

National Jurisprudence summary

German case no. 3 StR 564/19

In the context of the **non-international armed conflict occurring in Afghanistan** since the end of 2001 between, on the one hand, Afghan government forces supported by international troops and, on the other, the Taliban and other non-government armed groups, the accused, a former lieutenant in the Afghan army, used violence to interrogate a prisoner. He also presented the body of a wanted Taliban commander as a trophy, attaching a meat hook to the body and hanging it to a wall.

Following a thorough examination of customary international law and jurisprudence of national courts, The Federal Court found that **there is no general functional immunity (*ratione materiae*) of lower-ranking officials, particularly soldiers, of other States which would preclude national criminal prosecution for war crimes.**