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Forcible Displacement of Palestinians in Light of International Humanitarian and Criminal Law: A Reading of the Legal Dimensions and Accountability Mechanisms

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Abstract:

The crime of displacement or forced deportation, as termed by the Statute of the International Criminal Court, is a serious crime committed by warring parties against civilian populations with the aim of eliminating them and replacing them with other groups, or by occupying authorities to settle part of their population in the occupied territories. Whether forced deportation occurs during peacetime or armed conflict, we have chosen the crime of displacement and forced deportation of Palestinians in the Gaza Strip as the subject of our study, considering it a model that encompasses multiple forms of international crimes. The occupation forces have practiced collective punishments, mass arbitrary arrests, starvation, warnings to evacuate areas, and other crimes that continue to be committed in the Gaza Strip up to the time of writing. In this research paper, we will clarify the crime of displacement and forced deportation of the population in the Gaza Strip, as there is no legal or legitimate justification for permitting such actions, given the severe repercussions they have on the population by removing them from their homes and causing loss of property, security, and stability. Forcibly displacing civilian populations from their habitual residences to other locations without justifications permitted by international law is prohibited, regardless of where they are relocated. This leads to serious consequences that result in the dissolution of the national identity of the indigenous population of the Gaza Strip.

Keywords: *Zionist entity; crimes; displacement; Palestinians; Gaza Strip; international law.*

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Introduction:

The Palestinian people have witnessed forced displacement and deportation for more than seventy years, starting with the Nakba of 1948, as part of the Zionist movement's project aimed at establishing a national homeland for the Jewish people in Palestine at the expense of the indigenous Arab population. The Zionist entity has sought to erase the Palestinian identity, confiscate Palestinians' ownership of their homes and properties to force them to flee, or turn them into residents whose residency can be terminated under various legal pretexts, seize lands, dig tunnels under Al-Aqsa, and increase the pace of settlement by establishing settlement units. This forced displacement constitutes a blatant violation of international laws and agreements that prohibit such practices. The forced displacement and deportation of civilian populations are considered grave violations under the Geneva Conventions and have been classified as crimes against humanity under the Rome Statute of the International Criminal Court.

The Israeli-Palestinian conflict is rooted in a colonial settler project that began in the late nineteenth century and accelerated dramatically after World War II. The 1948 Nakba resulted in the forced displacement of more than 700,000 Palestinians from their homes and the destruction of over 530 villages, establishing a pattern of systematic dispossession that has continued to the present day. The 1967 Arab-Israeli War extended Israeli military control to the West Bank, the Gaza Strip, and East Jerusalem, placing millions of Palestinians under a prolonged military occupation now exceeding five decades. Successive peace negotiations, most notably the Oslo Accords of 1993, failed to produce a just and lasting settlement, while Israeli settlement expansion in the occupied territories continued unabated in violation of international law. Since 2007, Israel has imposed a comprehensive land, sea, and air blockade on the Gaza Strip, which the International Committee of the Red Cross has characterized as collective punishment prohibited under Article 33 of the Fourth Geneva Convention. This protracted political deadlock and the absence of any credible accountability mechanism created the conditions in which the events of October 7, 2023 occurred, triggering an unprecedented Israeli military operation whose legal dimensions - particularly the crime of forcible displacement - constitute the subject of this study.

There is also another horrific list of violations of international humanitarian law committed by the Israeli entity during the October 2023 aggression on the Gaza Strip, in the aftermath of "Al-Aqsa Flood," where questions arose about how far Israel's response to the insult it suffered could go. However, it soon became clear that the matter went beyond merely responding to the Hamas attack on October 7 to deliberately committing mass massacres against civilians from the Palestinian people, among whom thousands of dead and wounded fell, most of them women and children, along with immense destruction of infrastructure and an unprecedented humanitarian catastrophe, in a manner that exceeded the boundaries of the principle of self-defense that Israel invoked, rising to the commission of the most heinous international crimes, which are still ongoing, particularly the deliberate killing of civilians, the use of internationally prohibited munitions, and the crime of deportation and forcible displacement of civilian populations. This research paper will discuss the latter crime, stating its legal dimensions, Israel's practices of it against the population of the Gaza Strip, especially in light of recent developments, the mechanisms followed to hold the occupation authorities accountable for such crimes, and the mechanisms for providing protection to civilians under international law, and the forfeiture of this protection and its examination in the context of protecting Palestinians- especially since it has not been limited to merely the forcible displacement of civilian populations from northern Gaza and forcing them to flee to the south of the Strip, but has gone further to reveal a real intent to deport them to neighboring countries, in implementation of a plan for deportation, forcible evacuation, and liquidation of the Palestinian presence on its land, which constitute serious violations of international humanitarian law. This requires urgent intervention from the international community to stop these violations and hold them accountable.

The problem of this study revolves around the following main question: ***To what extent do the practices of forced displacement and deportation employed by the Israeli occupation authorities against Palestinian civilians in the Gaza Strip constitute a clear violation of international humanitarian and criminal law, and what international legal mechanisms are available to confront these crimes and ensure accountability for them?***

To answer these questions, the study requires addressing the subject according to two main axes; the first is dedicated to the legal dimensions of the crimes of forced displacement and deportation of the population in Gaza in terms of concept, international legal characterization, and distinctive features, while the second deals with the international legal mechanisms available to confront these crimes and achieve accountability for their perpetrators.

First Chapter: The Legal Dimensions of the Crimes of Displacement and Forced Deportation of the Population in Gaza:

There is a near consensus among all observers of the situation in Gaza-regardless of their specialties-that the legal description of the measures taken by the Israeli occupation army against the population in Gaza, as stated in the Rome Statute of the International Criminal Court, is "deportation or forcible transfer of population." Therefore, we will first address the concept, then the legal description of these crimes under international law, and finally the main characteristics of the Israeli displacement crimes against the population of Gaza.

We will address the definition and then distinguish it from similar acts.

1- Definition of the Crime of Displacement or Forced Deportation:

The majority of international criminal law scholars consider the terms displacement, forced deportation, expulsion, or forcible transfer of civilians to express one concept. Some view expulsion as the process of forcibly transferring civilians from one country to another, while deportation applies to the movement of populations from one area to another within the same country's borders.

Accordingly, forced deportation is part of forced displacement, which is broader, as it includes forced evacuation, forced transfer, forced deportation, and the coercion of populations to leave their homes and properties. This is what the Israeli occupation forces are doing as they carry out their aggression and crimes in the Gaza Strip to transfer the population and pressure them to flee outside the state's borders. This is based on the definition by the International Criminal Court, which affirmed that displacement or forced transfer is forced deportation. [(1)]Article (7/2/d) of the Statute defines forced deportation of populations as "the forced transfer of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law."

