

## PERSONAL INFORMATION



## Antonio Balsamo

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Gender - Male | Date of birth - 10/08/1964 | Nationality – Italian

## WORK EXPERIENCE

## Current positions

July 2021 - Present

**President of the Tribunal of Palermo**

**Tribunale civile e penale di Palermo** (Italy); <https://www.tribunale.palermo.giustizia.it>

- Head of one of the most important judicial offices in Italy, composed of 129 professional judges, 63 honorary judges, 418 members of the administrative staff;
  - Representation of the Court;
  - Strategic planning function combined with an overall managerial role in order to ensure the effective functioning of the Court, improving the service it renders to society;
  - Meetings, cooperation and agreements with public institutions at both national and international level, bar associations, civil society.
- **Business or sector:** Court of first instance, with general competence for civil and criminal proceedings in Palermo and in the neighboring municipalities

February 2017 - Present

**Judge on the Roster of International Judges of the Kosovo Specialist Chambers**

**Kosovo Specialist Chambers**, The Hague (The Netherlands); <https://www.scp-ks.org/en>

- Judge of the Specialist Chamber of the Constitutional Court.
- Assigned to the Constitutional Court panel for almost all referrals, also on proposed amendments to the Constitution of Kosovo; delivered final Constitutional Court Judgments on the relevant European fundamental rights standards required of the *Rules of Procedure and Evidence*; participated in all Plenary Sessions of the Kosovo Specialist Chambers.

**Business or sector:** Internationalized tribunal established to try grave international crimes, including war crimes and crimes against humanity. Supervisory jurisdiction in relation to European human rights standards.

## Previous positions held

March 2018 – July 2021

**Expert - Legal Adviser of the Permanent Mission of Italy to the United Nations**

**Permanent Mission of Italy to the International Organizations in Vienna** (Austria): [https://italiarappvienna.esteri.it/rapp\\_vienna/en/](https://italiarappvienna.esteri.it/rapp_vienna/en/)

- Participated in the Conferences of the States Parties to the UN Conventions against Transnational Organized Crime (UNTOC) and against Corruption (UNCAC), as well as in the related Working Groups, in the coordination meetings with EU countries, in the activities of the Commission on Crime Prevention and Criminal Justice (CCPCJ) and of the United Nations Commission on International Trade Law (UNCITRAL), in the initiatives of the United Nations Office on Drugs and Crime (UNODC), with particular reference to international judicial cooperation.
- Position regarded as equivalent to those characterized by the exercise of judicial and jurisdictional functions in international organizations according to the circular issued by the High Council of the Judiciary in this matter (Circular No. 13778, Article 107).

**Business or sector:** Diplomatic organ accredited to the United Nations Office and to other international organizations in Vienna.

September 2011 - March 2018

**President of the Court of Assize****Tribunale di Caltanissetta** (Italy); <https://www.tribunale.caltanissetta.giustizia.it>

- President of the Court competent for the most serious crimes committed in the District of central Sicily or against the Judges and Prosecutors of Palermo, including the new trials of those charged with responsibility for the *Capaci Massacre* and the *Via D'Amelio Massacre* in which the Judges Giovanni Falcone and Paolo Borsellino were victims of terrorist killings within the context of organised crime; this judicial activity continued via secondment until 2018 and included the use of international cooperation instruments;
  - Until March 2016, President of the Division competent for Asset Prevention Measures (non-conviction-based confiscation of assets belonging to members of criminal organisations); this judicial activity included the direction of financial investigations, carried out also by means of cross-border cooperation;
  - Direction and supervision of Court staff, assignment of judges to cases, organisation and coordination of judicial work of other magistrates, managerial experience in judicial administration, representation of the Court, conclusion of necessary arrangements with bar associations.
- **Business or sector:** Court of first instance, with competence for criminal trials, asset recovery, direction of financial investigations.

