

Megan A. Fairlie

Florida International University College of Law, Miami, Florida 33199

Phone: 305-348-1157. Email: fairliem@fiu.edu

Academic Positions

Florida International University College of Law, Miami, Florida, 2007 - present

Professor of Law

Courses: Criminal Law, Criminal Procedure, International Criminal Law, International Criminal Procedure, Professional Responsibility

Albany Law School, Albany, New York, 2010-2011

Visiting Professor

Courses: Criminal Law, Criminal Procedure, Introduction to the International Criminal Court, International Criminal Procedure

University of Ulster, Belfast, Northern Ireland, Spring and Fall Semesters, 2005

Lecturer in Law

Courses: Criminal Law (LL.B.), Human Rights and Equality Law (LL.B.) and Transitional Justice and the Rule of Law (LL.M.)

Bar Admissions

- New York State Bar, admitted January 2001
- North Carolina State Bar, admitted August 1996 (inactive status as of 2001)

Professional Memberships

- American Bar Association
- American Society of International Law & its International Criminal Law Interest Group
- American Branch of the International Law Association & its International Criminal Court Committee
- ICC Scholars Forum

Articles and Book Chapters

Defense Issues at the International Criminal Court, 47 Georgia Journal of International and Comparative Law (forthcoming, 2019)

Complementarity and Burden Allocation in The International Criminal Court and Complementarity: From Theory to Practice, Mohamed El Zeidy and Carsten Stahn (eds.) (Second Edition, Cambridge University Press, forthcoming) (with Joseph Powderly)

Alternate Judges: International Criminal Courts and Tribunals, Max Planck Encyclopedia of International Procedural Law (2019) (peer-reviewed)

Articles and Book Chapters (continued)

The Unlikely Prospect of Non-Adversarial Trials at the International Criminal Court, 16 *Journal of International Criminal Justice* 295 (2018) (peer-reviewed)

The Abiding Problem of Witness Statements in International Criminal Trials 50 *N.Y.U. Journal of International Law and Politics* 75 (2017)

- “Worth Reading”—12 (5) *War Crimes Prosecution Watch* (May 15, 2017)

The Hidden Costs of Strategic Communications for the International Criminal Court 51 *Texas International Law Journal* 281 (2016)

- “Worth Reading”—10 (23) *War Crimes Prosecution Watch* (Jan. 25, 2016)

Alternate Judges as Sine Qua Nons for International Criminal Trials, 48 *Vanderbilt Journal of Transnational Law* 67 (2015)

- “Worth Reading”—9 (13) *War Crimes Prosecution Watch* (Sept. 22, 2014)

Miranda and its (More Rights-Protective) International Counterparts, 20 *U.C. Davis Journal of International Law and Policy* 1 (2013)

The United States and the International Criminal Court Post-Bush: A Beautiful Courtship but an Unlikely Marriage, 29 *Berkeley Journal of International Law* 528 (2011)

- “Worth Reading”—5 (18) *War Crimes Prosecution Watch* (Dec. 6, 2010)

Complementarity and Burden Allocation in The International Criminal Court and Complementarity: From Theory to Practice, Mohamed El Zeidy and Carsten Stahn (eds.) (Cambridge University Press, 2011) (with Joseph Powderly) (peer-reviewed)

Provisional Release at the ICTY: A Road Better Left Less Traveled, 33 *Fordham International Law Journal* 1101 (2010)

Contempt, Commentary in *Annotated Leading Cases of the International Criminal Tribunals*, Volume XIX, Andre Klip and Goran Sluiter (eds.) (2010, Intersentia Publishers, Antwerp, Belgium) (peer-reviewed)

Revised Pre-Trial Procedure before the ICTY from a Continental/Common Law Perspective, in *International Criminal Procedure: Towards a Coherent Body of Law*, Goran Sluiter and Sergey Vasiliev, (eds.) (2009, CMP Publishers, London) (peer-reviewed)

