

Francesco de Sanctis

CURRICULUM VITAE

Italian, born 16 May 1974

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PROFESSIONAL PROFILE

I am a qualified advocate (Rome Bar Association-Italy) and a PhD with ten years of professional and academic experience in the areas of international human rights law, international criminal law and rule of law. I have four and a half years of experience working in expert positions with OSCE and EU Missions in the field of support to domestic justice systems, with particular regard to their ability to prosecute international crimes. I drafted three public reports for the OSCE, published ten academic articles and extensively lectured on subjects within my field of expertise.

WORK EXPERIENCE

Oct. 2012- present

Consultant on Justice Reform, Transitional Justice and Rule of Law

(recent assignments)

▲ Consultancy for the ODIHR's project "Improving Georgia's Justice System through Trial Monitoring".

▲ Consultancy for Analitika Center for Social Research on a Norwegian-founded project "Prosecuting Hate Crimes in Bosnia-Herzegovina".

▲ Consultancy for Lucid Linx Consulting on a Swiss-founded project on the development of the new Justice Sector Reform Strategy for Bosnia-Herzegovina.

University of Sarajevo - Lecturer

Responsible for holding the course in *Human Rights Field Operations* at the European Regional Master's Degree in Democracy and Human Rights in South East Europe of the Universities of Bologna and Sarajevo.

Sarajevo School of Science and Technology - Assistant Professor

Responsible for holding the following courses: *Introduction to International Humanitarian Law and International Criminal Law* and *European Protection of Human Rights* as part of the Minor Program in International Law; *International Criminal Law* and *International Human Rights Law* as part of the M.Sc. In International Law.

Dec. 2010 – Aug. 2012

EULEX Mission in Kosovo - International Legal Officer (Expert level)

▲ Drafted verdicts, decisions, opinions and other legal documents in criminal cases, including war crimes and organized crime, assigned to EULEX Judges at the Mitrovica District Court.

▲ Mentored the local judiciary in the application of international standards and best practices.

^ Managed cases and acted as focal point in the organization of all aspects of trials, including assessment of security concerns and protection of witnesses at risk.

Jan. 2007 - Nov. 2010

OSCE Mission in Bosnia and Herzegovina - *Legal Advisor on War Crimes*

^ Provided targeted advice to the Head of the Human Rights Department on issues concerning war crimes prosecution and judicial reform in BiH, including strengthening the independence and impartiality of the judiciary, compliance with fair trial standards and other best practices and harmonization of the law applicable to international crimes among the different jurisdictions in BiH.

^ Drafted and/or coordinated the drafting of three OSCE public reports: “Moving towards a Harmonized Application of the Law Applicable in War Crimes Cases before Courts in Bosnia and Herzegovina”, “Independence of the Judiciary: Undue Pressure on BiH Judicial Institutions” and “Delivering Justice in Bosnia- Herzegovina: An Overview of War Crimes Processing from 2005 to 2010”.

^ Supervised a team of four domestic lawyers monitoring war crimes and organized crime proceedings at the Court of BiH.

^ Designed and implemented a project aimed at strengthening victims’ rights in criminal proceedings including their right to compensation.

^ Organized conferences and delivered trainings to judicial officials on issues related to the processing of war crimes and fair trial standards.

Mar. 2006 - Jan. 2007

OSCE Mission in Bosnia and Herzegovina - *Trial Monitoring Officer*

^ Monitored war crimes trials transferred by the ICTY to the Court of BiH.

^ Drafted reports addressed to the ICTY on compliance of these trials with human rights standards and domestic law.

^ Provided advice on the application of international criminal law in the domestic legal framework.

Nov. 2004 – Mar. 2006

OSCE Mission in Kosovo - *Legal System Monitor*

^ Monitored criminal and civil cases before district courts located in the Prizren Region.

^ Contributed to the drafting of periodic and thematic reports on the functioning of the justice system in Kosovo by providing findings and legal analysis on human rights violations and concerns identified during the monitoring phase.

^ Meeting members of the judiciary and lawyers in my area of responsibility to enquire on and discuss systemic problems affecting the effectiveness and fairness of proceedings.

Jan. 2004 – Oct. 2004

“Libera Università Maria SS. Assunta” of Rome - *Teaching assistant*

Lectured in the course *Human Rights and International Criminal Law* held by Prof. Giovanni Conso (former President of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court).

