

Judge Mauro Politi



Judge Mauro POLITI (Italy)

Judge Politi served as Judge of the International Criminal Court for a six-year term (2003-2009), and Presiding Judge of Pre-Trial Chamber II (2006-2009).

He has been a full professor of international law at the University of Trento since 1990. Prior to this, and since 1976, he had taught at the Universities of Cagliari and Urbino. As Legal Adviser to the Permanent Mission of Italy to the United Nations (1992-2001), he participated actively in the negotiation process that led to the adoption of the Rome Statute. He also served on the Italian delegation to the Preparatory Commission for the International Criminal Court. During his judicial career (1969-1983), he was a judge at the Tribunals of Oristano and Milan. He was also Deputy Prosecutor at the Juvenile Court of Milan. In 2001, he was elected by the United Nations General Assembly to be on the list of ad litem judges of the International Criminal Tribunal for the Former Yugoslavia. As a former judge and prosecutor, he has dealt with numerous cases of human rights violations and of violence and abuse against women and children. He has published several articles on the Rome Statute of the International Criminal Court and on the related Elements of Crimes.

CURRICULUM VITAE OF PROFESSOR MAURO POLITI

Born in Fabrica di Roma, Italy, 13 September 1944

Residence in Italy: 16, Via del Cipresso, 00153, Rome

Fluent in English and French, written and spoken

Law Degree, *magna cum laude*, from the University of Florence, 1966

Gran Croce al Merito della Repubblica Italiana (Great Cross for Merit of the Italian Republic), granted by the President of the Italian Republic in 2005.

1.ACADEMIC ACTIVITIES

Adjunct Professor of Private International Law, University of Cagliari School of Political Sciences (1976-1979)

Adjunct Professor of International Law, University of Urbino Law School (1979-1983)

Associate Professor of International Law, University of Urbino Law School (1983-1986)

Associate Professor of International Law, University of Trento Law School, (1986-1990)

Full Professor of International Law, University of Trento Law School (since 1990)
In recent years, he has also taught courses of Public International Law, (in English) at CEILS (Programme of Comparative, European and International Legal Studies.).

2.JUDICIAL AND PROFESSIONAL ACTIVITIES

He started his judicial career at the Tribunal of Florence in 1969

Judge of the (civil and criminal) Tribunal of Oristano (1972)

Deputy Prosecutor at the Juvenile Court of Milan (1972-1975)

Judge of the (civil and criminal) Tribunal of Milan (1975-1983)

In his domestic judicial career, he reached the level of Appellate Judge in 1983

Foreign Lawyers Program, White & Case, New York (1985-6)

In 2001, he was elected by the U.N. General Assembly to the list of *ad litem* judges of the International Criminal Tribunal for the former Yugoslavia

Judge of the International Criminal Court (2003-2009). Presiding Judge of Pre-Trial Chamber II (2006-2009).

Member of the National Group of the Permanent Court of Arbitration (2011-2023)

Member of the UN Human Rights Committee (2015-2018); Rapporteur on Follow-Up to Concluding Observations (2017-2018)

Vice-Chairman of the UN Human Rights Committee (2018)

Member of the International Criminal Court Advisory Committee on the Nomination of Judges (2022-2024)

3. DIPLOMATIC ACTIVITIES

Member of the Italian delegation to the IAEA Conference for the elaboration of the Conventions on the Early Notification of a Nuclear Accident and on Assistance in the Case of a Nuclear Accident or Radiological Emergency (Vienna, 1986)

Member of the Italian delegation to the IAEA-NEA negotiations to draft a Joint Protocol Relating to the Application of the Vienna and Paris Conventions on Civil Liability for Nuclear Accidents (Vienna, 1988)

Member of the Italian delegation to the negotiations to elaborate a Convention on the Control of the Transboundary Movements of Hazardous Waste and Their Disposal (Geneva, Luxembourg, Basel, 1988-1989)

Member of the Italian delegation to the IAEA Working Group on Nuclear Liability and to the IAEA Standing Committee on Liability for Nuclear Damage (Vienna, 1989-1991)

