



# Tihomir Mak

YEAR OF CALL: 2016



Tihomir provides representation and advice in all aspects of criminal law, civil liberties, human rights and public international law. He has extensive experience in complex, high-value and sensitive international disputes.

His areas of expertise include international humanitarian law, international criminal law, international human rights and selected aspects of EU law. He is comfortable dealing with the most complex issues, adept to developing incisive arguments and working with vast volumes of evidence.

If you would like to get in touch with Tihomir please contact the clerking team:

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## PUBLIC INTERNATIONAL LAW

### ***Aerial Herbicide Spraying (Ecuador v. Colombia), International Court of Justice***

Representing and advising the Republic of Colombia in a case before the ICJ concerning aerial spraying by

Colombia of herbicides at locations near the Ecuadorian border, involving issues of State responsibility, trans-boundary harm, human rights and international environmental law.

**Cabral Douglas v the Commonwealth of Dominica, Caribbean Court of Justice**

Advising the claimant in proceedings against the Commonwealth of Dominica before the Caribbean Court of Justice for violation of freedom of movement, freedom to provide services and prohibition of discrimination under the RTC.

**Nicaragua v Colombia, International Court of Justice**

Advising the Republic of Colombia in devising a strategy to respond to the Judgment on the Merits in the Territorial and Maritime Dispute case before the International Court of Justice.

**Kilic v Turkmenistan (ICSID)**

Representing the Claimant in an international arbitration under ICSID involving issues of expropriation and bilateral investment treaties related to a series of construction contracts.

**A European Oil and Gas Company v A European Oil and Gas Company (UNCITRAL)**

Representing and advising the Respondent in an international arbitration under the UNCITRAL rules arising from the joint development of an offshore gas field in the Adriatic (cannot be named because of client confidentiality).

**A European Oil and Gas Company v A European Oil and Gas Company (LCIA)**

Representing and advising the Respondent in an international arbitration under the LCIA rules arising out of a dispute concerning two petroleum coke supply contracts (cannot be named because of client confidentiality).

Advising a UK government department on the draft legislation incorporating the *Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict*.

Advising an international NGO on a wide range of international law issues arising out of the negotiation and the conclusion of the *Arms Trade Treaty*.

Advising the UK government on the duty to investigate international humanitarian law violations under the Geneva Conventions and the extent of investigatory powers under international humanitarian law in relation to the conflict in Syria.

Providing evidence to a UK parliamentary committee on the international legal regime governing improvised explosive devices (IEDs).

Advising the Commonwealth Legal Advisory Service in relation to Hong Kong's compliance with the ICCPR (freedom of assembly).

## **INTERNATIONAL HUMAN RIGHTS**

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### ***Djordjevic v Croatia (ECHR)***

Advisor to counsel for the applicant in an ECHR case involving issues of discrimination, disability, hate crime and access to justice.

### ***Stanev v. Bulgaria (ECHR)***

Advisor to the intervener in a Grand Chamber case involving issues of mental health, arbitrary detention and deprivation of liberty.

Advising the governance team of a major charity on compliance with the Modern Slavery Act.

## **INTERNATIONAL CRIME AND CONFLICT LAW**

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### ***Prosecutor v. Ante Gotovina, Ivan Cermak and Mladen Markac (ICTY)***

Junior lawyer in a team representing the second defendant in a war crimes case involving issues of command responsibility, joint criminal enterprise and aiding and abetting the commission of war crimes and crimes against humanity, in proceedings lasting 6 years, resulting in an acquittal.

Advising a Middle Eastern State on the international humanitarian and international criminal law ramifications of the armed conflict in Ukraine, responsibility to prosecute war crimes and law of armed conflict.

Advising the UK government on starvation as a method of warfare and the ability of ICC to prosecute such conduct.

## **CLAIMS AGAINST THE POLICE AND PUBLIC AUTHORITIES**

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Advising a private claimant on a claim for assault against the police on the basis of newly discovered evidence which the police missed in their internal investigation.

Advising lead counsel on claims under the Human Rights Act against the Metropolitan police in relation to

serious police investigative failures in a high-profile serial killer case.

## **PRO BONO WORK**

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Representing clients detained under the immigration powers in bail applications before the immigration tribunal.

Advising an international organisation on its negotiations with a funding State government.

## **BACKGROUND**

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Before coming to the Bar, Tihomir practised in a Tier 1-ranked law firm dedicated exclusively to public international law, where he represented states, international organisations and private clients on a wide range of contentious and non-contentious public international law issues.

His contentious experience included representing a State before the International Court of Justice in proceedings related to accusations of transboundary harm, representing foreign investors and States in investment treaty arbitrations and representing a national company in a commercial arbitration.

His advisory experience included advising a Middle Eastern state on the international ramifications of the armed conflict in Ukraine, advising an international organisation on its negotiations with a donor State and advising a national company on unbundling issues in EU law. During this time, Tihomir also taught public international law, focusing on international humanitarian law, law of treaties and human rights. Following this, he worked as an international law adviser at the British Red Cross where he provided high quality advice on international humanitarian law issues to the UK government.

Prior to that, Tihomir was a member of the defence team in a seminal war crimes case at the International Criminal Tribunal for the former Yugoslavia, where he advised on international criminal law, international humanitarian law and criminal law, drafted complex arguments involving a combination of legal, procedural and evidential issues, and managed the entire litigation process in proceedings lasting 6 years, culminating in the acquittal of the client.

His previous experience also includes strategic human rights litigation through co-representation, legal support to applicants and third-party interventions at the ECHR and the Inter-American Court of Human Rights, working at the Supreme Court of the Republic of Croatia as a consultant and at the University of

Zagreb as a teaching assistant. He also worked as a project manager of European Commission funded rule of law project and an assistant in the Mission Officer of the UN Office of High Commissioner for Human Rights.

Tihomir is both civil and common law educated and multilingual.

He was invited to join Garden Court Chambers following the successful completion of pupillage in 2017.

## **TRAINING AND SEMINARS**

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Tihomir was a trainer and course director of an annual training programme for diplomats, lawyers and government officials of a G20 country, designed to develop necessary expertise and skills to use public international law in a practical setting (2012-2015)

He was a trainer with the International Criminal Law Bureau, a group of qualified lawyers providing advice, consultancy and training services to States, international organisations, international courts and private clients in international criminal law, international humanitarian law, human rights law and criminal law (2009-2011)

He was a trainer in ECHR and ECJ law for judges, legal professionals and lawyers practicing in Croatia (2003-2004)

## **AWARDS**

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Academic Merit Award, City Law School (2014)

Major Scholarship for BPTC, Inner Temple (2014)

CPE Scholarship, Inner Temple (2013)

FCO Chevening Scholarship, 2004-2005

Utrecht University Scholarship (2003)

Dean's Award, University of Zagreb (1998)

## EDUCATION

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- BPTC, City University (2016)
- GDL, BPP University (2013)
- LLM, King's College London (2005)
- LLB, Faculty of Law, University of Zagreb (2003)[Professional Membership]Housing Law Practitioners Association
- Administrative Law Bar Association
- Bar Human Rights Committee
- Bar Pro Bono Unit

## LANGUAGES

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- English (fluent)
- Croatian (mother tongue)
- Serbian, Bosnian (fluent)
- Spanish (intermediate)
- French (basic)
- Macedonian (basic)
- Slovenian (basic)

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