

# ASSOC. PROF., DR. ANDREA CARCANO, LL.M. (NYU)

## Curriculum Vitae

### PERSONAL AND CONTACT INFORMATION

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Born 12 February 1972 in Varese (Italy)  
Gender Male  
Nationality Italian  
Civil status Married, two children  
Address Dipartimento di Giurisprudenza, Università degli Studi di Modena e Reggio Emilia, Via San Geminiano 3, 41121 Modena, Italy  
E-mail andrea.carcano@unimore.it

### EDUCATION

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2005 - 2008 Ph.D. in International Law, *Università degli Studi ('La Statale') di Milano*, Milan  
2004 - 2005 LL.M., Master of Laws in International Legal Studies, New York University School of Law, New York  
1999 - 2000 Certificate of Postgraduate Studies in International Law, Graduate Institute of International and Development Studies, Geneva, (Mention: *Très bien*)  
1993 - 1997 *Laurea in Giurisprudenza, Università Cattolica del Sacro Cuore*, Milan, (full marks)  
1986 - 1991 *Diploma di maturità classica, Liceo classico 'E. Cairoli'*, Varese

### FURTHER EDUCATION

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2018 Visiting Scholar on 'Theory of International Law', Max Planck Institute for Comparative Public Law and International Law, Heidelberg (April-May)  
2016 'Advanced Negotiation Workshop: Making Difficult Conversations Productive', Harvard Program on Negotiation, Harvard Law School, Cambridge (13-15 June)  
2006 Member of the Research Group Dedicated to the Topic of 'International Law and Terrorism', Centre for Studies and Research in International Law and International Relations, Hague Academy of International Law, The Hague, (August–September).

### ACADEMIC EXPERIENCE

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2018 - Senior Lecturer in International Law - Ricercatore di Tipo 'B' (Tenure Track Position)

- 2014 - 2018 Adjunct Professor in International Human Rights Law and International Humanitarian Law, Faculty of Law, *Dipartimento di Giurisprudenza*, University of Milano-Bicocca, Milan
- 2010 - 2015 Lecturer in International Law and International Criminal Law, Master of Laws in International Crime and Justice programme, United Nations Interregional Crime and Research Institute (UNICRI), Turin
- 2008 - 2009 Researcher, Research Unit of the Faculty of Political Sciences at the University of Milan, on a research project funded by the Italian Ministry of Education – ‘Conduct of Hostilities in International Armed Conflicts’, *Università degli Studi di Milano*, Milan

## **PRACTICAL EXPERIENCE**

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- 2007 - 2008 Legal Officer (P-4), Appeals Chamber, International Criminal Tribunal For the former Yugoslavia (ICTY), The Hague
- 2005 - 2006 Legal Officer (P-3), Appeals Chamber, ICTY
- 2000 - 2004 Associate Legal Officer (P-2), Appeals Chamber and Legal Assistant to H.E. Judge Theodor Meron, Office of the President, ICTY (2003)
- 1999 Legal Adviser, Mission of Bosnia and Herzegovina to the United Nations, Preparatory Commission for the Establishment of the International Criminal Court, United Nations Headquarters, New York
- International Legal Officer, Humanitarian Law Documentation Project, International Crisis Group (Tirana, Albania and Đakovica/Gjakova, Kosovo) (July–October 1999)
- Legal Intern, Trial Chamber III, Chambers, ICTY
- 1998 Legal Trainee in Civil and Administrative Law, *Perfetti e associate* (law firm), Varese
- 1997 Legal Intern, Office of the Legal Counsel, Office of Legal Affairs, United Nations Headquarters, New York

## **MILITARY SERVICE**

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- 1992 - 1993 Navy Officer, Italian Navy – three-month navy officer training, Naval Academy of Livorno (January 1992–April 1992), commissioned as a *Guardiamarina* (Lieutenant) assigned to the 2nd Naval Division Command (Comdinav 2) and stationed on the aircraft carrier G. Garibaldi for four months and on the cruiser A. Doria for eight months

