

**THE  
FEDERAL COURT OF JUSTICE**



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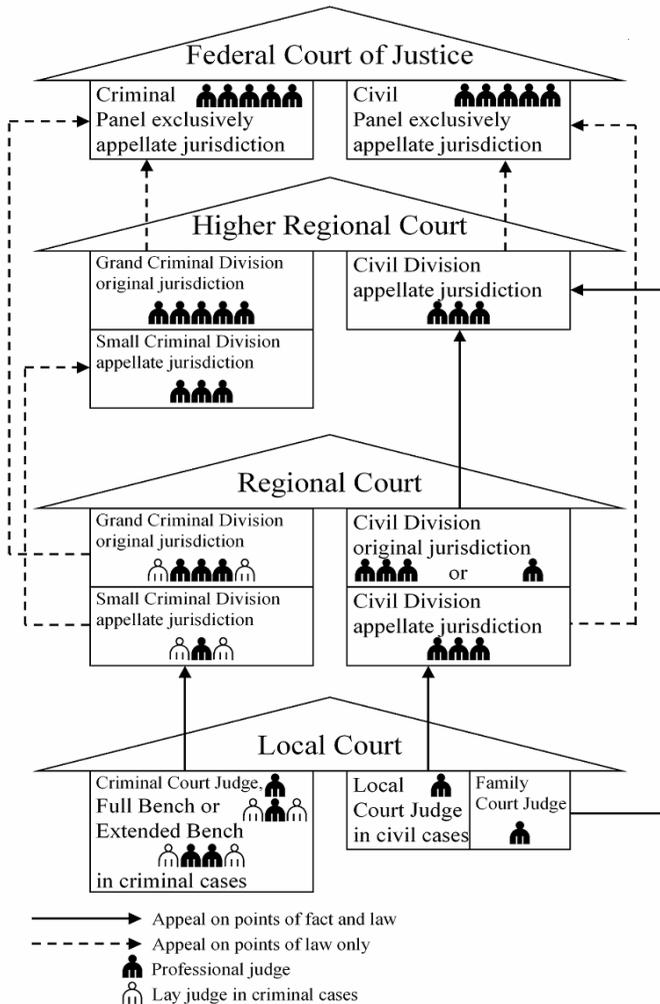
## The Position of the Federal Court of Justice within the Organization of the Courts

The **Federal Court of Justice** (*Bundesgerichtshof, BGH*) is the highest court of the Federal Republic of Germany in the field of ordinary jurisdiction, i.e. in civil and criminal matters, over which in the lower instances the local courts, the regional courts and the higher regional courts have jurisdiction which come within the competence of the German federal states. About 75 % of all judges in Germany are employed in this sector. Apart from the Federal Court of Justice, four further highest Federal courts exist: 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 a special position. Its task is to see that the constitution is complied with. Within the framework of so-called judicial review proceedings it reviews statutes and, in the case of constitutional complaints, other measures of the state including decisions of the courts, for example, to determine their constitutionality. However, here the appellant must argue that there has been an infringement of his constitutionally guaranteed rights; the Federal Constitutional Court does not have jurisdiction over the interpretation and application of so-called simple law, however, that is of those provisions without constitutional status.

In the course of the European unification process the **European Court of Justice (ECJ)** in Luxemburg is also gaining increasing importance. Under Art. 234(3) of the EC Treaty, the Federal Court of Justice as court of last instance in the field of ordinary jurisdiction 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, November 4, 1950.

# The Organization of the Courts in Civil and Criminal Cases



## The 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 strong political fragmentation of Germany and establish a highest court with jurisdiction over the entire territory of the Holy Roman Empire of the German Nation, a court which was independent of the monarch. After sitting in various towns in Southern and Southwest Germany the *Reichskammergericht* initially had its seat in Speyer and finally in Wetzlar. Within the framework of the “Perpetual Peace” it had the task of developing regulated contentious proceedings in court to replace feud and violence, and it was the highest appellate instance in civil cases. However, it was unable to hold its own against the powerful territorial lords, also due to the rivalry with the “star-chamber” justice of the *Reichshofrat* (Aulic Council), and 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 which as a common highest court was intended to safeguard legal uniformity in the field of commercial law.

With the founding of the German Reich in 1871, the jurisdiction of the *Reichsoberhandelsgericht* (Higher Commercial Court of the German Reich), as this court was now called, was extended to Southern Germany.

