

# Curriculum Vitae

**PAULO ALBUQUERQUE**  
Faculty of Law  
Portuguese Catholic University  
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**NAME:** Paulo Sérgio Pinto de Albuquerque

## **EDUCATION:**

*DOCTORAMENTO* (Doctorate), Faculty of Law of the Portuguese Catholic University, Lisbon, Portugal, May 2003.

Dissertation: The Double Grade of Jurisdiction in the Portuguese Criminal Procedure, The Foundations of the New Judiciary Paradigm (written in Portuguese, *O Duplo Grau de Jurisdição no Processo Penal Português, Os Fundamentos do Novo Paradigma Judiciário*).

Supervisor: Professor Doctor Jorge de Figueiredo Dias, Faculty of Law of the University of Coimbra and Faculty of Law of the Portuguese Catholic University.

*MESTRADO* (Masters), Faculty of Law of the Portuguese Catholic University, Lisbon, Portugal, February 1994.

Dissertation: "Introduction to the Actual Discussion on the Problem of Guilt in Criminal Law" (written in Portuguese, *Introdução à Actual Discussão sobre o Problema da Culpa em Direito Penal*).

Supervisor: Professor Doctor Manuel Cavaleiro de Ferreira, Faculty of Law of the Portuguese Catholic University.

*LICENCIATURA* (Law Degree), Faculty of Law of the State University of Lisbon, Portugal, July 1989.

## **OTHER ACADEMIC DEGREES:**

First Certificate in English of the UNIVERSITY OF CAMBRIDGE, June 1984.

*Diplôme de Langue Française* of the ALLIANCE FRANÇAISE, June 1984.

*Zertifikat Deutsch als Fremdsprache* of the GOETHE – INSTITUT, March 1989.

*Zeugnis Zentrale Mittelstufenprüfung* of the GOETHE – INSTITUT, August 1990.

#### **ACADEMIC EXPERIENCE:**

Associate Professor, Faculty of Law of the Catholic University, Lisbon, Portugal, 2008-present.

Assistant Professor, Faculty of Law of the Catholic University, Lisbon, Portugal, 2004-2008.

Invited Professor, High Military Studies Institute, Ministry of Defence, Lisbon, Portugal, 2007-present.

Visiting Professor, Ministry of Justice and Faculty of Law, Bissau, Guiné-Bissau, June 2007.

Visiting Professor, Illinois College of Law, Urbana-Champaign, IL, USA, January and February 2006, and January 2007.

Visiting Professor, College of Law, Jiao Tong University, Shanghai, China, September 2006.

#### **TEACHING EXPERIENCE:**

Courses on Criminal Law, Criminal Procedure, European Law, International Human Rights Law, International Criminal Law, Anti-Terrorism Law, Prison Law and Judicial Organization.

#### **PROFESSIONAL EXPERIENCE:**

Expert of the GRECO (Group of States against Corruption), appointed by the COUNCIL OF EUROPE to participate in the III evaluation round of Belgium on the transparency of the financing of political parties and political campaigns, Fall 2008-Spring 2009.

Expert of the project “Victims of Crimes and Mediation”, organized by the Portuguese, the Dutch and the Scottish Victim Support Agencies, under the auspices of the EUROPEAN COMMISSION, 2006-2008.

Expert of the project “Crime Repression Costs in Context”, organized by the University of Florence (Italy), the Foundation Giovanni Michelucci (Italy), University of Bremen (Germany), the Law Institute (Lithuania), the Labor and Corporation Sciences Institute (Portugal), The University of Barcelona (Spain), the University of Miskolc (Hungary), The Intercollege (Cyprus), the University of Ankara (Turkey) and the Center for the Study of Democracy (Bulgaria), under the auspices of the EUROPEAN COMMISSION, 2007-2009.

Judge, Courts of Sintra, Nelas and Lagos, the Criminal Instruction Court of Lisbon, the Correctional Court of Lisbon and the Criminal Court of Lisbon, 1992-2004.

