

# Professor Felicity Gerry QC

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Professor Felicity Gerry QC is admitted at the International Criminal Court and the Kosovo Specialist Chambers in The Hague, to the Bar of England & Wales and in Australia (Victoria and the High Court Roll). She has also had ad hoc admission in Hong Kong and Gibraltar. As an international QC she is regularly called upon to handle serious, complex and sensitive trials and appeals at every level of court. Her cases and advisory work often involve an international or human rights element, including genocide, war crimes, torture terrorism, homicide, biosecurity, illegal logging, human trafficking and other major domestic and international crime.

Felicity holds a Bachelor of Laws, a Master of Laws in International Governance and a Graduate Certificate in University Teaching and Learning (GCUTL). She is Professor of Legal Practice at Deakin University, Melbourne where she is unit chair in the undergraduate and JD programs teaching Contemporary International Legal Challenges – including War Crimes, ‘Modern Slavery’, Terrorism and Climate Change Law and she is involved in the clinical programs.

Felicity has a particular interest in the law on complicity: She led a team of academics and practitioners who were given leave to file an Amicus Curiae Brief in the ICTY on JCEIII liability. She was leading counsel in *R v Jogee* [2016] UKSC 8 which corrected an error of law in complicity. She led similar appeals in Hong Kong and Australia. She led a successful mercy petition on behalf of a young Aboriginal man who was convicted of a murder when he was not physically present and has filed a similar petition in the UK on behalf of an autistic prisoner. She also led appeals in *R v Lewis* [2017] EWCA Crim 1734 which clarified the law on joint principalship and in *R v Rebelo* [2019] EWCA Crim 633 which clarified the law on manslaughter.

Felicity has provided training to the Commonwealth Parliamentary Association *Modern Slavery Project* and the *Bangladesh Judiciary Management Project*. She has been involved in submissions to Governments leading to changes in the law on Modern Slavery, FGM and Reproductive Rights. She recently led a death penalty study for the *Commission of Human Rights for the Philippines* and previously led a four -year project on *Women in Prison* for Halsbury’s Law Exchange (part of the Lexis Nexis group) and a small *Indigenous Justice and Exoneration Project*. She has been involved in a number of projects and policy submissions and is widely published in the fields of human rights, women and law, technology and law and reforming justice systems. She contributes to *Annotated Leading Cases of International Criminal Tribunals*, the *Research Handbook on Feminist Engagement in International Law*, *Human Trafficking and Modern Slavery Law and Practice* and is the Editor of *ANZSIL Perspective*.

She was Lawyers Weekly Barrister of the Year 2020 and Solicitors Journal Legal Personality of the Year 2016 and has been recognised in the Legal 500 as a leading silk and as “Fearless and independent minded”. She has appeared in the BAFTA nominated FGM documentary *The Cruel Cut*, ABC Foreign Correspondent's documentary *Saving Mary Jane* and is credited in the LOGIE nominated *Zak Grieve* as well as appearing in various documentaries and on all major news channels.

## ACADEMIC EXPERIENCE

### PROFESSOR OF LEGAL PRACTICE

April 2018 to present

*Deakin University, Australia*

- MLL419 / MLJ729 Contemporary International Legal Challenges (Climate Change, Modern Slavery, Terrorism, War crimes, National Security and digital defence)
- MLL214 Criminal Law
- MLL418 / MLJ728 Contemporary Legal Issues.
- MLJ703 Criminal Law and Policy.

### ADJUNCT FELLOW SCHOOL OF LAW

January 2017 to 2020

*University of Western Sydney, Australia*

- 200704 Independent Study A (Law): Terrorism, Sexual Offending and Cybercrime
- Delivering section of *Bangladesh Judiciary Management Project* and Research Programme on Terrorism, Money Laundering, Issues in International Law and Links between Financing Organisations and Trans-national Crime (including illegal wildlife trade).

### ADJUNCT FELLOW, FORMERLY SENIOR LECTURER

July 2013 to 2020

*Charles Darwin University, Darwin, Australia*

- Formerly Adjunct Fellow and prior to that Senior Lecturer and Chair of Research and Research Training Committee.
  - Supervision of student research (approved to Associate PhD level)
  - Master of Laws Program: International Criminal Law and Transnational Law
  - Undergraduate Units: 'Law, Justice and the State', Transnational Law, Evidence Law and Science and Law, Advanced Criminal Law, Criminology, Criminal Law, Torts, Practical Advocacy and Dispute Resolution
  - Legal Clinic: Indigenous Justice Stream, Reprieve Australia Externship, Assisted Dying Law Project.
- Member of the Unit Review Committee for CUC107 Cultural Intelligence and Capabilities.
- 2014 to 2016 Chair of Research and Research Training Committee.
- 2014 to 2016 Member of the Law School Learning and Teaching committee.
- 2015 HDR coordinator.
- Member of School of Law Environmental Law Research group: In 2014 coordinated student assistance for the Legal Response Initiative in relation to the international negotiations under the United Nations Framework Convention on Climate Change (UNFCCC) and lectured in the Environment and Planning Law Unit.
- MID301 Women's Health, CDU School of Health. Lectured on Female Genital Mutilation and the Law.

