

THE

FEDERAL COURT OF JUSTICE



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Published by the Federal Court of Justice
Karlsruhe, 2008
Photograph: The Federal Court of Justice

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Position of the Federal Court of Justice within the Organization of the Courts

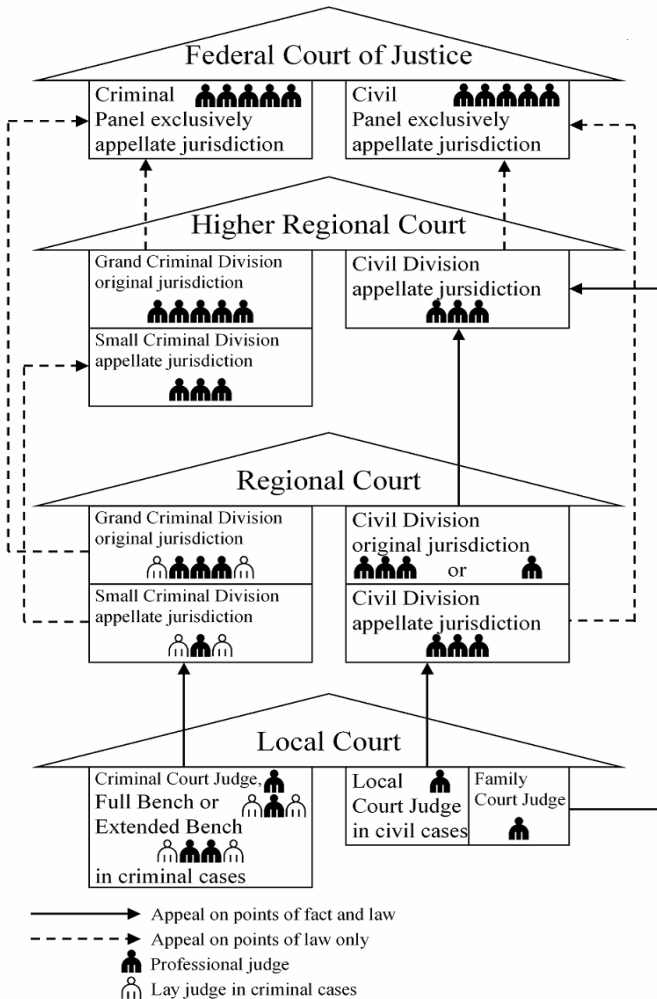
The **Federal Court of Justice** (*Bundesgerichtshof, BGH*) is the highest court of the Federal Republic of Germany for civil and criminal jurisdiction. At the lower instances – local, regional and higher regional courts – responsibility for civil and criminal law lies with Germany's 16 Federal States, where about 75% of all judges in Germany are active. Apart from the Federal Court of Justice, there are four further highest Federal courts: the *Bundesverwaltungsgericht* (Federal Administrative Court) in Leipzig (formerly Berlin), the *Bundesfinanzhof* (Federal Finance Court) in Munich, the *Bundesarbeitsgericht* (Federal Labour Court) in Erfurt and the *Bundessozialgericht* (Federal Social Court) in Kassel.

The *Bundesverfassungsgericht* (Federal Constitutional Court), which also has its seat in Karlsruhe, has the special task of seeing that the constitution is complied with. In what are known as judicial review proceedings, it examines statutes to determine their constitutionality. In the case of constitutional complaints, this also includes other acts of state, such as court decisions, for example. Here, however, the appellant must argue that there has been an infringement of his constitutionally guaranteed rights. At the same time, the Federal Constitutional Court has no jurisdiction over the interpretation and application of legal provisions that do not enjoy constitutional status.

In the course of the European unification process, the **European Court of Justice (ECJ)** in Luxemburg continues to gain importance. Under Article 234(3) of the EC Treaty, the Federal Court of Justice as final criminal and civil instance refers questions concerning the interpretation of Community law to the ECJ for a decision.

Finally, the **European Court of Human Rights** in Strasbourg can be petitioned to enforce the rights anchored in the Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950.

