



The Legal Framework for Universal Jurisdiction in Germany

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Printed in the United States of America

Cover design by Rafael Jimenez

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The Legal Framework for Universal Jurisdiction in Germany

The Legal Framework for Universal Jurisdiction in Germany	1
Jurisdictional Requirements	1
Barriers to Prosecution	2
Statute of Limitations	2
Immunity	3
Prosecutorial Discretion	4

The Legal Framework for Universal Jurisdiction in Germany

The Code of Crimes against International Law (CCAIL), which came into force on June 30, 2002, gives German courts universal jurisdiction over genocide, crimes against humanity, and war crimes.¹ The CCAIL defines these crimes in accordance with the Rome Statute.² Torture, rape, and enforced disappearance may be constituent acts of crimes against humanity and war crimes but are not defined as separate crimes under the CCAIL and therefore can only be prosecuted on the basis of the Criminal Code.³

Prior to the introduction of the CCAIL, the Criminal Code gave German courts jurisdiction over genocide and others crimes that Germany had a treaty obligation to prosecute, such as torture and war crimes.⁴ Other crimes of an international character could only be prosecuted as ordinary crimes, such as murder or grievous bodily harm.

Jurisdictional Requirements

Germany is one of the few remaining countries that has genuine universal jurisdiction, meaning that its laws do not require any connection between grave international crimes committed abroad and Germany before prosecutors can investigate and prosecute.⁵ The

¹ Völkerstrafgesetzbuch (VStGB) (“Code of Crimes against International Law” or CCAIL), entered into force on June 30, 2002, <http://www.gesetze-im-internet.de/vstgb/BJNR225410002.html> (accessed September 10, 2014), unofficial English translation, undated, <http://www.iuscomp.org/gla/statutes/VoeStGB.pdf> (accessed September 10, 2014).

² However, there are two distinctions between the CCAIL and the Rome Statute. First, German law only requires that *one* person (a member of the group) be targeted on the basis of national, racial, religious, or ethnic grounds in order to establish genocide so long as the requisite *mens rea*, or intent to destroy in whole or in part, is satisfied. Second, the CCAIL makes no distinction between crimes committed in an international armed conflict and those committed in a non-international armed conflict.

³ Germany ratified the International Convention for the Protection of All Persons from Enforced Disappearance on September 24, 2009. It has yet to be implemented the convention into national law, but it can nonetheless be applied by German courts because international treaties have direct application under domestic law. See Leonie von Braun and David Diehl, “Die Umsetzung der Konvention gegen das Verschwindenlassen in Deutschland,” *Zeitschrift für Internationale Strafrechtsdogmatik*, vol. 4 (2011), http://www.zis-online.com/dat/artikel/2011_4_547.pdf (accessed September 15, 2014), pp. 214-229. Cases involving torture, rape, and enforced disappearance committed outside of a widespread and systematic attack or an armed conflict—meaning that they do not amount to crimes against humanity or war crimes—are handled by the prosecutor’s office at the state (*lande*) level rather than the specialized war crimes unit in the federal prosecutor’s office, even when they happen in an international context. Human Rights Watch interview with German officials, March 18, 2014; Human Rights Watch interview with nongovernmental organization (NGO), March 12, 2014.

⁴ Strafgesetzbuch (StGB) (“German Criminal Code”), entered into force on November 13, 1998, sections 6(1) and 6(9), <http://www.gesetze-im-internet.de/stgb/> (accessed September 10, 2014), unofficial English translation, 2001, <http://www.iuscomp.org/gla/statutes/StGB.htm> (accessed September 10, 2014). Torture is not specifically defined in the German Criminal Code, but chapter 17, and in particular section 226, defines serious bodily harm. German courts can also apply the Torture Convention given that international treaties have direct application under national law. Germany has been a party to the Genocide Convention and the Geneva Conventions since 1954, the Torture Convention since 1990, and the Protocols to the Geneva Conventions since 1991.

