

## **Professor Paola Gaeta**

### **Publications**

#### **A. Books**

*Cassese's International Criminal Law*, 3rd ed, Oxford, Oxford University Press, 2013 (co-author, with A. Cassese),

*Le sfide del diritto internazionale* ('Current Challenges of International Law'), Bologna, Il Mulino, 2008 [315 pp] (co-author, with A. Cassese)

*La giustizia cautelare nel diritto internazionale* ('Interim measures of protection by courts and tribunals in international law'), Padova, Cedam, 2000 [260 pp.]

#### **B. Edited Books and Volumes**

*The 1949 Geneva Conventions : A Commentary* (co-ed. with Andrew Clapham and Marco Sassòli) (Oxford. Oxford University Press, October 2015)

*The Oxford Handbook of International Law in Armed Conflict* (co-ed., with A. Clapham) (Oxford: Oxford University Press, 2014)

*The UN Genocide Convention. A Commentary*, Oxford, Oxford University Press, 2009 (ed.) [630 pp.]

*The Rome Statute of the International Criminal Court. A Commentary*, 3 voll., Oxford, OUP, 2002 (co-ed., with A. Cassese and J.R.W.D. Jones) [1935 pp.]

#### **C. Guest Editor**

*The Human Dimension of International Law* (Guest Editor of the Symposium of the European Journal of International Law, 2010, issue no. 1 [55 pp.]

*The ICJ Judgement on Genocide: A Missed Opportunity?* (Guest Editor of the Symposium of the Journal of International Criminal Justice, 2007, issue no. 5 [75 pp.]

*Criminal Response to Terrorism after 11/09* (Guest editor, with Florian Jessberger, of the Special issue of the *Journal of International Criminal Justice*, 2006, issue no. 5 [289 pp.]

*Genocide in Rwanda: Ten Years On* (Guest editor of the Special issue of the *Journal of International Criminal Justice*, 2005, issue no. 4) [234 pp.]

#### **D. Translations and Italian Editions**

(editor: P. Gaeta): *A. Cassese. Diritto internazionale* ('International Law'), Bologna, Il Mulino, 2013 [432 pp.] (revision and update of the first edition : 2006)

*A. Cassese. Lineamenti di diritto internazionale penale – Vol. II - Diritto processuale*, ('The Fundamentals of International Criminal Law. Vol. II - Criminal Procedure') Bologna, Il Mulino, 2006 [162 pp.]

*A. Cassese. Diritto internazionale. Vol. II - Problemi della comunità internazionale* ('International Law. Vol. II – Problematical Issues of the International Community'), Bologna, Il Mulino, 2004 [248 pp.] 2

A. Cassese. *Diritto internazionale. Vol. I - I lineamenti* ('International Law – Vol. I – The Fundamentals'), Bologna, Il Mulino, 2003 [370 pp]

## **E. Other edited volumes**

A. Cassese. *The Human Dimension of International Law – Selected Papers* (co-ed., with Salvatore Zappalà), Oxford, Oxford University Press, 2008 [539 pp.]

Antonio Cassese, *Il sogno dei diritti umani* ('The dream of human rights'), Milano, Feltrinelli, 2008 [220 pp.]

## **F. Contributions to books, articles, notes and comments**

### **i) Contributions to books**

'The *Al Bashir* and *Kenyatta* Cases at the ICC: Testing the Rules of the Rome Statute on Personal Immunities', in A. Abass, I. Bantekas and C. Jalloh (eds) *Africa and the International Criminal Court* (forthcoming)

'Article 1', in G. Distefano and Gloria Gaggioli (eds), *Commentaire à la Convention de Vienne sur la Succession d'Etats en matière de traites* (Bruxelles : Bruylant, forthcoming 2015) (with B. sa Traorè) [22 pp]

'Grave Breaches of the 1949 Geneva Conventions', in A. Clapham, P. Gaeta, M. Sassòli (eds), *The 1949 Geneva Conventions. A Commentary* (Oxford: Oxford University Press, forthcoming October 2015) 615-646

