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Forced transfer of aliens during armed conflict / Pablo Antonio Fernández Sánchez

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Abstract:	Throughout history, the forcible transfer of civilian populations has been common practice in times of armed conflict or occupation. The Second World War saw emerging a new awareness that such situations were unlawful and should be punished. This marked the beginning of a legal, as opposed to merely social, concern about the issue, which notably took shape in the Fourth Geneva Convention of 1949 relative to the protection of civilian persons in time of war. It was followed by the gradual establishment of a juridical support structure, culminating in recent times with the inclusion of all such actions (now classified as crimes) in the Statute of the International Criminal Court. This chapter looks at the international legal regime protecting civilians from forced displacement, covering the principle of non-refoulement, the interdiction of unjustified deportation and forcible transfer and exceptions for military or humanitarian reasons.
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