Some international law commentators define forced displacement as: "the transfer of civilian populations from and to places other than their original locations, or the displacement of civilians from one occupied area to another. Displacement is considered internal if the deported persons are transferred to another location within the same country."(2)

Others define it as "the deportation of persons protected under the Fourth Geneva Convention of 1949 concerning the protection of civilians under occupation from occupied territories to distant places, whether within or outside their homeland, with the intent of removing them from their homes in order to replace them with the population of the occupying state. This act is considered contrary to the freedom and dignity of the population guaranteed under international rules."(3)

From the perspective of international human rights law, the prohibition of this type of criminal acts aims to ensure the right of individuals and groups to live in their communities and homes and to enjoy their property in safety.

In fact, the international community has established a robust legal framework to confront crimes of forced displacement and population transfer; the prohibition of forcibly displacing and transferring civilian populations is grounded in Article 49 of the Fourth Geneva Convention on the Protection of Civilian Persons in Time of War, which states in its first paragraph 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."

The aforementioned article further specifies in its subsequent paragraphs the conditions for total or partial evacuation of an occupied area, as follows:

If required for the security of the population or for imperative military reasons, evacuation operations must not result in the displacement of protected persons beyond the limits of the occupied territory, unless physically impossible.

- The transferred population must be returned to their homes as soon as hostilities cease in the area.

- The occupying state conducting these transfers or evacuations must ensure, to the greatest extent possible, the provision of suitable accommodation for the protected persons, that transfers occur under

satisfactory conditions of safety, health, security, and nutrition, and that family members are not separated.

- The protecting power must be notified of the transfers and evacuations as soon as they occur.

- The occupying state may not detain protected persons in an area particularly exposed to the dangers of war, except if required for the security of the population or for imperative military reasons.

- Finally, the occupying state may not deport or transfer parts of its civilian population into the territory it occupies.

Accordingly, the provisions of this article emphasize Israel's obligation, as an occupying power, not to forcibly transfer Gaza's population to the occupied territory or any other state, and in cases of extreme necessity and for the protection of the population, temporary transfer must remain within the occupying state. This means that forcible transfer to another state is never permissible.

Therefore, international humanitarian law grants special legal protection to civilians living under occupation. Undoubtedly, siege and the imposition of harsh living conditions on the population may themselves constitute means used to displace (transfer) or deport the population.

2- <u>Distinguishing the Crime of Forced Displacement from Similar Terms</u>:

The term forced displacement is associated with deportation and forced expulsion, as well as many other terms that agree with it in essence but differ in terminology, such as forced uprooting, forced population transfer, except for evacuation carried out by competent authorities to achieve a specific interest under certain circumstances. Forced deportation operations include the widespread expulsion of populations during international or non-international armed conflicts, and this crime is often committed under justifications of national security or military necessity, or displacement occurs as part of population exchange when territories are exchanged between states as a means of resolving ongoing disputes between them. [(4)]

a. Distinguishing the Crime of Forced Displacement from Evacuation: *Forced displacement and forced evacuation both involve removing an individual from their location against their will. According to Article 49/2 of the Fourth Geneva Convention of 1949, the occupying authority may carry out a total or partial evacuation of a specific area*

if the security of the population or imperative military reasons so require. Such evacuation operations must not involve the displacement of protected persons outside the occupied territory unless it is absolutely impossible to avoid such displacement for material reasons. The occupying authority is obligated to return the evacuated persons to their homes as soon as the hostilities in the concerned area cease. (5)

Based on this article, evacuation is a measure taken in the interest of the civilian population for military necessities, natural disasters, or other reasons, requiring their removal from the areas they occupy to protect them and clear those areas. However, this must be temporary, and the authorities, especially governments, must work to return the population to those areas once the cause that prompted the evacuation decision has ended.(6)

Evacuation applies equally whether due to an internal or international conflict, whether total or partial, and whether carried out within the territory of the occupied state or outside it, if the security and safety of the population or imperative military reasons so require, in accordance with the conditions set forth in Article 49 of the Fourth Geneva Convention of 1949.(7)

Evacuation differs from displacement in that evacuation is not prohibited in all cases. Sometimes, certain international agreements related to international humanitarian law or human rights provide for the removal of a person from their place of residence when it is at risk, in order to protect their life. However, these cases must comply with national law provisions and observe legal procedures. Forced deportation, on the other hand, is an international crime often committed during armed conflicts by expelling and removing specific groups based on ethnicity, religion, or sect.(8)

b. Distinguishing the Crime of Forced Displacement from Internal Displacement: *The term internal displacement in international law is synonymous with forced displacement and forced population transfer. The prohibition imposed on forced displacement or forced eviction constitutes an important element in the protection of civilian populations. These operations are often considered measures within the framework of military operations, where civilians frequently find themselves uprooted from their homes and forced to live in harsh and unacceptable conditions.(9)*

Forced displacement does not exceed the territorial boundaries of the state to which the displaced persons belong, who have no involvement in the causes of their displacement and have been compelled to leave to avoid a threat to their lives. In contrast, the crime of forced transfer can occur either within or outside the territory of the state and is solely caused by human action, which is why it is described as an international crime.(10)

This crime is committed during both international and non-international armed conflicts. Until 1977, it remained outside the scope of international regulation due to the silence of Article 3 common to the four Geneva Conventions of 1949. Practical reality revealed numerous cases of forced displacement involving large groups of ethnic or racial communities opposing many central governments. This prompted the drafters of the four Geneva Conventions, during the diplomatic conference to review the 1977 conventions and address this deficiency, to adopt the Additional Protocol II concerning the protection of victims of non-international armed conflicts, including a provision that guarantees protection of individuals from such conduct.(11)

Population displacement may be voluntary when individuals, due to surrounding circumstances, are forced to move from their legitimate place of residence to safer areas in search of security because of a threat to their lives.(12)This voluntary movement often involves relocating to distant areas, frequently international borders. Internal displacement differs from forced deportation both in terms of scope and the individuals involved. Regarding the scope of each crime, forced deportation has a broader scope than forced displacement, as the former involves the forced transfer of civilian populations protected by the Fourth Geneva Convention and the First Additional Protocol of the 1977 Geneva Conventions from the areas where they reside within national territory or outside the state's territory, encompassing both situations. (13)In contrast, the scope of the latter (forced displacement) is confined within national borders. Concerning the distinction between them based on individuals, those deported within the state's borders are called internally displaced persons, while those deported outside are referred to as refugees, with differing legal statuses and protection mechanisms.(14)

From the above, we see that regardless of whether the crime is called forced deportation, expulsion, forced displacement, or

uprooting, they all involve transferring people from their legitimate place of residence to other areas within the state's borders or outside them by the occupying state, by regular armed forces, or by armed groups or separatist movements, through direct expulsion or any other coercive act without justification permitted by international law. This is done to cleanse the area without the intention of returning them to the areas from which they were transferred, aiming to replace them with other population groups, which affects the demographic composition of the area, or to completely evacuate it for projects that those responsible may claim are developmental. Such behavior is nothing but a criminal act, and it is necessary to hold its perpetrators accountable regardless of the name given to this behavior.

