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# International Law Aspects of Forced Deportations and Expulsions.

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## **International Law Aspects of Forced Deportations and Expulsions**

Summary: The aim of this article is to present the issues of forced deportation and expulsion in the context of international law and human rights law. The article is divided into three parts. The core part of the first part is presentation of the most important international law documents concerning deportation. Second part is focused on the current scale of deportations and expulsions in the different parts of the world. Part three is focused on the most burning aspects of this problems and the mechanisms of prevention of forced deportations. The article is also focused on the mechanisms of prevention of mass deportation and arbitrary displacement.

Expulsion is an act by a public authority to remove a person or persons against his or her will from the territory of that state. A successful expulsion of a person by a country is called a deportation.

According to the European Court of Human Rights, collective expulsion is any measure compelling non-nationals, as a group, to leave a country, except where such a measure is taken on the basis of a reasonable and objective examination of the particular case of each individual non-national of the group. Mass expulsion may also occur when members of an ethnic group are sent out of a state regardless of nationality. Collective expulsion, or expulsion en masse, is prohibited by several instruments of international law. The living conditions varied greatly and depended on the geographic location of the forced settlement, local conditions, and type of work performed by the deportees. Even official reports acknowledged lack of suitable housing; for example, a report from Igarka described barracks with leaky roofs and without windows, beds, or bedding. Majority of the Lithuanian deportees were employed by the logging and timber industry. The deportees could not leave the location of their settlement or change work; their deportations had no expiration date and were for their lifetime. Those who attempted escape or "avoid work" were sent to prison camps. Between 1945 and 1948, 1722 Lithuanians attempted to escape; 1070 were caught by 1949. In 1948, stricter regulations adopted by the Supreme Soviet of the Soviet Union allotted 20 years in prison for those who escaped and 5 years for those aiding the fugitives. Children born in exile were classified as deportees and were subject to the same treatment as their parents, with some exceptions for mixed (deportee and non-deportee) families.

Due to poor living conditions, demanding physical labor, lack of food and medical care, the mortality rates were high, especially among the young and the elderly. Based on the incomplete and inaccurate records kept by MVD and MGB, Arvydas Anušauskas estimated that some 16,500 and 3,500 Lithuanians died in 1945–1952 and 1953–1958 respectively; this number does not include 8,000 deaths among the deportees of 1941. Thus total Lithuanian deaths could be around 28,000. Children accounted for about a quarter of the total casualties.

Forced expulsions and deportations are associated with the issue of arbitrary displacement. According to specialists we can distinguish four basic categories of of this issue: conflict-induced displacement, environmentally-induced displacement, disaster-induced displacement and development-induced displacement (Terminski, 2015). While the above stresses two important elements of internal displacement (coercion and the domestic/internal movement), it is important to note that, rather than a strict definition, the Guiding Principles offer "a descriptive identification of the category of persons whose needs are the concern of the Guiding Principles". In this way, the document "intentionally steers toward flexibility rather than legal precision" as the words "in particular" indicate that the list of reasons for displacement is not exhaustive. However, as Erin Mooney has pointed out, "global statistics on internal displacement generally count only IDPs uprooted by conflict and human rights violations. Moreover, a recent study has recommended that the IDP concept should be defined even more narrowly, to be limited to persons displaced by violence. Thus, despite the non-exhaustive reasons of internal displacement, many consider IDPs as those who would be defined as refugees if they were to cross an international border, hence, the

term refugees in all but name is often applied to IDPs. In a 2006 policy statement, the ICRC stated: The ICRC's overall objective is to alleviate the suffering of people who are caught up in armed conflict and other situations of violence. To that end, the organization strives to provide effective and efficient assistance and protection for such persons, be they displaced or not, while taking into consideration the action of other humanitarian organizations. On the basis of its long experience in different parts of the world, the ICRC has defined an operational approach towards the civilian population as a whole that is designed to meet the most urgent humanitarian needs of both displaced persons and local and host communities. However, its Director of Operations has earlier recognized that IDPs "deprived of shelter and their habitual sources of food, water, medicine and money, they have different, and often more urgent, material needs."

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