

CURRICULUM VITAE

Michela Miraglia

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EDUCATION

Degree Courses

-Graduate School: "Dottorato" (Ph.D.) in Italian and Comparative Criminal Procedure, Università Statale di Milano, June 2004.

-Law Degree (Laurea in Giurisprudenza), with highest honors, Università degli Studi di Genova, 1999. Dissertation: "La riunione e la separazione nel processo penale statunitense" (Joinder and Severance: a comparative analysis of the Italian and the American Systems) (Written at the Law School of the University of Notre Dame, September 1998-December 1998)

Other Courses

- December 2003- March 2005 "The International Criminal Court from the Perspective of Defence Lawyers", organized by the Academy of European Law Trier (ERA) in cooperation with the Council of the Bars and Law Societies of the European Union (CCBE)

- Spring Semester 2003, Criminal Procedure, Law School of the University of Notre Dame as visiting scholar for the "Center of Civil and Human Rights"

-June 2002, International Law in Practice (The Hague, June 17-20), training course on ICC, organized by ICLN and Columbia University

-1999-2001, Bar Admission School, Genoa, Italy

-Spring Semester 1999, Comparative Legal Traditions, Law School of the University of Notre Dame, Professor Paolo G. Carozza (Auditor)

PROFESSIONAL EXPERIENCES

- 2019-present, Associate Professor in Criminal Procedure, University of Genoa, School of Law, Italy

- 2006-2019, Assistant Professor in Criminal Procedure, University of Genoa, School of Law, Italy

- 2002, Called to the BAR (Genoa, Italy) as an attorney

- 2000, Called to the BAR (Genoa, Italy) as a "patrocinatore legale"

- 1999-2006, Teaching Assistant (Criminal Procedure), University of Genoa, School of Law, Italy

SCHOLARSHIPS AND ACADEMIC APPOINTMENTS

-Assegnista di ricerca, University of Genoa, School of Law, title of the Project: "International Justice between theory and practice", 2003-2005

-Visiting Scholar at the Center for Civil and Human Rights, Law School of the University of Notre Dame, Notre Dame, Indiana, USA, Spring Semester 2003

-Ph. D. Scholarship, Università Statale di Milano, 2000- 2003

- Contributi per l'addestramento di ricercatori presso centri di ricerca di alta qualificazione, University of Genoa, International Criminal Court Project, 2003-2004

ACADEMIC APPOINTMENTS

1) (In progress)

Component of the University Disciplinary Board

University of Genoa - Genoa - IT

2) (In progress)

Component of the University International Relations Commission

University of Genoa - Genoa - IT

3) (In progress)

Department International Relations Coordinator

University of Genoa - Genoa - IT

4) (In progress)

Department Delegate to International Relations

University of Genoa - Department of Law

5) 2018-2024

Member of the Departmental Board

University of Genoa - Genoa – IT

RESEARCH INTERESTS

My main fields of research are comparative, international and Italian criminal procedure.

With regard to the first area, I have researched the rights of defense, with particular regard to the U.S. legal system and with special attention to the protection in criminal proceedings of the Fourth and Fifth Amendments to the Federal Constitution. I have, therefore, delved into the topics of searches conducted through the use of new technological tools and the protection of the constitutional guarantees of the arrested person under interrogation. I have also extensively researched the compression of defense rights after the events of September 11, 2011, within a system that has been searching for a 'new normal,' especially in proceedings held before Military Commissions.

Lastly, I delved into the topic of binding precedent, prospective overruling, and compulsory referral to the United Sections of the Supreme Court.

With regard to international criminal procedure, I have dealt extensively with the protection of guarantees attributable to the notion of fair trial both in proceedings before ad hoc Tribunals and in front of the International Criminal Court.

With regard to Italian criminal procedure, in addition to delving into borderline topics with the previous one, such as that of the domestic legislation implementing the Rome Statute, with particular regard to rendition, I have dealt with the subject of precautionary matters, with special

attention to pre-trial detention as an extreme ratio and to the hypotheses of 'quasi-mandatory pre-trial detention', wiretapping, computer capturing, trial *in absentia* and the right of access to defense counsel.

I have also done research on the suspension of trial with probation and on the meaning assumed by this new special procedure (at the same time cause of extinction of the crime) in our

system, between instances of deflation and new sanctioning paradigms.

Lastly, I have devoted my research to the relevance of the organizational profiles of criminal justice for the implementation of the principle of reasonable duration and the increase of qualitative efficiency, with particular regard to the forms of clerkship in the different legal systems and their Italian modulation, namely the *Ufficio per il processo*.