

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

Statement by the Federal Republic of Germany
15 October 2024

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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). Allow me to give an update on the scope and application of universal jurisdiction in Germany, first with regard to developments in our national law and second with regard to the actual cases brought by our Federal Public Prosecutor General in our national courts.

First, on the law: On 3 August 2024, the law on the further development of international criminal law came into effect in Germany. The amendments of our Code of Crimes against International Law contained therein serve to further develop substantive international crimin

inter alia in Syria. In March 2024, two proceedings based on the universal jurisdiction principle were concluded with final effect.

The Federal Court of Justice confirmed the conviction by the Higher Regional Court of Koblenz of the former senior officer of the Syrian Secret Service, Anwar R., in the so-called "Al-Khatib trial". This brought the first case on state-operated torture in Syria worldwide to an end. The Federal Court of Justice rejected the procedural objections made by the convicted and held that the Higher Regional Court was permitted to introduce and use the reports of the Independent Commission of Inquiry of the United Nations Human Rights Council as documentary evidence. It further found that the Higher Regional Court correctly assumed that the accused, who committed his contributions to the offences in his official capacity as a state employee, was not entitled to functional immunity based on customary international law.