

HANS-PETER KAUL

Judge

German national

born on 25 July 1943

International Criminal Court (ICC)
P.O. Box 19519, Maanweg 174
2500 CM The Hague, The Netherlands
Tel: +31-70-5158237
Fax: +31-70-5158789
Email: Hans-Peter.Kaul@icc-cpi.int

Responsibilities at the International Criminal Court

Judge in the Pre-Trial Division

- President of the Pre-Trial Division
- Judge in Pre-Trial Chamber III (currently seized with the situation in the Central African Republic)
- Representative of the Pre-Trial Division in the Advisory Committee on Legal Texts
- Chairman of the ICC Inter-Organ Committee on the Permanent Premises
- Chairman of the ICC Working Group on Administrative Issuances
- Member of the ICC Budget Steering Committee (previously Facilitator/ Chairman of the ICC Informal Working Group on the Draft ICC Budget 2005)

Previous Employment

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| 2003 | Ambassador, Foreign Office Commissioner for Issues relating to Visas and Migration to Germany |
| 2002-2003 | Ambassador, Foreign Office Commissioner for the International Criminal Court |
| 1996-2002 | Head of the Division for International Law, Federal Foreign Office, Bonn/Berlin, 1996-2002
In this function responsible <i>inter alia</i> for the following cases before the International Court of Justice: <ul style="list-style-type: none">– La Grand Case (1999-2001)– Legality of Use of Force Case (1999-2004)– Certain Property of Liechtenstein Case (2001-2005) |

- 1993-1996 First Counsellor, Permanent Mission of the Federal Republic of Germany to the United Nations, New York, during Germany's non-permanent membership in the Security Council (1995/1996)
- 1990-1993 Deputy Head of the Division for Near Eastern Affairs, Federal Foreign Office, Bonn
- 1986-1990 Political Counsellor, German Embassy to the United States, Washington
- 1984-1986 Press Counsellor and Spokesman, German Embassy to Israel, Tel Aviv
- 1980-1984 Division for UN Affairs (SC, GA), Federal Foreign Office, Bonn
- 1977-1980 Consul and Press Attaché, German Embassy to Norway, Oslo
- 1977 United Nations Conference on Succession of States with Respect to Treaties, Vienna, 1977, Assistant to Dr. C.-A. Fleischhauer
- 1975 Entered the Foreign Service
- 1973-1975 Max Planck Institute for Comparative Public Law and International Law, Heidelberg, Assistant to Prof. Hermann Mosler
- 1963-1967 Military Service in the German Army, last rank: Captain

Education and Professional Training

International Peace Academy, Vienna, 1983

Second State Examination in Law (equivalent to admission to the bar), Heidelberg, 1975

Academy of International Law, The Hague, 1974

Ecole Nationale d'Administration (ENA), Paris, 1972-1973

Sidney Sussex College, Cambridge (UK), 1972 (summer course)

First State Examination in Law, Heidelberg, 1971 (equivalent to first law degree, Universities of Heidelberg and Lausanne)

Language Skills

German, English, French, Norwegian

Selected Legal and Diplomatic Activities related to the International Criminal Court

Commissioner for the International Criminal Court, Deputy Head of the German delegation to the first meeting of the Assembly of States Parties to the Rome Statute, New York, September 2002;

Head of the German delegation to the Preparatory Commission for the International Criminal Court, 1999-2002;

Acting Head/Deputy Head of the German delegation to the Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 1998;

Head of the German delegation to the Preparatory Committee for the International Criminal Court, 1996-1998;

German participant in the meeting of the enlarged Bureau of the Preparatory Committee for the International Criminal Court in Zutphen, Netherlands, 17-31 January 1998 (elaborating the "Zutphen Draft" for the Statute of the International Criminal Court);

Chairman/Organizer of the inter-sessional working meetings concerning the definition of war crimes held in Bonn, June and October 1997 ("Bonn Paper on War Crimes", UN Doc. A/AC. 249/1997/WG.1/CRP.8 of 5 December 1997 as a basis for Art. 8 on war crimes in the Rome Statute);

Chairman of the Preparatory Conference of 14 Central and Eastern European States for the Diplomatic Conference in Rome, Budapest, 13-15 May 1998;

Organizer/Co-chairman of the 18 dialogue and coordination meetings between like-minded States and the International NGO Coalition for the ICC, led by Convenor William Pace, regularly held at the meetings of the Preparatory Committee, at the Rome Conference and at the meetings of the Preparatory Commission and the Assembly of State Parties;

Chairman of the first consultation of the Council of Europe on the International Criminal Court in Strasbourg, 16/17 May 2000; Head of the German delegation

during the second consultation of the Council of Europe on the International Criminal Court, Strasbourg, 13/14 September 2001.

