

Germany – national procedures for transfer of sentenced persons
Updated 04.11.2016

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

<p>The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for the transfer of sentenced persons:</p>	<p>Federal Office of Justice Section III 1 Adenauerallee 99 – 103 D 53113 Bonn Tel. 0049 / 228 / 99410 – 40 Fax. 0049 / 228 / 99410 - 5591</p>
<p>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):</p>	<p>See Art. 5 par. 2 (Federal Office of Justice) and 3 of the CoE Convention on the Transfer of Sentenced Persons. Requests can also be made by or addressed to the ministries of justice of the Länder (Land administrations of justice). See the enclosed list with the addresses of the Land justice ministries.</p> <p>The competence lies in the Land in which the sentenced person's last place of residence in Germany was located. Insofar as the diplomatic channel is envisaged for conducting enforcement assistance with individual countries, see the information contained in the country section of the Guidelines on Relations with Foreign Countries in Criminal Law Matters:</p> <p>http://www.bmjv.de/SiteGlobals/Forms/Suche/RiVaStsuche_Formular.html?gtp=6697702_list%253D3.</p>
<p>If different from the Central Authority, the Authority/ies in charge of coordinating and/or implementing the physical transfer of the person concerned (name of the institutions, address, telephone, fax and e-mail where available):</p>	<p>It depends on the specific competence regulations in the Länder. Information can be provided by the Land justice ministries (Land justice administrations) concerned.</p>

Channels of communication for the request for the transfer of sentenced persons (directly, through diplomatic channels or other):	See above
Means of communication (e.g. by post, fax, e-mail ¹):	By post

Language requirements:	The transfer request and the required documentation must be accompanied by translations into the German language or into one of the official languages of the Council of Europe.
Documentation required:	See Art. 4 and 6 of the CoE Convention on the Transfer of Sentenced Persons
Continued enforcement or conversion of the sentence ² :	Conversion of the sentence (before the transfer has taken place)
General rules on early release:	See Sections 57 and 57a of the German Criminal Code. In principle, early release is possible after serving one-half or two-thirds of the sentence (depending on the circumstances), but not mandatory. With imprisonment for life, early release is basically possible after serving at least fifteen years of the sentence.

¹ Please indicate if encryption or electronic signature is required.

² In case the sentence is converted, please specify whether this is done before or after the transfer has taken place.

	Early release requires a decision by a German court.
Scope of application with regard to transfer of mentally disordered persons:	The transfer of such persons is generally possible.
Scope of application with regard to nationals and/or residents:	See Art. 3 par. 1 lit a) of the CoE Convention on the Transfer of Sentenced Persons. In the case of sentenced persons who are not German nationals, transfer is possible in accordance with the regulations governing enforcement assistance on a nontreaty basis (Section 48 et seqq. of the Act on International Cooperation in Criminal Matters)
Other particularly relevant information (such as practice regarding time limits or revocation of consent):	Translated Texts of the Act on International Cooperation in Criminal Matters (IRG) and the German Criminal Code (StGB): http://www.gesetze-im-internet.de/Teilliste_translations.html

Links to national legislation, national guides on procedure:	
Link to information about the Convention (according to Article 4) in the official language(s) of the State Party (see also Rec. R (84) 11 of the Committee of Ministers concerning information about	

ETS°112 and PC-OC INF 12):	
For Parties to the Additional Protocol	
Information on the implementation of Article 2 (e.g. interpretation of “by fleeing to”):	
Information on the implementation of Article 3 (e.g. interpretation of the requirement of a consequential link between the decision on expulsion and the sentence):	<p>If the sentencing state issues a request to the administering state for the taking over of enforcement, but the sentenced person does not consent to being transferred, the administering state can nevertheless approve the transfer if an administrative-law decision based on the sentence contains an expulsion or deportation order or other comparable measure. However, the administering state's approval is only possible if the expulsion or deportation order was issued precisely on the basis of those acts where punishment is the subject matter of the transfer request. If a foreigner who has undergone final and binding expulsion subsequently commits, following his expulsion, further offences for which he is then sentenced, it is not possible to execute a transfer solely on the grounds of the preceding expulsion or deportation order without the sentenced person's consent.</p> <p>The Federal Government recommends issuing the sentenced person with an additional expulsion order. This further expulsion does not affect the final and binding nature of the previous expulsion. The justification for this is that the most recent sentence can be included in the reasoning for the second expulsion order, thereby ensuring the subsequent transfer pursuant to Art 3 par.1 of the Transfer Convention.</p>
Documentation required:	See Art. 2 par. 2, Art. 3 par. 3 of the Additional Protocol

Other relevant information:

[List of the authorities of the German Länder](#)