The reforms for the unification of law were crowned by the opening of the *Reichsgericht* (Supreme Court of the German Reich) in Leipzig on October 1, 1879, together with the coming into force of the general Imperial laws on the constitution of courts, civil procedure, criminal procedure and bankruptcy. This court, which took the place of the *Reichsoberhandelsgericht*, represented the peak of the administration of justice in all fields of law in the following years (only from 1919 onward did the *Reichsfinanzhof* exist and from 1941 onward the *Reichsverwaltungsgericht* as further supreme courts), and served a uniform interpretation of the law and the development of law. In 1934 the notorious *Volksgerichtshof* (People's Court of Justice) replaced the *Staatsgerichtshof* which had been incorporated into the *Reichsgericht* from the point of view of organization and personnel since 1920. Under its president Roland Freisler the *Volksgerichtshof* served to intimidate and liquidate opponents of the regime in criminal proceedings as trial court and court of last instance.

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 court of appeal dealing with appeals on questions of law in civil and criminal cases 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 convened.

Following the constitution of the Federal Republic of Germany in the year 1949, the *Bundesgerichtshof* (Federal Court of Justice) was established on October 1, 1950 in Karlsruhe. Initially it only had jurisdiction over the old German federal states. With the reunification of Germany on October 3, 1990 the Federal Court of Justice became the highest civil and criminal court for the whole of Germany.

## **The Tasks of the Federal Court of Justice**

With a few exceptions, the Federal Court of Justice is a court of appeal dealing with appeals on questions of law. Above all, its tasks are the safeguarding of legal uniformity through the clarification of fundamental questions of law and the development of law.

In principle the Federal Court of Justice does not do any finding of facts itself, but confines itself to reviewing the legal assessment of a case by the lower courts. The facts established by these courts are binding on the Federal Court of Justice, unless where these very findings are concerned a procedural error at the lower court is sufficiently demonstrated in the statement of grounds for appeal. Therefore as a rule no evidence is heard at the Federal Court of Justice. One of the few exceptions to this rule is the Tenth Civil Panel of the Federal Court of Justice, for example, which is the competent court 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).

# The 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 a so-called leap-frog appeal from a final judgment passed by a local or regional court of first instance is very seldom lodged.

Proceedings on appeal (“*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 December 31, 2006 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 cases falling within the province of the family court, an appeal against refusal of leave to appeal is ruled out if the decision under appeal is passed before January 1, 2007 (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. execution and insolvency proceedings, proceedings as to costs), **an appeal on points of law** may be lodged (“*Rechtsbeschwerde*”) 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, however, these cannot be gone into in detail here.

## **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 i.a. so-called capital crimes which are tried by the criminal divisions for grave offences at the regional courts, and all other serious criminal offences if, at the time when the indictment was brought before the regional court, in the view of the public prosecutor’s office a prison sentence of more than four years, confinement in a psychiatric hospital or the imposition of preventive deten-

tion was to be expected. This also includes all crimes against the state when in the first instance the indictment was brought before the division for crimes against the state at a regional court or, like the 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, unanimously to be obviously without merits in accordance with the application of the Federal Public Prosecutor, 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*”).

## **The Structure of the Federal Court of Justice**

A total of 440 people are employed at the Federal Court of Justice (as per December 31, 2004). The President is at the head of the Federal Court of Justice. He is the superior of the judges, civil servants, employees, workers, and of the trainees at the Federal Court of Justice. In his function as judge - by operation of law - 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 Cartel Panel.

The Federal Court of Justice has 12 civil panels and five criminal panels with a total of 127 judges. For a time an auxiliary panel was set up. 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 Cartel Panel and the Federal Disciplinary Tribunal. In some special panels, in addition to three professional judges, two honorary judges from the respective professional groups also participate in the decisions of the panel.

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 responsibilities decided by the respective panel.

The panels are assisted as a rule by 47 research associates, qualified junior staff from the judiciary of the 16 federal states, who 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 in the capacity of pretrial judges. They make the judicial decisions (e.g. regarding the ordering of a remand in custody pending trial) in the preliminary investigations conducted by the Federal Public Prosecutor (section 142a (1) GVG), therefore particularly in cases involving the formation of terrorist organizations, treason and other so-called crimes against the state. Pursuant to section 120 GVG, the higher regional courts have original jurisdiction in these cases once the indictment has been preferred.

