



Michela Miraglia

Associate Professor

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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.

Regarding the first area, I have researched the rights of defence in the U.S. legal system, paying special attention to the protection afforded by the Fourth and Fifth Amendments to the Federal Constitution in criminal proceedings. I have therefore delved into topics such as research conducted using new technological tools, and the protection of constitutional guarantees for arrested persons under interrogation. I have also extensively researched the restriction of defence rights following the events of 11 September 2001, within a system searching for a 'new normal', particularly 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.

Regarding international criminal procedure, I have extensively studied the protection of guarantees associated with the concept of a fair trial, in both ad hoc tribunal proceedings and before the International Criminal Court.

With regard to Italian criminal procedure, in addition to exploring topics that overlap with the previous area, such as domestic legislation implementing the Rome Statute with a particular focus on rendition, I have addressed the subject of precautionary measures, paying special

attention to pre-trial detention as an extreme measure and to hypotheses of 'quasi-mandatory pre-trial detention', wiretapping, computer surveillance, trials in absentia, and the right of access to defence counsel.

I have also researched the suspension of trials with probation, examining the meaning of this new special procedure in our system (which simultaneously causes the crime to be extinguished) in relation to instances of deflation and new sanctioning paradigms.

Lastly, I have devoted my research to the relevance of organisational profiles of criminal justice for implementing the principle of reasonable duration and increasing qualitative efficiency. I have focused particularly on the forms of clerkship in different legal systems and their Italian adaptation, namely the *Ufficio per il processo*.