Selected Legal and Diplomatic Activities related to International Humanitarian Law

Member of the National Advisory Committee of the German Red Cross on international humanitarian law, 1996 – present.

Member of the National Expert Commission concerning the "Völkerstrafgesetzbuch" ("Code of Crimes against International Law") which between October 1999 and May 2001 elaborated the draft text of the Völkerstrafgesetzbuch. This Code has since been enacted by Parliament and entered into force on 30 June 2002.

Membership in Professional Associations

German Society for International Law
German United Nations Association
German Council on Foreign Relations
German Society for Military Law and International Humanitarian Law
International Criminal Law Network

Selected Outreach

Over 70 speeches, lectures and interviews (print media, radio and television) on the International Criminal Court, international humanitarian law and international criminal law in Germany, western and eastern Europe, the United States, Chile, Syria, China, the Philippines and Japan.

Selected Publications

Related to the International Criminal Court

- "Developments at the International Criminal Court – Construction Site for More Justice: The International Criminal Court After Two Years", *American Journal of International Law*, Vol. 99, No 2, April 2005, pp 370-384.
- "Baustelle für mehr Gerechtigkeit – Der Internationale Strafgerichtshof in seinem zweiten Jahr", *Vereinte Nationen*, No 4/2004, pp 1-9.
- "Der Internationale Strafgerichtshof- Stand und Perspektiven", Vortrag bei der Jahrestagung der Deutschen Vereinigung für Internationales Recht, Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht, Heidelberg, 18. Juni 2004, (available on request).
- "La Corte Penal Internacional" in *Dialogo Politico*, Publicación trimestral de la Konrad-Adenauer Stiftung A.C. Año XXI - N° 3 (2004), pp. 11-28.
- "Germany: Methods and techniques used to deal with constitutional, sovereignty and criminal law issues", in Roy S. Lee (ed.), *Giving Effect to the International Criminal Court: Methods and Techniques for Handling Issues of Criminal Law, Constitution, and Sovereignty*, forthcoming (2005).
- "Der Internationale Strafgerichtshof- Das Vermächtnis von Nürnberg“, in Andreas Zimmermann (ed.): *Deutschland und die internationale Gerichtsbarkeit*, Veröffentlichungen des Walther-Schücking-Instituts für Internationales Recht an der Universität Kiel, Band 149, Duncker& Humblot, Berlin, 2004.
- "Substantive Criminal Law in the Rome Statute and its implementation in national legislation”, in ICRC/Damascus University Faculty of Law, *The International Criminal Court and Enlarging the Scope of International Humanitarian Law-Damascus Symposium*, 13-14 December 2003, (2004), pp. 277-306 (also published in Arabic).
- "Preconditions to the Exercise of Jurisdiction", in: Antonio Cassese et al. (eds.), *The Rome Statute of the International Criminal Court: A Commentary*, pp. 583-618, Oxford University Press, 3 volumes, 2002.

- "Der Internationale Strafgerichtshof: Eine Bestandsaufnahme in Frühjahr 2003", in: *Die Friedens-Warte – Journal of International Peace and Organization*, Vol. 78 (2003), No. 1, pp. 11-270.
- "The International Criminal Court - Current Perspective", in: Andreas Zimmermann (ed.), *International Criminal Law and the Current Development of Public International Law*, pp. 15-25, Veröffentlichungen des Walther-Schücking-Instituts für Internationales Recht an der Universität Kiel, Band 144, Duncker& Humblot, Berlin, 2003.
- "The International Criminal Court", Country Report submitted by Germany to the XVIth Congress of the International Academy of Comparative Law, Brisbane, 14 - 20 July 2002, Section IV.A. Public International Law, in: Eibe Riedel, *Stocktaking in German Public Law - German Reports on Public Law*, Nomos-Verlag, 2002.
- "Jurisdicción y cooperación en el Estatuto de la Corte Penal Internacional: Principios y Compromisos", Hans-Peter Kaul/Claus Kreß in: Kai Ambos et al., *La Nueva Justicia Penal Supranacional - Desarrollos post-Roma*, pp. 297-342, Valencia, 2002.
- "Der Aufbau des Internationalen Strafgerichtshofs - Schwierigkeiten und Fortschritte", *Vereinte Nationen*, N° 6/2001, pp. 215-222.
- "Der künftige Internationale Strafgerichtshof - Eine Hoffnung auf mehr Gerechtigkeit?", *Vortrag in München am 23. November 2001 bei der Veranstaltung des Landesverbandes Bayern der Deutschen Gesellschaft für die Vereinten Nationen* (available on request).
- "Die Entwicklung des Völkerstrafrechts: Auf dem Weg zur Herrschaft des Rechts in den internationalen Beziehungen?", *Vortrag in Berlin am 15. Oktober 2001 anlässlich der Vorstellung des Buches "International and National Prosecution of Crimes Under International Law - Current Developments"*, *Humanitäres Völkerrecht*, N° 4/2001, pp. 251-254.
- "The Continuing Struggle on the Jurisdiction of the International Criminal Court", in: Horst Fischer, Claus Kreß, Sascha Lüder (ed.), *International and National Prosecution of Crimes under International Law - Current Developments*, 2001, pp. 21-46.

