



British Embassy  
Berlin

## **Information Pack for British Prisoners in Germany**

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This prisoner information pack includes information pertaining to the following laws:

StPO	Strafprozessordnung – rules of criminal procedure
StVollzG	Strafvollzugsgesetz - laws concerning to pre-trial detention and the laws governing the execution of sentences.

We thank English speaking consular colleagues in Munich, especially the US Consulate-General for assistance and information in creating this information pack.

## **Introduction**

### **Who can help?**

The Foreign, Commonwealth and Development Office (FCDO):

The FCDO is represented overseas by its Embassies and Consulates (High Commission in Commonwealth Countries). Both employ consular officers, and one of their duties is to provide help and advice to any British National who gets into difficulty in a foreign country.

### **About the Germany Consulates**

We are impartial; we are not here to judge you. We aim to make sure that you are treated properly and fairly in accordance with local regulations, and that you are treated no less favourably than other prisoners.

We can answer questions about your welfare and about prison regulations but you must ask your lawyer or the court about legal matters. The attached list of lawyers is provided by the British Embassy / Consulate-General for your convenience, but neither Her Majesty's Government, nor any official of the Consulate, take any responsibility for the competence or probity of any firm/advocate on the list or for the consequence of any legal action initiated or advice given.

We cannot get you out of prison, pay fines or stand bail or interfere with local judicial procedures to get you out of prison nor secure you an earlier trial date; we cannot investigate a crime.

We have tried to make sure that the information in this booklet is accurate and up to date, but the British Embassy cannot accept legal responsibility for any errors or omissions in the information. If in doubt contact a lawyer.

## Who are the Consular Representatives?

### Contact Information

In Germany, the country is split up into 3 consular districts covering the 16 German regions (Länder).

#### **British Embassy Berlin**

Consular Section  
Wilhelmstraße 70  
10117 Berlin  
Germany

☎ +49 (0) 30 20457-0 select Consular Services  
Fax +49 (0) 30 20457-579  
Web form: [www.gov.uk/contact-consulate-berlin](http://www.gov.uk/contact-consulate-berlin)

#### **Responsible for:**

Schleswig-Holstein  
Hamburg  
Bremen  
Niedersachsen  
Mecklenburg-Vorpommern  
Berlin + Brandenburg  
Sachsen-Anhalt  
Thüringen  
Sachsen  
Bremen

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#### **British Consulate-General Düsseldorf**

Consular Section  
Willi-Becker-Allee 10  
40227 Dusseldorf  
Germany

☎ +49 (0) 211 9448-0 select Consular Services  
Fax +49 (0) 211 9448-235  
Web form: [www.gov.uk/contact-consulate-dusseldorf](http://www.gov.uk/contact-consulate-dusseldorf)

#### **Responsible for:**

Nordrhein-Westfalen  
Hessen  
Rheinland-Pfalz  
Saarland

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#### **British Consulate-General Munich**

Consular Section  
Möhlstr. 5  
81675 München  
Germany

☎ +49 (0) 89 21109-0 select Consular Services  
Fax +49 (0) 89 21109-144  
Web form: [www.gov.uk/contact-consulate-munich](http://www.gov.uk/contact-consulate-munich)

#### **Responsible for:**

Bayern  
Baden-Württemberg



## Visits

### **How do my family and friends arrange a visit?**

Visiting rules differ depending on the location of the prison in Germany. Visitors must identify themselves when they arrive at the prison by showing a passport. This is held by the prison until the end of the visit. Driving licences are NOT official ID. You should arrive at the prison at least 30 minutes before your appointment.

**Remand Prisoners:** All visitors visiting remand prisoners must obtain a visiting permit (Besuchserlaubnis) from the judge or prosecutor. They can refuse visits if they think that your case might be jeopardised. If family or friends want to visit, they should contact the lawyer before travelling to Germany in order for them to request the visit with the judge in German. Family will not be let in if they have not obtained a visiting permit beforehand. This can take some days to organise.

Some prisons only allow visits on certain days of the week. You should find out whether there are any specific rules on visiting (number of visitors, whether an interpreter is needed etc.).

A prison guard might sit in on the visit to ensure you are not talking about the case. If the conversation is not held in German, **the judge may insist that an interpreter is present** to interpret the conversation to the prison guard. You might need to organise and pay for this. The lawyer is therefore best placed to do organise this all for you and find out what exactly is required. Should you need to organise one yourself, you can search for one at the [Federal Association of Interpreters and Translators](#), ensuring you choose “English to German” and “sworn interpreter”, searching around the area of the prison. Most interpreters will require notice and should be booked as early as possible. These might be expensive.

**Sentenced Prisoners** can be visited according to the rules at each individual prison. Since the prisoner is sentenced, no court permission is required and you are able to arrange a visit directly with the prison.

### **How many visits am I allowed?**

This differs per prison and depends on prisoner-age. It also depends whether you are on remand or have been sentenced. Although one hour a month is usually allowed, it is sometimes possible to obtain longer visits because of compassionate reasons, or, for example, the distance visitors from the UK have to travel. This decision, however, is dependent on the availability of visiting rooms at the prison concerned, and the prison rules themselves. The length and frequency of visits differs per prison and you should ask directly at the prison or your family should enquire with the lawyer.

### **Consular visits**

It is important that you write to us to establish contact with us as well. Please be aware that we are unable to discuss or comment on anything concerning the trial or anything legal. We are there for your health and welfare. Our address is at the top right hand corner of the original letter we sent you or on page 5. We normally visit once after sentencing. We can visit once before sentencing if there is a health / welfare reason for this. We can only find out about this if you write to us. You can write to us at any time on matters of concern.

### **What can visitors bring?**

Visitors are not usually able to take anything for the prisoner into German prisons. Visitors can normally buy sweets, drinks and cigarettes from vending machines in the prison-visiting waiting room on behalf of

the person they are visiting. They should bring small change (in Euros) with them. The amount allowed varies from prison to prison.

### **Emergency Trips outside of prison**

Certain judicial or personal matters may be of such extreme importance that they cannot be postponed. If an urgent situation arises in Germany, which requires your presence outside the prison, (for example, funerals and critical illness of your next-of-kin) you may make an application for an outside trip (*Ausführung*) at your own expense accompanied by guards, if approved by the court. To apply, put in an "Antrag" request and ask your lawyer to do the same. The consulate cannot influence the final court decision.

## Prison conditions/services

### **The arrival at the police station**

You will be taken to a local police station. You are only in custody and not yet on remand. You will then be taken to court where the examining judge will discuss your case with you. The examining judge will decide whether you will go on remand, have to pay a fine, or will be released. This decision is on a case-by-case basis.

- ***If you are given documents to sign, ensure that you understand what you are signing.***

### **Arrival at prison**

If remanded into custody, upon arriving the prison you will be placed into a holding cell until the prison staff are ready to register you as an inmate. You will be asked to give personal data such as name, date of birth, nationality, allergies, medical conditions, religion, marital status, profession, place of residence and name and address of next-of-kin. Your next-of-kin will not be notified without your permission. The prison might also ask you whether you want the consulate to be notified or not. The consulate must be notified regardless (either by the prison or the court) but ensure that they have done so. They will take your photo and give you a prisoner number. This number will need to be written on all correspondence you send to and from the prison. You will then be designated a wing of a prison depending on your circumstances.

You will visit a doctor within the first few days for a medical check to ensure you are fit enough for prison life. Please notify the doctor of any medical conditions – **this is important**.

You must be advised of your rights and responsibilities. The house rules and regulations cover this – ask whether these are available in English. Should you have any questions on these; speak to your social worker or a guard. A prison social worker can be visited by filing in a written request “Antrag” for an appointment.

Pre-Trial detention (translated as “remand”) is governed by the *Untersuchungshaftvollzugsgesetz* (UVollzG) (code of pre-trial procedure).

### **General prison conditions**

- ***Germany is a federal republic - the rules and regulations governing remand and post-sentencing detention are regulated by the individual states. Therefore, practices and interpretations of regulations vary among different Länder (states).***

While on remand, you normally spend your time in a single cell. You may, however, be asked whether you prefer to stay in a *Gemeinschaftszelle* (sharing a cell with others). You will be assigned to such a cell if your physical or mental condition so requires. There might also be cases where sharing a cell is the only choice, due to the amount of prisoners currently in prison.

Prison conditions are generally very good and every cell is equipped with running water and a toilet. You will be allowed to shower at least two times a week. Should you be assigned to work, you may

be allowed to shower daily. The size and furnishings of the cells differ, but they all have to meet a certain standard of dimensions and window size.

### **Social Workers**

Every prison is staffed with specially trained social workers (*Sozialarbeiter*). You are entitled to seek the assistance of the social worker in solving personal difficulties. They often speak English and can be especially useful if communication problems exist, or as a liaison with the Consulate. Social workers might be responsible for hundreds of prisoners so be friendly, kind and do not waste their time. They can be of great help to you, if needed. Smaller prisons might have a social worker come once a week from a larger nearby prison. To see a social worker, you might have to put in a written request (Antrag).