## PROFESSIONAL EXPERIENCE

### INTERNATIONAL QUEENS COUNSEL

- *Crockett Chambers, Melbourne, Australia (Green's List).*

2018 to present

- *Libertas Chambers, London, United Kingdom*

2020 to present

- *Spire Chambers, Leeds, United Kingdom (door tenant)*

2014 to present

- International Queen's Counsel: Specialist in appellate and trial advocacy for serious and complex national, transnational and international individual and corporate crime.
- **Current Directories**
  - Who's Who 2016 to 2020
  - Legal 500 2021 Leading Individual: '*Felicity thinks outside the box and is not afraid to push the envelope. She is at the forefront of the development of criminal law. She is a true inspiration to junior lawyers. She is a leader in her field. Clients feel she will fight their corner at every stage of a case.*'
  - Doyle's Guide 2020 Recommended Silk.
- **Past Directories**
  - Appears in complex appeal Cases – Legal 500
  - Well respected for national and international appellate issues - Legal 500
  - Fearless and independent minded – Legal 500
  - A vastly experienced advocate noted for her experience in serious sexual cases, homicides and frauds - Chambers and Partners
  - Fearless and effective advocate – Legal 500
  - Featured in Chambers and Partners women silks for 2014
  - Tenacious in court – Legal 500
  - An expert in the field of sex offences – Legal 500

### BARRISTER AND QUEEN'S COUNSEL

*Carmelite Chambers, London*

2016 to 2020

*36 Bedford Row, London, United Kingdom*

2004-2016

- Barrister and Queen’s Counsel specialising in criminal law, human rights, judicial review, some family law, civil claims and commercial advice. Organised various events including: 2005 Exeter University / SOAS and 36 Group: To Iraq and Beyond – International Criminal Courts and Tribunals and 2006 Open University and 36 Group: Corporate Manslaughter Act and its application

#### OF COUNSEL

*Moynahan Law Firm, Connecticut, U.S.*

2012

- Pro bono research on expert evidence on automatism in the defence for J. Michael Farren (former Deputy White House Counsel in the Office of Counsel to President George W. Bush)

#### BARRISTER

*2 New Street, Leicester, United Kingdom*

1994 to 2004

- Barrister dealing with criminal, family and civil cases with increasing complexity
- Chair of Chambers Recruitment Committee

### AWARDS

- **2020:** Shortlisted for International Bar Association Pro Bono Barrister of the Year.
- **2020:** Lawyers Weekly Australian Barrister of the Year.
- **2019:** Nominated for Victorian Bar Pro Bono Award for Zak Grieve mercy petition
- **2018:** Deans Medal for Master of Laws in International Governance
- **2016:** NT Human Rights Award for Justice (organisations and groups) as a member of the Making Justice Work Coalition
- **2016:** Legal Personality of the Year: UK Solicitors Journal 160<sup>th</sup> Anniversary Awards
- **2015:** CDU Ryan Family Award for commitment to excellence, outstanding results in research and innovative teaching approaches. It was recognised that “Felicity has played key roles in the development of international partnerships and has contributed to important outcomes in the region”.

### EDUCATION & APPOINTMENTS

- **2020:** ANZSIL Council and Editor of ANZSIL *Perspective*
- **2019:** Admitted to the list of counsel for the International Criminal Court (ICC) in The Hague.
- **2019:** Admitted to the list of counsel for the Kosovo Specialist chambers in The Hague.
- **2018:** Appointed Professor of Legal Practice, Deakin University, Australia.
- **2018:** Master of Laws (LLM: International Governance). Dean’s Medallist.
- **2018-2020:** Adjunct Fellow Charles Darwin University (previously: Senior Lecturer).
- **2015 & 2017:** Visiting Professor, De La Salle University, Manila.
- **2017-2020:** Appointed a Member of the Legal Practitioners Disciplinary Tribunal in the Northern Territory.
- **2017-2020:** Adjunct Fellow University Western Sydney (previously: Visiting Lecturer (Distinguished))
- **2017:** Ad hoc admission to practice in Gibraltar.
- **2017:** Graduate Certificate in University Teaching and Learning (GCUTL).
- **2016:** Added to the roll, High Court of Australia.
- **2016:** Ad hoc admission to practice in Hong Kong.
- **2015:** Admitted to practice in Australia.
- **2014:** Appointed Queen’s Counsel.
- **2013- 2018:** Lecturer / Senior Lecturer, Charles Darwin University, Australia.
- **2013-2018:** Accredited Mediator.
- **2010-2012:** Bar Council Public Engagement Committee and Midland Representative.
- **2004-2007:** Midland Circuit Committee and Leicester Representative.
- **2002:** School PTA Chair.
- **1994:** Called to the Bar of England and Wales.
- **1994:** ICSL Post Graduate Qualification as a Barrister (Middle Temple): Inns of Court School of Law, London.
- **1991-1993:** Law Degree: University of Kingston Upon Thames. Class 2.1 LLB (Hons). (1st in Evidence). Awarded prize for greatest overall contribution to the Law School.

### MEDIA

- Appeared on all major news channels including ABC, BBC, Sky, Russia Today, Al Jazeera and The Conversation.
- Regular Contributor to The Times Law Section and other broadsheet press.
- Credited in the LOGIE-nominated documentary ‘Zak Grieve’.
- Appeared in ABC Foreign Correspondent's documentary ‘Saving Mary Jane’.
- Appeared in the BAFTA nominated FGM documentary ‘The Cruel Cut’.

- Appeared in BBC 3 Series ‘Sex on the Edge’.
- Appeared in UK Channel 5 Documentaries on the April Jones and Sarah Payne child murders.
- Appeared in the Evil Up Close Series on the Crime Investigation Network.
- Appeared on BBC Panorama special on Sexting.
- Interviewed by David Frost on human trafficking for Frost Over the World.
- Chaired the televised G20 Gender Equality forum at ANU in Canberra which prepared the sherpas report to the G20 leaders
- Regular Contributor legal practitioner publications, most recently to VicBar News on COVID19 and Human Rights.
- Columnist for Criminal Law and Justice Weekly for 5 years. First woman to write comment piece in its (then) 175-year history
- Oxford Union debate on sexual offending.
- Brief Chats podcasts and video cast on legal careers.