Procedural Matters: Contempt of court/ fees/ counsel, Commentary in *Annotated Leading Cases of the International Criminal Tribunals*, Volume XV, Andre Klip and Goran Sluiter (eds.) (2008, Intersentia Publishers, Antwerp, Belgium) (peer-reviewed)

Articles and Book Chapters (continued)

Preliminary Matters: Provisional Release, Commentary in Annotated Leading Cases of the International Criminal Tribunals, Volume XI, Andre Klip and Goran Sluiter (eds.) (2007, Intersentia Publishers, Antwerp, Belgium) (peer-reviewed)

Establishing Admissibility at the International Criminal Court: Does the Buck Stop with the Prosecutor, Full Stop? 39 *The International Lawyer* 817 (2005) (peer-reviewed)

Adding Fuel to Milosevic's Fire: How the Use of Substitute Judges Discredits the UN War Crimes Tribunals, 16 *Criminal Law Forum* 107 (2005) (peer-reviewed)

Prosecutor v. Brdjanin & Talic, 98 *American Journal of International Law* 805 (2004) (peer-reviewed)

The Marriage of Common and Continental Law at the ICTY and its Progeny, Due Process Deficit, 4 *International Criminal Law Review* 243 (2004) (peer-reviewed)

- *Reprinted in International Criminal Law*, William A. Schabas (ed.) (Edward Elgar Publishing Ltd., 2012)

Rulemaking from the Bench: A Place for Minimalism at the ICTY, 39 *Texas International Law Journal* 257 (2004)

Due Process Erosion: The Diminution of Live Testimony at the ICTY, 34 *California Western International Law Journal* 47 (2003)

Affirming Brahimi: East Timor Makes the Case for a Model Criminal Code, 18 *American University International Law Review* 1059 (2003)

Shorter Works

The United States Continues its Attacks against the International Criminal Court, *Opinio Juris* (March 18, 2019)

A Newly-Revealed Cost of Article 15 Communications, *IntLawGrrls* (June 29, 2018)

Why the Office of Global Criminal Justice is Worth Saving, *JURIST-Legal News & Commentary* (July 30, 2017)

International Criminal Law in a Retreating World, *IntLawGrrls* (April 19, 2017)

W(h)ither now the reputation of the ICTY?, *Opinio Juris* (Solicited) (Jan. 1, 2014)

- *Reprinted in* 8 (21) *War Crimes Prosecution Watch* (Jan. 13, 2014)

Congressional Briefing on The International Criminal Court and US-ICC relations, *International Network to Promote the Rule of Law* (June 27, 2013)

Shorter Works (continued)

Palestine's Upgraded Status and the International Criminal Court, Jurist.com (Solicited) (Jan. 22, 2013)

Security Council referrals to the International Criminal Court: Much Ado about Nothing?, Fletcher Forum of World Affairs, (Aug. 9, 2012)

Whither now the United States and the ICC?, *IntLawGrrls* (Solicited) (Jan. 27, 2011)

Tribute to Lash LaRue, 63 *Washington and Lee Law Review* 19 (2006)

Presentations

● *The Fair Trial Implications of Victim Participation*

Victim Participation and Reparations Panel, International Criminal Court Summer School, Irish Centre for Human Rights, Galway, Ireland, June 2019

● *Procedure and Evidence*

Solicited faculty member, International Criminal Court Summer School Irish Centre for Human Rights, Galway, Ireland, June 2019

● *Defense Issues*

The International Criminal Court and the Community of Nations, Conference University of Georgia School of Law, Athens, Georgia, March 2019

● *Procedure and Evidence*

Solicited faculty member, International Criminal Court Summer School Irish Centre for Human Rights, Galway, Ireland, June 2018

● *Social Media Platforms and the ICC*

Invited Discussant, ICC Scholars Forum
Grotius Centre for International Legal Studies, Amsterdam, The Netherlands, June 2018