Second: The Legal Description of Acts of Forced Displacement or Deportation of Palestinians under International Law:

It can be said that the forced displacement of populations may constitute war crimes or crimes against humanity, and may even reach the level of committing genocide if certain conditions are met that collectively constitute the elements of this heinous crime.

1- Forced displacement or deportation of civilian populations as a war crime:

War crimes are defined as violations of international laws and customs that govern the conduct of states, armed forces, and individuals during war. They may be committed against persons or property and may involve civilians or military personnel. (15)The Rome Statute of the International Criminal Court indicates that the court has jurisdiction over war crimes, especially when they are committed as part of a plan or policy or within the context of a widespread or systematic operation to commit such crimes. It then categorizes them into four types.(16)

The basic system includes a reference to the crime of forced displacement as a war crime in Article 8/2, a-7, under the title of unlawful deportation and transfer of populations within the framework of serious violations of the four Geneva Conventions of 1949. It also includes the crime of an occupying state, directly or indirectly, transferring parts of its civilian population to the territory it occupies, or deporting or transferring all or part of the population of the occupied territory within or outside that territory, under Article 8/2, b-8. Additionally, it covers the crime of issuing orders to forcibly displace civilians for reasons related to the conflict, unless done for the security

of the civilians concerned or for imperative military reasons, in the context of non-international armed conflicts pursuant to Article 8/2,e-8.

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To establish the material element of this crime, two conditions must be met: first, the crime must occur in the context of an armed conflict; second, the perpetrator must be aware of the factual circumstances proving the existence of this armed conflict. These two elements are common to all forms of war crimes. [(17)]

Forced displacement is considered a form of war crime when committed in the context of an armed conflict. However, if committed before or after the war, it does not constitute a war crime but rather has another legal characterization. This condition distinguishes war crimes from other crimes that may be committed during, after, or before the war. This was affirmed by Article 3(b) of the First Additional Protocol to the four Geneva Conventions of 1977, which states that the application of the Geneva Convention ceases upon the cessation of military operations. [(18)]

Accordingly, and with reference to the Palestinian situation and the Gaza Strip specifically, we conclude:

***A-** It is worth noting that one of the requirements that makes a crime or hostile act a war crime is that the victims are "protected persons," i.e., civilians. Considering the context of mass displacement in the Gaza Strip, those who find themselves internally displaced are individuals not participating in hostilities, and therefore represent the category of protected persons.*

B- *Regarding war crimes, the mere existence of an armed conflict is not sufficient on its own for prosecution; it is also necessary to prove the connection-or causal relationship-between the accused's actions during the armed conflict and the outcomes, as "not all crimes committed during an armed conflict are war crimes." The forced displacement of the Gaza Strip population is a direct result of Israeli military actions, such as bombing homes and densely populated areas and warnings directed at the Palestinian population to evacuate these areas. Consequently, these actions meet the requirements established by international jurisprudence concerning the causal link between hostile acts and outcomes during or in the armed conflict.*

C- *The violation is considered a war crime; there must be a "serious/grave" breach of international humanitarian law. This term is part of the definition of war crimes established by customary international humanitarian law, and similar requirements to prove the occurrence of the crime can be found in Article 17(1)(d).* [(19)]

The initial assessment of the impact of the current situation [war] in the Gaza Strip on the displacement of Palestinians indicates a sufficiently severe and undeniable level to trigger judicial action. The number of internally displaced Palestinians peaked on April 6, 2024[(20)]*, reaching about half a million displaced persons, constituting 30% of the Gaza Strip's population. Among them, 100,000 people had their homes either completely destroyed or severely damaged beyond repair. As of April 24, the number of homes completely destroyed or severely damaged by Israel reached 17,500, while as of April 15, the number of homes damaged but still habitable was approximately 5,635. Homes with minor damage totaled around 33,625.* [(21)]

In addition to the foregoing, it can be affirmed that the imposition of a siege on Palestinian cities and the deliberate starvation of civilians as a method of warfare by depriving them of essentials indispensable to their survival, including the deliberate obstruction of humanitarian supplies-as stipulated in the Geneva Conventions-also constitutes a war crime pursuant to paragraph 2(b)(25) of Article 8 of the Rome Statute of the International Criminal Court. It appears that this approach constitutes a state policy and part of the operational methods of the Israeli occupation forces. Evidence of this is what is stated in the report of the United Nations Fact-Finding Mission dated 3 April 2009, that «during the period leading up to the Israeli military assault on the Gaza

Strip, Israel imposed a siege amounting to collective punishment and implemented a systematic and escalating policy of isolating and depriving the Gaza Strip» (22)

2- <u>Forced displacement or deportation of civilians as a crime against humanity</u>:

According to Article 7 of the Statute of the International Criminal Court, crimes against humanity refer to any of the acts specified in paragraph one, including the crime of forced deportation, when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. The phrase "attack directed against any civilian population," according to paragraph 2(a) of the same article, means a course of conduct involving the repeated commission of the acts referred to in paragraph one against any group of such population, pursuant to or in furtherance of a state or organizational policy to commit such attack. It is not required that these acts constitute a military action directed against individuals of this group. (23)

All acts constituting crimes against humanity according to the Elements of Crimes share some elements while having one or more specific elements unique to each crime. These elements are: (24)

***1.** That the conduct constituting the crime against humanity is committed as part of a widespread or systematic attack directed against a civilian population;*

***2**. That the perpetrator of the crime knows that the conduct is part of a widespread or systematic attack directed against a civilian population or intends for the conduct to be part of that attack.*

This is what the Zionist entity has done by forcibly displacing Palestinians from their homeland. The key factor is the forced transfer of the population from one place to another without their consent. Coercion is not only physical force; it can also take other forms, such as threats to commit criminal acts against them. The actions currently carried out by the Israeli occupation forces, exposing the residents of the Gaza Strip to harsh living conditions, may imply an intent to gradually eliminate them wholly or partially-that is, exposing them to slow death. These actions could constitute the crime of "extermination" as a crime against humanity, as stipulated in Article 7 of this statute, which in paragraph 1(b) considers "extermination" a crime against humanity and defines it in paragraph 2(b) as deliberately inflicting

living conditions, including deprivation of food and medicine, with the intent to destroy part of the population. This is a type of violation of international humanitarian law committed by the occupation authorities against Palestinian civilians.