In case individual panels should be of different opinions regarding one and the same question of law, in order to maintain legal uniformity a Grand Panel for Civil Matters, a Grand Panel for Criminal Matters and - in case of a divergence between civil and criminal panels - the United Grand Panels have been set up at the Federal Court of Justice, to whom the question of law must be presented for a decision in the event of continuing disagreement. 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 both presiding judges and a further member of each of the panels concerned.

## Assignments

The composition of the individual panels and the assignment of judicial responsibilities to the individual panels are determined in the schedule of responsibilities which is decided before the start of each business year, for the duration of that year, by the **Presiding Committee** of the Federal Court of Justice which consists of the President and ten judges chosen by the judges of the court. The complete **Schedule of Responsibilities**, which is 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 January 1, 2005) the following fields of law have been assigned to the individual civil panels as their main field:

- First Civil Panel: copyright, protection of industrial property,
- Second Civil Panel: company law,
- Third Civil Panel: state liability and broker law,
- Fourth Civil Panel: law of succession 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: building contract law and architect's law,

- Eighth Civil Panel: law on the sale of goods and residential landlord and tenant law,
- Ninth Civil Panel: insolvency law and lawyer's liability,
- Tenth Civil Panel: patent law and contract for work and services law,
- Eleventh Civil Panel: banking law and capital market law,
- Twelfth Civil Panel: family law and commercial landlord and tenant 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 assigned to certain panels as special fields:

- First Criminal Panel: military criminal cases and national defence offences,
- Third Criminal Panel: crimes against the state,
- Fourth Criminal Panel: motoring cases,
- Fifth Criminal Panel: revenue cases and customs offences.

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

## **The Selection of the Judges of the Federal Court of Justice**

The judges of the Federal Court of Justice are selected by the **Committee for the Selection of Judges** and appointed by the President of the Federal Republic of Germany. The selection committee has 32 members. It is made up of the ministers of justice of the 16 federal states and 16 additional members who are selected by the German Federal Parliament but need not necessarily also be members of parliament. The Federal Minister of Justice presides over the committee. If a selection is necessary, the Committee for the Selection of Judges is convened by the Federal Minister of Justice. She and the members of the selection committee are entitled to nominate candidates. To be eligible for selection, a person has to have German nationality, be qualified to hold judicial office, and to have attained the age of 35. The vast majority of the candidates are selected from the judicial service of the federal states, but also from federal or federal state ministries, the Federal Public Prosecutor's Office or, in isolated cases, from the Bar. Before the selection of the judges, the **Presidential Council** of the Federal Court of Justice, a special representative body for the participation of the judges of the Court in the appointment of new judges consisting of the President, the Vice-President and five additionally selected judges of the Federal Court of Justice (two selected by the Presiding Committee, three by the Judges' Assembly), expresses its opinion regarding the personal and professional qualifications of those who have been nominated, although this is not binding on the selection committee. The selection committee reaches its decision by

a simple majority. Here, in addition to the question of personal and professional qualifications, importance is also attached to the individual federal states being taken into account proportionate to the size of their population. The judges are appointed by the Federal President.

## **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. His headquarters are in Karlsruhe and he has a department at the Fifth Criminal Panel of the Federal Court of Justice in Leipzig. In appeals on points of law in criminal cases he carries out the duties of the public prosecutor's office at the court hearing and in the decision of the Federal Court of Justice. He is also the competent authority for the investigations of the prosecution in cases involving crimes against the state and the prosecution of terrorist organizations. In addition, he also maintains a number of central registers, including the Federal Central Register in Bonn, and acts as a central authority within the framework of some international agreements and as the federal contact point at a European level. A further duty incumbent upon him is to represent the Federal Republic in administrative and legal proceedings relating to the Federal Court of Justice, the Federal Public Prosecutor's Office at the Federal Court of Justice, the Federal Administrative Court or the Federal Finance Court.

## **The Bar at the Federal Court of Justice**

In civil cases the parties must be represented by a member of the Bar who has (only) been admitted to practise at the Federal Court of Justice. First and foremost the specialization of these lawyers serves a qualified handling of the appeals on points of law in civil cases, the appeals against refusal of leave to appeal and the appeals on points of law in the case of collateral decisions and collateral proceedings, in the interest of the parties. The number of lawyers currently admitted to practise at the Federal Court of Justice is 31 (as per January 1, 2005).