## PROJECTS

### DEATH PENALTY

- **2020** Study on proposed reintroduction of the death penalty in the Philippines for the Philippines Commission on Human Rights.

### CONSTITUTION

- **2020** Judge alone trials after *Ramos*.
- **2019-2020:** Research Project on implying the rule of law into the Australian Constitution and the legacy of Elbridge Gerry, signatory to the U.S. Declaration of Independence and Articles of Confederation.

### MODERN SLAVERY / HUMAN TRAFFICKING

- **2020** Funding application on Modern Slavery and COVID19
- **2018-2020:** Leading a project for ICJV Victoria on whether Victoria should have its own Modern Slavery Act.
- **2014:** Small CDU grant funded project completed on human trafficking in ASEAN

### SEXUAL OFFENDING, FGM, REPRODUCTIVE RIGHTS AND WOMEN IN PRISON

- **2020** Advisor on project to improve sexual offences trials.
- **2016-2020:** Member of the Implementation Committee for Harvard Everywoman Everywhere Treaty Project – legally binding instrument at the global level exists to hold nations accountable for preventing and addressing violence against women and girls.
- **2014-2015:** Chief Investigator (1 of 3) on collaborative project with Menzies School of Health Research and CDU School of Health on ‘Women’s Health and the Law: FGM and Reproductive Rights.’
- **2012-2016:** Four Year Project on Women in Prison for Lexis Nexis

### COMPLICITY

- **2018-2019: Expert panellist** Violence, Friendship and Legal Consciousness in the context of Joint Enterprise Project, Cambridge Institute of Criminology and SSPSSR, University of Kent.
- **Advisory group member:** Jacobson, Jessica and Kirby, Amy and Hunter, Gillian (2016) Joint enterprise: righting a wrong turn? Project Report. Prison Reform Trust, London, UK.

### INDIGENOUS RIGHTS

- **2016-2018:** Led an *‘Indigenous Justice and Exoneration Project’* which assisted Aboriginal and Torres Strait Islander people serving 10 years or more to identify miscarriages of justice.
- **2015:** CDU Innovation Grant to pilot an ‘Innocence’ style project as part of University Clinic Indigenous Justice Stream

### ASSISTED DYING

- **2016-2017:** Australia National Data Service grant to digitize Euthanasia Law Collection (in partnership).

### CHILDREN

- **2016-2017:** Expert on EU Commission innovation grant on rights of children with mental disabilities.

### CONFLICT ZONES

- **2012:** Co-authored report for Lexis Nexis on male rape in conflict zones (Felicity Gerry and T Hennessey, ‘Male Rape in Conflict Zones’ (Policy Paper, Lexis Nexis, 2012)).

### ENDANGERED SPECIES

- **2015:** Chief investigator grant application in relation to red lists - drew on background in cases involving wildlife crime.

## RECENT CASES AND ADVISORY WORK

### INTERNATIONAL, COMMONWEALTH and ECtHR

- **2020** Advisory opinion on the duty to prevent genocide.
- **2020** Advisory Opinion on death penalty legislation in ASEAN

- **In the matter of K 2020** – Advisory opinion on international illegal logging in PNG.
- **2020 Advisory Opinion on leadership liability in international torture.**
- **2020 Advisory Opinion on Victoria’s new assisted dying legislation.**
- **R v Johnson 2019** Leading in an application to the European Court of Human Rights for permission to appeal in ‘joint enterprise’ murder
- **Rowe v UK 2019** Leading in an application to the European Court of Human Rights for permission to appeal in ‘joint enterprise’ murder
- **R v Henry 2019** Leading in an application to the European Court of Human Rights for permission to appeal in ‘joint enterprise’ murder
- **Amicus Curiae Brief in ICTY Appeals Chamber 2018** on interpretation of JCEIII liability leading a group of counsel and academics (leave granted)
- **Chan Kam-shing (Hong Kong) 2016** – Leading appeal in alleged common purpose murder to Court of Final Appeal following *Jogee*
- **R v P (Gibraltar) 2017** – Defence of sexual allegations involving advocacy relating to a 4 year old child.
- **In the matter of X (Monserat) 2016** – Advising on statutory interpretation of s141 Penal Code.
- **Past cases also include international fraud, extradition in rape, death penalty advice and amicus curiae briefs.**

#### CONSTITUTIONAL

- **Moukhaiber v R 2020 Victoria Court of Appeal** – Issue of adding a state offence to a Commonwealth indictment.
- **In the matter of women and child citizens in Syria 2020** – Advice on Federal challenge for citizens prevented from exercising right to re-enter.
- **R v Minogue 2019 Australian High Court** – Leading Amicus Curiae brief on implying the rule of law into the Australian Constitution.
- **In the matter of TOM 2018** – Advice on constitutional implications of an apparent preference in context of importation of high value goods subject to Biosecurity legislation.

#### TERRORISM AND HOMICIDE

- **R v Abbas 2019 Victoria Supreme Court** – Leading for the defence in high profile Christmas Day bomb plot.
- **R v Galea 2019 Victoria Supreme Court** – Leading for the defence in preparation and planning terrorist act.
- **R v Moukhaiber 2019 Victoria Supreme Court** – Leading for the defence in 1<sup>st</sup> trial in Australia for a completed terrorist act.
- **R v Rebelo 2019 Court of Appeal England and Wales and Inner London Crown Court** Leading for the defence in an allegation of two bases for manslaughter by supply of DNP diet pills with issues as to causation and meaning of dangerousness and autonomy (trial and appeal).
- **Brown v The Queen [2019] VSCA 286** - Appeal against homicide sentence – first Standard Sentence Appeal.
- **R v Hague 2018 Victoria Court of Appeal** – Leading for the defence in a cold case murder trial subject of the \$1million cold case TV program. Issues include admissibility of out of court identification, abuse of process and fresh evidence.
- **R v Van Beelan 2017 High Court of Australia** – Appeal dealing with interpretation of Section 353A Criminal Law Consolidation Act (SA) on jurisdiction for a second criminal appeal.

