

The provisions of Part V shall apply mutatis mutandis to requests by an international criminal court and other InterState and supranational institutions for other forms of assistance in criminal matters, unless special legislation provides an exhaustive regulation of the relevant matters.

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## **Part VI. Requests Addressed to Foreign Countries**

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### **Section 68 Return to a Foreign Country**

(1) A person sought who has been provisionally transferred upon request and on the condition that he would be returned later for proceedings pending against him on German territory shall be returned to the requested State at the time agreed upon unless return has been waived. The public prosecution service in charge of the proceedings referred to in the 1st sentence above shall order the return and execute it.

(2) Detention by means of a written arrest warrant may be ordered against the person sought should his return not be guaranteed otherwise. The arrest warrant must contain information concerning the following:

1. The person sought,
2. the State to which the person sought is to be returned and
3. the reasons underlying the arrest warrant.

(3) The decision about the arrest warrant shall be made by the court which has jurisdiction for custodial measures in the proceedings referred to in subsection (1) 1st sentence above. The decision shall not be subject to appeal.

(4) Ss. 18, 19, 24, 25, 27 and 45(4) shall apply mutatis mutandis.

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### **Section 69 Temporary Transfer from a Foreign Country for German Proceedings**

(1) A person in a foreign State who is held in pretrial detention or serving a prison sentence or against whom a custodial measure has been ordered and who has upon request been temporarily transferred to a German court or a German authority in order to give evidence as a witness, for the purpose of identification or inspection shall during his presence on German territory and in order to ensure his return be held in detention.

(2) The decision regarding the detention shall be made by the court in charge of the proceedings, in preliminary proceedings by the judge of the Amtsgericht in whose district the public prosecution service conducting the case has its seat. The decision shall not be subject to appeal.

(3) Ss. 27, 45 (4), 62(2) 1st sentence and 63(2) shall apply mutatis mutandis.

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### **Section 70 Temporary Transfer to a Foreign Country for German Proceedings**

A person in pretrial detention or serving a prison sentence or against whom a custodial measure of rehabilitation and incapacitation has been ordered in Germany may be transferred to a foreign State for the taking of evidence in German criminal proceedings if the conditions of s. 62(1) 1st sentence nos. 1, 3 and 4 are fulfilled. S. 62(1) 1st sentence and (2) to (3) shall apply mutatis mutandis.

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### **Section 71 Request for Enforcement**