● *Victim-Driven Approaches to International Criminal Justice*

Panelist, 11th International Humanitarian Law Dialogs
Chautauqua, NY, August 2017

● *Fair Trial Rights and the Rights of Victims*

Panelist, International Criminal Court Summer School
Irish Centre for Human Rights, Galway, Ireland, June 2017

Presentations *(continued)*

● *Procedure and Evidence*

Solicited faculty member, International Criminal Court Summer School
Irish Centre for Human Rights, Galway, Ireland, June 2017

● *Bringing International Criminal Justice Issues into Mainstream Law School Discourse*

Experts Seminar on the ICC
Washington University School of Law, St. Louis, Missouri, June 2017

● *Recorded Testimony and Fair Trial Concerns in International Criminal Justice*

IntLawGrrls! Tenth Birthday Conference,
University of Georgia School of Law, Athens, Georgia, March 2017

● *Comparative Criminal Procedure in Mass Atrocity Trials*

Invited Talk for Law Faculty and Students,
Washington & Lee University School of Law, Lexington Virginia, February 2017

● *Recorded Testimony and Fair Trial Concerns: Lessons for the ICC*

ASIL International Criminal Interest Group Works-in-Progress Workshop,
SMU Dedman School of Law, Dallas Texas, December 2016

● *Written Testimony and the Principle of Objectivity at the ICC*

Emerging Issues in International Criminal and Human Rights Law Panel,
Southeastern Association of Law Schools 2016 Conference,
Amelia Island, Florida, August 2016

● *Fair Trial Implications (Special Session on Victims at the International Criminal Court)*

Panelist, International Criminal Court Summer School
Irish Centre for Human Rights, Galway, Ireland, June 2016

● *Procedure and Evidence*

Solicited faculty member, International Criminal Court Summer School
Irish Centre for Human Rights, Galway, Ireland, June 2016

Presentations *(continued)*

● *Procedural Hybridization and Due Process*

Pluralist Approaches to International Criminal Justice
Vrije Universiteit Amsterdam, The Netherlands, January 2016

● *Procedure and Evidence*

Solicited faculty member, International Criminal Court Summer School
Irish Centre for Human Rights, Galway, Ireland, June 2015

● *The United States and the ICC: Politics, Practice and Prospects*

Solicited faculty member, International Criminal Court Summer School
Irish Centre for Human Rights, Galway, Ireland, June 2015

● *The International Criminal Court: Formation, Fundamental Rights and Future Challenges*

Invited Talk for Law Faculty and Students, University of Innsbruck
Innsbruck, Austria, June 2015

● *Parochial Procedure*

Commenter, Junior International Law Scholars Conference
University of Miami School of Law, Coral Gables, FL, January 2015

● *Strategies for Teaching International Criminal Law*

Invited Discussant, Southeastern Association of Law Schools 2014 Conference
Amelia Island, Florida, August 2014

● *Miranda and Its International Counterparts*

Invited Paper Presentation, Max Planck Institute for Foreign and International
Criminal Law, Freiburg, Germany, June 2014

● *Fair Trial Rights at the International Criminal Court*

Invited Talk for Law Faculty and Students, University of Innsbruck
Innsbruck, Austria, June 2014

● *The United States and the ICC: Politics, Practice and Prospects*

Solicited faculty member, International Criminal Court Summer School
Irish Centre for Human Rights, Galway, Ireland, June 2014

Presentations *(continued)*

● *Impact of Impunity on Post-Conflict Reconciliation*

Panel Presentation, Lessons from Rwanda: 20 Years after the Genocide
Florida International University College of Law, Miami, Florida, April 2014

● *Replacement Judges in International Criminal Trials*

Working Paper Presentation, Junior International Law Scholars Conference
UC Berkeley School of Law, Berkeley, CA, January 2014