#### HUMAN TRAFFICKING

- **In the matter of Mary Jane Veloso (Philippines and Indonesia) 2015** – death row prisoner given a reprieve in Jakarta, Indonesia – assisting on legal issues relating to human trafficking law and referral mechanisms
- **R v J 2020 Court of Appeal of England and Wales** – Advice on Appeal against conviction based on trafficking status.
- **R v D 2020 Court of Appeal of England and Wales** – Advice on Appeal against conviction based on trafficking status.
- **Previous cases include R v B 2006 Trial and Appeal** – defence of woman alleged to be a trafficker. And **R v M 2008 Trial** – international conspiracy involving indentured servitude. 26 defendants.

#### COMPLICITY

- **Most well known as leading counsel in R v Jogee [2016] UKSC 8** – Appeal to the UK Supreme Court (formerly the House of Lords) which sat for the first time, at the same time as the Judicial Committee of the Privy Council. Alleged joint enterprise murder. Correcting the law on foundational liability for secondary parties. Court of Appeal Report at *R v Jogee* [2013] EWCA Crim 1433. BBC Reported as ‘Genuine Moment of Legal History’. *R v Jogee* 2016 – Retrial after conviction for murder quashed on appeal. Acquitted of murder. Convicted of manslaughter.
- **R v Johnson 2020** Petition for mercy exposing systemic racism in joint enterprise.
- **R v Henry 2020** Petition for Mercy for autistic prisoner affected by error of law in complicity.
- **R v PGM 2019, Nottingham** Leading for the defence in an allegation of murder with issues as to mere presence and directions on manslaughter.
- **R v Finn 2018 – Victorian Court of Appeal, Australia** – Appeal against conviction on complicity issues and prosecutor’s speech.
- **Davis v CCRC 2018 High Court of England and Wales** Judicial Review of a decision by the CCRC not to refer an application to the Court of Appeal.
- **R v Lewis [2017] EWCA Crim 1734.** Led for the defence (trial and appeal) in an alleged murder by fire where the Appellant was acquitted on a submission of no case to answer and the Crown’s appeal against the terminating ruling was rejected. Issues

involved distinction between joint principalship and common purpose. Evidence included complex DNA and an STRMix calculation.

- **R v Grieve 2016 (NT)** – Successful Mercy petition: Subject of The Australian featured documentary. Part of the IJEP project (see ‘projects’ above).
- **Chan Kam-shing 2016 (Hong Kong)** – Leading appeal in alleged common purpose murder to Court of Final Appeal following Joguee.
- **R v Spilios 2016 (South Australia)** – Application for special leave to High Court of Australia in joint enterprise murder on issues of accessorial liability. On appeal from R v Spilios [2016] SASCFC 6

#### SEXUAL OFFENDING AND HIV

- **2020** Potential Petition to the Privy Council on proposed sexual offending legislation.
- **R v C 2019 Bendigo, Australia** Leading for the defence in trial on multiple counts of sexual assault. **Experience includes over 2 decades as prosecution or defence counsel in trials and appeals on sexual offending and child abuse allegations at every level of seriousness including multi-complainant and multi-defendant cases and civil claims for damages.**
- **R v Rowe 2018 Court of Appeal England and Wales and Lewes Crown Court** Led for the defence (trial and appeal) in the first prosecution for alleged intentional infection with HIV. Contested issues over intention. Evidence included complex expert opinion on phylogenetics.
- **R v Henderson 2017 Victorian Court of Appeal** – Appeal in relation to tendency evidence.
- **R v P 2016** Defence acquittal on allegations of marital rape involving significant unused material relating to a 2 -decade marriage and nearly a decade of separation and divorce proceedings.
- **R v Maung 2016 – Court of Appeal England and Wales and Hull Crown Court** Defence acquittal on retrial after successful appeal on behalf of a doctor accused of sexual assault on a patient.

#### INDIGENOUS RIGHTS

- **Honeysett v The Queen [2018] VSCA 214** - Appeal against sentence including jurisprudence on Koori conversation in sentencing.
- **R v C 2017 (NT)** Advice on abuse of process - bringing proceedings against a vulnerable Indigenous youth.
- **J v Minister for Lands and Planning 2016** - In the matter of Kulaluk community land, successful appeal under the Heritage Act
- **R v M 2015 (NT)**– Defence trial on allegations of sexual offending. Voir Dire on adducing evidence from a vulnerable Indigenous complainant and admissibility of Indigenous defendant’s police interview reported at The Queen v BM [2015] NTSC 73.

#### FRAUD AND MONEY LAUNDERING

- **R v Mardon 2019** Leading for the defence (trial and appeal and confiscation proceedings) in multi-handed alleged Category A money laundering conspiracy involving issues of joint principalship and conspiracy and the application of *Anvoir* bases for liability.
- **R v MC 2018 – Federal Court** Application for pre-action discovery in high value alleged money laundering.
- **The Queen on the application of Aiden Henderson v Secretary of State for Justice [2015] EWHC 130 (Admin)** Judicial review of primary legislation removing recovery of private costs of acquitted defendants **In the matter of X 2013** Judicial review of decision to charge 13 year old boy with rape of a 12 year old boy where potential context was sexual exploration. Prosecution offered no evidence.