March 2016 – March 2018

**Deputy Prosecutor General of the Supreme Court of Cassation****Procura Generale della Repubblica presso la Corte Suprema di Cassazione**, Rome (Italy); <https://www.procuracassazione.it/procura-generale/>

- Prosecution of serious crimes (including terrorism, organised crime, corruption, enslavement, sexual and gender-based violence) in complex trials before the Supreme Court, also when sitting in Joint Chambers;
- Responsibility for the Resolution of conflicts between Prosecution Offices;
- Member of the Working Groups with competence for Extradition, Recognition of Foreign Judgments, Asset Prevention Measures (non-conviction-based confiscation of assets).

**Business or sector:** General Prosecution Office of the Supreme Court of Italy.

May 2010 - May 2012

**Presiding Member of the Human Rights Review Panel of EULEX****Human Rights Review Panel - European Union Rule of Law Mission** - Pristina (Kosovo) <https://hrrp.eu>

- Presiding member of the independent, external and impartial body established by the European Union with responsibility for reviewing human rights violations allegedly committed in the conduct of the executive mandate of EULEX Kosovo (the largest civilian mission ever launched under the EU Common Security and Defence Policy);
- Direction and supervision of the staff (including magistrates from different countries);
- Representation of the Panel;
- Participation in the outreach campaign with a view to informing the Kosovo society about the Panel's functions and objectives;
- Meetings, cooperation and agreements with representatives of European and national institutions.

**Business or sector:** Independent accountability mechanism operating in a complex cultural context. Quasi-judicial activities. Enforcement of EU fundamental rights standards within a foreign legal system.

December 2007 - December 2011

**Tribunal Judge seconded to the Supreme Court of Cassation**

**Corte Suprema di Cassazione**, Ufficio del Massimario - Rome (Italy); <https://www.cortedicassazione.it/corte-di-cassazione/it/massimario.page>

- Drafting of reports for the Supreme Court sitting in Joint Chambers;
- Research and advisory duties on the Supreme Court's case law in criminal matters;
- Member of the inter-institutional working group in charge of implementing the database of the case law of the European Court of Human Rights at the Electronic Documentation Centre of the Supreme Court of Cassation.

**Business or sector:** Supreme Court of Italy.

December 1995 - December 2007

**Judge of the Tribunal of Palermo**

**Tribunale civile e penale di Palermo** (Italy); <https://www.tribunale.palermo.giustizia.it>

- Judge of the Court competent for several high-profile trials relating to organised crime (such as, for example, the *Giulio Andreotti* trial), as well as for economic and financial crimes, corruption, other public administration crimes, etc.;
- from 2000 to 2007, Judge of the Court of Assizes of Palermo - the judicial body dealing with the most serious crimes of the *Mafia War*, including murders committed by members of *Cosa Nostra* against journalists, public officers and entrepreneurs;
- both these judicial activities included a highly innovative use of international cooperation instruments;
- from 1998 to 2002, Presiding Judge of the Panel of the Tribunal of Palermo seized of important patrimonial prevention proceedings, ordering the non-conviction based confiscation of hundreds of millions of euros worth of assets belonging to members of the Sicilian Mafia; this judicial activity included the direction of financial investigations.

**Business or sector:** Court of first instance, with competence for civil proceedings, criminal trials, asset recovery, international judicial cooperation.

September 1992 - December 1995

**Judge of the Pretura of Palermo**

**Pretura Circondariale di Palermo** (Italy)

- Judge competent for civil cases and criminal trials concerning frauds, manslaughters, etc.;
- Conduct of inquiries into accidents at work.

**Business or sector:** Court of first instance, competent in civil and criminal matters.

**Additional positions held**

October 2016 - Present

**Contract Professor of Criminal Law at the Faculty of Law**

LUMSA – Libera Università Maria Ss. Assunta – Facoltà di Giurisprudenza <https://www.lumsa.it/>