Member of the Group of Jurists entrusted by the Italian Government with the preparation of the introductory document for the Siena Forum on International Law of the Environment, convened by the Summit of the seven most industrialized countries (1990)

Member of the Italian delegation to the Preparatory Committee of the United Nations Conference on Environment and Development (New York, 1992)

Legal Adviser to the Permanent Mission of Italy to the United Nations (1992-2001)

Delegate of Italy to the Vancouver Meeting on the Statute of the International Criminal Tribunal for the former Yugoslavia (1993)

Vice-Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (1994)

Member of the delegation of Italy to the Security Council (1995-1996)

Member of the Italian delegation to the ad Hoc Committee and the Preparatory Committee on the Establishment of an International Criminal Court (1995-1998)

Member of the Italian delegation to the United Nations Conference of Plenipotentiaries on the Establishment of an International Criminal Court (Rome, 1998)

At the Rome Conference, coordinator on the issue of children in armed conflicts

Member of the Italian delegation to the Preparatory Commission for the International Criminal Court (1999-2002)

Chairman of the Sixth (Legal) Committee of the U.N. General Assembly (55th Session: 2000-2001)

Member of the Italian delegation to the Preparatory Committee for the Kampala Review Conference of the Statute of the International Criminal Court (New York, 2010)

Member of the Italian delegation to the Sixth (Legal) Committee of the General Assembly, (2010-2011-2012), and to the Assembly of States Parties to the Statute of the International Criminal Court (2011-2012)

Italian delegate to the Cojur ICC and Cojur, Public International Law, meetings of the European Union (Bruxelles, 2011-2012-2013-2014). In the second semester of 2014 he acted as President of the Cojur ICC.

Member, appointed by the Italian Government, of the Conciliation Commission under the 1954 Agreement between Italy and Brazil concerning conciliation and judicial settlement (2011)

Member of the International Legal Team appointed by Italy in the dispute between Italy and India (concerning the Enrica Lexie case) before the UNCLOS Annex VII Arbitral Tribunal. (2015-2019).

4. RESEARCH ACTIVITIES AND SCHOLARLY MEETINGS ABROAD

Columbia University, School of International Affairs. Research Project on the Resolutions of the General Assembly of the United Nations (1968)

Yale University Law School, Research Project on Nuclear Non-Proliferation (1980-1981)

Rapporteur at “Nuclear Inter Jura 87”, organized by the International Nuclear Law Association (Antwerp, 1987)

Rapporteur at the “Travaux des XIIIes Journées d’études juridiques Jean Dabin”, organized by the International Law Department of the University of Louvain (Louvain, 1988)

Rapporteur at the Colloquium “Science et Droit”, organized by the French Ministry of Research and Technology (Paris, 1991)

Participant in a Panel Discussion on the Reform of the U.N. Security Council organized by the University of Georgia (Athens, Georgia, 1996)

Rapporteur at the Annual Seminar on International Humanitarian Law, organized by the ICRC and the New York University School of Law (New York, 1997)

Rapporteur at the Regional Conference on the International Criminal Court, organized by “No Peace Without Justice” and the Ministry of Foreign Affairs of Uruguay (Montevideo, 1997)

Participant in the Seminar organized by the French Ministry of Foreign Affairs on “The Access of Victims to the International Criminal Court” (Paris, 1999)

From 2000 to 2002, participant and rapporteur in various conferences and meetings on the International Criminal Court, notably in Storrs (Connecticut), Brussels, Prague and Sevilla

During his mandate as judge of the International Criminal Court, he took part as key-note speaker or panellist in meetings and conferences, held in particular in The Hague, Strasbourg, Paris, Yerevan, Moscow, Madrid, Athens, Seoul, Cairo, St. Petersburg, Manila

He was also a key-note speaker at various scholarly meetings, in particular at the Asser Institute in the Hague, at Leiden University, at the Ljubljana University School of Law (also at the Ljubljana International Conference on “Responsibility to Protect”, in April 2013 and the IDLO Conference in the Hague in April 2014).

