

Sixth Committee – Agenda item 85
The scope and application of the principle of universal jurisdiction

Statement by the Federal Republic of Germany
12 October 2022

Since 2002, German prosecutors can exercise universal jurisdiction under the Code of Crimes against International Law (Völkerstrafgesetzbuch - VStGB). Investigations and prosecutions can be initiated into genocide (§ 6 VStGB), crimes against humanity (§ 7 VStGB) and war crimes (§§ 8-12 VStGB). Cases currently heard by German courts deal with torture in Syrian prisons by the Syrian regime as well as crimes by members of the Islamic State (IS) and other terrorist organisations. Serious crimes under international law tried by international tribunals, in particular the ICC if the applicable complementarity criteria are met, the Code of Crimes against International Law allows us to work towards accountability for these crimes on a national level.

In March 2022, the Federal Public Prosecutor General initiated a structural investigation concerning war crimes committed in Ukraine in the context of the Russian war of aggression. This was later extended to crimes against humanity. It is currently gathering evidence, including statements by Ukrainian refugees. An additional specialized unit has been created within the Federal Public Prosecutor General to support these investigations.

Many structural investigations have already led to trials and convictions in individual cases.

In January 2022, the Higher Regional Court Koblenz delivered the judgment against the main defendant regarding torture in a Syrian prison. It sentenced a senior officer of the General Syrian Intelligence Service in Damascus to life imprisonment for crimes against humanity. The defendant was found guilty of being the perpetrator of 27 murders and 4000 cases of severe deprivation of liberty. The crimes he committed as part of a widespread and systematic attack against the civilian population of Syria also include rape and sexual assault.

In another case currently heard by the Higher Regional Court Frankfurt, a Syrian doctor is accused of having committed crimes against humanity including torture and murder in Syrian prisons.

Further trials and convictions concern persons associated with the Islamic State (IS), Jabhat al Nusra or other terrorist organisations.

Germany, the competent authorities have implemented the concept of Cumulative Prosecution at an early stage. They hold Foreign Fighters accountable for war crimes, crimes against humanity or the crime of genocide, in addition to terrorism-related offences. Prosecuting terrorism offences combined with acts of core international crimes ensures the full criminal responsibility of perpetrators, may result in higher sentences and delivers more adequate justice for victims and survivors.

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