- Course of Criminal Law taught in English

**Business or sector:** University teaching

2009 - 2016

**Contract Professor of Criminal Law at the Postgraduate School of Specialisation for the Legal Professions**

LUMSA – Libera Università Maria Ss. Assunta <https://www.lumsa.it/>

- Course of Criminal Law taught in Italian

**Business or sector:** Post-university teaching

- 2013  
Member of the Committee established by the Minister of Justice, with the task of drafting a proposal for the reform of the Anti-Mafia Code with particular regard to non-conviction based confiscation  
Ministry of Justice – Rome (Italy) <https://www.giustizia.it/giustizia/>  
**Business or sector:** Legislative drafting and reform proposal
- 2007 - 2008  
Contract Professor of Anti-Organised Crime Law and Procedure at the Faculty of Law  
LUMSA – Libera Università Maria Ss. Assunta – Facoltà di Giurisprudenza <https://www.lumsa.it/>  
▪ Course of Anti-Organised Crime Law and Procedure taught in Italian  
**Business or sector:** University teaching
- 2006 - 2008  
Member of the Commission for Reform of the Criminal Code established by the Minister of Justice  
Ministero della Giustizia – Rome (Italy) <https://www.giustizia.it/giustizia/>  
▪ Rapporteur on confiscation and on undercover operations.  
▪ Member of the working groups on terrorism, organised crime, trafficking in human beings, crimes against the person, crimes against humanity, crimes against public order, security and health.  
**Business or sector:** Drafting of a new Criminal Code for Italy
- 2002 - 2006  
Member of the Scientific Committee of the High Council of the Judiciary  
Consiglio Superiore della Magistratura – Rome (Italy) <https://www.csm.it/>  
▪ planning, organization and coordination of conferences, workshops and seminars aimed at improving the professional training of judges and public prosecutors, especially in the field of international and European law  
**Business or sector:** Judicial training

## EDUCATION AND TRAINING

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From 1982 to 1986

### Degree in Law

University of Palermo – Faculty of Law (Italy)

- Constitutional Law, Criminal Law and Procedure, Private Law, Civil Procedure, Labour law, Commercial Law, International Law, Comparative Law, Financial Law, European Communities Law

## FURTHER QUALIFICATIONS

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- Included in reserve list as a Potential Member of the Supervisory Committee of the European Anti-Fraud Office (OLAF) by the Decision (EU, Euratom) 2016/1201 of the European Parliament, the Council and the Commission of 13 July 2016.

Participation as a speaker or expert in European Parliament meetings, EU Projects, CoE and IOM training activities

- Speaker at **European Parliament** meetings in Brussels on various subjects (in the meeting held on 6 November 2019 about "Fight against organized crime: towards a European solution"; on "Judicial cooperation in the field of terrorism" in the meeting of the Special Committee on Terrorism of 19 June 2018; on "The fight against corruption in the judicial sector: case study of Italy" in the meeting of the ACP-EU Joint Parliamentary Assembly of 22 March 2018; on the Proposal for a Directive on countering money laundering by criminal law in the shadow meeting of the LIBE Committee of 6 September 2017);
- Expert in **EU Projects** regarding the reform of the penal procedure in Bulgaria (2005-2006), the establishment of a Public Prosecutors Office to deal with organized crime and corruption in the FYROM (2007-2008), the confiscation of assets and the amendments of anti-mafia law in Albania (2015 and 2017), and the TAIEX Peer Review Mission on Criminal Procedure and Organised Crime in Bosnia and Herzegovina (2017);
- **Council of Europe** Expert in seminars and workshops on the role of prosecutor in criminal proceedings (Podgorica, Montenegro, 12 July 2010), on the exchanging of good practices in the area of asset recovery (Sofia, Bulgaria, 23 June 2016), on the review of legislative mechanisms and practical approaches to enhance effective prosecutions, convictions, confiscations for proceeds generating offences, including money laundering (Tirana, Albania, 20 October 2017);
- Consultant of the **International Organization for Migration** in the project "Supporting Turkey's efforts to combat human trafficking" (2008).