This is achieved through all measures that hinder their normal continuation, such as imposing a siege or forcing them to live in harsh environments where life is difficult, compelling them to flee from one place to another, which constitutes an international crime represented by the forced displacement and deportation of Palestinians.

It is noted that the decision of the Prosecutor of the International Criminal Court issued on May 20, 2024, did not address the crime of forced displacement and deportation of the population in the Gaza Strip. Instead, the statement focused on cases of genocide and other crimes against humanity without mentioning the crime of forced displacement and deportation, which is a consequence of other international crimes committed by the occupying forces in the Gaza Strip. [(25)]

3- <u>Forced displacement or deportation of civilians as a crime of genocide</u>:

The crime of genocide is defined according to the statute as any of the acts specified in paragraphs (a) to (e) committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group as such. [(26)]*The conduct required for the commission of the crime of forced deportation under this article is the perpetrator's act or failure to prevent the forced transfer of one or more persons under the age of 18 from one of the groups specified in this article. This transfer is carried out forcibly from the place where the group lives to another location and within another group. The transfer process may involve physical coercion by force, or it may be through psychological coercion such as threats involving the use of force, compulsion, fear, or terror resulting from violence, detention, kidnapping, or threats. This is naturally done with the aim of the total or partial destruction of the members of this group.* [(27)]

The statute requires that the criminal behavior aimed at destroying the group as such be directed towards the protected groups. These actions lead to the elimination of the concerned group by transferring their children, which then results in severe consequences affecting the future of the group from which the children were taken, whether it is a

national, ethnic, racial, or religious group. This creates and forms a person completely different from their original group, who may even reject their national, religious, or ethnic origin due to the upbringing received within the other group. Such actions result not only in cultural effects but also in material and biological consequences, such as new conditions that may be imposed on the children and living circumstances that could cause them serious harm, potentially even death. [(28)]

It is noteworthy that the concept of the crime of genocide raises two main issues: one relates to the classification of the targeted groups, and the other to proving the intent of genocide. The essence of the definition of the crime of genocide is the existence of a specific intent to destroy, in whole or in part, one of the groups explicitly mentioned, namely national, ethnic, racial, or religious groups. These conditions are met by the population of Gaza, considering that they belong to a specific national group. [(29)]

International courts usually consider statements by political leaders and officials of an inciting nature to establish the presence of intent for genocide. Undoubtedly, the constant hate speech directed at Palestinians, coupled with statements from many Israeli officials, suggests the presence of such intent. For example, on October 9, 2023, Israeli Defense Minister Yoav Gallant described Palestinians as "human animals." Similarly, on November 5, Israeli Heritage Minister Amichai Eliyahu expressed openness to the idea of Israel dropping a nuclear bomb on Gaza during a radio interview. These inciting statements

Evidence of the Israeli side's intent for genocide is shown by cutting off communication means to the sector and preventing the media from reporting the massacres occurring there, in order to hinder the collection of evidence of these massacres, which establish the intent of genocide.

Third: The Fundamental Characteristics of Crimes of Forced Displacement or Deportation of the Population in Gaza According to International Law:

The crimes of forcibly displacing the civilian population in Gaza and initiating their deportation have specific characteristics, the most important of which can be discussed as follows:

1- Disregard for the Principles of International Law:

What surprises specialists and experts in international law is the utter disregard by the Israeli occupation authorities for the established and prevailing principles and rules of international law, which are derived from treaty or customary international law, whether related to the principles of international law governing the laws of war, particularly organized under international humanitarian law, or the principles of international human rights law. Therefore, the countries supporting Israel in its war on Gaza have begun to reconsider their positions, as the serious violations of the aforementioned principles of international law have placed them in a position of complicity with Israel.

Among the most established principles of international law violated by the Israeli occupation forces in their war on Gaza are the principle of "limits of self-defense," the principle of "distinction between civilians and combatants,"the principle of "precaution,"and the principle of "proportionality."

Regarding the breach of the principle of "legitimate defense," the Israeli aggression on Gaza has blatantly exceeded the limits of this principle. The right to self-defense guaranteed by the United Nations Charter does not justify the blatant violations of international law and international humanitarian law. The repeated attacks on civilians and civilian infrastructure in Gaza, in addition to the use of internationally banned weapons, constitute serious violations of international humanitarian law. Although Israel claims it uses force to defend itself and secure its borders, the scale of civilian casualties and the severe damage to civilian facilities and infrastructure in Gaza demonstrate how these measures have exceeded the legitimate boundaries of self-defense. [(30)]

As for the principle of "distinction," it is one of the most fundamental principles in international humanitarian law. It is codified in Articles 48, 51(2), and 52(2) of the First Additional Protocol, and its content is that there must always be a distinction between military and civilian targets in military operations; that is, a distinction between civilians and combatants, and between civilian objects and military objectives. [(31)]*Therefore, armed forces must direct their operations solely against military objectives, as stated in Article 48 of the First Additional Protocol to the 1949 Geneva Conventions. The implication of the foregoing is that civilians are protected persons under all*

circumstances. The prohibition against directing attacks against civilians is also found in the Second Protocol, in the amended form of the Second Protocol, in the Third Protocol of the Convention on Certain Conventional Weapons, and in the Ottawa Convention banning anti-personnel landmines. (32)Additionally, under the Rome Statute of the International Criminal Court, "intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities" constitutes a war crime in international armed conflicts. (33)Therefore, deliberate attacks on civilians and civilian objects in Gaza constitute a violation of the principle of "distinction."

The disregard for the safety of civilians was not limited to Palestinians in Gaza but extended to the Israeli detainees themselves. On several occasions, the Palestinian resistance announced the deaths of Israeli detainees due to Israeli bombardment. (34)

Regarding the principle of "precaution," which is one of the established customary international law principles, it requires parties to an armed conflict to take all feasible precautions during their military operations to minimize losses among civilians and civilian objects. The responsibility for adhering to this principle primarily lies with military commanders. It is quite clear from following the course of military operations in Gaza and the attacks by Israeli occupation forces in the sector that they completely disregard this principle, as evidenced by the statistics of civilian deaths and injuries, and the massive destruction inflicted on civilian properties due to the attacks by Israeli occupation forces in Gaza.

