

PERSONAL INFORMATION

Paolo Lobba



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POSITION

Adjunct Professor of International and European Criminal Law
(University of Bologna)

WORK EXPERIENCE

2019–Present

Adjunct Professor of International and European Criminal Law

University of Bologna, Bologna (Italy)

Department of Legal Studies

09/2019–Present

B-Lawyer

European Court of Human Rights, Council of Europe (France) (France)

2019

ML-3 Legal Officer

Kosovo Specialist Chambers, EULEX (European Union) (Netherlands)

2018–2019

Adjunct Professor of Comparative Criminal Law

University of Bologna, Bologna (Italy)

Department of Legal Studies

09/2018–03/2019

Fulbright Research Scholar

Columbia University Law School, New York (United States)

2017–2018

Post-doctoral Fellow ('assegnista di ricerca')

University of Bologna, Bologna (Italy)

Department of Legal Studies

2017–2018

Post-doctoral Research Assistant

Edge Hill University, Liverpool (Italy)

2014–2017

P3 Legal Officer

United Nations Assistance to the Khmer Rouge Trials (UNAKRT), Phnom Penh (Cambodia)

2015

Lecturer in Law

Royal University of Law and Economics, Phnom Penh (Cambodia)

English Language Based Bachelor in Law (ELBBL) Program

2013–2014

Post-doctoral Visiting Scholar upon Award of Scholarship ('Stipendiat')

Deutscher Akademischer Austauschdienst (DAAD), Bonn (Germany)

2013–2014 **Post-doctoral Fellow ('assegnista di ricerca')**

University of Bologna, Bologna (Italy)

Department of Legal Studies

2011–2012 **Associate Legal Officer**

United Nations Assistance to the Khmer Rouge Trials (UNAKRT), Phnom Penh (Cambodia)

EDUCATION AND TRAINING

2013 **Double Ph.D. in Criminal Law and Procedure**

University of Bologna & Humboldt University of Berlin

Evaluation: summa cum laude

Supervisor: Luigi Stortoni

Co-supervisor: Gerhard Werle

2008 **Master's Degree in Law**

University of Bologna, Bologna (Italy)

Evaluation: 110/110 cum laude

Two-year second level degree

2005 **Bachelor's Degree in Legal Sciences**

University of Bologna, Bologna (Italy)

Evaluation: 110/110 cum laude

Three-year first level degree

ADDITIONAL INFORMATION

Publications

Articles Published in Law Reviews

- (with Pons) The Extraordinary Chambers in Cambodia: Revisiting the Experiment, in *Journal of International Criminal Justice*, 2020, 3, in print;
- Punire la tortura in Italia. Spunti ricostruttivi a cavallo tra diritti umani e diritto penale internazionale, in *Diritto penale contemporaneo*, 2017, 10:181-250;
- Holocaust Denial Before the European Court of Human Rights: Evolution of an Exceptional Regime, in *European Journal of International Law*, 2015, 26:237-253;
- (with Mariniello) Editorial. [...] Use and Abuse of the European Court's Jurisprudence by International Criminal Tribunals, in *Nordic Journal of International Law*, 2015, 84:363-369;
- Il negazionismo come abuso della libertà di espressione: la giurisprudenza della Corte di Strasburgo, in *Rivista italiana di diritto e procedura penale*, 2014, 4:1815-1853;
- A European Halt to Laws Against Genocide Denial?, in *European Criminal Law Review*, 2014, 4: 59-77 (cited by the Grand Chamber of the European Court of Human Rights, *Perinçek v Switzerland*);
- Punishing Denialism Beyond Holocaust Denial: EU Framework Decision 2008/913/JHA and Other Expansive Trends, in *New Journal of European Criminal Law*, 2014, 5:58-77;
- Ai confini della giustizia penale internazionale: i Khmer Rossi a processo davanti alle 'Extraordinary Chambers' di Cambogia, in *Indice penale*, 2012, 2:607-646;
- La lotta al razzismo nel diritto penale europeo dopo Lisbona. Osservazioni sulla decisione quadro 2008/913/GAI e sul reato di negazionismo, in *Ius17@unibo.it*, 2011, 3:107-156;

- Nascita, sviluppo e prospettive del contempt of court di fronte ai Tribunali penali internazionali. Un bilanciamento tra la protezione dei testimoni e la libertà di stampa, in lus17@unibo.it, 2010, 1:53-62.

