

Statement submitted in accordance with Article 36, paragraph 4 (a), of the Rome Statute of the International Criminal Court, and paragraph 6 of the resolution of the Assembly of States Parties relating to the procedure for the nomination and election of judges of the International Criminal Court adopted on 10 September 2004

(a) Article 36, paragraph 3, subparagraph (a)

Judge Kourula is a person of high moral character, impartiality and integrity who possesses the qualifications required in his State for appointment to the highest judicial offices.

In accordance with section 11, subsection 1 of the Finnish Act on Judicial Appointments (Act No. 205/2000), members of the Supreme Court and the Supreme Administrative Court must be eminent legal experts fulfilling the following requirements. The candidate must be a righteous Finnish citizen who has earned a Master's degree in law at a Finnish university and who by his or her previous activities in courts of law or other functions has demonstrated the professional competence and the personal characteristics necessary for successful performance of the duties inherent in the position of a judge. Candidates may obtain the necessary qualifications in legal professions other than those constituting part of the judiciary. Such professions include positions as practising lawyers, prosecutors, research fellows and university lecturers, as well as legal officers responsible for legal drafting. In addition, international duties and certain administrative and law enforcement duties may provide the necessary qualifications.

Judge Kourula has obtained an LL.M and an LL.Lic from the University of Helsinki, and a Ph.D. in international law from the University of Oxford. He has also served as a district judge in Finland, dealing with criminal cases. His qualifications as well as his extensive experience in the legal profession (expanded upon below) qualify him for appointment to the highest judicial offices in Finland. In addition, as former Director General for Legal Affairs at the Ministry for Foreign Affairs, Judge Kourula held a public office for which section 125 of the Finnish Constitution requires skill, ability and irreproachable conduct.

(b) Article 36, paragraph 3, subparagraph (b)

Judge Kourula has established competence in relevant areas of international law, including international humanitarian law and the law of human rights, and has extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court.

Judge Kourula is a prominent international lawyer with both outstanding experience and profound knowledge of international law. He holds a PhD in international law from the University of Oxford and has throughout his academic and diplomatic career been actively engaged in issues of public international law, including international humanitarian law and the law of human rights. Being a member of the first panel of judges at the International Criminal Court, he has gained essential experience and insight for making the Court operational. Judge Kourula's substantial experience, qualifications and competence together with his clear dedication to the International Criminal Court are without question.

Judge Kourula was elected as judge of the International Criminal Court at the first elections in February 2003. He was called to serve full-time at the International Criminal Court in November 2003 and was assigned to the Appeals Division. Throughout his tenure Judge Kourula has been an active member of the Court.

In 2003-2004, he took part in the preparation of the Regulations of the Court as chairperson of the judges' drafting and working group. As the Regulations were adopted in May 2004, Judge Kourula was involved in both the preparation of a Report on the Regulations for the ASP and its presentation to the ASP.

Judge Kourula has been a member of several working groups within the Court and has substantially contributed to various issues that have arisen within the Court, for instance in the framework of the Code of Judicial Ethics. As member of the Appeals Division he was elected to serve as the Appeals Division Judge on the Advisory Committee on Legal Texts.

Judge Kourula has served as coordinator for victims' issues among the judges, an area requiring innovation and foresight as this is the first time that victims have the right to participate in the proceedings of an international criminal court.

He has actively contributed to outreach on behalf of the Court both at the seat of the Court in The Hague and abroad. He represented, for example, the President at the Inter-Parliamentary Union meeting in Manila earlier this year and has briefed various audiences on the objectives and activities of the Court in Tokyo, Prague, Stockholm, Kiev, Helsinki, Rome, Oslo and Paris.

Before becoming a judge at the International Criminal Court, he served in the Finnish Ministry for Foreign Affairs ("MFA") between 1985 and 2003 in various legal capacities and was appointed as Director General of Legal Affairs in 2002. Before taking up the post of Director General for Legal Affairs, he served as Permanent Representative of Finland to the Council of Europe, Strasbourg (1998-2002), Deputy Director General for Legal Affairs (1995-1998), Minister Counsellor and Legal Adviser to the Permanent Mission of Finland to the United Nations, New York (1991-1995), Director of the International Law Division of the MFA (1989-1991) and Counsellor and Legal Adviser to the MFA (1986-1989).

As Legal Adviser to the Permanent Mission of Finland to the United Nations from 1991 to 1995, Judge Kourula followed closely the developments that led to the establishment of the international criminal tribunals for the former Yugoslavia and Rwanda. He was later a member of a ministerial delegation to the ICTY in The Hague in 1997 and was the head of a Finnish evaluation mission on the performance of the ICTR, Arusha, 1998. He was actively involved in the negotiations on the Rome Statute from 1995 to 1998 as head of the Finnish delegation to the Preparatory Committee as well as to the United Nations Diplomatic Conference in Rome on the Establishment of an International Criminal Court. In this context he also held several international positions of trust, such as member in the enlarged bureau and coordinator for jurisdictional issues.

While serving as Permanent Representative of Finland to the Council of Europe in Strasbourg he gained profound knowledge and experience in the fields of protection of human rights and the rule of law, including the work of the European Court of Human Rights. He was appointed the Chair of the Rapporteur Group on Human Rights and the Chair of the Rapporteur Group on National Minorities and also served as Rapporteur on relations between the Council of Europe and the United Nations.

As Director General for Legal Affairs, Judge Kourula bore principal responsibility for advising the Government on issues of international law, including international humanitarian law and the law of human rights. He was the Agent of the Government of Finland in cases brought against Finland before the European Court of Human Rights and in cases before the European Court of Justice. He also served as chairman of the Finnish National Committee on International Humanitarian Law.

Throughout his distinguished career, Judge Kourula has made an important contribution to the academic discourse on current issues of international law, especially on the activities of the United Nations and its bodies, and certain key questions relating to the implementation of the Rome Statute.

(c) Article 36, paragraph 3, subparagraph (c)

Judge Kourula fulfils the language requirements in respect of both working languages of the Court, English and French. Of the other official languages of the Court, he is able to use Russian and understand Spanish. In addition to his mother tongue Finnish, he is fluent in Swedish and German and understands Dutch.

(d) Article 36, paragraph 5

Judge Kourula is being nominated for inclusion on list B for the purposes of Article 36, paragraph 5, of the Rome Statute.

(e) Article 36, paragraph 8, subparagraphs (a)(i) to (a)(iii)

(i) *Judge Kourula is qualified for appointment to the highest judicial offices in Finland, a country with a civil law system largely influenced by the Nordic and Central European legal traditions.*

(ii) *Judge Kourula is a national of Finland which is a member of the Western European and Others Group of States.*

(iii) *Gender: male.*

(f) Article 36, paragraph 8, subparagraph (b)

The legal expertise of Judge Kourula is particularly strong in issues relating to victims. He has served as coordinator for victims' issues among the judges. His competence in this field should be considered and is indeed of great relevance to the judicial work of the Court.