

reasons cannot serve as a pretext for politically motivated measures. For example, it is prohibited to transfer populations with the objective of exercising effective control over a dissenting ethnic group.

2. The Position of the International Criminal Court on Forced Displacement

The Rome Statute of the International Criminal Court categorizes forced displacement as an international crime under multiple provisions. It is defined as a crime against humanity in Article 7(1)(d) under the label of deportation or forcible transfer of population. It is also classified as a war crime in international armed conflicts under Article 8(2)(b)(viii), and in non-international armed conflicts under Article 8(2)(e). In addition, it may constitute an act of genocide under Article 6(e). These classifications are examined as follows:

This will be addressed as follows:

2.1 Forced Displacement as a Crime against Humanity

Article 7(1)(d) of the Rome Statute explicitly identifies forced displacement as a crime against humanity, stating:

For the purpose of this Statute, any of the following acts constitutes a crime against humanity when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: Deportation or forcible transfer of population..

Based on the above provision, the legal classification of forced displacement of populations as a crime against humanity requires the following:

- That it occur within the framework of a widespread or systematic attack: This means that the displacement must form part of an organized plan or general policy, rather than being random or incidental. The element of coercion or compulsion is fundamental in such attacks and refers to the use of force or the threat of force. This may include fear of violence, imprisonment, psychological persecution, or similar forms of pressure.
- Legitimacy of residence: For forced displacement to constitute a crime, it must be directed against persons residing lawfully in a given area. However, there remains ambiguity regarding which authority is competent to determine whether the victims were lawfully present in the location from which they were displaced. On this basis, the displacements carried out by Serbia against Muslims in Bosnia fall within the scope of Article 7 of the Rome Statute, as Bosnian Muslims had legitimate rights to the lands from which they were expelled.⁶

2.2 Forced Displacement as a War Crime

The Rome Statute of the International Criminal Court addresses forced displacement under Article 8(2)(b) as one of the war crimes, whether committed in the context of international or non-international armed conflicts.

The Preparatory Committee of the International Criminal Court, in interpreting forced displacement as a war crime, relied on Article 147 of the Fourth Geneva Convention, which must be read in conjunction with Article 49 of the same

Convention. These provisions prohibit all forms of forced transfer, including transfers within occupied territories and the deportation of protected persons from occupied territories, as previously noted. Certain delegations proposed the inclusion of an explicit requirement that protected persons be displaced from their place of lawful residence, in line with the definition of crimes against humanity. However, the Preparatory Committee concluded that such a requirement does not constitute an element of unlawful deportation or transfer under the Geneva Convention's definition.⁷

Based on Article 8(2)(b) of the Rome Statute of the International Criminal Court, the essential elements of forced displacement as a war crime may be outlined as follows:

1. The perpetrator of the crime:

a. Directly or indirectly relocates part of its own civilian population into occupied territory.

b. Deports or transfers all or part of the local population of the occupied territory, either within that territory or outside its borders.

2. The conduct occurs in the context of, and is associated with, an international armed conflict.

3. The perpetrator is aware of the factual circumstances establishing the existence of an armed conflict.

A prominent example of such a violation is Israel, which, since its establishment, has systematically sought to alter the demographic composition of the occupied Palestinian territories through the transfer of parts of its own civilian population into these areas.

This has been achieved through the deportation and forcible transfer of Palestinians from the West Bank and Gaza, whether on an individual or collective basis. At the same time, Israel has facilitated the settlement of Jews from across the world in Palestinian lands under the provisions of a law enacted in 1950 and amended in 1954, which grants every Jew worldwide the right to immigrate to Palestine.⁸

3.2. Forced Deportation as a Crime of Genocide

Forced deportation, when classified as genocide, constitutes one of the most serious breaches of international law. Its legal characterization is governed by strict conditions under international humanitarian law. According to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide—as reflected in Article II—and Article 6(e) of the Rome Statute of the International Criminal Court (1998), genocide includes the following acts:

- Killing;
- Inflicting serious bodily or mental harm;
- Imposing living conditions intended to bring about the physical destruction of the group;
- Preventing births;
- Forcibly transferring children to another group.

