

**SELECTION OF ONE ASSOCIATE PROFESSORS FOR THE ACADEMIC RECRUITMENT FIELD 12/E1 “INTERNATIONAL LAW” AT THE INSTITUTE OF LAW, POLITICS AND DEVELOPMENT - ACADEMIC CLASS OF SOCIAL SCIENCES, PURSUANT TO ART. 24, SUBSECTION 5, OF ITALIAN LAW 240/2010, ISSUED BY RECTOR DECREE NO. 284 DATED 20/05/2021.**

The Committee for the evaluation of Dr. Francesca Capone, tenure-track – probationary, assistant professor, in the third year of her temporary contract pursuant to Italian Law no. 240/2010, art. 24 paragraph 3 letter B, in order to promote her to Associate Professor in the Academic Recruitment Field 12/E1 “International Law” at the Institute of Law, Politics and Development (DIRPOLIS), nominated by the Rector by decree No. 367 dated 22/06/2021, modified by Rectoral decree no. 529 dated August, 26, 2021 and whose works have been extended by Decree No. 525 dated 06/08/2021, consists of:

- Prof. Giovanna Adinolfi, Professor of the Academic Recruitment Field 12/E1 “International Law” at the University of Milano;
- Prof. Piero Castoldi, Professor of the Academic Recruitment Field 09/F2 “Telecommunication” at the Scuola Superiore Sant’Anna (School), member of the Recruitment Committee;
- Prof. Janne Nijman, Professor at the University of Amsterdam;
- Prof. Robert McCorquodale, Professor at the University of Nottingham;
- Prof. Giuseppe Nesi Professor of the Academic Recruitment Field 12/E1 “International Law” at the University of Trento, designated expert by the DIRPOLIS Institute;
- Prof. Salvatore Zappalà, Professor of the Academic Recruitment Field 12/E1 “International Law” at the University of Catania.

The Committee convened via teleconference on September, 21, 2021, at 5 p.m., from the following locations:

- Prof. Adinolfi located in Milan, connected via Webex;
- Prof. Castoldi located in Pisa, connected via Webex;
- Prof. Nijman located in Amsterdam, connected via Webex;
- Prof. McCorquodale located in Barcelona, connected via Webex;
- Prof. Nesi located in Trento, connected via Webex;
- Prof. Zappalà located in Catania, connected via Webex.

The draft of the minutes that follows, was agreed on and approved by the members of the Committee.

Pursuant to art. 5 paragraph 2 of Legislative Decree no. 1172/1948, each member declared that they have no kinship or affinity up to the fourth grade with any of the other members and the

candidate, that there are no reasons for abstention in relation to art. 51 of c.p.c. and that he is not in any situation, actual or potential, of conflict of interests with the candidates (as per art. 6 bis of the Legislative Decree No 241/1990).

Prof. Giuseppe Nesi was nominated as President and Prof. Giovanna Adinolfi as Secretary.

The Committee then reviewed the Call and especially his article 4 and agreed that the candidate shall be assessed according to the parameters established by Ministerial Decree 344/2011, in relation to the compliance of the scientific profile with the "general criteria of qualification for teaching and research required for access to professoral positions at the School" established by the School's Commission for Recruitment and set out in article 1 of the Call.

The members of the Committee stated that the Personnel Office of the School has provided them with an electronic copy of the documentation submitted by the candidate containing: application, curriculum, publications with a declaration in lieu of an affidavit certifying compliance with the original, and a list of all the documents accompanying the application and that they have examined it and made their individual assessments, which are reported in Annex 1 of these minutes.

The Committee then collectively examined the publications, curriculum and teaching activities of the candidate, confronted their individual assessments and reviewed the collegiate assessment annex sub 2 attached to the minutes of which it is an integral part.

Then after a full discussion, the Committee unanimously declared that Dr. Francesca Capone is qualified to be appointed as associate professor.

Prof. Castoldi (Member of the Recruitment Committee) testified that the evaluation of the candidate, the presentation of the individual assessments, the ensuing discussion and, in general, the whole procedure occurred in full compliance with the rules established by Scuola Sant'Anna and its recruitment committee.