As for the principle of "proportionality," the attacks carried out by the occupation forces indicate that they are conducted without regard for this important principle closely related to the laws and customs of war. The principle of proportionality in international law means that military attacks should be proportionate to the anticipated military advantage without causing excessive harm to civilians or civilian infrastructure. The primary purpose of this principle is to protect civilians without hindering the necessity and conduct of military operations.

The principle of proportionality in the law of war balances the military necessity of a targeting operation with the protection of civilians. To achieve this, the military necessity of the act must be clear and specific, and a distinction must be made between military targets

and civilians, who are protected from being targeted under international law. [35]

The principle of proportionality holds great importance in assessing the legality of the use of armed force. This principle requires weighing the required military advantages against the related civilian harm and losses. The principle of proportionality is now recognized as a rule of customary law applicable in both international and non-international armed conflicts. In this regard, the International Court of Justice stated in its advisory opinion in 1996 on the legality of the use of nuclear weapons, in Judge Higgins' opinion, that "the principle of proportionality, although not explicitly mentioned, is evident in many provisions of the First Additional Protocol to the Geneva Conventions of 1949. Accordingly, it is not permissible to attack a legitimate target if the incidental civilian losses are disproportionate to the definite military advantage anticipated from the attack."

The principle of proportionality is considered one of the fundamental and simultaneously complex principles governing the law of war and the conduct of hostilities between parties. It means that military attacks must be proportionate to the military advantage sought and must not cause excessive harm to civilians and civilian objects. This principle has been codified in the First Additional Protocol to the Geneva Conventions (Article 51(5)(b)). One of the complexities of this principle lies in its attempt to balance two conflicting objectives, recognizing the impossibility of completely shielding civilians from attack. The principle pushes for providing the greatest possible protection to civilians on one hand, while at the same time ensuring that such attacks achieve a military advantage on the other, provided that the harm to civilians does not exceed that advantage. [36]

The principle of proportionality also applies to retaliatory actions carried out by armies in response to an attack on them or on the citizens of the concerned state. In the context of the aggression on Gaza, this principle means that the attacks by the Israeli occupation forces on Gaza violated the limits of the laws and customs of war, as the severe retaliatory aggression was disproportionate to the attack on Israel on October 7, 2023. Their military response failed to distinguish between combatants and civilians and involved the use of excessive, unjustified force according to international law provisions, resulting in thousands of civilian casualties without military necessity. Consequently, the

resulting civilian losses were disproportionate to the specific military gain from the attack. Naturally, these victims cannot be considered incidental or fall under the principle of "Collateral Damage," as promoted by the Israeli occupation authorities.

2- <u>These crimes are carried out within the framework of a general policy of the Israeli occupation authority aimed at the displacement and expulsion of the population</u>:

It is clear that the desire to displace the Palestinian population from their lands and residences outside Palestine is not a product of the Gaza war but part of a long-term strategy aimed at changing the demographic composition of the Palestinian territories. This strategy includes systematic policies and procedures seeking to empty the Palestinian lands of their original inhabitants to replace them with others who are not Palestinians, usually Jewish settlers, with the aim of creating a new geographic and demographic reality that aligns with the political and security objectives of the Zionist entity. (37)

Israel took advantage of the Hamas attacks on October 7, 2023, to launch its fierce war on the Gaza Strip with the aim of displacing the population from their homes in preparation for their forced expulsion outside Palestine. This general policy did not stop at forced displacement; Israeli officials began openly discussing the mass forced expulsion of Gaza's residents, aiming to empty the Gaza Strip of its inhabitants through an initiative presented by two members of the Israeli Knesset, which was welcomed and supported by Israeli Finance Minister Smotrich. In response to the statements of Israeli Minister of Strategic Affairs Ron Dermer encouraging Palestinians in the Gaza Strip to migrate outside the Strip, (38)

3- <u>The Most Heinous International Crimes Are Used to Implement It</u>:

As previously mentioned, it is clear and documented that the Israeli occupation forces are committing the gravest crimes recognized under international humanitarian and criminal law in the Gaza Strip to achieve their objectives in the attack on the Strip, including one ultimate goal: forcing the civilian population to flee within the Strip, then to be displaced outside it. These crimes can be summarized as follows:

- The deliberate killing of civilians, especially women and children.

- The use of internationally prohibited munitions.

- Targeting civilian objects such as hospitals, schools, places of worship, and other locations sheltering displaced civilians.

- Preventing humanitarian aid with the aim of starving the population.

The Israeli occupation forces have not hesitated to expand and intensify their attacks-outside the framework of international law-in a manner that suggests the elements of the crime of genocide, as evidenced by:

***A-** The statements of many Israeli leaders during the war on the Gaza Strip expressing their goal of eradicating the Gazans-not just Hamas-from the Gaza Strip.*

***b-** Statements by Israeli officials about collective punishment policies against the "human animals" in Gaza.*

***c-** The imposed blockade on the Gaza Strip, preventing basic means of livelihood, and following a policy of starvation.*

***d-** The use of internationally banned weapons and ammunition that do not distinguish between civilian and military victims and cause the highest number of deaths.*

***e-** Excessive use of wide-scale destructive ammunition in densely populated areas.*

f- Intensive targeting of places crowded with civilians such as schools, hospitals, shelters, and displaced persons camps.

***g-** Continued bombardment of civilian places, especially hospitals, despite numerous warnings, resulting in the killing of many civilians, including infants, premature babies, hundreds of pregnant women, and intensive care patients.*

***h-** Following a scorched earth policy in the Gaza Strip by leveling entire neighborhoods and destroying all infrastructure to eliminate signs of life there.*

i- Cutting off electricity and communications in the Strip during the ground invasion to cause more casualties and hinder the transmission of the massacres occurring in the Strip through media channels.

j- The enormous number of civilian casualties, especially women and children, who are confined in small areas within a short period of time.[(39)]

One of the distinctive features of the Israeli aggression on Gaza-which we have not seen its like in the most heinous wars- is that its attacks do not exclusively target hospitals, but the entire healthcare

system, with destruction and devastation, in a systematic and widespread manner, starting from preventing fuel from reaching hospitals and ending with targeting medical teams for killing, which caused many of them to partially or completely stop providing healthcare. The occupation forces did not hesitate to attack the hospitals themselves with bombing and storming to ensure the complete collapse of the healthcare system, implementing their premeditated criminal purpose of preventing the basic means of life in the sector and emptying it of its

4- It is carried out using the concept of perfidy, which is internationally criminalized:

International humanitarian law defined the concept of perfidy through the 1949 Geneva Conventions and its First Additional Protocol. According to Article 37 of the First Additional Protocol relating to the protection of victims of international armed conflicts, it is defined as follows:

"Acts are considered perfidious if they invite the confidence of an adversary with the intent to betray that confidence, leading the adversary to believe that they are entitled or obliged to grant protection under the rules of international law applicable in armed conflicts."