#### DISCIPLINARY

- **GMC v Maung 2018** disciplinary proceedings in relation to locum GP before MPTC – also defended criminal trial.
- **M v AHPRA 2017** –Appeared on behalf of a psychologist subject to a suspension for alleged unprofessional conduct.
- **R v W 2016** – Defence of law student accused of engaging in legal practice and representation at subsequent successful application for admission. First case of its type in the NT.
- **H v AHPRA 2016** – Variation / removal of restrictive conditions on surgical practice.

## ACADEMIC AND PRACTITIONER PUBLICATIONS

#### INTERNATIONAL

- Various contributions to ANZSIL Perspective and the International Bar Association on issues relating to International Law.
- Felicity Gerry, ‘Commentary’ on 4 cases in the ICC in Andre Klip and Steven Freeland (eds), *Annotated Leading Cases of International Criminal Tribunals* (Intersentia, forthcoming).
- Felicity Gerry, ‘Commentary’ on Toma Fila disciplinary appeal in the ICTY in Andre Klip and Steven Freeland (eds), *Annotated Leading Cases of International Criminal Tribunals* (Intersentia, 2019) 261.
- Felicity Gerry, ‘Practitioner perspective: Feminism in court - practical solutions for tackling the wicked problem of women's invisibility in criminal justice’ in Susan Harris Rimmer and Kate Ogg (eds), *Research Handbook on The Future of Feminist Engagement with International Law* (Edward Elgar Publishing Limited, 2019) 399.
- ICC Moot Court Manual 2012: Chapter on ICC Structure and Command Responsibility.

## COMPLICITY

- Jonathan Rees and Felicity Gerry, 'Joint Criminal Enterprise in the Kosovo Specialist Chambers' (2020) 13 *ANZSIL Perspective* 9
- Felicity Gerry et al Mercy and Complicity (forthcoming in Monash Law Journal).
- Felicity Gerry, 'Jogee – How Did it Happen?' in Beatrice Krebs (ed), *Accessorial Liability After Jogee* (Hart Publishing, 2019) 247.
- Felicity Gerry and Susan Cox, 'Unjust labels – joint enterprise and extended common purpose' (2017) 3(3) *Northern Territory Law Journal* 138.

## PRACTITIONER GUIDES AND ARTICLES

- Philippa Southwell, Michelle Brewer and Ben Douglas-Jones, *Modern Slavery and Human Trafficking Law and Practice* (Bloomsbury, 2nd Ed forthcoming) (Contributing author to 3 chapters)
- Gerry, Felicity and Raphael de Vietri, *A Quick Reference Guide for Criminal Lawyers in Victoria during the COVID-19 Pandemic* (Quick Reference Guide, 1<sup>st</sup> Ed Green's List March 2020 and 2<sup>nd</sup> Ed, Lexis Nexis April 2020).
- Gerry, Felicity and Ashley Hendron, *A Reference Guide for Criminal Lawyers in England during the COVID-19 Pandemic* (Reference Guide, 1<sup>st</sup> Ed, Carmelite Chambers April 2020).
- Felicity Gerry, Catarina Sjölin and Lyndon Harris, *The Sexual Offences Handbook* (Wildy, Simmonds & Hill Publishing, 2<sup>nd</sup> ed, 2014) (3<sup>rd</sup> ed forthcoming).
- Nora M. Cronin and Kimberly A. Ellis (eds), *Human Trafficking: Emerging Legal Issues and Applications* (Lawyers & Judges Publishing Company, 2017) (contributing author – 3 chapters).
- Felicity Gerry, Catarina Sjölin and Gregor Urbas, 'Patterns of Sexual Behaviour: The Law of Evidence: Back to the Future in Australia and England (2015) 11(1) *International Commentary on Evidence* 29

## HUMAN TRAFFICKING

- Felicity Gerry et al, 'Game Theory and the Human Trafficking Dilemma' (2019) *Journal of Human Trafficking* (forthcoming - online 16 December 2019)
- F. Gerry Q.C. and P. Shaw, "Emerging and Future Technology Trends in the Links between Cybercrime, Trafficking in Persons and Smuggling of Migrants," *2019 First International Conference on Transdisciplinary AI (TransAI)*, Laguna Hills, CA, USA, 2019, pp. 1-9
- Felicity Gerry, Julia Muraszkievicz and Olivia Ianelli, 'The drive for virtual (online) courts and the failure to consider obligations to combat human trafficking – a short note of concern on identification, protection and privacy of victims' (2018) 34(4) *Computer Law & Security Review* 912.
- Felicity Gerry, Julia Muraszkievicz and Niovi Vavoula, 'Using Digital Technologies to Combat Human Trafficking: Privacy Implications' in Felicity Gerry, 'Vulnerable witnesses and parties in Civil proceedings – Dignity, Respect and The Advocate's Gateway Toolkit' in Penny Cooper and Linda Hunting (eds), *Addressing Vulnerability in Justice Systems* (Wildy, Simmonds and Hill Publishing, 2016) 17.
- Felicity Gerry and Narelle Sherwill, 'Human Trafficking, Drug Trafficking and the Death Penalty' (2016) 6(3) *Indonesia Law Review* 265.
- Felicity Gerry, Julia Muraszkievicz and Niovi Vavoula, 'The role of technology in the fight against human trafficking: reflections on privacy and data protection concerns' (2016) 32(2) *Computer Law & Security Review* 205.
- Felicity Gerry et al, 'Is the Law an Ass When It Comes to Mules? How Indonesia Can Lead a New Global Approach to Treating Drug Traffickers as Human Trafficked Victims' (2016) 8(1) *Asian Journal of International Law* 166.
- Felicity Gerry, *Let's talk about Slaves... Human Trafficking: Exposing hidden victims and criminal profit and how lawyers can help end a global epidemic* (2015) 2(1) *Griffith Journal of Law and Human Dignity* 118.
- Felicity Gerry and Catarina Sjölin 'Achieving the G20 gender equality target by tackling sexual exploitation through legal uniformity, extra territoriality and corporate responsibility' (Conference Paper, Global Science and Technology Forum, Singapore 4th International Conference Proceeding, 2015).
- Felicity Gerry, 'Data Uses to Combat Human Rights Abuses' (2014) 33(4) *IEEE Technology & Society Magazine* 42