Presiding judge, Courts of Nelas and Lagos and the Criminal Instruction Court of Lisbon.

Judge guiding the formation of other Judges, 1996-1999.

Auditor of Justice, IX Normal Course for the Training of Judicial Magistrates, Centre for Judiciary Studies, Courts of Alijó and Sintra, 1990-1992

Advisor, Portuguese Ministry of Internal Affairs, 1989-1990.

Member of the Ministry of Justice Taskforce for the Penal Reform, September 2005- March 2007.

Member of the Jury for the selection of judges and public prosecutors, Centre for Judiciary Studies (*Centro de Estudos Judiciários*), Ministry of Justice, Lisbon, Portugal, May and June 2005, May and June 2006, May and June 2007.

First Nominee by the Sub-Committee for the nomination of judges of the Parliamentary Assembly of the Council of Europe to become the Portuguese judge at the European Court of Human Rights, Strasbourg, France, June 2004 (on June 25, 2004, the Parliamentary Assembly elected, on a second ballot, the second nominee as the Portuguese judge).

## **SEMINAR AND CONFERENCE PRESENTATIONS:**

“The judge and the prison system” (in English).  
Seminar organized by the University of Bremen, Germany, November 2008.

“Torture, Ill-treatment and Forced Labor – recent trends of the jurisprudence on Articles 3 and 4 of the European Convention on Human Rights” (in Portuguese).  
Seminar: The European Convention on Human Rights, Faculty of Law, University of Coimbra, Portugal, October 2008.

“The criminal justice system and the new law on prisons” (in Portuguese).  
Seminar organized by the National Lawyers Bar Association, Lisbon, October 2008.

“The police in face of the new criminal justice system” (in Portuguese).  
Seminar organized by the Judiciary Police (Polícia Judiciária), Loures, July 2008.

“The protection of victims within the criminal justice system” (in English).  
International Conference, organized by the Portuguese Victim Support Agency, Lisbon, July 2008.

“The jurisprudence of the European Court of Human Rights on the right to freedom (article 5 of the ECHR)” (in English).  
Seminar organized by the University of Ankara, Turkey, May 2008.

“The limits of criminal responsibility in the fight against terrorism” (in Portuguese).  
Seminar organized by the Police and Internal Security Sciences Institute, Ministry of Internal Affairs, Lisbon, January 2008.

“The criminal justice reform and the prison system in Portugal and in Europe” (in English).  
International Seminar organized by the Faculty of Law of the University of Barcelona, Spain, November 2007.

“The criminal liability of corporations – a critic of the new Criminal Code” (in Portuguese).  
Conference: “The penal reform in debate”, organized by the Autonomous University, Lisbon, Portugal, November 2007.

“Torture, Ill-treatment and Forced Labor – recent trends of the jurisprudence on Articles 3 and 4 of the European Convention on Human Rights” (presented in Portuguese)  
Seminar: The European Convention on Human Rights, Faculty of Law, University of Coimbra, Portugal, October 2007.

“New technologies and ethical dilemmas” (in English).  
International conference: “Visions for Europe: Crime, Policing and Justice in the XXI Century”, organized by CEPOL (European Police College, Hampshire, UK) and the Criminal Police and Criminal Sciences Institute, Course 2007/01, Loures, Portugal, June 2007.

“The New Challenges Facing the Criminal Law in the XXI Century” (in Portuguese).  
Key-note speaker in Spanish-Portuguese Conference: “The New Challenges Facing the Criminal Law in the XXI Century”, Autonomous University, Lisbon, Portugal, May 2007.

“The Constitutional and Legal Protection of the Freedom of the Press” (in

Portuguese).

Conference: “Freedom of Speech”, organized by the Labor and Corporation Sciences Institute, Public University of Lisbon, Lisbon, Portugal, May 2007.

“The Founding Principles of the Portuguese Criminal Procedure – What lies ahead?” (in Portuguese)

German-Portuguese Conference: “The 20th Anniversary of the Portuguese Criminal Procedure Code”, organized by the Law School of the Public University of Minho, Braga, Portugal, March 2007.

