How to start the application process:

The application process consists of two parts: the first part is a web-based survey and the second part is an application form in Word format. Both parts and all sections of the application form need to be completed for the application to be processed.

**First part:** The [web-based survey](https://www.surveymonkey.com/s/WebApplication_SMH_HRC29_June2015) is used to collect information for statistical purposes such as personal data (i.e. name, gender, nationality), contact details, mandate/s applying for and nominating entity. **The web-based survey should only be completed once** per selection round, i.e. multiple selection is allowed to indicate if the candidate is applying for more than one mandate within a given selection round.

**Second part:** The application form in Word which can be downloaded, completed and saved in Word format and then submitted as an attachment by email. Information provided in this form includes a motivation letter of maximum 600 words. The application form should be completed in English only. It will be used as received to prepare the public list of candidates who applied for each vacancy and will be made available to concerned parties, including through the OHCHR public website.

Once completed, the application form in Word should be submitted by email to hrcspecialprocedures@ohchr.org

If the candidate is applying for more than one mandate, a mandate-specific Word application form needs to be completed and submitted for each mandate.

* A maximum of three reference letters can be attached, in pdf format, to the application sent by email. No additional documents such as CVs or lists of publications will be accepted.
* **Application deadline: 30 April 2015 (12.00 noon GMT)**
* Shortlisted candidates will be interviewed at a later stage.

General description of the selection process is available at <http://www.ohchr.org/EN/HRBodies/SP/Pages/Nominations.aspx>

Please note that for Working Group appointments, only nationals of States belonging to the specific regional group are eligible. Please refer to the list of United Nations regional groups of Member States at <http://www.un.org/depts/DGACM/RegionalGroups.shtml>

In case of technical difficulties, or if you encountering problems completing or accessing any of the forms, the Secretariat may be contacted by email at hrcspecialprocedures@ohchr.org or fax at + 41 22 917 9011.

**An acknowledgment email will be sent when we receive both parts of the application process, i.e. the information through the web-based survey and the Word application form by email.
Thank you for your interest in the work of the Human Rights Council.**

**I. PERSONAL DATA**

|  |  |
| --- | --- |
| **1. Family name:** SCHOMBURG  | **5. Sex:** **[x]  Male** **[ ]  Female** |
| **2. First name:** Wolfgang  | **6. Date of birth (dd-mm-yy):** 9-Apr-48 |
| **3. Maiden name (if any):** n.a.  | **7. Place of birth:** Berlin-Spandau, Germany |
| **4. Middle name:** n.a.  | **8. Nationality (please indicate the nationality that will appear on the public list of candidates):** GERMAN |
|  | **9. Any other nationality:** n.a. |

**II. MANDATE - SPECIFIC COMPETENCE / QUALIFICATIONS / KNOWLEDGE**

**NOTE: Please describe why the candidate’s competence / qualifications / knowledge is relevant in relation to the specific mandate:**

1. **QUALIFICATIONS** (200 words)

**Relevant educational qualifications or equivalent professional experience in the field of human rights; good communication skills (i.e. orally and in writing) in one of the six official languages of the United Nations (i.e. Arabic, Chinese, English, French, Russian, Spanish.)**

Candidate started his judicial career 1974 as public prosecutor and judge in the regional court of Berlin-West. Already at this early time he had to overcome attempts exercised by the Executive to influence the independent Judiciary. In 1989, elected undersecretary in the Berlin Department of Justice, he took care that this tension was eliminated in favour of the Judiciary. After the fall of the wall in Berlin one of his main tasks was to contribute to the establishment of a common Judiciary in the reunited Land Berlin based on fundamental principles of HR. Later he was tasked by Council of Europe to promote the ECHR also in other European countries in transition. Working as elected judge of the German Federal High Court he was assigned primarily to international cases due to his special knowledge in this area gained in German Parliament 1981-1983 when drafting with others the German Law on International Cooperation in Criminal Matters.

Finally, as judge elected by UN-GA for ICTY (later also ICTR) he promoted the application of HR also in these fora. He couldn't have exercised all these functions without excellent English communication skills orally and in writing.

1. **RELEVANT EXPERTISE** (200 words)

**Knowledge of international human rights instruments, norms and principles. (Please state how this was acquired.)**

**Knowledge of institutional mandates related to the United Nations or other international or regional organizations’ work in the area of human rights. (Please state how this was acquired.)**

**Proven work experience in the field of human rights. (Please state years of experience.)**

Candidate has extraordinary knowledge of ICCPR, ECHR, Banjul-Charta and domestic implementation of principles laid down therein. This in particular in Rwanda and the countries on the territory of the former Yugoslavia when it comes to the indepedent role of the Judiciary and the minimum rights enshrined in favour of human beings deprived of liberty or confronted with criminal charges.The experience flows from 1) above. Further, candidate has acquired additional UN experience in this field when requested to become member of judges preselection panels by UN-OLA, when drafting norms at ISICS in Siracusa (Italy), lecturing in workshops at UNAFEI (Tokyo) and at UNICRI (Turin), where he also presides for one week over the annual moot-court.

