

Sabela Oubiña Barbolla

Visiting Fellow

Associate Professor of Procedural Law, University of Madrid

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About

Dr. Sabela Oubiña Barbolla is an Associate Professor of Procedural Law at Carlos III University of Madrid. She has taken a study license at her home University to come as a Visiting Fellow to Birmingham University (Institute for Judicial Administration) for six months.

Her interests lie mainly in criminal judicial proceedings, criminal judicial cooperation, as well as judicial system's functioning problems. She is involved (or has been involved) in several Spanish and International research projects on: Criminal data transmission within the EU police and judicial cooperation; theory and practice of the European Arrest Warrant; liberty's restriction in criminal proceeding against terrorist; parameters of Latin American Observatory of Justice; the effectiveness and cost of Constitutional Justice; Judicial office and its administration. On the other hand, she is also concerned with legal education either the content of curricula and teaching methods. She has also participated in innovative teaching projects.

Qualifications

- LLB. Higher Law Degree. Complutense University. Madrid 1994-1999.
- LLM (research) or PhD Law Doctorate. General program Carlos III University of Madrid. 2000-2002.
- Advanced Diploma Law Studies Carlos III University of Madrid. February 2003.
- PhD Law. Thesis: The functioning (or workload) of the Spanish Constitutional Court. 10th June 2008. Grade: Cum Laude.

Biography

Dr. Sabela Oubiña studied her law degree at University Complutense of Madrid. Then she received a grant from the Spanish Government to do the Law Doctorate programme at Law Faculty Carlos III University. In 2008, she defended her thesis on the Spanish Constitutional Court and its efficiency problems due to individual appeals. This study was awarded by the Spanish Royal PhD Academy on 2008 in the category of best Law and Social Science Spanish PhD. She was awarded the Extraordinary PhD Prize of Carlos III University (Doctorate Law).

Research

The main research lines in which she is interested are:

- Criminal proceedings in the 21st Century and the implementation of criminal judicial procedure: Criminal proceedings against terrorists; Precautionary measures vs. protection of fundamental rights; Measures of criminal investigation: police and judicial instruments and their limits; Criminal liability of legal persons and its criminal procedure.
- Criminal judicial cooperation within the EU: the European Arrest Warrant; the European Order Protection; etc. In fact, she has recently joined a research project on the Criminal data transmission within the EU police and judicial cooperation: the principle of availability vs. fundamental rights, which is led by Dr. Colomer Hernández (Full Professor of Procedural Law at Pablo de Olavide University).
- Spanish Constitutional Court, its proceedings and its delays. Law Economic Analysis: cost-benefit analysis of constitutional judicial appeal, congestion, delay.

Dr. Oubiña Barbolla is supervising a PhD Thesis with Full Professor Dr. Ignacio Colomer Hernández on Secret and Publicity during criminal proceeding (PhD Candidate: Mr. Gil Bretón). In addition to this, she will happily consider any PhD proposals in next field: Instruments of European Criminal Judicial Cooperation; Constitutional Court and its problems (delays, workload, proceedings, composition, etc.); The cost of Justice: public and private cost, taxes and due process.

Other activities

Other Activities

Currently, Dr. Sabela Oubiña is a:

- Member of the Research Institute "Alonso Martínez" for Justice and Litigation.
- Member of the American Association of Therapeutic Justice.
- Researcher for the Conference of Ministers of Justice of Ibero-American Countries
- Elected representative of the Criminal, Procedural and History Law department in the Peer-Teaching Evaluation Review Committee at Law Faculty of Carlos III University.
- Reviewer of several Spanish Law Reviews.

Before joining the Academia, Sabela Oubiña worked also as a Surrogate Judge in two different Spanish Judicial Courts: 1st Instance and Preliminary Investigation Court in Úbeda (Jaén), November 2001; and then, in Posadas (Córdoba), from December 2001 to May 2002.

Publications

Note: only some of them are written in English*. English titles have been provided where appropriate

Books

- *The Constitutional Court. Past, present and its future after the implementation of the individual appeal* (Tribunal Constitucional: pasado, presente y futuro), Valencia, Tirant lo Blanch, 2012.

