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Code of Crimes against International Law

(Völkerstrafgesetzbuch – VStGB)

Code of Crimes against International Law (CCAIL) of 26 June 2002 (Federal Law Gazette I,
p. 2254), as last amended by Article 1 of the Act of 30 July 2024 (Federal Law Gazette 2024
I, no. 255)

Part 1

General provisions

Section 1

Scope of application

This Act applies to all criminal offences against international law designated herein; for
offences under sections 6 to 12, it applies even when the offence was committed abroad and
bears no relation to Germany. For offences under section 13 that were committed abroad,
this Act applies independently of the law of the place of commission if the perpetrator is
German or if the offence is directed against the Federal Republic of Germany.

Section 2

Application of the general law

The general criminal law applies to offences under this Act insofar as this Act does not make
special provision in section 1, sections 3 to 5 or section 13 (4).

Section 3

Acting upon orders

Whoever commits an offence under sections 8 to 15 in execution of a military order or an
order comparable in its actual binding effect is deemed to have acted without guilt insofar as
the perpetrator did not realise that the order was unlawful and the order was also not
manifestly unlawful.

Section 4

Responsibility of military commanders and other superiors

(1) A military commander or civilian superior who fails to prevent a subordinate from
committing an offence under this Act incurs the same penalty as they would if they had
perpetrated the offence committed by that subordinate. Section 13 (2) of the Criminal Code
does not apply in this case.

(2) Any person effectively giving orders or exercising command and control in a military unit
is deemed equivalent to a military commander. Any person effectively exercising command

and control in a civil organisation or in an enterprise is deemed equivalent to a civilian superior.

Section 5
Non-applicability of statute of limitations

The prosecution of serious criminal offences under this Act and the execution of sentences imposed for those offences are not subject to any statute of limitations.

Part 2
Crimes against international law

Chapter 1
Genocide and crimes against humanity

Section 6
Genocide

(1) Whoever, with the intention of destroying a national, racial, religious or ethnic group as such in whole or in part,

1. kills a member of the group,
2. causes serious bodily or mental harm to a member of the group, especially of the kind referred to in section 226 of the Criminal Code,
3. inflicts on the group conditions of life calculated to bring about its physical destruction in whole or in part,
4. imposes measures intended to prevent births within the group,
5. forcibly transfers a child of the group to another group

incurs a penalty of imprisonment for life.

(2) In less serious cases referred to under subsection (1) nos. 2 to 5, the penalty is imprisonment for a term of at least five years.

Section 7
Crimes against humanity

(1) Whoever, as part of a widespread or systematic attack directed against any civilian population,

1. kills a person,
2. inflicts, with the intention of destroying a population in whole or in part, conditions of life on that population or on parts thereof that are calculated to bring about its physical destruction in whole or in part,
3. traffics in persons, particularly in women or children, or whoever otherwise enslaves a person and in doing so arrogates to themselves a right of ownership over that person,
4. deports or forcibly transfers, by expulsion or other coercive acts, a person from an area in which they are lawfully present to another State or another area in contravention of a general rule of international law,
5. tortures a person in their custody or otherwise under their control by causing that person substantial physical or mental harm or suffering where such harm or suffering does not arise only from sanctions that are compatible with international law,

6. commits sexual assault, sexual coercion, rape, enforced prostitution, sexual slavery or enforced sterilisation against a person; confines a forcibly impregnated person with the intention of affecting the ethnic composition of any population or in order to commit offences under sections 6 to 13; or aborts a pregnancy against the will or without the consent of the pregnant person,

7. causes a person's enforced disappearance, with the intention of removing them from the protection of the law for more than just a brief period of time,

(a) by abducting that person on behalf of or with the approval of a State or a political organisation, or by otherwise severely depriving them of their physical liberty, without immediately providing truthful information on that person's fate and whereabouts, or

(b) by refusing, on behalf of a State or a political organisation or in contravention of a legal duty, to provide information immediately on the fate and whereabouts of the person deprived of their physical liberty under the circumstances referred to under letter (a) above, or by providing false information,

8. causes another person severe physical or mental harm, especially of the kind referred to in section 226 of the Criminal Code,

9. severely deprives a person of their physical liberty in contravention of a general rule of international law, or