### **Clothing**

On remand: After completion of the entrance formalities, your belongings will be searched. A prisoner on remand is generally authorised to wear their own clothes and underwear as long as the laundry can be picked up for cleaning by relatives or friends. In practical terms, this means that prisoners without their own regular change of clothing will be obliged to wear prison clothes as a hygienic measure.

Exceptions: As a special security measure, the judge or public prosecutor may deny the prisoner the privilege of wearing their own clothes. For example in Bavaria, this precaution is mandatory for prisoners who are imprisoned for a drug offense.

The prisoner in pre-trial detention who has been issued prison clothes can wear their personal clothes when appearing before a court official.

Prisoners serving their sentence are obliged to wear clothes provided by the prison, in contrast to remand prisoners.

### **Personal Property**

The personal belongings of a prisoner are placed in the storeroom (*Kammer*), and valuables and money are deposited with the prison cashier. Items which are suitable for personal use and decoration of the cell may be retained by the prisoner, including toilet articles, writing material, pictures of relatives, watches and marriage or engagement rings.

### **Money in prison**

Each prisoner is assigned an account in prison. A remand prisoner normally has only an "Eigengeld" account as well as a "Hausgeld" account if they are working. Each prison might work slightly differently so it is best to ask your cellmates or social worker for more information.

Prisoners serving sentences have various accounts:

1. **Taschengeld** (personal pocket money) is allocated from public funds only in those cases where the prisoner has no private resources and is physically unable to work or cannot be assigned work for reasons beyond their control. This must be applied for and is sometimes only available for residents in Germany. The amount of money is small (approximately €35) and varies depending on your prison.

2. **Hausgeld** (earned money) is money derived from work performed while in detention and with which a prisoner can pay for their shopping. A prisoner on remand is not obligated to work, but may do so voluntarily. A prisoner serving a sentence must work if they can be assigned a job, which they are physically and mentally capable of performing.

If sentenced, three sevenths of your earned "Hausgeld" stays in the Hausgeld account for you to use in the prison comforts shop. The remaining four sevenths of it are deposited to the *Überbrückungsgeld* (see below) account until the required *Überbrückungsgeld* amount has been reached. Neither the Hausgeld account nor the *Überbrückungsgeld* account can be used to pay back debts.

3. **Überbrückungsgeld** (money held for your release) must be accumulated by every prisoner serving sentence. It is intended to better enable you to resettle in society. German law sets the amount. By law this money cannot be confiscated for any reason. *Überbrückungsgeld* is released to the prisoner on the day they leave the prison.
4. **Eigengeld** (private funds) consists of private funds, which the prisoner had at the time of arrest or funds sent in by friends or family. *Hausgeld* not used for purchases or any excess of Hausgeld may also be transferred to the *Eigengeld* account, provided that the *Überbrückungsgeld* account is full.

If your family or friends transfer money to you it is **essential** that they write on the money transfer reference what the money is to be used for e.g. *Eigengeld*, as well as including your name, date of birth and the name of your prison. You can ask the prison authorities for the bank account information and then send it to your family.

There is also the possibility of next of kin sending money via the FCDO; however, this takes considerably longer and could incur a charge in Germany. We highly recommend going to the UK bank and do an international transfer, although this incurs a fee as well. By using the bank account information from the prison or from our prison information sheets (last few pages of this pack), the next of kin can send money directly to Germany. This process saves weeks and the prisoner will receive the money a lot quicker.

### **Can I work or study in prison?**

Prisoners on remand are not obliged to work and opportunities to work while on remand are not common. If the nature of the work means that other contact with prisoners is needed, the prison or the judge will have to approve this first. Prisoners might only be able to work after settling into prison life, normally one month after arrival.

For prisoners who are sentenced, they are normally obliged to work and do are job which they are physically able to do.

It is difficult for the prison to supply work to all prisoners, as there are often not enough jobs to go round. Sometimes this means that only about half of the prisoners in a prison will be able to work so you may have to wait a while before a suitable job is found. For some jobs, you will need to speak German.

When sentenced, you might be able to study for recognised qualifications such as the equivalent of a GCSE in Germany (Realschulabschluss) or an IT qualification. Please ask the prison. You might need to speak German to partake in these studies.

## Medical and dental treatment

The prison doctor is responsible for the health of all prisoners. As soon as a new prisoner enters a prison, they are examined by the doctor. In some locations, this also includes various X-Rays and blood tests. The doctor determines whether you should be eating special food, getting any assistance or be admitted to the hospital wing.

If a prisoner needs medical or dental treatment, put in a written "Antrag" or speak to the prison guards/social worker. In smaller prisons, the doctor might only come once a week so put in a request as soon as possible. Prison doctors are often the equivalent of GPs in the UK, so unusual or complex problems may be referred to a specialist outside the prison.

If you have a long-standing medical problem and have received treatment for it in the UK, it may be useful if you have your medical records, or at least a report, sent from the UK for the information of the prison doctor/specialist. If you have a medical condition that cannot be adequately treated at the prison itself, you might be transferred to a hospital and be put under police guard. If so, you might be attached to the bed at some points.

## Psychological care

At the beginning of a longer detention, prisoners will have the chance to have a meeting with the prison officials to discuss their situation (*Zugangsgespräch*). If you have any problems, or if you are depressed, you should explain this at this time. It is in your interest to be frank and open in your discussions with the officials, since they will make recommendations concerning the type of future treatment you will receive. If you feel you need psychological help, you should ask to speak with the psychologist or a prison doctor. They can help you.

## Food, Diet, Halal and Shopping

The prison food is a balanced diet giving the necessary daily nutritional requirements. You can also apply for a special diet should you have medical or religious reasons\*. A special diet on medical groups can only be approved where the prison doctor gives their authority. Should you have any special dietary requirements, you should mention this upon arrival at the prison or with the doctor. You can supplement your diet by buying other fruit or vegetables from the prison shop.

Prisoners on remand are given the opportunity to purchase food and toilet articles from the prison shop from their private funds (*Eigengeld*). Most prisons have their own shop, where you can go shopping once or twice a month. If a prison does not have a store, a shopping list will be made available where you can mark the items you wish to purchase. The list will be collected and the items purchased for you. You will find this list will most probably be in German but there is a glossary of terms at the end of this pack where you might find the translation of what you want. You can also ask other prisoners for help as they know the system well.

Prisoners serving a sentence may use either their income from working at the prison (*Hausgeld*) or their pocket money (*Taschengeld*) supplied by the prison or, if not available, their own personal money (*Eigengeld*) to an appropriate extent.

\* We are often made aware that some prisons cannot cater for **Halal food**. One prison governor has enlisted the help of an Imam who refers prisoners to the Quran 2:173, "However, a person would not be guilty of sin in a situation where the lack of any alternative creates an undesired necessity to

consume that which is otherwise unlawful.” This means that the things forbidden under normal conditions are be permissible in an emergency situation if there is no other alternative. If you have any questions, please ask the consulate or a religious

## **Mail**

There is usually no limit to the number of letters you may send or receive. Remand prisoners have their incoming and outgoing mail monitored by the public prosecutor / judge. The judge has the right to restrict your correspondence or stop the forwarding of letters, if they might jeopardise the legal proceedings. Therefore, you should **not** discuss your case in private letters. If a letter is withheld as evidence, you will be informed that this has happened.

In practice, this means that delays can occur, particularly around summer time, Christmas and Easter. When sentenced, your mail is not subject to the same censorship so delays are minimal, however, the correspondence may still be monitored by the prison authorities to ensure nothing extra is being sent or anything inappropriate said. If a prisoner speaks fluent German, the prison authorities expect that person to correspond in German.

## **Stamps**

Stamps have to be paid for by the prisoner. If unable to pay for postage, you can be assisted by the prison to a limited and reasonable extent, up to their discretion. Stamps may be purchased from private funds each month. A prisoner is allowed to have a certain amount of stamps in their possession at any given time. Prisoners may also receive return postage with incoming letters.

## **Parcels**

Receiving packages requires the prior permission from the prison. Packages containing foodstuffs and luxury goods are not permitted in most prisons. This regulation varies depending on where you are in Germany and we therefore recommend that you check with the prison authorities to see whether packages are allowed. If they are, you should check what rules and regulations apply and how you can apply for the *Paketmarke* (package label).

## **Can I make telephone calls?**

Generally, you are not permitted to make or receive telephone calls whilst you are on remand in Germany. This does however depend on the federal state of your location. Please ask the prison for more information.

Your lawyer would be the best person to put in a request with the court for you to make a exceptional telephone call due to the distance between you and your family in the UK.

If you are a sentenced prisoner, making and receiving telephone calls are possible for a small fee, which will be taken from your prisoner Hausgeld account. You will need to put in a request to make a telephone call if there are no pay phones available on the prison wing.

## **Leisure and entertainment (Radio, TV, Reading)**

Most prisons have some English books and other reading materials in their library. We try to send English books to prison libraries if or when we receive them, should prisons permit this. These include German / English dictionaries or grammar books. Please note that the books we send are donated to us for this purpose.