● *Blood Diamonds and Mass Atrocities: Cutting a New Paradigm from Coarse Jurisprudence*

Commenter, Junior International Law Scholars Conference
UC Berkeley School of Law, Berkeley, CA, January 2014

● *Civil Society and the Perceived Legitimacy of the International Criminal Court*

Paper Presentation, 11th Circuit Legal Scholarship Forum
Stetson University College of Law, Gulfport, FL, November 2013

● *Improperly obtained evidence in the US and in international criminal law*

Invited Paper Presentation, Criminal Justice Research Centre
Brunel University Law School, London, United Kingdom, June 2013

● *You have the right to remain silent: Miranda and its international counterparts*

Invited Paper Presentation, University of Essex School of Law
Colchester, United Kingdom, June 2013

● *The United States and the ICC: Politics, Practice and Prospects*

Solicited faculty member, International Criminal Court Summer School,
Irish Centre for Human Rights, Galway, Ireland, June 2013

● *You have the right to remain silent: Miranda and its international counterparts*

Invited Paper Presentation, Irish Centre for Human Rights
National University of Ireland, Galway, Ireland, June 2013

Presentations *(continued)*

● *The International Criminal Court at Ten: Danger and Opportunity*

Panelist and Co-Organizer, Florida International University College of Law
Miami, Florida, February 2013

● *An Introduction to a Comparative Discussion on Gun Control*

Moderator and Organizer, Roundtable Presentation, Florida International
University College of Law, Miami, Florida, September 2012

● *The Pursuit of Equal Justice in Florida*

Panelist, Town Hall Meeting, Florida International University College of Law,
Miami, Florida, April 2012

● *Critique: Investigation, Coercive Measures, Arrest and Surrender in International
Criminal Practice*

Invited Discussant, International Criminal Procedure Expert Framework
Concluding Conference, The Peace Palace, The Hague, October 2011

● *The Death Penalty in the United States: A Legal Overview*

Presentation, The Death Penalty: European and International Perspectives, in
coordination with Miami-Florida European Union Center of Excellence
Florida International University College of Law, Miami, Florida, September 2011

● *The Death Penalty in the United States: A Legal Overview*

Presentation, The Death Penalty: European and International Perspectives, in
coordination with Miami-Florida European Union Center of Excellence
Florida International University College of Law, Miami, Florida, September 2008

● *Fair Trial Rights*

Solicited faculty member, International Criminal Court Summer School
Irish Centre for Human Rights, Galway, Ireland, June 2008

● *Pre-trial Practice at the ICTY*

Paper Presentation, Expert Meeting on International Criminal Procedure:
Towards a Coherent Body of Law, Amsterdam Centre for International Law
University of Amsterdam, The Netherlands, January 2008

● *Fair Trial Rights*

Solicited faculty member, International Criminal Court Summer School
Irish Centre for Human Rights, Galway, Ireland, June 2005

Additional Teaching and Related Experience

Irish Centre for Human Rights, National University of Ireland, Galway, Galway, Ireland

Doctoral Fellow, 2003-2005

Provided research, editorial and substantive assistance to numerous faculty members of the Human Rights Centre; served as guest lecturer, International Peace Support Operations LL.M. programme and presenter, lunchtime seminar series (International Criminal Law).

Rapporteur, Model Codes for Post Conflict Justice Project February-March 2004

Attended and reported on expert, police expert and detention/corrections expert meetings held to assess a series of codes drafted for execution in instances of transitional justice.

Instructor, A Rights Based Approach, Amnesty International Irish Section

March 2004 (A Course in Human Rights, in association with The Irish Centre for Human Rights) Lectured in the area of International Criminal Law in order to provide foundational knowledge for staff, volunteers and members working in organizations in the voluntary, community sector in Ireland.

Assistant to Dr. Ray Murphy, and Advisor, Applicable Law in Complex Peacekeeping Situations Project, 2003

Provided assistance with course preparation, independent publications and research projects, primarily with regard to international humanitarian law and universal jurisdiction.