## Publications

### ◦ Books

- A. BALSAMO, A. MATTARELLA, R. TARTAGLIA, *La Convenzione di Palermo: il futuro della lotta alla criminalità organizzata transnazionale*, Giappichelli, Turin, 2020.
- A. BALSAMO, R. E. KOSTORIS (eds.), *Giurisprudenza europea e processo penale italiano*, Giappichelli, Turin, 2008; contains an in-depth analysis of the case-law of the European Court of Human Rights and its impact on Italian criminal procedure and was the first of its kind to be published in Italy after the two judgments of the Constitutional Court in 2007 that transformed the status of the European Convention in the domestic legal system thereby enhancing the effectiveness of fundamental rights;
- A. BALSAMO, V. CONTRAFATTO, G. NICASTRO, *Le misure patrimoniali contro la criminalità organizzata*, Giuffrè, Milan, 2010; deals with non-conviction based confiscation in the light of the jurisprudence of the European Court of Human Rights and was quoted in the judgments adopted by the Federal Penal Tribunal of Switzerland on 2 June 2016, 21 January 2011 and 1 December 2010, regarding international judicial cooperation
- A. BALSAMO, C. MALTESE, *Il Codice Antimafia*, Giuffrè, Milan, 2011;
- A. BALSAMO, A. LO PIPARO, *La prova "per sentito dire". La testimonianza indiretta tra teoria e prassi applicativa*, Giuffrè, Milan, 2004; dealing with hearsay evidence in a comparative perspective based on the case-law of the of the European Court of Human Rights and quoted in the judgments adopted by the *Tribunal da Relação* of Lisbon on 4 July 2012 and 11 October 2006.

### ◦ Publications in English, French and Spanish

- *Twenty years later: the new perspectives of the Palermo Convention*, in *Rivista di Studi e Ricerche sulla criminalità Organizzata*, 2020;
- *The Content of Fundamental Rights*, in *Handbook of European Criminal Procedure*, Springer International Publishing, 2018;
- *Lutter contre le terrorisme et l'État de Droit: les nouvelles frontières de la justice pénale*, interview by Daniela Piana, in *La lutte contre le terrorisme et les droits fondamentaux en droit comparé*, Société de législation comparée, Paris, 2018;
- *The delocalisation of mafia organisations and the construction of a European law against organised crime*, in *Mafia-type Organisations and Extortion in Italy*, Routledge, London and New York, 2017;
- *La formación de los magistrados en Italia: líneas maestras y objetivos formativos. Perspectivas de derecho comparado*, in *Jueces para la Democracia. Información y Debate*, 2008;
- *Organised crime today: the evolution of the Sicilian mafia*, in *Journal of Money Laundering Control*, 2006;

◦ **Most recent articles, case notes and book chapters on criminal law and procedure in a European and international perspective, comparative law, international judicial cooperation, non-conviction based confiscation**