Applied to the war on Gaza, perfidy is represented by the Israeli forces issuing orders to civilians to evacuate from northern to southern Gaza to avoid bombardment, only to surprise the population after their displacement to southern Gaza with relentless Israeli occupation shells and rockets targeting them. The bombardment even hit places designated for their shelter by relief organizations, causing many Gazan families to repeatedly flee from one area to another within the Gaza Strip.

Therefore, according to many humanitarian organizations, civilians in Gaza no longer have a safe place to seek refuge. Among the documented accounts of one displaced person is that he was forced to distribute his children across several locations with different families in an attempt to ensure that they would not all die together.

The UNRWA Commissioner-General confirmed before the Security Council on October 30, 2013, that many Palestinians were killed while seeking safety in places protected by international law. More than that, on October 11, 2023, and thereafter, Israeli occupation forces killed and injured dozens of Palestinian civilians during their displacement

from the north to the south along Salah al-Din Street, which the Israeli occupation forces had declared a safe passage.

The United Nations Secretary-General António Guterres confirmed in his message to the President of the Security Council on December 7, 2023, before the Council considered the issue of the war in Gaza the following day, that "there is no safe place in Gaza" (40)

5- The concept of Ethnic Cleansing applies to it:

From a legal perspective, deliberately targeting places sheltering displaced persons such as hospitals, schools, and camps-not only constitutes a war crime-but also confirms the malicious intent to forcibly displace these displaced persons. It also raises suspicion of committing a policy of "Ethnic Cleansing" against the population in Gaza.

The severity of the ethnic cleansing policy pursued by the Israeli occupation authorities increases given its association with hate speech issued by representatives of official state bodies and settlers supported by the Israeli government in their attacks on Palestinians, providing them with weapons and other resources. (41)

6- Aims to Depopulate the Gaza Strip of Its Inhabitants:

Anyone following the means of committing crimes, or what is called "Modus Operandi" or method of operation, adopted by the Israeli occupation forces in perpetrating their crimes, will notice that it relies on intensive bombardment followed by a ground invasion of northern Gaza pushing southward, deliberately terrorizing the population and forcing them under bombardment to collectively flee to southern areas, then followed by bombing vast areas in the south, so that they end up in Rafah (on the Palestinian side), amid a clear intent to exterminate the Strip's population and eliminate them, which oozes with the commission of the crime of genocide, as we have emphasized previously. This leaves civilians with no option afterward except to flee to northern Sinai in Egypt, or any other country. This displacement process is carried out according to a systematic and calculated plan, within the framework of a vile strategy aimed at depopulating the Gaza Strip of its inhabitants and expelling them to neighboring countries.

Those Israeli attacks, illegal by nature due to their randomness and disproportionality, are the basis of the forced displacement of Palestinians, and the reason that deprived Palestinians of any real choice except fleeing to areas that are themselves unsafe.

In addition, Israeli warnings to the population also violate international humanitarian law and cannot be considered a justified reason for displacement: one Israeli warning publication stated that "all those who ignore these instructions and fail to evacuate immediately endanger their own lives and the lives of their families." The Israeli understanding of those who do not heed the warnings and thus become legitimate targets constitutes a clear violation of customary international humanitarian law, which stipulates that "all obligations related to the principle of distinction and the conduct of hostilities remain applicable even if civilians do not leave the area of operations after an evacuation warning has been issued." In this context, Israeli warnings effectively become a mandatory condition, leaving civilians no choice but to leave. Moreover, these warnings-which include false warnings and informing families that their homes will be attacked without any subsequent attacks, leading to an unjustified increase in the number of displaced persons-are not genuine warnings but rather "primarily aimed at spreading panic among the population or forcing them to leave their homes for reasons other than their safety." This constitutes a clear violation of international humanitarian law. [(42)]

Second Chapter: Legal Mechanisms Available to Confront Serious International Crimes, Including Halting the Policy of Displacement in Gaza:

Undoubtedly, Israel's crimes in Gaza, and its disregard for the international resolutions issued concerning it, have entrenched in the international community's conviction its image as a state operating outside international legitimacy. It is worth noting in this context that Israel ranks first globally in the number of condemnations directed at it by United Nations bodies. [(43)]*The inevitable question that arises is, "What are the mechanisms for holding perpetrators of serious crimes in Gaza accountable?"*

In general, international criminal law has provided several means to hold perpetrators of serious international crimes in Gaza accountable, as follows:

First: Trying the perpetrators of serious international crimes in Gaza before their national courts:

This refers to:

1- Israeli courts, which is naturally out of reach, considering that the serious international crimes committed by Israeli forces in Gaza receive support, acceptance, and justification from Israeli political leaderships. Additionally, "the necessary legislation to punish Israeli war criminals is completely absent from Israeli law." Moreover, Israeli investigations have proven to be biased and do not meet the requirements of international law, and therefore do not achieve the purpose (holding criminals accountable and doing justice to victims), while judicial prosecutions do not seem [...] imminent.