'The interplay between the Geneva Conventions and International Criminal Law', . Clapham, P. Gaeta, M. Sassòli (eds), *The 1949 Geneva Conventions. A Commentary* (Oxford: Oxford University Press, forthcoming October 2015) 737-756

'War Crimes and Other International "Core" Crimes', in A. Clapham, P. Gaeta (eds), *The Oxford Handbook of International Law in Armed Conflict* (Oxford: Oxford University Press, 2014) 737-765

'Trials in Absentia Before the Special Tribunal for Lebanon', in A. Alamuddin, N. Nabil Jurdi, and D. Tolbert (eds), *The Special Tribunal for Lebanon Law and Practice* (Oxford: Oxford University Press, 2014) 229-250

'Le donne e l'esperienza del disumano di fronte alla giustizia penale internazionale' (*Women Facing Inhumanity and International Criminal Justice*), in G. Forti, C. Mazzucato, A. Visconti (eds) (Milano: Vita e Pensiero, 2014) 458-470

'Serious Violations of the Law on the Conduct of Hostilities: a Neglected Class of War Crimes?', in F. Pocar, M. Pedrazzi, M. Frulli (eds), *War Crimes and the Conduct of Hostilities* (London: Elgar, 2013) 30-27

'Chapter 15-The Repression of International Crimes in Domestic Jurisdictions' (revision and update), *Cassese's International Criminal Law* (Oxford: Oxford University Press, 2013), pp. 271-290

'Chapter 13-Obedience to Superior Orders and Official Capacity' (revision and update with C. Gosnell), in *Cassese's International Criminal Law* (Oxford: Oxford University Press, 2013), pp. 228-250

'Chapter 6-Genocide' (revision and update), in *Cassese's International Criminal Law* (Oxford: Oxford University Press, 2013), pp. 101-130

'The Impact of Arrest Warrants Issued by International Criminal Courts on Peace Negotiations', (with L. Cadler) in L. Boisson de Chazournes, M. Kohen, J. Vinuales (eds), *Diplomatic and Judicial Means of Dispute Settlement* Nijhoff: Leiden/Boston, 2013), pp. 47-57

'Les premiers pas de la Cour Pénale Internationale': in J. Fernandez and X. Pacreau (eds), *Statut de la Cour pénale internationale. Commentaire article par article* (Paris : Pedone, 2012), pp. 195-211