Given the conclusion of the selection procedure for one position of associate professor, at the Institute of Management in the Academic Class of Social Sciences, for the Academic Recruitment 12/E1 "International Law", pursuant to art. 24, subsection 5 of Italian law 240/2010, the President declared the work closed.

These minutes, drawn up and signed by the President and the attached declarations of the Committee's members will be sent the Personnel Office in order for these proceedings to be

verified, with a decree by the Rector.

The session closed at 6.20 p.m.

Read, approved and signed,

A handwritten signature in black ink, appearing to be 'G. J. W.', written in a cursive style.

The President

## Annex 1

### INDIVIDUAL ASSESSMENTS

#### Giovanna Adinolfi

Dr Francesca Capone is Assistant Professor (Ricercatore a tempo determinato di tipo B) at the Scuola Superiore Sant'Anna in Pisa since November 2018. Previously, she held a senior post Ph.D. research fellow (2016-2018) and post-Ph.D. research fellow (2013-2016) at the same institution. In 2016 she obtained the Joint Ph.D. degree in International Law at the Scuola Superiore Sant'Anna and the University of Tilburg (The Netherlands). In November 2020, she qualified to serve as Associate Professor of International Law according to Law 240/2010. In 2020, she has been on mandatory maternity leave for a 5-month period.

#### *Teaching, supplementary teaching and service to students*

Since 2018, the candidate has been amply involved in the teaching activities of the Scuola Superiore Sant'Anna, where she delivered several courses and classes for undergraduate, master and Ph.D. students. Classes covered a variety of topics (e.g. human rights, State responsibility, terrorism, humanitarian law). Longer courses dealt with "State responsibility in international law" (20 hours, a.y. 2019/2020) and "International law and terrorism" (18 hours, a.y. 2020/2021). Overall, her teaching activities have been continuous and give evidence of a considerable involvement by the candidate in the diverse programmes of the Scuola Superiore Sant'Anna.

The information given to the Commission on the students' assessment is quite limited. However, the official feedback of the candidate's teaching abilities is positive.

In 2018-2021, Dr Francesca Capone was actively involved in the exam committees set up for undergraduate, master and Ph.D. students and in the commissions set up for the defence of master theses for the graduate programme in International Security Studies.

Since 2018, the candidate has been acting as supervisor for the thesis of 7 undergraduate students and 3 Ph.D. students. Previously, she acted as a supervisor also for students enrolled in the Master programme in Human Rights and Conflict Management.

#### *Scientific production*

Since 2018, the candidate has authored 7 articles for recognized international journals, 2 articles for Italian scientific reviews (both in English), 7 contributions in edited volumes. Two contributions in edited volumes are forthcoming. Overall, the scientific production has been intensive and consistent.

Some of the journals are well recognized in the Italian scientific community and/or in the international scientific community (e.g. the Leiden Journal of International Law and the International Criminal Law Review). Some of the contribution in volumes are included in collections published by outstanding publishers. One article and one contribution are co-authored. The 12 publications submitted to evaluation include one monograph (2017), three contributions in volume and 8 articles in review. These publications mostly concern international human rights and humanitarian law, with a specific focus on the topic of remedies to victims of violations. The monograph and two articles concern the international legal regime on child soldiers and their right to reparations. The author shows a considerable capacity to delve into theoretical questions, while at the same time providing a deep and comprehensive analysis of the relevant practice by international courts and tribunals. Each publication is coherent with the field of public

international law. Overall, the scientific production by the candidate is fully consistent with the position of Associate professor of international law, with the hope that in the future her research interests could be widened to new areas.

#### *Scientific research*

Dr Francesca Capone has been involved in 6 research projects in the field of international law of the Scuola Superiore Sant'Anna, in some cases funded either by the European Union or by Italian public institutions. She has been invited as a speaker at several international conferences both in Europe and in non-European countries. These experiences provided her the opportunity to develop constructive links with foreign academic and scientific institutions, which could be particularly significant for the submission of new applications to EU funded projects.