Book Chapters

Obblighi internazionali e nuovi confini della nozione di tortura, in Stortoni and Castronuovo (eds), *Nulla è cambiato? Riflessioni sulla tortura*, BUP, 2019, 113-158;

- Testing the 'Uniqueness': Denial of the Holocaust vs Denial of Other Crimes [...], in Belavusau and Gliszczynska-Grabias (eds), *Law and Memory*, Cambridge University Press, 2017, 109-128;
- (with Mariniello) The Grammar of the Judicial Dialogue between International Criminal Tribunals and [...], in Lobba and Mariniello (eds), *Judicial Dialogue on Human Rights*, Brill, 2017, 1-10;
- [...] First Steps of the EU Framework Decision 2008/913/JHA against Racism and Xenophobia, in Behrens (ed), *Holocaust and Genocide Denial. A Contextual Perspective*, Routledge, 2017, 189-210;
- Da comparsa a comprimaria. Dalla (ri)scoperta della vittima ai suoi recenti tentativi di partecipazione davanti alla Corte penale internazionale, in Curi et al. (eds), *Scritti Stortoni*, BUP, 2016, 815-838;
- I crimini di guerra, in Amati et al., *Introduzione al diritto penale internazionale*, Giappichelli, 2016, 389-417;
- Le vittime nel sistema penale internazionale, in Amati et al., *Introduzione al diritto penale internazionale*, Giappichelli, 2016, 287-320;
- Lubanga Judgment on Victims' Reparation: Handing Off the Hot Potato?, in Mariniello (ed), *The International Criminal Court in Search of Its Identity*, Routledge, 2014, 108-129;
- Competenze penali indirette e diritti fondamentali dell'Unione europea dopo il Trattato di Lisbona: riflessi sulla sicurezza del lavoro, in Curi (ed), *Nuovo statuto penale del lavoro*, BUP, 2011, 157-204.

International Reports

- (with Amati, Costi, Fronza, Maculan, Vallini) *Introduzione al diritto penale internazionale*, Giappichelli, 2016.

Books and Special Issues (co-editor)

- (with Pons) *Rethinking the Legacy of the Khmer Rouge Tribunal*, in *Journal of International Criminal Justice*, Issue 3, 2020, forthcoming Symposium;
- (with Mariniello) *Judicial Dialogue on Human Rights: The Practice of International Criminal Tribunals*, Brill, 2017;
- (with Mariniello) *The Cross-fertilisation Rhetoric in Question: Use and Abuse of the European Court's Jurisprudence by International Criminal Tribunals*, in *Nordic Journal of Intl Law*, 2015, 84:363-531.

Commentaries

- Blocco stradale. Ostruzione o ingombro di strade o ferrovie. (art. 23 d.l. n. 113/2018), in Curi (eds), *Il decreto Salvini. Immigrazione e sicurezza*, Pacini giuridica, 2019, 279-287;
- Articles from 171 to 183 of Italian Penal Code, in Cadoppi et al. (eds), *Codice Penale. Commentato con dottrina e giurisprudenza*, Giappichelli, 2018, 786-820;
- Articles from 295 to 313 of Italian Penal Code, in Cadoppi et al. (eds), *Codice Penale. Commentato con dottrina e giurisprudenza*, Giappichelli, 2018, 1099-1128;
- Legal opinion on 'Confisca ed estinzione del reato', in Cadoppi et al. (eds), *Pareri & atti di diritto penale*, La Tribuna, 2012, 267-274.