“The Victim and the Penal Reform” (in Portuguese).

Seminar organized by the Portuguese Victim Support Association, Lisbon, Portugal, February 2007.

“The Reform of the Criminal Procedure Code: Convergences and Divergences” (in Portuguese).

Seminar organized by the National Association of Young Lawyers, Porto, Portugal, November 2006.

“Ethics and Deontology in a Prison Environment: Specificities and Limits” (in Portuguese).

First National Conference: “Health in a Prison Environment”, organized by the Ministry of Justice and the *Santa Casa da Misericórdia*, Porto, Portugal, November 2006.

“The Judicial System and the New Instruments for the Prevention and Repression of Serious Criminality” (in Portuguese).

Seminar organized by the Faculty of Law of the New University of Lisbon and the Observatory of Security, Organized Criminality and Terrorism, Lisbon, Portugal, October 2006.

“The mechanisms of consensus and opportunity, again” (in Portuguese).

Conference: “Diversion and Alternatives to Prison”, organized by the Centre for Judiciary Studies, Ministry of Justice, Lisbon, Portugal, May 2006.

“The criminal liability of moral persons” (in Portuguese).

Conference: “The Ante-Project of Reform of the Penal Code”, organized by the Faculty of Law of the Lusíada University, Lisbon, Portugal, May 2006.

“The role of the defence lawyer in criminal procedure” (in Portuguese).

Seminar organized by the Lawyer’s Bar Association, Funchal, Madeira, Portugal, April 2006.

“The reform of the investigative phase and the alternative forms of criminal procedure” (in Portuguese).

French-Portuguese Conference: “Justice in Crisis”, organized by the Faculty of Law of the Lusíada University, Porto, Portugal, April 2006.

“The Trial in the First Instance in the Statute of Rome” (in Portuguese).

International Conference: “The International Criminal Court and the Transformation of International Law”, organized by the Faculty of Law of the Catholic University, Lisbon, Portugal, March 2006.

“The role of the European Court of Human Rights on the defence of the rights of the inmates” (in Portuguese).

Conference: “Human Rights in Portuguese Prisons”, organized by Humana Global, University of Coimbra, Coimbra, Portugal, March 2006.

“Justice and Home Affairs in the European Union” (in English).

Seminar organized by the Department of Political Science, University of Illinois, Urbana-Champaign, IL, USA, February 2006

“Torture and the ambit of the competence of the European Court of Human Rights” (in English).

Seminar organized by the Centre for Global Studies, University of Illinois, Urbana-Champaign, IL, USA, February 2006.

“Terrorism and the European Union” (in English).

Seminar organized by the European Union Centre, University of Illinois, Urbana-Champaign, IL, USA, January 2006.

“Criminal Investigation” (in Portuguese).

Conference: “The Penal Reform”, organized by the Newspaper “Primeiro de Janeiro”, Porto, Portugal, November 2005.

“Immigration and Criminal Policy in Portugal” (in Portuguese).

Conference: “Immigration in Portugal”, organized by the High Commissioner for Immigration and Ethnic Minorities, Lisbon, Portugal, March 2005.

“What is criminal policy, why do we need it and how can we build it?” (in Portuguese).

Conference: “The Future of Criminal Policy in Portugal”, organized by the Francisco Sá Carneiro Institute, Lisbon, Portugal, November 2004.

“The Future of Prison” (in Portuguese).

International Conference: “Beyond Prison”, organized by the Anthropology Department of the Public University of Minho, Braga, Portugal, November 2004.

“Terrorism, Non-judicial Detention and Penal Reform: a Human Rights Perspective” (in English).

International Conference: “Prisons and Penal Policy: International Perspectives”, organized by the City University, Islington, London, UK, June 2004.

International Conference: “Criminal Procedure Law: Challenges in the 21st century”, organized by the Legal and Judicial Training Centre, Macau, China, December 2004.

“The Future of Penitentiary Studies” (in Portuguese).

Conference: “Penitentiary Studies”, organized by the Catholic University, Lisbon, Portugal, May 2004.