⁵ Section 1 of the CCAIL reads: “This act shall apply to all criminal offences against international law designated under this Act, to serious criminal offences designated therein even when the offence was committed abroad and bears no relation to Germany.” Moreover, the explanatory memorandum in support of the CCAIL makes clear that even where there is no connection with Germany, prosecution authorities must make every effort to prepare for later prosecution, whether in Germany or abroad. *Deutscher Bundestag* (“German Parliament”), “Entwurf eines Gesetzes zur Einführung des Völkerstrafgesetzbuches,” Berlin, March 13, 2002, <http://dip21.bundestag.de/dip21/btd/14/085/1408524.pdf> (accessed September 2, 2014).

accused does not have to be present in Germany,⁶ and there are no double criminality or subsidiarity requirements—meaning that the crimes need not be criminalized in the country where the crimes were committed (known as the “territorial state”) and that German courts do not need to give priority to courts of that state or international criminal tribunals.⁷ The presence of the accused at trial is mandatory except in very limited circumstances.⁸

However, as discussed below, prosecutors have wide discretion and may decline to investigate where a suspect is not in Germany and his or her presence is not anticipated so long as neither the suspect nor the victim is a German national. They may also decline to prosecute where another state or an international criminal tribunal has an ongoing investigation or criminal proceedings.⁹

Barriers to Prosecution

Statute of Limitations

Genocide, crimes against humanity, and war crimes committed after June 30, 2002 are not subject to a statute of limitations.¹⁰ However, a military or civilian superior’s failure to supervise or report one of these crimes is subject to a statute of limitations of five years from the time of commission.¹¹

Prior to the CCAIL’s entry into force, only genocide and murder were exempt from statutes of limitations. All other crimes, including torture and grave breaches of the Geneva Conventions, were subject to limitation periods.¹²

⁶ Prior to the CCAIL, German courts had universal jurisdiction over genocide regardless of whether there was any legitimizing link by virtue of section 6 of the German Criminal Code. All other crimes required the presence of the accused or some other link between the crime and Germany. See *Jorgić v. Germany*, European Court of Human Rights, 74613/01, Judgment, July 12, 2007, paras. 67-70, <http://www.echr.coe.int/> (accessed September 15, 2014).

⁷ There is no double criminality requirement for genocide, crimes against humanity, and war crimes committed after June 30, 2002, or for other crimes over which Germany has a treaty obligation to prosecute, such as torture and war crimes. However, prosecution of ordinary crimes such as murder is subject to a double criminality requirement. German Criminal Code, sections 6-7.

⁸ For example, trial in the absence of the accused is permitted where the suspect purposefully places him- or herself in a condition precluding fitness to stand trial. See Strafprozessordnung (StPO) (“German Code of Criminal Procedure”), entered into force April 7, 1987, sections 230 and 231a, <http://www.gesetze-im-internet.de/stpo/> (accessed September 10, 2014), official English translation, 2014, http://www.gesetze-im-internet.de/englisch_stpo/englisch_stpo.html (accessed September 2, 2014); Human Rights Watch interview with German officials, March 18, 2014.

⁹ German Code of Criminal Procedure, section 153f.

¹⁰ CCAIL, section 5. Germany has not ratified the UN Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity or the European Convention on the Non-Applicability of Statutory Limitation to the Crimes Against Humanity and War Crimes.

¹¹ CCAIL, sections 13-14; and German Criminal Code, section 78 (3)(4). See also Christoph Safferling and Stefan Kirsch, “Zehn Jahre Völkerstrafgesetzbuch,” *Juristische Arbeitsblätter*, vol. 7 (2012), p. 482.

¹² German Criminal Code, section 78(2). For example, the crime of serious bodily harm (which includes torture) has a statutory limitation of ten years from the date of commission. Human Rights Watch interview with NGO, March 13, 2014.

Immunity

The CCAIL does not directly reference immunity, but Germany's Judiciary Act provides immunity from prosecution for diplomatic missions and state representatives on official invitation in Germany.¹³ According to German public officials, immunity for other senior government officials is interpreted in line with customary international law.¹⁴

However, a number of legal practitioners and nongovernmental organizations (NGOs) believe that the federal prosecutor's office has taken an overly expansive reading of the International Court of Justice's holding in the *Arrest Warrant (Democratic Republic of Congo v. Belgium)* case.¹⁵ They have criticized past decisions on immunity and have argued that the category of officials who may benefit from immunity should be more narrowly interpreted and that any immunity should end once a head of state leaves office.¹⁶ They point to several controversial decisions, including most notably the federal prosecutor's decision in 2003 not to investigate former Chinese president Jiang Zemin for alleged persecution of Falung Gong members on the grounds that he had immunity as a former head of state.¹⁷ The federal prosecutor has also declined investigations into Uzbek intelligence chief Rustam Inojatov, former Afghan warlord and parliamentarian Rashid Dostum, and head of the Chechen Republic Ramzan Kadyrov on the basis of immunity.¹⁸