Organization of the Courts in Civil and Criminal Cases



Predecessors of the Federal Court of Justice

With the setting up of the *Reichskammergericht* (Imperial High Court of Justice) under Emperor Maximilian I in the year 1495, the attempt was already made to overcome the extreme political fragmentation of Germany and establish a highest court independent of the monarch with jurisdiction over the entire territory of the Holy Roman Empire of the German Nation. After convening in various towns in Southern and Southwest Germany, the *Reichskammergericht* initially sat in Speyer before finally moving to Wetzlar. Under the “Perpetual Peace”, its task was to develop regulated proceedings in court in the place of feudalism and violence. It was the highest appellate instance in civil cases. However, it was unable to hold its own against the powerful territorial lords, in part also due to its rivalry with the “star-chamber” justice of the *Reichshofrat* (Aulic Council). In the year 1806, with the end of the Empire, it was dissolved.

It was only after the North German Confederation had been formed under Prussian leadership that the *Bundesoberhandelsgericht* (Higher Commercial Court of the Confederation) was set up in 1870 in Leipzig, as a common highest court intended to safeguard legal uniformity in commercial law.

When the German Reich was founded in 1871, the jurisdiction of what was now called the *Reichsoberhandelsgericht* (Higher Commercial Court of the German Reich) was also extended to Southern Germany.

Reforms to unify law were crowned by the opening of the *Reichsgericht* (Supreme Court of the German Reich) in Leipzig on 1 October 1879, with the general Imperial laws on the constitution of courts, civil procedure, criminal procedure and bankruptcy coming into force at the same time. This court took the place of the *Reichsoberhandelsgericht* and represented the peak of the administration of justice in all fields of law in the following years (the *Reichsfinanzhof* and the *Reichsverwaltungsgesicht* only existing as other supreme courts from 1919 and 1941 on, respectively). The *Reichsgericht* served both uniform interpretation and the development of law. In 1934, the notorious *Volksgerichtshof* (People's Court of Justice) replaced the *Staatsgerichtshof* which had been staffed und organized under the *Reichsgericht* since 1920. Under its president Roland Freisler, the *Volksgerichtshof* was used as criminal trial court and court of last instance in the intimidation and liquidation of opponents of the regime. After the end of the Second World War in 1945, which also meant the end of the *Reichsgericht*, there was no supreme court in Germany to begin with. A first step towards regaining legal uniformity was the setting up of the **Supreme Court of the British Zone** in Cologne, which functioned from 1948 to 1950 as a civil and criminal appeals court, dealing with appeals on questions of law for eight higher regional court circuits. After the British and American zones were combined to form the Combined Economic Area, a *Deutsches Obergericht für das Vereinigte Wirtschaftsgebiet* (German Higher Court for the Combined Economic Area) was set up in Cologne, whose task was the uniform interpretation and application of private and public

commercial law, and which only lost its final jurisdiction when the Federal Constitutional Court was convened.

After the constitution of the Federal Republic of Germany in the year 1949, the ***Bundesgerichtshof*** (Federal Court of Justice) was established in Karlsruhe on 1 October 1950. Initially, it only had jurisdiction over the original 11 German federal states, but with the reunification of Germany on 3 October 1990, the Federal Court of Justice became the highest civil and criminal court for what was now all 16 of Germany's federal states.

Tasks of the Federal Court of Justice

With a few exceptions, the Federal Court of Justice is a court that hears appeals on questions of law. Above all, its task is to safeguard legal uniformity through the clarification of fundamental questions of law and the development of law.

In principle, the Federal Court of Justice does not concern itself with questions of fact, but only reviews the legal assessment of cases in the lower courts. The facts established by these courts are binding on the Federal Court of Justice, unless such findings are affected by a procedural error at the lower court and this error is adequately demonstrated in the statement of grounds for appeal. Thus, as a rule, no evidence is heard at the Federal Court of Justice. One of the few exceptions to this rule is the Federal Court of Justice's Tenth Civil Panel, which is the court responsible for patent cases, and which performs the duties of a trial judge as a court of appeal in patent revocation proceedings (section 110, 115 PatG).

Proceedings at the Federal Court of Justice

1. Civil Cases

In civil cases it is only possible to lodge an **appeal on points of law** (*Revision*) from a final judgment passed by the regional and higher regional courts as courts of appeal. In practice, lodging a “leap-frog” appeal from a final judgment passed by a local or regional court of first instance is very seldom.

