

## Statement of qualifications

*Statement of the fulfilment of requirements laid down in article 36(3) of the Rome Statute by Professor Piotr Hofma ski, candidate of the Republic of Poland for the election to the International Criminal Court.*

In accordance with article 36(3) of the Rome Statute of the International Criminal Court, every candidate for the election to the Court should fulfil the following requirements:

- 1) Be a person of a high moral character, impartiality, and integrity, who possesses the qualifications required in his/her respective State for appointment to the highest judicial offices (paragraph 3(a)).

Professor Piotr Hofma ski possesses the qualifications required in Poland for appointment to the highest judicial offices. In 1996, he was appointed Judge of the Criminal Chamber of the Polish Supreme Court by the President of Poland. In accordance with article 22 of the Polish Supreme Court Act, only a person of an unblemished character, whose impartiality and integrity cannot be questioned, can be appointed Judge of the Supreme Court. The candidate should possess the highest level of legal knowledge and judicial experience. Professor Hofma ski has proved his independence in thinking and action during his service in the Polish Supreme Court. Furthermore, he has been head of university chairs for more than 20 years, and he enjoys trust and respect among the university community;

- 2) Have 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 (paragraph 3(b)(i)).

Professor Hofma ski is one of the best and most experienced experts in criminal procedure law in Poland. He is the editor and co-author of the highly appreciated Commentary to the Code of Criminal Procedure. He is also the editor of a fundamental work *Criminal Procedure System*. Professor Hofma ski is the author of more than 200 publications dealing with various aspects of criminal law and procedure. He is also very active in the field of legislation and a long-standing expert of the Polish Parliament. As the deputy head of the Criminal Law Codification Commission between 2009 and 2013, he drafted a new model of the Polish criminal procedure in cooperation with a sub-commission that he also headed. Since 2013, he has been head of the Commission.

Professor Hofma ski has a long-standing practical experience as a judge. Between 1994 and 1996, he worked at the Białystok Court of Appeal, and since 1996, he has been Judge of the Criminal Chamber of the Polish Supreme Court. The Chamber's competences include examining cassation referrals, deciding on legal questions addressed by courts of appeal, and reopening proceedings in the most serious cases.

Moreover, it has to be mentioned that Professor Hofma ski has experience in the field of the protection of human rights and fundamental freedoms. Between 1992 and 2008, he was a lecturer at the International School of Human Rights, organised by the Helsinki Committee. He is the co-author of the first Polish Commentary to the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 and the author of many works relating to this area, in particular to the protection of rights of the accused and rights of victims (e.g. the first Polish book about the relationship between the Convention and criminal law and procedure);

- 3) Have an excellent knowledge of and be fluent in at least one of the working languages of the Court (paragraph 3).

Professor Hofma ski is fluent in English. He also speaks German very well. He publishes his works not only in Polish but also in foreign professional journals and gives lectures as a visiting professor at top-ranked universities. He has arranged and led an international research project titled "European Arrest Warrant and its Implementation in the Member States of the European Union." Currently, he is leading an international research project dedicated to the use of evidence obtained outside of criminal proceedings.

In addition, the Government of the Republic of Poland has the honour to inform that Professor Hofma ski has been nominated for inclusion in the list A, pursuant to article 36(5) of the Rome Statute. As far as the issues covered by article 36(8)(a) (i) to (iii) are concerned, the Polish candidate represents

the continental/civil legal system based on the principles of the Roman law (i). He is nominated by a State from the Eastern European Group. By nominating a male candidate, the Government of the Republic of Poland endeavours to ensure a fair gender balance in the composition of the Court (iii), since the gender minimum voting requirement for the forthcoming election has been determined as two male judges.

*Warsaw, 30 May 2014.*