“The Portuguese Criminal Procedure and the European Standards” (in German).

22nd Meeting of the German Academy of Judges (*Deutsche Richterakademie*), Trier, Germany, September 2001.

21st Meeting of the German Academy of Judges (*Deutsche Richterakademie*), Wustrau, Germany, July 2000.

20th Meeting of the German Academy of Judges (*Deutsche Richterakademie*), Trier, Germany, September 1999.

“Portuguese Report on Appeals and Remedies in Criminal Law” (in German). International conference, organized by the German Federal Ministry of Justice, Bonn, Germany, May 1999.

“The Absence of the Defendant at the Trial in the Common Criminal Procedure, A Proposal of Reform of the Criminal Procedure Code” (in Portuguese).

Conference in honor of Professor Doctor Manuel Cavaleiro de Ferreira, organized by the Catholic University, Lisbon, March 1996.

“Some Problems of Neo-Criminalization on the Field of Crimes of Common Danger and Crimes against the Security of Communications in the Penal Reform of 1995” (in Portuguese).

Portuguese-Spanish Conference: “The Penal Reforms in Portugal and Spain”, organized by the Portuguese Public Prosecutors Union, Tavira, December 1995.

“Crimes of Common Danger and against the Security of Communications in the Penal Reform” (in Portuguese).

Conference: “The Reform of the Penal Code”, organized by the *Centro de Estudos Judiciários* (Centre for Judiciary Studies), Ministry of Justice, Lisbon, November 1995.

## **MEDIA INTERVENTIONS:**

Interview on piracy in Somali waters and the international reaction, TV Channel RTP2, 5.12.2008.

“The financing of political parties and the corruption”, article on the Newspaper Expresso, 29.11.2008.

Interview on the constitutional rights of a Member of the Regional Parliament, TV Channel RTP2, 6.11.2008.

Interview on the control of emails sent by public servants, TV Channel RTP,

27.11.2008.

Interview on sentencing on road traffic crimes, Newspaper Sol, 31.10.2008.

Interview on criminal and civil liability for car accidents due to construction on the road, Newspaper Sol, 4.10.2008.

Interview on the new law on arms, TV Channel RTP, 1.10.2008.

“A country in chaos and a government in contradiction”, article on the Newspaper Sol, 6.9.2008.

Interview on the right to compensation for unjust deprivation of liberty by the State, 2.9.2008.

Interview on the trial of Mr. Karadic in the Hague, TV Channel RTPN, 30.7.2008.

Interview on the defense of Mr. Karadic in the Hague, TV Channel RTP2, 25.7.2008.

Interview on the extradition from the UK to Portugal of the former President of a Football Club, TV Channel RTP, 25.6.2008.

Interview on the international obligations of the Portuguese State regarding road crimes, Newspaper Sol, 24.5.2008.

Interview on the international cooperation in the fight against terrorism, TV Channel SIC Notícias, 23.5.2008.

Interview on the new Internal security Law, TV Channel RTPN, 7.5.2008.

Interview on the new Internal security Law, TV Channel SIC Notícias, 7.5.2008.

Interview on the right to new trial of a convicted person according to the new Criminal Procedure, Radio Station RCP, 16.4.2008.

Interview on the right to free expression of judges and prosecutors, TV Channel RTPN, 13.3.2008.

“Phone-tapping without defense”, article on the Newspaper Expresso, 8.3.2008.

Interview on the right of association, TV Channel RTPN, 12.2.2008.

## **PUBLICATIONS:**

## Books:

Commentary of the Criminal Procedure Code in the light of the Constitution of the Republic and the European Convention on Human Rights (written in Portuguese, *Comentário do Código de processo penal à luz da Constituição da República e da Convenção Europeia dos Direitos do Homem*), Second edition, Lisbon, UCE, 2007, 1604 pages.

Commentary of the Criminal Procedure Code in the light of the Constitution of the Republic and the European Convention on Human Rights (written in Portuguese, *Comentário do Código de processo penal à luz da Constituição da República e da Convenção Europeia dos Direitos do Homem*), Lisbon, UCE, 2006, 1742 pages.