Appeal proceedings (*Revision*) only take place if the appellate court has granted leave to appeal in its judgment, or if the Federal Court of Justice has allowed the appeal following an appeal against refusal of leave to appeal. The appeal is to be allowed if the legal matter is of fundamental importance, or if the development of law or the safeguarding of a uniform interpretation of law call for a decision of the Federal Court of Justice. As a result of a transitional provision, until 31 December, 2011, an appeal against refusal of leave to appeal is only admissible if the value of the matter in dispute exceeds € 20,000 (section 26 no. 8 EGZPO). In family court cases, an appeal against refusal of leave to appeal is ruled out if the decision under appeal is passed before January 1, 2010 (section 26 no. 9 EGZPO). If the panel holds that an appeal is inadmissible, it is dismissed. In the remaining cases a ruling on the appeal is handed down by way of a judgment following a court hearing.

In the case of collateral decisions and collateral proceedings (e.g. compulsory execution and insolvency proceedings, proceedings as to

costs), **an appeal on points of law** called a *Rechtsbeschwerde* may be lodged which only serves a review of the application of the law if the lower court has granted leave to appeal, or if the appeal is expressly provided for by law and the Federal Court of Justice deems it admissible. Where the criteria for admissibility are concerned, the same principles are applied as in the rules concerning appeals on points of law (*Revision*). A decision regarding this kind of appeal follows in the form of a court order without a court hearing.

Proceedings on appeals on points of law in patent, utility model, industrial design, trademark and cartel cases, and in cases concerning the law of agriculture, as well as appeal proceedings in certain cases involving family law have certain special features, details of which cannot be gone into here, however.

2. Criminal Cases

In criminal cases, the Federal Court of Justice rules on appeals on points of law from judgments passed by the regional courts and the higher regional courts of first instance. This includes, inter alia, so-called “*capital*” crimes which are tried at the regional courts by the criminal divisions for grave offences, and all other serious criminal offences if, at the time the indictment was brought before the regional court, the public prosecutor’s office considered that a prison sentence of more than four years, confinement in a psychiatric hospital or the imposition of preventive detention was to be expected. This also includes all crimes against the state when in the first instance the indictment was brought at a

regional court before the division for crimes against the state or, as in cases involving terrorist organizations, before the criminal division of a higher regional court.

With an appeal on points of law, both the defendant and the public prosecutor's office may raise the objection that a rule of substantive criminal law or of procedural law has been infringed. If the panel considers an appeal to be inadmissible, or if it, in accordance with the application of the Federal Public Prosecutor, unanimously considers an appeal to be obviously unfounded, or if it unanimously considers an appeal lodged for the benefit of the defendant to be well-founded, the panel may give its decision on the case by way of a court order without a hearing. In the remaining cases, a ruling on the appeal is handed down in the form of a judgment following a court hearing.

3. Presentation Proceedings

To secure uniformity, the law provides for duties of presentation for the higher regional courts in various kinds of proceedings (e.g. section 28 (2) FGG; section 79 (2) GBO; section 121 (2) GVG). This always leads to a specific question of law being presented to the Federal Court of Justice if a higher regional court wishes to diverge from the decision of another higher regional court or from a decision of the Federal Court of Justice (*“Vorlegungsverfahren”*).

Structure of the Federal Court of Justice

A total of 408 people are employed at the Federal Court of Justice (as per January 1, 2008). At its head is the President, who is the superior of the judges, civil servants, salaried and wage-earning staff, and of the trainees. By act of law in his function as judge, he presides over the Panel for Lawyers' Professional and Disciplinary Litigation, the Grand Panels for Civil and for Criminal Matters, the United Grand Panels and, by tradition, the Anti-Trust Panel.

The Federal Court of Justice has twelve civil panels and five criminal panels, with a total of 127 judges. For a time, an auxiliary panel was also installed. In addition, there are eight special panels, namely the panels for professional and disciplinary litigation in the case of lawyers, notaries, patent agents, chartered accountants, tax consultants and tax agents, the panel for cases concerning the law of agriculture, the Anti-Trust Panel and the Federal Disciplinary Tribunal. In some special panels, two honorary judges from the professional groups concerned join the three professional judges to participate in panel decisions.

