

Reference: ICC-ASP/22/SP/37

Re: ASP-ICC election of judges – National nomination procedures

Germany (candidate: Judge Dr. Ute Hohoff)

National procedure for the selection of candidates for the position of judge at the ICC

According to article 36, para. 4 (a) of the Rome Statute, nominations for the position of judge at the International Criminal Court may be made by any State Party “(i) By the procedure for the nomination of candidates for appointment to the highest judicial offices in the State in question; or (ii) By the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court.”

Germany has opted for the procedure whereby candidates are nominated by the German national group in the Permanent Court of Arbitration, in accordance with Article 4, para. 1 of the Statute of the International Court of Justice, which regulates the procedure for the nomination of candidates for that Court.

The process leading up to the nomination of a candidate for the elections to take place at the Assembly of States Parties in 2023 involved multiple stages.

The Federal Foreign Office conducted a thorough internal inter-agency process that included the Federal Ministry of Justice in order to identify the potential candidates who would best fulfil the prerequisites established in article 36 of the Rome Statute. The challenges currently faced by the ICC led Germany to take the view that a practitioner with longstanding courtroom experience in cases relating to transnational and international criminal law would be of crucial importance for the optimal functioning of the ICC. Germany therefore decided that it would aim to present a high-ranking, experienced criminal law judge as a candidate for election to the ICC. The Federal Foreign Office, as the lead ministry, shared the results of the inter-agency process with the German national group in the Permanent Court of Arbitration.

In April 2022, the spokesperson for the German group in the Permanent Court of Arbitration, Prof. Stefan Oeter, informed the German Government that the group had, after careful deliberation, unanimously decided to nominate Judge Dr Ute Hohoff as a candidate.

Given the political importance that Germany attributes to any candidacy for the International Criminal Court, the candidacy of Judge Hohoff was formally submitted to the Federal Cabinet in June 2022. The Federal Cabinet approved her candidacy, meaning that it is officially endorsed at the highest level by the Government of the Federal Republic of Germany.

On 21 February 2023, the spokesperson for the German group in the Permanent Court of Arbitration then informed the President of the Assembly of States Parties that it was nominating Judge Hohoff as a candidate for election. The Embassy of the Federal Republic of Germany forwarded this letter, together with other relevant information, to the Secretariat of the Assembly of States Parties in its Note Verbale communicating the nomination of Judge Hohoff.

With regard to the second procedural option for nominating candidates for election to the ICC, Germany wishes to note that Judge Hohoff was approved for her current office, as a sitting judge at Germany’s Federal Court of Justice, in accordance with the national procedure that is applicable to the nomination of candidates for appointment to the highest judicial offices in Germany.



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Her Excellency
Dr. Silvia Fernández de Gurmendi
President of the Assembly of States Parties to
the Rome Statute
The Hague

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Prof. Dr. iur. Stefan Oeter

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2/21/2023

Excellency,
Dear Dr. Fernández de Gurmendi,

The German group in the Permanent Court of Arbitration has been notified that the Assembly of States Parties to the Rome Statute will hold an election for the International Criminal Court in order to fill upcoming vacancies in the body of judges of the ICC.

The members of the German group in the Permanent Court of Arbitration have with due regards to Articles 2 and 5 para. 2 of the Statute of the International Court of Justice (in combination with Document ICC-ASP/22/SP/01 on the election of judges) thoroughly considered this nomination.

As spokesperson of the German group, i.e. Professors Dr. Doris König, M.C.L., Dr. Andreas Zimmermann, LL.M., Dr. Anne Peters and myself, I have the honor to inform you that the German group nominates for election the German candidate:

Dr. Ute Hohoff, Judge at the Federal Supreme Court of Germany, Karlsruhe

With the expression of my highest consideration, I am faithfully yours,

Prof. Dr. Stefan Oeter



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Herrn
Ministerialdirektor
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21.04.2022

Sehr geehrter Herr Dr. Eick,

als Sprecher der Deutschen Gruppe des Ständigen Schiedshofs darf ich Ihnen mitteilen, dass die Deutsche Gruppe nach eingehender Beratung und unter Beachtung des Artikels 36 Absatz 4 a) ii) des Römischen Statuts des Internationalen Strafgerichtshof in Verbindung mit Artikel 4 Absatz 1 des Statuts des Internationalen Gerichtshofs einstimmig beschlossen hat,

Frau Dr. Ute Hohoff, Richterin am Bundesgerichtshof,

für die Wahl zur Richterin am Internationalen Strafgerichtshof zu nominieren.

Mit freundlichen Grüßen

Prof. Dr. Stefan Oeter