## **LANGUAGES**

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Italian (native speaker)  
English (excellent)  
French (very good)  
Japanese (basic skills)  
Spanish (basic skills)

## ACADEMIC AND PROFESSIONAL AWARDS

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- 2018 Winner of the competitive examination at the University of Modena and Reggio Emilia for the position of *Ricercatore di Tipo 'B'* (RTD-b) (Tenure Track Position) in international law
- 2017 Awarded *Abilitazione Scientifica Nazionale* [National Scientific Qualification] to the position of Associate Professor of International Law by a five-member panel of tenured international law professors. *Abilitazione* is valid until 10 April 2023
- 2006 Fellowship at The Hague Academy of International Law, Centre for Studies and Research in International Law and International Relations
- 2004 Hauser Global Scholarship, New York University School of Law
- 2002 Winner of the UN competitive examination for a two-year post as Junior Professional Officer
- 1991 Admitted to the three-month naval officer training at the Naval Academy of Livorno following a competitive examination

## GUEST LECTURES, SEMINARS, AND TEACHING WITHIN COURSES

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- 2019 'International Judicial Decisions as a Source of International Law' - 6 hours of teaching in the Public International Law Course for Masters Students of Professor Bing Bing Jia held at Tsinghua University School of Law (Beijing, China) (24-25 September)
- 2017 'Should States Thrive? Reflections on the Vulnerability of the Democratic State in the Twenty-First Century', EUI International Law Working Group, European University Institute (Fiesole, Italy) (12 May)
- 'Reflections on the Vulnerability of the Democratic State', Faculty of Law, University of Utrecht (Utrecht, Netherlands) (22 February)
- 2016 'The ICTY and the Responsibility of Superiors: Cases and Challenges', lecture part of a workshop on 'Central Role of Commander (CENTROC): Accomplish the Mission, Respecting the Law', Geneva Centre for Security Policy (Geneva, Switzerland) (28 August)
- 2015 'The Transformative Occupation of Iraq and its Short- and Long-Term Consequences', Faculty of Law, University of Utrecht (Utrecht, Netherlands) (28 April)

- 2014
- ‘The Interaction Among (and Within) International Criminal Courts in the Development of International Criminal Law’, Faculty of Political Sciences, University of Milan (Milan, Italy) (25 November)
- ‘The Law of Belligerent Occupation’, seminar, Faculty of Law, *Vrije Universiteit* (Amsterdam, Netherlands) (21 November)
- ‘The Transformative Occupation of Iraq and its Short- and Long-Term Consequences’, Pittsburgh Law School (Pittsburgh, USA) (21 October)
- ‘The Relationship between Human Rights and Humanitarian Law in Times of Belligerent Occupation’ and ‘The Protection of Cultural Property during Armed Conflict’, Winter School, Faculty of Law, University of Pretoria (Pretoria, South Africa) (19–20 March)
- ‘Individual Criminal Responsibility’, Fletcher School of Law and Diplomacy (Boston, USA) (5 March)
- 2013
- ‘Implementation and Enforcement of IHL’, Faculty of Law, *Vrije Universiteit* (Amsterdam, Netherlands) (21 November)
- ‘Transformative Occupation and International Law after Iraq’, Fletcher School of Law and Diplomacy (Boston, USA) (14 November)
- ‘PMSCs and the Montreux Document’, *Centro Alti Studi Difesa* (CASD), (Rome, Italy) (9 April)
- 2012
- ‘The Use of Force in Occupied Territory’, seminar, National Defence College (Stockholm, Sweden) (22 November)
- ‘The Mechanisms of International Criminal Justice’, Seminar on Justice and Reconciliation, Faculty of Law, University of Zagreb, (Zagreb, Croatia) (11 May)
- Series of lectures on ‘The Role of International Law in the Context of Humanitarian Crises’, Winter and Summer Schools, *Istituto di studi per la politica internazionale* (ISPI) (Milan, Italy) (February 2011, February 2012 and July 2012)
- ‘The Law of Belligerent Occupation’, lectures in the course of International Humanitarian Law, Faculty of Law, *Vrije Universiteit* (Amsterdam, Netherlands) (2 December 2010, 29 November 2011, 21 November 2012, 21 November 2014)
- 2011
- ‘The Jurisdiction and Functioning of the International Criminal Court’, Bocconi University (Milan, Italy) (23 November)
- ‘The Relationship between Human Rights and Humanitarian Law’, Winter School on International Humanitarian Law in Military Operations, Faculty of Law, University of Pretoria (Pretoria, South Africa) (September 2011)
- 2009
- ‘The Administration of Justice during an Occupation: the Case of Iraq’, Seminar, Master of Laws in International Crime and Justice programme, UNICRI (Turin, Italy) (13-14 May)