If the prison gives you permission, you can order books direct from publishers and via Amazon.de. Purchases on Amazon.de might be cheaper and are generally recommended and approved by prisons. With permission, you can receive English newspapers and magazines on subscription. You should explore this with your Social Worker and / or the prison authorities. Always confirm in advance with the prison that there is no objection to you ordering a particular book, magazine or newspaper. Reading materials sent without prior permission will not be accepted by the prison.

Some prisons allow you to take part in sports activities, drama groups, concerts, woodwork activities, metalwork, car building, fitness, concerts etc. You might also be able to rent a TV from the prison authorities and watch TV. Some English channels might be available but this is a bonus, not a right.

### **Religious services**

All prisoners are entitled to take part in religious services of their choice. They also have the right to receive visits from a priest, rabbi or minister of their faith. Each detention facility is staffed by prison chaplains (Geistlicher). If you are on remand and the court has put a separation order on you and other inmates, you might not be able to attend the religious services but the minister of faith could come and visit you in your cell instead.

### **Exercise**

If a prisoner is not assigned to outdoor work, you are allowed at least one hour outdoors every day. Walking in groups and conversation with other prisoners in the exercise group is allowed. Communication to other prisoners who are not outside taking part in exercise is not permitted (i.e. prisoners who are trying to communicate with you through their cell windows).

### **Drugs and Mobile Phones**

Drugs and mobile phones are strictly forbidden in German prisons and if either are found in your possession (or those visiting you) you will face disciplinary action. This might include losing your position if you are working, as well as remission. Visits could be suspended. Also bear in mind that your behaviour whilst in detention is taken into account when you apply for conditional release.

Most prisons also offer a drugs programme for those inmates with a drug addiction. This should be discussed with the prison doctor.

### **How can I make a complaint about mistreatment?**

If you have been tortured or mistreated, please inform Consular staff as soon as it is safe for you to do so. We will then do our best to visit you; to check on your welfare; discuss the allegations; and inform you of any local complaints procedures and supportive organisations that you may wish to consider. With your permission, and where appropriate, we may also be able to raise your allegations of torture and/or mistreatment with the authorities.

There are also several ways to lodge a complaint whilst you are imprisoned in Germany.

A) According to paragraph §108 of the Prison Act (StVollzG):

- 1) You have the right to speak with the Prison Governor. Alternatively, you can lodge your complaint in writing.
- 2) You can contact the supervisory authority (Aufsichtsbehörde) regarding your complaint.

- 3) In addition to the rights above you have the general right to complain about activities or instructions of officials but also about their behaviour and verbal comments (Dienstaufsichtsbeschwerde).

A) According to paragraph §164 of the Prison Act (StVollzG) you can also contact the Prison Advisory Board (Anstaltsbeirat) orally or in writing. Conversations and letters will not be supervised. Please note that the Advisory Board is not a legal appeal instance. The role is that of a mediator in cases of conflict with reference to the right of appeal under Section 108.

In Nordrhein-Westfalen, prisoners can also contact the Ombudsman (Justizvollzugsbeauftragter) who has a similar role as a mediator. The contact details are as follows:

Der Justizvollzugsbeauftragte des Landes Nordrhein-Westfalen  
Rochusstraße 360  
50827 Köln

Telephone: 0221 80138 46

Fax: 0221 80138 48

- B) According to paragraph §109 of the Prison Act (StVollzG) you can take a further step: There is the possibility to file an application for a court decision. The application must reach the Court for the Execution of Prison Sentences (Strafvollstreckungskammer) within two weeks of receiving a written notification from the prison.
- C) According to paragraph §29 of the Prison Act (StVollzG), you are allowed to send letters to the Bundestag and the Federal state parliaments, to the European Parliament, to the European Court of Human Rights, to the European Commission for human rights and to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

If you do decide to raise a complaint, please inform us for our records. We take all allegations or concerns very seriously and will follow up with action appropriate to the circumstances of the case, if you wish.

### **How does Brexit affect my detention?**

The UK is leaving the European Union on 31 January 2020. This will not directly affect your detention. There might be changes to the procedure for prison transfers back to the UK but you should not notice these.

If you are detained, you live in Germany and you do not have a residency permit (post Brexit) then please let the consulate know as soon as you can.

## The German Judicial System

### **Is the system the same as the UK?**

The German justice system is “inquisitorial” rather than jury-based. This means that the judges are responsible for carrying out a detailed enquiry in order to make a file of information about the case. The final decision is judged on this file. The trial is a final act of investigation and the judge is very much in control and will ask most of the questions. There will be no jury. The process is fair.

Formal pleas of "guilty" or "not guilty" do not exist in German trials. The German legal system does not provide for an opening statement by the defendant or lawyer. However, in recent years, more and more plea bargains are made between the prosecutor's office, the lawyer and the court. The outcome might be that the court guarantees that the sentence will be a certain minimum and not exceed a certain maximum if the defendant pleads guilty. This deal has to be made public during the trial and recorded in the court records.

### **What should happen when I am arrested?**

A person can be taken into detention (Festnahme) on the basis of an existing arrest warrant (Haftbefehl) or into temporary detention (vorläufige Festnahme) by the public prosecutor or police where grounds of the issuance of an arrest warrant exist. In addition, there is a general right of arrest where a person is caught in the act, or where it is suspected they are going to flee, or their identity cannot be confirmed.

When arrested, the person is taken to the police station in the area where the person was apprehended. The arrestee must be informed of the reason for their arrest.

If language difficulties exist, an interpreter must be provided. If there is no interpreter available, the questioning will either be continued at a police headquarters, where an interpreter is generally available. An interpreter might also be sought over the phone.

When a person is taken into temporary detention, they must be brought before the court at the latest by the end of the following day in accordance with StPO §128. The judge must either order the release or issue an arrest warrant. The investigative judge (*Ermittlungsrichter*) determines whether the arrested person is to be released, fined or put into pre-trial detention (remand). During pre-trial detention, the public prosecutor generally is responsible for all matters concerning the prisoner's welfare such as accommodation and outside contacts. Post-trial detention is governed by the Strafvollzugsgesetz (StVollzG) law.

Remanding into custody may be imposed if the arrestee is strongly suspected of having committed an offense or crime and if the reasons for remanding into custody exist. Reasons of remanding can also exist if there is a reason to believe that the suspect will escape from justice (***flight risk – Fluchtgefahr***)

- ***This applies to many foreign prisoners in Germany who are not resident here.***

Should you have any questions concerning the legal side of your arrest, contact your lawyer. The consulate is unable to assist.

## **For how long can I be remanded in custody?**

Information from European e-Justice website <https://e-justice.europa.eu>

*You can be held until the end of the criminal investigations. You may be released earlier if the arrest warrant is withdrawn or your arrest is suspended. A suspension of your arrest may be conditional: for example, you may have to deposit a sum of money in bail, or you may be required to report regularly to the police.*

*You may be held in pre-trial custody for more than six months only in specified circumstances (e.g. if the investigation is especially difficult or unusually wide-ranging, or there are other important reasons), which must be examined by the public prosecutor or by the court even on their own initiative*

If the Higher Regional Court orders further detention, it must be satisfied that:-

- i) there is a strong suspicion that an offence has been committed and that if released, you would flee;
- ii) your conduct suggests the suspicion that if you were released you might tamper with the evidence or influence witnesses or prejudice the proceedings in some other way and make the investigation more difficult;
- iii) if you are charged with sexual offences or offences against the person and if there is reason to believe that you will continue to commit these offences if you are not remanded in custody.

## **What happens when I am charged?**

Information from European e-Justice website <https://e-justice.europa.eu>

*If the investigation reveals sufficient grounds for you to be charged, the public prosecutor will submit an indictment setting out the charge (Anklage) or apply for a summary order (Strafbefehl) from the appropriate court. Otherwise, the prosecutor will discontinue the proceedings [and suspend your arrest warrant]. In the indictment, the public prosecutor summarises what you are accused of, what laws you have broken, and what the evidence is. If you are charged in a language you do not understand, you can request to have it translated, at no expense to you, and served on you again. If you think the charges are incorrect, the court will give you a certain amount of time to state the grounds on which you believe the charge to be untrue. You can also apply for evidence to be considered which you think will be to your advantage.*

## **What provision is there for bail?**

Bail is very rarely applied in the case of non-German arrestees because of the likelihood of escaping from justice by leaving the country. Even in cases where a permanent residence and family ties in Germany can be proven, the court is most hesitant to grant release on bail. The amount of bail is set in relation to the financial situation of the party, the nature of the crime, and the likelihood of the accused leaving the country. If the accused leaves the country without permission or hides within Germany, bail will be confiscated.

The accused who applies for suspension of the execution of the arrest warrant upon providing bail and who resides outside the district of this law shall be obliged to authorise a person residing in the district of the court to receive service of the court documents on their behalf.

## What kind of legal assistance is available?

If you decide to employ a private lawyer, you should do this early as possible. A list of English-speaking lawyers comes with this information pack. If you employ a private lawyer, they will ask for an advance on the estimated legal fees (which may be high) before they take on your case. You will be required to sign a contract and are then obliged to pay the lawyer's bill for services they conduct, even if you eventually change lawyers. The lawyer may charge for additional services that are not related to your criminal case, as well as frequent and lengthy telephone calls with friends or family.