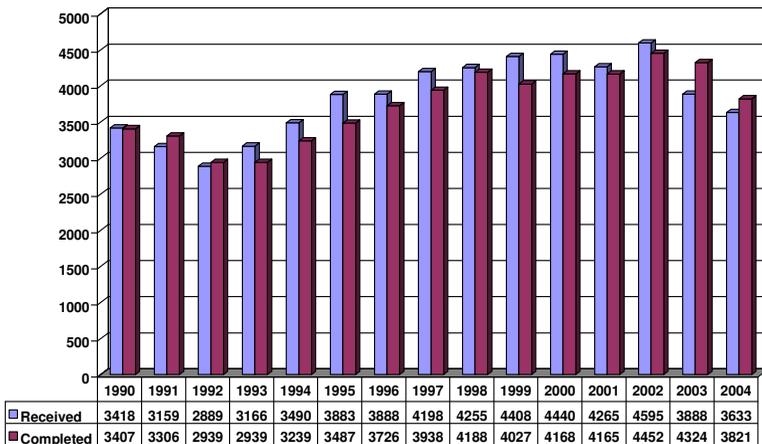
In order to be admitted to practise at the Federal Court of Justice a lawyer has to have attained the age of 35, to have practised law for at least five years without interruption, and to have been nominated by a selection committee. This committee consists of the President of the Federal Court of Justice, 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 application of a person nominated by the selection committee to be admitted to practise at the Federal Court of Justice is decided by the Federal Minister of Justice.

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 in court.

## Workload and Length of Proceedings

After a steady increase in the number of appeals on points of law and appeals against refusal of leave to appeal in **civil cases** from 1993 to 2002 and a drop in the number for the first time in 2003, the number dropped by a further 6.6% in 2004. In contrast, the appeals on points of law allowed by the lower courts of appeal which are particularly work-intensive have continued to increase. Where the number of appeals on points of law in the case of collateral decisions and collateral proceedings are concerned, for the first time a downward trend is becoming apparent.

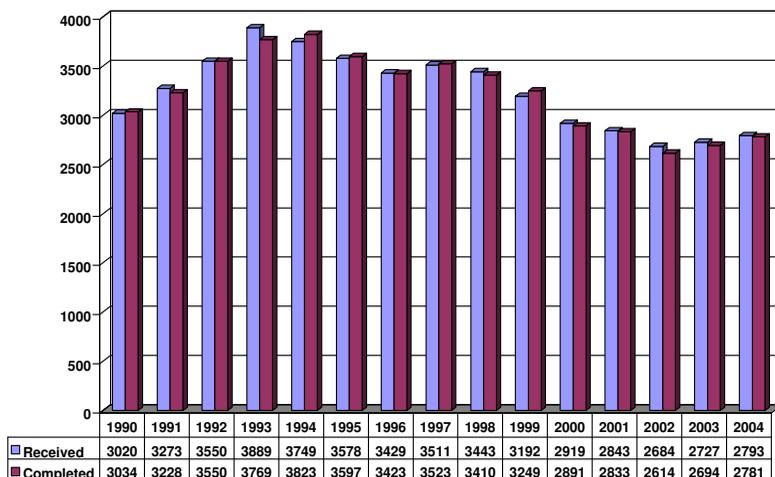
Number of appeals on questions of law in civil cases since 1990  
(from 2002 including appeals against refusal of leave to appeals)



In the year 2004, 3,633 appeals on questions of law and appeals against refusal of leave to appeal were received by the Federal Court of Justice compared with 3,888 in the previous year. The appeals on questions of

law allowed by the lower courts of appeal which numbered 887 increased by 5.3% compared with the previous year. In 2004, 3,821 appeals on questions of law and appeals against refusal of leave to appeal were completed, and in 954 cases a ruling was handed down in the form of a judgment. In 15% of the cases in which an appeal against refusal of leave to appeal was to be decided, leave to appeal was granted. The number of appeals on points of law in the case of collateral decisions and collateral proceedings which were received in 2004 dropped by 5.2% to 1,415 compared with the previous year. In 9.2% of all cases, the time required for completing the appeals on questions of law and appeals against refusal of leave to appeal is less than six months and in 36.8% of all cases less than a year.