The International Criminal Court and the Transformation of International Law, International Conference (co-editor with João Miguel), (written in Portuguese, *O Tribunal Penal Internacional e a Transformação do Direito Internacional, Conferência Internacional*), Lisbon, UCE, 2006, 342 pages.

Portuguese and European Prison Law (written in Portuguese, *Direito Prisional Português e Europeu*), Coimbra, Coimbra Publishing House, 2006, 434 pages.

Penal Procedure Law, Legislative Projects, Volume II, Navarro de Paiva, Alexandre de Seabra, José de Alpoim (written in Portuguese, *Direito Processual Penal, Projectos Legislativos, volume II, Navarro de Paiva, Alexandre de Seabra, José de Alpoim*), Coimbra, Almedina Publishing House, 2006, 755 pages.

Penal Procedure Law, Legislative Projects, Volume I, Mello Freire, Forjaz Sampaio, Giovanni Carmignani, Corrêa Telles, Joaquim Sant' Anna (written in Portuguese, *Direito Processual Penal, Projectos Legislativos, volume I, Mello Freire, Forjaz Sampaio, Giovanni Carmignani, Corrêa Telles, Joaquim Sant' Anna*), Coimbra, Almedina Publishing House, 2005, 539 pages.

The Reform of Criminal Justice in Portugal and Europe (written in Portuguese, *A Reforma da Justiça Criminal em Portugal e na Europa*), Coimbra, Almedina Publishing House, 2003, 1176 pages.

Introduction to the Actual Discussion on the Problem of Guilt in Criminal Law (written in Portuguese, *Introdução à Actual Discussão sobre o Problema da Culpa em Direito Penal*), Coimbra, Almedina Publishing House, 1994, 118 pages.

## Articles:

“The reform of the investigative phase and the alternative forms of criminal procedure” (written in Portuguese, *A reforma do inquérito e das formas alternativas do processo penal*). In *Crise na Justiça, Reflexões e Contributos do Processo Penal*, Universidade Lusíada Editora, Lisbon, 2007, pp. 27-32.

“The trial at first instance in the Statute of Rome” (written in Portuguese, *O julgamento de primeira instância no Estatuto de Roma*), João Miguel and Paulo Albuquerque (co-editors), *O Tribunal Penal Internacional e a Transformação do Direito Internacional, Conferência Internacional*, Lisbon, UCE, 2006, pp.269-278.

“The criminal liability of corporations” (written in Portuguese, *A responsabilidade criminal das pessoas colectivas ou equiparadas*). In *Revista da Ordem dos Advogados*, Year 66, September 2006, pp. 627-651.

“Prison in the light of the European Convention on Human Rights” (written in Portuguese, *A prisão à luz da Convenção Europeia dos Direitos do Homem*). In *Revista Portuguesa de Ciência Criminal*, 15 (2005), pp. 369-389.

“The criminality of foreigners in Portugal - A Commentary” (written in Portuguese, *A Criminalidade de Estrangeiros em Portugal – Um Comentário*). In Hugo Seabra *et al.*, *A Criminalidade de Estrangeiros em Portugal*, Lisboa, Alto Comissariado para a Imigração e Minorias Étnicas, 2005, pp. 217-221.

“The criminal and administrative liability in the field of the funding of the election campaign for the Assembly of the Republic under the new Law on Funding of Political Parties and Election Campaigns (Law n. 19/2003)” (written in Portuguese, *A Responsabilidade Criminal e Contra-ordenacional no Âmbito do Financiamento da campanha Eleitoral para a Assembleia da República em face da Nova lei do Financiamento dos Partidos Políticos e das Campanhas Eleitorais (Lei n. 19/2003, de 20 de Junho)*). In *Revista do Centro de Estudos Judiciários*, 2005, pp. 31-64.

“What is criminal policy, why do we need it and how can we build it?” (written in Portuguese, *O que é a política criminal, porque precisamos dela e como a podemos construir?*). In *Revista Portuguesa de Ciência Criminal*, 14 (2004), pp. 435-452.

