

ICC Judicial Nomination – Model curriculum vitae

FAMILY NAME:	Schmitt	
FIRST NAME:	Bertram	
MIDDLE NAME:		
GENDER:	Male	
DATE OF BIRTH:	9 September 1958	
NATIONALITY:	German	
REGIONAL CRITERIA:	WEOG	
SECONDARY NATIONALITY: (IF APPLICABLE)		
MARITAL STATUS:	Married	
LIST A/LIST B	List A	
LANGUAGES	Mother tongue: German	
- ENGLISH	(written) Advanced	(oral) Advanced
- FRENCH	(written) Intermediate	(oral) Intermediate
- SPANISH	(written) Advanced	(oral) Advanced
- ITALIAN	(written) Intermediate	(oral) Intermediate
EDUCATIONAL QUALIFICATIONS: <i>Date, institution, qualification(s) obtained (starting with most recent)</i> - <i>Please copy/paste if more entries are needed</i>		
07/1988		
- <i>Institution:</i> State of Hesse		
- <i>Qualification(s) obtained:</i> Final State Examination in Law		
07/1985		
- <i>Institution:</i> University of Frankfurt am Main		
- <i>Qualification(s) obtained:</i> Awarded Doctor of Laws		
12/1983		
- <i>Institution:</i> University of Frankfurt am Main/State of Hesse		
- <i>Qualification(s) obtained:</i> First State Examination in Law		

PROFESSIONAL EXPERIENCE: *Date, employer, post title, other information (starting with most recent)*
- Please copy/paste if more entries are needed
- Please indicate the relevance of the experience to the candidacy under list A or list B, as appropriate

08/2009 – to the present day

- *Employer:* Council of Europe
- *Post title:* Ad-hoc Judge at the European Court of Human Rights
- *Other information:*

06/2009 - to the present day

- *Employer:* European Union
- *Post title:* German member of the Joint Supervisory Board of Eurojust
- *Other information:*

05/2005 – to the present day

- *Employer:* Federal Republic of Germany
- *Post title:* Judge at the Federal Court of Justice (Supreme Court)
- *Other information:*
 - Second Criminal Division of the Federal Court of Justice (since 2008)
 - Press Officer of the Federal Court of Justice (since 2008)
 - Investigating Judge at the Federal Court of Justice (2005 to 2009)
 - Eleventh Civil Division of the Federal Court of Justice (2005 to 2007)

04/1999 – 05/2005

- *Employer:* State of Hesse
- *Post title:* Presiding Judge at the Regional Court in Darmstadt
- *Other information:*
 - Grand Juvenile Division, Auxiliary Schwurgericht Division (2000 to 2005)
 - Grand Criminal Division – general criminal matters (1999)

09/1997 – 06/1998

- *Employer:* State of Hesse
- *Post title:* Assigned to the Higher Regional Court in Frankfurt as a Judge
- *Other information:* Division for cases regarding detention/Appeals Division

04/1993 – 04/1999

- *Employer:* State of Hesse
- *Post title:* Judge at the Regional Court in Darmstadt
- *Other information:*
 - Grand Criminal Division
 - Appeals Division for matters concerning arrest

02/1991 – 03/1993

- *Employer:* State of Hesse
- *Post title:* Judge (Darmstadt Regional Court, Groß-Gerau Local Court)
- *Other information:* - General civil and criminal matters

OTHER PROFESSIONAL ACTIVITIES:

- *Please copy/paste if more entries are needed*

04/2000 – to the present day

- *Activity:* Adjunct professor for criminal law, criminal procedure and criminology, University of Würzburg

10/1993 – 03/2000

- *Activity:* Part-time lecturer, University of Würzburg

07/1988 – 01/1991

- *Activity:* Senior academic assistant in the Institute for Criminal Law, Criminal Procedure, Criminology and Forensic Science (University of Frankfurt am Main)

MOST RELEVANT PUBLICATIONS1. Monographs, textbooks, commentaries

Meyer-Goßner/Schmitt: Strafprozessordnung. Kommentar (annually updated, 57th edition 2014, co-author) [Criminal Procedure. Legal commentary]

Satzger/Schmitt/Widmaier: StGB. Strafgesetzbuch. Kommentar (1st edition 2009, co-editor) [Criminal Code. Legal commentary]

Kriminologie, Jugendstrafrecht, Strafvollzug (5th edition 2008) [Criminology, criminal law relating to juveniles, execution of sentences – textbook]

Die richterliche Beweiswürdigung im Strafprozess (1993) [The judicial consideration of evidence in criminal proceedings]

Körpervverletzungen bei Fußballspielen (1985) [Bodily harm during football games; a criminological study]