The selected lawyer must have a signed power of attorney from you. This power of attorney is to be filed with the court. Private lawyers and legal aid lawyers are authorised to receive all documents relating to the case. (StPo §145a)

Lawyers practicing criminal law have the title "Fachanwalt für Strafrecht". The lawyer will argue your case for you and try to convince the court to interpret the facts and apply the law in a manner favourable to you.

**The embassy or consulates cannot pay legal fees, give legal advice or guarantee to a lawyer that you will pay them.**

A lawyer specialising in criminal law is mandatory in the following cases: (StPo § 140)

- i) if the trial is to be held at the Regional Court (*Landgericht*) or the Higher Regional Court (Oberlandesgericht);
- ii) if you are charged with a more serious crime (*Verbrechen*);
- iii) if the proceedings might result in you being prohibited from practising your profession;
- iv) if you have been imprisoned and are on remand
- v) if an expert opinion is required on your mental condition which might lead to your detention in a mental institution;
- vi) if the court has to decide whether you should be detained in a mental institution in the interests of public safety;
- vii) if a previously-appointed lawyer has been dismissed from the proceedings by a decision of the court;

## Court appointed lawyers

A prisoner on remand can either hire a private lawyer or receive a court appointed lawyer (*Pflichtverteidiger*). If you need an interpreter to communicate with your lawyer, the lawyer should apply for one. In case you are convicted and sentenced, the *Justizkasse* will send you a bill for all costs incurred, e.g., court costs, cost for the interpreter(s), the witnesses, translations, and for the court-appointed lawyer. This will only happen at the end of the entire proceeding.

- ***When communicating to and from your lawyer, letters are not screened by the court. To ensure that the letter does not go through the screening process, clearly write VERTEIDIGERPOST on the envelope when sending.***

## Completion of investigations and the Bill of Indictment

During pre-trial detention, the Public Prosecutor's Office (Staatsanwaltschaft) has the duty to conduct investigations into the charges contained in the arrest warrant. They include examination of

the witnesses, including the accused, opinions from various experts, police investigative summaries, laboratory reports etc. Once the Public Prosecutor's Office is satisfied that it has sufficient evidence to prosecute, the investigatory stage is formally closed. The accused will be served with the bill of indictment (*Anklageschrift*) and the case will be brought for trial before the appropriate court)

The Bill of Indictment shall indicate the accused, the criminal offence with which he/she is charged, the time and place it took place, its statutory elements and the charges. Where a witness is mentioned, whose identity is not to be revealed, or only partly revealed, this fact shall be indicated; the same shall apply to the confidentiality of the witness's place of residence or whereabouts.

### **What happens at the trial?**

According to the law STPO § 243

- (1) The main trial opens with a statement of the offense with which the person is accused. The judge determines whether the accused and lawyers are present, whether exhibits have been brought to the courtroom, and whether the witnesses and experts have appeared.
- (2) After the opening formalities, the witnesses have to leave the courtroom. The presiding judge then asks the accused about their personal background and their general situation.
- (3) The public prosecutor then reads the final version of the Bill of Indictment (*Anklageschrift*).
- (4) The accused is then advised of their right to make statements regarding the allegations contained in the bill of indictment, or to remain silent. If the accused is willing to make statements, they must be given opportunity to refute the stated reasons for suspicion and to present facts favourable to their case. The judge may cite previous convictions at this point, if the court considers them relevant.

### Taking of evidence (*Beweisaufnahme*)

According to the law StPO § 244

- (1) The hearing of the accused is followed by the taking of evidence.
- (2) The court is bound by law to do all in its power to find the truth by examining all possible evidence and exhibits connected with and essential to the evaluation of the case.
- (3) A request for admittance of evidence must be denied if the evidence is inadmissible in nature. Evidence may also be denied admittance by the court if, for example, the request is obviously superfluous, if the fact to be proven by the request is immaterial to the case or has already been proven, or if the admittance of the evidence would be irrelevant or merely designed to prolong the trial.
- (4) The request for the interrogation of an expert can be denied by the court if the court itself has expert knowledge of the matter in question. The obtaining of additional expert opinion can also be denied if the contrary of the allegation(s) to be proven by the requested expertise has already been established. If, however, the professional competency of an expert is debatable or if the expertise contains contradictory statements, another expert may be admitted, if they have superior means for evaluating the evidence in question.
- (5) A request to view the scene of the crime may be denied if the court feels that it is immaterial to the finding of the truth.
- (6) The denial of a request for admittance of evidence requires a court order.

### Medical Expert

According to the law StPO § 246

If it is probable that the accused will be confined to a mental institution or to a facility for treatment of addiction, a medical expert must testify regarding the condition of the accused at the main trial. The

expert must be able to examine the accused before the main trial, unless they have already done so.

StPO § 247 the court may order the accused removed from the courtroom during the hearing of witnesses, if it is feared that the presence of the accused might prevent the witness from telling the truth.

#### Statement of the Accused, the Public Prosecutor and the defence lawyer

According to the law StPO § 257

(1) After the hearing of each witness, expert, and co-accused, and after the reading of each document, the accused is asked for his or her comment.

(2) After the interrogation of the accused, the taking of evidence, and the hearing of individual witnesses, the public prosecutor and the defence lawyer must be permitted, upon request, to make their comments.

#### Closing Statements and sentencing

According to the law StPO § 258

(1) After the taking of evidence is completed, the public prosecutor and then the accused are given the opportunity to elaborate on their statements and to make motions.

(2) The public prosecutor has the right to object and reply. The accused has the right to make the final statement.

(3) The accused, even if their defence lawyer has made a closing statement, must be asked if they have anything further to add to their defence.

The verdict will then be read out in detail explaining what paragraphs of the law are relevant. If you are sentenced to imprisonment, the duration will be said. You might instead be fined, given a suspended sentence or released without charge.

### **Sentences**

Sentences vary in Germany and will depend on the seriousness of the crime. Your lawyer is best placed to advise on the possible length of sentence. The consulate has no experience or cannot 'guess' whether or for how long a prisoner will be sentenced. Lawyers deal with this on a daily basis and will have experience.

### **Appeals**

How can an appeal be made?

Information sought from the European e-Justice website <https://e-justice.europa.eu/>

*There are two kinds of appeal against a judgment of a local court (Amtsgericht): a full appeal (Berufung), on questions of fact and of law, and an application for review (Revision), which is an appeal on points of law only. Against the judgment of a regional court (Landgericht) only the second of these is available.*

*The public prosecutor, the accused, or the lawyer must submit the appropriate petition for appeal or revision to the trial court within one month of the oral announcement of the court's judgment. If the accused was not present when the judgment was orally announced, the one-week period starts when the written judgment is served to him. The accused or lawyer must submit the brief supporting the appeal no later than 30 days following the service of the written judgment to the accused.*

*You can appeal either against the conviction itself or against the level of the penalty. If you enter a full appeal on questions of fact and law, you need not necessarily state your grounds.*

*If you apply for a review on points of law only, you must provide a statement of your grounds within one month of the date on which you are informed of the grounds of the judgment. To do this you will need a lawyer, because you are not entitled to submit such a statement of grounds without professional assistance.*

#### What happens if I appeal?

*If you appeal against the judgment, it is not enforceable for the time being. This means that for the time being you do not have to pay the fine or serve the sentence imposed. If you are on remand, however, you will not be released and you will stay on remand until the result of the appeal is in. You can be released only if the court withdraws or suspends the pre-trial arrest warrant.*

*There are no time limits within which your appeal must be decided. However, there is a general requirement that criminal proceedings must be completed as rapidly as possible.*

*On a full appeal, a fresh trial takes place before the regional court. The court itself decides what evidence it considers material. It may look at the same evidence as the first court. However, it may also consider other evidence. You yourself may also apply to have new evidence considered.*

*On an application for review, no new evidence is produced. The court considers only whether there were any legal defects in the earlier judgment and the proceedings that led to it.*

#### What happens at the appeal hearing?

*In a full appeal before the regional court, the hearing follows the same pattern as the hearing in the local court. The court delivers its own judgment. The procedure is different only if you confine your appeal to the level of the sentence. In that case, the court will hear only evidence relevant to the level of the penalty, for example regarding your motives and personal circumstances.*

*In an application for review, judgment can be delivered without oral proceedings.*

#### What happens if the appeal is successful/unsuccessful?

*If you have brought a full appeal, and your action succeeds, you will be acquitted or your sentence will be reduced. If you are not acquitted, you can apply for a review of the appeal judgment.*

*If you have brought an application for review of the first judgment, and your action succeeds, there are two possibilities. Under certain circumstances, the court carrying out the review may decide the case itself, and may for example acquit you. However, in some cases the court carrying out the review must quash the earlier judgment and send the case back to the lower court.*

*A judgment that has been quashed is not entered in the criminal register.*

*A judgment is final if no appeal is entered within the time allowed, by any of the parties, that is to say by you, by the public prosecutor, or by any other party who has been allowed to join their own civil action to the public criminal proceedings.*

#### **What provision is there for reduction of sentence (remission) e.g. for good behaviour?**

#### **What provision is there for early release e.g. on parole?**

It might be a possibility, particularly in cases involving first offenders, that the sentence be shortened by one-third. This is sometimes the case but not for all cases. The prerequisite, however, is good conduct during the detention period. For calculating the end of two-thirds of the sentence, time spent in remand detention is added to the period spent after being sentenced.

