



Law Research Briefing August 2022

Defending the Displaced

Forced Displacement and Legal Remedies

Dr Elena Katselli

- ◆ Dr Katselli's research underscores the right not to be forcibly displaced as fundamental in public international law, linked to the rights of voluntary return and property restitution.
- ◆ Her analysis spans international human rights law, state responsibility, international humanitarian law, and international criminal law, emphasising the rights to human dignity, peaceful enjoyment of possessions, family, and private life, freedom of movement, and the right to enter one's country
- ◆ Dr Katselli's work has significantly impacted international policy, and influenced international processes at the International Criminal Court and the United Nations, and contributed to legal shifts in international legal proceedings, thereby extending her research's reach beyond academia into practical, real-world applications.
- ◆ Her edited book, "Armed Conflict and Forcible Displacement: Individual Rights under International Law" (2018), was cited in legal proceedings relating to the deportation of the Rohingya from Myanmar to Bangladesh at the International Criminal Court (ICC), shaping interpretations of the Court's jurisdiction.
- ◆ Her book chapter, "The Right to Return Home and the Right to Property Restitution under International Law" was relied upon by the Prosecutor of the International Criminal Court (2019) to make the claim, for the first time, that denying the forcibly displaced to return home may constitute a crime against humanity, while her work on forced displacement has been instrumental in shaping international investigatory and prosecutorial strategies.
- ◆ Dr Katselli has made impactful contributions to the work of the International Criminal Court (ICC). During her five-month placement at the ICC, she worked in the Prosecution Division, drafting legal opinions, presenting findings, and collaborating with lawyers, military analysts, and investigators.
- ◆ Dr Katselli was invited by the UN Office of the High Commissioner for Refugees to join the Advisory Group on the GP20 Programme of Action on Preventing, Addressing and Resolving Internal Displacement and subsequently to act as an External Expert on reviewing the report 'Working Together Better to Prevent, Address and Find Durable Solutions to Internal Displacement: GP20 Compilation of National Practices'.

- ◆ Dr Katselli submitted an expert consultation paper on sexual and gender-based violence to the ICC's Office of the Prosecutor in June 2023, with key recommendations incorporated into the reformed Policy on Gender-based Violence published in December 2023.
- ◆ Dr Katselli has also made written submissions to the UN Special Rapporteur on the Rights of Internally Displaced Persons, on peacebuilding in the context of internal displacement (June 2024).
- ◆ Dr Katselli's current research introduces new ways of addressing denial of return as a serious violation of fundamental human rights and an international crime. More information on this work can be found at <https://www.ncl.ac.uk/law/research/impact/forcible-displacement/>



Dr Katselli is a Reader in Public International Law and expert in the law on countermeasures and on forced displacement. Her monograph *The Problem of Enforcement of International Law: Countermeasures, the Non-Injured State and the Idea of International Law* was nominated for the 2011 Paul Guggenheim Prize and remains seminal to this day.

Her research on the rights of forcibly displaced persons exerts significant influence in international legal processes, especially before the International Criminal Court, shaping new ways with which accountability for forced displacement may be pursued.



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<https://www.ncl.ac.uk/law/people/profile/elenakatselli.html>



E Katselli Proukaki, '[Forced Displacement, Prevention from Returning and the Jurisdiction of the International Criminal Court](#)' (2022) 91(3) *Nordic Journal of International Law* 355

E Katselli Proukaki, '[Preventing the Forcibly Displaced from Returning as Persecution and Inhumane Act under International Criminal Law and the Rome Statute](#)' (2021) 22(3) *International Criminal Law Review* 401