2- The judicial system of the Palestinian National Authority: Although it is "capable of maintaining the rule of law in the occupied Palestinian territory," the jurisdiction of the Palestinian National Authority remains very limited and does not apply to Israelis. [(44)]

Second: The trial of perpetrators of serious international crimes in Gaza before the national courts of other countries according to the principle of "Universal Jurisdiction:

The principle of universality is not a new principle; rather, its earliest roots can be found in early 17th-century jurisprudence in the writings of Hugo Grotius in 1625, and De Vattel in his book on the Law of Nations, or the principles of natural law applied to the conduct and affairs of nations in 1758. Some 19th-century writings recorded the idea of universal punishment, which was called "universality of the right to punishment,"[(45)]*and Grotius even described it as the "universality of the duty to punish." The principle of universality has a concept and characteristics that distinguish it, and we find that it has been applied before international criminal courts and before national judicial bodies. By universal jurisdiction, we mean "a jurisdiction granted to national courts to pursue, try, and punish perpetrators of certain types of crimes defined by national legislation regardless of the place of commission and without requiring a specific connection between the state and the perpetrator or the victims, regardless of the nationality of the perpetrator or the victims."* [(46)]*Thus, determining the territorial scope of the state or the place where the crime occurred or considering the nationality of the perpetrators or the victims becomes irrelevant, which established what is called the "principle of universality," or the "principle of universality of the criminal norm," or what some have called the "universality system," or the system of*

universal punishment, or what is referred to as the "universality of the right to punishment." [47]

This principle is often limited in application to a group of crimes that concern the entire international community, namely crimes that violate the provisions of international law, due to their severity, as their perpetrators are considered aggressors against a common interest of all states, including the state that apprehended the offender. Thus, it grants state authorities the power to prosecute perpetrators of certain crimes specified by the state's legislation, regardless of where the accused committed the crime and without requiring any specific connection to the state, and to try them through its national judiciary, which has jurisdiction to adjudicate the case. [48]*However, this does not preclude the possibility of applying this principle to any other crimes as long as the state's legal system allows the application of the principle of universality. This practice has been incorporated into many international agreements such as the four Geneva Conventions of 1949 and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment issued in New York on December 20, 1984.*[49]

This principle allows any state to exercise its judicial jurisdiction over certain types of international crimes and their perpetrators, regardless of the place where the crime was committed or the identity of the perpetrator. Israel itself relied on this universal jurisdiction when it tried one of the World War II Nazis responsible for committing crimes against humanity and genocide against the Jews, named Eichmann, who was sentenced to death.

In fact, the exercise of the principle of universal criminal jurisdiction requires the integration of this principle into the domestic legal system and the enactment of the necessary laws to enforce it through investigative authorities and national courts. According to the principle of legality, "no crime and no punishment except by law." Since international crimes require the imposition of severe penalties on their perpetrators, which cannot be done except in the presence of legal texts that criminalize those crimes, impose penalties on them, and establish jurisdiction over them according to the principle of universal criminal jurisdiction. From the perspective of international criminal law experts, the state that exercises this principle to prosecute perpetrators of serious international crimes can be seen as representing the

international community in confronting these heinous crimes. There is a consensus among international criminal law scholars that the exercise of this principle contributes to eliminating policies of impunity. Therefore, it can be a powerful tool to prosecute perpetrators of serious international crimes in Gaza when they are present in the territories of states that apply this principle. [(50)]

It is worth mentioning in this regard that the Court of Cassation in Belgium issued a judicial order in February 2003 allowing Ariel Sharon to be prosecuted after the end of his term in office. One of the Belgian courts had issued a ruling in June 2000 stating that the Israeli Prime Minister Sharon could not be tried in Belgium based on the fact that crimes committed abroad, which fall under the jurisdiction of the Belgian judiciary, require the accused to be present on Belgian territory. The details of the case date back to 2001, when a group of Palestinians filed a lawsuit before the Belgian judiciary against Ariel Sharon, accusing him of involvement in the Sabra and Shatila massacres. Another lawsuit was filed before the Belgian judiciary in 2003 against the American General Tommy Franks. However, the conclusive evidence presented in these two lawsuits embarrassed the Belgian government. Following extensive political controversy in Belgium regarding the implications of applying the law on their country's relations, especially since it hosts the headquarters of the European Union and the NATO command center, the law issued in 1993 concerning universal jurisdiction was amended and then repealed by the Belgian parliament through a subsequent law. According to the new law, the right to file a lawsuit under the principle of universal jurisdiction is limited to Belgians or persons who have resided in Belgium for three years[(51)].

In general, we can say, based on previous experiences in this regard, that this principle cannot be relied upon too much. The difficulties facing the application of the principle of universal jurisdiction in national as well as international courts are real and tangible. They may be material, legal, or political, such as the political pressures exerted by major powers to protect their interests on the countries that apply this principle. Sometimes, these pressures can reach the point of threatening countries and forcing them to change their laws in a manner that suits the interests of the major powers. A clear example of this is what happened with Belgium and Spain when they wanted to

prosecute criminals of the Zionist entity due to their committing massacres against the defenseless Palestinian people. There are also some obstacles to the application of this principle mainly related to the suspect (i.e., the perpetrator of the crime). It requires the presence of the person who committed serious international crimes and does not hold their nationality on the territory of the country in order to be able to hold them accountable according to the principle of "universal criminal jurisdiction." Even if the person concerned is present on the territory of those countries, the concept of sovereign immunities-in some legal systems-may limit the application of this principle, not to mention issues of international cooperation, pardons, or immunities, especially when the perpetrator of the crime is a high-ranking state official. [(52)]

Third: Prosecuting partners and those involved in committing serious international crimes in Gaza according to the provisions of the national laws in their countries:

Citizens of the concerned countries can sue officials in their countries if they are involved or contribute to the commission of serious international crimes before their national courts. It is worth noting in this context that a group of lawyers in the United States, representing the American human rights organization (Constitutional Rights Center), filed on November 13, 2023-on behalf of the International Children's Organization "Palestine"-a lawsuit before the Northern District of California federal court against the administration of U.S. President Joe Biden, accusing him, the Secretary of State, and the Secretary of Defense of participating and conspiring in the crime of genocide against the population of the Gaza Strip, on the grounds that among the responsibilities of the Biden administration is to prevent genocide, according to international laws and customs, as stated in the complaint registered under Case No. 3:23-cv-5829. Among the plaintiffs in this case are some American citizens of Palestinian origin.[(53)]

Fourth: Prosecuting perpetrators of serious international crimes in Gaza before the International Criminal Court:

There are three ways to initiate proceedings before the International Criminal Court based on Article 13 of the Rome Statute of the International Criminal Court.

The first is by referral from the Security Council.

The United Nations Security Council enjoys a range of powers related to the ICC's jurisdiction to prosecute crimes generally falling within the Court's jurisdiction as stipulated in Article 5 of its Statute, based on the authority granted to it by the UN Charter under Chapter VII, as the principal organ responsible for maintaining international peace and security. (54)These powers include the authority to refer a situation to the ICC, which is the procedure through which criminal proceedings are initiated before it (55).

The second is by complaint from the States Parties.

