



Permanent Mission
of the Federal Republic of Germany
to the Office of the United Nations and
to the other International Organizations
Geneva

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Note Verbale

The Permanent Mission of the Federal Republic of Germany to the Office of the United Nations and to the other International Organisations in Geneva presents its compliments to the Secretary-General of the United Nations (Office of the High Commissioner for Human Rights) and has the honour to inform the Sub-Committee on Prevention of Torture about the complete establishment of the National preventive mechanism under Part IV of the OP-CAT.

On account of Germany's federal structure, this National preventive mechanism comprises two institutions: a Federal Agency for the Prevention of Torture for the Federation's jurisdiction (detention facilities operated by the Bundeswehr [Federal Armed Forces], Federal Police and the German Customs Administration) and a Joint Länder Commission for the jurisdiction of the Länder (police, judicial, detention facilities in psychiatric clinics, establishments of custody pending deportation, nursing homes, youth welfare establishments).

As the procedure to establish an interstate treaty required the involvement of the legislative bodies in the Länder and it was not possible to predict with any certainty when that process was to be completed, Germany made use of the possibility when ratifying the OP-CAT of postponing the application of Part IV for three years initially. The interstate treaty procedure is now concluded, so that the National preventive mechanism is completely established within the period provided for under Article 17 of the OP-CAT. Hence, Germany considers that upon receipt of this notice Part IV of the OP-CAT applies to Germany.

The Federal Agency for the Prevention of Torture has been set up by decree of the Federal Ministry of Justice of 20 November 2008 and began work on 1 May 2009. The Joint Commission of the Länder has been set up by a State Treaty between the 16 Länder. This treaty has been signed by all Länder and was ratified by the Länder parliaments. The four members of the Joint Commission of the Länder were officially nominated on 23 and 24 June 2010 during the conference of Ministers of Justice of the Länder.

To the
Office of the High Commissioner for Human Rights
Palais des Nations
Geneva

The Joint Commission of the Länder for the Prevention of Torture is operative since 24 September 2010 and has already announced that it will carry out its initial visits in the near future. Please find enclosed an index of names of the Members of the Federal Agency and the Joint Commission of the Länder for the Prevention of Torture.

The Secretariat which assists the National preventive mechanism in its work has its office in the German Center of Criminology, a joint academic facility of the Federation and the Länder, and will be able to use its resources. It took up its work on 1 May 2009. The contact address is:

Nationale Stelle zur Verhütung von Folter
Viktoriastr. 35
65189 Wiesbaden

The Federal Agency for the Prevention of Torture has established its own website under www.antifolterstelle.de. In future the Federal Agency and the Joint Commission of the Länder for the Prevention of Torture will use the website together.

The Permanent Mission of the Federal Republic of Germany to the Office of the United Nations and to the other International Organisations in Geneva avails itself of this opportunity to renew to the Secretary-General of the United Nations (Office of the High Commissioner for Human Rights) the assurances of its outmost consideration.

Geneva, 8 November 2010

Members of the Joint Commission of the Länder for the Prevention of Torture:

- Prof. Dr. Hansjörg Geiger, former State Secretary in the Federal Ministry of Justice (chairman)
- The Honorable Albrecht Rieß, Chief Judge at the Higher Regional Court of Stuttgart
- Prof. Dr. Dieter Rössner, Professor for Penal Law and Criminology at the University of Marburg
- Ms. Elsava Schöner, Psychologist and former prison governor

Federal Agency for the Prevention of Torture:

- Mr. Klaus Lange-Lehngut, Jurist and former prison governor (head of the agency)
- Ms. Sarah Mohsen, Jurist (research associate)