The prison authorities will automatically check into the possibility of release after having served two-thirds of the sentence. The request for release at half time requires an application. Although it may be useful to employ the assistance of a lawyer in applying for curtailment, it is not absolutely necessary. The respective prison authorities will provide guidelines as to when and where the application for curtailment is to be filed.

The decision whether the rest of the sentence is to be served on probation is made by the court. The office of the public prosecutor, the convicted person, and the prison will each be consulted. (STPO § 454)

The Regional Court at the location of the prison (Landgericht- Strafvollstreckungskammer) will provide the final decision.

Being released at half-time is only granted by the court in very exceptional circumstances.

For your benefit, it is very important that your behaviour and conduct while in prison is good.

### **What provision is there for clemency or pardon**

Requests for clemency or pardon must be made via the court in charge of your case. Your social worker or the prison authorities will have more information on the process of applying for clemency.

### **What about any financial penalties?**

If a fine is imposed, the verdict must state the number of days the convicted person would have to serve in lieu of payment and at which rate per day of detention the fine would be paid. For example: a fine of €600 would require 40 days of detention if the fee is at €15/day.

### **Is transfer to another prison within Germany possible?**

A transfer can be requested to another prison as long as you have a justified reason, for example if you have family living in the area. You can normally be transferred only once you have been sentenced. You will have to put a request in with the prison and the court for a potential relocation.

### **Is transfer to the UK a possibility?**

Yes. There is a Prisoner Transfer Agreement between the UK and Germany.

Prisoner Transfer Agreements (PTAs) allow prisoners to transfer and to serve the remainder of their sentence in their own country. This enables them to be closer to family and friends in an English-speaking environment and permits them to benefit from pre-release courses available in British prisons.

You should inform the prison authorities of your interest in applying and they will take the application forward. You may want to contact your Social Worker in the first instance. Please note that the transfer process can be very slow and bureaucratic. You might be given a document to read and then an application form to fill in. Do not sign anything you do not understand.

A prisoner does not have an automatic right to transfer. Each request is considered on its individual merits. The UK and the country in which the British prisoner is held have the right to refuse a request. Both countries must agree before a transfer is approved.

The basic criteria for eligibility to apply for transfer are:

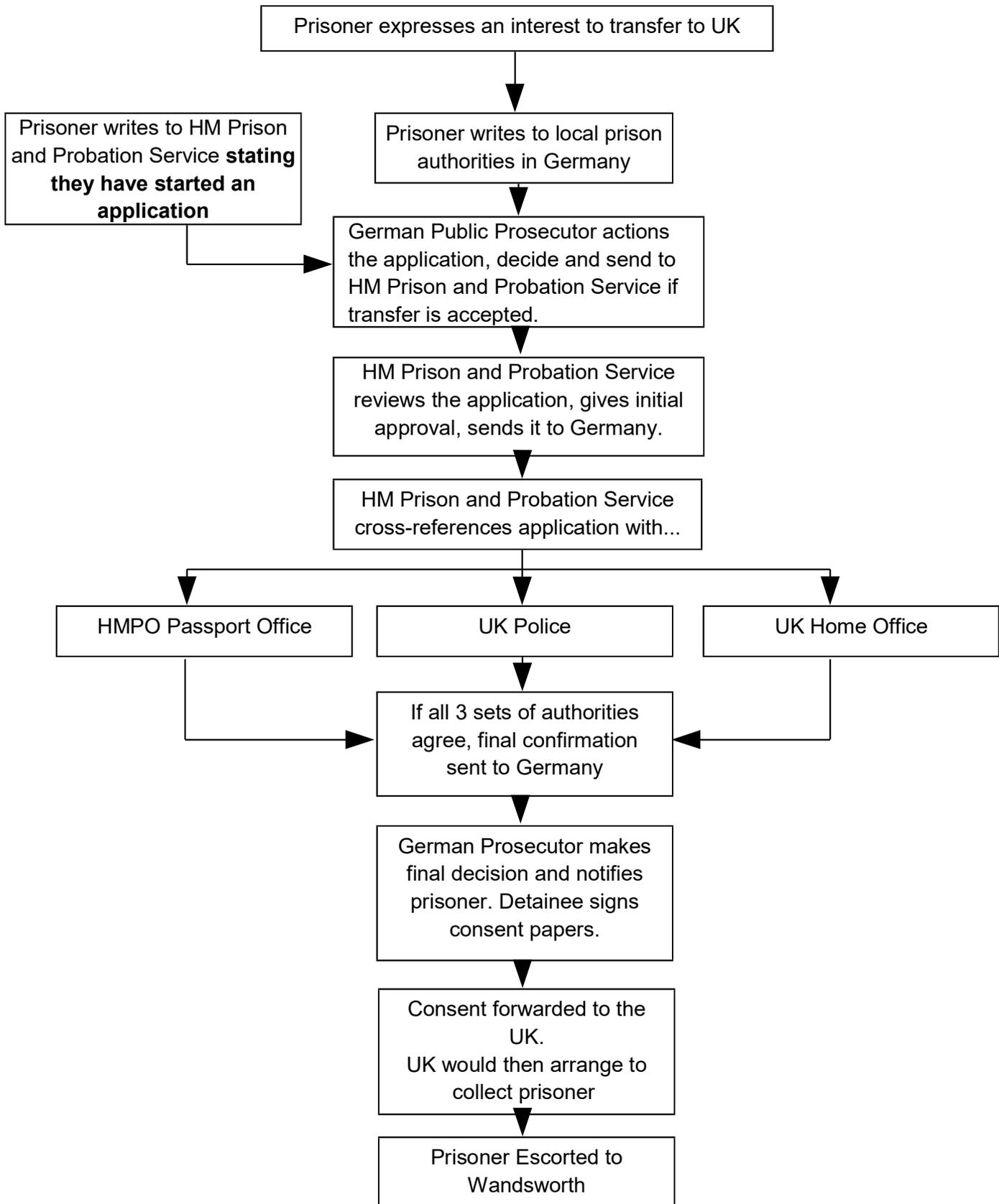
- Criminal proceedings in the foreign country must be complete. The prisoner cannot be transferred if they are awaiting trial or the outcome of an appeal;
- The prisoner must normally have at least 6 months of the sentence left to serve at time of application.
- The offence for which the prisoner was convicted must constitute a criminal offence in the UK;
- The prisoner must have no outstanding fines (prisoners can start the application process while the fine is outstanding but the fine must be paid before the transfer can take place) or other non-custodial penalties;
- Other conditions may apply, depending on the specific transfer arrangements with each country.

The whole process from the moment you put in an application for transfer to the moment you arrive back in the UK usually takes between 12 and 18 months. This is only an average based on our experience of the process.

The Address for the UK Cross Board Transfer Section is:

Cross Border Transfer Section  
HM Prison and Probation Service  
Post Point 1.22  
1st Floor  
Southern House  
Croydon  
CR0 1XG  
United Kingdom

Transfer Process



## What are the procedures for release and deportation?

### Deportation:

The authority to request deportation rests with the Ausländeramt (alien's office), the office which deals with matters involving foreigners. The responsible Ausländeramt is the office nearest to where you were arrested in Germany. This might be an office near an airport, if you were extradited from the UK.

*The law enforcement authorities may curtail the un-served part of the sentence if the convicted person is deported from Germany. (StPO § 456 a)*

If your deportation has been approved by the Ausländeramt and the court, deportation proceedings will be carried out by the police. This can take time to organise. Once the police have been informed that a prisoner is to be deported and a legally binding deportation order exists, they will make the necessary flight arrangements. The police will either book an unaccompanied flight or an accompanied flight, i.e., with two escorts. The prisoner, family or friends cannot make a flight reservation, since the airlines will accept bookings only from the police. You will be deported to Britain, as you are a British National – you cannot be deported to another country. Your passport will be stamped to show you have been deported. You might not be able to return to Germany for a number of years. Please check this before you leave Germany.

You might need to pay for the return ticket, the escorts, and the transportation costs from the prison to the airport.

### Release:

When released, you will be given money that you had on you when arrested, as well as any money, which you have earned whilst working in the prison. Your social worker will be able to assist in contacting your family before your release date in order for them to arrange some transportation home. If this does not happen, you can obtain assistance from the British Consulate / Embassy where we can contact your family in order to ask them to book you transportation home.

If you require a passport for your journey, please contact us before your release so we can arrange an [Emergency Travel Document](#). Even if you are not sure if your passport is valid, contact us when you know you will be released and we can check the validity for you.

## Prisoners Abroad

Since 1978 the charity Prisoners Abroad has offered practical support and advice to British citizens imprisoned overseas. It is the only UK charity providing this service and it is available to all, whether guilty or innocent, convicted or on remand. Prisoners Abroad is concerned with your health and welfare, both during your imprisonment and also on your return to the UK, through their resettlement service (if you have registered whilst in prison). They can also provide support and advice to your family during your imprisonment. In order to access any services, prisoners must first register with Prisoners Abroad by signing and returning their authorisation form.