1. **ESTABLISHED** **COMPETENCE** (200 words)

**Nationally, regionally or internationally recognized competence related to human rights. (Please explain how such competence was acquired.)**

Again, reference has to be made to what was said under 2) above. The competence shown on different levels of the Judiciary (including work as defense counsel in transnational cases) was acquired by working, teaching (permanently at universities first in Berlin, later in Durham UK, and case by case in uncountable cities around the world) and in numerous legal writings (see e.g."The role of International Criminal Tribunals in Promoting Respect for Fair Trials", North-Western Journal of International Human Rights, Vol. 8, Issue I, Fall 2009.

1. **flexibility/readiness and AVAILABILITY of time** (200 words)

**to perform effectively the functions of the mandate and to respond to its requirements, including participating in Human Rights Council sessions in Geneva and General Assembly sessions in New York, travelling on special procedures visits, drafting reports and engaging with a variety of stakeholders. (Indicate whether candidate can dedicate an estimated total of approx. three months per year to the work of a mandate.)**

These indicated procedures are well known to the candidate; mutatis mutandis also from his work on behalf of Council of Europe, OSCE, and EU. As retired judge, candidate is utmost flexible and available for an estimated total of approximately three months per year.

**III. Motivation Letter** (600 word limit)

Non est justitia - there is no justice.

However, we have to come as close as possible to justice by fairly establishing the available truth, thus providing for peace on a domestic level as well as on a regional and global level.

No peace without justice, no justice without the truth. Having permanently this mantra in mind, I was able to do my very best as judge, prosecutor or defence counsel. Main prerequisite for aiming at this goal, however, has always been the environment of an independent Judiciary, or to be more precise: a Judiciary as independent as possible under the prevailing circumstances.

Independence is key for a functioning Judiciary. In theory it is inter alia rooted in the theses of Montesquieu, Locke or Hume on the division of powers. In daily practice, a citizen must be able to respect the Judiciary and its decisions rendered as expression of a justice seen to be done without any external influence.

It is always a fight to establish and/or maintain (to the highest degree possible) the independence from any kind of external influence. A fight against major powers, irrespective of the angle from which they endanger a respectable Judiciary, worth its name. It might be the influence of foreign powerful countries, of the domestic Executive, of highly influential economic powers or alike. It would be wrong to believe that threats against the independence are always immediately identifiable, well known, or even foreseeable. Consequently the awareness of this permanent need to be independent as a court or as an individual member of the Judiciary is mandatory.

This also holds true for international courts and tribunals.

Finally, it is important to first analyse the development of any foreign Judiciary against its cultural and traditional background without loosing sight of the common goal. There will hardly ever be a blue print that can be imposed without recognition of a country's diversity. A specific solution must be individually tailormade in order to be accepted by a society.

What is now my motivation to continue working on these principles after retirement?

I do hope, based on own experience, to be able to explain to a younger generation in great detail the fundamental value of underlying human rights in theory and practice. It is for generations to come to realize the unalienable value of impartial public prosecutors and judges once assisted by or confronted with the competent Judiciary.

I am aware that in all likelihood the chance to build upon others' experience tends towards zero. But an addressee, finding him/herself later in a similar situation, might at least think twice when confronted with selfexperienced attempts of governments to shield alleged perpetrators from prosecution and trial, or to instigate investigations against political opponents, thus abusing the third power. It might also be helpful to learn about experienced attempts of alleged perpetrators to let a prosecutor or judge change sides to their advantage. It is also to show, that it is mandatory in real life to reject attempts of a superior to grant a promotion in career in exchange to a u-turn in one's own the political mindset. These examples of dirty attacks against the indepence of the Judiciary are never ending. They are the motor for my commitment to avoid that self experienced infringements of human rights in general will never happen again.

I do hope that the function of a Special Rapporteur will enable me to convince, where necessary, lawyers to reject any attempt to illegally influence members of the Judiciary, be it by corruption, threats with individual negative consequences for the career, shortening of a budget, or even closing a court.

Further, the awareness must be raised that prerequisite for independence from external influence is an internal code of ethics, allowing for appropriate internal sanctions in case of non obedience to this code of ethics.