#### *Final evaluation*

On the basis of the previous considerations, the assessment of Dr Francesca Capone is highly positive. She meets all the criteria to be an Associate professor in International Law.

#### **Janne Nijman**

It is a pleasure to participate in the committee for the evaluation of Dr Francesca Capone convening on September 21st online. The dossier provided was clear, up to date, and complete. This review supports my conclusion that Dr Capone should be promoted to Associate Professor of international law. With the recommendation to increase publications in A-journals.

#### *Research*

In the period under review, Dr Capone has developed into a very good, mature international law scholar, whose academic work is both solid and innovative. Her scholarship shows her excellent oversight/overview of international law in general, while she is also in the forefront of discussion on new topics. In the area of counter-terrorism her work is well noted and she has built an international name for herself with publications such as her recent paper 'Criminalizing Terrorist Offences' in the ICLR, her 2019 paper on children and wives of FtFs and earlier with the volume *Foreign Fighters under International Law and Beyond*, co-edited with Prof. Andrea de Guttry and Dr Christophe Paulussen (Springer/Asser Press, 2016). In another field, her 2020 LJIL article on migration and in particular the two global compacts shows how Dr Capone is able to land an article in one of the most renowned journals of public international law. An article that moves between conceptual thinking and concrete global policy initiatives, not always easy to bridge in an academic paper.

Her editorial responsibilities for various publications testify to her academic leadership. She has an excellent reputation as a reliable colleague when taking up such responsibilities. Dr Capone develops initiatives that serve her international visibility. For example to contribute to EJIL Talk!, is an excellent move to further increase one's international visibility. It is a peer reviewed blog that is genuinely appreciated for its quality in the international law community. To publish then a piece like 'Playing Safe or Hide and Seek? The ICC Prosecutor's Request for a Ruling on the Court's Territorial Jurisdiction in Palestine' shows one knows the law and dares to work with it to confront real life issues in a meaningful way.

#### *Teaching*

Dr Capone has been involved in many courses, a reasonably heavy course load.

Her coursework shows she is a solid international lawyer, who is well grounded in public international law in general and in a number of specific fields in particular. Course and thesis supervision in the areas of counter terrorism, migration and state responsibility fit her research projects well; this - I trust - will show in the teaching and discussion in class.

The internal members of the committee are better equipped to evaluate her didactic work. But the fact that she teaches a course 'Essentials of research and academic writing' confirms to me her seniority. It is only a more experienced scholar who can teach such a class effectively, with examples of which research questions work, which not, and what is effective academic writing to have an international impact in addition to an impact in Italy itself. Her supervision of at least 3 PhD students, further supports this observation.

#### *Miscellanea*

Dr Capone's participation in EU funded projects (Strengthening CBRN-response in Europe by enhancing on-site cooperation between safety and security organisations: an Italian pilot" (founded by the European Commission- Directorate General Home Affairs); "MARSOL, (FP7); "EvoCS, (FP7) ; "ANYWHERE" (Horizon 2020) ) is surely also up to par. It gives the candidate significant experience which could asset her in successfully applying for these EU funded projects herself. Somewthing that will be of interest to a newly appointed associate professor.

To conclude, the performance of Dr Capone over the last three years shows energy, commitment and good quality of scholarship, which has earned her international recognition in the field. Also in terms of quantity the output is absolutely fine, also when taking maternity leave into consideration. The width and depth of her knowledge points to her academic maturity as an outstanding scholar. Her profile as stands - research, teaching and otherwise - merits promotion to associate professor. That said, I would recommend her to make sure to publish in international A-journals in the coming years. At the same time, I want to emphasise how important it is international law scholars do not loose touch with the domestic legal order. Also on that front, Dr Capone is doing very good work.

#### **Robert McCorquodale**

*See Attachment*

#### **Giuseppe Nesi**

*See Attachment*

#### **Salvatore Zappalà**

*See Attachment*



7 September 2021

Scuola Superiore Sant'Anna  
Via Santa Cecilia, 3  
56127 Pisa - Italy

**Confidential**

Dear Committee,

**Dr Francesca Capone  
Evaluation as an Associate Professor in International Law**

I confirm that I have been provided with an electronic copy of the documentation submitted by the candidate, Dr Francesca Capone, containing her application, curriculum, teaching activities, publications with a declaration in lieu of an affidavit certifying compliance with the original, and a list of all the documents accompanying the application. I have examined all of these, other than those solely in the Italian language, and I am grateful for the translations into English of various official documents.

