



Themes of the Committee on Enforced Disappearances for the consideration of the additional information submitted by Germany under Article 29(4) of the International Convention for the Protection of All Persons from Enforced Disappearances

I. Harmonization of national legislation with the Convention

1. In relation with the recommendation of the Committee to the criminalization of enforced disappearances as a separate offence and in view of the follow up information in point 6, could you clarify on the intention of the Federal Government to proceed with the necessary steps to improve its criminal law in line with Committee's recommendation. Could you please provide specific and detailed information on the initiatives launched so far and the activities undertaken to address the recommendation.
2. In relation to the reply to the recommendation no 9 for the mitigating and aggravating circumstances and the statute of limitation please provide information on how these recommendations are taken into account on the ongoing discussion on the State Party on possible improvements of its criminal law.
3. In relation to the Section 7 of the German Code of Crimes against International Law could you please comment on the element of the severe deprivation of the liberty and if the element of severity is used to classify the deprivation of liberty of a short duration as not constituting a crime of enforced disappearance. (Article 5 has not been mentioned in the COBs)
4. In relation to para 45 of the additional information the Committee would like to recall its recommendation to incorporate as specific offences the acts described in article 25, para 1 of the Convention and would like to be informed if this recommendation is under consideration in the ongoing discussions to improve the criminal legislation.

II. Prosecution and cooperation in relation to enforced disappearances

5. In relation to the additional information provided in para 7, please inform on the developments of the case before Koblenz Higher regional Court involving two members of the Syrian intelligence service. Could you please clarify if charges are raised against the defendants for the crime of enforced disappearances.
6. In relation to the information provided in para 8 of the additional information regarding the abduction of a Vietnamese citizen in the German territory, could you please provide information on the implementation of the judgment delivered by the court.
7. In relation to para 10 of the additional information the Committee would like to be informed if data or statistics exists on particular cases when the information have not been transmitted to third state for counter-terrorism purposes when this third state has not comply with obligations arising from international human rights conventions, also in line with the concluding observation no. 13.

III. Prevention of enforced disappearances

8. In relation to the concluding observation no.15 the Committee would like to draw the attention on the recommendation to incorporate into its domestic legislation a prohibition on carrying out an expulsions, return, surrender or extradition where there are substantial ground for believing that the person would be in danger of being subjected to enforced disappearance. Has the State Party taken any measures to address this recommendation?

9. In relation to the concluding observation no. 17, could you provide data on the number of diplomatic assurances requested, given and rejected by the State Party, including the reason of refusal if the risk of being subjected to enforce disappearance is one of them.

10. In relation to para 12 of the additional information, could you please explain the procedure of filling a constitutional complaint with the Federal Constitutional Court, including the legal reference and relevant cases when such right has been exercised.

11. In relation to the recommendation of the Committee to withdraw the declaration on Article 16, please provide information on any discussion in the State Party to address such recommendation.

12. In relation to para 25 of the additional information which refers to the implementation by the State Party of the concluding observation no 19, could you specify which concrete measures have been taken to assure the regularly verification of the records and the system of sanctions in case of non-adequate registering or update.

13. In relation to the additional information provided in para 35-39 could you please share any assessment on the value of the training regarding the Convention received so far by the law enforcement agencies at the lander lever and what are the concrete plans to extend such trainings in other landers and on the federal level.
