

BUCHERT JACOB PETER

STRAFVERTEIDIGER UND OMBUDSPERSONEN

EXTRADITION & EXTRADITION DETENTION (AUSLIEFERUNGSHAFT)

A practical guide for detainees and family members

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This brochure is written for people who have just learned that a relative has been detained in Germany in an extradition matter. It explains what usually happens next, what detention looks like in practice, and what families can do immediately. It is general information and not a substitute for case-specific legal advice. Rules can change and courts may impose special restrictions in individual cases.

1) The situation in one page – what to do immediately

For the detainee (if you are reading this in custody):

- Do not give any statement about the allegations. Not to the police, not to fellow detainees, not on the phone.
- Ask to speak to a lawyer immediately and keep asking until you are allowed to contact counsel.
- Do not discuss the case in letters or phone calls. Assume family calls and letters can be monitored unless it is lawyer-client communication.
- Collect basic facts for your lawyer: full name(s), date of birth, nationality, passport number(s), last address, travel route, and any earlier proceedings abroad.

For family members:

- Stay calm. In extradition detention, it is common that you cannot reach the person directly for days or even weeks.
- Contact a lawyer as early as possible. Lawyer access is usually the fastest way to restore reliable communication.
- Gather documents: passport copy, proof of residence and ties, travel booking, and any prior court decisions or correspondence from earlier incidents (e.g., a release decision abroad).
- If you send money, ensure the transfer reference includes the detainee's full name and date of birth.
- Avoid discussing allegations by phone/email with the detainee. Focus on practical support and let counsel handle the legal communication.

BUCHERT JACOB PETER

STRAFVERTEIDIGER UND OMBUDSPERSONEN

Critical practical point: it can take several weeks before family visits, phone calls or even video calls are possible through the regular channels. This is normal in extradition detention and does not mean that “nothing is happening”.

2) What extradition proceedings are (and what they are not)

Extradition is not a German criminal trial. German authorities do not “re-try” the facts. The German court mainly checks whether extradition is legally admissible and whether any legal bars apply (for example, human-rights risks or a death-penalty risk).

In Germany, extradition proceedings are governed primarily by the Act on International Cooperation in Criminal Matters (IRG). The Higher Regional Court (Oberlandesgericht, “OLG”) decides on admissibility, while the Prosecutor General’s Office (Generalstaatsanwaltschaft) typically conducts the proceedings and applies to the OLG for the necessary decisions.

3) Typical sequence after an arrest at Frankfurt Airport

1. Arrest on the basis of an international alert. This can be triggered by an Interpol Red Notice or a comparable international request.
2. First court appearance. After arrest, the person is brought before a judge. In extradition matters, the file is then handled by the competent OLG (for Frankfurt airport cases usually the OLG Frankfurt am Main).
3. Decision on extradition detention. The court may order provisional extradition detention (vorläufige Auslieferungshaft) or extradition detention (Auslieferungshaft), depending on the procedural stage and the materials available.
4. Requesting state must provide formal documents. Often, the full extradition request and supporting documents are not yet in Germany at the time of arrest. The requesting state must then submit the required formal package within statutory/treaty deadlines.

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STRAFVERTEIDIGER UND OMBUDSPERSONEN

5. Court review and further decisions. Once the documents arrive, the OLG reviews whether detention should continue and later decides whether extradition is admissible. If extradition is approved and granted, surrender is arranged.

4) Time limits that often matter early in the case

Which time limits apply depends on the legal basis (treaty, requesting state, and procedural route). Two sets of time limits are particularly important in practice:

A) European Convention on Extradition (provisional arrest):

- If a person is provisionally arrested pending the formal request, the requesting state should provide the formal extradition request and supporting documents within 18 days after arrest.
- The provisional detention may not exceed 40 days from the date of arrest.

B) German IRG (provisional extradition detention):

- Under German law, provisional extradition detention must be lifted if the person has been detained for two months for extradition purposes without the extradition request and documents having arrived at the competent authority.
- If a non-European state requested provisional extradition detention, the period can be three months.