In relation to the candidate's publications, I note that some of them I had read previously. In particular, her monograph on *Reparations for Child Victims of Armed Conflict: State of the Field and Current Challenges* deserves direct consideration. In this book the candidate explores a broad range of issues relating to reparations for child victims of armed conflict. Her analysis as to what are reparations is crucial, as she considers the transformative potential of reparations. She examines the aim of reparations beyond traditional restoration, and includes rehabilitation, satisfaction, guarantee of non-repetition, and imaginative approaches to be effective for the child victims, such as education and training. The comparison of reparation with development and aid assistance is also very cleverly done. The book extends beyond reparations to cover issues such as the recruitment of children into armed forces and armed groups, which leads to her considering matters about who is a "victim". It shows both very thorough research skills and methodological rigor, and mastery of relevant primary and secondary sources, including the jurisprudence and conclusions of international judicial and quasi-judicial organs and monitoring bodies, and practices, as well as a real sense of understanding the position of child victims. It is, in my view, a deeply impressive and innovative work in an under-researched area.

There are some other publications by the candidate in the broad area of reparations. These include a book chapter on victim's rights to reparations in a book on *The Duty of Care of International Organizations Towards Their Civilian Personnel*, which raises thoughtful questions about the



situation of reparations outside the inter-state situation, especially in light to the diplomatic context of international organizations. The issue of this type of duty of care extends to her other publications, such as the fascinating article in *Interdisciplinary Political Studies* on universities' duty of care when their staff and students travel abroad. She applies her expertise on reparations in the *Journal of International Criminal Justice* to the decision by the International Criminal Court in the *Al Mahdi* case, which was the first time that the ICC has awarded reparations to victims of crimes against cultural heritage, and in her review of remedies determined by the Eritrea-Ethiopia Claims Commission Her depth of understanding of reparations makes her analysis of the decisions invaluable in both law and practice.

A connected but separate area of her research is on child soldiers/child fighters. While this clearly links to some of her ideas in her monograph, it is extended considerably. Her co-edited collection on *Foreign Fighters under International Law and Beyond*, includes a valuable chapter clarifying the situation of child fighters both historically and in contemporary situations. She applies her deep understanding of this area to different situations, such as those of child soldiers used by ISIL in the *International Criminal Law Review*, the actions by the Trump government in the US in a blog, and to the peace agreement between the government of Colombia and FARC in *Global Jurist*. All these situations are very different and yet she manages to provide clear and coherent arguments to them all, providing both legal analysis and practical responses.

She has written on other areas of international law, such as migration and refugee law (in *International Migration* and *Leiden Journal of International Law*) and diplomatic and consular relations (in *European Journal of Legal Studies*). She also addresses many areas of international law in her work, including international human rights law, international humanitarian law, state responsibility, international criminal law and international organizations law.

My opinion is that these publications show originality, innovation and methodological rigor. They also show that the candidate is of international standing of relevance in her areas of International Law. Indeed, they are of such a quality and number that they are clearly indicative of someone whose research is above the level of an Associate Professor.

The teaching activities undertaken by the candidate are impressive. They are extensive in quantity and quality are across a range of international law areas. They include both core subjects, such as State Responsibility, and innovative areas, such as International Law and Terrorism, as well as her own specialist subject areas. She also supervises 3 PhD students and 10 Masters theses, which is a considerable number in international law for someone of her academic level. The teaching evaluations indicate that she is an engaging and valued teacher. Her reputation as a teacher is such that she has taught on a number of courses across Europe and elsewhere.

The candidate is evidently involved in a large number of research projects, including some as the Principal Investigator. I have a strong expectation that her promotion will enable her to apply for and lead more research projects funded through competitive calls.