## PRESENTATIONS AT INTERNATIONAL CONFERENCES

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- 2019 ‘Assessing the Promise of International Criminal Justice in a Multipolar World: Time to Lower Expectations and/or to Revisit Assumptions?’, ESIL – SGH – ILS PAS – KU Joint Conference ‘The Crisis of Multilateral International Order: Causes, Dynamics and Consequences’, (Warsaw, Poland) (23 November)
- ‘The Deconsolidation of Democracy in Times of Globalisation and Populism: What Role for International Law Scholars?’, 29th World Congress of the International Association for the Philosophy of Law and Social Philosophy (Luzern, Switzerland) (11 July)
- 2018 ‘The Vulnerability of the Democratic State in Times of Economic Globalisation and Populism’, ICON-S, Italian Chapter Inaugural Conference, (Rome, Italy) (23 November)
- ‘Governing the International Criminal Court through Performance Indicators? Reflections on a Recent Endeavour by the Assembly of States Parties’ American Society of International Law Research Forum, (Los Angeles, California) (9 November)
- ‘Closing the Gap between the Global and the National? Thoughts on a Recent Plea for a Comparative International Law Approach’ 26th Annual Conference of the Australian and New Zealand Society of International Law (ANZSIL) (Wellington, New Zealand) (5 July)
- ‘A New Obstacle to Human Rights Protection: The Vulnerability of the Democratic State in Times of Globalization and Populism’, 2018 ESIL Research Forum: ‘International Law in Times of Disorder and Contestation’, Hebrew University of Jerusalem, Jerusalem (Israel) (29 February)
- 2017 ‘Should States Thrive? Reflections on the Vulnerability of the (Democratic) State in the Twenty-First Century’, 25th Annual Conference of the Australian and New Zealand Society of International Law (ANZSIL) (Canberra, Australia) (28 June)
- ‘Of Efficiency and Fairness in the Administration of Justice: Can the Residual Mechanism be a Model for International Penal Jurisdictions?’, international conference ‘Righting Wrongs: Enforcing Human rights, Administering International Criminal Justice’, the Faculty of Law of the University of Westminster (London, UK) (10 March)
- 2016 ‘Should States Thrive? Reflections on the Vulnerability of States in the Twenty-First Century’, ASIL International Legal Theory Interest Group Annual Symposium, ASIL Tillar House (Washington, USA) (8 December)
- 2015 ‘Is the International Criminal Court “International” enough’, Fifth Annual American Society of International Law of International Law (Washington, USA) (23–24 October)
- 2014 ‘On Pluralism in International Criminal Law: The Perils of Fragmentation’,

American Society of International Law International Criminal Law Working Group, Temple University (Philadelphia, USA) (5 December)

'Of Pluralism in International Criminal Law: Is Fragmentation Turning into a Pathology?', workshop, 'Advantages and Disadvantages of a Pluralist International Criminal Law' EUI International Criminal Law Working Group, European University Institute (Fiesole, Italy) (11 April)

2013 Discussant of a doctoral student's presentation, International Criminal Law Working Group, European University Institute (Fiesole, Italy) (27 November)

2012 'International, Corporate, and Individual Responsibility for Conducts of Private Military and Security Companies', XXXV Round Table on Current Issues of International Humanitarian Law – 'Private Military and Security Companies', Sanremo Institute of International Humanitarian Law (Sanremo, Italy) (7 September)