Number of appeals on questions of law in criminal cases since 1990  
(including presentation proceedings)



In **criminal cases**, following a drop in the number of appeals in the years 1998 to 2002 and a slight increase for the first time in 2003, there has been a further increase in 2004. In 2004 the number of appeals on questions of law received by the Federal Court of Justice and the number of presentation proceedings increased to 2,793. This means an increase of 2.4% compared with the previous year. The total number of new cases received by the criminal panels has increased by 2.2% compared with the previous year. In 2004 a total of 2,781 appeals on questions of law and presentation proceedings were completed. While a judgment was given in 174 cases, the Federal Court of Justice dismissed 2,154 appeals by way of a court order as being obviously without merits, after examining the factual and legal position. 61.8% of the appeals on questions of law in which a judgment was given were completed within three months and a further 26.6% within six months of the files being received by the Federal Court of Justice.

## Library and Publication Practice

The Federal Court of Justice has the largest court library in Germany with a total of approximately 421,000 media units, about 405,000 of which are printed works, and a budget of approximately € 709,000 in the year 2004. The library contains practically all the relevant legal literature from 1800 to 1970, and 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. As the more recent literature is no longer classified according to the system of the former *Reichsgericht* library but instead according to the "*Regensburger Verbundklassifikation*", which is 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 so-called extension building, the **library** was given appropriate and representative premises for the first time with approximately 21.5 km of space for books. In 2004 the new library was visited by 2,215 external users.

Since 1980 the Federal Court of Justice has been taking part in the documentation for the electronic legal information system "juris". Since 1986 the **Documentation Office** of the Federal Court of Justice has been responsible for the posting of decisions of courts of all instances in the field of ordinary jurisdiction in the "juris" decisions data bank. In 2004 more than 13,000 decisions of this kind were newly posted in the data bank. At the same time about 220 law journals are evaluated. Within the framework of maintaining the data bank, in 2004 more than 50,000 source references and over 6,000 annotations were added.

In 2004 the **Dispatch Department** had to deal with just under 10,000 requests for copies of decisions of the Federal Court of Justice.

Since 2002 the decisions of the Federal Court of Justice from January 1, 2000 onward can be accessed through the Court's home page on the **Internet**. In the meantime more than 10,000 decisions are available. This data is updated daily. The number of people making use of this information on the Internet has greatly increased. In 2004 it was accessed on average up to 91,500 times a month.

## **The Press and Public relations**

The public has a right to be informed of the outcome of important cases at once. This is dealt with by the Press Office at the Federal Court of Justice. A judge of the Federal Court of Justice is in charge of the Press Office which issues press releases concerning decisions which are of importance for the public. 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 which are 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**

Within the framework of a pilot scheme, the Federal Court of Justice is testing the handling of electronically transmitted pleadings and briefs. The experience gained during this trial is intended to be of use in the introduction of a system for document management and electronic file processing in civil proceedings, and later also in criminal proceedings. At the same time this pilot scheme, which is intended to develop the technical possibilities of using the new form of communication, is part of the initiative “BundOnline 2005”, the aim of which is to offer all services of the federal authorities on the Internet which are Internet-compatible by the year 2005.

Since November 2001 it has already been possible for lawyers admitted to practise at the Federal Court of Justice to submit written pleadings and briefs electronically by e-mail, or alternatively by uploading the electronic court mailbox. In one of the civil panels these documents are also passed on and processed electronically within the panel. To back up this method of working, a document management system is currently being developed which is specially geared to the requirements of the judiciary and combines the various elements (electronic signature, form administration, file management, archiving and search). The aim is to build up an electronic file – initially to be kept parallel to the paper file – which along with the advantages of electronic communication will also enable the file to be accessed by a number of people at any time and provide fast search functions. With the introduction of the electronic file, which will be authoritative for the first time as a result of the new Judicial

Communications Act, the Federal Court of Justice is setting the pace for the whole of the Federal Republic. The Court's document management system will also back up the standard XJustiz which was developed for the exchange of electronic information in the judicial sector. The use of XJustiz will enable case data to be taken over automatically, so that multiple data collection can be avoided, both at the courts and by the participating lawyers.