The States Parties to the ICC are those states that have ratified the Court's Statute in accordance with the procedures prescribed in their constitutions or domestic laws, thereby becoming parties to the Assembly of States Parties, whose functions are defined under Article 112 of the Court's Statute.(56)As of November 2023, the number of states that have ratified this Statute has reached 124 states. (57)

The term "State Party" as defined in Article 12/1 of the Statute of the Court refers to the State that becomes a party to this Statute and thereby accepts the jurisdiction of the Court over the international crimes specified therein. Therefore, it must fully cooperate with the Court in carrying out investigations within its jurisdiction regarding international crimes and prosecuting them, and it must respond to all requests for arrest and surrender to the Court.

Fifth: through the automatic initiation of proceedings by the Prosecutor:

Article 13(c) of the Statute of the Court states that the Prosecutor may initiate investigations on their own initiative if they become aware of the commission of one of the international crimes within the Court's jurisdiction, including the crime of forced displacement.(58)

The Prosecutor then begins to study this case in terms of its seriousness and suitability for submission to the Court for adjudication. Thus, the Prosecutor initiates criminal proceedings through procedures undertaken on their own initiative, based on information received from governmental or non-governmental sources, and possibly individuals. The authority granted to the Prosecutor to initiate investigations on their own initiative was a subject of dispute among negotiators at the Rome Conference for the adoption of the Statute of the International Criminal Court. Some delegations expressed their desire to empower the Prosecutor to initiate investigations independently when aware of

facts constituting a crime within the Court's jurisdiction, thereby enhancing the independence of the prosecution and the integrity of the Court. [(59)]

There is no doubt that the path to referring the situation in Gaza or other crimes committed in Palestine will always remain closed due to the veto of countries supporting Israel in the Security Council. It is worth mentioning in this regard that Palestine is a state party to the Statute of the International Criminal Court. In this context, Palestine joined the Statute of the International Criminal Court and deposited a declaration under Article 12(3) of the Statute, granting the Court jurisdiction over the territory of the Palestinian state since June 13, 2014. In 2014, the Office of the Prosecutor received complaints regarding crimes in Gaza; the matter was referred to Pre-Trial Chamber I with a request for authorization to investigate. On February 5, 2021, it ruled on the Court's jurisdiction over this case, including the following three points:

- That "Palestine is a state party" to the "Rome Statute."

- That the International Criminal Court has territorial jurisdiction over it.

- That this jurisdiction "extends to the territories occupied by Israel since 1967, specifically Gaza and the West Bank, including East Jerusalem," and that the area concerned includes Gaza and the West Bank, including East Jerusalem.

The aforementioned ruling is considered in itself a victory for the State of Palestine and a step towards achieving justice for the grave international crimes committed and ongoing in its territories. It is worth noting that on March 3, 2021, the former Prosecutor of the Court declared that her office had indeed opened an investigation into the case. On November 17, 2023-following the events in Gaza-the Office of the Prosecutor at the International Criminal Court received a referral on the situation in the State of Palestine from five countries: South Africa, Bangladesh, Bolivia, Comoros, and Djibouti. Consequently, the new referrals, which include serious international crimes committed by Israel since October 7, will be added to the ongoing investigation in this regard. The Prosecutor of the International Criminal Court, Karim Khan, called on all relevant actors to fully cooperate with his office. He also urged all States Parties to the Rome Statute to provide his office

with the tools it needs to effectively carry out its mandate in all circumstances.

It is also important to consider resorting to the International Human Rights Council to form an independent UN fact-finding mission in Gaza to investigate the crimes of the Israeli aggression there. (60)

Additionally, these international crimes do not lapse by limitation, unlike ordinary crimes, and therefore their perpetrators remain subject to criminal prosecution until proven innocent. (61)

Conclusion:

This study has established the following principal legal ***conclusions****:*

1- The forcible displacement systematically practiced by Israeli occupation authorities in the Gaza Strip constitutes a clear violation of Article 49 of the Fourth Geneva Convention of 1949. The documented facts collectively satisfy the material and mental elements of war crimes under Article 8(2)(a)(vii) and Article 8(2)(b)(viii) of the Rome Statute, crimes against humanity under Article 7(1)(d), and potentially genocide under Article 6(e), insofar as the displacement is accompanied by demonstrable intent to destroy the Palestinian national group in whole or in part.

2- Israel has systematically violated the foundational principles of international humanitarian law distinction, proportionality, and precaution as codified in the First Additional Protocol to the Geneva Conventions. The scale and pattern of civilian casualties, infrastructure destruction, and deliberate obstruction of humanitarian assistance are inconsistent with any lawful exercise of the right to self-defense.

3- The crimes documented in this study bear the hallmarks of a deliberate institutional policy aimed at permanently altering the demographic composition of the occupied Palestinian territory, thereby elevating their legal gravity to the most serious category of offenses recognized under international criminal law.

4- While the path of international accountability has historically been obstructed by structural political barriers most notably the American veto in the Security Council the period since October 2023 has witnessed an unprecedented acceleration of judicial proceedings at

both the ICC and the ICJ, suggesting that the longstanding culture of impunity is, for the first time, being meaningfully challenged.

- Recommendations:

1- Systematically collect and preserve evidence of forcible displacement and associated crimes in accordance with the evidentiary standards of international criminal courts, with particular attention to digital evidence, satellite imagery, and witness testimony authenticated in accordance with established forensic protocols.

2- Intensify cooperation with the Office of the ICC Prosecutor to ensure that the crime of forcible displacement which was conspicuously absent from the May 2024 warrant applications is expressly incorporated into the ongoing investigation and any future charges.

3- Actively utilize ICJ proceedings as a complementary forum that operates independently of Security Council veto dynamics, and explore additional applications under the Genocide Convention by other States Parties.

4- Comply with the legal obligation under Article 86 of the Rome Statute to arrest and surrender ICC-indicted individuals present on their territory, notwithstanding the political pressures that have thus far prevented enforcement.

5- Exercise coordinated diplomatic pressure to secure an immediate humanitarian ceasefire that halts ongoing displacement operations and ensures unimpeded access for humanitarian assistance.

6- Review arms transfer agreements with Israel in light of Article 6(3) of the Arms Trade Treaty, which prohibits the transfer of arms where a State has knowledge that they will be used to commit serious violations of international humanitarian law.

7- Revisit the use of the veto in the Security Council in situations of documented mass atrocities, drawing upon the framework of the Responsibility to Protect (R2P) and the "Uniting for Peace" resolution mechanism, which permits the General Assembly to act when the Security Council is deadlocked.

8- Support international codification efforts aimed at developing clearer and more operationally precise criteria for distinguishing lawful evacuation from unlawful forcible displacement in contemporary armed conflict, thereby reducing the scope for bad-faith invocation of military necessity.

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