Under the Fourth Geneva Convention, it is prohibited to remove or to carry out individual or mass forcible transfers[^1] of protected persons[^2] from the occupied territory to the territory of the Occupying Power or to that of any other country, regardless of the motive for such removal/transfer. There are good reasons for considering – and the jurisprudence of international criminal tribunals and the ICC Statute have recognized – that this prohibition applies equally to forcible transfers within an occupied territory. In international armed conflicts, such removals/transfers constitute war crimes[^3]. In non-international armed conflicts[^4], there is a broader, and more general prohibition against forced movement of civilians[^5], unless their security or imperative military reasons so demand.

See Protected persons[^2]; Occupation[^6]; War crimes[^3]; Non-international armed conflict[^4]; Transfer[^1];

### OUTLINE

- Chapter 8, a) protection by IHL - prohibition of population displacements[^7]
- Chapter 8, 8. a) Deportations + b) Transfer of the occupying power's own population[^8]
of own population to occupied territory

GCIV, 49/6 [9]

PI, 85/4(a) [10]

CIHL, 130 [11]

of protected persons from occupied territory

GCIV, 49/1 [9, 147 [12]

PI, 85/4(a) [10]


of nationals of Occupying Power who have sought refuge in occupied territory

GCIV, 70/2 [14]

GCIV, 147 [12]

PI, 73 [15]

ICRC, Sixtieth Anniversary of the Geneva Conventions

ICRC Appeals on the Near East (Parts B. and C., Para. 5)

Switzerland, Prohibition of Deportations from Israeli Occupied Territories

Georgia/Russia: Tbilisi Nervously Eyes Russia’s Border Barricade of South Ossetia

ICTY, The Prosecutor v. Gotovina and Marka?

Israel, Cases Concerning Deportation Orders

ICJ/Israel, Separation Wall/Security Fence in the Occupied Palestinian Territory (part A., Paras. 120 and 135)

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Israel, Ayub v. Minister of Defence

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Israel/Lebanon/Hezbollah, Conflict in 2006 (Part I, Paras. 199-208) [35]

ICRC/South Lebanon, Closure of Insar Camp [36]

ICRC, Iran/Iraq, Memoranda [37]

Eritrea/Ethiopia, Awards on Occupation [38] (Part A. [38], Para. 54 [38])

Sri Lanka, Conflict in the Vanni [39] (Paras. 3-9 [39])

Bosnia and Herzegovina, Constitution of Safe Areas in 1992-1993 [40]

Georgia/Russia, Independent International Fact-Finding Mission on the Conflict in South Ossetia [41] (Paras. 120-125 [41])


The Conflict in Western Sahara [43] (part A. [43])

Libya, Report of the Office of the UN High Commissioner for Human Rights (2014/15) [44]

Myanmar, Forced Population Movements [45]

Iraq, Forced displacement and deliberate destruction [46]

Iraq: Situation of Internally Displaced Persons [47]
In non-international armed conflicts

OUTLINE

Chapter 12, II. b) more absolute prohibition of forced displacements

LEGAL SOURCES

PII, 17/2

CIHL, 129 B

CASES

Sudan, Report of the UN Commission of Enquiry on Darfur (Paras. 226 and 328)

Sri Lanka, Conflict in the Vanni

Case Study, Armed Conflicts in the former Yugoslavia (9, 30 and 36)
Bosnia and Herzegovina, Constitution of Safe Areas in 1992-1993 [40]

Case Study, Armed Conflicts in the Great Lakes Region [61] (part II. A. [62])

Georgia/Russia, Independent International Fact-Finding Mission on the Conflict in South Ossetia (Paras. 120-125) [41]

BIBLIOGRAPHIC RESOURCES

Suggested readings:


Source URL: https://casebook.icrc.org/glossary/deportation

Links

[1] https://casebook.icrc.org/glossary/transfer
[7] https://casebook.icrc.org/law/civilian-population#iii_1_aa
[8] https://casebook.icrc.org/law/civilian-population#iv_8