- 'The Need to Reasonably Expand National Criminal Jurisdiction Over International Crimes', in A. Cassese (ed), in *Realizing Utopia. The Future of International Law* (Oxford: Oxford University Press, 2012), pp. 597-606 3
- 'Immunity of States and State Officials: A Major Stumbling Block to Judicial Scrutiny?', in A. Cassese (ed), *Realizing Utopia. The Future of International Law* (Oxford: Oxford University Press, 2012), pp. 28-238
- 'Are Victims of Serious Violations of International Humanitarian Law Entitled to Compensation?' in O. Ben Naftali (ed.), *International Humanitarian law and International Human Rights Law* (Oxford: Oxford University Press, 2011), pp. 305-327
- 'Violence d'Etat : quelle réponse viable pour les victimes de crimes de masse au niveau international', (*with Damien Scalia*), in Mpinga Kabengele Emmanuel (ed.), in *Violences politiques et santé : causes, enjeux, conséquences et défis* (Chène-Bourg : Ed. Medicine et hygiene:2011), pp. 325-338
- 'The History and Evolution of the Notion of International Crimes', in R. Bellelli (ed), *International Criminal Justice: Law and Practice from the Rome Statute to Its Review*, Ashgate, 2010, pp. 169-180
- 'Genocide', in W.A. Schabas and N. Bernaz (eds), *Routledge Handbook of International Criminal Law*, 2010, pp. 109-120
- 'Reparations for victims of war crimes and serious violations of human rights', in O. Ben Naftali (ed.), *International Humanitarian law and International Human Rights Law*, *Collected Courses of the Academy of European Law*, Oxford, Oxford University Press, 2010, pp. 303-327
- 'International Criminal Law', in B. Cali, *International Criminal Law for International Relations* (Oxford : Oxford University Press, 2010), pp. 258-280
- 'Grave breach of a peremptory obligation owed to the international community: the character of the breach', in J. Crawford et als (eds), *The Law of International Responsibility*, Oxford, Oxford University Press, 2010, pp. 421-426
- 'Il principio di nazionalità passiva nella repressione dei crimini internazionali da parte delle giurisdizioni interne' ('The principle of passive personality and prosecution of international crimes by national jurisdictions'), in G. Venturini et al. (eds). *Studi in onore di Fausto Pocar*, Milano, Giuffrè, 2009, Vol. I, pp. 325-338
- 'International Criminalization of Prohibited Conducts', in A. Cassese (ed.), *The Oxford Companion of International Criminal Justice*, Oxford, Oxford University Press, 2009, pp. 63-74
- 'Immunities and Genocide', in P. Gaeta (ed.), *The UN Genocide Convention. A Commentary*, Oxford, Oxford University Press, 2009, pp. 310-333
- 'Tribunali penali internazionali ad hoc' (*Ad Hoc International Criminal Tribunals*), in M. Flores (ed.), *Dizionario dei diritti umani*, Torino, Utet, 2007 pp. 1304-1307
- 'Tortura' (Torture), in M. Flores (ed.), *Dizionario dei diritti umani*, Torino, Utet, 2007 Vol.II, pp. 1282-129023)
- 'La repressione penale dei crimini internazionali. Problemi e prospettive' (*Criminal Repression of International Crimes. Problems and Prospects*), in M. Calloni (ed), *Violenza senza legge. Genocidi e crimini di guerra nell'età globale*, Torino, Utet, 2006, pp. 143-156
- 'Crimini internazionali' (*International Crimes*), in S. Cassese (ed.), *Dizionario di diritto pubblico*, Milano, Giuffrè, 2006, pp. 1688-1701
- 'Corte penale internazionale' (*The International Criminal Court*), in S. Cassese (ed.), *Dizionario di diritto pubblico*, Milano, Giuffrè, 2006, pp. 1616-1630 4

'Un'analisi dell'applicazione dei principi di territorialità e nazionalità attiva' (*The Application of Territoriality and Active Nationality Principles*), in A. Cassese, M. Chiavario, G. De Francesco (eds), *Problemi attuali della giustizia penale internazionale*, Giappichelli, Torino, 2005, pp. 513-548

'Il diritto internazionale e la competenza giurisdizionale degli Stati per crimini internazionali' (*International Law and State Jurisdiction over International Crimes*), in A. Cassese, M. Chiavario, G. De Francesco (eds), *Problemi attuali della giustizia penale internazionale*, Giappichelli, Torino, 2005, pp. 497-512

'National Prosecution of International Crimes: International Rules on Grounds of Jurisdiction', in AA. VV., *Studi di diritto internazionale in onore di Gaetano Arangio-Ruiz*, Napoli, Editoriale Scientifica, 2004, pp. 1923-1943

'Inherent Powers of International Courts and Tribunals', in L.C. Vorah *et al.* (eds), *Man's Inhumanity to Man. Essays in Honour of Antonio Cassese*, The Hague, Kluwer, 2003, pp. 353-372

'Official Capacity and Immunities', in A. Cassese, P. Gaeta, J. R.W.D. Jones (eds), *The Rome Statute of the International Criminal Court. A Commentary*, Oxford, Oxford University Press, 2002, vol. I, pp. 975-1002

'Les règles internationales sur les critères de compétence des juges nationaux', in A. Cassese, M. Delmas-Marty (eds), *Crimes internationaux et juridictions internationales*, Paris, PUF, 2002, pp. 191-213 (the whole book has been translated into Spanish by Horacio Pons and published by Grupo Editorial Norma, 2004)

'War Crimes Trials before the Italian Criminal Courts: New Trends', in H. Fischer, Claus Kress, S. R. Lüder (eds), *Current Developments on the Prosecution of Crimes under International and National Level*, Berlin, Verlag, 2001, pp. 751-768

'L'incidenza dello Statuto di Roma sulle norme costituzionali in materia di immunità' (*The Impact of the Rome Statute on the Constitutional Rules on Immunities*), in *Rivista di diritto comparato ed europeo*, 2000-II, pp. 594-605