## **PRESENTATIONS TO STUDENTS**

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2012 - present Presentations to students on international law and international careers, and advisor on selection of appropriate courses of university study, *Liceo Classico* 'E. Cairoli', Varese

2000 - 2008 Several presentations to groups of professionals and students visiting the ICTY

## **MEMBERSHIP IN PROFESSIONAL SOCIETIES**

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- ❖ American Society of International Law (Interest Groups: Human Rights, International Criminal Law; International Courts and Tribunals, and International Legal Theory)
- ❖ Member of the European Society of International Law (ESIL) and of the Coordinating Committee of the ESIL Interest Group on International Legal Theory and Philosophy
- ❖ International Law Association
- ❖ Sanremo Institute of International Humanitarian Law
- ❖ *Società Italiana di Diritto Internazionale e di Diritto dell'Unione Europea*

## **MOOT COURT JUDGE**

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- ❖ Semi-finals of the Telders International Law Moot Court Competition, Grotius Centre for International Legal Studies, The Hague (2010, 2012, 2013, 2015, 2017)

- ❖ ICC Moot Court Competition, Grotius Centre for International Legal Studies, The Hague (2016, 2017)
- ❖ Moot Court in International Criminal Law (Summer School), Grotius Centre for International Legal Studies, The Hague (2010, 2011, 2014, 2015)
- ❖ Moot Court in International Humanitarian Law, *Vrije Universiteit*, Amsterdam (2011, 2013, 2014)
- ❖ Moot Court in International Criminal Law, Master of Laws in International Crime and Justice, UNICRI (2010, 2011, 2013, 2014)

31 January 2024

Andrea Carcano

### List of Publications

#### A. Books

*Upholding the Prohibition of Torture* (with T. Scovazzi) (Brill/Nijhoff Publishers, Leiden 2013), pp. xii–406

*Notable Cases of the European Court of Human Rights on the Right to Life* (Giappichelli Editore, Torino forthcoming 2020), pp. 1–2650

*The Transformation of Occupied Territory in International Law* (published in the series Leiden Studies on the Frontiers of International Law (vol 2) with a foreword by Georges Abi-Saab) (Brill/Nijhoff Publishers, Leiden 2015), pp. xii–539

*L'occupazione dell'Iraq nel diritto internazionale* (published in the series of the University of Milan *Studi di diritto internazionale*) (Giuffrè Editore, Milan 2009), pp. 1–362

#### B. Articles and Book Chapters

‘The Challenges of Populism: What Role for International Law Scholars?’, *Diritti umani e diritto internazionale* 1 (2020), 5–33

‘On the Exercise of the Judicial Function at the International Criminal Court: Issues of Credibility and Structural Design’, *Questions of International Law* 67 (2020), 3–23

‘On the Governance of International Judicial Institutions: The Development of Performance Indicators for the International Criminal Court’, *Max Planck Yearbook of United Nations Law* 22 (2018), 83–113

‘Uses and Misuses of a Comparative International Law Approach’, *Questions of International Law* 54 (2018), 21–38

‘Of Efficiency and Fairness in the Administration of International Justice: Can the Residual Mechanism Provide Adequately Reasoned Opinions?’, *Questions of International Law* 53 (2017), 21–37

‘Of Precedents and Fragmentation in International Criminal Law: Possible Lessons from Recent Jurisprudence on Aiding and Abetting Liability’, *Journal of International Criminal Justice* 4 (2016), 771–792

‘On the Relationship between International Humanitarian Law and Human Rights Law in Times of Belligerent Occupation: Not Yet a Coherent Framework’ in (E. de Wet and J. Kleffner eds.) *Convergence and Conflicts of Human Rights and International Humanitarian Law in Military Operations* (Pretoria University Press, Pretoria 2014), 121–152