10. persecutes an identifiable group or collectivity by removing or substantially restricting their fundamental human rights on political, racial, national, ethnic, cultural, religious, gender, sexual orientation or other grounds that are recognised as impermissible under the general rules of international law

incurs a penalty of imprisonment for life in the cases referred to under nos. 1 and 2, imprisonment for a term of at least five years in the cases referred to under nos. 3 to 7, and imprisonment for a term of at least three years in the cases referred to under nos. 8 to 10.
(2) In less serious cases under subsection (1) no. 2, the penalty is imprisonment for a term of at least five years; in less serious cases under subsection (1) nos. 3 to 7, the penalty is imprisonment for a term of at least two years; in less serious cases under subsection (1) nos. 8 and 9, the penalty is imprisonment for a term of at least one year.
(3) Where the perpetrator causes the death of a person through an offence under subsection (1) nos. 3 to 10, the penalty is imprisonment for life or for a term of at least ten years in cases under subsection (1) nos. 3 to 7 and imprisonment for a term of at least five years in cases under subsection (1) nos. 8 to 10.
(4) In less serious cases under subsection (3), the penalty is imprisonment for a term of at least five years for an offence under subsection (1) nos. 3 to 7 and imprisonment for a term of at least three years for an offence under subsection (1) nos. 8 to 10.
(5) Whoever commits a crime under subsection (1) with the intention of maintaining an institutionalised regime of systematic oppression and domination by one racial group over any other racial group incurs a penalty of imprisonment for a term of at least five years insofar as the offence is not punishable more severely under subsection (1) or subsection (3). In less serious cases the penalty is imprisonment for a term of at least three years insofar as the offence is not punishable more severely under subsection (2) or subsection (4).

Chapter 2 War crimes

Section 8 War crimes against persons

(1) Whoever, in connection with an international or non-international armed conflict,

1. kills a person who is to be protected under international humanitarian law,
2. takes hostage a person who is to be protected under international humanitarian law,
3. treats a person who is to be protected under international humanitarian law cruelly or inhumanly by causing them substantial physical or mental harm or suffering, especially by torturing or mutilating them,
4. commits sexual assault, sexual coercion, rape, enforced prostitution, sexual slavery or enforced sterilisation against a person who is to be protected under international humanitarian law; confines a forcibly impregnated person who is to be protected under international humanitarian law with the intention of affecting the ethnic composition of any population or in order to commit offences under sections 6 to 13; or aborts a pregnancy against the will or without the consent of a pregnant person who is to be protected under international humanitarian law,
5. conscripts children under the age of fifteen years into the armed forces, or enlists them in the armed forces or in armed groups, or uses them to participate actively in hostilities,
6. departs or forcibly transfers, by expulsion or other coercive acts, a person who is to be protected under international humanitarian law from an area in which they are lawfully present to another State or another area in contravention of a general rule of international law,
7. issues or executes a substantial sentence in respect of a person who is to be protected under international humanitarian law, in particular the death penalty or imprisonment, without that person having been sentenced in a fair and regular trial affording the legal guarantees required by international law,
8. exposes a person who is to be protected under international humanitarian law to the risk of death or serious injury to health
 - (a) by carrying out experiments on such a person where that person has not previously given their voluntary and express consent, or where the experiments concerned are neither medically necessary nor carried out in that person's interest,
 - (b) by taking body tissue or organs from such a person for transplantation purposes insofar as this does not constitute removal of blood or skin for therapeutic purposes in conformity with generally recognised medical principles and the person concerned has previously not given their voluntary and express consent, or
 - (c) by using treatment methods that are not medically recognised on such a person, without this being necessary from a medical point of view and without the person concerned having previously given their voluntary and express consent, or
9. treats a person who is to be protected under international humanitarian law in a gravely humiliating or degrading manner

incurs a penalty of imprisonment for life in the cases referred to under no. 1, imprisonment for a term of at least five years in the cases referred to under no. 2, imprisonment for a term of at least three years in the cases referred to under nos. 3 to 5, imprisonment for a term of

at least two years in the cases referred to under nos. 6 to 8, and imprisonment for a term of at least one year in the cases referred to under no. 9.

(2) Whoever, in connection with an international or non-international armed conflict, wounds a member of the adverse armed forces or a combatant of the adverse party after the latter has surrendered unconditionally or is otherwise placed *hors de combat* incurs a penalty of imprisonment for a term of at least three years.