These time limits are not an automatic “release guarantee”, but they are procedural leverage points. Defence counsel tracks all deadlines closely and can file appropriate applications when deadlines expire.

5) What can be argued in Germany in an extradition case

German courts usually do not assess guilt or innocence on the merits. The defence focus is typically on admissibility requirements and legal bars, such as:

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STRAFVERTEIDIGER UND OMBUDSPERSONEN

- Identity and correct person match (mistaken identity is a real risk in international alerts).
- Double criminality (whether the alleged conduct is also punishable under German law, depending on the treaty/regime).
- Ne bis in idem (the matter has already been finally decided elsewhere).
- Statute of limitations / lapse of time (depending on the applicable law).
- Human-rights obstacles: risk of inhuman or degrading treatment, prison conditions, lack of fair trial guarantees, political persecution.
- Death penalty risk or other disproportionate punishment; need for binding assurances.
- Proportionality and detention alternatives (suspension of detention with conditions).

Whether release is realistic depends heavily on flight-risk assessment and the concrete ties to Germany. In many extradition cases, courts assume a heightened flight risk, especially where the person has no strong residence ties in Germany.

6) Extradition detention in JVA Frankfurt am Main I – practical basics

6.1 Admission, cell, and daily life

Upon admission, detainees typically undergo an intake process, including medical screening. Property is registered and many everyday actions require formal applications (“Anträge”). In extradition detention, restrictions can be similar to remand detention, and additional court/prosecutor instructions may apply.

6.2 Letters (mail)

Letters to and from the detainee may be monitored depending on the court/prosecutor instructions. Lawyer-client correspondence is confidential. Do not use letters to discuss allegations or strategy.

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If mail is subject to prosecutorial/court review, delivery times can be slow. In practice, letters may take several weeks in each direction. Keep letters neutral and supportive; do not discuss allegations, evidence, witnesses, travel routes, or “plans”.

6.3 Telephone calls

Telephone calls to family members are usually only possible after formal approval and may be monitored. In many cases this takes time. Lawyer communication is handled separately and is usually the fastest route for reliable information.

Telephone permission typically requires a formal application and approval (especially where monitoring restrictions apply). Calls are often conducted through the facility’s phone provider and can be monitored; for calls in a foreign language, an interpreter may be required. As a result, the first family call can take weeks to set up, and the scheduling of each call depends on staffing and available slots.

6.4 Visits and video visits (family)

The most important thing for families to understand is timing: the approval chain for contact is often slow. Where monitoring restrictions (“Auflagen”) apply (which is common), visits/phone/video usually take several weeks to initiate.

- Step 1 – Visit authorisation (“Besuchserlaubnis”): a request is filed with the competent prosecution authority (in extradition matters typically the Prosecutor General’s Office). In many cases, a decision is issued within a few days. The application usually needs full personal details and a copy of the visitor’s passport/ID.
- Step 2 – Security / reliability check: once a visit authorisation exists, the visitor is typically vetted (“Zuverlässigkeitsprüfung”). This is often processed centrally (in practice, via ministerial channels). Typical duration is 2–4 weeks; sometimes only about one week, sometimes longer. This timing is outside the family’s control.

There is a Flyer on the Webpage of the Jail:

https://justizvollzug.hessen.de/sites/justizvollzug.hessen.de/files/2025-11/merkblatt_zulassung_von_kontaktpersonen_zu_gefangenen_und_untergebrachten_englisch.pdf

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STRAFVERTEIDIGER UND OMBUDSPERSONEN

- Step 3 – JVA approval and appointment: after the check is completed and the visitor is approved in the JVA system, a visit appointment can be requested. The actual date depends on available time slots and rooms. High workload at the facility can add further weeks.