Apart from the presiding judge, six or seven members are assigned to the civil and criminal panels, but in principle only five members of the panel take part in the individual decisions, one of whom acts as presiding judge. The composition of the "bench" is determined in advance by an internal schedule of duties decided by the panel concerned.

The panels are assisted by research associates (currently 46). Fully qualified junior staff from the judiciary of the 16 federal states, they are usually seconded to the Federal Court of Justice for three years.

In addition to their activities in the panels, six judges of the Federal Court of Justice also act as pre-trial judges. They issue rulings, such as ordering a remand in custody pending trial, in preliminary investigations conducted by the Federal Public Prosecutor (section 142a (1) GVG) - particularly in cases involving the formation of terrorist organizations, treason and other crimes against the state. Pursuant to section 120 GVG, the higher regional courts have original jurisdiction in these cases once the indictment has been submitted.

Should individual panels be of different opinion regarding a question of law, legal uniformity is upheld by the Federal Court of Justice calling upon either a Grand Panel for Civil Matters or a Grand Panel for Criminal Matters. In case of a divergence between civil and criminal panels, the United Grand Panels decide on the question of law in dispute. The Grand Panel for Civil Matters is made up of the President of the Federal Court of Justice and one member of each of the civil panels, the Grand Panel for Criminal Matters is made up of the President and two members of each of the criminal panels. The United Grand Panels consist of the President and the members of the two Grand Panels.

If there is a divergence between the highest federal courts of justice, the issue is decided by the Joint Panel of these courts of justice, which also has its seat in Karlsruhe. The Joint Panel is made up of the presidents of

the five highest courts of justice, as well as of both presiding judges and a further member of each of the panels concerned.

Allocation of Duties

Before the beginning of each business year, the **Presiding Committee** of the Federal Court of Justice decides on the **Schedule of Duties** which fixes both the composition of the panels and the annual allocation of judicial duties to the panels. The **Presiding Committee** consists of the President and ten judges elected by the judges of the court. The complete **Schedule of Duties**, also published annually in a Federal Bulletin supplement and on the Internet page of the Federal Court of Justice, is essentially as follows:

In civil cases the division of responsibilities traditionally follows the principle of highest possible specialization. At the present time (as per June 1, 2008) the following fields of law have been assigned to the civil panels as their main area:

- First Civil Panel: copyright, protection of intellectual property rights,
- Second Civil Panel: corporate law,
- Third Civil Panel: state liability and brokerage law,
- Fourth Civil Panel: inheritance law and insurance contract law,
- Fifth Civil Panel: real property law,
- Sixth Civil Panel: law of torts, e.g. accident, product and medical practitioner's liability,
- Seventh Civil Panel: construction law and the law of architecture,

- Eighth Civil Panel: law on the sale of goods and housing rental law,
- Ninth Civil Panel: insolvency law and lawyer's liability,
- Tenth Civil Panel: patent law and tourist travel law,
- Eleventh Civil Panel: banking law and capital market law,
- Twelfth Civil Panel: family law and trade rental law.

In criminal cases the assignment of responsibilities is based primarily on regional criteria. Each of the five panels is assigned appeals on points of law from specific higher regional court circuits. Irrespective of this, the following are allocated to certain panels as special fields:

- First Criminal Panel: tax and customs offences; military criminal cases and national defence transgressions,
- Second Criminal Panel: other decisions without special assignment,
- Third Criminal Panel: crimes against the state,
- Fourth Criminal Panel: road traffic cases.

Since 1997 the Fifth Criminal Panel has had its seat in Leipzig (formerly Berlin).