# The Federal Court of Justice Buildings

## 1. Karlsruhe

The Federal Court of Justice is accommodated in five buildings in a park-like area of just under four hectares 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. A building which once accommodated the kitchens and is connected to the palace by a passage also forms part of the building complex. On the site where it now stands there used to be a garden palace built in the classical style by Friedrich Weinbrenner in 1817, which was the residence of the dowager Grand Duchess Sophie. It was later used by Grand Duke Friedrich I of Baden as his residence for some time until he took office in 1852. After this garden palace was demolished, to which a gardener's house belonged which is known as the **Weinbrenner Building** and is still used today by the Federal Court of Justice, in the years 1891 to 1897 Josef Durm built a new palace 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 at this palace. After the First World War and the subsequent flight of the Grand Duke following the November revolution of 1918, the building – which except for 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 fell prey to 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 on the palace. 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 stands a 2.40-metre high, triangular stele of gilded 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 brother and sister who were executed in 1943 for their resistance to the Nazi regime after being sentenced to death by the *Volksgerichtshof*. The stele bears two inscriptions: "Righteousness raises a people" (Book of Proverbs 14:34) and "In memory of the men and women who suffered injustice in the name of the German people. 1933 – 1945".

From 1958 to 1960, with the rising number of employees as additional panels were established, the architect Erich Schelling built the so-called **West Building** on high concrete supports along *Herrenstrasse* with 118 offices, two small courtrooms, a cafeteria, and what is known as the *Saalbau* which is reached via a glassed in bridge and which houses the large bug-proof courtroom without windows for the criminal panels. This courtroom has a forty square metre front created by the artist W. Kunz. It is made of Norwegian Rembrandt quartzite with a central panel weighing eighteen hundredweight which contains the largest stone slab

ever used in Europe as a wall decoration. In the middle of 2003 alteration work began on the West Building (103 offices, now no longer accommodating courtrooms) which was largely completed by the end of 2004.

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 of a building fitted with state-of-the-art security equipment for monitoring and control built in the years 1978 to 1980 with a screening entrance facility. In the seventies, protection for the site had already been provided by a guarded double fence system and bullet-proof glazing for the building.

In order to do something about the growing shortage of space which had already made it necessary to provide several external branches, and to make adequate premises available for the library which until then had been given makeshift accommodation in the former kitchen building and the cellar of the palace, work commenced to extend the Federal Court of Justice. For this it was necessary to demolish the northern building which was constructed in the early fifties to accommodate the Federal Public Prosecutor's Office. A decision was made to accommodate the Federal Court of Justice and the Federal Public Prosecutor's Office in separate premises. Since October 1, 1998 the Federal Public Prosecutor's Office has had its headquarters in a newly constructed building at Brauerstrasse 30.

The Brunswick-based architects Dohle and Lohse designed what is known as the **Extension Building** with construction commencing in

spring 2000. It was 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 square metres. On the ground floor of this building – a monolithic structure with a façade of pale Roman travertine – there are a large assembly hall and an exhibition area for the museum of legal history of the Karlsruhe society of the same name. In the courtyard of the extension building there stands a sculpture by Rudolf Herz: forty-centimetre-high letters made of slag-blasted stainless steel forming the words “LEX INJUSTA NON EST” set in a never-ending circle, and thus making reference to the relationship between justice and the law. Between the two new courtrooms another work of art was set up: a display cabinet containing glass containers filled with water on slanting shelves by Georg Herold, entitled “*Alles in Ordnung*” which is intended to symbolize the compensatory function of the judiciary. On the rear wall of the biggest courtroom in the extension building, which was specially prepared for the purpose, there is a painted bronze sculpture in the form of an eagle measuring over one metre as a symbol of sovereignty, which was created by the reputed painter and sculptor Professor Markus Lüpertz. This work of art was presented to the public on February 26, 2005 as part of the City 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** which had its seat in Berlin after 1952 and moved in July 1997, together with the department of the Federal Public Prosecutor which was assigned to it, to the now almost one hundred-year-old *Villa Sack* with coach house on a site of about 6,000 square metres in Leipzig. Until the beginning of the thirties of the last century this was the prestigious family seat of the agricultural machinery manufacturer Gustav Rudolph Friedrich Sack built by the Leipzig architects Schmidt and Johlige in 1909 in a restrained neo-baroque style. From the end of 1933 onward 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 onward 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 design, the staircase was designed anew, the veranda was turned into a conference room, and many of the original components in the interior of the villa such as wood and stucco ceilings, marble cladding in the conservatory, and three small wall fountains with mosaics of exceptional interest were restored.

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