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In addition, she is clearly contributing to the administrative aspects of the Institute of Law, Politics and Development in the University. This includes being on Committees involved in teaching and assessment, as well as being a member of the Board of the PhD programme in Human Rights and Global Politics, and a member of the Board of the Master Degree in Security Studies. All these roles are demanding and time-consuming, and indicate a strong collegial approach and constant service to students by the candidate.

These commitments extend beyond the University, as she is a member of the editorial board of well-regarded journals, as well as the exciting new *Italian Journal of International and Comparative Law*. She is also a member of international law associations, such as the International Law Association and the European Society of International Law.

In my evaluation, **Dr Francesca Capone fully meets all the criteria for promotion to Associate Professor in International Law**. Indeed, in many aspects she exceeds these criteria.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R McCorquodale'.

Professor Robert McCorquodale

Professor of International Law and Human Rights



*Giuseppe Nesi*  
*Professor of International Law*

Individual assessment.

Dr Francesca Capone  
Evaluation as an Associate Professor of International Law

I confirm that I have received and examined the documentation submitted by the candidate, Dr. Francesca Capone, containing her application, CV, teaching activities, as well as publications with a declaration. Francesca Capone is Assistant Professor (Ricercatore a tempo determinato di tipo B) at the Scuola Superiore Sant'Anna in Pisa since November 2018. In previous years, she held a senior post Ph.D. research fellow (2016-2018) and post-Ph.D. research fellow (2013-2016) at the same institution. In 2016 Dr. Capone obtained the Joint Ph.D. degree in International Law at the Scuola Superiore Sant'Anna and the University of Tilburg (The Netherlands). In November 2020, she qualified to serve as Associate Professor of International Law according to Law 240/2010. In 2020, she has been on mandatory maternity leave for a 5-month period.

### **Teaching, supplementary teaching and service to students**

#### *Carrying out and continuity of teaching activities*

The candidate shows an impressive record of teaching activities in a short period of time. Since 2018, Francesca Capone has been involved in the teaching activities of the Scuola Superiore Sant'Anna, where she delivered several courses and classes at various levels (undergraduate, master and Ph.D. students). The topics taught covered a wide range of issues, from State responsibility to human rights, from international humanitarian law to terrorism. She also held longer courses regarding "State responsibility in international law" (20 hours, a.y. 2019/2020) and "International law and terrorism" (18 hours, a.y. 2020/2021). Her teaching activities have been continuous and give evidence of a considerable involvement by the candidate in the different programs of the Scuola Superiore Sant'Anna. Although the records on the students' assessment at the disposal of the Commission are limited, the official feedback of the candidate's teaching abilities is positive.

In the period 2018-2021, Francesca Capone was fully involved in the exam committees set up for undergraduate, master and Ph.D. students and in the juries for master theses for the graduate program in International Security Studies. In a short period of time (2018-2021), the candidate has been acting as supervisor for the thesis of 7 undergraduate students and 3 Ph.D. students. Previously, she acted as a supervisor also for students enrolled in the Master program in Human Rights and Conflict Management.

### **Scientific production**

In recent years, more precisely since 2018, Francesca Capone has been extremely productive as regards scientific production: in fact, she has authored 7 articles for recognized international journals, 2 articles for Italian scientific reviews (both in English), 7 contributions in edited volumes. Overall, the scientific production has been continuous, intensive and consistent. Some of the journals are well recognized in the Italian scientific community and/or in the international scientific community (e.g. *Leiden Journal of International Law* and *International Criminal Law Review*). Some of the contribution in volumes are included in collections published by outstanding



publishers. One article and one contribution are co-authored, and Dr. Capone's contribution is easily detectable.

The 12 publications submitted to evaluation include one monograph on *Reparations for Child Victims of Armed Conflicts* (2017), three contributions in volume and 8 articles in review. The main investigated issue in these publications are international human rights and humanitarian law, with a specific focus on remedies to victims of violations. The monograph and two articles concern the international legal regime on child soldiers and their right to reparations. The author shows a strong capacity to analyze theoretical aspects, while at the same time providing a deep and comprehensive analysis of the relevant practice by international courts and tribunals. All publications refer to public international law. Overall, the level of scientific production by Francesca Capone is fully consistent with the position of associate professor of international law, and I am confident that in the future she will widen her scientific interests to other relevant fields of international law.

