

Statement of qualifications

This statement of qualifications is submitted by the Government of the Republic of Lithuania in accordance with article 36 of the Rome Statute in relation to the procedure for the election of judges to the International Criminal Court.

The Government of the Republic of Lithuania has decided to nominate Ms. Toma Birmontien , professor and a former justice of the Constitutional Court of the Republic of Lithuania, for election as a judge of the International Criminal Court in the election that will take place during the thirteenth session of the Assembly of States Parties, scheduled to be held at United Nations Headquarters, New York, from 8 to 17 December 2014.

Professor Birmontien , whose curriculum vitae in English is attached hereto, is nominated under the terms of paragraph 4(a)(i) of article 36 of the Rome Statute and in accordance with the national Rules of Procedure (for the Selection of a Candidate for the Position of a Judge of the International Criminal Court) of the Republic of Lithuania. The nomination of Professor Birmontien was approved by the Government of the Republic of Lithuania on 7 May 2014 upon the unanimous recommendation of the National Group of the Permanent Court of Arbitration.

Professor Birmontien is nominated for inclusion in List B, comprised of candidates with “established competence in relevant areas of international law such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court”. Professor Birmontien fulfils all the requirements stipulated in paragraph 3 (a), (b) (ii), and (c) of article 36 of the Rome Statute.

Professor Birmontien possesses considerable judicial experience. She served a nine-year tenure as a justice of the Constitutional Court of the Republic of Lithuania (03 2005–03 2014). In the position of a justice of the Constitutional Court, Professor Birmontien dealt with complicated and high-profile cases, which included the questions related not only to constitutional human rights but also international human rights, as in deciding on the formulation of the definition of the crime of genocide in the Criminal Code of the Republic of Lithuania, the constitutional concept of family, the protection of social rights, electoral rights, different aspects of criminal procedure and criminal law, as well as in solving cases on the impeachment of two members of Parliament.

Before serving as a justice of the Constitution Court, Professor Birmontien ’s professional activity had been predominantly committed to the establishment and implementation of human rights.

Following the restoration of the statehood of the Republic of Lithuania, Professor Toma Birmontien extensively dealt with the questions of human rights while working in different positions. In 1995–2004, as the Director of the Lithuanian Centre for Human Rights, she collaborated with the institutions of other States whose activity was primarily directed towards the protection of human rights. She managed projects initiated under the UN Development Programme, the Council of the European Union, and other international organizations, as well as tackled the problems of human rights during the transitional period and the period of accession to the European Union. As the main directions of the activity of the Centre for Human Rights included the dissemination of knowledge of the issues of human rights, Professor Birmontien was engaged in drafting various Lithuanian legal acts related to human rights, i.e., legal acts concerning the right of access to information, the right to petition, referendum, etc., as well as in successfully running the projects aimed at the prohibition of capital punishment, the prohibition of discrimination against national minorities, etc.

In relation to the aforementioned and other issues, such as freedom of press, Professor Birmontien participated in international conferences held in different States, among them in the People's Republic of China. As a member of the delegation of the European Union, in 2004–2006, she participated in the conferences held to encourage the People's Republic of China to ratify the International Covenant on Civil and Political Rights of the United Nations. In 2004, she was a member of the delegation of the European Union to the European Union-Iranian Forum for Human Rights, held in Teheran. She worked in projects for the specialists of child's rights and police officers. The Lithuanian Centre for Human Rights, together with the specialists from the Danish Centre for Human Rights, participated in the training of the police officers of the Republic of Malawi.

In 1998–2003, working as a member of the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania, Professor Birmontien gained experience in assessing painful historical facts and the crimes against humanity committed during the Nazi and Soviet occupation. In addition, she was a member of the working group formed for the analysis on lustration.

In 1998 and 2000–2001, she was a member and chairperson of the working groups formed by the President of the Republic of Lithuania for solving questions of children's rights and contributed to the drafting of legal acts on the protection of children's rights. In 2002–2003, she was a member of the Consulting Council for Child Affairs under the President of the Republic of Lithuania.

In 1990–1996, in the position of a legal consultant at the Ministry of Health of the Republic of Lithuania, Professor Birmontien actively participated in establishing the legal framework of and a new approach to Lithuanian health law and contributed to consolidating the priority of the principle of human rights in the field of healthcare. She worked as a drafter of the national laws on the patients' rights and compensation for damage to health, on the transplantation of human organs and tissues, biomedical research, mental health care, etc. She did important work in implementing the Law on Mental Health Care, shaping a new attitude to people with mental illnesses, as well as in establishing the guarantees of their rights in conformity with the international standards of human rights.

Following the restoration of the State of Lithuania, Professor Birmontien was actively engaged in the activities of lawyers. In 1997–2001, she was the Vice-Chairperson of the Lithuanian Lawyers' Association (in 1994—the Executive Secretary of this association) and considerably contributed to building the legal democratic foundations of the restored State of Lithuania, in consolidating respect for human rights, and the values of rule of law. In 1992–1993, she was delegated by the Lithuanian Lawyers' Association to be a member of the Commission for the Election of the First President of the Restored Republic of Lithuania.

In addition to her established judicial and professional legal experience, Professor Birmontien has been actively involved in the academic field. She has lectured on human rights at the Institute of Constitutional and Administrative Law of the Faculty of Law of Mykolas Romeris University, as well as in other departments of this university, and worked as the Dean of the Faculty of State Administration at the same university. At present, Professor Birmontien lectures on the subject of constitutional rights in old and new democracies as well as on comparative constitutional law at Taras Shevchenko National University of Kyiv. In her academic capacity, Professor Birmontien has held a number of visiting lectureships at various European universities, prepared different study programmes, extensively published on numerous issues of human rights, women's rights, the guarantees of social rights, as well as on constitutional law and the issues of compatibility between international and national law. She has completed internships in the field of human rights in Denmark (the

Danish Centre for Human Rights), Sweden (the University of Lund), Canada (the Canadian Human Rights Foundation), and the United States (the University of California, Santa Cruz).

Professor Birmontien 's versatile expertise in the judicial field, her broad first-hand experience in the work aimed at consolidating the protection of human rights and the values of a democratic State of law, and her proven knowledge are all highly relevant to the work as a judge of the International Criminal Court.

Professor Birmontien is fluent in English and Russian, can read in French, and she understands Polish and Ukrainian.

Professor Birmontien is a national of the Republic of Lithuania.