¹³ This is often referred to as "special mission immunity." *Gerichtsverfassungsgesetz* ("Judiciary Act"), entered into force in 1938, sections 18-20, <http://www.gesetze-im-internet.de/gvg/> (accessed September 10, 2014), official English translation, 2014, http://www.gesetze-im-internet.de/englisch_gvg/englisch_gvg.html#p0040 (accessed September 10, 2014). Business persons may also qualify for special mission immunity if they are invited by the German government. Human Rights Watch interview with German officials, March 18, 2014.

¹⁴ Human Rights Watch interview with German officials, March 18, 2014.

¹⁵ The International Court of Justice ruled that certain foreign government officials, such as accredited diplomats, heads of state and government, and foreign ministers, are entitled to temporary immunity from prosecution by foreign states, even with regards to grave international crimes. The Court was not explicit in whether the immunity ceases to exist once the person leaves office, and the judgment has been open to differing interpretations on this point. Many advocates, including Human Rights Watch, interpret the judgment not to bar later prosecutions for grave international crimes. This includes the International Court of Justice's decision in the *Arrest Warrant (Democratic Republic of Congo v. Belgium)* case. *The Democratic Republic of Congo v. Belgium*, International Court of Justice, Judgment, April 14, 2002, <http://www.icj-cij.org/docket/index.php?p1=3&p2=3&case=121&p3=4> (accessed September 2, 2014).

¹⁶ Human Rights Watch interview with NGO, March 13, 2014; Amnesty International, "Germany: End Impunity through Universal Jurisdiction," October 1, 2008, <http://www.amnesty.org/en/library/asset/EUR23/003/2008/en/73077b6c-9c5b-11dd-b0c5-35f205e84de0/eur230032008en.pdf> (accessed September 9, 2014), pp. 71-72; Andreas Schüller, "The Role of National Investigations in the System of International Criminal Justice – Developments in Germany," in *Security and Peace (Sicherheit und Frieden)*, vol. 4 (2013), p. 228; Human Rights Watch, *Universal Jurisdiction in Europe: The State of the Art* (New York: Human Rights Watch, 2006), <http://www.hrw.org/sites/default/files/reports/ijo0606web.pdf>, p. 64; Remarks of Claus Kreß, German Parliament, Committee for Human Rights and Humanitarian Aid Meeting, October 24, 2007, available at German Parliament, undated, <http://webarchiv.bundestag.de/cgi/show.php?fileToLoad=1366&id=1136> (accessed September 15, 2014).

¹⁷ See Letter from the Federal Prosecutor's Office, to Wolfgang Kaleck, attorney, June 24, 2005, <http://competenceuniverselle.files.wordpress.com/2011/07/einstellungsbescheidchina1.pdf> (accessed September 15, 2014).

¹⁸ Schüller, "The Role of National Investigations in the System of International Criminal Justice – Developments in Germany," *Security and Peace*, p. 228; Amnesty International, "Germany: End Impunity through Universal Jurisdiction," pp. 71-72. See also "Uzbekistan," European Center for Constitutional Human Rights (ECCHR) press release, September 24, 2013, <http://www.ecchr.de/index.php/uzbekistan.html> (accessed September 15, 2014); Human Rights Watch email correspondence with NGO, June 13, 2014.

Prosecutorial Discretion

Legislators amended the Code of Criminal Procedure at the same time they adopted the CCAIL in 2002 to provide the federal prosecutor with wide discretion as to which cases to pursue.¹⁹ While the discretion is intended to safeguard against overly burdensome or abusive complaints filed by private parties, section 153f of the Criminal Procedure Code has sparked significant criticism from legal practitioners, academics, and NGOs.

On the basis of section 153f, the federal prosecutor may decline to investigate where the suspect is not in Germany and his or her presence is not anticipated so long as neither the suspect nor the victim is a German national.²⁰ Many practitioners and NGOs argue that this amounts to a *de facto* presence requirement.²¹ Section 153f also allows prosecutors to decline to investigate and prosecute where proceedings are ongoing in another state or before an international criminal tribunal.