Member of the Advisory Committee of ICLN (International Criminal Law Network), the Hague.

In recent years, he gave lectures or took part as speaker or panelist in various conferences and meetings, including at the Geneva School of Diplomacy, at Conferences of the Italian Red Cross, at the Institute for Cultural Diplomacy in Berlin, at the Annual Meeting of ESIL in Athens, at the Center for High Military Studies (CASD) in Rome, at the Graduate Institute of International and Development Studies in Geneva, at the Universities of Milano Bicocca and Gabriele d’Annunzio in Pescara, at the Italian Ministry of Foreign Affairs and International Cooperation, before the Governmental Agencies of the Republic of Myanmar in Nay-Pyi-Taw, and in Florence at the International Conference on the Environment and the Law of Armed Conflicts.

5.MAIN PUBLICATIONS

“Foreo della reciprocità e principii costituzionali in tema di giurisdizione”
(Competence by Way of Reciprocity and Constitutional Principles Relating to Jurisdiction), *Rivista di diritto internazionale*, 1969, pp. 258-288.

“L’immunità giurisdizionale dei rappresentanti degli Stati presso la FAO”
(Jurisdictional Immunity of States’ Representatives to F.A.O.), *Rivista di diritto internazionale*, 1970, pp.526-550.

“Responsabilità da fatto illecito nella Convenzione sullo Statuto delle forze armate della NATO” (Responsibility for Wrongful Acts in the Convention on the Status of NATO Armed Forces), *Rivista di diritto internazionale*, 1973, pp.45-85.

“Giurisdizione penale sul personale della NATO e problemi di costituzionalità”
(Criminal Jurisdiction over NATO Personnel and Constitutional Issues), *Rivista di diritto internazionale privato e processuale*, 1974, pp.470-486.

Notes to Comment Upon Various Judgements of Courts of Merit and of the Court of Cassation, *The Italian Yearbook of International Law*, 1977, pp. 279-282 and 1978-79, pp.149-161.

Funzioni consolari e rapporti tra ordinamenti. Diritto internazionale e legge locale nell’attività del console italiano (Consular Functions and the Relationships between Legal Systems. *International Law and Domestic Law in the Activity of the Italian Consul*), Milan, 1978 (pp.1-181).

“Miniere d’uranio nelle Alpi Marittime, inquinamento transfrontaliero e tutela internazionale dell’ambiente” (Uranium Mines in the Maritime Alps, Transfrontier Pollution and International Protection of the Environment), *Rivista di diritto internazionale privato e processuale*, 1981, pp.541-599.

“Esportazioni nucleari e politiche di non proliferazione” (Nuclear Exports and Non-Proliferation Policies), *Legislazione economica*, 1980-1981, pp.806-821.

“La Convenzione dell’Aja del 1965 sulle notificazioni civili all’estero e le notifiche a cura dei consoli italiani” (The 1965 Hague Convention on Civil Notifications Abroad and the Notifications by the Italian Consuls), *Rivista di diritto internazionale*, 1983, pp.375-383.

“Diritto internazionale e non proliferazione nucleare” (Nuclear Non-Proliferation and International Law), Padua, 1984 (pp. 1-301).

“Safeguards Against Nuclear Proliferation: The Need for Greater Effectiveness”, *The Italian Yearbook of International Law*, 1985, pp.85-95.

“Assistenza giudiziaria internazionale” (International Judicial Assistance), *Digesto*, IV ed., vol.I, 1987, pp.455-472.

“I danni da inquinamento nella normativa internazionale: realtà e prospettive” (Pollution Damage in International Legislation: Reality and Prospects for Progress), *Diritto e Pratica nell’assicurazione*, Atti del Convegno su “il danno ambientale”, Milan, 30 November 1987, pp.79-92.

“Incidenti nucleari e responsabilità civile: verso un simultaneo ampliamento della sfera di applicazione delle convenzioni internazionali vigenti?” (Nuclear Accidents and Civil Liability: Towards a Simultaneous Widening of the Scope of Application of the Existing International Conventions?), *Rivista giuridica dell’ambiente*, 1988, 2, pp.209-235.