Accordingly, forced deportation does not automatically constitute genocide unless:

- It is carried out with the intent to destroy a group, in whole or in part;
- It creates living conditions leading to the destruction of the group, such as deportation to areas devoid of survival resources, or the deliberate denial of aid, healthcare, or water supplies to the population, as has occurred in Gaza from October 2023 to the present day; Forced deportation, when classified as genocide, constitutes one of the most serious breaches of international law. Its legal characterization is governed by strict conditions under international humanitarian law. According to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide—as reflected in Article II—and Article 6(e) of the Rome Statute of the International Criminal Court (1998), genocide includes the following acts:

Secondly: Mechanisms for Implementing the Rules of International Humanitarian Law Prohibiting Forced Deportation

The enforcement of international humanitarian law regarding the prohibition of forced deportation operates through a combined legal and humanitarian framework. Legal provisions on their own are insufficient; effective and practical mechanisms are required to ensure compliance and accountability. Over time, international law has developed mechanisms that integrate both preventive and punitive measures, aiming not only to deter the practice of forced deportation but also to prosecute and punish those responsible for such violations.

Such mechanisms include neutral humanitarian institutions, most notably the International Committee of the Red Cross, alongside United Nations organs that play a central role in documentation and accountability. The interaction between legal rules and enforcement mechanisms reflects the growing commitment of the international community to confront forced deportation crimes and to safeguard civilians, even under the harshest and most complex conditions.

Accordingly, the roles of the principal United Nations bodies and the International Committee of the Red Cross in implementing the rules prohibiting forced deportation will be examined.

1. The Role of Main United Nations Bodies in Implementing the Rules Prohibiting Forced Deportation

The United Nations has given particular attention to activating the rules prohibiting forced deportation, whether through legislative and normative work, monitoring mechanisms, or humanitarian interventions. Through coordination among its key organs—particularly the Security Council, entrusted with maintaining international peace and security, and the International Court of Justice, serving as the Organization’s judicial authority—international efforts to address the crime of forced deportation are significantly strengthened. This can be examined as follows:

1.1. The United Nations Security Council

Through its resolutions, the United Nations calls upon states to respect international humanitarian law. These resolutions are interpreted as an exercise of

the Council's powers related to maintaining international peace and security, as well as the powers of other organs regarding human rights issues.⁹

The Security Council has, on several occasions, condemned forced deportation of civilian populations. In 1976, the Council issued two statements concerning the occupied Palestinian territories, declaring that the Fourth Geneva Convention applied to these territories. In 1980, the Council adopted multiple resolutions invoking the Geneva Convention in response to deportation practices.¹⁰

The Security Council also adopted a series of strongly worded resolutions during the conflict in the former Yugoslavia, including Resolution No. 752 of May 15, 1992, and Resolution No. 757 of May 30, 1992, obliging all parties to the conflict to refrain from mass expulsion, forced deportation, and altering the ethnic composition of the population.¹¹

Furthermore, the Council reaffirmed in Resolution No. 1674 of 2006, in paragraphs 5 and 6, its strong condemnation of all acts of violence and assaults against civilians in armed conflicts, in violation of existing international obligations, including cases of forced deportation. It demanded that all parties put an end to such practices. In paragraph 12 of the same resolution, the Council continued to prohibit the forced deportation of civilians in circumstances constituting violations of obligations under international humanitarian law.¹²

It is worth mentioning that, in condemning forced deportation, the Security Council undertakes significant responsibilities, including:

- Referring cases of forced deportation to the International Criminal Court, as occurred with Darfur in 2005, and supporting the creation of special tribunals such as the International Criminal Tribunal for the former Yugoslavia (1993) and the International Criminal Tribunal for Rwanda (1994);
- Imposing sanctions on individuals or regimes involved in forced deportation, including travel bans, arms embargoes, asset freezes, etc., as occurred in Libya, South Sudan, Myanmar, and elsewhere;
- Deploying peacekeeping missions to prevent displacement, including the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the United Nations Mission in South Sudan (UNMISS).

1.2 The International Court of Justice

As the principal judicial body of the United Nations, the International Court of Justice (ICJ) has repeatedly affirmed the obligation to protect civilians during armed conflicts. In its 2004 Advisory Opinion on the construction of the separation wall, the Court declared that both collective and individual forced transfers or deportations of protected persons from occupied territories—whether to the occupying power's territory or to that of another state, occupied or not—are strictly forbidden, regardless of the justification. The prohibition of forced deportation under occupation thus constitutes one of the core safeguards of civilian protection.¹³

In accordance with its subject-matter jurisdiction, the ICJ is competent to examine forced deportation as a crime against humanity, a war crime, or even

genocide, as explained earlier. This authority is grounded in Article 36(1) of the Court's Statute, which extends jurisdiction to all cases arising under the UN Charter or international treaties. Article 36(2) further empowers the Court to investigate facts that may constitute a breach of international obligations and to rule on related compensation claims.¹⁴

On 26 January 2024, in the case brought by South Africa against Israel, the Court ordered Israel to suspend its military operations in the Gaza Strip, effective from 7 October 2023, pursuant to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.¹⁵