Education

Ph.D., National University of Ireland, Galway, International Human Rights Law, 2007
Dissertation Title: *A Step in the Right Direction, Yet an Imperfect Paradigm: Limitations of the Practice of the ad hoc Tribunals*

LL.M., National University of Ireland, Galway, 2003, *First Class Honours*,
Highest Academic Average, International Peace Support Operations
Programme and in LL.M. Programmes overall

J.D., Washington and Lee University School of Law, 1996, *Cum laude*

B.A., University at Albany, 1993, *Summa cum laude*, top 10%

Legal Experience

New York State Legislature, Albany, New York

Legislative Counsel to the Minority, State Assembly, 2002 Legislative Session
As a Senior Staff member, advised Minority Leader and *pro tempore* on legal, practical and political aspects of legislation. Conducted weekly bill briefings for Minority members; served as ‘floor counsel’ during legislative session.

Counsel to the Senior Assistant Majority Leader, State Senate, 2000 and 2001
Legislative Sessions

Drafted and revised legislation; advised member in debate during legislative session; researched feasibility of novel legislation.

Office of the District Attorney, Cumberland County, North Carolina

Assistant District Attorney, 1997-2000

Responsible for the prosecution of felonies and misdemeanor appeals via trial, motions, pleas and hearings; tried in excess of fifteen jury trials with a near perfect record; prosecuted extensive misdemeanor dockets via bench trials and pleas; coordinated court schedule and served as liaison with the Office of District Court Judges.

Scholarships, Awards and Service

International Criminal Law Review, Manuscript Referee, 2018

Judging Panel, International Criminal Court Moot Court Competition Memorials, Grotius Centre for International Legal Studies, Leiden University, Spring 2017

“Worth Reading” designation from War Crimes Prosecution Watch (article: *The Abiding Problem of Witness Statements in International Criminal Trials*), May 2017

Reading Committee Member, *Judicial responses to procedural violations in international criminal proceedings*’ 500-page Doctoral Thesis to be submitted by Ph.D. candidate Kelly Pitcher at the University of Amsterdam, Report tendered: July 2016; Public Defense: September 2016

Judging Panel, International Criminal Court Moot Court Competition Memorials, Grotius Centre for International Legal Studies, Leiden University, Spring 2016

“Worth Reading” designation from War Crimes Prosecution Watch (article: *The Hidden Costs of Strategic Communications for the International Criminal Court*), January 2016

Scholarships, Awards and Service (continued)

Reading Committee Member, *The Investigation Phase in International Criminal Procedure: In Search of Common Rules*, 1,000-page Doctoral Thesis submitted by Ph.D. candidate Karel de Meester at the University of Amsterdam, Report tendered: June 2014; Public Defense: September 2014

“Worth Reading” designation from War Crimes Prosecution Watch (article: *Alternate Judges as Sine Qua Nons for International Criminal Trials*), 2014

Journal of International Law and International Relations, Manuscript Referee, 2013

“Worth Reading” designation from War Crimes Prosecution Watch (article: *The United States and the International Criminal Court Post-Bush: A Beautiful Courtship but an Unlikely Marriage*), 2010

Self Help Africa –USA, Board Member, 2009- present

Law Review Advisor, 2009-2010; 2012 – 2016; 2017-present

Faculty Advisor to the International Law Students Association, 2008-present

European Journal of International Law, Manuscript Referee, 2006

Amnesty International, Irish Section; The Truth and Reconciliation Commission of Sierra Leone (both in association with the Irish Centre for Human Rights), 2004

Prize for highest academic rank among all LL.M. graduates, Awarded by the Director of the Irish Centre for Human Rights, 2003

Wolf Peirez Academic Scholarship, Awarded by Washington and Lee University School of Law, 1993-1996

Inducted to Phi Beta Kappa, 1992