(3) Whoever, in connection with an international armed conflict,

1. unlawfully holds a protected person within the meaning of subsection (6) no. 1 as a prisoner or unjustifiably delays their return home,
2. transfers, as a member of an Occupying Power, parts of their own civilian population into the occupied territory,
3. compels a protected person within the meaning of subsection (6) no. 1, by force or threat of appreciable harm, to serve in the forces of a hostile Power, or
4. compels a national of the adverse party, by force or threat of appreciable harm, to take part in the operations of war directed against that person's own country

incurs a penalty of imprisonment for a term of at least two years.

(4) Where the perpetrator causes the death of the victim through an offence under subsection (1) nos. 2 to 6, the penalty is imprisonment for life or for a term of at least ten years in the cases referred to under subsection (1) no. 2, imprisonment for a term of at least five years in the cases referred to under subsection (1) nos. 3 to 5, and imprisonment for a term of at least three years in the cases referred to under subsection (1) no. 6. Where an act referred to under subsection (1) no. 8 causes death or serious harm to health, the penalty is imprisonment for a term of at least three years.

(5) In less serious cases referred to under subsection (1) no. 2, the penalty is imprisonment for a term of at least two years; in less serious cases referred to under subsection (1) nos. 3 and 4 and under subsection (2), the penalty is imprisonment for a term of at least one year; in less serious cases referred to under subsection (1) no. 6 and under subsection (3) no. 1, the penalty is imprisonment for a term of between six months and five years.

(6) Persons who are to be protected under international humanitarian law are defined as follows:

1. in international armed conflicts: persons protected under the Geneva Conventions and the Protocol Additional to the Geneva Conventions (Protocol I) (annexed to this Act), namely the wounded, the sick, the shipwrecked, prisoners of war and civilians;
2. in non-international armed conflicts: the wounded, the sick, the shipwrecked as well as persons taking no active part in the hostilities who are in the power of the adverse party;
3. in international and non-international armed conflicts: members of armed forces and combatants of the adverse party who have laid down their arms or who otherwise have no means of defence.

Section 9

War crimes against property and other rights

(1) Whoever, in connection with an international or non-international armed conflict, pillages or, unless this is imperatively demanded by the necessities of the armed conflict, otherwise extensively destroys, appropriates or seizes property of the adverse party contrary to international law, such property being in the power of the perpetrator's party, incurs a penalty of imprisonment for a term of between one and ten years.

(2) Whoever, in connection with an international armed conflict and contrary to international law, declares the rights and actions of all the nationals of the hostile party or a substantial proportion thereof to be abolished, suspended or inadmissible in a court of law incurs a penalty of imprisonment for a term of between one and ten years.

Section 10

War crimes against humanitarian operations and emblems

(1) Whoever, in connection with an international or non-international armed conflict,

1. directs an attack against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under international humanitarian law, or
2. directs an attack against personnel, buildings, material, medical units or medical transport using the distinctive emblems of the Geneva Conventions in conformity with international humanitarian law

incurs a penalty of imprisonment for a term of at least three years. In less serious cases, particularly where the attack does not take place by military means, the penalty is imprisonment for a term of at least one year.

(2) Whoever, in connection with an international or non-international armed conflict, makes improper use of the distinctive emblems of the Geneva Conventions, of a flag of truce, of the flag or military insignia or uniform of the enemy or of the United Nations, thereby causing a person's death or serious personal injury (section 226 of the Criminal Code), incurs a penalty of imprisonment for a term of at least five years.

Section 11

War crimes consisting in the use of prohibited methods of warfare

(1) Whoever, in connection with an international or non-international armed conflict,

1. directs an attack by military means against the civilian population as such or against individual civilians not taking direct part in hostilities,
2. directs an attack by military means against civilian objects, so long as these objects are protected as such by international humanitarian law, namely buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, or against undefended towns, villages, dwellings or buildings, or against demilitarised zones, or against works and installations containing dangerous forces,
3. carries out an attack by military means in the certain expectation that the attack will cause death or injury to civilians or damage to civilian objects on a scale out of proportion to the concrete and direct overall military advantage anticipated,
4. uses a person who is to be protected under international humanitarian law as a shield to deter a hostile party from undertaking operations of war against certain targets,
5. uses starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival or by impeding relief supplies in contravention of international humanitarian law,
6. orders or threatens, as a commander, that no quarter will be given,
7. treacherously kills or wounds a member of the hostile armed forces or a combatant of the adverse party, or

8. carries out an attack by military means in the certain expectation that the attack will cause widespread, long-term and severe damage to the natural environment on a scale out of proportion to the concrete and direct overall military advantage anticipated incurs a penalty of imprisonment for a term of at least three years. In less serious cases under no. 2, the penalty is imprisonment for a term of at least one year.