Once you seek help from Prisoners Abroad, the Prisoner & Family Support Service will be your point of contact for advice and information. The type of assistance they can offer will vary from country to country, but generally they can provide you with information, in English, on:

- your rights as a prisoner and issues that may affect you such as health or transfer to the UK
- obtaining magazines, newspapers, books and the regular Prisoners Abroad newsletter
- writing to a pen pal
- learning the language of your country of imprisonment
- translation of documents
- grants for food if you are in a developing country and don't have funds from other sources
- grants for essential medicines and toiletries if you don't have funds from other sources
- preparing for release
- help for your loved ones, including information, family support groups and assistance with the cost of visiting

Prisoners Abroad  
89 – 93 Fonthill Road  
London  
N4 3JH  
United Kingdom

**Telephone:** 00 44 (0)20 7561 6820 or, for your relatives in the UK, Freephone 0808 172 0098 (Mondays to Fridays 9.30 am to 4.30 pm, UK time) selecting option 1.

**Email:** [info@prisonersabroad.org.uk](mailto:info@prisonersabroad.org.uk)

**Website:** [www.prisonersabroad.org.uk](http://www.prisonersabroad.org.uk)

## Glossary of Terms

### Key phrases – English into German

1	Eins	2	Zwei	3	Drei	4	Vier
5	Fünf	6	Sechs	7	Sieben	8	Acht
9	Neun	10	Zehn	11	Elf	12	Zwölf
13	Dreizehn	14	Vierzehn	15	Fünfzehn	16	Sechzehn
17	Siebzehn	18	Achtzehn	19	Neunzehn	20	Zwanzig
21	Einundzwanzig (1 and 20)	35	Fünfunddreißig (5 and thirty)	40	Vierzig	50	Fünfzig
100	Hundert	250	Zweihundertfünfzig	500	Fünfhundert	1000	Tausend

Food					
Apple	Apfel	Meat	Fleisch	Milk	Milch
Banana	Banane	Fruit	Obst	Rice	Reis
Beans	Bohnen	Vegetables	Gemüse	Juice	Saft
Bread	Brot	Chicken	Hähnchen	Tea	Tee
Egg	Ei	Hungry	Hungrig	Water	Wasser
Food	Essen	Coffee	Kaffee	Sausage	Wurst
Jam	Marmalade			Sugar	Zucker
Greetings, people and emergencies					
Good Morning	Guten Morgen	Baby	Baby	Doctor	Arzt
Good Day	Guten Tag	Boy	Junge	Dentist	Zahnarzt
Good Night	Gute Nacht	Child	Kind	Pain	Schmerz
Day	Tag	Father	Vater	Today	Heute
Night	Nacht	Girl	Mädchen	Tomorrow	Morgen
Week	Woche	Husband/Ma n	Mann	Tonight	Heute Abend
Month	Monat	Mother	Mutter		
Monthly	Monatlich	Wife/Woman	Frau		
Year	Jahr				
<b>Hello</b>	<b>Hallo</b>	<b>Thank you</b>	<b>Danke schön</b>	<b>Goodbye</b>	<b>Auf Wiedersehen</b>
Months, days and times of the year					
January	Januar	Monday	Montag	Spring	Frühling
February	Februar	Tuesday	Dienstag	Summer	Sommer
March	März	Wednesday	Mittwoch	Autumn	Herbst
April	April	Thursday	Donnerstag	Winter	Winter
May	Mai	Friday	Freitag		
June	Juni	Saturday	Samstag	Sun	Sonne
July	Juli	Sunday	Sonntag	Rain	Regen
August	August			Snow	Schnee
September	September			Fog	Nebel
October	Oktober				
November	November			Cold	kalt
December	Dezember			Hot	heiß

				Warm	warm
Grammar					
I	ich	Your (friendly)	dein		
You (friendly)	du	Me	mich		
He	er	My	mein		
She	sie	His	sein		
It	es	Her	ihr		
We	wir	Our	unser		
You (Polite)	Sie	Your (polite)	Ihr		
They	sie				
Useful Verbs					
to be	sein	to receive	bekommen	to work	arbeiten
to be released	entlassen sein	to send	schicken	to visit	besuchen
to borrow	ausleihen	to shower	duschen		
to clean	sauber machen	to sleep	schlafen		
to close	schließen	to smoke	rauchen		
to come	kommen	to stop	aufhören		
to drink	trinken	to use	benutzen		
to give	geben	to wake up	aufwachen		
to go	gehen	to walk	gehen		
to have	haben	to want	wollen		
General					
Bed	Bett	Hair	Haare	Paper	Papier
Blanket	Woldecke	Haircut	Frisur	Pen	Stift
Book	Buch	Head	Kopf	Pillow	Kopfkissen
Cell	Zelle	Hot	heiß	Plate	Teller
Chocolate	Schokolade	Inside	innen	Pullover	Pullover
Cigarettes	Zigaretten	Juice	Saft	Rain	Regen
Clothes	Kleidung	Knife	Messer	Shampoo	Shampoo
Coffee	Kaffee	Later	später	Shirt	Hemd
Cold	kalt	Magazines	Zeitschriften	Shoe	Schuhe
Crisps	Chips	Mattress	Matratze	Shower gel	Duschgel
Cup	Tasse	Money	Geld	Socks	Socken
Cutlery	Besteck	Mouth	Mund	Spoon	Löffel
Debt	Schulden	New	neu	Stamps	Briefmarken
Door	Tür	Nose	Nase	Sun	Sonne
Ear	Ohr	Now	jetzt	Tea	Tee
Envelope	Umschlag	Old	alt	Toiletries	Kosmetikartikel
Eyes	Augen	Open	aufmachen	Trousers	Hosen
Fork	Gabel	Outside	draußen	Weather	Wetter

Useful Phrases:

I would like to see a doctor

I would like to visit a social worker

I would like to contact the consulate

I would like to contact my lawyer

Ich möchte einen Arzt besuchen.

Ich möchte einen Sozialarbeiter besuchen.

Ich möchte das Konsulat kontaktieren.

Ich möchte meinen Anwalt kontaktieren.

## Useful terms & translations

### A

Abschiebung	Deportation
Abstimmung	decision
Abteilungsleiter	Floor Guard
Akte	File
Akteneinsicht	Access to file (by Lawyer)
Aktenzeichen	Court file reference
Amtsgericht	Local State Court
Angeklagter	the accused
angemeldet	registered
Anklage	charge
Anklageschrift	indictment
Anliegenformulare	application forms (prison)
Anstaltsleiter	Prison Director
Antrag	application
Antrag stellen	to file an application
Ausführungsvorschriften	prison rules regarding taking somebody outside
Ausländeramt	Foreigners Office
Auslieferung	extradition
Aussenstelle	police field office
Aussageverweigerungsrecht	right to remain silent
Ausweisungsverfahren	deportation order

### B

Beamtenbeleidigung	insubordination to officer
Beamte(r)	State official & Wardens
Beisitzender Richter	additional judge
Berufung	appeal
Bereitschaftspolizei	riot squad
Beschuldigter	the accused
Beschwerde	appeal or complaint
Beschwerdevorgang	complaints system
Besuch	visit
Besucherlaubnis	visiting permit
Betäubungsmittelgesetz BtMG	law relating to drug offenders
Bewährung	Parole / Probation
Beweis	Evidence
Blutprobe	blood test
Briefmarken	Stamps
Bundesanwaltschaft	Federal Prosecutions Office

Bundesamt für Verfassungsschutz	Federal Office for the Protection of the Constitution
Bundesgrenzschutz	Federal Border Police
Bundeskriminalamt	Central Criminal Office
Bundesnachrichtendienst	Secret Service
Bundeswehr	German Army
Bunker	Solitary Confinement

### D

Dienstaufsichtsbeschwerde	procedural complaint against official
Dolmetscher	Interpreter

### E

Eigengeld	personal money in prison
einkaufen	to buy
Einzelrichter	Single Judge Court
Entlassung	release
Entlassungsschein	release order
Ermittlungsrichter	Investigative judge

### F

Fluchtgefahr	risk of absconding
Freie Beweiswürdigung	evaluation of evidence

### G

Gefangene	prisoners
Gefängnis	prison
Geld wechseln	to change money
Gemeindevertretung	representative of the Local Authority
Genehmigung	permit, entitlement
Generalstaatsanwalt	Chief Public Prosecutor
Gerichtsverfassungsgesetz (GVG)	Statute of Judicial Organisation
Gericht	Court
gering	minimal
grosse Strafkammer	greater Criminal Court

### H

Haftrichter	Investigating Judge
Haftprüfung	custody hearing
Hauptkommissar	Police Chief Inspector

Hauptverhandlung	main trial
Hausgeld	money earned in prison
Hausordnung	prison house rules
Hauszeitung	prison newspaper
Haftbefehl	custody order
Herr des Ermittlungsverfahrens	head of the pre-trial
Hilfsbeamte der Staatsanwaltschaft	Police assisting prosecutor
hinreichender Verdacht	sufficient suspicion
Hochverrat	treason
Hofgang	exercise (walk in courtyard)

### J

Justizminister	Minister of Justice
Jugendgerichtsgesetz	juvenile prison rules

### K

Kläger(in)	plaintiff/claimant
kleine Strafkammer	lesser Criminal Court
körperliche Untersuchung	physical examination
Kriminalkommissariat	Police Commissariat
Kriminalpolizei	C.I.D.

