

Hohler, Beti (Republic of Slovenia)

[original : English]

Statement of qualifications

Statement submitted by the Republic of Slovenia in accordance with Article 36(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 of the Court (ICC-ASP/3/Res.6, as amended).

I. Criteria of high moral character, impartiality and integrity

Ms Beti HOHLER is a jurist of high moral character, impartiality and integrity. She has dedicated her life to international criminal justice and to the protection of the rule of law. Her high standing has been recognised in professional and public life in the Republic of Slovenia and internationally.

The criteria of high moral character, impartiality and integrity of Ms HOHLER were carefully considered in the course of the selection and nomination procedure in the Republic of Slovenia, in accordance with Slovenia's internal legal framework and the Rome Statute.

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

Ms HOHLER is nominated by the Republic of Slovenia for election under the terms of Article 36(4)(a)(i) of the Rome Statute of the International Criminal Court (ICC), i.e. by the procedure for the nomination of candidates for appointment to the highest judicial offices in the State in question. Ms HOHLER satisfies the combined criteria for appointment to the Constitutional Court of Slovenia *and* the criteria set out in Article 36(3) of the Rome Statute.

The selection procedure in Slovenia for nominating judges to international courts, including the ICC, is governed by an act adopted by the National Assembly – the *Act on nomination of candidates from the Republic of Slovenia for judges at international courts* (Official Gazette, 64/01 and 59/02). This Nomination Act stipulates that Slovenian candidates for judicial appointments to international courts must meet the criteria prescribed in the Republic of Slovenia for appointments to the Supreme Court or the Constitutional Court, in addition to any specific criteria prescribed by the statute of the respective international court or tribunal, or by an international treaty.

III. 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

Ms HOHLER is a specialist in international criminal law with more than 15 years of litigation experience and expertise in national and international proceedings as an advocate, prosecutor and judicial advisor. Due to this diversity of professional roles she has a unique understanding of the different challenges in international criminal proceedings and is particularly well qualified to sit as a judge of the ICC.

Ms HOHLER is a fully qualified lawyer having completed the state law examination/bar exam (national examination required to practise law and hold a judicial position in Slovenia). She has spent most of her career practising at international and internationalised criminal courts. She currently serves as a Trial Lawyer with the Office of the Prosecutor of the ICC. Previously, she served with the EU Rule of Law Mission in Kosovo as a judicial advisor to international judges in complex criminal cases, as a senior associate (litigation lawyer) in a leading law firm in Ljubljana, Slovenia and as a legal officer/judicial trainee with the Court of Appeals in Ljubljana, Slovenia. She is the recipient of various accolades, including a 2012 EU Common Security and Defence Policy Service Medal.

Ms HOHLER is an accomplished courtroom advocate and has expertise in dealing with vulnerable witnesses. She has extensive experience in assessing large volumes of evidence and solving complex questions of substantive and procedural criminal law. She was a leading member of the Prosecution team in the case against Dominic Ongwen before the ICC, notable for its scope, the inclusion of sexual and gender-based crimes and discussion of grounds excluding criminal responsibility. She has led the Prosecution team in another case at pre-trial stage and has served as the lead lawyer in a situation under investigation. Whilst working with the Rule of Law Mission in Kosovo, Ms HOHLER was instrumental in setting up the unit of international judges at the Court of Appeals for Kosovo's criminal law division in January 2013 and served as the judges' principal legal advisor for over two years. She dealt with complex criminal cases, typically involving multiple defendants and large volumes of evidence, pertaining to war crimes, terrorism offences and organised crime. Ms HOHLER's first-hand experience and detailed knowledge of substantive international criminal law and procedure and proven ability to work effectively in a multi-cultural environment with colleagues from different legal systems are particularly relevant to the work of the ICC.

Ms HOHLER is regularly called upon to train national judges and advocates at national and international events. She provides training on substantive international criminal law (crimes and modes of liability) and advocacy before international tribunals. She serves as Director of Training at the Institute for International Legal and Advocacy Training in The Hague. She also acts as an External Master Thesis Advisor in the LLM programme in international and transnational criminal law at the University of Amsterdam in the Netherlands, and has appeared as a guest lecturer at various universities. Ms HOHLER is dedicated to dissemination of international criminal law and international humanitarian law. She is committed to educating national practitioners in international criminal law and advocacy before international criminal tribunals, especially those from disadvantaged backgrounds and under-represented regions.

As a member of the International Law Association (ILA), Ms HOHLER served on the Committee on Complementarity in International Criminal Law, which completed its work in 2022. She is one of the contributors to the leading Commentary on the Rome Statute in the English language and an Associate Editor of the *Oxford Reports on International Law in Domestic Courts*, an online resource, published by Oxford University Press, that reports on international law as applied in the domestic courts of over 70 jurisdictions.

Further details of Ms HOHLER's experience and expertise in criminal law and procedure as well as in international criminal justice more broadly are set out in her curriculum vitae.

IV. Knowledge of and fluency in at least one of the working languages of the Court

Ms HOHLER is fluent in English. She has spent most of her career working in the English language. She completed her second postgraduate degree in law in English and has since 2011 practised criminal law in the English language. Additionally, she regularly publishes and lectures in English. Ms HOHLER also has knowledge of the French language.

V. Indication of nomination for List A or List B

Ms HOHLER has sufficient qualifications to be nominated on List A or List B. In accordance with Article 36(5) of the Rome Statute, Ms HOHLER has chosen to be nominated for inclusion in List A, comprised of 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.