Nevertheless, while ICJ rulings are legally binding, they are not directly enforceable, as the Court lacks executive authority. This absence of an enforcement mechanism prevents compelling compliance—such as Israel's adherence to provisional measures—representing one of the most significant limitations on the Court's jurisdiction concerning forced deportation.¹⁶

2. The Role of the International Committee of the Red Cross in Implementing the Rules Prohibiting Forced Deportation

The humanitarian and impartial character of the ICRC makes it a central actor in safeguarding civilians during armed conflicts. It is one of the most important field-based entities responsible for contributing to the enforcement of the rules prohibiting forced deportation and for defending the right of individuals to remain within their original communities in safety and dignity. This role can be outlined as follows:

2.1 Definition of the International Committee of the Red Cross

The International Committee of the Red Cross (ICRC) is an independent, neutral, and impartial non-governmental organization with a strictly humanitarian mandate: to safeguard the lives and dignity of victims of armed conflict and other situations of violence, while providing them with necessary assistance. In addition, the ICRC works to prevent suffering through the dissemination and promotion of international humanitarian law and universal humanitarian principles.¹⁷

Established in 1863, the ICRC is the founding body behind the Geneva Conventions and the International Red Cross and Red Crescent Movement. It oversees and coordinates the Movement's international activities during armed conflicts and other crises of violence.

Since its inception, the ICRC has played a pivotal role in shaping international treaties that constitute the legal framework guiding its mission and that of national societies. The codification of international humanitarian law is inseparably linked to the creation of the ICRC, which was responsible for initiating the earliest drafts of this legal regime.¹⁸

The ICRC also performs several other vital functions, including serving as a mediator or as a substitute for the protecting power in armed conflicts, contributing to the preservation of millions of lives during natural disasters worldwide, and carrying out specialized tasks such as visiting prisoners, restoring family links, and providing financial assistance.¹⁹

2.2. The Efforts of the International Committee of the Red Cross to Protect Civilians from Forced Deportation

The role of the International Committee of the Red Cross (ICRC) in protecting civilians from forced deportation is twofold: first, by contributing to the formulation of rules designed to safeguard civilians; and second, by alerting states to violations committed against them.

In terms of its normative contributions, the ICRC's efforts date back to the draft international convention on the protection of civilians in the territory of a belligerent state or in occupied areas, adopted at the Fifteenth Diplomatic Conference in Tokyo in 1834. One of the ICRC's most notable contributions to the codification of international crimes was its working paper prepared for the Preparatory Committee on the Establishment of an International Criminal Court:²⁰

- The First Section :

This addressed serious violations under international humanitarian law applicable in international armed conflicts. It identified displacement and unlawful transfer among the acts constituting violations of international humanitarian law.

- The Third Section:

This addressed acts constituting serious violations of international humanitarian law applicable in non-international armed conflicts.

As regards its role in drawing states' attention to violations committed against civilians, the ICRC undoubtedly plays a vital role in protecting civilian populations during armed conflicts, serving as the guardian and promoter of international humanitarian law. However, it does not serve as its guarantor, since the ICRC is neither an arbitral body nor an investigative authority. Its principal objective lies in ensuring the proper implementation of humanitarian law.

To fulfill this mandate, ICRC delegates are permanently present in areas of armed conflict. Whenever violations of international humanitarian law occur, they are duty-bound to draw the attention of the authorities to such breaches. Furthermore, they may propose practical measures designed to prevent such violations from recurring. Their work also includes ensuring that the facts are established with accuracy, though without seeking to identify individual perpetrators of violations, as this responsibility rests primarily with states and the parties to the conflict.²¹

Conclusion

This study examined the legal and institutional frameworks addressing forced deportation and reached several key findings, most notably:

- The explicit criminalization of forced deportation in numerous international legal instruments, foremost among them the Fourth Geneva Convention of 1949, its Additional Protocols of 1977, and the Rome Statute of the International Criminal Court.

- Forced deportation, in different contexts, is classified—particularly under the Rome Statute of the International Criminal Court—as a war crime and a crime

against humanity, and may amount to genocide if committed with the intent to destroy a national, ethnic, or religious group.

-International courts, such as the International Court of Justice and the International Criminal Court, have addressed important cases related to forced deportation. However, these efforts remain limited in scope and lack comprehensive deterrence. Consequently, forced deportation persists in situations of occupation, such as in Palestine, under the pretexts of security or demographics, in blatant violation of international legality.

-Despite the pioneering role of the ICRC in protecting civilians and promoting compliance with international humanitarian law prohibiting forced deportation, it remains an international non-governmental organization. It cannot alone bear the responsibility for enforcing compliance, as its operations depend on the will of states, particularly major powers that finance its activities.

