

TO
OUR PARENTS

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the Students' Association of the University of Marburg
(AStA Marburg)*

***“Judges make law
and that is an instrument for political control.”***

John O'Brien

Berichte aus der Rechtswissenschaft

**Daniel ten Brinke,
Hans-Michael Deml (Ed.)**

Judges in the Service of the State?

Procedures, Criteria and Political Influence on National Selection
of Judges for the Highest Judicial Offices and their Possible
Influence on the International Criminal Court

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FOREWORD

In May 2001 the Coalition for an International Criminal Court (CICC) asked the European Law Students' Association (ELSA) whether it would be possible to write a comparative study of how judges of the different national Supreme Courts are selected, whether there is any political influence on selection and whether any kind of political influence on the election of the Judges is possible.

During our work on the article we realized very soon that it would not have been possible for us to write about all States we wanted to review, because it seemed to be very difficult to get information about election procedures and especially about political influence. Because of that, we sent an e-mail via the international ELSA e-mail server and asked all law students in the 40 ELSA-countries to support us by writing a short essay about how the judges in their judicial system are selected. We got more responses than we expected. We also tried to ask as many personal friends as possible and we are proud to say that this book was only possible with their enormous support. So it was not only possible for us to accept more articles in the collection than we expected, but also to collate the experiences of lawyers from several countries.

When the study was handed out to the state delegates in New York during the Summer Preparatory Commission on the ICC in August 2001, we received very interesting feedback from some of the delegates. Here we should like to express our particular thanks to Professor Roger Clark from Rutgers University in New Jersey (who also works for the delegation of Samoa) for his great feedback – your remarks were of great benefit to us. We also want to thank the ELSA delegates who handed out the article during the PrepComm and

Dr. Greg Taylor who helped us enormously by reading and correcting the proofs – this was more work than we (and we are sure than you) ever expected, but you really did a great job.

Special thanks go to Prof. Dr. Dieter Rössner from the University of Marburg who helped us enormously to publish the collection and who always told us that the topic is worth all the work – without Prof. Dr. Rössner this book definitely would not have been possible.

When we worked on this collection for the last several months we of course realized that not all articles are of the same scholarly standard. Although we knew that, we decided to accept as many articles as possible. This collection is not expected to be a perfect legal treatise with thousands of verifying footnotes. We wanted our authors just to sit down and write about how the system works and what kind of political influence they could imagine – especially what kinds of danger they personally see. The work on this topic is not completed yet. We know that there are a lot of very interesting countries especially from the African Continent and in South America and we look forward to continue working on this interesting topic.

The Editors
March 2002

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