



Permanent Mission  
of the Federal Republic of Germany  
to the United Nations  
New York

Note No. 174/2010

The Permanent Mission of Germany to the United Nations presents its

*1. Summary*

German courts exercise universal jurisdiction over the criminal offences laid out in sections 6 to 12 of the Code of Crimes Against International Law and other serious offences laid out in section 6 of the Criminal Code. Under the conditions laid out in section 153(c) and (f) of the Code of Criminal Procedure prosecutors have discretion not to initiate a prosecution.

*2. Material Reach*

Universal jurisdiction means the jurisdiction to try crimes committed abroad irrespective of the law of the locality where the offence took place and of the nationality of the perpetrator or the victim.

According to Section 1 of the German Code of Crimes against International Law of 26

- crimes which were committed by a foreigner on a foreign ship or airplane within German territory (no. 2);
- when in the cases of the crimes of 'Building of Criminal Associations' (section 129 Criminal Code) or of 'Building of terroristic Associations' (section 129a Criminal Code)

the association does not, or does not mainly exist in Germany and the criminal act in

Furthermore, according to sections 153(c) para. 2 and 3 of the Code of Criminal Procedure prosecutors may decide not to initiate a prosecution, if

- a sentence against the accused has already been executed abroad and a sentence in Germany would be of comparably minor relevance or if the accused has already been acquitted abroad by a final judgment in respect of the offence (ss 2);
- the crime was committed within the territorial scope of the Code of Criminal Procedure but through an act which took place outside of this scope, provided the execution of the criminal procedure could be seriously detrimental for the Federal Republic of Germany