## FGM, REPRODUCTIVE RIGHTS AND WOMEN IN PRISON

- Yusuf Malik et al, 'Evaluating female genital mutilation Protection Orders in the UK' (2020 forthcoming).
- Yusuf Malik et al, 'Mandatory reporting of female genital mutilation in children in the UK' (2018) 26(6) *British Journal of Midwifery*.
- Felicity Gerry et al, 'Failure to evaluate introduction of female genital mutilation mandatory reporting' (2016) 101(8) *Archives of Disease in Childhood* 778.
- Suzanne Belton et al, 'Mifepristone by Prescription: Not Quite a Reality in the Northern Territory of Australia' (2016) 94(4) *Contraception* 378.
- Felicity Gerry and Lyndon Harris, 'Women in prison: Is the justice system for purpose?' (Discussion Paper, LexisNexis Butterworths, 2016)
- Felicity Gerry, 'Women in Prison in Australia' (Conference Paper, National Judicial College of Australia Conference, 6-7 February 2016).
- Felicity Gerry and Lyndon Harris, 'Women in Prison: Is the Penal System Fit for Purpose?' (Discussion Paper, Charles Darwin University eSpace, 2016).
- Felicity Gerry, Suzanne Belton and Jeswynn Yogarathnam, 'Reproductive Health and Rights in the Northern Territory: Reforming the Medical Services Act 1974' (2015) *Charles Darwin University eSpace* (published online).

- Felicity Gerry, 'Let's talk about Vaginas...Female Genital Mutilation, the failure of international obligations and how to end an abusive cultural tradition' (2014) 2(1) *Griffith Journal of Law and Human Dignity* 78.

## TECHNOLOGY AND THE INTERNET

- Felicity Gerry et al: Graph theory and data modelling in suspicious employment records (Poster - AITrans - forthcoming)
- Felicity Gerry, 'Terrorism and Paedophilia on the Internet: A Global and Balanced Cyber-Rights Response is Required to Combat Cybercrime, Not Knee-Jerk Regulation' in Dan Svantesson and Dariusz Kloza (eds), *Trans-Atlantic Data Privacy Relations ad a Challenge for Democracy* (Intersentia, 2017) 287.
- Felicity Gerry and Dan Svantesson, 'The Microsoft Case and a New Era in Access to Extra Territorial Evidence' in David Caruso and Zhuhao Wang (eds), *Proof in Modern Litigation: Law and Science Perspectives* (Barr Smith Press, 2017).
- Felicity Gerry, 'Terrorism and paedophilia on the internet: A global and balanced cyber-rights response is required to Combat cybercrime, not knee-jerk regulation' in Dan Svantesson and Dariusz Kloza (eds), *European Integration and Democracy Series* (Intersentia, 4<sup>th</sup> ed, 2017) 287.
- Felicity Gerry and Catherine Moore, 'A slippery and inconsistent slope: How Cambodia's draft cybercrime law exposed the dangerous drift away from international human rights standards' (2015) 31(5) *Computer Law & Security Review* 628.
- Felicity Gerry and Dan Svantesson, 'Access to extraterritorial evidence: The Microsoft cloud case and beyond' (2015) 31(4) *Computer Law & Security Review* 478.
- Felicity Gerry and Nadya Berova, 'The rule of law online: treating data like the sale of goods: lessons for the internet from OECD and CISG and sacking Google as the regulator' (2014) 30(5) *Computer Law & Security Review* 465.
- Felicity Gerry, 'The Rule of Law Online: You can't steal cakes that Google haven't baked' (2015)18(7) *Journal of Internet Law* 3.

## JUSTICE AND PENAL SYSTEMS

- Felicity Gerry and David Woodroffe, 'Anunga 40 Years On' in Penny Cooper and Linda Hunting (eds), *Access to Justice for Vulnerable People* (Wildy, Simmonds & Hill Publishing, 2018).
- Felicity Gerry, 'Vulnerable Witnesses and Parties in all Civil Proceedings – Dignity, Respect and The Advocate's Gateway Toolkit 17' in Penny Cooper and Linda Hunting (eds), *Access to Justice for Vulnerable People* (Wildy, Simmonds and Hill Publishing 2018), 20.
- Felicity Gerry and Penelope Cooper, 'Effective participation of vulnerable accused persons: case management, court adaptation and rethinking criminal responsibility' (2017) 26(4) *Journal of Judicial Administration* 265.
- Felicity Gerry, 'Face Veils in Court' (2016) 25 *Nottingham Law Journal* 86.
- Felicity Gerry and Danial Kelley, 'Around the nation: Northern Territory: Is it time for deferred prosecution agreements in the Northern Territory?' (2016) 90(6) *Australian Law Journal* 387
- Felicity Gerry and Danial Kelley, 'Is it time for deferred prosecutions in the Northern Territory of Australia?' (2015) *Northern Territory Law Society Balance Magazine*.
- Felicity Gerry and Moore Lee, 'Exposure to the elements: Secondary stress for lawyers' (2015) 159(34) *Solicitors Journal*
- Felicity Gerry and Kate Crawley, 'Just pictures' *A practical guide to the forensic psychological assessment of child abuse material offenders* (2015) 2 *InPsych*.
- Felicity Gerry, 'Vulnerable Witnesses – dignity and respect' (Conference Proceeding Book, 3<sup>rd</sup> IARS International Annual Conference, 2014)