Where prosecutors decline to initiate an investigation based on a private complaint, that party may challenge the decision in court. However, this right has little chance of success as courts limit their review to whether the decision was arbitrary and place a high procedural burden on the party challenging the decision.²²

Some practitioners have argued that prosecutorial discretion is all the more problematic given that the federal prosecutor's office is part of the executive branch of government, rather than the judiciary, and is therefore subject to the government's national criminal policies.²³ Prosecutors and justice ministry officials maintain that, while they are in regular contact, the

¹⁹ The explanatory memorandum to the bill introducing the CCAIL states that the prosecutor has discretion under section 153f of the German Code of Criminal Procedure to decline to investigate and prosecute where the alleged crimes have no connection to Germany and where there are no reasonable prospects of a successful investigation. German Parliament, "Entwurf eines Gesetzes zur Einführung des Völkerstrafgesetzbuches," March 13, 2002.

²⁰ If, at a later stage the suspect comes onto German soil, even temporarily, or is expected to, prosecutors are obliged to investigate. Amnesty International, "Germany: End Impunity through Universal Jurisdiction," p. 57.

²¹ Human Rights Watch interview with NGO, March 13, 2014; Human Rights Watch interview with German lawyer, March 14, 2014. See also Amnesty International, "Germany: End Impunity through Universal Jurisdiction," p. 60.

²² German Code of Criminal Procedure, section 172. Human Rights Watch interview with NGO, March 13, 2014; Human Rights Watch interview with German lawyer, March 14, 2014. See also Burhoff Online, "Das Klageerzwingungsverfahren - Insbesondere die Zulässigkeit des Antrags auf gerichtliche Entscheidung," undated, http://www.burhoff.de/insert/?/veroeff/aufsatz/zap_f22_s369.htm (accessed June 20, 2014); Karl Kröpil, "Zur Erledigung des Klageerzwingungsverfahrens bei Wiederaufnahme staatsanwaltlicher Ermittlungen," *Neue Zeitschrift für Strafrecht (NSTZ)*, vol. 10 (2010), p. 558; Schüller, "The Role of National Investigations in the System of International Criminal Justice – Developments in Germany," *Security and Peace*, p. 228; and Amnesty International, "Germany: End Impunity through Universal Jurisdiction," pp. 65-66.

²³ The government's website notes that the federal prosecutor is a "political appointee" and must comply with the criminal policies and objectives of the government. See Der Generalbundesanwalt beim Bundesgerichtshof, "Rechtliche Stellung des Generalbundesanwalts beim Bundesgerichtshof," undated, <http://www.generalbundesanwalt.de/de/stellung.php> (accessed June 20, 2014). See also Schüller, "The Role of National Investigations in the System of International Criminal Justice – Developments in Germany," *Security and Peace*, p. 228; Human Rights Watch interview with NGO, March 13, 2014; Human Rights Watch interview with German lawyer, March 14, 2014.

Ministry of Justice does not exert any influence over prosecutorial decisions.²⁴ Even if this is true, practitioners argue that a more meaningful opportunity for judicial review should be provided to ensure the appearance of independence.²⁵

The 2005 and 2006 decisions not to open an investigation into senior US officials for alleged abuses of detainees in Guantanamo Bay, Cuba and Abu Ghraib, Iraq illustrate how political considerations may affect the exercise of prosecutorial discretion.

Rumsfeld I

In February 2005, the federal prosecutor decided not to pursue an investigation against then US Secretary of Defense Donald Rumsfeld and other high-ranking government officials on allegations of war crimes and torture on the grounds that the *complex* of crimes was already under investigation in the United States.²⁶ Pointing out that the United States had a closer connection to the alleged crimes, the federal prosecutor's office said that it need not look at whether Rumsfeld was himself under investigation or whether the exact same crimes were being investigated.²⁷ NGOs that had filed the initial complaint challenged the decision, but the appeals court upheld the prosecutor's decision not to investigate.²⁸

The timing of the prosecutor's decision was significant in that it came just two days before Rumsfeld was scheduled to speak at a security conference in Munich, drawing criticism from the UN Special Rapporteur on the Independence on Judges and Lawyers.²⁹ The UN Special Rapporteur also expressed concern over the fact that there were no indications that US judicial authorities

²⁴ Human Rights Watch interview with German officials, March 18, 2014; Human Rights Watch interview with German officials, March 13, 2014.

²⁵ Human Rights Watch interview with NGO, March 13, 2014; Human Rights Watch interview with German lawyer, March 14, 2014. Remarks of Claus Kreß, German Parliament, Committee for Human Rights and Humanitarian Aid Meeting, October 24, 2007.