“International and Civil Liability for Nuclear Damage: Some Recent Developments of State Practice”, *La reparation des dommages catastrophiques. Les risques technologiques majeurs en droit international et en droit communautaire. Travaux des XIIIes Journées d’études juridiques Jean Dabin*, Université de Louvain, Bruxelles, 1990, pp.319-337.

“Basi militari straniere e giurisdizione italiana” (Foreign Military Bases and Italian Jurisdiction), *Le basi militari della NATO e di paesi esteri in Italia*, Camera dei deputati, Roma, 1990, pp.67-97.

“Energia nel diritto comunitario” (Energy in European Community Law), *Digesto*, IV ed., vol.VI,1991, pp.3-23.

“The Impact of the Chernobyl Accident on the States’ Perception of International Responsibility for Nuclear Damage”, Francioni-Scovazzi (eds.), *International Responsibility for Environmental Harm*, London, 1991, pp.473-490.

“La disciplina giuridica della tutela dell’ambiente nei rapporti di vicinato tra Italia e Francia” (The Legal Regime of Environmental Protection in the Relationships between Italy and France), De Guttry-Ronzitti (eds.), *I rapporti di vicinato tra Italia e Francia*, Padua, 1994, pp.227-239.

“Tutela dell’ambiente e sviluppo sostenibile: profili e prospettive di evoluzione del diritto internazionale alla luce della Conferenza di Rio de Janeiro” (Environmental Protection and Sustainable Development: Issues and Prospects for Progress after the Rio Conference), *Scritti in memoria di Giuseppe Barile*, Padua, 1995, pp.447-580.

“The Establishment of an International Criminal Court at a Crossroads: Issues and Prospects after the First Session of the Preparatory Committee”. *The International Criminal Court: Observations and Issues before the 1997-98 Preparatory Committee, and Administrative and Financial Implications*, *Nouvelles Etudes Pénales*, 1997, pp. 115-157.

“Il diritto umanitario alla svolta della Conferenza di Roma sulla istituzione di una Corte penale internazionale: un auspicio ed un impegno dell’Italia” (Humanitarian Law at the Juncture of the Rome Conference on the Establishment of an International Criminal Court: an Auspice and a Commitment of Italy), *Cooperazione fra Stati e giustizia penale internazionale. Società italiana di diritto internazionale*, III Convegno, Siena 12-13 giugno 1998, Naples, 1999, pp.37-61.

“Le Statut de Rome de la Cour pénale internationale: le point de vue d’un négociateur” (The Rome Statute of the International Criminal Court: the point of view of a negotiator), *Revue générale de droit international public*, 1999,4,pp.817-850.

“The Rome Statute of the ICC: Rays of Light and Some Shadows”, Politi-Nesi (eds.), *The Rome Statute of the International Criminal Court. A Challenge to Impunity (Proceedings of the Trento Conference of 13-15 May 1999)*, Ashgate, Aldershot, 2001, pp.7-16.

“Elements of crimes”, Cassese-Gaeta-Jones (eds.), *The Rome Statute of the International Criminal Court. A Commentary.*, Oxford University Press, London, 2002, vol. I, pp.443-473.

“The Debate Within the Preparatory Commission for the International Criminal Court”, Politi-Nesi (eds.), *The International Criminal Court and the Crime of Aggression (Proceedings of the Trento Conference of 30 May-1 June 2001)*, Ashgate, Aldershot, 2004, pp. 43-51.

“Complementarity or Competition among International Jurisdictions: The International Criminal Court Perspective”, *Les juridictions internationales: complémentarité ou concurrence ?* , Bruylant, Bruxelles, 2005, pp.41-49..

“Some Concluding Remarks on the Role of NGOs in the International Criminal Court”, *Civil Society, International Courts and Compliance Bodies*, TMC Asser Press, the Hague, 2005, pp.143-145.

POLITI-GIOIA, “The Criminal Procedure before the International Criminal Court: Main Features”, *New International Tribunals and New International Proceedings*, Milan, 2006, pp.135-156.