Election of the Judges of the Federal Court of Justice

The judges of the Federal Court of Justice are elected by the **Committee for the Election of Judges**. The election committee has 32 members. It is made up of the ministers of justice of the 16 federal states and 16 members selected by the German Federal Parliament. The latter need not necessarily be members of parliament. The Federal Minister of Justice presides over the committee. If an election is necessary, the Committee for the Election of Judges is convened by the Federal Minister of Justice. The Federal Minister of Justice and the election committee members are entitled to nominate candidates. To be eligible for election, a person has to have German nationality, be qualified to hold judicial office, and to have attained the age of 35. Most of the candidates are elected from the judicial service of the federal states, but they also come from federal or federal state ministries, the Federal Public Prosecutor's Office or, in isolated cases, from the Bar. Before the election of the judges, the **Presidential Council** of the Federal Court of Justice expresses its opinion regarding the personal and professional qualification of the nominees, although this is not binding on the election committee. The Presidential Council, a special representative body for the participation of the judges of the Court in the appointment of new judges, consists of the President, the Vice-President and five additionally-elected judges of the Federal Court of Justice (two elected by the Presiding Committee, three by the Judges' Assembly). The election committee decides by simple majority vote. As well as assessing a nominee's personal and

professional qualification, a point is made of considering the individual federal states in proportion to the size of their population. The judges are appointed by the President of the Federal Republic of Germany.

The Federal Public Prosecutor at the Federal Court of Justice

The Federal Public Prosecutor performs the duties of the public prosecutor's office at the Federal Court of Justice. The Federal Public Prosecutor's headquarters are in Karlsruhe and there is also a department at the Fifth Criminal Panel of the Federal Court of Justice in Leipzig. In appeals on points of law in criminal cases, the Federal Public Prosecutor carries out the duties of the public prosecutor's office at the court hearings and in the findings of the Federal Court of Justice. The Federal Public Prosecutor is also the authority that conducts investigation work for the prosecution in cases involving crimes against the state and for the prosecution of terrorist organizations. In addition, the Federal Public Prosecutor represents the Federal Republic in administrative and legal proceedings relating to the Federal Court of Justice, the Federal Public Prosecutor's Office itself, the Federal Administrative Court or the Federal Finance Court.

The Bar at the Federal Court of Justice

In civil cases, parties must be represented by a lawyer admitted exclusively to the Bar of the Federal Court of Justice. In the interest of the parties, these specialized lawyers first and foremost serve the qualified handling of appeals on points of law in civil cases, appeals against refusal of leave to appeal and appeals on points of law in the case of collateral decisions and collateral proceedings. The number of lawyers currently admitted to the Federal Court of Justice is 44 (as per January 1, 2008).

To be allowed to practise at the Federal Court of Justice, a lawyer has to have attained the age of 35, to have practised law for at least five years without interruption, and to have been nominated by an election committee. This committee consists of the President of the Federal Court of Justice, the presiding judges of the civil panels, and the members of the presiding committees of the Federal Bar Association and the Chamber of Lawyers at the Federal Court of Justice. The Federal Minister of Justice decides on the application of a person nominated by the election committee.

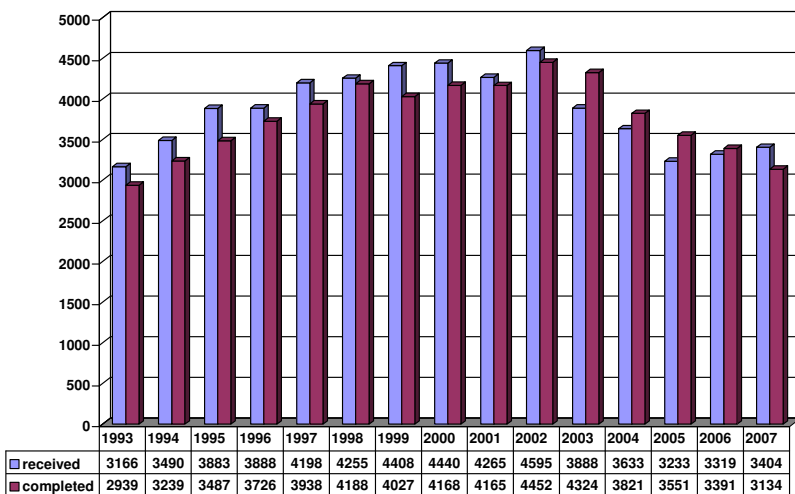
In criminal proceedings at the Federal Court of Justice, any lawyer who is admitted to practise at German courts and any professor of law from a German university may appear.