²⁶ On November 29, 2004, the Center for Constitutional Rights (CCR) and ECCHR filed a complaint on behalf of victims alleging that Rumsfeld and other senior US officials were responsible for the mistreatment of detainees in US-run prisons in Guantanamo Bay, Cuba and Abu Ghraib, Iraq. For more information on the case, see ECCHR, "Rumsfeld Torture Cases," undated, <http://www.ecchr.de/index.php/rumsfeld.html> (accessed September 9, 2014); and CCR, "German War Crimes Complaint Against Donald Rumsfeld, et al." undated, <https://www.ccrjustice.org/ourcases/current-cases/german-war-crimes-complaint-against-donald-rumsfeld-et-al> (accessed September 9, 2014).

²⁷ "Keine deutschen Ermittlungen wegen der angezeigten Vorfälle von Abu Ghraib / Irak," Federal Prosecutor General (*Generalbundesanwalt*) press release, February 10, 2005, <http://www.generalbundesanwalt.de/de/showpress.php?newsid=163> (accessed September 15, 2013).

²⁸ *Center for Constitutional Rights et al. v. Donald Rumsfeld et al.*, Higher Regional Court of Stuttgart, Case No. 5 Ws 109/05, Decision of 13 September 2005, http://www.ecchr.de/rumsfeld-590.html?file=tl_files/Dokumente/Universelle%20Justiz/Entscheidung_OLG_Stuttgart_Klageerzwingungsverfahren.pdf (accessed September 2, 2014).

²⁹ Rumsfeld cancelled his visit to Munich as a result of the complaint. See UN Commission on Human Rights, Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, A/HRC/4/25/Add.1 April 5, 2007, <http://www.fidh.org/IMG/pdf/unrumsfeld.pdf> (accessed September 15, 2014), p. 97.

were actually investigating the alleged crimes, with the exception of low-ranking officers, or had any intention to look at criminal responsibility of senior military officials.³⁰

An Amnesty International report later pointed out the flawed logic in the federal prosecutor's decision, noting that this would mean that Germany could not prosecute any cases related to the 1994 genocide since Rwandan courts were already pursuing some genocide-related cases.³¹ While it is preferable for trials to take place in the country where the crimes occurred, justice is not always possible there and the principle of subsidiarity should not prevent cases from going forward where the exact same case is not under investigation elsewhere.³²

Rumsfeld II

In November 2006, the same NGOs filed a second complaint against Rumsfeld and, in their complaint, documented that no investigations had taken place in the United States or Iraq.³³ The federal prosecutor once again rejected the request to initiate criminal proceedings, this time arguing that none of the suspects resided in Germany or was expected to come there.³⁴ The NGOs filed another legal challenge with the court but were again unsuccessful. The court held that, while the possibility of the former US officials coming to Germany could not be excluded, it was not sufficient to compel an investigation.³⁵

Another controversial case where the federal prosecutor exercised discretion and chose not to open an investigation was that of former Uzbek Minister of the Interior Zokirjon Almatov.

³⁰ The UN Special Rapporteur also took issue with the prosecutor's cursory decision which failed to address the lengthy arguments and documentation submitted in support of the complaint. Report of the Special Rapporteur on the independence of judges and lawyers, pp. 97-98.

³¹ Amnesty International, "Germany: End Impunity through Universal Jurisdiction," p. 64.

³² This principle is reflected in the admissibility challenge procedure of article 17 of the Rome Statute, which allows states to ask that International Criminal Court (ICC) cases be dismissed where they are already being investigated and prosecuted before national courts. In deciding whether to proceed with a case, the ICC looks to whether domestic authorities are investigating or prosecuting the *same case* that is before the Court, meaning the national proceedings "encompass both the person and the conduct which is the subject of the case before the Court." See, e.g., *Prosecutor v. Saif Al-Islam Gaddafi and Abdullah al-Senussi*, ICC, Case No. ICC-01/11-01/11, Decision on the admissibility of the case against Saif Al-Islam Gaddafi (Pre-trial Chamber I), paras. 73-77, <http://www.icc-cpi.int/iccdocs/doc/doc1599307.pdf> (accessed September 2, 2014); *Prosecutor v. Saif Al-Islam Gaddafi and Abdullah al-Senussi*, ICC, Case No. ICC-01/11-01/11, Judgment on the appeal of Abdullah Al-Senussi against the decision of Pre-Trial Chamber I of 11 October 2013 entitled "Decision on the admissibility of the case against Abdullah Al-Senussi" (Appeals Chamber), July 24, 2014, paras. 101-110, <http://www.icc-cpi.int/iccdocs/doc/doc1807073.pdf> (accessed September 2, 2014).