‘The Practice of International Courts and Tribunals on Armed Forces: Issues of Status and Attribution’ in (M. Odello and F. Seatzu eds.) *Armed Forces and International Jurisdictions* (Intersentia, Cambridge 2013), 141–168

‘The Criminalisation and Prosecution of Attacks Against Cultural Property: from the ICTY to the ECCC via the Rome Statute and the 1999 Second Protocol’ in (F. Pocar, M. Pedrazzi, and M. Frulli eds.) *War Crimes and The Conduct of Hostilities: Challenges to Adjudication and Investigation* (Edward Elgar Publishing, Cheltenham 2013), 78–97

‘International, Corporate, and Individual Responsibility for Conducts of Private Military and Security Companies’ in (B. D’Aboville ed.) *Private Military and Security Companies* (Franco Angeli Editore, Milan 2013), 108–120

‘The Relationship between the Decisions of the International Criminal Tribunals and the International Court of Justice: Dialogue or Conflict?’, *The Global Community: Yearbook of International Law and Jurisprudence* 10/1 (2010), 213–227 [with F. Pocar]

‘Sul rapporto fra diritto all’autodeterminazione dei popoli e secessione in margine al parere della Corte internazionale di giustizia riguardante il Kosovo’, *Rivista di diritto internazionale* 4 (2010), 1135–1143

‘The Right to Self-Determination of the Iraqi People in the Practice of the Security Council Concerning the Occupation of Iraq’ in (G. Venturini and S. Bariatti eds.) *Liber Fausto Pocar* (Giuffrè Editore, Milan 2009), 95–109

‘Riflessioni a margine di un processo mai terminato: il caso *Milošević* e la sua rilevanza per la giustizia penale internazionale’ in (T. Scovazzi and G. Calvetti eds.) *Il Tribunale per la ex-Yugoslavia: l’attività svolta e il suo prossimo scioglimento* (Giuffrè Editore, Milan 2008), 263–281

‘End of the Occupation in 2004? The Status of the Multinational Force in Iraq after the June 2004 Transfer of Sovereignty to the Interim Iraqi Government’, *Journal of Conflict and Security Law* 1 (2006), 41–66

‘Requests for Review in the Practice of the *Ad Hoc* International Tribunals’, *Leiden Journal of International Law* 27/1 (2004), 103–119

‘The International Criminal Tribunal for the Former Yugoslavia: Activities in 2003’, *Chinese Journal of International Law* 17 (2004), 267–290

'The ICTY Appeals Chamber's *Nikolić* Decision on Legality of Arrest: Can an International Criminal Court Assert Jurisdiction over Illegally Seized Offenders?', *Italian Yearbook of International Law* 13 (2003), 77–93

'Sentencing and the Gravity of the Offence in International Criminal Law', *International and Comparative Law Quarterly* 51/3 (2002), 583–609

### C. Book Reviews

J. Allain, 'A Century of International Adjudication—The Rule of Law and its Limits', *Non State Actors and International Law* 3/1 (2003), 153–158

G. Solis, 'The Law of Armed Conflict' (CUP 2010), *The Military Law and the Law of War Review* 50(1-2) (2011), 294–298

### D. Contributions to Legal Periodicals

'Sanzionato solo il contributo al Paese straniero per il raggiungimento dei suoi obiettivi militari' [ ], Comment to decision of the *Corte di Assise* of Bari (16 July 2010), *Guida al Diritto*,<sup>1</sup> 2 (8 January 2011), pp. 30–32

'Cade la dichiarazione di immunità parlamentare se paralizza la causa civile di risarcimento' [ ], Comment to decision of the European Court of Human Rights (24 February 2009), *Guida al Diritto*, 16 (18 April 2009), pp. 106–108

'Una copertura troppo ampia paralizza le azioni a tutela della reputazione (Immunità parlamentare)' [ ], Comment to decision of the European Court of Human Rights (20 April 2006), *Guida al Diritto*, 3 (May–June 2006), pp. 84–85

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<sup>1</sup> *Guida al Diritto* is a legal periodical of *Il Sole 24 Ore* the leading Italian economics and finance newspaper.