Chapters in books

- "Liberty's restriction in criminal proceeding against terrorist in Spain from theory to practice", *The State of Law on trial: Security, Liberty and Terrorism*, (Moreno Catena, V. director) Valencia, Tirant lo Blanch (forthcoming 2013).
- "The European Arrest Warrant in Law and in Practice", *Liberty and Security in Europe* (ed. Stefano Ruggieri), Gottingen, V&R Unipress, ZEIS-Reihe, 2012, pp. 47-66. *(In English)
- "The distance that separates them, the distance that separates us. Mediation in cases of domestic violence in Spain and other systems" (La distancia que les separa, la distancia que nos separa), *About criminal mediation: possibilities and limits on the reform of the Spanish Criminal procedure (Sobre la mediación penal. Posibilidad y límites en un entorno de reforma del proceso penal español) Mediation and Criminal Procedure* (Soletto Muñoz, H. and Garcíandía, P. Directors) Navarra, Aranzadi-Thomson, 2012, pp. 179-209.
- "The European Order of Protection" (La orden europea de protección y entrega), *Gender Violence, Restorative Justice and Mediation (en Violencia de género, Justicia Restaurativa y mediación)*, (directors. Catalina Benavente, M.A.; and Castillejo Manzanares, R.), Madrid, La Ley, 2012.
- "The payment of Administrations' debts and possible solutions: Arbitration agreements, transactions, acceptance of claim and other means of resolution" (El pago de las deudas de la Administración y posibles formas de resolución: Arbitraje, acuerdos, transacciones, allanamientos y otras vías), *La Administración en tiempos de crisis, la crisis de la Administración* (Palomar Olmeda, A. director), Navarra, Aranzadi, 2012.
- "Incidental proceedings and invalidity of procedural acts" (Incidentes e invalidez de las actuaciones), *Tratado de la jurisdicción contencioso-administrativa* (Palomar Olmeda, A. Director), vol. II, Navarra, Aranzadi Thomson, 2012.
- "Questions of illegality" (Cuestión de ilegalidad), *Tratado de la Jurisdicción contencioso-administrativa* (Palomar Olmeda, A. Dtor.), vol. II Navarra, Aranzadi Thomson, 2012.
- "The consumer arbitration: collective and electronic proceeding" (Los arbitrajes de consumo especiales: colectivo y electrónico), en *Arbitraje de consumo*, (director. González Pillado, E.), Madrid, Tecnos, 2011, pp. 125-155.
- "The European Arrest Warrant in Spain" (with González, I.), in *European Arrest Warrant in Law and in Practice: a comparative study for the consolidation of the European law-enforcement area* (available in electronic form on http://opj.ces.uc.pt/pdf/EAW_Final_Report_Nov_2010.pdf), Coimbra, Centro de Estudos Sociais, November 2010. *(In English)
- "Implementation in the criminal justice: universal jurisdiction principle and other changes after the adaptation of the new judicial office to the procedural system. Analysis of the Organic Act 1/2009 and Act 13/2009" (Las reformas en el orden penal), *Las reformas en el ordenamiento procesal. Análisis de la LO 1/2009 y la L 13/2009*, (Palomar Olmeda Dir.), Navarra, Aranzadi-Thomson, 2010, pp. 403-524.
- "Answers as an Expert to the questionnaire of the Reform of constitutional justice", *Reform of constitutional justice*, Navarre, Aranzadi, 2007. Within the group of experts who took an opinion on the implementation of Constitutional Jurisdiction.

Articles:

- "Truths and lies in the composition and renewal of the Spanish Constitutional Court", (Verdades y mentiras sobre la composición y renovación del Tribunal Constitucional), *Diario La Ley*, 12 de julio de 2012, pp. 1-18.
- «The European Arrest Warrant in Law and in Practice. Special reference to the Spanish experience», *European Journal of Legal Education*, nº. 6, 2011, pp. 9-29. *(In English)
- "25 voices in the Galician Law Dictionary", *Legal Gallician Dictionary. General Secretariat of Linguistic Policy of the Government of Galicia and Rexurga Journal*, 2011, Santiago de Compostela.
- "Problems on the effectiveness of compensation for preparation and training of professional footballers" (Problemática sobre la eficacia de la indemnización en concepto de preparación y formación de futbolistas profesionales), in *Revista Aranzadi de Derecho del Deporte y del Entretenimiento*, nº. 26, May-July 2009, pp. 323-329.
- "The exceptions to the preclusion of the contribution of background documents after the claim or statement of defence in the regular process" (Las excepciones a la preclusión de la aportación de los documentos de fondo después de la demanda o de la contestación a la demanda en el proceso ordinario), *Revista Xurídica Galega (Rexurga)*, nº. 56, 2007, pp. 215-220.
- "The Constitutional Court protects the fundamental rights of everyone, even gender and domestic offender" (with Catalina Benavente, M.A.), *Carlos III Revista*, núm. 57, 2005, pp. 24-25.
- "Provisional prison: a solution to domestic abuse?" (with Catalina Benavente, M.A.), *Indret Law Journal on Law Economics*: 4/2005, October, www.indret.com.
- "Diagnosis of the Constitutional Court on the 25th Anniversary of the Spanish Constitution seriously overweight" «Diagnostico del Tribunal Constitucional en el 25º aniversario de la Constitución: sobrepeso grave», *Indret 1/2004*, *Indret Law Journal on Law Economics*, January-March 2004, www.indret.com.