Sept. 2001 – Sept. 2002; Sept. 2003 – Oct. 2004

“Lana – Lagostena Bassi” international law firm – *Counsel*

- ⤴ Prepared applications and other legal submissions to Italian courts and to the European Court of Human Rights in the fields of human rights, family law and right to health.
- ⤴ Represented clients before Italian courts.
- ⤴ *Pro bono* legal counseling to immigrants on matters of immigration law, refugee law and right to asylum.

Dec. 2000-Jun.2001

International Criminal Tribunal for the Former Yugoslavia – *Intern*

- ⤴ Contributed to the drafting of amendments to the Rules of Procedure and Practice Directions of the Tribunal.
- ⤴ Prepared an internal memorandum on the creation of the Special Court for Sierra Leone and possible interactions with the ICTY

Jan. 2000-Nov. 2000

Tribunale amministrativo regionale del Lazio – *Court Clerk* (part time)

- ⤴ Assisted judges in the preparation and management of cases.
- ⤴ Conducted legal research on issues of administrative law.
- ⤴ Attended hearings as court clerk.

EDUCATION AND ABILITATIONS

June 2011

International Human Rights Network - **Course** on *Justice Sector Reform: Applying Human Rights Based Approaches*.

Nov. 2003 – Dec. 2008

University of Rome “La Sapienza” - **PhD** in *International Order and Human Rights*. Thesis in “War Crimes Trials in Bosnia-Herzegovina: a Model of Synergy Between International Courts and States?”.

May 2004

International Institute of Higher Studies in Criminal Sciences - **Specialization Course** on International Criminal Law.

January 2004

Rome Court of Appeal - **Admission to practice law** before Italian courts.

Oct. 2002- Sep. 2003

University of Essex (UK)- **LL.M** in *International Human Rights Law* (Distinction).

Sept. 1993 - Oct. 1999

University of Rome “La Sapienza”- **Law Degree**. Thesis in Philosophy of Law: “Legal Anthropology in Italy: Currents and Problems”.

LANGUAGES

English – fluent

French – working knowledge

Bosnian/Croatian/Serbian - working knowledge

PUBLICATIONS

- ▲ “Il processo di istituzione di una *Special Court* per i crimini della guerra civile in Sierra Leone”, *La Comunità Internazionale*, 3, 2001.
- ▲ “La *Special Court for Sierra Leone*: un esempio di tribunale penale internazionalizzato”, *Diritto Penale e Processo*, 5-6, 2002.
- ▲ “Compiti e funzioni dell’Assemblea degli Stati parti dello Statuto di Roma, in vista della sua prima Assemblea”, *I Diritti dell’Uomo. Cronache e Battaglie*, 3, 2002.
- ▲ “What are the links to be drawn between human rights and international criminal law?” *I Diritti dell’Uomo. Cronache e Battaglie*, 2, 2003.
- ▲ “Legittimità della deroga del Regno Unito alla Convenzione Europea dei Diritti dell’Uomo alla luce della giurisprudenza della Corte di Strasburgo”, *Diritto Penale e Processo*, 5, 2003.
- ▲ “L’immunità dalla giurisdizione delle corti penali internazionali: il caso Taylor e la Corte speciale per la Sierra Leone”, *La Comunità Internazionale*, 4, 2004.
- ▲ “The practice of national and international courts on transnational seizure: is a fair balance between human rights and accountability possible?”, *Netherlands Quarterly of Human Rights*, 4, 2004.
- ▲ “What duties do States have with regard to the Rules of Engagement and the training of security forces under Article 2 of the European Convention on Human Rights?”, *International Journal of Human Rights*, 1, vol. 10, 2006.
- ▲ “Problematiche legate alla definizione di terrorismo”, in AAVV, *Migrazione e terrorismo: due fenomeni impropriamente abbinati* (ed. by M.R. Saulle, L. Manca), Edizioni Scientifiche Italiane, 2006.
- ▲ “I Tribunali ad hoc per l’ex Jugoslavia ed il Ruanda”; “Corti e tribunali penali internazionalizzati o misti”, both in AAVV, *Le Giurisdizioni Internazionali – Profili Istituzionali* (ed. by C. Zanghì, E. Spatafora), Arsmedia Editore, 2007.
- ▲ “Impact of the ECtHR’s Judgment in *Maktouf-Damjanović* on accountability and punishment for war crimes in Bosnia-Herzegovina”, *European Journal of International Law: Talk!*, November, 2013, available at <http://www.ejiltalk.org/the-impact-of-the-ecthrs-judgment-in-maktouf-damjanovic-on-accountability-and-punishment-for-war-crimes-crimes-in-bosnia-herzegovina/#more-9853>