- "The Crime of Aggression - Definitional Options for the Way Forward", in: Mauro Politi, Giuseppe Nesi (ed.), *The International Criminal Court and the Crime of Aggression*, Ashgate Publishing Ltd., 2004, pp. 97-108.
- "A Corte Internacional Criminal: A Luta pela sua Instalação e seus Esopos", in: Fauzi Hassan Choukr, Kai Ambos, *Tribunal Penal Internacional*, Editora Revista dos Tribunais Ltda., Sao Paulo, 2000, pp. 109-124.
- "Globalisierung und NGO's - am Beispiel der internationalen NGO-Koalition für den Internationalen Strafgerichtshof", *Referat bei der Konferenz der Deutschen Gesellschaft für Auswärtige Politik am 18. Januar 2001 zu "Globalisierung und NGO's: Zielsetzungen, Aktivitäten und Rolle der Nichtregierungsorganisationen"*, forthcoming in: *Berliner Schriften zur Internationalen Politik*, Leske+Budrich Verlag, 2005.
- "Some Thoughts on the Jurisdiction System of the International Criminal Court", in *Conference Report of "No Peace without Justice" on the European Intergovernmental Conference, Rome, 17/18 July 2000, on the 2nd Anniversary of the Rome Statute*, in *European Conference on the Rome Statute of the International Criminal Court*, 2001, pp. 142-148.
- "Jurisdiction and Cooperation in the Statute of the International Criminal Court - Principles and Compromises", in *Yearbook of International Humanitarian Law*, Vol. 2 (1999), pp. 143-175 (Co-Author Claus Kreß).
- "The International Criminal Court: Jurisdiction, Trigger Mechanism and Relationship to National Jurisdiction", in: Mauro Politi, Giuseppe Nesi (ed.), *The Rome Statute of the International Criminal Court - A Challenge to Impunity*, (2001), pp. 59-62.
- "The Crime of Aggression - Towards its Effective Inclusion in the Subject-Matter Jurisdiction of the International Criminal Court", in: S. Perrakis (ed.), *International Criminal Court- A new dimension in international justice. Questions and prospects for a new humanitarian order, Proceedings of the Santorini Colloquium, Essays on the International Protection of Human Rights and International Humanitarian Law*, Ant. T. Sakkoulas Publ. (2002), pp. 105-113.