Workload and Length of Proceedings

The number of appeals on points of law and appeals against refusal of leave to appeal in **civil cases declined after** civil proceedings reform came into effect on January 1, 2002. This was followed by a slight increase in 2006, rising by a further 2.6% in 2007. There was a significant increase of particularly work-intensive appeals on points of law allowed by the lower courts of appeal. In contrast, the number of appeals on points of law in the case of collateral decisions and collateral proceedings fell by a further 4.4% compared with the previous year.

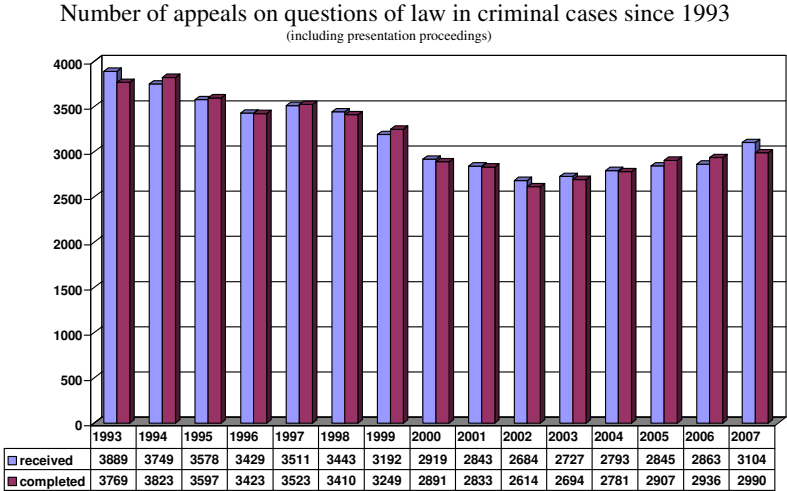
Number of appeals on questions of law in civil cases since 1993

(from 2002 including appeals against refusal of leave to appeals)



In 2007, the Federal Court of Justice received 3,404 appeals on questions of law and appeals against refusal of leave to appeal, compared with 3,319 in 2006. The appeals on questions of law allowed by the lower

courts of appeal, 790 in number, increased by 13.5% over the previous year. In 2007, 3,134 appeals on questions of law and appeals against refusal of leave to appeal were completed, of which 681 cases were concluded with a judgment. In 18.4% of the appeals against refusal of leave to appeal, leave to appeal was granted. The number of appeals lodged in 2007 on points of law in the case of collateral decisions and collateral proceedings fell to 1,267, 4.4% down on the previous year. In 7.3% of all cases, less than six months is required for completing the appeals on questions of law and appeals against refusal of leave to appeal; in 43.3% of all cases it is less than one year.



In **criminal cases**, the number of appeals on questions of law received and the number of presentation proceedings (3,104) increased by 8.4% over the previous year. In 2007, the total number of new cases received

by the criminal panels increased by 9.6%, and a total of 2,990 appeals on questions of law and presentation proceedings were completed. While judgment was given in 142 cases, the Federal Court of Justice dismissed 2,252 appeals as being obviously unfounded after examining fact and law. 80.9% of the appeals on questions of law in which a judgment was given were completed within three months and a further 17.2% within six months of the files being received.

Library and Publication Practice

The Federal Court of Justice has the largest court library in Germany, with a total of approx. 430,800 titles, about 412,200 of which are printed works. The 2007 budget was approx. € 698,400. The library contains practically all the relevant legal literature from 1800 to 1970. Where new acquisitions are concerned, the main emphasis in the last 30 years has been on civil and criminal law literature, in keeping with the Court's field of work. The more recent literature is no longer classified in accordance with the system of the former *Reichsgericht* library, but instead is now in line with the "*Regensburger Verbundklassifikation*", a system widespread in Southern Germany and more IT-friendly. The user can now access thematically-linked works in chronological order. In 2003, with the move to the new extension building, the **library** was given appropriate and representative premises for the first time, with approximately 21.5 km of shelving for books. In 2007 the new library was visited by 3,125 external users.

Since 1980, the Federal Court of Justice has been taking part in the documentation for "juris", the electronic legal information system. Since 1986, the Federal Court's **Documentation Office** has been responsible for posting decisions of all civil and criminal court instances in the "juris" decisions data bank. In 2007, more than 11,500 of such decisions were written into the data bank. At the same time about 220 law journals are evaluated. In the course of maintaining the data bank, more than 48,000 source references and over 6,000 annotations were added in 2007.

