

Parmas, Andres (Republic of Estonia)

[original: English]

Statement of qualifications

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 on the procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court (ASP/3/Res.6, as amended)

a) Fulfilment of the requirements of article 36, paragraph 3 (a), (b) and (c) of the Rome Statute, in accordance with article 36, paragraph 4(a), of the Statute Criteria of high moral character, impartiality and integrity

In 2014, Mr Parmas was appointed as a judge of the Criminal Chamber of the Circuit Court of Tallinn. According to the Courts Act, a citizen may be appointed as a judge in Estonia only if a person is of high moral character and has the abilities and personal characteristics necessary for working as a judge, apart from professional qualifications.

In 2021, Mr Parmas was appointed as the Prosecutor General directing the Prosecutor's Office of Estonia. According to the Prosecutor's Office Act, a citizen may be appointed as a prosecutor in Estonia only if a person is of high moral character and has the abilities and personal characteristics necessary for working as a prosecutor, apart from professional qualifications.

In addition to national positions, the requirement of high moral character, impartiality and fairness applies to the judges of Kosovo Specialist Chambers. As Mr Parmas was included in the roster of judges of Kosovo Specialist Chambers, compliance with these requirements has been verified at the international level.

The high moral character and integrity of Mr Andres Parmas is demonstrated, for example, by the fact that he has been vetted in several national and international security clearances over the years and he has always passed these clearances without any objections.

Therefore, Mr Parmas is an individual of high moral character, impartiality and integrity.

Possession of the qualifications required for appointment to the highest judicial offices at the national level

From 2014 to 2021, Mr Parmas was sitting as a judge of the Criminal Chamber of the Circuit Court of Tallinn. Circuit Courts of Appeal are the courts of second instance in Estonia. The criteria for becoming a Circuit Court judge are similar to those for the Supreme Court. According to the Courts Act, a person who is an experienced and recognized lawyer may be appointed a justice of the Supreme Court. Mr Andres Parmas has established competence in criminal law and procedure, and the necessary relevant experience in criminal proceedings for more than 20 years; therefore, he is eligible for appointment as a justice to the Supreme Court. Currently Mr Parmas is holding the post of the Prosecutor General, the highest-ranking post in the Prosecutor's Office. According to the Prosecutor's Office Act, a person who is an experienced and recognized lawyer may be appointed as the Prosecutor General.

Therefore, Mr Parmas, being an experienced and recognized lawyer, satisfies the requirements of the qualification for appointment to the highest judicial offices in Estonia.

Established competence in criminal law and procedure, and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings

Mr Parmas is an international criminal law expert of high renown. He has established practical and academic competence in criminal law, international criminal law and criminal policy. He has more than 20 years of experience as a judge, prosecutor and judicial advisor in domestic and international jurisdictions. Mr Parmas is a member of the Board of Directors of the Trust Fund for Victims of the International Criminal Court, has first-hand knowledge of the functioning of the ICC and understanding of the legal framework and jurisprudence of other international criminal courts and tribunals.

Mr Parmas has expertise in the management of judicial organisations and abundant experience in legislative work, as well as in the development of intra-organisational regulations and guidelines for domestic and international judicial organisations alike. He is active as a university lecturer and as a trainer of criminal law at training events for legal professionals, editor and author of numerous publications on international criminal law, criminal law, criminal procedure and constitutional law.

As the legal officer of the Criminal Chamber of the Estonian Supreme Court (2003-2013), Mr Parmas had to participate in the hearings and deliberations of criminal cases brought before the criminal chamber of this court and drafting the rulings and judgments of the chamber. This routinely included work on the most difficult and prominent criminal cases in the country. This also included work with the war crimes and crimes against humanity cases committed by the representatives of the Soviet regime in Estonia.

As the legal officer in the Appellate Court / Supreme Court of Kosovo (2013-2014), Mr Parmas was dealing with most serious crimes in Kosovo, such as war crimes, terrorist crimes, organized crime, and ethnically motivated crimes. He advised the judges; analysed the facts and the law of complex cases that typically involved multiple defendants and large volumes of evidence. He participated in court hearings and deliberations and eventually drafted its judicial orders, rulings and judgments.

