

Germany's Role in the Prosecution of Russian War Criminals in Ukraine

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I. Introduction

On 8 March 2022, less than a month since the Russian Federation had commenced its full-scale invasion of Ukraine in violation of international law, the German Federal Prosecutor General (*Generalbundesanwalt*) announced the launch of domestic investigation proceedings regarding Russian war crimes and crimes against humanity.¹ This measure, enabled by an interplay of domestic criminal procedural law and international criminal law (ICL), constitutes a part of a bigger picture. By taking action on both the domestic and international stage, Germany has the chance to tangibly contribute to bringing perpetrators of the most serious crimes to justice. In the following, this article examines the legal basis for the Federal Republic's national investigation of Russian war crimes (I.A.) before addressing the proceedings themselves (I.B.), as well as Germany's conduct on the international stage in that regard (I.C.). Lastly, I will discuss whether there is room for improvement concerning Germany's domestic and international practice (I.D.).

A. The Legal Basis for a Domestic Investigation of War Crimes and Crimes against Humanity

The basis for Germany's conduct in investigating Russian war crimes and crimes against humanity stems predominantly from two legal sources: the German Code of Crimes against International Law (*'Völkerstrafgesetzbuch'* or *'VStGB'*) as the sub-

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¹ Legal Tribune Online (LTO), *Generalbundesanwalt ermittelt im Ukraine-Krieg*, 8 March 2022, available at <https://www.lto.de/recht/nachrichten/n/generalbundesanwalt-gba-bundesanwalt-schaft-ermittlungen-russland-kriegsverbrechen-ukraine-krieg/>.