

Germany – National Procedures for Extradition  
Updated 04.11.2016

The information contained in this table should be updated on a yearly basis.

The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for extradition:	Federal Office of Justice Section III 1 Adenauerallee 99 – 103 D 53113 Bonn Tel. 0049 / 228 / 99410 – 40 Fax. 0049 / 228 / 99410 - 5591
If different from the Central Authority the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	
Channels of communication for the request for extradition (directly, through diplomatic channels or other):	See Article 12 para 1 of the CoE Convention on Extradition.  Insofar as a channel other than the diplomatic channel has been agreed on, this can be seen from the information contained in the country section of the Guidelines on Relations with Foreign Countries in Criminal Law Matters. <a href="http://www.bmjv.de/SiteGlobals/Forms/Suche/RiVaStsuche_Formular.html?gtp=6697702_list%253D3">http://www.bmjv.de/SiteGlobals/Forms/Suche/RiVaStsuche_Formular.html?gtp=6697702_list%253D3</a> .
Means of communication (e.g.	Postal service, as a general rule. It depends on the specific case whether advance transmissions by fax, or occasionally by e-mail, will be accepted by the Higher Regional Court competent in that

by post, fax, e-mail <sup>1</sup> ):	case.	
Language requirements:	All extradition documents should be translated into German. However, Germany also accepts documents in English or French.	
Documentation required:	See Article 12 para 2 of the CoE Convention on Extradition	
Provisional arrest:	Time limit for presentation of formal extradition request if the person is in provisional arrest	The request for extradition must be presented to the German court within 40 days from the date of arrest (Article 16 para 4 of the CoE Convention on Extradition)
	Is there a need for an explicit request for prolongation of the provisional arrest beyond the 18 days mentioned in Article 16, paragraph 4 of the European Convention on Extradition (ETS No.24)?	Yes, it is.
Extradition procedures: Please describe shortly the different types of procedure (e.g. normal, simplified, other) indicating the main differences:	<p>At the beginning of each extradition procedure, standard or simplified, there must be a request of a competent authority of a foreign state for extradition or provisional arrest for the purpose of extradition.</p> <p>Standard procedure: If the person sought does not consent to his extradition, the Higher Regional Court has to decide if the extradition is to be allowed. Then the extradition has to be granted by the Federal Office of Justice with the consent of the Foreign Office and other Ministry whose portfolio would be affected.</p>	

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<sup>1</sup> Please indicate if encryption or electronic signature is required.

	<p>Simplified Procedure:</p> <p>If the person sought consents to his extradition after a judge had advised him about the consequences of his consent and his consent had made part in the court record, the extradition can be granted without necessity of a judicial decision. In this case the requirements of the rule of specialty need not be met if the person sought, after being advised of his rights, consented to it and his consent has been made part of the court record.</p>
Detention before and after the receipt of the extradition request, (deadlines, conditional release, etc.):	<p>Detention before receipt: see Article 16 of the CoE Convention on Extradition</p> <p>Detention after receipt (during the proceedings of the Higher Regional Court and after its decision): no specific deadline, the decision on the admissibility of the extradition has to be made in a reasonable time frame pursuant to the rule of proportionality.</p>
Statutes of limitation for the purpose of prosecution and for the execution of sentences (general principles):	<p>In principle, German law determines the statutes of limitation for criminal offences in relation to the maximum penalty for each offence (§§ 78-78c of the German Criminal Code) and accordingly in relation to the amount of the sentence (§§ 79-79b of the German Criminal Code).</p>
Provisions concerning extradition of nationals:	<p>The Federal Republic of Germany does not extradite its own nationals (as an exception the extradition of nationals is possible within the EU and to international criminal courts).</p>
Surrender (e.g. deadlines):	<p>If the extradition is finally granted, the requesting party shall be informed of the place and the date of surrender. If the person sought has not been taken over on the appointed date, he may be released after the expiry of 15 days and shall in any case be released after the expiry of 30 days (Article 18 para 4 of the CoE Convention on Extradition).</p>
Other particularly relevant information (such as, specific	

requirements concerning double criminality):	
Links to national legislation, national guides on procedure,	