- "Special Note: The Struggle for the International Criminal Court's Jurisdiction", in: *European Journal of Crime, Criminal Law and Criminal Justice*, Vol. 6 (1999), N° 4, pp. 364-376. (also available in Spanish, see immediately below).
- "La Corte Penal Internacional: la lucha por su competencia y su alcance", in: Kai Ambos, Oscar Julián Guerrero, *El Estatuto de Roma de la Corte Penal Internacional*, Universidad Externado de Colombia, Bogota, October 1999.
- "Breakthrough in Rome – The Statute of the International Criminal Court", in *Law and State*, Vol. 59/60 (1999), edited by the *Institut für wissenschaftliche Kooperation*, Tübingen, pp. 114-130.
- "Völkerrechtlicher Vertrag und staatliches Recht – am Beispiel des Statuts über den Internationalen Strafgerichtshof" – Vortrag am 29. Januar 1999 bei dem Symposium der Universität Leipzig "Völkerrechtlicher Vertrag und staatliches Recht vor dem Hintergrund zunehmender Verdichtung der internationalen Beziehungen", in: *Leipziger Schriften zum Völkerrecht, Europarecht und ausländischen öffentlichen Recht*, Vol. 1 (2000), pp. 53-67.
- "Das Römische Statut des Internationalen Strafgerichtshofs: Auf dem Weg zu einer humaneren Weltordnung unter dem Schutz des Rechts?", *Schriftenreihe des Walther-Schücking-Kollegs* Nr. 22, Europa-Union-Verlag, Bonn, 1999.
- "Der Vertrag über den Internationalen Strafgerichtshof und seine Bedeutung für das Humanitäre Völkerrecht" – Vortrag am 11. September 1998 vor der 42. Tagung der Justitiare und Konventionsbeauftragten des Deutschen Roten Kreuzes (available on request).
- "Internationaler Strafgerichtshof – Ein bedeutender Anfang in Rom", in: *Menschenrechtsschutz in der Praxis der Vereinten Nationen*, von Gerhart Baum, Eibe Riedel, Michael Schäfer, 1998, pp. 273-278.
- "Der Internationale Strafgerichtshof: Das Ringen um seine Zuständigkeit und Reichweite", *Humanitäres Völkerrecht*, 1998, N° 3, pp. 138-144. This contribution is also published in *Völkerrechtliche Verbrechen vor dem Jugoslawien-Tribunal, nationalen Gerichten und dem Internationalen Strafgerichtshof - Beiträge zur Entwicklung einer effektiven internationalen Strafgerichtsbarkeit*, Bochumer Schriften zur Friedenssicherung und zum Humanitären Völkerrecht, von Horst Fischer, Sascha Rolf Lüder, Vol. 35 (1999), pp. 177-191.

- "Towards a Permanent Criminal Court – Some Observations of a Negotiator", *Human Rights Law Journal*, 1997, N° 5-8 vom 28. November 1997, pp. 169-174.
- "Durchbruch in Rom – Der Vertrag über den Internationalen Strafgerichtshof", *Vereinte Nationen*, 1998, N°4, pp. 125-130.
- "Auf dem Weg zum Weltstrafgerichtshof – Verhandlungsstand und Perspektiven", *Vereinte Nationen*, 1997, N° 5, pp. 177-181.
- "Establishment of a Permanent International Criminal Court", *A report on the state of negotiations presented at a hearing conducted by Alliance 90/Greens in Bonn on 30 June 1997* (available on request).
- "Das Vorhaben der Errichtung eines Ständigen Internationalen Strafgerichtshofs – Verhandlungsstand und Perspektiven" – *Vortrag am 30. Juni 1997 bei einer Veranstaltung von Bündnis 90/Grüne* (available on request).

Related to other fields of Public International Law

- "Article 27 of the Charter of the United Nations" (with Bruno Simma), in *The Charter of the United Nations - A Commentary, (2nd edition)*, edited by Bruno Simma (2002) pp. 476-522.
- "*Fink, Udo: Kollektive Friedenssicherung. Kapitel VII UN Charta in der Praxis des Sicherheitsrats der Vereinten Nationen*", Book review, in *Vereinte Nationen*, 1999, N° 3, pp. 114, 115.
- "Arbeitsweise und informelle Verfahren des Sicherheitsrats der Vereinten Nationen - Beobachtungen eines Unterhändlers", *Vereinte Nationen*, 1998 N° 1, (1998), pp. 6-13.
- "Die Sanktionsausschüsse des Sicherheitsrats - Ein Einblick in Arbeitsweise und Verfahren", *Vereinte Nationen*, 1996, N° 3, (1996), pp. 96-103.
- "37. Generalversammlung: Fortgang der Flüchtlingsinitiative der Bundesrepublik Deutschland", *Vereinte Nationen*, 1983, N° 3, (1983), pp. 91/92.

- "UN-Friedenstruppen: Versuch einer Bilanz - Ein Diskussionsbeitrag aus deutscher Sicht in 33 Thesen", *Vereinte Nationen*, 1983, N° 1, (1983), pp. 1-7.

- "Das Staatshaftungsrecht der Schweiz", *Ländergutachten, Rechtsvergleichender Gutachtenband des Max-Planck-Instituts für ausländisches öffentliches Recht und Völkerrecht*, (1976).

- "Das Arzneimittelrecht der Schweiz", *Ländergutachten, Rechtsvergleichender Gutachtenband des Max-Planck-Instituts für ausländisches öffentliches Recht und Völkerrecht*, (1975).