



## **FELICITY GERRY QC**

**Year of Call: 1994, SILK: 2014**

**Experienced International Queen's Counsel in five principal practice areas:**

- **International Criminal Law**
- **Terrorism**
- **Organized Crime, including human trafficking**
- **Homicide, including 'joint enterprise'.**
- **Complex sexual offence allegations.**

### **INTERNATIONAL CRIMINAL LAW**

Felicity is admitted to the lists of counsel in the International Criminal Court (ICC) and the Kosovo Specialist Chambers (KSC in the Hague. She has also had ad hoc admission in Hong Kong and Gibraltar. She is A Specialist in appellate and trial advocacy for serious and complex national, transnational and international individual and corporate crime. Regularly called upon to handle serious, complex and sensitive matters often with an international element. Her cases and advisory work often involve an international or human rights issues, including genocide, torture, terrorism, biosecurity, illegal logging, modern slavery and other major international crime. She has assisted in death penalty cases in Indonesia, particularly on the intersection between drug trafficking and human trafficking and assisted in the reprieve from execution of Filipina Mary Jane Veloso. Her international advisory work has included a study on proposed reintroduction of the death penalty in the Philippines, advice on the interpretation of the Penal Code in Montserrat relating to child exploitation and interpretation of sexual offences legislation in Guernsey as well as other Privy Council matters. She brings her expertise in joint criminal enterprise to international proceedings, recently publishing in the International Bar Association War Crimes Committee newsletter on JCEIII liability in the KSC. 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 has lectured at SOAS on special arrangements for vulnerable witnesses in the International Courts. In 2012 she published a joint paper for Lexis Nexis on male rape in conflict zones and in 2014 published in the International Bar Association ICC Moot Court Manual on command responsibility. In addition, 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 also 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.



## **TERRORISM**

Felicity is a specialist in appellate and trial advocacy for serious and complex national, transnational and international individual and corporate crime. She particularly specialises in leading for the defence team in terrorism trials including alleged conspiracies and completed acts. She recently appeared in 3 long terrorism trials in Australia and has a particular expertise in the use of technology and cybercrime in this context. She has appeared and advised in a number of cases that have involved analysis and advice on terrorism and extremist legislation including relating to repatriation of citizens in Syrian camps, the taking of a child to Syria and trials under the Serious Organised Crime and Police Act 2005 labelled 'domestic extremism'. As Professor of Legal Practice, she has also lectured in Terrorism law, and provided training in the Bangladesh Judiciary Management Project on Terrorism and Money Laundering. She has published a chapter in the Fourth volume in the European Integration and Democracy Series, devoted to Trans-Atlantic Data Privacy Relations as a Challenge for Democracy: 'Terrorism and Paedophilia on the internet: A Global and Balanced Cyber-Rights Response is Required to Combat Cybercrime, not Knee-Jerk Regulation'.

### **Recent trials and appeals**

*R v Moukhaiber and others* 2019-2020 Multi-handed terrorism trial and appeal.

*R v Abbas and others* 2019 - 2021 Multi-handed terrorism trial and appeal with vulnerable defendant.

*R v Galea* 2020 terrorism trial.

**Currently instructed in the Shamima Begum intervention.**

## **ORGANISED CRIME**

Felicity has a long history of dealing with cases involving national and transnational organised crime. She has a particular expertise in Modern Slavery law, including with a corporate overlap and is regularly instructed in appeals on behalf of trafficked persons who commit crime. She has provided training to the Commonwealth Parliamentary Association 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. She is a contributor to Modern Slavery and Human Trafficking Law and Practice (Bloomsbury)

### **Recent trials and appeals**

*R v Mardon and others* 2018 Money laundering trial and appeal.



*R v X* 2021 Human trafficking appeal.

*R v Y* 2021 Human trafficking appeal.

**Currently instructed in several human trafficking appeals.**

## **HOMICIDE**

Felicity has a particular interest in homicide law including murder and manslaughter especially multi defendant cases applying the law on complicity: She was leading counsel in *R v Jogee* [2016] UKSC 8 which corrected an error of law in joint enterprise. She led similar appeals in Hong Kong and Australia. She also led appeals in *R v Lewis* [2017] EWCA Crim 1734 which clarified the law on joint principalship and in *Rv Rebelo* [2019] EWCA Crim 633 which clarified the law on manslaughter. 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 petitions in the UK on behalf of an autistic prisoner and a black youth both affected by the errors of law in joint enterprise.

## **Recent trials and appeals**

*R v Grunyt-Meyer and others* 2018 Multi-handed murder trial where issues of withdrawal and householder defences were dealt with in judicial directions – acquitted or murder.

*R v Cumberbatch and others* 2020 First multi-handed murder trial where overwhelming supervening act principle direction given. Acquittal on murder and manslaughter

*R v Hindle* 2020-2021 murder trial with vulnerable witness and defendant. Awaiting sentence and appeal lodged against conviction.

**Currently instructed in several multi handed murder trials and appeals, applications to the CCRC and petitions for mercy for wrongly convicted prisoners.**

## **SEXUAL OFFENDING**

Felicity has over 25 years' experience of cases involving allegations of sexual offending at every level of seriousness, often involving high profile clients. This includes rape in homicide, intimate partner allegations, multi complainant cases and cases involving child witnesses. She is a co-author of *The Sexual Offences Handbook* (3<sup>rd</sup> Edition forthcoming) and has provided training, and published numerous articles, on the law in this area. She has been involved in the



development of advocacy toolkits for questioning vulnerable witnesses and vulnerable defendants and has the skills and experience to deal with these sensitive cases. She is commonly instructed to defend in complex recent and historic allegations, including those which involve deception, complex scientific evidence and digital material which gives rise to disclosure issues.

Sample cases include the following:

- 2020 Advisory opinion on Petition to the Privy Council on proposed sexual offending legislation.
- *R v C* 2019 Leading for the defence in trial on multiple counts of sexual assault involving child protection records' disclosure.
- *R v Rowe* 2018 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 Appeal in relation to admissibility of 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 – Trial and Appeal Defence acquittal on retrial after successful appeal on behalf of a doctor accused of sexual assault on a patient.

## **AWARDS**

**2020:** Shortlisted for the International Bar Association Pro Bono Award

**2020:** Lawyers Weekly 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 (organizations 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 recognized that “Felicity has played key roles in the development of international partnerships and has contributed to important outcomes in the region”.

## **DIRECTORIES**



- 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.
- Who’s Who 2016 to 2020
- 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

#### **MEMBERSHIPS:**

- Ambassador International Social Services
- 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 a 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.
- South Eastern Circuit;
- Midland Circuit
- Criminal Bar Association;



LIBERTAS  
CHAMBERS

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