

HUMANITY IN CRISES

**THE LEGAL FRAMEWORK FOR
WAR AND DISPLACEMENT**



Editors

**Dr. Huma Khan
Dr. Kavya Chandel**

Humanity in Crises: The Legal Framework of War and Displacement

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CHAPTER 12

Prosecuting Crimes Against Humanity in Forced Migration: The ICC's Role in the Rohingya Crisis

Ashraf Azmi¹

“Crimes of forced displacement are as destructive as the bullet or machete, and international law must evolve to ensure such violations are met with justice.”²

The Rohingya crisis has emerged as one of the most pressing humanitarian tragedies of the 21st century, drawing widespread international attention for its scale of violence, systematic persecution, and forced mass displacement. The crisis escalated significantly in August 2017, when Myanmar's military launched brutal operations against the Rohingya population in Rakhine State.³ Reports of killings, sexual violence, village burnings, and widespread human rights abuses led to the exodus of over 700,000 Rohingya into neighbouring Bangladesh, creating a complex and ongoing refugee emergency.⁴ The suffering of the Rohingya people not only raised moral and humanitarian concerns but also posed significant legal questions under international law, particularly concerning crimes against humanity and the obligations of the global community to prevent and respond to such atrocities.⁵

Forced migration on such a large scale is not merely a humanitarian issue it intersects deeply with international legal frameworks, including refugee law, human rights law, and international criminal law. The global legal order, through treaties and customary norms, places obligations on states and international bodies to protect

¹ Assistant Professor, Faculty of law, Integral University, Lucknow.

² Philippe Sands KC

³ United Nations Human Rights Council, *Report of the Independent International Fact-Finding Mission on Myanmar*, A/HRC/39/64 (12 September 2018)

⁴ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Mission Report: Interviews with Rohingyas Fleeing from Myanmar since 9 October 2016* (February 2017).

⁵ Takemura, H., *The Rohingya Crisis and the International Criminal Court* (Singapore, Springer Nature Singapore, 2023) pp. 27–61.

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Dr. Huma Khan is a dedicated academician and legal scholar with over six years of teaching experience in the field of law. She is currently serving as an Assistant Professor at the Faculty of Law, Integral University. Her research and academic interests span across contemporary legal issues, with a focus on criminology, International Law, constitutional law, and emerging dimensions of crime in the modern world. Huma Khan holds an LL.B. degree from Lucknow University and completed her LL.M. from Sri Ram Swaroop Memorial University, demonstrating a strong foundation in both the theoretical and practical aspects of law throughout her academic career. Dr. Khan has shown a deep commitment to legal research and scholarship. She has presented papers at numerous national and international conferences, contributing valuable insights into various areas of legal concern. Her scholarly contributions include several research articles and book chapters published in reputed journals and edited volumes, reflecting her engagement with contemporary legal discourse. Demonstrating her leadership and organizational capabilities, she has successfully organized and coordinated various academic events, aimed at enhancing legal awareness and student engagement. She is also the editor of the book titled "Changing Dimensions of Crimes in the 21st Century", which explores the evolving nature of criminal activity and the legal system's response to these changes. Before joining Integral University, she held teaching positions at Ambedkar Law College and Geeta Law College, where she was recognized for her engaging teaching style and her dedication to mentoring students. With her rich academic background, research orientation, and passion for teaching, Huma Khan continues to contribute meaningfully to legal education and scholarship in India.



Dr. Kavya Chandel is a dynamic academite in the field of Legal Academia. She has previously held the position of Assistant Professor (Law) at Sharda University in Greater Noida (UP). Additionally, she has served as an Assistant Professor at Integral University in Lucknow. Furthermore, she was part of Amity and City Academy Law College. With an extensive academic experience spanning five years, she completed her Master's degree in Environmental Law from Hidayatullah National Law University in Raipur, along with a PGDIPR from Rammanohar Lohiya National Law University in Lucknow. Dr. Kavya is a silver medalist in Intellectual Property Rights and possesses a profound passion for environmental issues, which motivated her to pursue a PhD in Environmental Law. She has judged various competitions, including the Second Round Table Conference, moot court competitions, and debate competitions. Dr. Chandel has been interviewed by Lawctopus and TV India, and she has presented research papers at numerous national conferences. She has also moderated international conferences and hosted various events. In addition to her academic pursuits, she has a keen interest in poetry and marathons, having contributed her poetry to Sahitya Ajtak and the Lucknow Literature Festival. She has participated in several marathons throughout the city and is an enthusiastic speaker who doesn't shy away to express her views. Dr. Chandel has delivered guest lectures on Intellectual Property Law, Environmental Law, Sports Laws in India, and the NDPS Act across the country. She hosts and runs a podcast 'Legal Fatum' and has published her research papers in Scopus and international journals.

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