(2) Where the perpetrator causes the death or serious injury of a civilian (section 226 of the Criminal Code) or of a person who is to be protected under international humanitarian law through an offence under subsection (1) nos. 1 to 6, the penalty is imprisonment for a term of at least five years. Where the perpetrator intentionally causes death, the penalty is imprisonment for life or for a term of at least ten years.

Section 12

War crimes consisting in employment of prohibited means of warfare

(1) Whoever, in connection with an international or non-international armed conflict,

1. employs poison or poisoned weapons,
2. employs biological or chemical weapons,
3. employs bullets which expand or flatten easily in the human body, in particular bullets with a hard envelope which does not entirely cover the core or is pierced with incisions,
4. employs weapons whose primary effect is to injure by fragments which in the human body escape detection by X-rays, or
5. employs laser weapons specifically designed to cause permanent blindness to unenhanced vision

incurs a penalty of imprisonment for a term of at least three years.

(2) Where the perpetrator causes the death or serious injury of a civilian (section 226 of the Criminal Code) or of a person who is to be protected under international humanitarian law through an offence under subsection (1), the penalty is imprisonment for a term of at least five years. Where the perpetrator intentionally causes death, the penalty is imprisonment for life or for a term of at least ten years.

Chapter 3

Crime of aggression

Section 13

Crime of aggression

(1) Whoever wages a war of aggression or commits any other act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations incurs a penalty of imprisonment for life.

(2) Whoever plans, prepares or initiates a war of aggression or any other act of aggression within the meaning of subsection (1) incurs a penalty of imprisonment for life or for a term of at least ten years. An offence under the first sentence is punishable only if

1. a war of aggression has been waged or another act of aggression has been committed or
2. it creates a danger of a war of aggression or another act of aggression for the Federal Republic of Germany.

(3) An act of aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations.

(4) Only persons in a position to effectively exercise control over or direct the political or military action of a State can be party to an offence under subsections (1) and (2).

(5) In less serious cases under subsection (2), the penalty is imprisonment for a term of at least five years.

Chapter 4 Other crimes

Section 14 Violation of the duty of supervision

(1) A military commander who intentionally or negligently fails to properly supervise a subordinate under their command or effective control incurs a penalty for violation of the duty of supervision if the subordinate commits an offence under this Act, where the imminent commission of such an offence was discernible to the commander and the commander could have prevented it.

(2) A civilian superior who intentionally or negligently fails to properly supervise a subordinate under their authority or effective control incurs a penalty for violation of the duty of supervision if the subordinate commits an offence under this Act, where the imminent commission of such an offence was readily discernible to the superior and the superior could have prevented it.

(3) Section 4 (2) applies accordingly.

(4) Intentional violation of the duty of supervision incurs a penalty of imprisonment for a term not exceeding five years, and negligent violation of the duty of supervision incurs a penalty of imprisonment for a term not exceeding three years.

Section 15 Failure to report a crime

(1) Where a subordinate commits an offence under this Act and their military commander or civilian superior fails to immediately report this offence to the agency responsible for investigating or prosecuting such offences, the military commander or civilian superior incurs a penalty of imprisonment for a term not exceeding five years.

(2) Section 4 (2) applies accordingly.

Annex (to section 8 (6) no. 1)

For the purposes of this Act, the term 'Geneva Conventions' constitutes a reference to the following:

- I. Geneva Convention of 12 August 1949 for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (Federal Law Gazette 1954 II page 781, 783),
- II. Geneva Convention of 12 August 1949 for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Federal Law Gazette 1954 II page 781, 813),
- III. Geneva Convention of 12 August 1949 relative to the Treatment of Prisoners of War (Federal Law Gazette 1954 II page 781, 838) and
- IV. Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War (Federal law Gazette 1954 II page 781, 917).

For the purposes of this Act, Protocol I constitutes a reference to the following:
Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977 (Federal Law Gazette 1990 II page 1550, 1551).