Internet Publications

- Un 'arresto' della tendenza repressiva europea sul negazionismo. Punire la contestazione del 'genocidio' armeno viola l'art. 10 Cedu, in www.penalecontemporaneo.it, 15 January 2014;

- Criminalizing Negationism Beyond the Holocaust, in <http://www.lph-asso.fr>, (Liberté pour l'Histoire, NGO established and presided over by Pierre Nora), 29 January 2013;
- L'espansione del reato di negazionismo in Europa, in www.eurostudium.eu/il_caso/index.php, (Eurostudium Project, La Sapienza University, Rome), 2012.

Conferences

Book launch of Judicial Dialogue on Human Rights, Brill, 2017

- 23 November 2017 (Swansea University), 24 November 2017 (Edge Hill University); 5 February 2018 (Liverpool University), 19 February 2018 (University Institute 'Gutiérrez Mellado', Madrid), 19 March 2018 (Naples University II), 21 March 2018 (Bologna University), 22 March 2018 (School of International Studies, Trento), 23 March 2018 (European University Institute, Florence).

Speaker at the following conferences, workshops and LLM programs

- 04/03/2020 Presentation on 'Hate Speech between Prohibitions and Safeguards under International and European Law', Collegio universitario Villa San Giacomo, Bologna;
- 24/07/2019 Presentation on 'Kosovo Specialist Chambers. Establishment, Jurisdiction and Current Challenges', KSC, The Hague, Netherlands;
- 03/04/2019 Guest lecture on 'The Role of Victims in International Criminal Justice', International Criminal Law course (Gabriele Fornasari), Univ. Trento;
- 06/03/2019 Presentation on 'Systematizing Immigration Detention', Visiting Scholar Forum, Columbia Univ. Law School;
- 26/02/2019 'Human Rights at War. Detention and Conduct of Hostilities in Armed Conflict', Human Rights Institute, Columbia Univ. Law School;
- 15/02/2019 Guest lecture on 'The Performance and Legacy of the Extraordinary Chambers in the Courts of Cambodia', Colloquium on International Criminal Justice (Lori Damrosch), Columbia Univ. Law School; 02/10/2018 Presentation on 'History, Fundamentals and Current Challenges of the Italian Penal Law System', at Columbia Univ. Law School;
- 23/05/2018 Moderator on 'Legacy of South African Truth Commission', Gerhard Kemp, Univ. Bologna; 16/05/2018 Discussant on 'Free Speech and Memory Laws', Eric Heinze, Univ. Bologna;
- 05/04/2018 'Administrative detention of civilians in the OPT', Univ. Torino;
- 26/03/2018 Discussant on 'Colombian peace process. The Special Jurisdiction for Peace', Kai Ambos, Univ. Bologna;
- 09/03/2018 Annual conference of 'Associazione Franco Bricola' on torture, Univ. Ferrara;
- 12/07/2017 'Criminal law aspects of environmental law in a comparative, European and international perspective', Summer School on European and Comparative Environmental Law, Univ. Bologna (Ravenna); 01/04/2017 'The offence of abuse of office', LLM in 'Diritto penale dell'impresa e dell'economia', Univ. Bologna (Ravenna seat);
- 19/09/2014 'Responsibility and remedy for violations of the right to liberty by international criminal tribunals', conference on 'Procedural fairness in international courts and tribunals', University of Surrey; 13-14/06/2014 Co-organizer and panel chair of workshop/conference on 'The cross-fertilization in question: Use and abuse of the jurisprudence of the European Court by international criminal tribunals', Edge Hill University;
- 25/03/2014 'Hybrid justice', at conference on 'Transitional justice and criminal law', University of Trento; 19/06/2013 'The Khmer Rouge Tribunal in Cambodia: Promising experiment, costly fiasco or red herring?', Biennial Conference of the International Association of Genocide Scholars (IAGS), Univ. Siena;
- 26/04/2013 'Lubanga Judgment on victims' reparation: Handing off the hot potato?', at conference 'International Criminal Court at ten: Achievements and challenges', Edge Hill University;
- 27/11/2012 Presentation on 'Right to reparation for victims of international crimes in the light of Lubanga and Duch cases', Edge Hill University;
- 26/10/2010 Outline of my Ph.D. research, before the Ph.D. Supervising Committee of the Law Department of the University of Bologna;
- 24/09/2010 Speaker on 'The EU anti-denialism policy', workshop on 'A contextual view of Holocaust and genocide denial', University of Leicester;
- 08/06/2010 Outline of my Ph.D. research, Forschungskolloquium 'Internationales Strafrecht', Humboldt University of Berlin.