### L

Landgericht	Regional State Court
Länder	German States

### N

Notar	Notary
Nebenkläger	civil party in criminal trial

### O

Oberkommissar	Police Inspector
Oberlandesgericht	Higher Regional Court
Oberstaatsanwalt	Chief Prosecutor
Ordnungswidrigkeit	petty infraction
Organ der Rechtspflege	Officer of the Court

### P

Pflichtverteidiger	Legal Aid Lawyer
Polizeipräsident	Chief Constable
Polizeirevier	small police station
Privatklage	private prosecution

### R

Rechtsanwalt	Lawyer
Rechtsanwaltskammer	Local Bar Association
rechtskräftig	valid or legal
Rechtsmittel	legal remedy
Rechtspflege	administration of justice
Rechtsspruch	adjudication
Referendar	Legal Clerk or candidate for law examination
Referendarexamen	State Lawyer's Examination
Revision	appeal for error
Richter	Judge

### S

sachliche Zuständigkeit	jurisdiction
Sachverständige Zeugen	Expert witness
Sicherheit	security
Sicherheitsverwahrung	preventive detention
schuldig	guilty
Schlussbericht	completed file
Schöffen	Lay Judges
Schöffengericht	Lay Judges Court
Schwurgerichtskammer	highest Chamber of greater Criminal Court
Sicherheitsleistung	Bail/bond
Sozialarbeiter(in)	Social Worker
Staatsanwalt	Prosecutor
Staatsanwaltschaft	Public Prosecutor's Office
Strafbefehl	penal order
Strafgesetzbuch	criminal code
Strafprozessordnung (StPo)	code of criminal procedure
Strafhaft	imprisonment after conviction
Strafrichter	single Judge
Strafsenat	High Court
Strafvollzugsgesetz (StVollG)	prison rule book
Strafvollzugsbeamter	Prison Warder

### U

Überbrückungsgeld	gate money (prison)
Übersetzer(in)	Interpreter
Untersuchungshaft	preliminary detention
U-haftvollzugsordnung (V-VollzO)	remand rules
Urteil	judgement / sentence

**V**

Verbrechen	major offence
Verdunkelungsgefahr	danger of interfering with the course of justice
Vergehen	minor offence
Verhältnismäßigkeit	proportionality
Verhandlung	Trial
Verlegung	transfer to another prison
Vernehmung	(cross-) examination
Verteidiger	Representation
Verwaltungskammer	prison court
Verwaltungsvorschriften	local prison rules
Vollmacht	Power of Attorney
Vollstreckungsverfahren	penal proceeding
Vollzugsplan	personal prisoner plan
Vollzugsgeschäftsstelle	prison administration
vorläufige Festnahme	temporary detention
Vorsitzender	Presiding Judge

**W**

Wärter	Warder
Widerstand	opposition
Wiedereingliederung	rehabilitation
Wiederholungsgefahr	danger of repeated criminal offences
weisungsgebunden	duty of obedience

**Z**

Zwischenverfahren	courts pre-trial review of case
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## **Annexes**

- Annex 1: [List of English-Speaking Lawyers](#) (if on remand)
- Annex 2: [List of translators / interpreters](#)
- Annex 3: [Arrested abroad: advice for British nationals](#)
- Annex 4: [In prison abroad: transfer to a UK prison](#)
- Annex 5: [Prisoners Abroad authorisation form](#)
- Annex 6: [Prisoners Abroad family contact form](#)
- Annex 8: Fair Trials International questionnaire and [leaflets](#) (at request)

After the annexes will be the various Prison Information Sheets compiled by the British missions in Germany. This will give you more detailed information about the main prisons which are used by British prisoners. Should your prison not be included, or the information required is not in the above document, please ask the consular section you are in contact with.

## **Disclaimer**

This booklet was compiled by the Consular Sections at the British Embassy Berlin, the Consulates-General in Munich and Düsseldorf. It is revised on a regular basis.

If any of the information contained in this booklet is incorrect, please draw inaccuracies to our attention so that we can make amendments.

The British Missions in Germany is not accountable for any of the information or unofficial translations provided in this booklet. Local proceedings are subject to change at any time.

## Prison Information Sheets

# JVA Augsburg-Gablingen Prison Information



### For sending letters

Name & Date of Birth (John Smith 10.01.70)  
JVA Augsburg-Gablingen  
Am Fliegerhorst 1  
86456 Gablingen  
GERMANY



### For calling the prison

(please note you cannot call the prisoner)

Telephone (00 49) 8230 8590-0

### € How do I send money?

If you wish to arrange a money transfer from the UK please find below the information.

Please be aware that the BIC (swift code) should be 8 or 11 digits long. You may therefore need to add a number of X in the remaining spaces to complete the data entry box.

The bank details for all Bavarian prisons are:

Account number (IBAN)						BIC (bank identifier code)
DE34	7005	0000	0000	0249	19	BYLA DE MMXXX

Bank Name: Bayern Landesbank  
Recipient Name: Landesjustizkasse Bamberg (NOT the prisoner name)  
Payment Reference1: Name and DOB of prisoner (e.g J Smith 10.02.70)  
Payment reference 2: Eigengeld - and the prison name (JVA Augsburg, for example)

The name, date of birth, prison name and the word “Eigengeld” are very important and should be put in every transaction



### How do I visit?

For remand prisoners, once a lawyer has been appointed, contact them to arrange for you to visit the prisoner. You will need a visiting permit from the judge (Besuchserlaubnis – requested by the lawyer), official ID (passport) and an appointment with the prison. You might need to also organise an interpreter if the conversation will be in English but your lawyer can advise you on this.



### Getting there by plane and public transport

Fly to Munich Airport. A taxi to the address above will be very expensive. You should either hire a car to travel there (which would be easiest and possibly cheapest) or take a train, which could be cheap if you book in advance. You will need to take an S-Bahn train to Munich Main Station and change to a different train to Augsburg station, then change there for a local train to Gablingen. From there it's a 15 minute walk. Use [this website](#) to find out how to get there by train.

While every care has been taken in preparing these notes, neither Her Majesty's Government nor any member of the British Consular Staff abroad can accept any liability for injury, loss or damage arising in respect of any statement contained therein.

## JVA Düsseldorf Prison Information



## For sending letters

Name & Date of Birth (John Smith 10.01.70)  
 JVA Düsseldorf  
 Oberhausener Str.30  
 40472 Ratingen  
 GERMANY



## For calling the prison

(please note you cannot call the prisoner)

Telephone (00 49) 69 1367 03



## How do I send money?

If you wish to arrange a money transfer from the UK please find below the information.

Please be aware that the BIC (swift code) should be 8 or 11 digits long. You may therefore need to add a number of X in the remaining spaces to complete the data entry box.

Account number (IBAN)							BIC (bank identifier code)
DE	98	3701	0050	0010	692	508	PBNKDEFF

Bank Name: Postbank NL Frankfurt am Main  
 Recipient Name: Zahlstelle der JVA Dusseldorf  
 Payment Reference1: Name and D.O.B. of prisoner (e.g John Smith 10.02.70)  
 Payment reference 2: Eigengeld - JVA Düsseldorf

The name, date of birth, prison name and the word “Eigengeld” are very important and should be put in every transaction.



## How do I visit?

For remand prisoners, once a lawyer has been appointed, contact them to arrange for you to visit the prisoner. You will need a visiting permit from the judge (Besuchserlaubnis – requested by the lawyer), official ID (passport) and an appointment with the prison. You might need to also organise an interpreter if the conversation will be in English but your lawyer can advise you on this. The contact details for the “visiting department” are 0049 211 938820. Alternatively you can arrange an appointment by email: [besuch@jva-duesseldorf.de](mailto:besuch@jva-duesseldorf.de), or your lawyer can do this for you in German.

Visits take place on Tuesdays from 11.30 – 13.45 & 14.15 – 19.30 and on Fridays from 08.30 – 12.00. Please ensure that you arrive at the prison 30 minutes before your appointment.



## Getting there by plane and public transport

Ratingen is a town in approximately 12 km northeast of Düsseldorf. There are a number of hotels and restaurants in the area. Getting to the prison by public transport is complicated as the shuttle bus operates a very limited service. Get a train to Ratingen and, for convenience, take a taxi. Alternatively you can take the shuttle bus 757 to “Justizvollzugsanstalt” which normally leaves every 20 mins.

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# JVA Frankfurt am Main | Prison Information



## For sending letters

Name & Date of Birth (John Smith 10.01.70)  
 JVA Frankfurt am Main I  
 Obere Kreuzäckerstraße 6  
 60435 Frankfurt am Main  
 GERMANY



## For calling the prison

(please note you cannot call the prisoner)

Telephone (00 49) 69 1367 03

### HOW DO I SEND MONEY?

If you wish to arrange a money transfer from the UK please find below the information.