“Justice at the Centre of Politics – Around the Project of Constitutional Reform of the “Liberal Fraction”” (written in Portuguese, *A Justiça no Centro da Política – Em torno do Projecto de Revisão Constitucional da “Ala Liberal”*). In Nuno Manalvo (coord.), *Um Caso de Luta pela Liberdade e pela Democracia – O Projecto de Revisão Constitucional da Ala liberal*, Lisboa, Francisco Sá Carneiro Institute, 2004, pp. 11-32.

“The Future of Penitentiary Studies” (written in Portuguese, *O Futuro dos Estudos Penitenciários*). In *Direito e Justiça, Volume Especial*, 2004, pp. 301-330.

“The introduction of a new securitarian law in the prison reform of 1936 (written in Portuguese”, *A consagração de um novo direito securitário na reforma prisional de 1936*). In *Liber Discipulorum para Jorge de Figueiredo Dias*, Coimbra, Coimbra Editora, 2003, pp. 433-481.

“Seven Thesis on the Reform of Penal Procedure” (written in Portuguese, *Sete Teses sobre a Reforma do Processo Penal*). In Armando Leandro *et al.*, *Interrogações à Justiça*, Coimbra, Edições Tenacitas, 2003, pp. 411- 420.

“Portuguese Report” (written in German, *Landesbericht Portugal*). In Monika Becker und Jörg Kinzig (eds.), *Rechtsmittel im Strafrecht, Eine international vergleichende Untersuchung zur Rechtswirklichkeit und Effizienz von Rechtsmittel*, Band 1/1, Freiburg im Breisgau, edition iuscrim, 2000, pp. 319-377.

“Crimes of Common Danger and against the Security of Communications in face of the Penal Reform” (written in Portuguese, *Crimes de Perigo Comum e contra a Segurança das Comunicações em face da Revisão do Código Penal*). In *Jornadas de Direito Criminal, Revisão do Código Penal*, Lisboa, CEJ, 1998, pp. 255-315.

“An endless Mistake, Remarks on the Concept of Criminal Guilt of Jakobs” (written in German, *Ein unausrottbares Mißverständnis, Bemerkungen zum strafrechtlichen Schuldbegriff von Jakobs*). In *Zeitschrift für die Gesamte Strafrechtswissenschaft*, N. 110 (1998), pp. 640-657.

“The Absence of the Defendant at the Trial in the Common Criminal Procedure, A Proposal of Reform of the Criminal Procedure Code” (written in Portuguese, *A Ausência do Arguido na Audiência de Julgamento em Processo Comum, Proposta de revisão do Código de Processo Penal*). In *Direito e Justiça*, volume XI (1997), pp. 203-242.

“Some Problems of Neo-Criminalization in the Field of Crimes of Common Danger and Crimes against the Security of Communications in the Penal Reform of 1995” (written in Portuguese, *Alguns Problemas sobre a Neo-Criminalização no âmbito dos Crimes de Perigo Comum e contra a Segurança das Comunicações na Reforma Penal de 1995*). In *Revista do Ministério Público*, Cadernos 7, 1995, pp. 87-103.

“On the Withdrawal of the Complaint of the Crime of Check without Provision” (written in Portuguese, *Sobre a desistência de queixa no crime de emissão de cheque sem provisão*). In *Direito e Justiça*, volume VIII, (1994), n. 2, pp. 319-324.

“The Concept of Danger in Crimes of Concrete Danger” (written in Portuguese, *O Conceito de Perigo nos Crimes de Perigo Concreto*). In *Direito e Justiça*, volume VI (1992), pp. 341-364.

“The Defective Fulfillment of the Labor Contract” (written in Portuguese, *O Cumprimento Defeituoso da Relação de Trabalho*). In *Revista Jurídica*, 15 (1991), pp. 125-151.

**MARITAL STATUS:** Married (with three children).

**CITIZENSHIP:** Portuguese

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