“The ICC and International Cooperation under the Rome Statute – Introductory Remarks, Proceedings of the Workshop held in Lecce on October 21-22, 2005, Lecce, 2007, pp.7-12.

POLITI-GIOIA, “La responsabilità penale individuale per violazione degli obblighi a tutela dei beni culturali in tempo di conflitto armato” (*Individual Criminal Responsibility for Violation of Duties to Protect Cultural Property During Armed Conflicts*), *La tutela internazionale dei beni culturali nei conflitti armati*, Milan, 2008, pp.197-219.

POLITI-GIOIA (eds.), “The International Criminal Court and National Jurisdictions”, *Proceedings of the Trento Colloquium of 4-5 May 2007*, Ashgate, Aldershot, 2008.

“Foreword”, M. El ZEIDY, *The Principle of Complementarity in International Criminal Law. Origin, Development and Practice*, M. Nijhoff, Leiden-Boston, 2008.

“La Corte penale internazionale a dieci anni dalla Conferenza di Roma: un primo bilancio” (*The International Criminal Court Ten Years After the Rome Conference*),

Liber Fausto Pocar, *Diritti individuali e giustizia internazionale*, Milano, 2009, pp.735-752.

“Reflections on Complementarity at the Rome Conference and Beyond”, *The International Criminal Court and Complementarity: from Theory to Practice*, Cambridge Univ. Press, Cambridge, 2011, pp.142-149.

“The ICC and the Crime of Aggression: A Dream that Came Through and the Reality Ahead”, *Journal of International Criminal Justice*, Vol.10, 1, 2012, pp.267-288..

“Il crimine di aggressione e i rapporti tra CPI e Consiglio di Sicurezza” (The Crime of Aggression and the Relationships Between the ICC and the Security Council), *La Comunita' internazionale*, Quad. 15, 2014, pp.89-101.

« Complementarité (Principe de), *Dictionnaire Encyclopédique de la Justice Pénale Internationale* » (sous la direction de O. Beauvallet), Paris, 2017, pp.201-203.

“Artico 8 bis, 15 bis e 15 ter: Crime de Agressao” (Article 8 bis, 15 bis and 15 ter: Crime of Aggression), *Tribunal Penal Internacional-Comentarios ao Estatudo de Roma (International Criminal Court-Commentaries to the Rome Statute)*, Steiner S.- Caldeira Brandt (coordinators), Belo Horizonte, “ 2 ed, 2020, pp. 301-318.

“Art. 3 sul diritto alla vita” (Article 3 on the Right to Life), *30 Voci per 30 Diritti*, libero commento agli articoli della Dichiarazione Universale dei Diritti Umani, E. Berto-M. Marcantoni (a cura di), Trento, 2020, pp.40-46.

“Riformare la Corte Penale Internazionale? Brevi osservazioni sul (lungo) documento di un gruppo di esperti” (To Reform the International Criminal Court? Some Brief Observations on a (Long) Document Prepared by a Group of Experts), in Caracciolo I.-Montuoro U. (a cura di), *Ricostruzione della pace, giustizia e tutela dei diritti umani*, Torino 2021, pp.249-262.

With M. Gagliardini co-author, “The Principle of Complementarity in Today’s Perspective” in C: STAHN, M. EL ZEIDY, *The International Criminal Court and Complementarity: From Theory to Practice*, Cambridge University Press, 2nd ed. (being published).

“Climate Change and Global Security: A True Legal Challenge for Stakeholders”, in *Environment, Climate and Natural Resources: Exploring the Legal Framework in Case of Armed Conflict*, I. Caracciolo, S. La Piscopia, U. Montuoro eds., Supplement 2 to nr.3/2923 *Rassegna della Giustizia Militare*, pp.3-10

“Crimine di aggressione” (The Crime of Aggression), *Proceedings of the Conference held at the Italian Court of Cassation on 16 May 2023 on The Code of International Crimes: A Commitment to an Effective International Justice* (being published).