In 2007, the **Dispatch Department** dealt with just fewer than 3,500 requests for copies of Federal Court of Justice decisions.

Since 2002, the Federal Court of Justice's Internet homepage has made it possible to access the Court's decisions from January 1, 2000, onward. More than 20,000 decisions are meanwhile available. This information is updated daily. The number of people making use of this data on the Internet has greatly increased, with an average of 130,933 visits a month in 2007.

The Press and Public Relations

The public has a right to be informed of the outcome of important cases immediately, a duty undertaken by the Press Office at the Federal Court of Justice. Headed by a judge of the Federal Court of Justice, the Press Office issues press releases concerning decisions of public importance. In addition, a press briefing takes place each year at which the President of the Federal Court of Justice reports on the developments over the past year and gives a preview of the cases to be heard in the coming months. The press releases, the annual report and the preview can all be accessed on the Internet.

Electronic Legal Relations

The Federal Court of Justice is testing new possibilities in electronic legal relations. The intention is the greater use of the advantages of electronic processing, especially with a view to the variety of electronic communications available and improved document access.

Since November 2001 it has been possible for lawyers admitted to the Bar at the Federal Court of Justice to submit written civil law pleadings and briefs by e-mail, or by uploading directly to the electronic court mailbox (www.gerichtsbriefkasten.de). In criminal law, an electronic link with the Federal Public Prosecutor's office is being worked on.

To take account of the new media, the aim is to promote the careful development of the highly complex and efficient, but traditionally paper-based processes in suitable fields within the Federal Court of Justice. The focus is centred on possibilities of concurrent access to important documents by several people, and the advantage of quick research.

Federal Court of Justice Buildings

1. Karlsruhe

The Federal Court of Justice is housed in five buildings in almost four hectares of park-like premises in the centre of Karlsruhe.

The main building is the ***Erbgroßherzogliche Palais*** – formerly the palace of the Hereditary Grand Duke – which is shown on the cover of this brochure. Belonging to it is the former kitchen building, a small complex connected to the palace by underground passage. The palace stands on the site of the demolished garden palace built in the classical style by Friedrich Weinbrenner in 1817. Then the home of the dowager Grand Duchess Sophie, it was later used for a time as the residence of Grand Duke Friedrich I of Baden, until he assumed his title in 1852. The palace gardener's house, known as the ***Weinbrenner Building***, is still used today by the Federal Court of Justice. After the garden palace was demolished, Josef Durm built a new palace in the years 1891 to 1897, with an imperial dome skylight in neo-baroque style. The rococo interior was designed by Friedrich Ratzel. It was only in 1903 that the Hereditary Grand Duke Friedrich and his wife, Princess Hilda of Nassau, moved into it with their court. After his father's death in 1907, Grand Duke Friedrich II continued to hold court here. After the First World War and the Grand Duke's subsequent flight following the November revolution of 1918, the building – which apart from the furnishings had become government property – was used for various administrative purposes, including the *Reichsarbeitsdienst* (National Labour Service) during the

Third Reich. During the Second World War the dome was destroyed and the attic was gutted by fire. After reconstruction, the palace was placed at the disposal of the Federal Court of Justice and the Federal Public Prosecutor's Office in 1950. In 1999 and 2000, extensive redevelopment work was carried out. The main building now accommodates the offices of the President, the administration, and offices and courtrooms for some civil panels. On the ground floor there is a 2.4-metre-high, triangular stele of gilt brass as a memorial to the victims of Nazi justice. It was created by the graphic artist and designer Otl Aicher, a brother-in-law of Hans and Sophie Scholl, the young brother and sister who were executed in 1943 after the *Volksgerichtshof* sentenced them to death for resisting the Nazi regime. The stele bears two inscriptions: "Righteousness exalteth a nation" (Proverbs XIV.34) and "In memory of the men and women who suffered injustice in the name of the German people. 1933 – 1945".

