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Without order, anything goes ? : the prohibition of forced displacement in non-international armed conflict / Jan Willms

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Abstract:	At first glance, merely the "ordering" of displacement seems to be prohibited in noninternational armed conflict. However, after interpreting Article 17(1) AP II and Rule 129(B) of the ICRC Customary Law Study with particular regard to State practice and opinio juris, the author concludes that these norms prohibit forced displacement regardless of whether it is ordered or not. On the other hand, the ICC Elements of Crimes for the crime of forced displacement under Article 8(2)(e)(viii) ICC Statute require an order. It remains to be seen whether the ICC adopts that interpretation in its jurisprudence.
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