VI. Information relating to Article 36(8)(a)(i) to (iii), of the Rome Statute

Ms HOHLER has practical experience in both judge-led and adversarial proceedings. She was educated, trained and has practised in the continental (civil) law system in Slovenia. Above that, she has more than a decade of experience in mixed criminal procedure of international and internationalised criminal courts and tribunals. For the purposes of Article 36(8)(a)(i) of the Rome Statute, Ms HOHLER will represent the continental (civil) legal tradition.

Ms HOHLER is a national of Slovenia, member of the Eastern European Regional Group.

Ms HOHLER is a female candidate.

VII. Legal expertise on specific issues, including, but not limited to, violence against women or children (article 36(8)(b) of the Rome Statute)

Ms HOHLER has experience in prosecuting sexual and gender-based crimes (SGBC) and crimes against and affecting children. In the *Ongwen* case before the ICC, she was responsible for investigation and prosecution of crimes against children, which were a defining feature of the case. She serves as one of the SGBC/crimes against children focal points within the Office of the Prosecutor. Ms HOHLER is also a PhD candidate at the University of Ljubljana, preparing a thesis dedicated to SGBC in international criminal law.

Ms HOHLER has significant experience in dealing with vulnerable witnesses, including victims and witnesses of sexual and gender-based crimes. She has examined and cross-examined victims of SGBC and former child soldiers. As a judicial advisor in internationalised courts in Kosovo she advised on cases relating to rape as a war crime.

Ms HOHLER also has legal expertise on other specific issues, namely the interpretation of the principle of complementarity and interaction between international and domestic legal systems. As noted above, Ms HOHLER was a member of the ILA Committee on Complementarity in International Criminal Law in 2015–2022 and is a long-standing member of the editorial team of an online publication reporting on the interpretation and implementation of international law in domestic courts. She has also published on the topic of the relationship between national and international jurisdictions.

VIII. Nationality under which the candidate is nominated

Ms HOHLER is a citizen of Slovenia and does not possess the nationality of any other State. She is nominated by the Republic of Slovenia.

IX. Indication of the nomination procedure under Article 36(4)(a)(i) or 4(a)(ii), and the elements of that procedure (National Selection Process)

Ms HOHLER was selected to be Slovenia's candidate for the ICC Judicial Elections 2023 in a competitive, transparent and merit-based selection procedure, set out in the aforementioned *Act on nomination of candidates from the Republic of Slovenia for judges at international courts* ("Nomination Act"). The procedure includes multiple stages and involves several national authorities: the Ministry of Justice, the President of the Republic, the Government, the Judicial Council and the National Assembly. Candidates are ultimately confirmed in a secret ballot by the Slovenia's National Assembly (i.e. Parliament).

Article 3 of the Nomination Act stipulates that Slovenia's candidates to international courts must fulfil the statutory requirements for judicial appointment to the Supreme Court of the Republic of Slovenia or the Constitutional Court of the Republic of Slovenia and must be fluent in at least one of the official languages of the respective international court or tribunal. In addition, pursuant to Article 2 of the Nomination Act, the candidates must also satisfy specific conditions set out in the founding documents of the international court or in a binding international treaty.

The authority initiating and overseeing the nomination process in Slovenia is the Ministry of Justice (Article 4, Nomination Act).

On 8 July 2022, the Ministry of Justice published the call for applications for ICC Judicial Elections 2023 in the Official Gazette (Official Gazette of the Republic of Slovenia no. 92, 8 July 2022, p. 1790). The requirements in Article 36(3)(a), (b) and (c) of the Rome Statute, in accordance with Article 36(4)(a), of the Rome Statute were specifically listed as conditions for the applicants. The deadline for applications was 30 days. The call was also published on the website of the Ministry of Justice and disseminated (for example, it was referenced in the widely read professional weekly Legal Practice).

The applicants were required to demonstrate in their application the fulfilment of the criteria set out in the Nomination Act and in the Rome Statute. They were obliged to submit a detailed curriculum vitae and a comprehensive description of all relevant professional activities.

The Ministry of Justice received two applications. Having verified that the applications were complete and that both candidates satisfied all the required criteria, the Ministry of Justice on 23 August 2022 transferred the

applications to the Office of the President of the Republic of Slovenia for further proceedings. On 29 September 2022, the applications were, in accordance with Article 6 of the Nomination Act, reviewed by the Judicial Council of the Republic of Slovenia, a constitutional body composed of judges and other legal professionals that is responsible for the selection of judges in Slovenia. The Judicial Council held that both applicants were highly qualified and suitable for election as a judge of the ICC without ranking them. On 13 October 2022, the Government of the Republic of Slovenia also provided its assessment of the candidates. In October 2022, the candidates were interviewed by the Office of the President of the Republic.

On 7 November 2022, the President of the Republic forwarded to the National Assembly his reasoned proposal to elect Ms HOHLER as the judicial candidate for the ICC. In accordance with Article 7 of the Nomination Act, the National Assembly is the final authority in the selection process for nominations to international courts. A vote of absolute majority (a minimum of 46 votes) is required to confirm a judicial nomination.

On 23 November 2022, the National Assembly voted (in a secret ballot) on the President's proposal to nominate Ms HOHLER. The National Assembly confirmed Ms HOHLER's candidature with an overwhelming cross-party majority: 78 votes in favour, 3 votes against, 2 abstentions. This result marked one of the highest votes for comparable appointments in the history of Slovenia and shows that Ms HOHLER enjoys a high degree of legitimacy as a candidate.

X. Commitment to take up full-time service

Ms HOHLER is committed to take up full-time service when the Court's workload so requires.