-Victims of forced deportation continue to suffer from a lack of justice and adequate reparations, whether in the form of compensation or guarantees of safe and voluntary return.

Based on the above findings, the following recommendations can be proposed:

_Strengthening the effectiveness of the International Criminal Court and enabling it to exercise its jurisdiction free from political obstacles.

_Activating United Nations oversight mechanisms to document violations related to forced deportation.

_Expanding the scope of civilian protection in conflict zones by supporting the role of humanitarian organizations such as the ICRC, and facilitating their access to affected areas to monitor and prevent forced deportation.

Margins:

¹ Commentary on the Fourth Geneva Convention of 12 August 1949, ICRC, available at: www.icrc.org, consulted on 20/07/2025.

² Ali Mani', Crimes of French Colonialism against Algerians during the Occupation Period, Algerian Journal of Legal, Economic and Political Sciences, University of Algiers, Vol. 35, No. 4, 1997, p 1047.

³ Article 85 of Additional Protocol I of 1977.

⁴ Rachad Al-Sayyid, Civil Wars and the Geneva Law, Journal of Law, University of Kuwait, No. 4, 1985, p 69.

⁵ Sandra Singer, Protection of Children in Armed Conflicts, in: Studies in International Humanitarian Law (collective work), supervised by Mufid Shehab, Dar Al-Mustaqbal Al-'Arabi, Cairo, 2000, p 149.

⁶ Abdel Fattah Bayoumi Higazi, The International Criminal Court, Dar Al-Fikr Al-Jame'i, Alexandria, 2004, pp 543–544.

⁷ Knut Dörmann, The Preparatory Committee for the International Criminal Court, in: International Humanitarian Law (collective work), supervised by Ahmed Fathi Sorour, ICRC Delegation, Cairo, 2006, p 503.

⁸ Sameh Jaber Al-Beltagi, Protection of Civilians in Times of Armed Conflict, Dar Al-Nahda Al-'Arabiyya, Cairo, 2006, p 57.

⁹ Denise Plantter, Protection of Displaced Persons in Non-International Armed Conflicts, *International Review of the Red Cross*, ICRC, Vol. 5, No. 28, 1992, p 452.

¹⁰ Jean-Marie Henckaerts, *Mass Expulsion in Modern International Law and Practice*, Martinus Nijhoff Publishers, London, 1995, pp 171–172.

¹¹ Yusuf Askar, *Implementing International Humanitarian Law: From the Ad Hoc Tribunals to a Permanent International Criminal Court*, Routledge, London, 2004, p 16.

¹² United Nations Security Council, Security Council and the Prevention of Displacement, *Forced Migration Review*, available at: <https://www.fmreview.org>, consulted on 20/07/2025.

¹³ Rachad Al-Sayyid, Deportation and Forced Transfer of Civilians in Light of International Humanitarian Law, *Egyptian Journal of International Law*, Vol 51, 1995.

¹⁴ Ahmed Atta Abdel Azim Abdel Latif, *International Responsibility for the Crime of Deportation or Forced Transfer of Civilians under International Law*, PhD Dissertation, Faculty of Law, University of Menoufia, Egypt, 2015, p. 318.

¹⁵ Ezzat Saad, The Orders of the Two Courts Created an Unprecedented Dynamic for Legal Mobilization, *Opinions on the Gulf Journal*, Saudi Arabia, No. 200, 2024, p 30.

¹⁶ Ayman Salama, The Case of South Africa v. Israel: A Test of the International Legal System's Ability to Uphold Justice, *Opinions on the Gulf Journal*, Saudi Arabia, No. 200, 2024, p 50.

¹⁷ International Committee of the Red Cross, *Get to Know the ICRC*, 5th ed., 2007, p. 119.

¹⁸ Al-Ra'i Al-'Id & Qalafat Shoukri, The Role of the International Committee of the Red Cross in Protecting Children during Armed Conflicts, *Afaq Journal of Sciences*, University of Zian Ashour Djelfa, Vol. 4, No. 14, 2019, pp 239–240.

¹⁹ Mohamed Fahad Al-Shalalda, *International Humanitarian Law*, Manshat Al-Ma'aref, Alexandria, 2005, p. 335.

²⁰ Working Paper Prepared by the ICRC for the Preparatory Committee for the Establishment of an International Criminal Court, New York, 14 February 1997, available at: www.icrc.org, consulted on 21/07/2025.

²¹ David Delabra, The International Committee of the Red Cross and International Humanitarian Law, in: *Studies in International Humanitarian Law* (collective work), supervised by Mufid Shehab, Dar Al-Mustaqbal Al-'Arabi, Cairo, 2000, p 402.