The visit can be planned online: https://terminvereinbarung-justiz.hessen.de/?agency=0331#/court_and_service

- Step 4 – Interpreter and monitoring logistics: visits are generally conducted in German. If the family and/or detainee do not speak German fluently, an interpreter must be arranged and approved, which can affect scheduling. Depending on case-specific orders, the conversation can be monitored; in rare cases, a representative of the prosecuting authority may be present, but more commonly monitoring is done through facility procedures.

Video visits follow a similar approval chain. Even after approvals exist, the date/time depends on the JVA's technical capacity and staffing, which can add additional weeks.

Arrive early: visitors are expected to register 45 minutes before the scheduled visit, and late arrival can lead to denial of entry. Security checks are mandatory and no objects may be brought into the facility. Visits can be audio/visually monitored depending on the case.

Video visits follow a similar approval logic: the original approval must usually be sent to the JVA in advance by post before an online appointment can be scheduled.

For further Informations just visit the Jail Homepage:

<https://justizvollzug.hessen.de/justizvollzugsanstalten-und-jugendarresteinrichtung/justizvollzugsanstalt-frankfurt-am-main-i/informationen-fuer-angehoerige-besucher>

6.5 Money (canteen funds) – how to send money

Money can be sent by bank transfer. According to the official information for JVA Frankfurt am Main I, transfers are made to the administrative entity and must include specific reference details. Use:

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STRAFVERTEIDIGER UND OMBUDSPERSONEN

Recipient: H. B. Wagnitz-Seminar

Bank: Frankfurter Sparkasse

IBAN: DE57 5005 0201 0200 7668 05

BIC: HELADEF1822

Reference (“Verwendungszweck”) should include:

- Surname, first name, date of birth of the detainee
- “JVA Ffm. I” or “0331”
- Purpose (e.g., purchases)
- Your own name/address as sender

6.6 Clothing and laundry

Clothing can usually be handed in at the outer gate during business hours (Mon–Fri 08:00–15:00) or sent via an approved logistics provider (DHL/Hermes/UPS etc.). The sender must be clearly identifiable. Clothing hand-ins are not possible on weekends, public holidays, or on 24 and 31 December.

7) How we can help – typical first steps by counsel

- Clarify where the person is detained and which authority is handling the extradition case.

Attorney access (time factor): after we have identified the detention location, counsel may also need a formal visitation authorisation depending on the file. In practice, this is usually obtained within a few days and at the latest within about one week. From instruction to the first lawyer visit, the average is around one week (sometimes faster, sometimes longer).

- Arrange immediate lawyer access, meet the detainee, and obtain a signed power of attorney.
- Request the extradition file and identify the exact legal basis: request type, requesting state, alleged offence(s), and stage of documentation.

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STRAFVERTEIDIGER UND OMBUDSPERSONEN

- Track all relevant deadlines and file urgent applications where available (including detention review / lifting applications).
- Assess and raise admissibility objections (human-rights issues, assurances, ne bis in idem, limitation, identity etc.).
- Coordinate with defence counsel in the requesting state if needed, to obtain documents and to manage the parallel foreign case.
- Keep family members informed in a structured way and help with practical detention-related permissions (visits/phones).

8) What we need from you (family)

- Full name(s) and date of birth as written in the passport.
- Nationality(ies) and passport copy (scan).
- Last address, employer, family ties and any proof of strong social anchoring.
- Travel details (flight number, date/time, route).
- Any documents from earlier incidents (e.g., a prior release decision, prosecutor letters, court orders).
- If you already sent money: transfer confirmation(s).
- Your contact details and time zone.

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9) Contact

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If you are abroad: email is often the fastest channel for sending documents and keeping communication documented.

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STRAFVERTEIDIGER UND OMBUDSPERSONEN

Disclaimer

This brochure provides general information for typical extradition detention situations. Every case is different. In particular, deadlines, permissions and detention restrictions can differ depending on the requesting state, treaty regime, and case-specific court/prosecutor orders. Always obtain individual legal advice for your specific case.