## POLICY SUBMISSIONS

- **2020:** Submission on decriminalisation of Sex Work in Victoria, Australia.
- **2020:** Various submissions on proposed terrorism legislation and integrity frameworks for ICJV.
- **2020:** Law Council of Australia to DFAT on International Strategy on Human Trafficking and Modern Slavery (contributor).
- **2020:** Modern Slavery Act Review (UK)
- **2019:** AFP Modern Slavery National Action Plan, Australia
- **2019:** APPG on Miscarriages of Justice: Complicity and Coercion.
- **2019:** Artificial Intelligence: Australia's Ethics Framework Public Consultation.
- **2019:** ICJV submission to Royal Commission into management of Human Sources (contributor).
- **2018:** Civil Liberties Australia submissions and evidence to the *Parliamentary Inquiry into establishing a Modern Slavery Act in Australia*. and on the consultation in relation to The Modern Slavery Bill.
- **2017:** Individual submission to CPS Consultation on joint enterprise guidance post *Jogee*.
- **2017:** CLANT submission to NT Government Consultation on Termination of Pregnancy Law Reform.
- **2016:** CLANT submission to the Children's Commissioner on ratification of the Optional Protocol Against Torture.
- **2016:** Civil Liberties Australia submission to the Australian Senate Inquiry into Human Trafficking.
- **2016:** CLANT submission to the Senate Inquiry on the Indefinite Detention of People with Cognitive and Psychiatric Impairment in Australia. Also gave evidence.
- **2015:** Reported on Draft Cyber Law for Cambodia - for UNDP via ILRC of the American Bar Association.
- **2015:** Submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade on Australia's Advocacy for Abolition of the Death Penalty in relation to women trafficked to commit transnational crime.
- **2014:** Bar Human Rights Committee (BHRC) submission to the UK Parliamentary Inquiry into Female Genital Mutilation and the UK Parliamentary Joint Committee on Human Rights Inquiry into Violence Against Women and Girls (VAWG).



- **2012:** Oral submission on the road map for vulnerable suspects to European Commission Department of Justice.

## TRAINING AND CONFERENCES

### CORPORATE RESPONSIBILITY

- **2020:** Numerous presentations on COVID-19 and Human Rights for a range of stakeholders
- **2019** KPMG and Australian Institute of Company Directors: ‘Modern Slavery: Is your business ready to respond?’
- **2019:** Modern Slavery Act (Cth): What to expect in Australia and lessons for North America
- **2017** IBA Conference Sydney Keynote Address for Corporate litigation section: *Towards Global Corporate Criminal Liability*

### WOMEN AND LAW

- **2020:** Various online – Modern Slavery and Human Trafficking.
- **2019:** ANZSIL Conference – gender and sexuality forum and book launch.
- **2019:** United Nations Office on Drugs and Crime, Vienna – High Level Conference on Education4Justice.
- **2019:** UN Office on Drugs and Crime: ‘Module 14: Trafficking in Persons and Smuggling of Migrants/Cybercrime’.
- **2018:** ISS International Commercial Surrogacy Symposium – Child Rights (MC).
- **2018:** ‘Experiences of cases involving sexual offending – an international perspective’ (Paper presented at the Faculty of Forensic & Legal Medicine Annual Conference, Royal College of Physicians, London, 12 May 2018).
- **2018:** Legalwise Seminars, Melbourne – Defences for Human Trafficking Victims who Commit Crime.
- **2018:** ‘A Call to Act to End FGM’ (Presentation at Panel discussion at the Royal College of Midwives, London, 24 May 2018).
- **2017:** Northern Territory Law Society *Women in Leadership*.
- **2017:** Commonwealth Lawyers Conference: Human Trafficking and Forced Marriage – the continuing need for collective social standards and rules.
- **2017:** Commonwealth Parliamentary Association training as part of *The Modern Slavery Project* which is a two year multilateral project providing practical advice and support to Commonwealth legislatures in the pursuit of combatting modern slavery.
- **2016:** Webinar on *FGM and the Law* for the Australian College of Midwives.
- **2016:** International Criminal Law Congress: Human Trafficking, Drug Trafficking and the Death Penalty
- **2016:** International expert meeting: Future of Women in International Law, Griffith University.
- **2016:** Oxford Criminology 50th Anniversary Panel on Women in Prison
- **2016:** 2nd Law Scholar’s Writing Colloquium, Universitas Indonesia. Paper chosen as Editor’s Choice for Indonesian Law Review. Human Trafficking, Drug Trafficking and the Death Penalty.
- **2016:** FGM is Everybody’s Business: Australian Human Rights Commission. FGM and the Law.

### TECHNOLOGY AND LAW

- **2019** California IEEE TransAI Conference, Los Angeles, California – Using technology to combat human trafficking.
- **2018:** Middle Temple *Survive and Thrive for Barristers: Technology for lawyers*.
- **2016:** Middle Temple *Survive and Thrive for barristers: Social Media for lawyers*.
- **2016** Biometrics 2016: Using Technology to Combat Human Trafficking.
- **2015** ICELFS: Access to extraterritorial evidence: The Microsoft cloud case and beyond
- **2015** 8th International CPDP conference, Brussels: “Using technology to combat human trafficking”.
- **2014** CILS International Cooperation conference, Jakarta: “Using technology to combat human trafficking”.
- **2014** Sensor Society Conference, Brisbane: “The Rule of Law Online; You can’t steal cakes that Google haven’t baked”
- **2014** 4th Sino-Australian Law Deans’ Meeting, Zhejiang University, Guanghua Law School, Hangzhou, China: “Using innovative technology in international legal education”.