Lectures and other services to students

From 2009-2014 and from January 2017 onwards, I have provided assistance to Professor Luigi Stortoni's chair of criminal law at the University of Bologna. Often assistance was offered also to other criminal law professors in Bologna, as well as to the international criminal law chair of Emanuela Fronza at the University of Trento. My activities included giving lectures, grading students and supervising the drafting of bachelor's and master's thesis. Lectures I gave concerned a wide range of topics, especially relating to international, European and Italian criminal law, as well as the interaction between criminal law, humanitarian law and human rights law. Notable examples are: The criminal law offence of abuse of office, Free speech under the ECHR, Prohibition of torture in international humanitarian and human rights law, New frontiers of international criminal law: The Khmer Rouge Tribunal, Criminal liability of legal entities, Right to liberty and unlawful detention under international law, Recent developments on hate speech, denialism and genocide in Rwanda, Transposing human rights standards into humanitarian and international criminal law, The entry into force of the Treaty of Lisbon and its impact on criminal law, The goals of international criminal justice: Realities and expectations, Coming to terms with past atrocities in Cambodia, International criminal tribunals and hybrid courts, Strict legality at the crossroads of domestic and international legal orders, Defenses of duress and vis major (force majeure), A history of international criminal law: The Nuremberg trial, Introduction to European criminal law, Nullum crimen sine lege and EU competence on criminal law, Effects of ECHR principles and ECtHR judgments on national system, Supranational sources of criminal law, Recent developments in the field of international criminal law, Incitement to genocide in international criminal law, The principle of legality in the framework of the ECHR, An introduction to crimes against humanity, Penalties in international criminal law.

Projects**Participation in other relevant activities abroad**

- August 2010 - Summer School on international criminal law, humanitarian law and human rights law, organized by the Salzburg Law School under the direction of prof. O. Triffterer;
- June 2010 – July 2010 -Summer school on transnational criminal justice and crime prevention, organized by the Humboldt University of Berlin under the direction of prof. G. Werle;
- June 2009 – July 2009 - 'Marie Curie Top Summer School' on international criminal law, organized by the Grotius Centre for Legal Studies (The Hague, The Netherlands) under the direction of prof. C. Stahn and prof. L. van der Herik;
- 2005 – 2006 - Period of study at the Trinity College – University of Dublin (Ireland), in the framework of European Union's 'Erasmus Program'.

Memberships

- 2011-Successfully passed the exam to be admitted to the Italian Bar Association ('Ordine degli Avvocati').

Honours and awards

- 2018 - Awarded a 6-month post-doctoral grant by the U.S.-Italy Fulbright Commission to spend a period of research as Visiting Scholar at the Columbia University Law School;
- 2014 - Awarded a 6-month post-doctoral grant by the University of Bologna ('Marco Polo program') to do research at the Humboldt University of Berlin;
- 2013 . Awarded a 10-month post-doctoral grant by the DAAD (German Academic Exchange Service) to conduct research at the Humboldt University of Berlin;
- 2011 - Awarded a scholarship by the University of Bologna to spend a period at the Khmer Rouge Tribunal;
- 2009 - Awarded scholarship by the Grotius Centre for Legal Studies to participate to the 'Marie Curie Top Summer School' in The Hague.