#### **Scientific research**

One of the main features of Scuola Superiore Sant'Anna is the great effort made by researchers and professors in preparing high-level research projects in various fields. Also in this regard, Dr. Francesca Capone has taken advantage of this characteristics of the Scuola and she has been involved in 6 research projects in the field of international law; those projects were in some cases funded either by the European Union or by Italian public institutions. Furthermore, she has been invited as a speaker at international conferences both in Europe and in non-European countries. These experiences provided her the opportunity to develop constructive links with foreign academic and scientific institutions, which could be particularly significant for the submission of new applications to EU funded projects and for her career development.

Trento, 21 September 2021



DIPARTIMENTO DI GIURISPRUDENZA  
UNIVERSITA' DEGLI STUDI DI CATANIA

Scuola Superiore Sant'Anna  
Via Santa Cecilia, 3  
56127 Pisa  
Italy

**Evaluation of Dr Francesca Capone pursuant to Law 240/2010**  
**By Salvatore Zappalà**

On the basis of the electronic documentation provided pertaining to the activities of Dr Francesca Capone, Assistant Professor (RTD B) at the Scuola Superiore Sant'Anna in Pisa, I can confirm that Dr Capone meets all the requirements for transitioning to the role of Associate Professor according to Law 240/2010.

Her teaching and supervision activities are satisfactory. Over the years Dr. Capone has taught several courses and/or classes or seminars at undergraduate, master and Ph.D. levels on a variety of topics relating to international law (e.g. human rights, State responsibility, terrorism, humanitarian law).

Dr Capone's record of publications fully meets the criteria for the purpose of this evaluation. Dr Capone is the author of a very solid monograph on *Reparations for Child Victims of Armed Conflict: State of the Field and Current Challenges*, various articles published in well-known peer-reviewed international journals, as well as some publications in relevant reviews at domestic level, and several contributions to edited volumes. Moreover, she is the co-editor of some publications and is part of the editorial team of the Italian Journal of International and Comparative Law.

Her research activity is equally relevant and adequate for the purpose of the evaluation. Dr Capone has been a member of several research groups and has taken a leading role in some of them as P.I. Her commitment to research activity and the reach of her research network is an additional value.

The overall assessment of the candidate and her academic activities for the purpose of this evaluation process is highly positive. The candidate is certainly well fitted for a smooth transition to the role of Associate professor at Scuola Sant'Anna.

Yours Sincerely,



Salvatore Zappalà

University of Catania Law School

## **Annex 2**

### **COLLEGIATE ASSESSMENT**

Dr Francesca Capone is Assistant Professor (Ricercatore a tempo determinato di tipo B) at the Scuola Superiore Sant'Anna in Pisa since November 2018. Previously, she held a senior post Ph.D. research fellow (2016-2018) and post-Ph.D. research fellow (2013-2016) at the same institution. In 2016 she obtained the Joint Ph.D. degree in International Law at the Scuola Superiore Sant'Anna, Pisa and the University of Tilburg (The Netherlands). In November 2020, she qualified to serve as Associate Professor of International Law according to Law 240/2010. In 2020, she has been on mandatory maternity leave for a 5-month period.

In the period under review, the candidate has developed into a very good, mature international law scholar, whose academic work is both solid and innovative. Her record of publications fully meets the criteria for the purpose of this evaluation. She has been involved in various research projects in the field of international law, funded either by the European Union or by Italian public institutions. Furthermore, she has been invited as a speaker at international conferences both in Europe and in non-European countries. The candidate shows an impressive record of teaching activities in a short period of time. Since 2018, Francesca Capone has been involved in the teaching activities of the Scuola Superiore Sant'Anna, where she delivered several courses and classes at various levels (undergraduate, master and Ph.D. students).

The Committee unanimously recommends that Francesca Capone should be promoted as Associate Professor of International Law at the Scuola Superiore Sant'Anna, Pisa.