In his capacity as the judge at the Tallinn Circuit Court (2014-2020), Mr Parmas, both as the member and the president of the panel, took decisions on appeals, interlocutory appeals, motions and submissions of the parties in criminal cases; conducted court hearings; managed and participated in the deliberations of the panel; drafted judgments, decisions and rulings of the panel; supervised the work of legal clerks and support staff, communicated with the media.

In the newly created Kosovo Specialist Chambers Mr Parmas as judge in the roster (2017-2020) participated in the preparation of the chambers for judicial work – he was active in drafting and negotiating the Rules of Procedure and Evidence, the Regulations of the Chambers and other relevant internal documentation; and participated in the discussions about the judicial policies of the KSC.

In his current capacity as the Prosecutor General of Estonia, Mr Parmas is the head of the Estonian Prosecutor's Office, where his main tasks include the supervision of pre-trial investigations and prosecutorial work in the courts in the most important criminal investigations concerning political corruption, high-level organized crime, crimes affecting state security, crimes committed by Members of Parliament and by the members of the judiciary. His other duties in this capacity include representation of the Office in public; supervision of the entire Estonian prosecution service and general management; international relations; policy-making; participation in various councils and governmental committees; recruitment of prosecutors.

Mr Parmas' management expertise comes from working as the Prosecutor General of Estonia, but also from belonging to the management council of Estonian Courts and acting as the board member of the TFV.

He has participated as an expert in the legislative process in Estonia. His most notable contributions in that respect are participation in the negotiations to reform the system of human trafficking offences; preparatory work, analysis and drafting of amendments to articles on international crimes in Estonia's Penal Code; participation in the preparations for the reform of the Code of Criminal Procedure.

Therefore, Mr Parmas has the necessary competence and he is well qualified to sit as a judge of the International Criminal Court.

Knowledge of and fluency in either English or French

Mr Parmas is fluent in English, one of the working languages of the Court, and has basic knowledge of French.

His excellent command of English is demonstrated by his extensive professional and academic experience in an English language environment: 1) he has successfully worked in several organisations where English was the working language (EULEX Kosovo, Kosovo Specialist Chambers, Trust Fund for Victims of the ICC, Estonian Presidency of the Council of the European Union); 2) he has been participating in academic work in English (publishing articles, participating in comparative scientific projects, teaching in English both in Estonia and abroad).

b) Indication of nomination for List A or List B

As Mr Parmas has extensive experience as a criminal judge, prosecutor and legal officer in the courts, he is being nominated for inclusion in List A, covering candidates with established competence in criminal law and procedure, and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings.

c) Information regarding article 36, paragraph 8 (a)(i) to (iii) of the Rome Statute

For the purpose of article 36, paragraph 8 (a)(i) to (iii) of the Rome Statute, it is noted that Mr Parmas is a male candidate. He would represent the continental legal system and the regional group of Eastern European States.

d) Legal expertise on specific issues, including, but not limited to, violence against women or children

Mr Parmas has extensive professional experience in assisting victims of serious crimes, including violence against women, at national as well as international level, both in terms of policy and practice. He has been serving as a member of Board of Directors of the Trust Fund for Victims of the ICC since March 2021.

As the Prosecutor General of Estonia, one of his main tasks is to deal with issues concerning the victims of crimes. He is directing the creation of policies regarding the participation of victims in criminal proceedings, their access to relief services, assistance available to the victims etc. To promote the interests of victims Mr Parmas concluded an agreement with the Estonian Bar Association on behalf of the Prosecutor's Office in the autumn of 2020 for engaging victims of crimes in the criminal investigation phase. A state prosecutor specialized in juveniles and the treatment of victims was appointed in the Prosecutor's Office. He is also insisting on interagency efforts for more meaningful work in advancing the rights of victims. In order to be aware of the level of Prosecutor's Office's services and of any possible shortcomings, information on the satisfaction of victims with the services and assistance available to them during criminal proceedings is constantly gathered and assessed. Mr Parmas also calls for active outreach to victims. He is working to find innovative and efficient methods to take better notice of the needs of victims of crimes. For this reason, *e.g.* the methods of restorative justice are being introduced in the work of the Prosecutor's Office under his supervision. Mr Parmas is a member of the Estonian Council of Crime Prevention, which has put the assistance of victims of crimes at the centre of its activities in recent years.