³³ The second complaint, which included additional victims, contained new evidence and targeted additional US government officials. The complaint was supported by a number of lawyers' associations, human rights and civil society organizations, several Nobel Peace Prize laureates, and the former UN Special Rapporteur on Torture. For more information, see CCR, "German War Crimes Complaint Against Donald Rumsfeld, et al." <https://www.ccrjustice.org/ourcases/current-cases/german-war-crimes-complaint-against-donald-rumsfeld-et-al>.

³⁴ ECCHR, "Rumsfeld Torture Cases," <http://www.ecchr.de/index.php/rumsfeld.html>.

³⁵ The court found that there must be concrete evidence of a visit to Germany in the foreseeable future. *Center for Constitutional Rights et al. v. Donald Rumsfeld et al.*, Higher Regional Court of Stuttgart, Case No. 5 Ws 21/09, Decision of 21 April 2009, <https://ccrjustice.org/files/Beschluss%20OLG%20Stuttgart.pdf> (accessed September 3, 2014).

Despite an European Union travel ban,³⁶ Almatov was receiving medical treatment in Germany when victims filed a criminal complaint alleging torture and crimes against humanity in connection with the killing of hundreds of protesters in Andijan in May 2005.³⁷ Shortly after the filing of the complaint, Almatov left Germany. The federal prosecutor justified his decision not to investigate on the grounds that he did not have sufficient time to investigate the allegations and secure an arrest warrant before Almatov left and that the chances of a successful case were “non-existent” because Uzbekistan was unlikely to cooperate.³⁸

The federal prosecutor’s approach to invoking section 153f of the Criminal Procedure Code has evolved in a positive manner since the establishment of the specialized war crimes unit in 2009. Prosecutors now exercise discretion only where there are no victims or witnesses in Germany and where the suspect is not ever likely to come to Germany. Where victims and witnesses can be identified in the country, prosecutors will investigate in order to preserve any available evidence.³⁹

³⁶ “Council Common Position 2005/792/CFSP concerning restrictive measures against Uzbekistan,” *Official Journal L299*, 2005/792/CFSP, November 14, 2005, http://www.sipri.org/databases/embargoes/eu_arms_embargoes/uzbekistan/792 (accessed September 2, 2014).

³⁷ In December 2005, eight victims filed a criminal complaint against Almatov and intelligence chief Rustam Inojatov alleging their involvement in the Uzbek security forces’ killing of hundreds of protesters in Andijan in May 2005. Human Rights Watch provided the federal prosecutor with evidence in support of the victims’ claims. “Germany: Uzbek Security Chief Accused of Crimes against Humanity,” Human Rights Watch news release, December 15, 2005, <http://www.hrw.org/news/2005/12/14/germany-uzbek-security-chief-accused-crimes-against-humanity>.

³⁸ “Germany: Prosecutor Denies Uzbek Victims Justice,” Human Rights Watch news release, April 6, 2006, <http://www.hrw.org/en/news/2006/04/05/germany-prosecutor-denies-uzbek-victims-justice>; “Germany: Victims Appeal Decision on Uzbek Ex-Minister,” Human Rights Watch news release, February 2, 2007, <http://www.hrw.org/news/2007/02/01/germany-victims-appeal-decision-uzbek-ex-minister>; “Uzbekistan,” ECCHR press release, <http://www.ecchr.de/uzbekistan.html> (accessed September 15, 2014); Schüller, “The Role of National Investigations in the System of International Criminal Justice – Developments in Germany,” *Security and Peace*, p. 228.

³⁹ The federal prosecutor’s office can keep an investigation open for as long as it chooses and can also reopen an investigation closed under section 153f at a later date if the circumstances warrant. Human Rights Watch interview with German officials, March 18, 2014. See also German Parliament, “Zehn Jahre Völkerstrafgesetzbuch,” Berlin, November 7, 2012, at <http://dip21.bundestag.de/dip21/btd/17/113/1711339.pdf> (accessed September 9, 2014), question 11.