It is against this personal background that I dare stand candidate to make the best of this role of an i n d e p e n d e n t Special Rapporteur.

**IV. LANGUAGES (READ / WRITTEN / SPOKEN)**

**Please indicate all language skills:**

**Mother tongue:** **German**

**Arabic:** Yes or no: **no** If yes,

**Read:** Easily orNot easily:
**Write:** Easily or Not easily: **Speak:** Easily or Not easily:

**Chinese:** Yes or no: **no** If yes,

**Read:** Easily or not easily: **Write:** Easily or not easily: **Speak:** Easily or not easily:

**English:** Yes or no: **yes** If yes,

**Read:** Easily or not easily: **Easily
Write:** Easily or not easily: **Easily
Speak:** Easily or not easily: **Easily**

**French:** Yes or no: **yes** If yes,

**Read:** Easily or not easily: **Easily
Write:** Easily or not easily: **Not easily
Speak:** Easily or not easily: **Easily**

 **Russian:** Yes or no: **no** If yes,

**Read:** Easily or not easily: **Write:** Easily or not easily: **Speak:** Easily or not easily:

**Spanish:** Yes or no: **no** If yes,

**Read:** Easily or not easily: **Write:** Easily or not easily: **Speak:** Easily or not easily:

**V. EDUCATIONAL RECORD**

**NOTE: Please list the candidate’s academic qualifications (university level and higher).**

|  |  |  |
| --- | --- | --- |
| **Name of degree and name of academic institution:** | **Years of attendance****(from-to):** | **Place and country:** |
| First State Law Examination with distinction (gut);Free University of Berlin. | 1966-1971 | Berlin-West; Germany |
| Second State Law Examination with distinction (vollbefriedigend).President of the Higher Regional Court of Berlin (Kammergericht) | 1971-1974 | Berlin-West; Germany |
| Certificate with extraordinary distinction;Summer Course in Legal Language;London School of Economics. | 1973 | London (UK) |
|       |       |       |

**VI. EMPLOYMENT RECORD**

**NOTE: Please briefly list ALL RELEVANT professional positions held, beginning with the most recent one.**

|  |  |  |
| --- | --- | --- |
| **Name of employer,****functional title,****main functions of position:** | **Years of work(from-to):** | **Place and country:** |
| Self employed lawyer and Honorary Professor of International Criminal Law and Doctor of Civil Law h.c. at Durham University, UK | 2009 - today | Berlin (DE)/Durham (UK) |
| UN Permanent Judge of the Appeals Chamber of ICTY and ICTR | 2003-2008 | The Hague (NL); Arusha (TZ) |
| UNPermant Presiding Judge of Trial Chamber II at ICTY | 2001-2003 | The Hague (NL) |
| German Federal Ministry of JusticeFederal Judge at the German Federal High Courtand at the same time Investigating Judge | 1995-20001998-2000 | Karlsruhe (DE)Germany |

**VII. COMPLIANCE WITH ETHICS AND INTEGRITY PROVISIONS
(of Human Rights Council resolution 5/1)**

**1. To your knowledge, does the candidate have any official, professional, personal, or financial relationships that might cause him/her to limit the extent of their inquiries, to limit disclosure, or to weaken or slant findings in any way? If yes, please explain.**

no

**2. Are there any factors that could either directly or indirectly influence, pressure, threaten, or otherwise affect the candidate’s ability to act independently in discharging his/her mandate? If yes, please explain:**

no

**3. Is there any reason, currently or in that past, that could call into question the candidate’s moral authority and credibility or does the candidate hold any views or opinions that could prejudice the manner in which she/he discharges his mandate? If yes, please explain:**

no

**4. Does the candidate comply with the provisions in paragraph 44 and 46 of the annex to Human Rights Council resolution 5/1?**

***Para. 44: The principle of non-accumulation of human rights functions at a time shall be respected.***

***Para. 46: Individuals holding decision-making positions in Government or in any other organization or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded. Mandate holders will act in their personal capacity.***

yes

**5. Should the candidate be appointed as a mandate holder, he/she will have to take measures to comply with paragraphs 44 and 46 of the annex to Council resolution 5/1. In the event that the current occupation or activity, even if unpaid, of the candidate may give rise to a conflict of interest (e.g. if a candidate holds a decision-making position in Government) and/or there is an accumulation of human rights functions (e.g. as a member of another human rights mechanism at the international, regional or national level), necessary measures could include relinquishing positions, occupations or activities. If applicable, please indicate the measures the candidate will take.**

Report to competent authority and, if need be, accept request to withdraw from of other functions.

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