

Tomas Hamilton

(Pupil Barrister) Guernica 37

Called: 2011

Introduction

Tomas Hamilton was called to the Bar of England and Wales in 2011 and worked for over 12 years on matters relating to international crime and serious human rights violations. He joins Guernica 37 as a pupil barrister in crime and extradition.

Tom is specialised in International Criminal Law and International Human Rights Law, as applied in proceedings before international courts and tribunals and in advice to international organisations.

Tom has substantial experience of working for the International Criminal Court (ICC) in The Hague, the United Nations Office of the High Commissioner for Human Rights (OHCHR), the Extraordinary Chambers in the Courts of Cambodia (ECCC), as well as in academic institutions.

His expertise includes a focus on corporate accountability and arms export regulation in the context of Business and Human Rights. He has also developed a regional specialism on issues of accountability and transitional justice in Nepal, Tibet, Myanmar and Cambodia.

Career and background

Prior to joining Guernica 37, Tom served as a Human Rights Officer in the United Nations investigative team of the Independent International Fact-Finding Mission



on Venezuela (FFMV). In particular, he was responsible for drafting substantial parts of the Mission's annual findings that were presented to the Human Rights Council in September 2023.

From 2021 to 2023, Tom taught International Criminal Law at the University of Amsterdam, where he held a tenured position as Assistant Professor in the Criminal Law department. Tom is recognised for his expertise on corporate accountability for serious human rights abuses having publishing widely in leading international journals. His book 'The Arms Trade and International Criminal Law' is set to be published by Oxford University Press in 2024.

At the United Nations Assistance to the Khmer Rouge Trials (UNAKRT) from 2016 to 2021, Tom worked on the Defence in the Case 004 investigations before the ECCC tribunal. Tom acted as Senior Legal Consultant to Counsel representing a defendant facing the most serious criminal charges — genocide, war crimes and crimes against humanity — relating to the Khmer Rouge period from 1975 to 1979.

From 2013 to 2016, Tom worked in the Chambers of the Judiciary of the ICC in The Hague, including in the role of Associate Legal Officer. He contributed to the drafting of substantive and procedural decisions of the Pre-Trial, Trial and Appeals Chambers seized of the Situations in the Ivory Coast, Libya, Darfur (Sudan), and the Central African Republic.



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Prior to this, Tom worked for 12 months at Bark & Co Solicitors in London on business crime and serious offences in prison. He assisted in R v Ravjani, a 4-month MTIC fraud trial involving complex contra-trading worth £120m to HMRC and was Junior Case Manager in R v Thakrar, an alleged attempted murder of prison officers in HMP Frankland.

Additional Activities

Tom has carried out advisory and pro bono for Amnesty International, Global Witness, PAX, the Free Representation Unit (FRU) (as an advocate in social security appeals), the International Committee of the Red Cross (ICRC), as a judge on the International Criminal Court Moot competition, for Amicus, the Cambridge Pro Bono Project, and as a volunteer on Lincoln's Inn advocacy courses, as well as having full-time research positions at the BBC and for the TED Talks.

Through his work at the Faculty of Asian and Middle Eastern Studies at the University Oxford, Tom has a special interest in human rights in Tibet and the preservation of intangible cultural heritage.

During his bar studies, Tom undertook mini-pupillage at 2 Bedford Row, Carmelite (now Mountford Chambers), Garden Court, 5RB, Thomas More, 6 Pump Court, Hardwicke, a work placement at Leigh Day & Co. and judicial marshalling in Derby Crown Court.

Education

PhD in Law, King's College London
LLM, University of Cambridge
Bar Vocational Course, College of Law, London
LLB, College of Law, London
BA (Hons), University of Oxford

Memberships

The Honourable Society of Lincoln's Inn (since 2009)
Bar of England and Wales (called 2011)

Appointments

Visiting Lecturer, School of Law, King's College London
Fellow, Centre for Rights and Justice, Chinese University of Hong Kong
Guest Lecturer, Law Faculty, University of Cambridge
Visiting Researcher, Grotius Center for International Law
Visiting Scholar, TMC Asser Institute, The Hague
Research Fellow, Faculty of Asian and Middle Eastern Studies, University of Oxford

Awards

Economic and Social Research Council (ESRC) Doctoral Scholarship
International Award, Lincoln's Inn
Hardwicke Award, Lincoln's Inn
Major BVC Scholarship, Lincoln's Inn
Oxford University Society Grant
Royal Geographical Society, IBS Fieldwork Grant, for research in Tibet
Michael Aris Memorial Trust for Tibetan and Himalayan Studies

Expertise

International Criminal Law
International Human Rights Law
Public International Law
Criminal Law
Extradition

Languages

English
Spanish

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French
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French

Selected Publications

- Special Issue on Corporate Accountability and the Arms Trade (Co-Editor), *Business and Human Rights Journal* (Cambridge University Press) (forthcoming 2024).
- The Arms Trade and International Criminal Law (Oxford University Press) monograph book (forthcoming 2024).
- Managing Editor, *Rethinking Secondary Liability for International Crimes (SLIC*)* (Oxford University Press) (forthcoming 2024).
- Invited speaker on the IBA War Crimes Committee for the International Bar Association (IBA) in Miami (November 2022).
- Principles of Reparations at the International Criminal Court: Assessing Alternative Approaches, *UN Yearbook of International Law*, with Sluiter, G. 15, Dec 2023.
- Corporate accountability and Iranian drones in the Ukraine war: Could sanctions lead to prosecutions for international crimes? 23 Nov 2022, *EJIL: Talk!*
- Why the ICC's termination of proceedings against deceased Kenyan defendant Paul Gicheru should not be the end of the matter, Sluiter, G. K. & Hamilton, T. F. B., 17 Oct 2022, *EJIL: Talk!*
- Defending Ukraine with EU weapons, Hamilton, T., Sep 2022, *European Law Open*. 1, 3, Cambridge University Press
- Articulating Arms Control Law in the EU's Lethal Military Assistance to Ukraine (Just Security blog)
- Corporate Accountability for Atrocity Crimes in Myanmar: Business Complicity in the Investigations of the UN Fact-Finding Mission, Chinese (Taiwan) *Yearbook of International Law and Affairs*, with Caon G., Vol 40 (2023)
- China Would Violate the Arms Trade Treaty If It Sends Weapons to Russia for Use in Ukraine: Part I (*Opinio Juris*)
- China Would Violate the Arms Trade Treaty if it Sends Weapons to Russia for Use in Ukraine: Part II (*Opinio Juris*)
- An arms trade case at the International Criminal Court: Would the Article 25(3)(c) 'purpose' requirement really matter? Hamilton, T. F. B., 23 Sep 2021, *Rethinking SLIC*.
- Arms Transfers under Article 25(3)(d)(ii) of the Rome Statute, in Jørgensen, N. H. B. (ed.), 1 Sep 2020, *The International Criminal Responsibility of War's Funders and Profiteers*, Cambridge University Press
- Uniting Against Impunity: Using the UN General Assembly as a Catalyst for Action at the ICC Ramsden, M. P. & Hamilton, T. F. B., 11 Sep 2017, *International and Comparative Law Quarterly*. 66, 4, p. 893-921

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