- With A. Mattarella, *Criminalità organizzata: le nuove prospettive della normativa europea*, in *Sistema penale*, 2021;
- With L. Trizzino, *La Corte europea, l'ergastolo e il 'diritto alla speranza'*, in *Europa umana: scritti in onore di Paulo Pinto de Albuquerque*, Pacini Giuridica, Pisa, 2020;
- *Narco traffico*, in *Enciclopedia Treccani*, X appendice, Rome, 2020;
- *Il contenuto dei diritti fondamentali*, in *Manuale di Procedura Penale Europea*, edited by R.E. Kostoris, Giuffrè, Milan, 2019;
- With P. Mattarella, *Riforma del Codice antimafia*, in *Digesto delle discipline penalistiche, Aggiornamento*, Utet, Turin, 2018;
- With M.A. Accili, *Verso un nuovo ruolo della Convenzione di Palermo nel contrasto alla criminalità transnazionale. Dopo l'approvazione del Meccanismo di Riesame ad opera della Conferenza delle Parti*, in *Diritto Penale Contemporaneo*, n. 12/2018;
- *Europa e lotta alle mafie*, in *Il Diritto Penale della Globalizzazione*, 2017;
- *Le nuove frontiere delle intercettazioni telefoniche*, in *Il Libro dell'Anno del Diritto*, Treccani, Istituto della Enciclopedia Italiana, Rome, 2017;
- *Le intercettazioni mediante virus informatico tra processo penale italiano e Corte europea*, in *Cassazione Penale*, 2016;
- *Intercettazioni ambientali mobili e cooperazione giudiziaria internazionale: le indicazioni desumibili dalla giurisprudenza della Corte di Strasburgo*, in *Cassazione Penale*, 2016;
- With A. Lo Piparo, *La valutazione probatoria delle dichiarazioni del coimputato ritratte per effetto di condotte illecite di terzi: il punto di vista della Corte di Strasburgo*, in *Cassazione Penale*, 2015;
- *Le modifiche in materia di misure di prevenzione e di espulsione degli stranieri*, and *Le nuove disposizioni sulla tutela processuale, sulle garanzie funzionali e sulle attività di informazione del personale dei servizi segreti*, in *Il nuovo 'pacchetto' antiterrorismo*, edited by R. E. Kostoris and F. Viganò, Giappichelli, Turin, 2015;
- *Verso un modello di prova dichiarativa europea: il nesso tra acquisizione e impiego della prova*, in *I nuovi orizzonti della giustizia penale europea*, edited by M.R. Marchetti, Giuffrè, Milan, 2015;
- *Obbligatorietà e discrezionalità dell'azione penale*, in *Verso il Pubblico Ministero Europeo*, Pacini editore, Pisa, 2015;
- *Codice antimafia*, in *Digesto delle discipline penalistiche, Aggiornamento*, 8, Utet, Turin, 2014;
- *L'art.3 della Cedu e il sistema italiano della prescrizione: una riforma necessaria*, in *Cassazione Penale*, 2014;
- *Diritto dell'UE e della CEDU e confisca di prevenzione*, in *Il Libro dell'anno del diritto*, Istituto della Enciclopedia Italiana, Rome, 2014;
- *Gli strumenti di contrasto delle ecomafie nella prospettiva europea*, in *I reati ambientali alla luce del Diritto dell'Unione Europea*, edited by B. Romano, Cedam, Padua 2013;
- *Le regole di procedura della Procura europea tra disciplina delle indagini e formazione della prova*, in *Le sfide dell'attuazione della Procura europea: definizione di regole comuni e loro impatto sugli ordinamenti interni*, edited by G. Grasso, G. Illuminati, R. Sicurella and S. Allegrezza, Giuffrè, Milan, 2013;
- *Gli interventi sulla disciplina sanzionatoria e sulla ipotesi di confisca*, in *La legge anticorruzione. Prevenzione e repressione della corruzione*, edited by B.G. Mattarella and M. Pelissero, Giappichelli, Turin, 2013;
- With A. Salemme, *La criminalità organizzata transfrontaliera (narco traffico) – cooperazione internazionale*, in *Il "doppio binario" nell'accertamento dei fatti di mafia*, Giappichelli, Turin, 2013;
- With L. Trizzino, *Il rapporto tra indipendenza del pubblico ministero e tutela della libertà personale nella giurisprudenza della Corte europea dei diritti dell'uomo*, in *Cassazione Penale*, 2011;
- *Scienza giuridica e diritto europeo: il ruolo del giudice*, in AA.VV., *Scienza giuridica e prassi*, edited by L. Vacca, Jovene, Naples, 2011;
- *La Magna Carta dei giudici (e dei pubblici ministeri): la separazione dei poteri fra tradizione e modernità*, in *Criminalia*, 2010;
- With S. Recchione, *La costruzione di un modello europeo di prova dichiarativa: il "nuovo corso" della giurisprudenza e le prospettive aperte dal Trattato di Lisbona*, in *Cassazione Penale*, 2010;
- With S. Vanadia, *La Cassazione e il caso Calipari*, in *Cassazione Penale*, 2009;
- *Operazioni sotto copertura ed equo processo: la valenza innovativa della giurisprudenza della Corte europea dei diritti dell'uomo*, in *Cassazione Penale*, 2008;
- *Contro la tratta dei nuovi schiavi c'è l'esigenza di risposte comuni*, (commentary on the Council of Europe Convention on Action against Trafficking in Human Beings), in *Diritto comunitario e internazionale*, 2005.