2. Articles (selected)

Die Verständigung im Strafprozess nach dem Urteil des Bundesverfassungsgerichts vom 19. März 2013 (Festschrift for Klaus Tolksdorf, 2014) [Plea bargaining following the Federal Constitutional Court's decision of 19 March 2013]

Das Zeugnisverweigerungsrecht des Angehörigen im Verfahren gegen mehrere Beschuldigte (Festschrift for Hans-Heiner Kühne on his 70th birthday, 2013) [Family members' right to refuse to testify in trials with multiple defendants]

Zum Verzicht auf das Verwertungsverbot des § 252 StPO (NStZ 2013, 213) [Waiving the ban on reading out statements following a refusal to testify]

Der Einfluss der strafrechtlichen Rechtsprechung des EGMR auf den BGH und das BVerfG (2011) [The impact of the criminal case-law of the ECtHR on the Federal Court of Justice and the Federal Constitutional Court]

Zum Konfrontationsrecht nach Art. 6 Abs. 3d) EMRK (Festschrift for Ruth Rissing-van Saan 2011) [The right to call and cross-examine witnesses under Art. 6 (3) (d) of the ECHR]

Die überlange Verfahrensdauer und das Beschleunigungsgebot in Strafsachen (StraFo 2008, 313 ff.) [The principle of conducting criminal proceedings expeditiously in accordance with Arts. 5 (3) and 6 (1) of the ECHR]

Zur räumlichen Geltung des deutschen Strafrechts bei Straftaten im Internet (Festschrift 600 Jahre Würzburger Juristenfakultät 2002, 357 ff.) [Territorial application of German criminal law for Internet offences]

Zu Rechtsprechung und Rechtswirklichkeit verfahrensbeendender Absprachen im Strafprozess (GA 2001, 411 ff.) [Plea-bargaining in German criminal proceedings]

Zum Gutachten des psychiatrischen Sachverständigen aus der Sicht des Strafrichters (Archiv für Kriminologie volume 198, 38 ff.) [Assessment by criminal judges of psychiatric expert evidence]

MOST RELEVANT SEMINARS

February 2014	Expert discussion on an "Initiative to Reform Procedure at the International Criminal Court" organised by the Federal Ministry of Justice and Consumer Protection and the Federal College for Security Studies in Berlin, Germany
November 2013	Participation in the international conference "Building a legacy - Lessons learnt from the Offices of the Prosecutors of International Criminal Tribunals and Hybrid Courts" in Nuremberg, Germany
July 2013	Lecture on expediting criminal proceedings at the Supreme Court of the Republic of Kazakhstan
May 2013	Participation in the plenary meeting of the Council of Europe's European Committee on Crime Problems (CDPC) in Strasbourg as an expert member of the German delegation
September 2011	Lecture on the basic principles of German criminal procedure given at the German-Chinese symposium on constitutional law in Qingdao, China
May 2011	Lecture on the impact of the ECtHR's criminal case-law on the Federal Court of Justice and the Federal Constitutional Court, given during the 3rd

	Karlsruhe Dialogue on Criminal Law
May 2009	Lecture on the right to call and cross-examine witnesses under Art. 6 (3) (d) of the ECHR at the Federal Court of Justice in Karlsruhe for visiting judges from the Supreme Court of Turkey
November 2008	Lecture at Istanbul University Faculty of Law on the causes of juvenile delinquency
November 2008	Lecture on the admissibility of evidence at a German-Turkish seminar in Istanbul with professors from Turkish universities and judges from the Supreme Court of Turkey (Yargitay)
April 2008	Lecture for German Bar Association defence lawyers on the principle of conducting proceedings expeditiously and without undue delays
2008 to the present day	Expert discussions with foreign delegations visiting the Federal Court of Justice (e.g. with judges from the constitutional courts of Turkey, South Africa, Indonesia and Kosovo, with supreme court judges from China and Kazakhstan and senior public prosecutors from Mexico (including the Assistant Attorney General) and Russia (including the Attorney General of Russia)
MEMBERSHIP OF PROFESSIONAL ASSOCIATIONS AND SOCIETIES	
<p>Verein der Bundesrichter und Bundesanwälte beim BGH [association of judges and prosecutors at the Federal Court of Justice]</p> <p>Gesellschaft zur Herausgabe von BGHSt und BGHZ [society for the publication of the BGHSt and BGHZ]; the BGHSt and BGHZ are the “official reports” of the most important criminal and civil decisions in Germany (landmark rulings)</p> <p>Juristische Studiengesellschaft Karlsruhe [Karlsruhe legal studies association]</p> <p>Deutscher Richterbund [German Judges Association]</p> <p>Deutscher Hochschulverband [German Association of University Professors and Lecturers]</p>	
AWARDS AND HONOURS	
PERSONAL INTERESTS	
History, archaeology, palaeontology, chess, soccer	
OTHER RELEVANT FACTS	