## ii) Articles

'Does President Al Bashir Enjoy Immunity from Arrest?', in *Journal of International Criminal Justice*, 2009, pp. 315-332

'When is the Involvement of State Officials a Requirement for the Crime of Torture?', in *Journal of International Criminal Justice*, 2008, pp. 183-193

'To Be (Present) or Not To Be (Present) : Trials in Absentia Before the Special Tribunal for Lebanon', in *Journal of International Criminal Justice*, 2007, pp. 1165-1174

'On What Conditions Can a State Be Responsible for Genocide?', in *European Journal of International Law*, 2007, pp. 631-648

'Génocide d'Etat et responsabilité pénale individuelle', in *Revue général de droit international public*, 2007, pp. 273-284

'Is the Practice of 'Self-Referrals' a Sound Start for the ICC?', in *Journal of International Criminal Justice*, 2004, pp. 949-952

'May Necessity Be Available as a Defence for Torture in the Interrogation of Suspected Terrorists?', in *Journal of International Criminal Justice*, 2004, pp. 785-794 5

'The Defence of Obedience of Superior Orders: the Statute of the International Criminal court *versus* Customary International Law', in *European Journal of International Law*, 1998, pp. 172-191

'La rilevanza dell'ordine superiore nel diritto internazionale penale' (*The Relevance of Obedience to Superior Order in International Criminal Law*), in *Rivista di diritto internazionale*, 1998, pp. 69-85

Is NATO authorized or Obligated to arrest Persons Indicted by the International Criminal Tribunal for the former Yugoslavia?', in *European Journal of International Law*, 1998, pp. 174-181

'I provvedimenti cautelari nel sistema europeo di protezione dei diritti dell'uomo' (*Interim Measures of Protection in the European System of Human Rights*), in *Rivista di diritto internazionale*. 1996, pp. 34-70

'The Dayton Agreements and International Law', in *European Journal of International Law*, 1996, pp. 147-163

### iii) Notes and comments

'Extraordinary Renditions e giurisdizione italiana nei confronti degli agenti statunitensi coinvolti nel caso Abu Omar' (*Extraordinary Renditions and Italian Criminal Jurisdiction over US agents involved in the Abu Omar case*), in 2 *Rivista di diritto internazionale* (2013), pp. 530-537

'The Judgement of the Appeals Chamber of the ICTR in *Bagilishema*: A Commentary', in A. Klip, G. Sluiter (eds), *Annotated Leadings Cases of International Criminal Tribunals: the ICTR, 2001-2002*, vol. X, pp. 1021-1027

'Extraordinary renditions e immunità dalla giurisdizione penale degli agenti di Stati esteri: il caso Abu Omar' (*Extraordinary Renditions and Immunities from Criminal Jurisdiction of Foreign State Organs: the Abu Omar Case*), in *Rivista di diritto internazionale*, 2006, pp. 126-131

'*Ratione Materiae* Immunities of Former Heads of State and International Crimes: the *Hissène Habré* Case', in *Journal of International Criminal Justice*, 2003, pp- 186-196

'Estradizione e diritti fondamentali nel caso *Venezia*' (*Extradition and Fundamental Rights in the Venezia Case*), in *Cassazione penale*, 1996, pp. 3551-3561

'The Armed Conflict in Chechnya before the Russian Constitutional Court', in *European Journal of International Law*, 1996, pp. 563-570

'Cancellazione dal ruolo e trattamenti disumani e degradanti: il caso *Hurtado* davanti alla Corte europea dei diritti dell'uomo' (*Striking a Case Off the List and Inhumane and Degrading Treatment: the Hurtado Case before the European Court of Human Rights*), in *Rivista di diritto internazionale*, 1995, pp. 149-167

### G. Other

'Antonio Cassese' (*Obituary*), in *Rivista di diritto internazionale*, 2012, pp. 120-150

'The obligations of Contracting Parties to the *Genocide Convention* to implement arrest warrants for genocide issued by the ICC, and of African Union State Parties to implement ICC arrest warrants generally', *Report published on the website of the UCLA, School of Law*, <<http://uclalawforum.com/darfur>> 6