### REFORMING JUSTICE SYSTEMS

- **2019:** Legalwise Seminars, Melbourne – Counter Terrorism Law Forum.
- **2019** Child Rights – Walls, Wire and Cages and 30 Years of the CRC, Deakin University
- **2019** Child Rights – 30 Years of the CRC, Monash University.
- **2019:** LIV Crim Law Conference session on the Victorian Intermediaries and Ground Rules Hearing Pilot.
- **2019** AIJA Justice for Young People Conference, Melbourne.
- **2019** NZ Criminal Bar – Life after *Jogee* (‘Felicity on Complicity’).
- **2019:** Mt Gambier Magistrates Court: ‘Declining to prosecute young and vulnerable drug dealers:– lessons from the UK County Lines Violence, Exploitation and Drug Supply investigation into criminal networks and the law on Human Trafficking’.
- **2019** The Advocate’s Gateway 3rd international conference in conjunction with Centre for Advocacy at NTU, Nottingham.
- **2019** Australian Bar Association – panellist for hypothetical, Singapore.
- **2018** Criminal Cases Review Commission Lecture Series – *Have the Appellate Courts Lost sight of Justice in joint enterprise appeals?*
- **2018:** International Commission of Jurists with Criminal Bar Association Victoria - challenging accessorial liability.
- **2017:** Delivering section of *Bangladesh Judiciary Management Project* and Research Program on Terrorism, Money Laundering, Issues in International Law and Links between Financing Organisations and Trans-national Crime (including illegal wildlife trade).

- 2017 Hong Kong University Centre for Comparative and Public Law Why the Kim Jong-Nam assassination raises the need for a human trafficking framework.
- 2017 The Advocates Gateway International Conference: *Access to Justice for Vulnerable People*.
- 2017: Green's List Criminal Law CPD: *Quality Trial preparation and advocacy*.
- 2017: Delivering training to *Big Voice London* 'Sexual Assault and Consent'. Report presented in Westminster.
- 2016: Current Issues in Sentencing: National Judicial College of Australia – *Women in Prison*.
- 2016 Spectacular Law Conference, Hong Kong University – *Jogee, the last gasp of Colonialism?*
- 2016 Hong Kong Bar: *Resilience and opportunities*.
- 2016 and 2014 Lexis Nexis *Women in Prison*.
- 2016 CDU Research Workshop and Student Showcase: *Health and Law*.
- 2016 CDU/ Menzies School of Health *Child Rights Forum*.
- 2016 CDU Research Workshop and Student Showcase: *Empowering First Nations People through Law and Policy*.
- 2016 CDU Research Workshop and Student Showcase: *Transnational Law*.
- 2015 The Advocates Gateway International Conference: *Addressing Vulnerability in Justice Systems*
- 2014 Lexis Nexis: Women in prison: *Is the Penal System Fit For Purpose*

## MEMBERSHIPS AND POSITIONS OF RESPONSIBILITY

### CURRENT

- Ambassador ISS
- ANZSIL – Council member and Editor of *Perspective*.
- Executive Committee Member, International Commission of Jurists, Victoria.
- Member Liberty Victoria
- Member of *Female Fraud Forum and Fraud Lawyers Association*.
- Member of the Research Group for interdisciplinary research on mathematics and law
- Member of International Bar Association.
- Member of Commonwealth Lawyers Association.
- Ambassador for *The Advocates Gateway* preparing toolkits for advocacy with vulnerable people (formerly on Management Committee).
- Member of *Everywoman Everywhere* Coalition.
- Member of UK *Criminal Appeal Lawyers Association*.
- Member of ANZLHS
- Member AWB, AWL and Women in Crime.

### PAST

- Legal member of the *Legal Practitioners Disciplinary Tribunal* in the Northern Territory of Australia.
- Member of the International Section of the Law Council of Australia.
- Chair *Corrugated Iron Youth Arts*, Darwin, Australia.
- Vice President, *Criminal Lawyers Association of the Northern Territory* of Australia.
- Member of 2017 International Conference Committee (2015 Chair) for *The Advocates Gateway*
- Associate Editor and Reviewer: *International Journal of Issues in Legal Scholarship* (ILS).
- Affiliated Member of Research group on *Fundamental Rights and Constitutionalism* at the Vrije Universiteit Brussel.
- JUSTICE working party on fair trial rights
- Contributed to JUSTICE report on Mental Health and Fair Trial.
- Professional Board Member, *Computer Law & Security Review* (Elsevier) (CLSR).
- Board Member *Halsbury's Law Exchange* – a politically independent legal think tank engaged in writing articles and contributing to policy papers.
- Member of Expert Group on Procedural Rights, Fair Trials International.
- Member of *Expert Reflection Group* (Trafficking as a Criminal Enterprise).
- Member of UK All Party Parliamentary Group on Rape and Sexual Violence.
- Panel member of Baroness Stern's Rape and serious sexual offences UK Parliamentary group.
- 2013 Bar Council South Eastern Circuit Representative.
- Part of team providing legal advice and assistance for the 2012 London Olympic and Paralympic Games. Specialisms: Sexual offending and defamation.
- 2012 Bar Council for England and Wales Public Affairs Committee.
- 2004 to 2008 Chair of 36 Bedford Row Marketing Committee.
- 2000 to 2004 Midland Circuit Committee, Leicester Representative.
- 5 -year column for CL&JW: First woman to write comment piece in its (then) 175 -year history.

## REFEREES

- Available upon request.