From 1958 to 1960, in response to the rising number of staff as additional panels were established, the architect Erich Schelling built the **West Building** on high concrete supports along *Herrenstrasse*, with then 118 offices, two small courtrooms, a cafeteria, and the extension called the *Saalbau*. Reached via a glassed-in bridge, this houses the large bug-proof and windowless courtroom for the criminal panels. This courtroom has a 40 m² front created by the artist W. Kunz. It is made of Norwegian Rembrandt quartzite with an 18 hundredweight central panel which contains the largest stone slab ever used in Europe as a wall decoration. In 2003 and 2004, alteration work on the West Building was

completed (now 103 offices, and the courtrooms being taken out of service).

The increasing number of terrorist attacks, in particular the assassination of the Federal Public Prosecutor Siegfried Buback and his escorts on April 7, 1977, prompted the construction (1978 – 1980) of a high-security entrance building fitted with state-of-the-art monitoring and supervision equipment, complete with an electronic screening facility. In the 70s, security had already been enhanced by installing a guarded double fence system and bullet-proof windows.

To answer the growing demand for space, which had already made the use of several external branches necessary, and to provide adequate premises for the library that until then had had a makeshift home in the former kitchen building and the palace cellar, work commenced on new extensions to the Federal Court of Justice. This meant demolishing the northern building that had been constructed in the early 1950s to accommodate the Federal Public Prosecutor's Office. In line with the decision to accommodate the Federal Court of Justice and the Federal Public Prosecutor's Office in separate premises, the Federal Public Prosecutor's Office has had its headquarters in Karlsruhe in a newly-constructed building at 30 Brauerstrasse since October 1, 1998.

The Brunswick-based architects Dohle and Lohse designed what is known as the Federal Court's **Extension Building**, and construction commenced in spring 2000. Officially inaugurated on October 28, 2003, it offers space for six civil panels, two courtrooms, the documentation

office, and Germany's biggest court library, covering an area of about 4,700 m². On the ground floor of this building – a monolithic structure with a façade of light-coloured Roman travertine – there are a large assembly hall and an exhibition area for the museum of the Karlsruhe Society for Legal History. In the courtyard of the extension building there is a sculpture by Rudolf Herz: 40-cm-high letters made of slag-blasted stainless steel forming the words “LEX INJUSTA NON EST” in a never-ending circle, emphasizing the relationship between justice and the law. Between the two new courtrooms, there is also a work by Georg Herold, entitled “*Alles in Ordnung*”: a display cabinet showing glass containers filled with water on slanting wooden shelves, intended to symbolize the compensatory function of the judiciary. In a specially designed niche on the rear wall of the biggest courtroom in the extension building, there is a painted bronze sculpture in the form of an eagle. Measuring more than one metre, the eagle is a symbol of sovereignty, created by the renowned painter and sculptor Professor Markus Lüpertz. This piece was presented to the public on February 26, 2005, as part of Karlsruhe's programme “2010 The First Night” which was organized by the city as part of its application for nomination as Cultural Capital of Europe, 2010.

2. Leipzig

The Federal Court of Justice also includes the **Fifth Criminal Panel. Established in Berlin** in 1952, this panel moved to Leipzig in July 1997, together with the Federal Public Prosecutor's department which was assigned to it. It is now housed in the almost century-old *Villa Sack*,

including coach house, on a site of about 6,000 m². Until the early 30s of the last century, this was the prestigious family seat of the agricultural machinery manufacturer Gustav Rudolph Friedrich Sack. It was built by the Leipzig architects Schmidt and Johlige in 1909 in an unflamboyant neo-baroque style. From the end of 1933, the building was used by the students of Leipzig university as a “comradeship house”, and from 1939/40 onward it was used by two departments of the Leipzig Gestapo. The roof was destroyed in an air raid during the Second World War and replaced by a makeshift roof of bitumen felt. From 1950, the *Villa Sack* was used under the name “*Klubhaus der Freundschaft*” (Clubhouse of Friendship) as a recreational facility by *Schwermaschinenbau S. M. Kirow*, a state-owned enterprise manufacturing heavy machinery, and as a meeting place for the SED (the Socialist Unity Party of Germany in the German Democratic Republic). In the course of alteration and redevelopment work on the building in the years 1995 to 1997, the villa was given back its original roof form, the staircase was designed anew, the veranda was turned into a conference room, and much of the original interior, such as wooden and stucco ceilings, marble cladding in the conservatory, and three small wall fountains with extraordinary mosaics, were restored.

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