While being appointed as the judge in roster for the Kosovo Specialist Chambers, Mr Parmas actively participated in setting out the regulatory framework and standards for victim participation at the Kosovo Specialist Chambers proceedings. In 2013-2014 Mr Parmas worked as an EULEX legal officer in the courts of Kosovo, where among other tasks he had to work with representatives of the victims of grave violations of international humanitarian law and of crimes against humanity in the ongoing criminal proceedings.

In addition to the above, Mr Parmas' work as a lecturer of criminal law at the University of Tartu also merits to be highlighted, as he has dealt in depth with issues concerning the interests of victims when teaching courses of criminal policy and international criminal law.

His track record also includes participation in reforming the norms against human trafficking in the Estonian Penal Code in 2012.

e) Nationality under which the candidate is nominated

Mr Andres Parmas is a citizen of the Republic of Estonia and is being nominated on behalf of this State.

(f) National procedure for nomination

National proceedings were carried out under the terms of article 36, paragraph 4(a)(i), of the Rome Statute of the International Criminal Court i.e. by the procedure for the nomination of candidates for appointment to the highest judicial offices in Estonia.

The national procedure for the selection and nomination of Mr Andres Parmas as a candidate for a position of a judge of the ICC was open, transparent, merit-based and impartial and based on relevant provisions of the Courts Act and Foreign Relations Act.

There was an open competition by inviting applications through a public advertisement with broad distribution of information in the media and social media, with particular emphasis on professional media channels. The applications were reviewed by a selection panel of senior members and representatives of ministries, the

Government Office, the Supreme Court and the Chancellor of Justice. The Chief Justice of the Supreme Court and the Secretary of State participated in the work of the Selection Panel. The best applicants were invited to an interview and interviewed by the Panel. The Selection Panel determined Mr Parmas was the best-qualified candidate for the nomination for the position of a judge of the ICC and made relevant recommendation to the Government of the Republic of Estonia, who made the final decision on the nomination of the candidate. See also points (a) and (g).

g) Acknowledgement of information on qualification of the candidate by the national authorities

In the national procedure for nomination, the Selection Panel has verified that the candidates meet the requirements of qualification of the candidates set out in national law for judges, as well as the requirements of article 36, para 3 and 4 of the Rome Statute. Compliance with these requirements had to be fulfilled in order to be eligible as a candidate in the national procedure.

From 2014 to 2021, Mr Parmas acted as a judge of the Criminal Chamber of the Circuit Court of Tallinn. Circuit Courts of Appeal are the courts of second instance in Estonia. According to the Courts Act, a person who is an experienced and recognized lawyer may be appointed a justice of the Supreme Court. Mr Andres Parmas has established competence in criminal law and procedure, and the necessary relevant experience in criminal proceedings for more than 20 years; therefore, he is eligible for appointment as a justice to the Supreme Court.

In their proceedings, the Selection Panel has reviewed the compliance of the candidates with the requirements of article 36 of the Rome Statute and has established that Mr Parmas fulfils these requirements, which was later confirmed by the Government. The Selection Panel comprising high-level legal experts included the Chief Justice of the Supreme Court of Estonia and the Secretary of State.

Therefore, it is submitted that the Selection Panel, overseeing the nomination process and making recommendation to the Government, and the Government, making the nomination decision, have acknowledged the information provided under sub-paragraph (a).

h) Commitment to take-up full-time service

Mr Andres Parmas would be available to take up full-time service when the Court's workload so requires.