Please be aware that the BIC (swift code) should be 8 or 11 digits long. You may therefore need to add a number of X in the remaining spaces to complete the data entry box.

Account number (IBAN)						BIC (bank identifier code)	
DE27	5001	0060	0051	9106	03	PBNKDEFF	

Bank Name: Postbank NL Frankfurt am Main  
 Recipient Name: Zahlstelle des VCC Frankfurt – JVA Frankfurt/Main I  
 Payment Reference1: Name and DOB of prisoner (e.g J Smith 10.02.70)  
 Payment reference 2: Eigengeld - and the prison name (JVA Frankfurt I, for example)

The name, date of birth, prison name and the word “Eigengeld” are very important and should be put in every transaction



### How do I visit?

For remand prisoners, once a lawyer has been appointed, contact them to arrange for you to visit the prisoner. You will need a visiting permit from the judge (Besuchserlaubnis – requested by the lawyer), official ID (passport) and an appointment with the prison. You might need to also organise an interpreter if the conversation will be in English but your lawyer can advise you on this. The contact details of the visiting department are as follows: 0049 69 1367 1717. The department can be reached Mondays to Fridays from 08.30 to 11.00 hrs and Mondays to Thursdays also from 13.00 to 14.00 hrs.



### Getting there by plane and public transport

Fly to Frankfurt. From the airport train station, take the S Bahn local train towards the centre of town and change at Konstablerwache. From there take the underground U5 direction “Preungesheim”. Get off at the stop „Ronneburgstraße“. It is then a short walk from there. We recommend using a map to ensure you go to the right prison.

If you travel from Hauptbahnhof main train station then take the U5 underground direct from there.

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# UHA Hamburg Remand Prison Information



## For sending letters

Name & Date of Birth (John Smith 10.01.70)  
UHA Hamburg  
Holstenglacis 3  
20355 Hamburg  
GERMANY



## For calling the prison

(please note you cannot call the prisoner)

Telephone (00 49) 40 428290

[Website](#)

## € How do I send money?

If you wish to arrange a money transfer from the UK please find below the information.

Please be aware that the BIC (swift code) should be 8 or 11 digits long. You may therefore need to add a number of X in the remaining spaces to complete the data entry box.

The bank details are:

Account number (IBAN)							BIC (bank identifier code)
DE	59	2001	0020	0146	0602	04	PBNKDEFF

Bank Name: Postbank Hamburg  
Recipient Name: Zahlstelle der UHA Hamburg  
Payment Reference 1: Name and D.O.B. of prisoner (e.g John Smith 10.02.70)  
Payment reference 2: Zusatzeinkauf

The payment above is for an exceptional payment (Zusatzeinkauf) and we recommend you communicate with the prisoner how much they are allowed to receive from friends or family a month. They might need to transfer funds from different accounts in order to use it in the shop.



## How do I visit?

For remand prisoners, once a lawyer has been appointed, contact them to arrange for you to visit the prisoner. You will need a visiting permit from the judge (Besuchserlaubnis – requested by the lawyer), official ID (passport) and an appointment with the prison. You might need to also organise an interpreter if the conversation will be in English but your lawyer can advise you on this.



## Getting there by plane and public transport

Fly to Hamburg airport. A taxi from the airport to the remand prison should cost approximately 30€. Use [this website](#) to find out how to get there completely by public transport. You will need to take the S1 regional train to Berliner Tor. From there, take the U2 metro service to Messehallen where it's a short walk from there. We recommend you printing out a map of the area before you leave to ensure you don't get lost!

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# JVA Moabit Remand Prison Information



## For sending letters

Name & Date of Birth (John Smith 10.01.70)  
JVA Moabit  
Alt-Moabit 12 a  
10559 Berlin  
GERMANY



## For calling the prison

(please note you cannot call the  
prisoner)

Telephone (00 49) 30 9014-0

[Website](#)

## How do I send money?

If you wish to arrange a money transfer from the UK please find below the information.

Please be aware that the BIC (swift code) should be 8 or 11 digits long. You may therefore need to add a number of X in the remaining spaces to complete the data entry box.

The bank details are:

Account number (IBAN)							BIC (bank identifier code)
DE	81	1001	0010	0007	2771	01	PBNKDEFF

Bank Name: Postbank Berlin  
Recipient Name: Zahlstelle der JVA Moabit  
Payment Reference : Name and D.O.B. of prisoner (e.g John Smith 10.02.70)



## How do I visit?

For remand prisoners, once a lawyer has been appointed, contact them to arrange for you to visit the prisoner. You will need a visiting permit from the judge (Besuchserlaubnis – requested by the lawyer), official ID (passport) and an appointment with the prison. You might need to also organise an interpreter if the conversation will be in English but your lawyer can advise you on this.

Visits can take place Monday 11:45-18:45, Tuesday-Thursday 09:45–16:45 and Friday 07:45-14:45.



## Getting there by plane and public transport

Fly to Berlin Tegel airport. A taxi from the airport to the remand prison should cost approximately 20€.

You will need to take the TXL bus from the airport to U Turmstr. From there it's a 10 minute walk.

Alternatively you can change busses at U Turmstr and get the 245 bus direction 'S+U Hauptbahnhof' to 'Spenstr' where the prison is then in front of you. If you fly to Berlin Schönefeld airport, you will need to get the regional train to the main station (Hauptbahnhof) and then the 245 bus towards 'S+U Zoologischer Garten', getting off at 'Spenstr'.

We recommend you printing out a map of the area before you leave to ensure you don't get lost!

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# JVA Munich Prison Information



## For sending letters

Name & Date of Birth (John Smith 10.01.70)  
JVA München  
Stadelheimerstr 12  
81549 München  
GERMANY



## For calling the prison

(please note you cannot call the prisoner)

Telephone (00 49) 89 699 220

## € How do I send money?

If you wish to arrange a money transfer from the UK please find below the information.

Please be aware that the BIC (swift code) should be 8 or 11 digits long. You may therefore need to add a number of X in the remaining spaces to complete the data entry box.

The bank details for all Bavarian prisons are:

Account number (IBAN)						BIC (bank identifier code)
DE34	7005	0000	0000	0249	19	BYLA DE MMXXX

Bank Name: Bayern Landesbank  
Recipient Name: Landesjustizkasse Bamberg (NOT the prisoner name)  
Payment Reference1: Name and DOB of prisoner (e.g J Smith 10.02.70)  
Payment reference 2: Eigengeld - and the prison name (JVA Munich, for example)

The name, date of birth, prison name and the word “Eigengeld” are very important and should be put in every transaction



## How do I visit?

For remand prisoners, once a lawyer has been appointed, contact them to arrange for you to visit the prisoner. You will need a visiting permit from the judge (Besuchserlaubnis – requested by the lawyer), official ID (passport) and an appointment with the prison. You might need to also organise an interpreter if the conversation will be in English but your lawyer can advise you on this.



## Getting there by plane and public transport

Fly to Munich Airport. A taxi to the address above will be about €80. You can also buy an Airport Day train ticket for about €13 and travel by train to Munich (using the S8) and changing at Ostbahnhof. A taxi from there will be about €15. Use [this website](#) to find out how to get there completely by public transport. You will have to change trains and trams a few times so a taxi from Ostbahnhof might be easier.

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# JVA Tegel (Berlin) Prison



## For sending letters

Name & Date of Birth (John Smith 10.01.70)  
JVA Tegel  
Seidelstr. 39  
13507 Berlin  
GERMANY



## For calling the prison

(please note you cannot call the  
prisoner)

Telephone (00 49) 30 90147-0

[Website](#)

## How do I send money?

If you wish to arrange a money transfer from the UK please find below the information.

Please be aware that the BIC (swift code) should be 8 or 11 digits long. You may therefore need to add a number of X in the remaining spaces to complete the data entry box.

The bank details are:

Account number (IBAN)							BIC (bank identifier code)
DE	07	1001	0010	0011	5281	00	PBNKDEFF

Bank Name: Postbank Berlin  
Recipient Name: Zahlstelle der JVA Tegel  
Payment Reference : Name and D.O.B. of prisoner (e.g John Smith 10.02.70)



## How do I visit?

For remand prisoners, once a lawyer has been appointed, contact them to arrange for you to visit the prisoner. You will need a visiting permit from the judge (Besuchserlaubnis – requested by the lawyer), official ID (passport) and an appointment with the prison. You might need to also organise an interpreter if the conversation will be in English but your lawyer can advise you on this.

Visits can take place Monday and Tuesday (13:15-19:15) and every 1<sup>st</sup> and 3<sup>rd</sup> full weekend in a month (Sat and Sun, between 09:30-16:00).



## Getting there by plane and public transport

Fly to Berlin Tegel airport. A taxi from the airport to the remand prison should cost approximately 15€. You will need to take the 128 bus from the airport to U Kurt-Schumacher-Platz. From there take the U6 metro train towards Alt-Tegel and get off at Holzhauser Str. Come out of the station and turn onto Seidelstrasse. It is then 300m away.

We recommend you printing out a map of the area before you leave to ensure you don't get lost!

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