Tihomir Mak

Junior Counsel - Under 15 Years
CALLED 2016



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

Tihomir also has experience in civil actions against the police, domestic human rights claims, select aspects of EU law and international arbitration proceedings. He is comfortable dealing with complex issues and working with vast volumes of evidence. He has particular experience in modern litigation technologies, including various e-discovery platforms.

Background and Expertise

Tihomir is both civil and common law educated and multilingual, with a background in international criminal law and public international law.

Since coming to the Bar, Tihomir became a committed criminal defence specialist with experience in defending a wide range of criminal matters, including serious violent offences,

drug offences and sexual offences.

He also developed an extradition practice and has appeared in both first instance and High Court extradition proceedings.

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 allegations 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, and advising a national company on unbundling issues in EU law. During this time, Tihomir also taught public international law at postgraduate level, with a focus 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 and the British Red Cross.

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.

Areas of Expertise

Criminal Law, Extradition, Civil Rights

Advising and representing a client facing serious domestic violence allegations and obtaining a declaration from the court that proceedings before the court were a nullity due to procedural errors. The client's successful and lucrative international career would have ended

with a criminal conviction.

Representing a vulnerable refugee in a successful application to vacate his guilty pleas in a case of dangerous driving causing damage to multiple vehicles. Following detailed written and oral submissions, the Crown ultimately offered no evidence on all counts

Securing a unanimous acquittal of a defendant accused of assaulting emergency workers following comprehensive cross-examination of police officers who fabricated evidence and lied on oath to cover up use of excessive force.

Advising 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.

Securing a discharge in a Polish extradition case on grounds of substantial and unexplained delay and Article 8 rights

Securing an acquittal on modern slavery grounds for a youth charged with drugs and offensive weapon offences

Representing a member of a religious minority group in a High Court case raising issues of permissible restrictions on the appellants' rights under Articles 9, 10 and 11 of the ECHR

Notable Cases

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).

Public International Law

International Human Rights

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 Human Rights

Achievements

Memberships

- Inner Temple

Training and Seminars

- 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)

Education

- BPTC, City University (2016)
- GDL, BPP University (2013)
- LLM, Kings College London (2005)
- LLB, University of Zagreb (2003)